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SENATE—*Monday, July 16, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, Maker of Heaven and Earth, Creator of humanity, bless our lawmakers today as they seek to do Your will. Guide them through this day by Your higher wisdom. Answer every prayer in this Chamber uttered or unexpressed, according to each particular need.

As our Senators labor, help them to move with alacrity, to be patient when they must wait, and to make decisions only when Your answer has become clear. Guard their hearts and minds with a peace that passes understanding.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 16, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Senate will be in a period of morning business. I ask unanimous consent that it be a full hour of morning business because I am going to have to go into a quorum call in a minute to wait for one of my colleagues to come. We have some business to transact in the Senate, and I want to make sure there is somebody here to do that. So I ask unanimous consent that there be a full hour of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Today, when we finish morning business, the Senate will resume consideration of the Department of Defense authorization bill. As we announced, there will be no rollcall votes tonight. This is the only Monday or Friday during this work period there will be no rollcall votes, unless we are able to get work done that we do not expect to get done that soon.

The amount of work we have to do this work period is significant. As I have indicated, we want to do what we can to finish this Defense authorization bill. We want to do the Homeland Security appropriations bill. We want to be able to complete reconciliation, which is for higher education. We have SCHIP, for which there is a bipartisan agreement that will be reported out of the committee, I understand, tomorrow, which has been worked on for weeks and weeks by Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH. They have agreed on a bipartisan arrangement. In fact, it may have been—I do not know if it was reported out last week, but I do know there is good bipartisan support on that legislation. Some people believe it is not enough money, the $35 billion, some think it is too much, but it is bipartisan, and Senator HATCH has contacted the President, that the President would reconsider his threat to veto that bill.

We also have to do the 9/11 Commission recommendations conference report. It is my understanding the House is going to appoint conferees on that today. There has been a lot of work done preconference on that with Democrats and Republicans working together. I think that will work out very well.

We still have the holdup with the ethics and lobbying reform. I do hope we can get that done. We will get it done. It may take a number of cloture votes, but we are going to finish that before the August recess. It would be to the advantage of everyone here to get that done. The staff of Senator MCCONNELL and my staff have worked very hard to see what they can do to help the various committees that are involved in this issue. It is now being held up. I hope this can be worked out. I have reached out to Senator DEMINT, who is the person at this stage holding it up on behalf of the Republicans. He, at this stage, has not been willing to change his position, which is very unfortunate because it is important we work out the earmarking provisions in this bill in conference. We cannot jam something into the process here, where you have the House with one rule, the Senate with another rule, and you go to conference and you wind up in no-man's land. We have to work out something.

Everyone acknowledges we need earmark reform, and the Appropriations Committee has been following that this year. Senators BYRD and COCHRAN have made that direction, even though the legislation has not been completed. But in the meantime, we do not have lobbying and ethics reform, which is long past due. So I hope we can work together to complete our work in a timely fashion; otherwise, it will be finished in an untimely fashion because we are going to finish all this work before we have our August recess.

Mr. President, I suggest the absence of a quorum.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. REID. Mr. President, I withhold that suggestion.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I have been reminded by staff that of our 30 minutes the Democrats are allotted of the 60 minutes, 30 minutes of our time—in fact, all of it—be given to Senator FEINSTEIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. REID. Mr. President, after 52 months—about 210 weeks—and about 1,500 days, America finds itself mired in one of the most tragic foreign policy blunders in our Nation's history. The sad part about it is, there is no end in sight. In my view, and that of academics and others, it will take years, and even decades, to finally close the book on the damage this war has caused our troops, our economy, and our moral standing in the world.

On May 24, 2007, President Bush said:

> We are there at the invitation of the Iraqi government. This is a sovereign nation. Twelve million people went to the polls to approve a constitution. It's their government's choice. If they were to say leave, we would leave.

That is the quote of President Bush.

This weekend, Iraqi Prime Minister al-Maliki—for whom President Bush has expressed consistent support and confidence—said that Iraqi forces could take control of their security at "any time" American troops want to leave or were to leave.

A recent poll of the Iraqi people showed that 21 percent think the American presence makes their country safer, while 69 percent say it puts them, the Iraqi people, at greater risk. That is what the Iraqis say.

The Iraqi people and their leaders say they are ready for us to end our combat operation. I think it is time we listen to them.

In the war's soon to be 5 years, our troops have accomplished everything they have been asked to do. They took down the Iraqi dictator. They secured the country for not one, not two, but three elections. They provided the security needed for Iraqi factions to come together to negotiate peaceful settlement of their differences.

But the Iraqi leaders have not done their part. After these 52 months: more than 3,600 Americans killed, tens of thousands wounded, and after nearly $600 billion of American taxpayer dollars spent. And after this sacrifice—52 months of sacrifice—it is long past time for the Iraqi leaders and the Iraqi people to put their words into action by taking responsibility for their own future. After 52 months, more than 3,600 Americans killed, tens of thousands wounded, and nearly 600 billion in taxpayer dollars spent, President Bush continues to tell our troops and all Americans that we should wait it out, just stay the course. After 52 months, our troops and our security cannot afford the President's "run-out-the-clock" strategy.

We have an opportunity and an obligation to change course in Iraq right now. We can remove our brave troops from the front lines of another country's civil war, a conflict we have no business policing and little chance to diffuse. We can conduct the kind of tough and strong diplomacy required to stabilize Iraq and the region, which even the President's own military experts plead with him to revise. Remember, General Petraeus has said the war cannot be won militarily. We can refocus our resources and fight a real war on terror that drives the terrorists back to the darkest caves and corners of the Earth.

We can choose that path now. We don't have to mark time waiting for the President to wake up one morning with a change of heart or his term to run out. We don't have to wait 2 more months for an arbitrary September deadline when it is so clear a course change is required and required now. With our courage and our votes, we can rise above the tragic failure to deliver a new course that our brave troops and all Americans demand and deserve. We can do that today by voting for the Levin-Reed amendment to the Defense authorization bill.

What does Levin-Reed do? It sets a firm date and an end date to transition the mission and begin the reduction of U.S. forces beginning 120 days after enactment and completed by April 30 of 2008. Levin-Reed limits the U.S. military mission after April 30 to counterterrorism; the training of Iraqi security forces and protection of U.S. personnel and assets; requires that the reduction in forces be part of a comprehensive, diplomatic, regional, political, and economic effort; and appoints an international mediator to bring together the warring factions. That provision dealing with appointing an international mediator to bring together warring factions was newly placed in the bill. The idea and the language came from Senator HAGEL of Nebraska and is a great addition to this amendment.

To those who say this language is binding on the President, I say it is, and that is what it is meant to be. It is binding because the President has resisted every effort we have made to work with him to change the direction of his failed Iraq policy. The record will show that binding language was not our first choice. We passed legislation requiring that 2006 be a year of transition. Instead, the President ignored this language and dug us in even deeper into an intractable civil war. We gave the President a chance to develop his own new course as Commander in Chief. He refused to do that. Instead, he chose to extend deployments and ask even more of our brave men and women in uniform.

Earlier this year we passed legislation that would have begun the phased redeployment while leaving significant discretion to the President about how and when to execute the redeployment. Instead, the President vetoed this bill and asserted that only he had the power to set war policy, even though we have a constitutional obligation to do so.

So the record is clear, the President's decision to stubbornly cling to the current course leaves this body no choice but to enact binding language. He has failed to lead us out of Iraq. We are ready to show him the way.

I am going to propound a unanimous consent. I have the greatest respect for my friend, the distinguished junior Senator from Arizona, but I say that I am going to enforce the rule that when I propound this, the distinguished Senator from Arizona should either agree to it or object. This is not the time for speeches because if he objects to it, I have more to say.

So I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate—Mr. President, I misread the first line. I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate, that the Senate agree to the request and appoint the same conferees which the Senate has already appointed to H.R. 1.

Mr. KYL addressed the Chair.

Mr. REID. Mr. President, if the Senator could withhold.

I withdraw the unanimous consent request.

The ACTING PRESIDENT pro tempore. The unanimous consent request is withdrawn.

Mr. REID. I apologize to my friend. It was the wrong unanimous consent request.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President we had a shuffling of unanimous consent requests, and obviously the wrong one was shuffled to me. I apologize for holding up my friends.

UNANIMOUS-CONSENT REQUESTS—AMENDMENT NO. 1401

Mr. REID. I ask unanimous consent that the second-degree amendment to the Levin-Reed amendment be withdrawn and that there be 6 hours of debate on the Levin-Reed amendment; at the conclusion or yielding back of that time, the Senate vote on the Levin-Reed amendment with no second-degree amendments in order thereto.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, I apologize. If I could ask the distinguished leader, was this with respect to the Levin-Reed amendment No. 1401?

Mr. REID. Yes. I did propound that request asking, basically, that we have an up-or-down vote on it. I have suggested 6 hours, but we would take any reasonable time.

Mr. KYL. Mr. President, if I could respond, and reserving the right to object, I assume that if the Cornyn amendment, which was designed to be a side-by-side amendment, and the Levin-Reed amendment could both be voted on and both had a 60-vote threshold, a time agreement could be worked out. I ask the majority leader, could the unanimous consent request be modified to incorporate that principle so that there wouldn't have to be cloture, but there could be a vote on both of those amendments?

Mr. REID. Mr. President, I have said earlier that we had to file cloture on the initial amendment of Senator JIM WEBB, which was an amendment that simply called for the proper rotation of our troops: 15 months in country, 15 months out of country. We wanted the Senate to speak its will on that with a simple majority, and we were unable to get it. We feel the same way about Levin-Reed. It is a very important policy decision this Senate needs to make. Not to change—I don't know what Cornyn is, but I am sure it is something that is much different than Levin-Reed. Therefore, if there is a suggestion that I amend my unanimous consent request to have some side-by-side, 60-vote margins, I would object to that. I believe we should have in that instance an up-or-down vote. I have no problem giving Senator CORNYN a majority vote, which I think would be very appropriate. I think that is where we need to be on this issue; that is, this issue of the Defense authorization bill. It is very unusual to have on the Defense authorization bill, even issues dealing with Iraq—in times passed, we haven't had a 60-vote margin.

So I would not accept my friend's suggestion that there be side by sides. I renew my request that there be a time for an up-or-down vote on the Levin-Reed amendment. I have suggested 6 hours.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Yes, Mr. President, unfortunately, under that circumstance, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. REID. Mr. President, I want to express my apology to my friends because I held them up for a few minutes on their being able to speak. I apologize for that, but they do have a full hour.

Mr. President, my worst fears on this bill, the Defense authorization bill, have been realized. We have just seen the Republican leadership again resort to this technical maneuver to block progress on this crucial amendment. It would be one thing for the minority to vote against this bill. If they honestly believe that "stay the course" is the right strategy, they have the right to vote no. Now Republicans are using a filibuster to block us from even voting on the amendment that could bring this war to a responsible end. They are blocking this like they did the Webb amendment. They are protecting the President rather than protecting our troops by denying us an up-or-down, yes-or-no vote on the most important issue our country faces.

So I say through you to my Democratic and Republican colleagues that we are going to work on this amendment until we get an up-or-down vote on it. If that means staying in session—we have no votes, of course, tonight, but if it means staying in session all day tomorrow and all tomorrow night, that is what we will have to do. I will file cloture so that we can have a Wednesday vote, if this continues. I certainly hope during the next few hours and tomorrow that we will have a change of mind so we can have a vote and then move on to the other amendments. The American people deserve an honest debate on this war and deserve an up-or-down vote on this amendment which we believe will bring a responsible end to this intractable war in Iraq.

UNANIMOUS-CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, I have another unanimous-consent request, and this is the one I tried to offer earlier. I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate, the Senate agree to the request and appoint the same conferees which the Senate has already appointed to H.R. 1.

The ACTING PRESIDENT pro tempore. Is there objection?

The PRESIDING OFFICER (Mr. SALAZAR). Is there objection?

Mr. KYL. Reserving the right to object, we have already agreed to the previous consent to go to conference on the 9/11 Commission legislation. We have named conferees on the part of the Senate.

As I understand it, the House wants to add a new bill to the conference, which includes provisions that were not included in either Chambers' 9/11 bill. I am not familiar with all the provisions of H.R. 1401, but I know the Senate has not acted on that bill, and we don't believe it was part of the 9/11 Commission recommendations.

Having said that, we need to object to this request at this time.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Arizona is recognized.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I understand there has been an informal agreement that I would have up to 15 minutes, and Senator FEINSTEIN would then have 30 minutes. I would like to propound this as a unanimous consent agreement and also add that Senator ALLARD speak after that; that if there is time remaining from the time Senator ALLARD and I have of the 30 minutes, that be reserved for any other Republican Senator who may wish to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

DETAINEES IN IRAQ AND AFGHANISTAN

Mr. KYL. Mr. President, I wish to address a subject that I hope we will be able to address soon and that is an amendment that Senator GRAHAM of South Carolina has filed and, hopefully, we will debate soon. It relates to conditions that have been placed in the underlying bill, relating to the treatment of detainees captured in Afghanistan and Iraq.

I urge my colleagues to think very carefully about the damage that would be brought on the global war against terrorists and future wars that we may have to fight if we go forward with the language that is in the bill, specifically in section 1023 of the bill. That essentially would return us to a law enforcement approach to terrorists that, frankly, failed us before 9/11 and, once Osama bin Laden and others declared war on us, would obviously not work in the post-9/11 context.

Senator GRAHAM's amendment strikes these harmful provisions in the bill and would replace them with commonsense measures to provide a more fair process in dealing with detainees at Guantanamo. I remind my colleagues for a moment about the nature of these terrorists whom we are talking about, and then I will go through specific provisions of the bill that need to be removed—specifically three: A requirement that al-Qaida terrorists held in Iraq and Afghanistan be given lawyers; the authorization to demands discovery and compel testimony from servicemembers; and the requirement that al-Qaida and Taliban detainees be provided access to classified evidence.

To review the nature of the detainees that we are holding, not just at Guantanamo Bay but also in Iraq and Afghanistan, these are not nice people. At least 30 of the detainees released from Guantanamo Bay have since returned to waging war against the United States and our allies; 12 of these released detainees have been killed in battle by U.S. forces and others have been recaptured; two released detainees became regional commanders for Taliban forces; one released detainee attacked U.S. and allied soldiers in Afghanistan, killing three Afghan soldiers; one released detainee killed an Afghan judge; one released detainee led a terrorist attack on a hotel in Pakistan and a kidnapping raid that resulted in the death of a Chinese civilian, and this former detainee recently told Pakistani journalists he planned to "fight America and its allies until the very end."

The provisions of section 1023 would make it very difficult, if not impossible, for the United States to detain these committed terrorists who have been captured while waging war against us. No nation has, in the history of armed conflict, imposed the kinds of limits that the bill would impose on its ability to detain enemy war prisoners. War prisoners released in the middle of an ongoing conflict, such as members of al-Qaida, will return to waging war. We have already seen this happen 30 times with detainees released from Guantanamo Bay. If section 1023 of the bill is enacted into law, we could expect that number to increase sharply. If section 1023 is enacted, we should expect that more civilians and Afghans and Iraqi soldiers will be killed, and it may be inevitable that our own soldiers will be injured or killed by such released terrorists. This is a price our Nation should not be forced to bear.

Let me talk first about the requirement in the bill that al-Qaida terrorists held in Iraq and Afghanistan must be provided with lawyers. This cannot be executed. It would require the release of detainees. Here is why: The Defense bill requires that counsel be provided and trials be conducted for all unlawful enemy combatants held by the United States, including, for example, al-Qaida members captured and detained in Iraq and Afghanistan if they are held for 2 years. We hold approximately 800 prisoners in Afghanistan and tens of thousands in Iraq. None of them are lawful combatants and all would arguably be entitled to a trial and a lawyer under the bill. Such a provision would at least require a military judge, a prosecutor, and a defense attorney, as well as other legal professionals.

That scheme is not realistic. The entire Army JAG Corps only consists of approximately 1,500 officers, and each is busy with their current duties. Moreover, under the bill, each detainee would be permitted to retain a private or volunteer counsel. Our agreements with the Iraqi Government bar the United States from transferring Iraqi detainees out of Iraq. As a result, the bill would require the United States to train and transport and house and protect potentially thousands, or even tens of thousands, of private lawyers in the middle of a war zone during ongoing hostilities. That is impossible.

That proposal is half baked at best. It would likely force the United States to release thousands of enemy combatants in Iraq, giving them the ability to resume waging war against the United States. Obviously, this would tie up our military. By requiring a trial for each detainee, this provision would also require U.S. soldiers to offer statements to criminal investigators, needing later to prove their case after they captured someone. They would need to carry some kind of evidence kits or combat cameras or some other method of preserving the evidence and to establish its chain of custody. They would need to spend hours after each trial writing afteraction reports, which would need to be reviewed by commanders. Valuable time would be taken away from combat operations and soldiers' rest.

It would be a bad precedent for the future. Aside from the war in Iraq, this provision would make fighting a major war in the future simply impossible. Consider this: During World War II, the United States detained over 2 million enemy war prisoners. It would have been impossible for the United States to have conducted a trial and provided counsel to 2 million captured enemy combatants. So the bottom line is that the bill, as written, would likely be impossible to implement in Iraq and, in the context of past wars, it is patently absurd.

The second point is authorizing al-Qaida detainees to demand discovery and compel testimony from American soldiers. The underlying bill would actually authorize unlawful enemy combatants, including al-Qaida detained in Iraq and Afghanistan, to demand discovery and could compel testimony from witnesses as we do in our criminal courts in the United States. The witnesses would be the U.S. soldiers who captured the prisoner. Under this bill, an American soldier could literally be recalled from his unit at the whim of an al-Qaida terrorist in order to be cross-examined by a judge or that terrorist.

Newspaper columnist Stewart Taylor describes the questions that such a right would raise:

> Should a Marine sergeant be pulled out of combat in Afghanistan to testify at a detention hearing about when, where, how, and why he had captured the detainee? What if the northern alliance or some other ally made the capture? Should the military be ordered to deliver high-level al-Qaida prisoners to be cross-examined by other detainees and their lawyers?

The questions abound. As the Supreme Court observed in Johnson v. Eisenstrager, which is the law on this subject:

> It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil court and divert his efforts and attention from the military offensive abroad to the legal defensive at home.

That is what the U.S. Supreme Court said in World War II when a similar issue was raised. It would be difficult to conceive of a process that would be more insulting to our soldiers. In addition, many al-Qaida members who were captured in Afghanistan were captured by special operators whose identities are kept secret for obvious reasons. This would force them to reveal themselves to al-Qaida members, therefore exposing themselves or to simply forgo the prosecution of the individual, which is more likely what would happen.

Clearly, Americans should not be subject to subpoena by al-Qaida. That brings me to the last point—the requirement that al-Qaida and Taliban detainees be provided with access to classified evidence. The bill requires that detainees be provided with "a sufficiently specific substitute of classified evidence" and that detainees' private lawyers be given access to all relevant classified evidence.

Foreign and domestic intelligence agencies are already very hesitant to divulge classified evidence to the CSRT hearings we currently conduct. These are part of the internal and nonadversarial military process today. Intelligence agencies will inevitably refuse to provide sensitive evidence to detainees and their lawyers. They will not risk compromising such information for the sake of detaining an individual terrorist.

In addition, the United States already has tenuous relations with some of the foreign governments, particularly in the Middle East, that have been our best sources of intelligence about al-Qaida. If we give detainees a legal right to access such information, these foreign governments may simply shut off all further supply of information to the United States. These governments will not want to compromise their evidence or expose the fact that they cooperated with the United States. By exposing our cooperation with these governments, the bill perversely applies a sort of "stop snitching" policy toward our Middle Eastern allies, which is likely to be as effective as when applied to criminal street gangs in the United States.

A final point on this: We already know from hard experience that providing classified and other sensitive information to al-Qaida members is a bad idea. During the 1995 Federal prosecution in New York of the "Blind Sheikh," Omar Rahman, prosecutors turned over the names of 200 unindicted coconspirators to the defense. The prosecutors were required to do so under the civilian criminal justice system of discovery rules, which require that large amounts of evidence be turned over to the defense. The judge warned the defense that the information could only be used to prepare for trial and not for other purposes. Nevertheless, within 10 days of being turned over to the defense, the information found its way to Sudan and into the hands of Osama bin Laden. U.S. District Judge Michael Mukasey, who presided over the case, explained, "That list was in downtown Khartoum within 10 days, and bin Laden was aware within 10 days that the Government was on his trail."

That is what happens when you provide classified information in this context.

In another case tried in the civilian criminal justice system, testimony about the use of cell phones tipped off terrorists as to how the Government was monitoring their networks. According to the judge, "There was a piece of innocuous testimony about the delivery of a battery for a cell phone." This testimony alerted terrorists to Government surveillance and, as a result, their communication network shut down within days and intelligence was lost to the Government forever—intelligence that might have prevented who knows what.

This bill—this particular section of the bill repeats the mistakes of the past. Treating the war with al-Qaida similar to a criminal justice investigation would force the United States to choose between compromising information that could be used to prevent future terrorist attacks and letting captured terrorists go free. This is not a choice that our Nation should be required to make.

I will talk more about some provisions that Senator GRAHAM would like to substitute for these provisions that provide a more fair process for detainees held at Guantanamo Bay—a process that would enable them to have greater benefit of the use of counsel and of evidence in their CSRT hearings.

I will wait until he actually offers that amendment to get into detail. But the point is, we have bent over backward to provide the detainees at Guantanamo the ability to contest their detention and to have that detention reviewed and eventually have it reviewed in U.S. courts. That is a very fair system, more fair than has ever been provided by any other nation under similar circumstances and more than the Constitution requires. So we are treating the people we captured and are holding at Guantanamo in a very fair way.

What we cannot do is take those same kinds of protections and apply them to anybody we capture in a foreign theater who is held in a foreign theater and therefore is not, under current circumstances—and never has been in the history of warfare—subject to the criminal justice system of our country. To take that system and try to transport it to the fields of Afghanistan or Iraq would obviously be not only a breaking of historical precedent but a very bad idea for all of the reasons I just indicated.

I ask my colleagues to give very careful consideration to the dangerous return to the pre-9/11 notion of terrorism as a law enforcement problem that is inherent in section 1023 of the bill. The terrorists have made no secret that they are actually at war with us, and we ignore this point at our peril.

I conclude by reminding my colleagues that the Statement of Administration Policy on this bill indicates that the President would be advised to veto it if these provisions remained. Therefore, I urge my colleagues, when the opportunity is presented, to join me in striking the provisions of the bill, not only as representing good policy but to help us ensure that at the end of the day, there will be a bill signed by the President called the Defense authorization bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have a half hour to speak in morning business. Prior to doing so, I wish to give a brief rejoinder to my colleague from Arizona on some of the comments he just made.

It is my understanding that the underlying Defense Authorization Act has several provisions that are necessary to address shortcomings in the legal process for individuals detained on the battlefield. One of these provisions limits the use of coerced testimony obtained through cruel, inhumane, or degrading treatment. Such testimony is immoral, and this provision is necessary if we are to obtain and use accurate information.

Another provision provides for reasonable counsel and the ability to present relevant information to detainees who have been held for 2 or more years. This is necessary in a war of undetermined duration.

Finally, the bill does not provide classified information to a detainee. It provides for a summary that is intended to be unclassified to the counsel for detainees.

One of the things that might help is if, on line 16, page 305, subsection II, the word "unclassified" was added before the word "summary" on that line. I believe that is the intent.

GUANTANAMO BAY

Mrs. FEINSTEIN. Mr. President, many in this body and people all over the world watched as America, 5½ years ago, began to arrest, apprehend, and incarcerate detainees. Some were real terrorists, some were conspirators, and some were simply in the wrong place at the wrong time. We watched as Camp X-Ray was built at the naval base at Guantanamo, and we have seen the development of a different and lesser standard of American justice developed for proceedings at that base. Since that time, Guantanamo has been derided as a blight on human rights values and as a stain on American justice worldwide.

I believe the time has come to close Guantanamo. An amendment I have filed with Senator HARKIN—Senator HARKIN is my main cosponsor—and Senator HAGEL would do exactly that. It is cosponsored by Senators DODD, CLINTON, BROWN, BINGAMAN, KENNEDY, WHITEHOUSE, OBAMA, DURBIN, BYRD, yourself, Mr. President, Senator SALAZAR, Senators FEINGOLD, BOXER, and BIDEN.

It is my understanding that the Republican side has refused us a time agreement, which means we will not be allowed a vote. The amendment is not germane postcloture. So if the Republican side will not allow us a time agreement, we have, unfortunately, no way of getting a vote on this amendment.

The fact is that yesterday's New York Times editorialized that Guantanamo should be closed. That is what many people believe, and yet we cannot fully debate that issue and vote on it here. I think that is truly a shame.

I very much regret this, but Senator HARKIN, Senator HAGEL, and I wish to take some time to address this issue. I assure this body that we will not stop here, but we will find another venue in which to debate and vote on this matter.

The amendment we have proposed would require the President to close the Guantanamo detention facility within 1 year, and it provides the administration flexibility to choose the venue in which to try detainees—in military proceedings, Federal district courts, or both. The administration would choose which maximum security facilities in which to house them.

Why should we close the Guantanamo detention facility? First and foremost, this administration's decision to create Guantanamo appears to have been part of a plan to create a sphere of limited law outside the scrutiny of American courts that would result in a lesser standard of justice.

Guantanamo is unique. It is not sovereign territory of the United States; however, under a 1903 lease, the United States exercises complete jurisdiction and control over this naval base. I believe the administration hoped to use this distinction to operate without accountability at Guantanamo.

This is revealed in a December 2001 Office of Legal Counsel memo by John Yoo of the Justice Department, who later authored the infamous torture memo. Yoo knew there was a risk that courts would reject the legal theory of unaccountability at Guantanamo, but, just as he did with his torture memo, he laid out the various arguments why his extreme views might prevail.

Let me point this out. In his memo, he says:

> Finally, the executive branch has repeatedly taken the position under various statutes that [Guantanamo] is neither part of the United States nor a possession or territory of the United States. For example, this Office [Justice] has opined that [Guantanamo] is not part of the "United States" for purposes of the Immigration and Naturalization Act. . . .Similarly, in 1929, the Attorney General opined that [Guantanamo] was not a "possession" of the United States within the meaning of certain tariff acts.

The memo concludes with this statement:

> For the foregoing reasons, we conclude that a district court cannot properly entertain an application for a writ of habeas corpus by an enemy alien detained at Guantanamo Bay Naval Base, Cuba. Because the issue has not yet been definitively resolved by the courts, however, we caution that there is some possibility that a district court would entertain such an application.

So here the administration apparently hoped to turn Guantanamo into a legal hybrid wholly under U.S. control but beyond the reach of U.S. courts.

What has happened since then? The Supreme Court rejected the administration's position in Rasul v. Bush in a 2004 ruling that American courts do have jurisdiction to hear habeas and other claims from detainees held at Guantanamo.

Following another defeat in the Supreme Court, in Hamdan v. Rumsfeld in 2006, which declared invalid the Pentagon's process for adjudicating detainees, the administration responded by pushing the passage of a new Military Commissions Act. This expressly eliminated habeas corpus rights and limited other appeals to procedure and constitutionality, leaving questions of fact or violation of law unresolvable by all Federal courts. This happens nowhere else in American law. But this Military Commissions Act went through.

There are serious questions about whether this provision will withstand a court test. On June 29, just 2 weeks ago, the U.S. Supreme Court agreed to hear two additional cases which go right to this point: Boumediene v. Bush and Al Odah v. the United States. The High Court declined to hear these cases in April but has reversed itself and granted certiorari—the first time in 60 years that it agreed to take a case after previously refusing it. From this case, we will find out whether the military commissions law, which prevents full appeals, in fact, can stand the court test.

What is the administration arguing in that case? Once again, they are trying to argue that the Constitution's protection of habeas corpus does not extend to detainees at Guantanamo because it is outside of U.S. jurisdiction.

I believe it is time to put an end to these efforts to use a legal maneuver to create a law-free zone at Guantanamo.

As Justice Kennedy emphasized in his concurring opinion in Rasul:

> Guantanamo is in every practical respect a United States territory.

So U.S. law would apply at Guantanamo whether this administration likes that or not.

The administration's efforts to create a land without law at Guantanamo has been a moral and a strategic catastrophe for the United States. The bad decision to create a separate system of justice at Guantanamo led to another mistake, and I mentioned this briefly: the Military Commissions Act. In retrospect, let's look at what that act has done:

It expands Presidential authority by giving the White House broad latitude to interpret the meaning and authority of the Geneva Conventions.

It presents vague and ambiguous definitions of torture and cruel and inhumane treatment that fail to establish clear guidelines for what is a permissible interrogation technique.

It abandons the independent judicial review process by establishing a new Court of Military Commission Review with members appointed by the Pentagon. This court has yet to be established.

It limits appeals to the U.S. Court of Appeals for the District of Columbia Circuit, which is given limited review authority. This is what will most likely be before the court very shortly.

For the first time in U.S. history, it allows coerced evidence—obtained prior to December 30, 2005—to be entered into a court record, and it revokes habeas corpus rights that allowed detainees to appeal their status before the Federal court.

Direct review is limited and habeas is eliminated by this military commissions bill.

Clearly, the military commissions bill, which passed by a vote of 65 to 34 in this House, seeks to once again set up a separate and lesser standard of justice.

Senator SPECTER and Senator LEAHY have introduced a bill to restore habeas rights to Guantanamo detainees. I hope that bill is allowed to be presented as an amendment to this bill. It is timely, it is important, and the world is watching. It should happen, and finally, it is the right thing to do.

So what have been all the consequences of this? The detention center at Guantanamo Bay has become a lightning rod for international condemnation. It draws sharp criticism from our allies and hands our enemies a potent recruiting tool. It weakens our standing in the world and makes the world a more dangerous place for our troops, who may be captured on foreign battlefields in the future.

Yet the administration fails to act, despite public comments from President Bush and top advisers that the facility should be closed. Recent news reports say there is renewed debate inside the White House over closing Guantanamo, but still nothing happens. So I believe it is up to Congress to act.

What would this amendment do? In addition to requiring the President to close Guantanamo within a year, it would prohibit the administration from transferring detainees at Guantanamo to other U.S.-controlled facilities outside the United States. It also requires the President to keep Congress informed of efforts to close the facility and transfer the detainees, and includes the specific requirement that the President report to Congress in writing within 3 months of the bill's enactment.

I believe it is critical that we act. To do nothing, to leave Guantanamo open, as some in the administration would like, is to invite further condemnation and further risk. It will weaken our efforts to fight terrorism and it will continue to erode our standing in the world.

I recently heard Peter Bergen, a terrorism expert, on CNN. I have read his books and listened to him throughout the years. He said he and his colleagues had taken a good look at the increase in terror and he believed it would be fair to assert that our presence in Iraq has served to increase terrorists by sevenfold—by 700 percent over what the world of terrorists was before Iraq and today.

The simple fact remains that Guantanamo violates our values and our traditions, including respect for the rule of law and for human rights.

In avoiding the full weight of American justice, Guantanamo has shocked the conscience of the world. It has led the men and women who have worn the uniform, including many retired flag officers, to speak out. A dozen former generals and admirals warned in January of 2005 that the interrogation techniques allowed at Guantanamo and elsewhere had:

> . . . fostered greater animosity toward the United States, undermined our intelligence gathering efforts, and added to the risks facing our troops around the world.

Among those who commented were GEN John Shalikashvili, former Chairman of the Joint Chiefs; GEN Merrill McPeak, former Air Force Chief of Staff; Marine GEN Joseph Hoar, a former commander of the U.S. Central Command; and RADM Dan Guter, a former Navy judge advocate general.

Earlier this year, a very respected retired Marine Corps general, by the name of James Jones, the former Supreme Allied Commander in Europe, said:

> I would close the prison tomorrow. I would do it immediately. Just the images alone have hurt our national reputation. I don't know how you fix that without closing it.

I agree with him. I don't know how you begin to fix the damage brought by Guantanamo without closing it. A military commissions bill couldn't do it. We can't do it, and that is the fact.

Former Secretary of State Colin Powell said it succinctly:

> I would close it not tomorrow, but this afternoon.

But importantly, the sense of conscience, as well as a measure of the international reaction to Guantanamo, came in a statement by Archbishop Desmond Tutu. Here is what he said:

> I never imagined I would live to see the day when the United States and its satellites would use precisely the same arguments that the apartheid government used for detention without trial. It is disgraceful.

In May of 2006, President Bush told German television:

> I would very much like to end Guantanamo. I would very much like to get people to a court.

Earlier this year, Defense Secretary Bob Gates, new to his job, made clear that he also wanted Guantanamo closed. He said:

> There is no question in my mind that Guantanamo and some of the abuses that have taken place in Iraq have negatively impacted the reputation of the United States.

He said that at the Munich Conference on Security Policy earlier this year. On February 27, following an Appropriations Committee meeting, I personally asked him what he thought, and he said, equally as succinctly as General Powell, that he thought it should be closed.

The following month Secretary Gates told the House Defense Appropriations Subcommittee that trials at Guantanamo would lack credibility in the eyes of the world. In March, Secretary of State Condoleezza Rice said:

> The President has been very clear, and he is clear to us all the time. He would like to see it closed. We all would.

Well, then why is the Republican side preventing us from having a vote today or tomorrow or the next day that would say that Guantanamo should be closed within a year? How can the Secretary of Defense, the President of the United States, the Secretary of State make these comments that they want Guantanamo closed and the Republican side of the aisle prevent us from taking a vote in the Congress? I don't understand this.

Additional fallout from the Military Commissions Act is that it has stymied further trials under its auspices. Two military judges recently found that the detainees have been incorrectly classified as "enemy combatants" rather than as "unlawful enemy combatants." So that is another hitch in this. They have classified people wrongly so they can't be tried.

Recently, a lieutenant colonel, who was part of this process from an intelligence point of view, in an affidavit has stated that even this classification was based on vague and incomplete intelligence. Lieutenant Colonel Abraham also said tribunal members were pressured by their superiors to rule against detainees, often without specific evidence, and that military prosecutors were given "generic" material that did not hold up in the face of the most basic legal challenges.

Now, let me be clear: I have no sympathy for Taliban fighters, al-Qaida terrorists, or anyone else out to hurt the United States, or commit cowardly and despicable acts of terror. There is nothing in this amendment that puts terrorists back on the street. That is not the goal. Any argument that this amendment would harm national security is flat out false.

I believe what harms national security is sacrificing our Nation's values—which have made us rightly the greatest democracy in the world—by setting up a hybrid system of justice, by not following the Uniform Code of Military Justice, but by creating this hybrid system, which has failed court tests now and will quite possibly fail another one shortly.

Now, how do you stop all this? As long as you have this extraterritorial facility out there, without the light of day shining on it, you can't. Today, two of our colleagues are visiting Guantanamo. Unfortunately, I couldn't go with them The last time I visited Guantanamo was with Secretary Rumsfeld, rather early on, and I suspect what they will find is a rather well-run, strong, staunch military prison. But that doesn't mean the justice that is dispensed there is correct if it is secondary justice, if it is sublevel justice, if there is limited right of appeal, if you don't have access to an attorney easily, if you can't see evidence against you.

One can say, well, Guantanamo is no Abu Ghraib, and I would most likely agree with that—today. There have been allegations of inappropriate behavior in terms of interrogation techniques, no question about that. I assume that is corrected now. But it still looms out there as a way the United States has of not allowing these prisoners to face justice. It is one thing if you are a terrorist; it is another thing if you are in the wrong place at the wrong time, if you are swept up, if you are put in either a cage or a cell at Guantanamo, and if you stay there year after year after year with no recourse. That is a stain on American justice. We criticize the Chinese for their form of administrative detention, and yet here we practice a similar thing.

We face a serious, long-term terrorist threat. It may well go on for the next 10 or even 20 years. We must track down, punish, and prosecute those who seek to hurt this country and hurt our people. At the same time, we need national policies that are both tough and smart, and this isn't smart. We will fight terror with vigor and drive and purpose, but we must not forget who we are. We are a nation of laws. We are a nation of value and tradition. These values have been admired throughout the decades all over the world.

The world has looked at Guantanamo and made the judgment that it is wrong. I think it is time for the Senate to do something about it. The Senate has borne the burden of Guantanamo for too long. The time has come to close it down. I appeal to the other side to allow the debate on the floor and to give us a unanimous consent time agreement so that there might be a vote in this body.

Mr. President, I yield the floor.

IRAQ

Mr. ALLARD. Mr. President, I rise today reflecting on the most pressing issues on the minds of the American public—that of the current situation in Iraq. We have been in Iraq for nearly 4½ years, and frustration is certainly understandable. I wish nothing more than to see the United States reach a point where our soldiers and sailors and airmen and marines are able to leave and the Iraqi people can stand on their own. Our military has done an exceptional job. That point cannot be debated. But as so many have said, victory and ultimate success in Iraq cannot be completed solely through military strength.

I wish also to specifically point out the leadership of the ranking member of the Senate Armed Services Committee, Senator JOHN MCCAIN, on this issue. Having just returned from Iraq, his pointed remarks on our united efforts in Iraq and the importance of our mission are much needed.

Senator MCCAIN understands, as I do, that the terrorist threat in Iraq will not stop, nor will our safety improve at home if our forces leave. In their own words, these dangerous ideologues continue to make bold and alarming threats worldwide, but even more importantly, they are backing up their words with action. They will continue to strike our allies in the gulf and they will continue to strike our friends in Europe, and I believe they will not hesitate to strike America again, as they did on September 11.

That said, I am extremely disappointed that more progress has not been made on the political and domestic security from within Iraq. The fact remains, Iraq is simply not ready to take over their own country today, and if the United States were to leave, the consequences would be nothing short of catastrophic. Al-Qaida is training, operating, and carrying out their missions in Iraq right now. As evidenced in Britain 2 weeks ago, they are clearly still a threat and are still determined to accomplish their goals of destroying western culture. That much has not changed.

On July 12 the President issued a report as required by the fiscal year 2007 Supplemental Appropriations bill assessing the progress of the sovereign government of Iraq's performance in achieving the benchmarks detailed in the bill. As we know, this report told us that 8 of the 18 benchmarks detailed in that bill received satisfactory marks. While we are certainly disappointed that more benchmarks were not achieved, it is important to highlight the success that is being made, and how the Iraqi government is performing, as their success will ultimately allow us to responsibly reduce our troop levels.

Specifically, the government of Iraq has made progress in forming a Constitutional Review Committee to review the constitution. This is important, just like in our Nation's history; we needed to create a constitution that provided a standard for which to base our laws. Though many contentious issues continue to exist, I am pleased that significant progress is being made. If Iraq cannot form their constitution, then it will be very difficult or impossible to move forward onto other matters.

Also, the Iraqis have satisfied the requirements set forth to enact and implement legislation forming semi-autonomous regions. This law is set to come into effect in 18 months, but thus far this potentially very contentious issue has not received much attention. This is important as it further organizes and equips Iraq to take on the responsibilities of a democratic government and this benchmark furthers the necessary groundwork needed to build a responsible and legitimate government.

Iraq has made progress to ensure the rights of minor political parties within the legislature and maintain that their rights are protected. Clearly this is important in obtaining legitimacy, particularly given the historical and present conflicts between the Sunnis, Shia, and Kurds.

On the security front, the Iraqis, with coalition support, have successfully reached benchmarks establishing joint security stations across Baghdad that provide a continuous security presence. These stations are necessary as they can effectively combine American technology and capabilities with the Iraqi presence on the ground in order to counter insurgent threats where they begin. By mid-June, 32 joint security stations have reached initial operational capability and 36 combat outposts have reached initial or full capacity.

Also, the goal of providing three trained and ready Iraqi brigades in support of Baghdad operations has been achieved and this complements the recommendations of the Iraq Study Group. Certainly this is a major priority as the development of a functional and effective Iraqi fighting and security force is absolutely essential for the Iraqis to further take the reins of their government, and I am pleased that these goals are being accomplished thus far.

At the beginning of this year, the President changed the focus of this effort. Decisions were made for a new direction. ADM William Fallon was placed in charge as CENTCOM commander and the Senate unanimously confirmed GEN David Petraeus as the new commander of our forces in Iraq. The much talked about, and much criticized, surge of 28,000 additional troops has only been underway for just about 3 weeks now.

Operation Phantom Thunder began on June 15 and already Iraq, and particularly Baghdad, is a much different place than it was only 6 months ago. U.S. forces have begun working closely with Iraqis to bring down sectarian violence of al-Qaida in country. So far the new counterinsurgency has decreased Shiite death squad activity and many militia leaders have been disposed of. Execution levels are at the lowest point in a year, and al-Qaida hotspots in the city are shrinking and becoming isolated from one another and supply lines are being cut around the city.

For the first time in years the U.S. is operating freely in eastern Baghdad as we are surrounding the villages and small towns around Baghdad routing out insurgent bases. Already, total car bombings and suicide attacks are down in May and June, and by the end of June, American troops controlled about 42 percent of the city's neighborhoods, up from 19 percent in April.

Initial military success certainly does not mean that operations are complete, nor is political victory guaranteed. The fact remains that this body unanimously confirmed GEN Petraeus with the knowledge that he planned to initiate this surge that would ideally route out al-Qaida and ultimately clear the path for internal change within Iraq. Again, the surge began on June 15 and we owe it to our troops who are placing their lives on the line not to pull the plug on them while they remain in harm's way.

Our best and brightest military minds have worked to construct this new strategy and we need to see it through. I would like to see our troops come home today, but the harsh reality remains that this is not a valid option, will not make us safer, and is not in our national interest. If we leave, it is naïve to think al-Qaida and our enemies will just go away and we will no longer be threatened.

Additionally, I have heard many of my colleagues discuss on the floor some of their new strategies in Iraq, strategies that I believe would weaken us at home and abroad. What I find curious is that they keep referring to finding a bipartisan resolution in Iraq, when only months ago this body overwhelmingly approved 2 new military commanders in the region and a new diplomatic leader in Ambassador Crocker. We also approved, in a bipartisan manner, the new way forward in Iraq that President Bush eloquently defended this morning. In that vote, this body committed that we would allow the surge to go forward and would give GEN Petraeus the time to enact the strategy. I cannot in good conscience cut short a plan barely 3 months old.

As we all know, in September a complete review of Iraq policy, including a detailed assessment of the surge will be presented. I look forward to that assessment. I look forward to making the appropriate decisions based on that report. It would be disingenuous to simply discontinue the plans that our military leaders have planned and are putting into place simply for political gains.

Remarkably, the Senate is in a similar situation that we were only months ago when many in this body wanted to reject the strategy GEN Petraeus proposed in Iraq, even before he has been given the full opportunity to perform his mission. Well, we are at it again. For what reason did my colleagues agree to the new strategy in Iraq but are not willing to support our own self-imposed guidelines? I don't know the answer to that, but I do know that I will not. I will continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

Let's not stand here this week and prejudge what will come out of the September 15 report, but more importantly, let's not prejudge the talents of our men and women in Iraq. Let's give our military and diplomatic teams the time they deserve, and which we had promised them.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

Mr. LEVIN. Parliamentary inquiry: What is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Levin amendment No. 2087.

Mr. LEVIN. I ask unanimous consent that the Senator from Oregon be recognized as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I then ask unanimous consent that the Republican leader be recognized, and then following his statement, which we expect to be about 10 minutes, Senator DURBIN be recognized, and then the Senator from Colorado, Mr. SALAZAR, after Senator DURBIN; I further ask unanimous consent that if a Republican wishes to speak in between Senators DURBIN and SALAZAR, that Republican be recognized.

Mr. WARNER. Reserving the right to object.

Mr. LEVIN. I thought it was going to be a morning business UC, but we have protected a Republican speaking in between Senators DURBIN and SALAZAR.

Mr. WARNER. What is the order?

Mr. LEVIN. The order would be that Senator WYDEN would speak in morning business, then Senator MCCONNELL, and then Senator DURBIN, then if there is a Republican, and then to Senator SALAZAR.

Mr. WARNER. Would we have the benefit of an important discussion on your amendment?

Mr. LEVIN. Well, it is the pending amendment. Those who want to speak on the amendment would be free to do so. Hopefully, there will be many people speaking on it because we should have an opportunity before Wednesday.

Mr. WARNER. I wish to address it, but as a matter of courtesy—we have been at this for 29 years—I am going to wait until you speak, and then I will speak.

Mr. LEVIN. I have a number of things to say on the amendment, and the things I wish to say in depth I will maybe save until tomorrow. I would not want to speak without your being here.

Mr. WARNER. We have been here many years together. We manage, even though we oppose each other. But I do oppose you on this one, my dear friend.

Mr. LEVIN. I feel similarly about your amendment. I think both would enjoy being here when the other speaks. We can arrange that. We have been arranging this for 28 years. We will continue to arrange it.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President and colleagues, there are two truly critical issues for our country. You hear it every time you have a town meeting, every time a Senator is home. One of those issues is changing course in Iraq. The second issue is fixing health care in America.

The Senate is going to spend long hours on the floor of the Senate this week, hopefully, changing course in Iraq, making a fundamental shift of the policy, where the Senate would come together on a bipartisan basis. I wish to spend a bit of time this afternoon talking about the long hours that are ahead for members of the Senate Finance Committee in a critical part of the effort to fix American health care.

Over the last several months, four members, a bipartisan group in the Senate Finance Committee—Senators BAUCUS and GRASSLEY and ROCKEFELLER and HATCH—have toiled hard to better meet the health care needs of this country's youngsters.

It is a moral blot on our Nation that millions and millions of our kids go to bed at night without decent health care. This legislation is part of an effort to erase that moral blot—an unconscionable fact of American life that so many kids are scarred by the inability to get decent, good-quality, affordable health care.

In recent days, the Bush Administration has indicated they are considering vetoing this legislation. As one who has worked very extensively with the Bush Administration on health care issues, it is my hope they will join the effort, the bipartisan effort in the Senate, to try to work this legislation out and to do it in a bipartisan way. In fact, I think it is absolutely critical that it be done if there is to be another bipartisan effort in this Congress that would attack health care needs in this country on a broader basis.

Senator BENNETT and I, as the distinguished Presiding Officer, the Senator from Colorado, is aware, have brought to the Senate the first bipartisan health care overhaul bill in more than 13 years. It has brought together business organizations and labor organizations. It has put us in a position, for the first time in more than a decade, to look on a bipartisan basis at overhauling American health care. But to do it, we are first going to have to address the immediate needs of this country's kids. In fact, as part of the budget process, I was able to add legislation to indicate that those critical needs of this country's children would be added first.

Now, I would be the first to acknowledge there is a connection between the children's health care program and the broader health needs of our citizens. The fact is, most kids in America get health care through private coverage through their parents. Those who are on the CHIP program—the Children's Health Insurance Program—many of them get coverage through the private sector as well, through private policies.

But we are going to have to find common ground if we are to fix American health care. Democrats and Republicans on the Finance Committee have tried to do that on the CHIP legislation. As the Presiding Officer, the distinguished Senator from Colorado, knows, there are a great many Democrats who would like to spend more than this compromise effort would allow. We would like to look at allocating $50 billion for the needs of America's youngsters. The bipartisan compromise—as part of the cooperative effort of Senator BAUCUS and Senator GRASSLEY and Senator ROCKEFELLER and Senator HATCH—is talking about $35 billion. That is pretty hard for some on our side of the aisle to swallow.

Also, with respect to the extent of coverage, a number of Members on this side of the aisle had been concerned about other groups of citizens who have not been able to get good-quality, affordable coverage, and they have been able to get benefits under existing services offered by the children's health program because the Bush administration allowed for special waivers. So what the compromise is seeking to do is to say: All right, if it has been allowed under a waiver program, let's not point the finger at anybody. Let's say those waivers, in effect, would be grandfathered. They would be protected. But then we will move on, and we would move on in a bipartisan kind of way.

I will tell my colleague, the Presiding Officer—because he and I have spoken about health care often—we know what needs to be done in American health care. We are spending enough money, certainly. This year, we will spend $2.3 trillion. There are 300 million of us. If you divide 300 million into $2.3 trillion, you could go out and hire a doctor for every seven families in the United States. We are spending enough money on health care; we are just not spending it in the right places.

We also know—because Senator BENNETT and I have talked to a great many on both sides of the aisle—there is a real prospect for an ideological truce here on the health care issue in the Senate.

A great many Republicans, to their credit, are acknowledging now, for the first time, that to fix American health care you have to cover everybody because if you do not cover everybody, those who are uninsured shift their bills to the insured. A great many Democrats, also to their credit, have been willing to acknowledge that just turning all this over to Government—having a Government-run health care program—is not going to work politically either, that it is going to be essential to have a private sector in American health care that works. It would be a reformed one. Private insurance companies could not cherry-pick any longer, they could not take just healthy people and send sick people over to Government programs more fragile than they are, but that there would be a real private sector.

So in addition to spending enough money and in addition to something of an ideological truce now on health care between Democrats and Republicans, for the first time—I particularly want to credit my colleague from Utah, Senator BENNETT, for working closely with me on this part of the effort—I think we can show people who have coverage why it is in their interest to be for reform. Certainly, here in the Senate we know that past efforts—particularly in 1993, during the debate about the Clinton plan, the single biggest barrier was convincing people who had coverage why it would be in their interest to support reform.

What we have been able to do, on a bipartisan basis—Senator BENNETT and I working together is to come up with an approach that will show people who have coverage—workers and employers—why it will work for them with the very first paychecks that are issued under our legislation, the Healthy Americans Act. Not in 5 years, not in 8 years, not sometime down the road, but it will work for those who have coverage—workers and employers—with the very first paychecks that are issued when this legislation becomes law. The reason it would benefit those workers and employers is they would have more cash in their pocket. The workers would have more choices for the health care that was available to them. They would certainly have more security—health care that could never ever be taken away.

My hope is that we can have a cooperative, bipartisan effort on the CHIP legislation, starting tomorrow night. As my friend from Colorado, the Presiding Officer, knows, we will have a late markup. Democrats and Republicans on the committee want to work together. We want to work with the Administration. I hope the Administration will join us in that effort.

I would also suggest that if that happens, we can go on to the broader health care issue, where there are a number of areas where the Administration seeks reform. I want to assure them I am interested in working with them. For example, the President has made the point—it is one that I share—that the Federal Tax Code as it relates to health care disproportionally favors the most wealthy and rewards inefficiency. Today, in America, if you are a high-flying CEO and you want to go out and get a designer smile plastered on your face, you can do it and write off the cost of that operation on your taxes—every dime. But if you are a hard-working woman in a furniture store in Colorado or Illinois or Oregon and your company has no plan, you get nothing out of the Tax Code. You get nothing.

So what Senator BENNETT and I seek to do is redirect those several hundred billion dollars in tax expenditures for health care to people in the middle-income brackets, the lower middle-income brackets. The Bush Administration has a different approach with respect to the Tax Code and health, but as I have said to the President personally, I think he is still onto the basic concept. This is an area where Democrats and Republicans can find common ground.

But if we are going to get, in this session, to the broader issue of health care reform—of course, a lot of people think it cannot be done; they think it will be 2009 and we will have another Presidential election before there is real reform—if we are going to deal with it in this session—and Senator BENNETT and I are pulling out all the stops to try to get broader health care reform out there this session in order to get to that broader debate—Democrats and Republicans have to come together on this crucial issue of meeting the health care needs of this country, of wiping out this moral blot on our Nation that millions of kids do not have decent health care.

That effort will start tomorrow night. This is a key time for those of us who want to reform American health care. If we can come together in this Senate—starting tomorrow night under Senators BAUCUS and GRASSLEY and HATCH and ROCKEFELLER—my hope is we can keep that coalition together and then segue over to the broader reform where Senator BENNETT and I have brought, for the first time in more than 13 years, colleagues, a bipartisan proposal to overall American health care. It has the support of business and labor. Consumer groups have been involved in the development of it.

I am very hopeful that under the leadership of Senator REID—and I see the distinguished leader from Illinois in the Chamber—we can change course with respect to the war in Iraq but we can also change course with respect to the most pressing domestic issue of our time; that is, fixing American health care. The effort starts tomorrow night.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would I be correct in saying this time is reserved for the distinguished Republican leader?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I do not see him present at the moment; therefore, if some other speaker, for a period of time, wishes to go forward—

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I believe the Republican leader will be here in approximately 5 minutes. I will, if the Senator from Virginia concurs, suggest the absence of a quorum and wait.

Mr. WARNER. Fine. I just wanted to accommodate any Senator who needed 5 minutes. I see none.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I know the majority leader has indicated he is going to file cloture on the Levin amendment and is setting up a cloture vote for Wednesday. It had been my hope we could have by consent set up a process by which we could put the Levin amendment in the queue with a 60-vote threshold such as we have had on virtually every Iraq amendment this week, and also a 60-vote threshold on the Cornyn amendment, which is a logical counter to the Levin amendment. As I indicated, it is my understanding the majority leader announced earlier it would be his intention to file cloture on the Levin-Reed amendment this evening. That would, as I suggested, allow for a cloture vote to occur on Wednesday of this week. As I indicated, it had been my hope we could have had the Levin amendment and the Cornyn amendment in juxtaposition by consent, both requiring 60 votes. This has been the way we have dealt with essentially every controversial Iraq amendment this year, no matter what bill it has been offered on.

AMENDMENT NO. 2241 TO AMENDMENT NO. 2211

Given the majority leader's intention to file cloture this evening on the Levin amendment, I now send an amendment to the desk and ask for its consideration.

Mr. REED. I object.

The PRESIDING OFFICER. The Presiding Officer will hold on for a second to ask a question of the Parliamentarian.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment 2241 to amendment No. 2211.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the termination of the reading of the amendment?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk read as follows:

At the end of the bill add the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally".

(3) The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world".

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that "a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. . . . The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory."

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that "Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence".

(8) The Iraq Study Group noted that "Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons."

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, "Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs."

(11) The Iraq Study Group found that "[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

CLOTURE MOTION

Mr. REED. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Levin-Reed, et al., amendment No. 2087, to H.R. 1585, Department of Defense Authorization, 2008.

Carl Levin, Ted Kennedy, Byron L. Dorgan, Russell D. Feingold, B.A. Mikulski, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Pat Leahy, Richard J. Durbin, Jeff Bingaman, Jack Reed, Ron Wyden, Barbara Boxer, Patty Murray, Robert Menendez, Daniel K. Akaka, Charles Schumer.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on pending amendment No. 2241 to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, Wayne Allard, Pete V. Domenici, Jim Bunning, Jeff Sessions, Chuck Grassley, C.S. Bond, Mike Crapo, Jon Kyl, Elizabeth Dole, Trent Lott, John Barrasso, James Inhofe, Lindsey Graham, Lisa Murkowski, John McCain.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, it is a shame we find ourselves in the position we are in. The sensible and logical way to set up this debate with the Levin amendment and the Cornyn amendment would have been to do it by consent with two 60-vote thresholds. This continued effort to thwart the ability of the minority to get amendments in the queue and to get them offered and voted on is not, I might say, a very effective way to legislate, because it produces a level of animosity and unity on the minority side that makes it more difficult for the majority to pass important legislation.

In addition to the Cornyn amendment, we have the Warner-Lugar proposal, which certainly deserves a vote, as does the Salazar—the occupant of the Chair—the Salazar-Alexander amendment.

I hope we could do this in an orderly way. We have been on this bill now for a week and a half. We are clearly going to be on it through the end of this week. It would be important, as we move toward disposition of this measure, to have all Senators who have important amendments have an opportunity to be heard.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I had the opportunity this morning to listen to the majority leader, HARRY REID, as I presided. He made it clear that he would be perfectly willing to allow a 50-vote majority vote on both the Levin-Reed amendment and the Cornyn amendment or the proposed McConnell amendment. I think if there is any attempt to obstruct the will of the Senate, it is by those who are suggesting that we must have a 60-vote threshold. I think Senator REID made it clear that he would be happy to entertain a limited debate and a majority vote on the Levin-Reed amendment, the Kyl amendment, or other amendments that may be appropriate on the policy in Iraq.

I also understand at this moment, under the pending unanimous consent, the Senator from Illinois is to be recognized.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Rhode Island for his hard work with the Senator from Michigan in preparing this bill on Defense authorization.

With all due respect to the minority leader, the statement he made on the floor earlier is not accurate. The Republican minority leader said, on issues relating to Iraq, we have required 60 votes. I remind the Republican minority leader that the vote on the timetable on the supplemental appropriations bill was a simple majority vote. It was not a 60-vote threshold. The most important Iraq vote of the year did not require 60 votes on the floor of the Senate. It passed the Senate with a bipartisan rollcall, with 51 or 52 Members supporting it, and it was sent to President Bush for one of his only three vetoes since he was elected President. I am sure the minority leader from Kentucky remembers that it was not a 60-vote requirement.

Now, let's look at the Defense authorization bill here—at the history of the Defense authorization bill. Once again, I ask the minority leader from Kentucky to please look at the record. What he said earlier on the floor is not accurate.

In the last debate on the Defense authorization bill, there were two Iraq amendments offered. One was by Senators LEVIN and REED and another by Senator KERRY. Both related to the war in Iraq, and both required only a majority vote.

The Senator from Kentucky has not accurately portrayed what occurred on the floor of the Senate either with our supplemental appropriations bill or the previous Defense authorization bill. Now, for those who are following this debate and wondering: Why are you worried about how many votes are required, this is what the Senate is all about. The question is, Will this Senate speak on the issue of the policy on the war in Iraq?

The Senator from Kentucky understands—because he has been a veteran of this body—that he does not have a majority of the Senators supporting his position or the position of President Bush. So he started this debate by saying we won't allow a majority vote. It will take 60 votes—60 percent of the Senate—to change the policy on the war in Iraq. The Senator from Kentucky is betting that he can hold enough Republican Senators back from voting for a change in policy on the war in Iraq to defeat our efforts to start bringing our soldiers home. That is his procedural approach. He has stood by it. But he should confess it for what it is. It is a departure from where we have been on the debate on Iraq, on the supplemental appropriations bill, and on the Defense authorization bill.

Mr. President, it is unfortunate, and it is wrong. It is wrong to require 60 percent of this body to vote this way if, traditionally, on the war in Iraq we have required only a simple majority. I suppose it is encouraging to us that more than 60 percent of the American people get it. They understand how failed this policy has been of the Bush administration—the policy being supported by the minority leader of the Senate. They understand that. They want us to do something about it. But the Senator from Kentucky has thrown this obstacle in our path. He created this procedural roadblock. He has filibustered—starting a filibuster to stop the debate on the war in Iraq.

I have been here for a few years, and I have not seen a full-throated, fully implemented filibuster that you might have recalled from "Mr. Smith Goes to Washington," when Jimmy Stewart stood at his desk, until he crumpled in exhaustion, filibustering a bill to stop it. Over the years, our gentility has led us to a different kind of filibuster. It is a filibuster in name only, where one side says we are going to keep this debate going on indefinitely, and the other side says we are going to bring it to a close with a motion for cloture, and we will see you in 30 hours; have a nice time we will see you tomorrow morning.

We are going to change that procedure this week. Since the Republican side has decided they want to filibuster our effort to debate the war policy on Iraq, we have decided on the Democratic side that we are going to have a real filibuster. One of the critics of this recently called it a stunt that we would stay in session—a stunt that we would have a sleepless night for Senators, a stunt that we would inconvenience Senators and staff, the press, and those who follow the proceedings. I don't think it is a stunt. I think it reflects the reality of this war.

How many sleepless nights have our soldiers and their families spent waiting to find out whether they will come home alive? How many sleepless nights have they spent praying that after the second and third redeployment their soldier will still have the courage and strength to beat back the enemy and come home to their family? It is about time for the Senate to spend at least one sleepless night. Maybe it is only a symbol, but it is an important symbol for the soldiers and their families. It really goes to the nature of sacrifice.

I guess I was raised as a little boy reading about World War II and remembering the Korean war when my two brothers served. There was a sense of national commitment in those wars. People back home, as well as those on the front, believed they were in it together. Sacrifices had to be made, your daily living habits, the kinds of things you could buy, and ration cards and buying U.S. savings bonds. America was one united Nation in those wars. We accepted that shared sacrifice, and we were better for it. But during this war, sad to say, this President has not summoned that same spirit of sacrifice. He basically told us that this war can be waged without inconveniencing the lives of most Americans.

Our soldiers go through more than inconvenience. They go through hardship and deprivation. Many face injury and death in serving our country. But for most of us, life goes on as normal. This President hasn't asked great sacrifice from the American people.

When I visited Iraq, it was not uncommon to have a marine or soldier say to me over lunch: Does anybody know what is going on over here? Does anybody know what we are up against? It is a legitimate question. We focus on these superficial stories in the press that don't mean a thing and forget the obvious.

The obvious is this: Every month we are losing American lives; about 100 American soldiers die each month in this war in Iraq, and 1,000 are seriously injured. We spend $12 billion each month. That is the reality.

I know there is frustration by the soldiers and their families that we are not paying close enough attention. But the American people understand that this failed policy from the Bush administration has to come to an end. Wasn't it interesting over the weekend when the Prime Minister of Iraq invited us to leave, and said: You can take off anytime you would like, America. We will take care of our own problems. Prime Minister al-Maliki, the man we helped to bring to office, whom we hoped would show the leadership in Iraq for its future, asked America to pick up and go whenever we would like to.

What do the Iraqi people think about our presence? Well, 69 percent of them say our presence in Iraq today, with our troops, makes it more dangerous to live there. More than 2 million of those soldiers, of those Iraqis, have left that country as refugees. Millions have been displaced from their homes. Thousands—we don't even know the number—have been injured and killed. They want us to leave—this occupation Army of Americans.

What do the American people think about this occupation in Iraq? They want it to end as well. They don't see any end in sight. They don't hear from this President the kinds of strategy or direction that leads them to believe that this will end well or end soon.

They want our troops to start coming home. I agree with them. I don't believe the Iraqis will accept responsibility for their own country until we start leaving. If the Iraqis know that every time there is a problem, they can dial 9-1-1 and bring on 20,000 of our best and bravest soldiers to quell the violence on their streets, what kind of incentive is that for them to protect their own country and make the critical political decisions which may lead one day to stability?

I look at this Cornyn amendment just filed. I respect my colleague from Texas, but I tell you, he is asking for too much. He is asking the United States to stay in Iraq to make certain that it succeeds. How long is that going to be? How long will that go on?

There are three battles going on in Iraq today: First, who is in charge? The Sunnis, Shia, Sadr militia, al-Qaida, or some other force? The Kurds also have to be part of the equation. That battle goes on every day on the floor of the Parliament in Iraq as they try to decide who is going to try to govern their country.

There is a second battle going on as well. It is a battle as to whether Iraq is going to be a nation. The Cornyn amendment assumes, and many people assume, that Iraq has been a nation forever. It has not. Certainly, in the depths of history, you can find Mesopotamia. We all read about it in the earliest civilizations, and about the Tigris and Euphrates. But Iraq, as we know it today, was the creation of British diplomats after World War I who sat down with a map and said the French can take Lebanon, bring in the Shia and Sunni—on and on, creating countries out of whole cloth at the end of a war, dividing up the soils of the Middle East. That was the creation of Iraq as we know it. It has not been in existence that long—not one century.

Iraq has to decide whether there is more that binds them than divides them. They have to decide whether the Kurds, Sunni, and Shia of this location want to come together as a nation to share in governance, in revenue, and to share in their future. That is an ongoing debate in Iraq today.

There is a third debate in Iraq today that is even deeper in history. It is a debate between warring Islamic factions that has been going on for 14 centuries. Ever since the death of the great prophet Mohammed, Islamic people have argued over his rightful heirs—one branch of the Sunni religion of Muslims or one in the Shia—and they came to different conclusions. They have not resolved that. Often, that difference of opinion has erupted into violence, which we see today on the streets of Iraq.

So Senator CORNYN files an amendment that says the United States should stay there with its forces until they resolve these three problems: Who is going to govern, whether there will be a nation, and this Islamic division. Is that what we bargained for when the President asked us to invade Iraq? It certainly is not. Not one of those things was included in the President's request for the authorization of force in Iraq.

Do you remember why President Bush told us we had to invade Iraq? Saddam Hussein—a tyrant killing his own people—was a threat to the region and to his own country. Saddam Hussein is gone, dug out of a hole in the ground, put on trial by his own people, and executed.

The second reason the President said we had to invade Iraq was to find and destroy weapons of mass destruction. Well, we have been looking for 4½ years, Mr. President, for weapons of mass destruction, and we cannot find one. So that reason for the invasion of American forces is long gone. And the final, of course, was to protect any threat of Iraq to America's security. I can tell you that after Saddam Hussein was deposed and dispatched quickly by our fine military, and when weapons of mass destruction were not found, Iraq was no threat to the United States.

Now comes the new Republican rationale, the Cornyn-McConnell rationale: We need to stay in Iraq until they resolve century-old battles over the Islamic religion. We need to stay in Iraq until they decide whether they want to come together as a nation. We need to stay in Iraq until the Parliament decides to roll up its sleeves and make important political decisions about their future. Just how long will that be? How many American soldiers will be called into action for those goals? How many times will Congress be called on to vote for authorization of force to reach these objectives?

They have told us what it is all about. From the point of view of the Bush administration and their supporters on the Republican side of the aisle, there is no end in sight in our occupation of Iraq. They would have us stay there for a long time. The American people know better. They understand the sacrifices we have made.

The President likes to define this in terms of victory and defeat, saying if we start bringing American troops home, somehow, in his mind, that is a defeat. I say to the President, there are several things he should consider. We were not defeated when we deposed Saddam Hussein. We were successful. We were not defeated when we scoured that country and found no weapons of mass destruction. We were successful. We were not defeated when we gave the Iraqi people a chance for the first free election in their history. We were successful. We were not defeated when they were allowed to form their own Government to plan for their own future. We were successful. We certainly have not been defeated day to day with the courage of our men and women in uniform.

I hear an argument from time to time as well: If our troops start coming home now and things go badly in Iraq, those who have served and sacrificed and even those who have died will have done so in vain. I couldn't disagree more. History has taught us a very basic lesson. The test of courage of a soldier is not to be measured by the wisdom of Presidents and generals to send them into battle. Presidents and generals make serious mistakes. They send troops into battle where they have no chance to win. But those soldiers do their duty. They show heroism, courage, and valor, and no one—no one—can take that away from them.

This political debate about the wisdom of the President's foreign policy has reached a point where we have a number of amendments on the floor. The Republican leadership has established hurdles and blockades—everything they can find—to stop us from a vote that reflects the feelings of the American people. Mr. President, you know why? They are afraid of what the American people want. They are afraid the American people may prevail. So they have dreamed up this procedural requirement of 60 votes, a requirement that did not take place on the Iraq amendments on previous Defense authorization bills, a requirement that did not take place when it came to our supplemental.

We have offered them: Let's have a majority vote. Let's speak as a Senate to this issue seriously, an up-or-down vote on our amendment, an up-or-down vote on their amendment. They rejected it. Sixty votes—they have it wired. They have it figured out. There is one thing they don't have figured out and that is how they are going to go home and explain this situation, how will these Senators go back to their States after they have told their people they are giving up on the President's policy in Iraq and explain why they didn't support the only amendment that will seriously change our policy in Iraq?

I don't think they can. They can talk about supporting other amendments. There is only one amendment by the Senator from Rhode Island, Mr. REED, and the Senator from Michigan, Mr. LEVIN, that puts a timetable to bring this war to a close that doesn't ask the President to consider our point of view but says we will use our congressional powers to require of the President a change in policy. Only one vote. Every other vote these Senators may cast, they are going to say: Oh, I told you I disagreed with the President and that is why I voted this way.

Let me tell you, they don't stand the test of scrutiny. Look carefully at those amendments. See if they require of the President a change in policy. See if they bring one American soldier safely home. If they don't, then they don't achieve the goals the American people expect of us.

Mr. WARNER. Mr. President, at some point, I would be privileged if I could enter into a colloquy with my valued friend. So at the proper juncture in his remarks, perhaps we could have a bit of a colloquy.

Mr. DURBIN. Out of great respect for the Senator from Virginia, I would like to give him that answer now.

Mr. WARNER. I thank my friend. We can have our debates, and we frequently do, on procedure, and it is very confusing, of course, to the American public. But these are old rules that go back, I might say with some sense of pride, to Thomas Jefferson. He had a hand in writing them. Somehow this magnificent institution, the Senate, has been able to serve our great Republic these 200-some-odd years.

Apart from procedure—and it seems to me I recall that at an earlier juncture in the spring when we were debating certain amendments on Iraq, the Senator from Virginia had an amendment. It got over 50 votes. It was a bipartisan amendment. That amendment, quite interesting, while it failed to reach the 60-vote margin, it was picked up by the appropriators and word for word written into the appropriations bill.

It required, among other things, that the President report on July 15. That report, I think, was of value. People can differ with it. I know it attracted a lot of attention and widespread press coverage. It was of value.

That report also set up an independent group. I consulted with my good friend, the chairman, Senator LEVIN, and told him I felt all the years we have been working together we get a lot of facts from the Pentagon about the status of Iraq's security forces. Shouldn't we have an independent group not affiliated with the Department of Defense—I am not, in any way, impugning the accuracy of their facts—have an independent group give us a second opinion.

GEN Jim Jones, former Commandant of the Marine Corps, offered to head up that group. I talked with him about it. He thought about it a long time. He decided to do it. He has about 18 individuals with military experience and two former police chiefs. They got back this weekend from a very intensive 1-week schedule studying these situations. So there is a great convergence of information that will be brought to bear and made public the first week in September.

But back to this question before us. The distinguished Republican leader put an amendment up. I would like to ask my distinguished colleague if he would cover with me the provisions and what his views are on some of the findings in the amendment.

This is a sense of the Senate on the consequences of a failed state in Iraq. Much of this material was put before the Senate a few days ago, filed by our distinguished colleague from Texas, Mr. CORNYN. Would the Senator from Illinois engage me in asking a few questions about it or is there another time he would be willing to do it?

Mr. DURBIN. No, if I may say to my colleague from Virginia, I will consider this colloquy to be in the form of a question without yielding the floor.

Mr. WARNER. Yes, of course, Mr. President.

Mr. DURBIN. Please proceed.

Mr. WARNER. For instance, the first finding:

> A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

We know from experience in Afghanistan that bin Laden occupied a piece of territory there and set up his training camp. Much of the training that led to the horrific damage to our Nation, loss of life and property, occurred there—of course, September 11. Does the Senator not agree—I am curious, I would like to get some understanding of what the Senator's thoughts are on this sense of the Senate.

Mr. DURBIN. First, I wish to express my thinking and feelings about the Senator from Virginia, whom I respect very much, who served our country so well in so many capacities. He is the longest serving Senator from the State of Virginia in the history of the United States of America.

Mr. WARNER. One other, Mr. President, was a bit longer. I am No. 2, kind of like the Senator from Illinois, No. 2.

Mr. DURBIN. Second longest in the history of the State of Virginia and who has been a constructive partner in our efforts to deal with this issue of Iraq. Even before other Senators on his side of the aisle questioned, spoke out, he was there, and I respect him very much for that effort.

Mr. President, I say to the Senator from Virginia that the Levin-Reed amendment is conscious of the very first point he made, saying that even redeploying troops, we would reserve the right to use our soldiers, use our troops to stop the expansion of al-Qaida. So we are not walking away from that threat.

Al-Qaida, as the Senator from Virginia knows, were the real culprits on 9/11. They are the ones who are sworn enemies of the United States and in what we believe. I don't believe any Senator on my side, in the Levin-Reed amendment or otherwise, has suggested we would not continue to work to stop the advance of al-Qaida and its evil scheme.

Mr. WARNER. Mr. President, I think the Senator is accurate. I have studied the Levin amendment. I am opposed to it because of the fixed timetables. But let's proceed to the second one. I think we have covered the first, and I find it very helpful.

The second finding:

> The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally."

To me that seems to have some basis in fact. Does the Senator agree with that?

Mr. DURBIN. I say to the Senator from Virginia in response, at some point, the Iraqis have to take control of their country, their territory, and their future. It is certainly not in their best interest, if they want to develop, for example, an oil industry that is going to fuel their economy and improve the lives of the people, to allow terrorist groups to run without restraint.

So, yes, I think that is a concern they should have as a nation, and that is why the second part of the Levin-Reed amendment is so important. We reserve the right for American forces to help train and equip the Iraqi soldiers, Army, and police.

Fighting terrorism, we now see most often is a military function, but I think historically it has been a police function. Regardless of which, we reserve in the Levin-Reed amendment the right for America to continue to invest in the Iraqi Army and police force, for that very reason, so there is internal stability in Iraq, even as our combat forces are removed.

Mr. WARNER. Mr. President, I appreciate that answer. I think there is a provision—as a matter of fact, the amendment Senator LUGAR and I filed has very much the same language in it. Let's proceed to No. 3.

> The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world."

That concerns me. I think there is some truth to that statement.

Mr. DURBIN. The Senator from Virginia served on the Intelligence Committee, as I did for 4 years. I think he served longer. He will recall we were told by our intelligence agencies that our invasion of Iraq has led to an emergence of al-Qaida terrorism in that country. Sadly, these terrorists are taking their training by trying to kill American soldiers and those who support us.

So my feeling is that the current strategy we have been using, unfortunately, is fueling this growth in terrorism, growth in al-Qaida, the presence of all these combat troops.

I sincerely believe we have to understand that fighting al-Qaida, fighting terrorism is still a high priority. This administration was diverted from our first priority.

The Senator from Virginia may remember that after 9/11, within days, the President came to the Senate and asked us to declare war on al-Qaida and those responsible for 9/11. The vote was unanimous. Every Senator voted in favor of that request, both political parties. Those were sworn enemies of the United States who had killed 3,000 innocent people. But we lost sight of that goal. Instead of focusing on Afghanistan, the Taliban, and al-Qaida, we were diverted into Iraq.

I say to the Senator from Virginia, as we start bringing combat soldiers out of Iraq, I don't believe we should walk away from our responsibility in Afghanistan, fighting the Taliban, working on the border with Pakistan to try to make sure the growth of al-Qaida is stopped.

Mr. WARNER. Mr. President, I say to the Senator most respectfully, I know no one over here who wants to try to do a precipitous withdrawal or lessen our efforts against al-Qaida. As a matter of fact, we want to reinforce our efforts against al-Qaida. We can go back and argue the numerical presence of al-Qaida at the time we went in. I do recall that very vividly and conducted many hearings in the Armed Services Committee. Al-Qaida was not high on the scope. There was mention of it. We have to deal with the facts that exist now, and it is clear, for whatever reason, they are now in that area in significant numbers larger than when we went in. I, personally, feel it is not as a consequence of our military action thus far. They simply see the terrific divisions between the Sunni culture and the culture of the Shia, and they are trying to foment among those two venerable religious cultures as much fighting as they possibly can. I think we both have to agree, to that extent, they have been successful.

Clearly, al-Qaida has as its main goal, at such time as possible, to bring about further harm to the United States of America. There is no doubt in my mind, and I am sure there is no doubt in the mind of the Senator from Illinois. So I think anything that is portrayed as a failure of our commitment in Iraq could be utilized, as I said, for recruitment of their troops, whether in Iraq, Afghanistan or elsewhere in the world.

Mr. DURBIN. May I say to the Senator from Virginia in response that I believe—and I think the Levin-Reed amendment addresses this in section 3—we also should be thinking beyond the parameters of our current discussion about military prisons and about other nations in the region. I am sure the Senator from Virginia is going to bring that up, too, as part of it.

It strikes me at this point in time that other nations in the region interested in stability in their own countries and stability overall have not accepted or shouldered the responsibility they should. Whether it is the Arab League or some other group, they need to step forward and say that the territorial integrity of Iraq, the stability of Iraq is in the best interests of the region. I don't think they are going to do that as long as the U.S. presence is so overwhelming, as long as we are the issue. If the issue is Iraq and its future, I think it is more likely these countries will step forward, and this Levin-Reed amendment makes that point.

What we are talking about is a comprehensive strategy to deal with the future of Iraq.

Mr. WARNER. But I say, in response to my distinguished colleague, it is for that very reason the President is dispatching the Secretaries of State and Defense into that region, to bring that point very clearly, this problem which is being experienced in Iraq. And when I say "experienced," I mean devastating loss of life of Iraqi citizens, considerable loss of life of our own forces, and loss of limb. That is something which every Senator on both sides of the aisle is concerned with daily. But thus far, the bordering nations certainly have not stepped up, in my estimation, to take a constructive role. If anything, we have, in Syria and Iran, pretty convincing evidence that they are taking steps antithetical to bringing about a resolution of some sort of peace and stability in Iraq.

Mr. DURBIN. I might say, in response to the Senator from Virginia, that I don't recall the exact vote, but when Senator LIEBERMAN offered an amendment to this bill last week relating to Iran, the vote was overwhelmingly bipartisan. We agree with that. How do you contain Iran? How do you stop Iraq from becoming an Iranian client state?

There is so much we can do, but the region has to respond. The Senator from Virginia knows as well as I do that there is division within the Islamic religion and that the Sunni faction or element is the most dominant in that region and around the world.

Mr. WARNER. By far. I think it has been 90 percent——

Mr. DURBIN. An overwhelming percentage.

Mr. WARNER.—are associated with the Sunni perspective versus about 10 or less percent the Shia.

Mr. DURBIN. So it does not seem to be in the best interest of other Islamic states to see the development of a Shia force that combines Iraq and Iran. So my feeling is, again either through the United Nations, through NATO, through other groups, but trying to make this a much more inclusive effort, that we have a much better chance.

The problem is clear: As long as it is the United States dominating the agenda in Iraq, it is an obstacle for other countries to get involved. I salute the Secretary of Defense and the Secretary of State for their efforts, but I think we have complicated the situation dramatically with the length of this war and the visibility of the United States as the lead force in this invasion.

Mr. WARNER. We have to decide on the facts as they exist now, and I think our Government has. But even in the recent words of the President, he wants to intensify the participation of other nations in this situation.

My colleague, Senator LUGAR, in preparing our amendment—and he is quite expert in this area—has a considerable portion of our amendment—again, a sense of the Senate—directed at steps our country could be taking to augment those steps already taken. He recently met with the Secretary of State. They had a discussion here a few days ago, prior to our entering the amendment on this very matter. So we are moving forward.

I think my colleague and I have no difference on the need to involve the border states and other Muslim countries of responsibility.

Mr. DURBIN. I say to the Senator from Virginia, he used some words which I think tell part of the story here when he said his amendment with Senator LUGAR is a sense-of-the-Senate amendment. He is a veteran lawmaker and knows a sense-of-the-Senate resolution does not have the power of law. It is to suggest policy changes to the administration. The difference with Levin-Reed, if I am not mistaken, is we are dealing with legislative language. We are actually changing the law of the land when it comes to our forces in Iraq. That is significantly different. This is self-enforcing, the Levin-Reed amendment. Sense-of-the-Senate resolutions, either by Senator LUGAR or Senator CORNYN notwithstanding, will not change the policy. They do not have the binding impact of law as the Levin-Reed amendment does.

Mr. WARNER. We have to always monitor ourselves with the Constitution of the United States, and it explicitly gives to the President the power as Commander in Chief to direct our forces and to employ such strategy as he deems necessary to defend the security interests of our country. That is my concern with my distinguished colleague, Senator LEVIN, and he and I have worked here in this Chamber now in our 29th year, for those following this debate. My concern is that Congress become involved in military strategy and writing into law precisely what is done. I think that is crossing a constitutional issue.

I would like to continue with my colleague.

Mr. DURBIN. I might just say that I am glad my colleague from West Virginia is not on the floor because I don't have my Constitution in my pocket. But certainly article I, section 8—thank you, Senator, for covering for me here—says—if the Senator from Virginia will bear with me for just one moment.

Mr. WARNER. I know the provision quite well. It is on the regulation.

Mr. DURBIN. To raise and support armies, provide and maintain a navy, provide for militia, to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed—there may be another section here I am overlooking.

Mr. WARNER. I think you have about got it, if I may say.

Mr. DURBIN. Within the powers of Congress, we are not silent when it comes to the conduct of our military in this country.

Mr. WARNER. No, we are on a coequal basis, as the Senator well knows.

Mr. DURBIN. To make rules for the Government and regulation of the land and naval forces. Article I, section 8 of the Constitution.

Mr. WARNER. Well, I remember on this floor and my distinguished colleague from Michigan remembers when Senator BYRD argued very persuasively about certain aspects of the famous War Powers Act. Now, if we bring all of that history into this debate, and it may well be that we should do that, the reason that subject was carefully considered by the Senate, passed, and became law many years ago—each President has acknowledged that in spirit they are complying with the directions of the Congress, but they do not want it put into law.

Mr. DURBIN. May I ask the Senator from Virginia, and I know this is not following the exact process of our Senate rules, but I would ask him if he would address a point I made earlier; that the authorization for the use of force which President George W. Bush brought before us in October 2002 was explicit in the reasons for our invasion of Iraq—the threat of Saddam Hussein, the threat of weapons of mass destruction, and any threat of that nation to the security of the United States. Does the Senator from Virginia believe that authorization of the use of force applies to the current circumstance in Iraq today?

Mr. WARNER. Well, I was going to speak on that later tonight when I address my colleagues and point to the CONGRESSIONAL RECORD today, which contains the amendment by Senator LUGAR and myself. But, essentially, we bring to the attention of the Senate and provide the following language for the President, if I may read it, on page S 9224 of Friday's CONGRESSIONAL RECORD, in our section:

> The findings that supported H.J. Res. 114, Public Law 107-243, which was enacted in 2002 and which authorized the President to use the Armed Forces of the United States against Iraq, require review and revision.

So, Senator, I have gone on record, together with my colleague, Senator LUGAR, that this is necessary, and we further call on the President—and I read the bill.

Mr. LEVIN. What section are you reading?

Mr. WARNER. Reading section 3 of my amendment, and it is on page S 9224 of Friday's CONGRESSIONAL RECORD.

Mr. LEVIN. What section of the bill?

Mr. WARNER. It is our amendment, it is on page 14 of our amendment.

Mr. LEVIN. Is there a number?

Mr. WARNER. The amendment is at the desk, on page 14.

Mr. LEVIN. If the Senator would yield so we can follow him, I wondered if there is a number in front of the paragraph you are reading.

Mr. WARNER. I will hand you my copy.

Mr. LEVIN. Section 14.

Mr. WARNER. I wanted to read the important second sentence—I actually wrote this provision myself; Senator LUGAR concurred in it—the second sentence, after addressing the fact that we felt it required review by the Congress of the United States. That is the one required under the appropriations bill language, which we passed here—not passed; 50-some-odd Senators voted for it when I put it up.

> Therefore, as part of the September 15th, 2007, report, Congress expects that the President will submit to Congress a proposal to revise Public Law 107-243.

So Senator LUGAR and I come foursquare and address that issue straight-on. There is concern. I was one of the four Senators who wrote the language, and if I may engage my colleagues, the law, 107-243, provided support for U.S. diplomatic efforts. That is section 2.

> The Congress of the United States supports the efforts by the President to
>
> (1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions regarding Iraq, and encourages him in those efforts; and
>
> (2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.
>
> Section 3. Authorization for the use of United States Armed Forces.

That is the provision Senator LUGAR and I address in our amendment. That authorization is very short, and I would like to engage in the reading of it.

> Authorization for use of United States Armed Forces. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to
>
> (1) defend the national security of the United States against the continuing threat posed by Iraq; and
>
> (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

So one is the benchmark, the underlying statement by the Congress which gives rise to the actions today to support the President, but I believe that in view of all that has transpired in the nearly 5 years—this will be 5 years since we passed this in October—it is the duty of the Congress to review it, and we have asked in our amendment for the President to come forth with proposals.

Mr. DURBIN. If the Senator will yield, I would like to ask a very pointed question. And I think I know the answer, but I want to get his opinion. Does the Senator from Virginia believe that today this administration is using military force in Iraq beyond the scope of our authorization for the use of force in October of 2002?

Mr. WARNER. I think the President can still act within that language right there—defend the national security of the United States against the continuing threat posed by Iraq. The Government of Iraq that existed at the time this was written is gone; that was Saddam Hussein. There is a new government there. But they, unfortunately, have not exercised the full control, the full reins of sovereignty that the people of Iraq, voting freely, have given them. We set up the structure, the infrastructure that enabled those votes to take place, and we gave them a measure of security so that they could go to the polls and vote. But, in my judgment, this language still underpins the President's actions.

I would remind the Senator, in a way, each authorization act of the armed services, since enactment of this law, in a sense de facto confirms the President's authority that he is exercising under it. We never challenged him in a single—I think I counted up 4 authorization bills and probably 10 different appropriations bills that have been passed authorizing the President to use these funds.

Again, it is sort of de facto recognition that the language still stands. But my thought is that the American people, the world is entitled to Congress addressing it and, hopefully, we can resolve it and put down in greater detail the authority that the Congress wishes to give the President as he moves forward, having hopefully given the Congress the benefit of such revisions in policy as he deems necessary in early October this year.

Mr. DURBIN. I might say to the Senator from Virginia, I am going to yield because I wish to allow the Senator from Michigan, if he wishes, to continue this colloquy. But I wish to say what the Senator from Virginia has said is troubling to me as an individual Senator in this regard. I was one of 23 Senators who voted against the authorization of the use of force in Iraq. I believed it was wrong. My position did not prevail.

Mr. WARNER. That is this bill we are discussing became law.

Mr. DURBIN. The majority position in the Senate at that time, even the majority position on my side of the aisle, voted for the authorization of force.

I had believed, and this goes back to earlier service in the House, that once

Congress has spoken before the Nation, we move forward together. That is why I have supported the appropriations necessary for the forces in the field, even though I disagree with the policy and voted against the authorization of force. I have always believed they deserve to have the training, the equipment, whatever is necessary, to come home safely.

I would say to the Senator from Virginia, his observation a moment ago is troubling. I don't wish to put words in his mouth, but when I asked whether we were asking beyond the scope of the original authorization, the Senator from Virginia said that with each subsequent Defense authorization bill and appropriations bill, we were reauthorizing. I use that word, but I don't want to presume the Senator said that word. That is how I interpret it.

Mr. WARNER. I said those words. I stand by those words. I said "de facto" because there was every available means in the course of the debate on our authorizations bill for colleagues to come and challenge this. No one did.

As a matter of fact, the first reference to this occurred when I was chairman of the committee and I remember, it was last fall—I think it was General Abizaid, I asked him about this very provision. It is in the RECORD. I said I was concerned about whether there was an obligation of Congress to go back and review this language and determine whether it comports with the various missions he was performing at the direction of the President.

I can't recall exactly what his responses were. But I did raise this. That is the very reason I asked Senator LUGAR to join me in raising it again. I think it is incumbent upon the Congress to debate it. But we certainly have passed by and legislated many times, with full knowledge that this is the basis on which the funds we have appropriated are being utilized for the forces.

Mr. DURBIN. I might say to the Senator from Virginia, I have been asked to file a motion, which I am going to do at this time. I will send this to the desk.

Mr. WARNER. Madam President, we will go off the colloquy for that purpose?

AMENDMENT NO. 2252 TO AMENDMENT NO. 2241

Mr. DURBIN. Yes. I send an amendment to the desk.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will report.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2252 to amendment No. 2241.

The amendment is as follows:

> At the end of the amendment add the following:
>
> This section shall take effect one day after the bill's enactment.

Mr. DURBIN. Madam President, I ask unanimous consent that no motions to commit be in order prior to the cloture votes on Wednesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Madam President, I yield the floor and thank the Senator from Virginia.

Mr. WARNER. I thank my colleague. We did get part way into one of the pending amendments, and that is the amendment of Senator McCONNELL. I wish we had gotten one paragraph further and that is the National Intelligence Estimate, its conclusions. As a matter of fact, I understand another updated intelligence estimate is soon going to be received by the Congress and the American public. The National Intelligence Estimate states:

> Al-Qaida would attempt to use Anbar province to plan further attacks outside of Iraq;
>
> Neighboring countries would consider actively intervening in Iraq; and
>
> Sectarian violence would significantly increase in Iraq accompanied by massive civilian casualties and displacement.

That is my concern with the Levin amendment. If we go in and announce with concrete law as to what our tactics should be, and we have this fixed timetable, with all due respect to my friend, I cannot support that.

I thank my colleague.

Mr. DURBIN. I thank the Senator from Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, we are talking about some very serious issues that impact the life and safety of our soldiers whom we have called on to serve us in Iraq. It is a matter the American people care about, and we owe them the most careful study.

To my distinguished colleague, the assistant Democratic majority leader, Senator DURBIN, I would say one thing about a change in strategy. We voted to change our strategy. We voted 80 to 14, 53 days ago, to change our strategy, to send General Petraeus and fund the surge that is going on in Iraq. That is our strategy. We just voted on this. In fact, a few weeks ago, the last part of that surge arrived in Iraq. What, are we going to change it again, this month?

Later this week, we will vote on the Levin amendment to decide whether to change, again, our strategy in Iraq. Changing strategy by Congress during a time of war, particularly making changes that are opposed by the military and our Commander in Chief, is not a small matter. Our decisions deal with war and how to achieve peace and will affect the safety and the mission of those magnificent men and women who now serve us in Iraq.

For the busy American, the casual observer, and even the world citizen, it may be this is an appropriate time to vote on this subject again. Certainly, the frustration in our country and inside all of us is high and we are deeply concerned.

I would note that I think all of us agree that quite a number of errors have taken place in our military actions in Iraq. I suggest perhaps the most serious error was our belief that we could, too readily, alter this Government in Iraq and create a new government that would be effective virtually overnight.

That is contrary to good, conservative principles. These people in Iraq have never had a heritage of a functioning government other than brutality, and it is very difficult to do. I think we are finding out it is very difficult to do. It can't be done as quickly as many of us would like to have thought when this activity was begun some years ago.

But with regard to this change in policy, I suggest the Members in the Senate know better. We know it is not appropriate to be changing our policy again. We know that any nation, especially one that aspires to be a great nation, must deal with these life-and-death matters with maturity and sound judgment. We know if we were to lift our eyes off politics and emotion, that our country, striving to do good, is facing a most difficult challenge in Iraq. Things have not gone well. Our terrorist enemies are watching our politics with great interest. Sometimes they play us like a Stradivarius. And so our allies are watching. So, indeed, is the whole world. The terrorists are quite sophisticated and strive to produce a continuous series of bloody headlines to affect American public opinion. Our judgment, our character, our principles, our very souls are being tested. But this Nation has faced tough times before.

Don't we remember the history of Washington at Valley Forge or the burning of our own Capitol by the British in 1812 or the brutal bloody Civil War or the massive deaths in World War I or the attack on Pearl Harbor or the Italian campaign, the ferocious battles for Iwo Jima, Okinawa, D-Day, the Battle of the Bulge or the Chosin Reservoir in the Korean war? These are major moments in American history, and blunders in strategy and tactics and timing occurred in almost every one of them. Many errors occurred. Failures that cost lives unnecessarily, placed our Nation at greater risk than was necessary. But that is the nature of war.

Enemies lose a great deal of sleep trying to figure out what the weaknesses are of their adversary and trying to exploit that, and frequently they are successful, to a point. But certainly it is appropriate, even in times of war, that the Congress question and challenge the Commander in Chief and our military generals. But that challenge must be, no matter how vigorous, responsible, and honest. Our domestic politics are quite partisan, true; and, frankly, I have been a little disappointed at the nature of the debate I have heard this afternoon. Republican this and Republican that and President Bush this and President Bush that—it sounds more like politics than a sincere effort to reach the proper decision about what our future course should be.

Still, no one should deny that a congressional response to a war, a war that over three-quarters of us voted to authorize, should rise above political gain. With some exceptions, this Congress I think has done so.

Truly, there is great concern in our land about the war in Iraq. It is real and justified. I readily admit my concern. I will admit I am not able to state with certainty today what our long-term course should ultimately be or how this will all play out in the end. Therefore, I do not contest the sincerity of those who will disagree with my conclusions.

I can only state my views honestly and forthrightly because that is what I have been elected to do, and that is what our soldiers who depend on us for support expect of me.

First, I strongly believe this Nation cannot flop around, changing its policy from month to month. That would be immature. It would result in bad execution of this military effort, this war. It would demoralize our soldiers who are walking the streets of Iraq this very moment because we sent them there.

Additionally, this Congress funded their military operations. We funded them. Our duly elected President, our Commander in Chief, has directed the policy with the advice of his commanders in the field. That is what it is. That is what is going on. That is what is happening.

Now we had a great debate in April and May over whether to fund the so called "surge" that President Bush and the Defense Department requested. This is the surge that has, a few weeks ago, reached its full strength. After the full debate, Congress could have said no to the President on his request for the surge and not provided those funds.

Fourteen Senators did vote no. But we said yes by an overwhelming vote of 80 to 14. On May 24, less than 2 months ago, we authorized the surge and, more importantly, we passed an emergency supplemental to fund this surge. Nothing required us in Congress to do that. We concluded it was the right thing to do, considering the serious alternatives that existed.

Because of the concerns we all had at that time, we required an interim report on July 15th, which has been received on time. We also called for a complete report from General Petraeus, in September, on the status of his efforts and our soldiers' work.

Of course, we had voted to confirm General Petraeus by a vote of 99 to 0 to command this operation. There was no mistake then concerning the seriousness of the situation we were in. As General Petraeus described the challenge:

> It is difficult but not impossible.

We were in no way misled about the difficulties we faced, nor were we unaware of the most serious ramifications of a failure in Iraq.

Thus, on May 24, this Congress, with an overwhelming majority, said: Let's go with the surge. But we said: General Petraeus, we will expect you to give us a full, complete, and honest report in September as to how it is going with the good and the bad, and set out specific benchmarks we want you to address. That he promised to, do, and off he went.

Yet even before the personnel who were to be deployed to effect this surge had even arrived in Iraq, the Democratic majority leader, Senator REID, who voted for the surge, to my dismay, declared it a failure. While the troops were still arriving, the Democratic leader, the majority leader of the Senate, declared the surge a failure.

To me it is unthinkable that this Congress would pull the plug on this operation before it has had a fair chance to work, and we have had a fair chance to evaluate its effectiveness. We voted for it 53 days ago. What must the world community think, friend and adversary alike? Does not such immaturity of action reflect poorly on us as a nation? Nothing has occurred since that time of decision in May to justify concluding that the situation in Iraq has significantly changed for the worse? In fact, there are indications that some improvements have occurred. We know that General Petraeus, last year, after two tours in Iraq, 2 years over there, came home and last year wrote the Department of Defense doctrine on how to defeat an insurgency. His expertise was much noted when we confirmed him to go take charge of the soldiers, sailors, airmen, and marines who would effectuate this effort. Nowhere in his manual did he ever suggest an insurgency could be defeated in 50 days, or 90 days, or 120 days.

Victory, we must admit—if you read his manual—takes time, diligence, determination, and smart application of politics, weaponry, and forces. His manual sets out methods for how to achieve victory against an insurgency, the methods for victory.

There is simply no basis at this point to conclude that our soldiers, sailors, airmen, and marines have failed in executing this policy. In fact, they are moving out with vigor. After seeing a reduction of sectarian violence in Baghdad by two-thirds. This is the sectarian violence, the murders that were occurring between hit squads, Shia and Sunni, as a result of the violence kicked off by the attack by al-Qaida on the Samara mosque, and their determined, effective policy to create violence between the Shia and the Sunni. That is what al-Qaida set out to do, and they succeeded last year.

We have seen that drop by two-thirds, although bombings still occur, and the bombings are suicidal, many times with large bombs that kill large numbers of civilians in shopping areas. But today some of our troops are moving out of Baghdad into the toughest areas outside Baghdad, such as the Dyala Province, and making, it appears, progress there.

As our soldiers confront enemy strongholds, some of which have never before been cleared, they demonstrate professionalism and courage that reflect the finest qualities that have ever been demonstrated by American soldiers.

Nor, let me add, has anything occurred that suggests this new strategy is flawed and will not succeed and should be abandoned 53 days since we agreed to see it forward.

So with respect, I conclude it would be irresponsible in the extreme to have this bunch of politicians sitting in air-conditioned offices in Washington reverse a strategy we approved 53 days ago. But that is exactly what the Levin-Reed amendment would do.

I have tremendous respect for Senator LEVIN. He is a superb chairman of the Armed Services Committee. But I do not agree with him on this point. I do not believe this is right.

If you were a soldier or a marine and you had just moved into a tough terrorist neighborhood in Iraq, following the directions given to you by your President and your Congress, and you saw your comrades take casualties, maybe killed in the course of executing that policy, all in the belief that somebody up there back in Washington had finally settled on a workable plan for victory, and then before your work is half done, in less than 2 months, you learn the folks up there had now changed their mind again, how would you feel? Wouldn't you think we do not take our mission of our soldiers and what they are doing seriously?

We owe our military better than that. We owe them the same courage and character they are displaying right now. On the birthday of our Army, I was at a celebration and met a young soldier. I thanked him for his service and began to explain my concern about the long deployments we were asking them to undertake. He cut in, saying, "Senator, we just want to win." Before all that is just, this Congress must not fail such men.

The Levin amendment is pernicious in more ways than I am able to discuss at this time. It must not pass. We know a full review of our policies will occur in September. We agreed on that in May. That is critically important and valuable. I support such a review. I am open minded about what we will decide to do in September.

I hope and pray we will be able to reduce the number of our soldiers and begin a mature, effective way to reduce that deployment in Iraq, but we will decide our next step then. To execute a precipitous withdrawal from Iraq now, regardless of the conditions on the battlefield, and regardless of the advice of our commanders in the field, is unthinkable. It would be a stain on this Senate for years to come.

Has anybody bothered to express an interest in what General Petraeus has to say about it? Things don't always go well. My favorite statue in Washington is one that conveys the most historical import, I think, the one of General Grant right down here in front of the Capitol. He sits astride his horse, his campaign hat pulled down, his coat wrapped around, his head tilted slightly forward, a perfect picture of determination in the face of great difficulty.

It is said 600,000 died in that war on both sides. Over 440,000 Americans died in World War II. This Nation has seen dark days before, days darker than these. So let's keep our poise and our wits about us. Let's give General Petraeus and his courageous military personnel a chance to effect the strategy we agreed on and asked him to effect.

There are other important issues I will suggest to my colleagues as we discuss the Levin amendment. I will note a few briefly.

The surge report. The language in our affirmation of the surge in May called for a report that had benchmarks for improvements in Iraq. Those benchmarks have been much commented upon, but these benchmarks for improvement did not declare that all or any of the benchmarks must be met by September or even by July 15, the time of our interim report. They were to be objective markers by which we could judge progress and lack of it, and they were surely not exhaustive of every issue and challenge we faced in Iraq.

The fact that progress has been made in only half of those benchmark areas does not mean, of course, we should now up and declare the new operation a failure and that we should now cut and run. How could anyone conclude this July 15 report that shows limited early progress in only some areas means General Petraeus has failed? All the extra soldiers arrived there only 3 weeks ago.

It is also important to note that the benchmarks seemed to focus on the performance we wish to see by the central government, and they have not been meeting their responsibilities, in my view. I had my sixth visit there this spring. I was able to share that view and that frustration of the American people with the top leaders in Iraq, including Prime Minister Maliki. We believe they need to do more in the central government.

But, for example, the benchmarks provided no credit at all for the stunning progress that has occurred in the al-Anbar region, progress that has resulted at the ground level where Sunni tribal leaders have partnered with the marines to rout whole groups of al-Qaida operatives.

Similar progress, though smaller, it appears, seems to be occurring in other areas at the local level. So the benchmarks do not consider those events and whether progress is being made, but they are important as we evaluate what our situation truly is. We must remember that while sectarian violence continues, and it has occurred in large part as a direct result of al-Qaida's strategy to foment it, safety and security in the capital city is important in furthering political reconciliation.

I wish I could agree with the idea of my able colleague Senator LEVIN when he declared that peace and security in Iraq can only come as a result of a political settlement. Thus, he would suggest if a parliament cannot settle all of the difficult political issues on the timetable we set, we must leave, because this is the only thing that will make them agree on policy, our threatening to leave, and our actual leaving, it appears, because his amendment would require an actual departure from much of Iraq.

Well, I wish it were so easy. But, in truth, our commanders believe, our State Department believes, and I believe, it is far more complicated than that. Of course, a political settlement and reconciliations are critical to any long-term stability. But will not a reduction of violence and a more secure Baghdad be an event that will make political progress more possible? That is what the generals are telling us, that when the capital city is in a constant state of violence and disorder, how can we expect the Parliament to be able to function and to provide a peaceful settlement of the disputes that need to be settled long term for a healthier Iraq?

I think we have a new strategy. We voted on it 53 days ago. We agreed to fund it. That is what the Congress does, we either put up the money or we do not put up the money. By a vote of 80 to 14 we put up the money to fund this strategy. We asked for a report in September, and now we have an amendment that has garnered quite a lot of political headlines and provided a lot of forums, a lot cf ability to come forward on the floor of the Senate to attack President Bush and Republicans, but it is not a very responsible thing.

The responsible thing is for us to do what we said 53 days ago—to demand a full, complete, and honest report by General Petraeus in September, and at that point to evaluate the situation in Iraq and establish a strategy and a policy going forward from there that serves our national interest.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to discuss an amendment I can't offer right now because of the parliamentary situation, but I would like to discuss the amendment with my colleagues so they know it is coming and what it does.

My amendment to the Department of Defense authorization bill is meant to strengthen our efforts to verify if people in the United States are here legally to do their work. It deals with the Department of Defense because when it comes to the Department itself and to contractors who do Defense Department work, we ought to make sure that everybody who is working here has been here legally. That is for two reasons: One, because that is what the law says. You should not be in the country if you don't have the permission of our Government legally to be here. No. 2, one of the things we are concerned about in enforcing of the immigration laws is to make sure that terrorists don't get into the country. We should be particularly concerned that we don't have people with terrorist connections working for our contractors or working for the Government itself.

Without a doubt, we have an illegal immigration problem. That was evident from the legitimate hoorah people raised against the bill and against the amnesty provisions of it and the 2 weeks of debate we had this spring on the issue. People are crossing our borders each day to live and work in the United States. Some of these individuals may have innocent motives but some may not. There may be some illegal or undocumented individuals living in the shadows who aim to bypass law enforcement and do our country harm. We don't live in a pre-9/11 world anymore, so we must do all we can to protect our country and our assets.

My amendment would do two things. First, it would require all Federal Government agencies and departments to use what we call the basic pilot program, also known as the Electronic Employment Verification System. This would be for all departments of Government. I will soon demonstrate that a lot of departments are already doing it. But we ought to, particularly in a bill such as this, make sure the Department of Defense is using it in every respect.

The second part of the amendment would require all Department of Defense contractors to use the basic pilot to check the eligibility of their workers. The reason this is needed and why it is appropriate in the bill before us is, the Immigration Reform and Control Act of 1986 makes it unlawful for employers to knowingly—and I emphasize “knowingly”—hire and employ aliens not eligible to work in this country. It required employers to check the identity and work eligibility documents for all new employees.

Today, if the documents provided by an employee reasonably appear on their face to be genuine, then the employer has met its document review obligation, and it has reason to believe it hired somebody who was legally in the country. So they are off the hook. They can't be fined or any other action taken against the employer. But beyond those documents, the employer cannot solicit any additional documents from the worker, or they would face allegations of employment discrimination. The easy availability, as we all know, of counterfeit documents has made a mockery of that law that we passed in 1986 which, quite frankly, I was here and I voted for. We thought it would solve all of our problems.

Well, we went from 1 million people being here illegally to 12 million people, so obviously it didn't solve anything. That is because fake documents are produced by the millions and can be obtained cheaply. Thus, our immigration policies benefit unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met the legal requirements, and then the word “knowingly” being in the law, if they have reason to believe legally, even if they are here illegally, unless the employer knows absolutely they are not here illegally, then they are off the hook. The problem is, you have a lot of these employers who know that even though the documents are fraudulent, that the person is here illegally, they hire them and never get caught. So we have tried to put this basic pilot program in place to be one step beyond where we were in 1986.

Now at the same time, our policies harm employers who don't want to hire illegal aliens but have no choice but to accept those fraudulent documents that they know have a good likelihood of being that way. In response to the illegal hiring of immigrants, Congress created this basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against the Social Security Administration and Homeland Security databases.

Since 1996, the system has been updated and improved. It is a Web-based program. Employers can go online quickly and very easily when hiring an individual. It has been voluntary since its inception.

The basic pilot program was originally authorized in 1996, reauthorized in 2001, and expanded and extended again in 2003. Originally, the authorization allowed six States to participate. In 2003, the extension allowed employers in all 50 States to voluntarily use the program. The immigration bill before the Senate I have already referred to, last year and this year, would have required all employers to use the basic pilot program over a period of time, meaning phasing it in. Both the administration and Congress were poised to pass legislation mandating participation and argued that this employment verification system using Social Security was crucial to enforcing the laws on the books and getting around this problem of fraudulent documents. Moreover, during the debate on immigration this year, it was argued that the system was a needed tool for employers to check the eligibility of their workers.

I had an opportunity to have a meeting way back in January of this year with Secretary Chertoff about requiring all agencies to use the system and extending the requirement to contractors that do business with the Federal Government. The Department of Homeland Security responded by saying that 403 Federal agencies are participating in the basic pilot program. Moreover, the Department claimed it was exploring ways to verify all executive branch new hires, and its goal was to ensure that all new hires in the executive branch are verified through the basic pilot program by the end of fiscal year 2007; in other words, 3 months from now.

Currently, all congressional offices are required to use the basic pilot program. My office uses this process of checking everybody who applies to work for me, and if we are going to hire them, check with the basic pilot program—in other words, Social Security—to make sure that everything matches up. Since more than 400 agencies are already using it, including congressional offices, requiring all agencies beyond the 400 to participate would seem to me to not be overly burdensome and something we ought to do if we want to make sure we don't hire people who are here illegally; and, No. 2, that the Federal Government would set an example for other employers; and, lastly, as the effort to control the border has something to do with stopping terrorists from coming to this country, to make sure that we don't have people like that working for the Federal Government.

With this goal in mind of Homeland Security to do this for all executive branch hires by the end of this fiscal year, it seems to me to be reasonable to make sure we move to make sure that it is done. My amendment, then, clarifies, as I see it, what is existing law—that all agencies and all departments must use the basic pilot program and verify the status of their workers. My amendment is needed to push their participation in this program.

Congress and the administration would then set an example for the rest of the country. My amendment would also require those who do business with the Department of Defense to use the basic pilot program.

This gets to the second part of the bill that deals with contractors working for the Federal Government, working for the Defense Department. There have been many examples of people here illegally working at military bases and installations in the past few years. There have been instances where Government contractors are employing people who are here illegally and allowing them to work in sensitive areas. I will share some examples.

In April 2005, 86 of 167 employees of a company called Naval Coating Incorporated were found to be hired illegally. This company was a military contractor that painted ships at naval stations San Diego. More than half of this company's workers were people here illegally. Yet our Department of Defense was doing business with this company that had more than half of its people illegally employed because they were here illegally.

Last year, hundreds of illegal workers were found working for a Texas company which makes millions of ready-to-eat meals for our troops in Iraq. Last July, U.S. Immigration and Customs Enforcement arrested more than 60 illegal immigrants at Fort Bragg in North Carolina. In January of this year, the Immigration and Customs Enforcement Agency arrested nearly 40 illegal immigrants hired by contractors working at three military bases: Fort Benning, Creech Air Force Base, and Quantico Marine Base. One of the illegal workers was reportedly a member of the dangerous MS-13 gang.

While the Immigration and Customs Enforcement Agency has done its job to find unauthorized workers at secure sites, illegal aliens should not be hired in the first place. One way to get at the problem is to require them to use this basic pilot program up front like every congressional office does, or at least is supposed to do under the law. That is why my amendment is needed, requiring that those who do business with the Federal Government should be held to the same standard as our executive department agencies, of which as I said, 400, according to Secretary Chertoff, are already doing it. So you might say that half of my amendment may not be needed because he wants them all to do it. But I think we are better off if the law says that they do it, and so I included that in the amendment.

So we need to do this like other people in Government are doing to make sure it is done because we need to have the Federal Government setting an example requiring those who do business with the Federal Government to be held, then, to the same standard as our executive department agencies. This amendment will provide the tools to all employers who work with the Department of Defense and require Government agencies to lead the Nation in verifying its workers.

I know now the parliamentary situation is such that I can't offer this amendment at this point. I want to explain to everybody as I have—and why I come to the floor now—so that before this bill is voted on final passage, I think before the end of this week, we will have a chance to deal with something that I see as very important from the standpoint of making sure that laws are abided by, making sure the Federal Government as an employer is setting a good example, and making sure that we in this country use all the tools necessary to make sure that people who work for anybody using the Social Security system as that tool are here legally and can then be employed. It overcomes, then, the problems we have with fraudulent documents and, lastly, securing our borders.

Who wants to work here should be a tool to make sure terrorists are not working for anybody who works for the Government, meaning a government contractor or for a government agency. Particularly, that ought to be of most concern to us that we do not have that type of person working for the Defense Department—because of national security—or contractors who are doing work for the Defense Department, which is central to our national security.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I have come to the floor today to reiterate my intention, along with the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Nebraska, Mr. HAGEL, to offer legislation to close the U.S. military prison at Guantanamo Bay, Cuba.

Now, again, we have decided not to offer the measure on the bill before us, the National Defense Authorization Act. But we certainly will be offering it as an amendment to the Defense appropriations bill when that bill comes to the floor. One way or another, we intend to get this legislation passed this year.

I think there is remarkable agreement on the need to find a way to close this prison. All our closest allies have urged that Guantanamo be closed, as have many leaders from across the political spectrum in the United States.

Last June, after three detainees committed suicide in a single day, President Bush acknowledged the prison has damaged America's reputation abroad. He said:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President said:

> I'd like to close Guantanamo.

More recently, Secretary of Defense Bob Gates and Secretary of State Condoleezza Rice have urged the prison be shut down.

On March 23, the Washington Post, citing "senior administration officials," reported that Secretary Gates had "repeatedly argued that the detention facility at Guantanamo Bay, Cuba, had become so tainted abroad that legal proceedings at Guantanamo would be viewed as illegitimate."

According to the Post, Secretary Gates "told President Bush and others that it should be shut down as quickly as possible."

Let's make no mistake about it; the current detainees at Guantanamo do include a number of extremely dangerous terrorists, with the determination and ability—if given the opportunity—to inflict harm upon the United States and its citizens. Among the detainees are 14 senior leaders of al-Qaida, including Khalid Shaikh Mohammed, who has confessed to being a mastermind of the September 11 attacks, as well as others. We must—and we can—hold these enemy combatants in maximum security conditions elsewhere.

But the critics of Guantanamo are right. The 5-year-old prison at Guantanamo is a stain on the honor of our country. By holding people at Guantanamo without charge, without judicial review, without appropriate legal counsel—and in the past subjecting many of them to what amounts to torture, regardless of how you want to dress it up—by doing all those things, we have forfeited the moral high ground and stand as hypocrites in the eyes of the world.

As Secretary Gates has argued, any legal proceedings or convictions now taking place on Guantanamo will be viewed as illegitimate in the eyes of the world.

Perhaps most seriously, from a pragmatic standpoint, maintaining the prison at Guantanamo is simply counterproductive. It has become a propaganda bonanza and recruitment tool for Islamic fundamentalists. It alienates our friends and allies. It detracts from our ability to regain the moral high ground and rally the world against the terrorists who threaten us.

The administration has repeatedly described detainees at Guantanamo as "the worst of the worst," or, as former Secretary of Defense, Donald Rumsfeld, once described them, the "most dangerous, best-trained, vicious killers on the face of the earth." Unquestionably, some of the detainees fit these descriptions. However, an exhaustive study of Guantanamo detainees conducted by the nonpartisan and highly regarded National Journal, last year, came to the following conclusions:

A large percentage—perhaps the majority—of the detainees were not captured on any battlefield, let alone on "the battlefield in Afghanistan," as President Bush once asserted.

Secondly, fewer than—fewer than—20 percent of the detainees have ever been al-Qaida members.

Third, many scores—and perhaps hundreds—of the detainees were not even Taliban foot soldiers, let alone al-Qaida members.

Fourth, the majority of the people at Guantanamo were not captured by U.S. forces but, rather, handed over by reward-seeking Pakistanis and Afghan warlords and by villagers of highly dubious reliability.

For example, one of the detainees in Guantanamo is a man who was conscripted by the Taliban to work as an assistant cook. The U.S. Government's "evidence" against this detainee consists, in its entirety, of the following—keep in mind, the evidence against this detainee consists, in its entirety, of the following—

> a. Detainee is associated with the Taliban.
> i. The detainee indicates that he was conscripted into the Taliban.
> b. Detainee engaged in hostilities against the U.S. or its coalition partners.
> i. The detainee admits he was a cook's assistant for Taliban forces in Narim, Afghanistan under the command of Haji Mullah Baki.
> ii.

Get this—

> ii. Detainee fled from Narim to Kabul during the Northern Alliance attack and surrendered to the Northern Alliance.

That is it. That is the evidence they have against this detainee. He was forced by the Taliban to be a cook. When he saw his opportunity to get out of there, he escaped and went to the northern forces and surrendered to them. Now he sits in Guantanamo.

What kind of justice is this?

Well, the situation at Guantanamo is rather personal with me. Not only was I stationed there for some time back when I was a Navy pilot—and I have since been back, of course, to visit—but more personal, in July of 1970, I was a rather young staff person for the Select Committee on U.S. Involvement in Southeast Asia of the House of Representatives. I was working with a congressional delegation on a factfinding mission to Vietnam in the summer of 1970, and through a series of circumstances—and because of the bravery of a young Vietnamese man who had been in the tiger cages on Con Son Island and who was let out—now, why was he let out? Because usually when you got to the tiger cages, you were never seen again.

Well, the South Vietnamese had these prisons put up on Con Son Island. Actually, they were built by the French when the French ruled Indo-China. So the French built these prisons on an island off the coast. The Vietnamese took them over and then built these so-called tiger cages, which were hidden within the prison so no one could find them.

Cao Nguyen Loi was sentenced to the tiger cages because he led a student protest at Saigon University. He was the student leader at Saigon University in 1969, early 1970. Because he led a protest against the war, the police picked him up. The South Vietnamese Army picked him up and sent him out to Con Son Island.

No one knew who he was. But the students refused to go back to class until their student leader was released. It was time to take the exams, and this was a big deal for families. They were putting pressure on the university, and finally the Government let Cao Nguyen Loi go. They told him at the time, though, that if he ever said anything, they would kill his brother because his brother was also in the tiger cages.

Well, this young man, very bravely, sought me out, along with Don Luce. Don Luce was a young man who I think at that time had been working for the World Council of Churches in Vietnam. If I am not mistaken, I think he was a native of Vermont. Yes, Don Luce was a native of the State of Vermont. He had been over there teaching the Vietnamese how to grow sweet potatoes, agricultural things.

Well, Don Luce had known this young man. I had sought out Don Luce because Luce had written a book about Vietnam called "Vietnam—The Unheard Voices." So in preparation for this trip to Vietnam, I read the book because I felt that Congressmen should hear both sides. So I read this book. I never met Don Luce before, but I was intrigued by this book, that there was a large sector—I questioned at the time—of South Vietnamese who were opposed to the war. We were led to believe quite differently, of course.

So Don Luce brought this young man to see me to tell me about the existence of the tiger cages. These tiger cages had been rumored for a long time. In fact, the year before, in 1969, a young Congressman by the name of John Conyers went over with a Congressman, I believe it was Father Drinan, Bob Drinan, and they had inquired about the existence of the tiger cages. They were told this was Communist propaganda, no such thing existed. Our military denied it. The Nixon administration denied it. The South Vietnamese Government denied it: There was no such thing. This was Communist propaganda.

Well, this young man, who came to see me, said: They are out there because I was in them. But they told me if I talked, they would kill my brother, so I have to place my trust in you because someone has to expose them. I said: Well, I don't know if I could or not because I would have to get a couple of Congressmen to go out there. It was on an island. We had to get a plane, fly out to this remote island. It would take a whole day. Then he told me: You would not find them unless you have a map. I will draw you a map. So he sat down and he drew me a map of how to find the tiger cages. He said: Because, you see, there are a lot of prison camps on Con Son Island. There are about five different prison camps and they all look the same. Unless you know what you are looking for, you will never find the tiger cages, because they are in one prison camp and you have to know how to find them. He drew me a map. He couldn't quite remember exactly, but he knew to look for these certain symbols, these certain signs, these certain things he remembered. So I took the map.

I then went to see Congressman Gus Hawkins of California and laid this out for him and said there might be a possibility that we could find out once and for all whether these tiger cages existed. He said he would go. We needed another Congressman. William Anderson, Congressman William R. Anderson from Tennessee, when he heard the story, said: I will go.

Keep in mind, Congressman William R. Anderson had until that time been a supporter of the Vietnam war. He wrote a book once, which is one of my favorite books. It was called "Nautilus 90 North." This same Congressman Anderson was the first skipper of the first nuclear submarine called the Nautilus. He was a very famous guy at the time because he was the first one who took a nuclear sub underneath the North Pole and he wrote a book about the Nautilus submarine called "Nautilus 90 North." He retired from the Navy and was elected to the House from Tennessee.

Congressman Anderson, Congressman Hawkins, and I took off with Don Luce. We went out to the islands. I am not going to give you the whole story, but armed with the map, we were able to find the tiger camps. When we found them, we were told by one Red Walton, who was the USAID director—public safety director—that we had no business being there. Oh, I might say, before we got out there, this same Red Walton had told us these prison camps were more like a Boy Scout camp. They took us to some of the prison camps and they weren't all that bad for prisons, I guess. But again, armed with a map, we found the tiger cages and the suffering that we saw there, the inhumanity we saw there, was something you never shake. I was armed with a camera. I had my camera, so I took pictures. Of course, we had two Congressmen, William Anderson and Gus Hawkins, there.

Armed with that information and coming back to the States, we published the pictures and got the story out. It became a worldwide story. The prisoners were released because of the pressure that was put upon the South Vietnamese government. They then began to tell their stories. But there was one picture I took that was in Life Magazine. It was of a young Buddhist monk who looked up through the bars of these tiger cages as we looked down on him, and he said in Vietnamese—we had Don Luce as an interpreter—he said: I am here for only one reason: Because I speak out for peace, and no matter how long I stay here, I will continue to speak out for peace.

I took a picture of that young Buddhist monk. Yet before the prisoners were all released, he was beaten to death.

While I have since gone back to Con Son Island and visited his grave, the tiger cages are now a memorial, like a museum for people to see, of all the horrors they inflicted on so many hundreds of people. People were shackled together in awful conditions—awful conditions.

This weekend I was handed a paper done by Vaughan Bagley. I visited with her. She was doing a paper on the tiger cages of Con Son. She wrote a paper about it. She did some very good research. Vaughan is a high school student, but she did a lot of great research. She went back and looked at all of the congressional hearings that were held on this, and she quoted Representative Hawkins. Representative Hawkins stated at the congressional hearings in 1970:

> Con Son is a symbol of how some American officials will cooperate in corruption and torture because they too want to see the war continued and the government they put in power protected.

Well, as she went on to point out, she said:

> Unfortunately, however, in their democratic crusade, America lost the very principles of freedom and equality that they purported to defend, and ultimately violated Article 13 of the Geneva Accords of 1949.

A former prisoner testified that the clear violation of these principles:

> No matter what medical problem the prisoner has: TB, Diphtheria, he is still thrown in with all the others who are not sick, all eat out of the same bowl, sleep together, shackled to the same rope. I know of no other place on Earth where human lives are so cheap as in Con Son.

Congressman Hawkins argued: Con Son is the type of not looking at our own faults and atrocities that endangers our American prisoners of war held by the Communists.

Vaughan Bagley did a great job on her research. What she pointed out in her paper was that in our pursuit of democratic ideals and democracy around the world, we can't condone, harbor, or support places like the tiger cages of Con Son Island, Abu Ghraib, or Guantanamo Bay, Cuba.

I tell this story because now I think my colleagues get some idea of why I feel so strongly about Guantanamo. It has for me the same smell, the same awful vision of Con Son Island. You see, in both cases these prisons were off on remote islands. Why? Well, to keep away the press, to keep people from asking questions about what was going on. Once you were taken off the island, chances are you were never seen again.

That is what has happened at Guantanamo. Guantanamo has become the United States Con Son Island. It has become like the tiger cages on Con Son Island. The more the world knows about it, the harder it is for us to argue from kind of a morally high standpoint of supporting the Geneva Conventions or the rule of law.

Well, at the time of the discovery of the tiger cages, the United States Government had been insisting that the North Vietnamese abide by the Geneva Conventions. Yet here we were condoning, funding, and supervising the torture not only of Vietnamese prisoners of war but of civilians. People such as this young guide who was caught up and held by the Taliban as a cook, who escaped, who probably didn't want to fight for anybody—a clear violation of the Geneva Conventions.

There are disturbing parallels between what transpired on Con Son Island nearly four decades ago and what has happened at Guantanamo in recent years. As I said in both cases, prisons were deliberately set up on remote islands, clearly with the intention of limiting scrutiny and restricting access. In both cases, detainees were not classified as prisoners of war, expressly to deny them the protection of the Geneva Conventions. In both cases, detainees were deprived of any right to due process, judicial review, or a fair trial. They were simply held indefinitely in isolation in legal limbo. In both cases, when the mistreatment of detainees was exposed, the United States stood accused of hypocrisy and of betraying its most sacred values and violating international law.

We need to reverse the damage Guantanamo has done to our reputation and to our ability to wage an effective fight against the terrorists who attacked us on September 11 of 2001. The essential first step must be to close the prison at Guantanamo as expeditiously as possible. The legislation that Senator FEINSTEIN, Senator HAGEL, and I have would accomplish this within 1 year of the date of enactment.

Under the provisions of our legislation, one, the President shall close the detention facility at Guantanamo Bay. All detainees shall be removed from the facility. No detainee shall be transferred to a detention facility under U.S. custody located outside the United States.

We heard all about these other little prisons around the world that, well, maybe they are held by other countries, but they are supervised by us. Our legislation says it can't be transferred there either. No later than 3 months after enactment, the President shall submit a report to Congress describing plans for closing Guantanamo and removing the detainees, and the President shall keep Congress currently informed of steps taken to implement the legislation.

That is basically our legislation. It is very clear, very straightforward. As I said, we were going to offer it on the Defense authorization bill. We have all agreed not to do so, but that we definitely will be seeing this coming up on the Defense appropriations.

In closing, on this issue, the United States has lost its way both in Iraq and at Guantanamo. We need to wage a smarter, more focused, and more effective fight against the Islamic terrorists who threaten us, and we must do so in ways that do not give credence to the American antipropaganda and do not rally more recruits to their cause. To that end, we must close the prison at Guantanamo as soon as possible. Our amendment has won the enthusiastic endorsement of Human Rights Watch, Human Rights First, Amnesty International, and the American Civil Liberties Union. We currently have 14 bipartisan cosponsors here in the Senate. I urge our colleagues to join us in cosponsoring this legislation.

LEVIN-REED AMENDMENT

Before I yield the floor, I also want to talk for a minute on the bill—the Levin-Reed amendment—because I think it offers the best prospect for accomplishing the goals of a more focused and effective campaign against the terrorists.

For 4 long years, President Bush has said that as the Iraqis step up to their responsibilities, the United States will be able to step down. Today it is painfully clear that the opposite is the case. The Iraqi military and Government will only step up to their responsibilities once it is clear that the United States is stepping down. The Levin-Reed amendment says the United States will begin troop redeployment within 120 days and remove most American combat forces from Iraq by April of next year. This acknowledges what has long been obvious to our commanders: There can be no military solution to the mess in Iraq. At the same time, by signaling our intention to redeploy by next spring, we will create powerful incentives to force compromise within the deadlocked Iraqi Government and to compel Iraq's neighbors to play a more active and constructive role in pacifying that country.

Again, I say this only of myself, but there is no guarantee this approach will work—will succeed. There is no guarantee the Iraqis will be willing or able to compromise and come together in a genuine government of national reconciliation. However, the only certainty is that our current force is a formula for more failure, more deadlock within the Iraqi Government, more death and destruction for both Iraq and America.

New developments this past week have driven home the urgency of the change of course proposed by the Levin-Reed amendment. Last week, we learned we are now spending an astronomical $10 billion a month in Iraq. Last week, the administration issued the required progress report on the benchmarks for Iraq. What did it show? It showed the Government in Baghdad has failed to meet any of the benchmarks for political and economic reform. The Iraqis have failed to make progress in passing a law governing the sharing of oil revenues.

They have failed to make progress in allowing former Baath Party members to return to their jobs. They have failed to make progress in disarming the militias. They have failed to make progress in organizing new provincial elections. Indeed, the only thing the Sunnis, Shiites, and Kurds have agreed upon in Parliament is that they will go on vacation during the month of August.

Now, there was one glimmer of good news in the report, and that was, the U.S. military has had some success since January in improving the security situation, although the overall levels of violence and mayhem are unchanged. Well, limited success should come as no surprise to anybody. We all appreciate the professionalism, courage, and capability of our Armed Forces. It would be astonishing if an additional 30,000 troops didn't see at least some small improvement in security.

There is one unfortunate thing about this. These modest gains are all being accomplished by U.S. troops, not Iraqis. Because the surge is not sustainable, even these modest gains are ephemeral.

Meanwhile, a new report by the National Counterterrorism Center concludes that al-Qaida has grown stronger than at any time since 9/11. In other words, while the U.S. military and intelligence assets have been massively sidetracked in Iraq over the last 4 years, al-Qaida has been able to regroup elsewhere, with most in Afghanistan and Pakistan. As a CIA Deputy Director of Intelligence told a House committee:

> We see more al-Qaida training, more al-Qaida money, and more al-Qaida communication.

Indeed, the U.S. invasion of Iraq has been the gift that keeps on giving to al-Qaida. There was no al-Qaida presence in Iraq before the invasion. Now a home-grown organization, loosely affiliated with al-Qaida, calling themselves "al-Qaida in Mesopotamia," has emerged. What's more, as previous intelligence reports have concluded, America's ongoing occupation of Iraq has been a powerful recruitment tool not only for al-Qaida, but for many new extremist organizations, some of them sprouting up spontaneously in western countries, including Britain and Spain.

So, Mr. President, we have reached an extraordinary juncture regarding the current failed policy in Iraq. We have reached the point, frankly, where either you side with the President and his demand that we stay the course in pursuit of what he calls victory—although the President has never really defined what that victory is—or you side with the American people and our military commanders who have concluded that there is no military solution in Iraq. You either support this endless, pointless war or you support a smaller, more focused campaign against the terrorists who truly threaten us. Those are the choices in the current Senate debate.

On our side of the aisle, we Democrats and the American people have made our choice to chart a new direction. I am confident that as more and more of our friends on the other side of the aisle make that choice in the days and weeks ahead, we will ultimately prevail.

The conflict in Iraq can only be solved through political compromise and reconciliation in Baghdad and through aggressive diplomatic engagement with Iraq's neighbors and across the Middle East. So it is time to chart a new course. The approach embodied in the Levin-Reed amendment offers us our best hope for extricating ourselves from this quagmire in Iraq and retaking the offensive against al-Qaida and other terrorist groups.

I am proud to be a cosponsor, and I urge all my colleagues to support the Levin-Reed amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say to my good friend from Iowa that while there are so many things in which we find ourselves in agreement as the months and years go by, in this area we find disagreement. I have to say this. I wasn't going to mention Guantanamo, but since that is a subject of interest to everybody—and it certainly has the interest of the Senator from Iowa—I only mention this. I have done this before on the Senate floor. I am very much concerned about this obsession we seem to have in this country politically to take care of these terrorists who are responsible for committing acts and killing Americans.

I was down at Guantanamo several times. One time was right after everything started escalating and they started arriving there. Everybody was concerned about the methods of questioning these individuals, interrogating the prisoners. I remember going down and seeing a lot of them doing everything they could to antagonize the troops that we had down there to police that situation. It was really kind of pitiful. You sit there and look at these people, and these are prisoners who probably have never eaten better in their lives, have never had better medical attention in their lives, have never really lived better than they are living in Guantanamo. Yet these are individuals who are terrorists. These are the worst, and some have killed Americans. We all seem to have this propensity to be more concerned about them than we are for the lives of Americans.

I want to give a different perspective. I have had the honor, I believe, of being in the Iraqi AOR—not always in Iraq, but the area of responsibility—more than any other Member. I have watched this on a monthly basis since we have gotten into this thing. As I look at it, I very carefully chose the word of "invasion" on Iraq as opposed to a "liberation" of Iraq.

I remember so well right after the first Iraqi war, I was honored to go over to Iraq the day that it was actually declared to be over. This was in Kuwait City. We had a thing called the "first freedom flight." Tony Cohelo was on that flight with me. Certainly, the Chair remembers him well.

We also had one of the Kuwaiti nobility and his young daughter with us at the time. We got there, and they were burning the oil fields. It was obscure. Even during the daylight hours you could not see anything. The Iraqis didn't know that the war was over—those who were down there at that time. I remember so well seeing the devastation.

This little girl, I think, was 7 years old at the time. They wanted to go back to Kuwait to go to their mansion on the Persian Gulf, a beautiful place, so she could go up in her bedroom and see her little dolls and animals. I remember going up there with her, and we found out that their residence had been used as one of Saddam Hussein's torture chambers. I remember going up to her bedroom with her and, in fact, that bedroom had been used as a torture chamber, one of Saddam Hussein's headquarters. There were body parts—ears, hands, just strewn all around the room. You thought: What kind of a monster could this Saddam Hussein be? This guy had spent 30 years of his life terrorizing his fellow citizens. We saw things like a little boy with his ear cut off. He was 9. The reason it was done was he had a little American flag in his pocket, and I guess they found that on him, and they considered that to be inappropriate.

Looking into mass graves and hearing the stories of individuals going through grinders and begging to go head first so they would not torture them quite as long, being dropped into vats of acid, begging to be dropped in feet first. These are the kinds of terrorists that we are talking about over there. This is what Iraq was like. This is what Saddam Hussein was like.

While I don't want to get into the debate about weapons of mass destruction, I never had that as the argument. It is a fact that training was taking place there; whether it was al-Qaida or not we don't know. In Salman Pak in Iraq, they were training terrorists to hijack airplanes. Whether they trained in that area the particular 9/11 perpetrators, I have no way of knowing. Nonetheless, this is something that had to be—all you had to do was look into the mass graves and hear the stories about weddings taking place and how they would raid them and rape the women and bury them alive. That was the scene, and that is what we were doing over there.

I really came to the floor to voice my objection to the Levin-Reed amendment, No. 2087. Winston Churchill once said:

> Never, never, never believe any war will be smooth and easy. . . . Always remember, however sure you are that you could easily win, that there would not be a war if the other man did not think he also had a chance.

That was just as true in World War II when Churchill made the statement as it is today. Today, we face an enemy that is determined and willing to go to any means of terror and violence to win. He cannot be negotiated with. You cannot negotiate with a terrorist. We keep hearing that we need to negotiate with them, but we cannot do that. They will not be satisfied until the whole world is brought under their dreadful ideology. We have seen this kind before in Stalin and Hitler, but never before has our enemy metastasized this way.

In a way, you could say it is more dangerous now than it was back then during Hitler and Stalin because the mentality is different. These are people who want to die and who are willing to die. This is their way of going to heaven. It is a totally different environment than under the other cultures in the different wars. There is no centralized headquarters or one leader that we can eliminate. There is no country involved. I don't think we have ever been involved in a war against an enemy who didn't have a country. When you defeat a country, you win the war. Well, there is nothing centralized that we can point to. Victory would come the way it always has: Destroy the enemy, undermine the support network, and expose the fact that they cannot win.

Any plan to leave Iraq before we have had a chance to understand the outcome of the troop surge tells the enemy, first of all, they have been successful and that their methods worked. Those individuals who were perpetrating the crimes of terrorism will come back and do them again. It gives them patience to wait us out.

Do you believe they do not watch our news or that they are not watching us right now, scouring our media for any chink in our resolve? Their survival depends on it, and they cannot win by force of arms. They can only win by attacking our resolve.

Our country represents the light of freedom and democracy. Yet I fear that we have begun a terrible introspective and downward cycle. Our resolve lasts for a few months, or maybe a year, but all it takes is enough time and then we break. Our enemy knows this. Look at our mission in Somalia. I remember it so well. So does the Presiding Officer. They were dragging the naked bodies through the streets of Mogadishu and our resolve was broken. Look at our reaction to the bombings in Lebanon at Khobar Towers. Look at Vietnam.

I am saying that we have to realize that while this introspection guarantees our freedom, it is also our greatest weakness. I recognize there have been mistakes made in Iraq. In his January 10 speech, the President also recognized this and has taken full responsibility for mistakes, which are made in every war. Yet we still find ourselves in difficult situations about the best way ahead.

These decisions affect many lives, both of our soldiers and the American people they pledged to protect.

We should debate. That is what the Senate body intends to do. It is what we have been doing. But how we fight and when we leave will determine the fight our grandchildren face. I think we all agree that it would be disastrous to leave Iraq precipitously. If we do, we know what we can expect: increased levels of violence and the spread of extremist ideology. Iraq itself would collapse into anarchy. We know this.

A personal friend of mine, DIA Director General Maples, said this:

> Continued coalition presence is the primary counter to a breakdown in central authority. Such a breakdown would have grave consequences for the people of Iraq, stability in the region, and U.S. strategic interests.

DNI John Negroponte and CIA Director General Hayden have also agreed with that statement and analysis. It is not too late to avoid this breakdown. I don't think it is time to start cutting our losses and hope all of this will somehow disappear, somehow it will go away. If we can assist Iraq to reach the point of sustainable self-governance, then we can bring defeat to our enemies and bring stability to the region. We all want this to happen.

To those who say we cannot win, I look to Bosnia. I have to say, Mr. President, I was wrong in this case. That was a situation that many said and I said was intractable, that we would be bogged down for years and suffer thousands of casualties. I really believed this situation. I went back to Bosnia. It is peaceful. This is directly because of our military involvement. So I learned a lesson in Bosnia.

When I heard President Bush ask for our support for a troop surge, I heard the same message from many soldiers whom I have talked to in Baghdad, Fallujah, Tikrit, Balad, Mosul, and other areas. They said they want to fight the enemy there and not at home. This is what the troops have told me on these 14 trips I have made over there. They said they are in a fight to win and that they will accomplish the mission. Their morale is very high, and they back this up by reenlisting in record numbers.

I watched one of the Sunday shows, and they are trying to say: Look at the dissatisfying level. You can ask a question of all the troops over there and pull out some kind of answer that can be misinterpreted. The true test is those individuals who are fighting the hardest and facing the most risk are the very ones who have the highest reenlistment rate we have seen in modern history. We are seeing reenlistments in record numbers right now, and the sacrifice our service men and women pay demand we pursue every possibility to leave stability in our wake.

The permanent Iraqi Government has only been in power since May. Many of the leaders have never had any kind of opportunity to run any kind of government before, let alone under the terrible circumstances they face. While Saddam was in power, they were in jail or were in exile. They were on the outside. Now they have to build coalitions and a democracy that took us many years to achieve in this country. I think sometimes we forget that fact.

Last week, Hassan al-Suneid, a Shiite legislator and adviser to Prime Minister al-Maliki, was quoted in the Washington Post. This is what he said, an adviser to al-Maliki:

> If the Americans withdraw, the militias and the armed groups will attack each other, and that means a sure civil war. What concerns me really is that U.S. troops might submit to the Democrats' decision and withdraw without thinking about Iraq's situation and what will happen to the Iraqi people.

We owe it to the sacrifice of the brave servicemember, we owe it to the Iraqi people, and we owe it to our children and grandchildren. Give our soldiers everything they need to win, and if Iraq doesn't step up, then it will be time to go but not until then.

We haven't given enough time to see if the surge is working. July 15 was supposed to be an interim White House update. We know the 16 benchmarks. It is my understanding eight are proceeding as planned, eight are not, and two are mixed signals. We know the surge has enabled a number of things to happen, such as a new engagement strategy, which I will talk about in a minute. It is called the joint security stations. We have gotten a huge increase in tips. Tips are pieces of information that come from the Iraqi people that tell us where IEDs are, that tell us where individuals are, where terrorists are. These are the qualified tips. They are accelerating on a daily basis. It has enabled us to stage offensives throughout Iraq without significantly diluting our troops in Baghdad. It has enabled the commanders to chase down al-Qaida and keep them from regrouping and attacking areas that have been historical sanctuaries of al-Qaida.

September 15 is when General Petraeus will give us a report. Let's not forget, that is what the law says. We passed a law. We passed a law either in March or May. The law says September 15 is the date he will come forth, this great general, General Petraeus, who is over there right now. It will give him time to say what our situation is and what we should do if a change is necessary. We owe it to him at this time.

A total surge, of course, has just been in place for 2 weeks. We have some good indicators that the time to make that kind of change is September. We cannot change the terms of the deal now. That was the deal, and that is written into law.

My colleague Senator DEMINT stated it well:

> If we're going to govern effectively, we can't change our minds every week.

Let's not give a knee-jerk reaction to the headlines of IEDs and sectarian killings. This is exactly what the enemy is aiming its propaganda toward. I recognize this is not the fight we thought we were going to be getting into, but it is the fight that is before us now.

I admire Prime Minister Maliki's assessment. I quote him again:

> A fundamental struggle is being fought on Iraqi soil between those who believe that Iraqis, after a long nightmare, can retrieve their dignity and freedom, and others who think that oppression is the order of things and that Iraqis are doomed to a political culture of terror, prisons and mass graves.

I want to share one last point. Before I do, I want to put up a chart. If my colleagues will remember, we had the Webb amendment which would have dictated terms of how we do our troops deployments. At that time, I used this chart. We have to keep in mind that one of the problems we had in orchestrating a surge and trying to address this now is that we went through a pretty tough climb back in the 1990s.

As this chart shows, if we look at the black line, this is the 1993 baseline increase by inflation. In other words, if we did just what we took in 1993 and only increased it by inflation, this is where we would be in the year 2000. The Clinton administration is represented by this red line. If we take the difference between the status quo and what his recommendation was in his budget, it is $412 billion total. We, in our wisdom, saw we were able to raise it to this green line in the middle. But it still is $313 billion less.

I suggest that a lot of that represents our troop levels because the most expensive thing we have in defense is the troop levels. We are in the situation now where we have to see if this is going to work, if it changes, the surge, General Petraeus and all his efforts are taking place.

I mentioned the President's speech of January 10. I did it for a reason because I went back and reread that speech. If you read it, it talks about the victory being in a bottoms-up situation. In other words, instead of the top down, from the top political leaders down, it is going to be from the roots, from the people in these various communities. That is exactly what I witnessed.

Mr. President, I will share with you what I witnessed the last time I was there. Keep in mind that just a few weeks ago, long before the full surge effect was taking place, I spent a lot of time in Anbar Province in Ramadi, Fallujah, as well as in Baghdad. I saw some changes. I think a lot of it was due to the fact that we have had a lot of the cut-and-run or surrender resolutions and the Iraqi people are very much concerned that is what we are going to do, and that all of a sudden got their attention.

What I will share with you, Mr. President, I know we spend a lot of time and it is important we talk about the political leaders. Al-Maliki, we do talk about him. He is the Prime Minister. We talk about Prime Minister Jasim and Dr. Rubaie. What I noticed last time is a bottoms-up dramatic improvement, not coming from the political leaders but the religious leaders. This is what I witnessed.

My colleagues might remember, we stood on the Senate floor a year ago and said the terrorists are saying Ramadi will become the terrorist capital of the world. Now Ramadi is secure. If you go next door to Fallujah—and we remember the World War II type of door-to-door activities that were taking place there. The marines did a miraculous job, but Fallujah at the time I got over there on this last trip was secure. The important thing is it was secured by the Iraqi security forces. They were the ones providing security at that time.

I mentioned a minute ago the joint security stations. This is a bottoms-up type of thing. I noticed in Baghdad, where, instead of our troops going out into the field and coming back to the Green Zone at night, they stayed out there. They bed down in the homes with the Iraqi forces. I talked with people who experienced this, theirs and ours. I didn't see that in any of the previous trips over there.

If I can single out one thing that is causing the bottoms-up improvement we have seen so far as a result of this surge announcement that was made just a few months ago, it would be the attitude of the clerics and the imams in the mosques. We monitor these, by the way. Our intelligence is at all these mosque meetings where they meet once a week. As most of us do on Sunday in our churches, mosques meet at different times. Nonetheless, they have weekly services. In weekly services prior to January of this year, 85 percent of the messages that were given in the mosques by the clerics were anti-American messages. They started reducing, and by April we went through the entire month without one mosque giving an anti-American message. That is why we are getting the support of the people, the bottoms-up we are talking about and the President was talking about back on January 10. We are seeing these individuals doing the same thing.

I don't think there is a person watching us or present in this Chamber today who isn't from a State that has such programs as the Neighborhood Watch Programs. That is what they have over there right now, and they are watching and they are going around with spray cans and spraying circles around undetonated IEDs so that our troops don't get into them. This is the type of cooperation we have not seen before.

This is what the President asked for on January 10. I think anything prior to our legal timeline of September 15 and getting an ultimate report from General Petraeus would be a great disservice to our fighters over there as well as to Iraqis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the senior Senator from Rhode Island for allowing me to go ahead of him to deliver some remarks on the general Department of Defense authorization bill. Senator REED has not only been a strong supporter of our military, but he has an understanding that is unique for somebody who is a West Point graduate. As we move forward with this debate on Iraq, his understanding of Iraq is second to none, given the fact that he has been with this issue from the beginning. He has made 10 trips into Iraq to understand the situation on the ground. We very much look forward to his continuing leadership and contribution to the debate.

Today, I rise because I want to praise the work of Chairman LEVIN, Senator WARNER, Senator MCCAIN, Senator REED, Senator NELSON, and the members of the Armed Services Committee for developing a very good, excellent product for us to consider in the Department of Defense authorization bill.

As the Senate debates this week on the keystone issue of our time with respect to U.S. involvement in Iraq, we must not lose sight of the importance of maintaining a strong national defense. That strong national defense is what is at the heart of the 2008 Department of Defense Authorization Act.

The bill is a strong statement of support for our men and women in uniform. It gives our military the tools it needs to confront an increasingly complex and dynamic set of threats that we face around the world. It is a bill that will help assure our military remains the best equipped, the best trained, and the best led fighting force in the world. Today, our men and women in uniform are serving honorably around the world. In the mountains of Afghanistan, they are tracking and killing al-Qaida and resurgent Taliban operatives who are resisting the move toward democracy. In Iraq, they are confronting the monumental task of stabilizing and rebuilding a country that is caught in the middle of sectarian violence and a spiraling, what many of us have concluded is an intractable civil war. In the horn of Africa, in the Balkans, and elsewhere, they are looking to bring peace, hope, and security to those war-torn areas of the world.

I am immensely proud of the work of our troops both abroad and at home, for our National Guard, Reserve, and Active-Duty troops protect our homeland and help us respond to the threats of hurricanes, fires, and floods. I know all my colleagues share the appreciation I have for the work of our military, and I know this shared appreciation gives us much common ground from which to work. We all agree that our military must remain the strongest and best equipped in the world, that our Nation's defense is the Federal Government's top priority, and that our military families and our veterans deserve the best our Nation can provide. Because we agree on these principles, this bill rests on a solid, bipartisan foundation, and it is a bill we must pass in Congress and let it be signed by the President. Unfortunately, in the press you won't hear much about many of the provisions that are in this bill, and we won't hear much about where we do see eye to eye and what we have a consensus on with respect to the DOD bill. You probably won't hear much about how we agree we need to expand our military, that our troops need to have more MRAPs, Strykers, and other equipment in the field immediately; that more resources are needed to protect our troops from IEDs; that our assets in space are too vulnerable to disruption or attack; that we need to continue to bolster our military warning and defense system, and so on. We won't hear much of that in the debate here in the week ahead.

But the fact is this bill comes to us at a critical time in our Nation and it is one of the largest steps this body has ever taken toward strengthening our defense, refurbishing our military—which is under so much strain in these times—and making good on our promises to care for our military families and our veterans.

I want to briefly illustrate the impact this bill will have by briefly describing how it will help our troops and their families in my State of Colorado. We in Colorado are proud to be the home of some of the crown jewels of our Nation's defense and homeland security. Fort Carson, Peterson Air Force Base, Buckley Air Force Base, Schriever Air Force Base, Cheyenne Mountain Air Station, and the Air Force Academy are all in my home State of Colorado, as are the headquarters for Air Force Space Command and Northern Command.

I have spent a lot of time at those bases meeting with our military leaders, and the commanders there are clear about their needs and their priorities. I am pleased to report to them that the Armed Services Committee, in the bill now being considered by this Chamber, has transferred many of their priorities into the bill and will make them a reality if we can get this bill signed by the President of the United States. Those priorities include: military construction, equipment, weapon systems, and health care—those things that are important to make our military strong.

The military construction authorization in this bill will help us keep on track with BRAC realignments and needed infrastructure improvements. At Fort Carson in Colorado we are in the midst of a very significant BRAC-directed expansion that will almost double the size of the Mountain Post. Two additional brigades are coming to Colorado Springs, and we are doing all we can as a community to welcome these soldiers and their families to Colorado.

The bill includes $470 million in authorization for military construction at Fort Carson, some of which will go to the construction of a new headquarters for the 4th Infantry Division and a new brigade complex for the 1st Brigade, and new barracks for our soldiers.

For the Colorado National Guard at Buckley Air Force Base in Denver, CO, we have added an authorization for $7.3 million for a squadron operations facility to replace an outdated structure that houses the F-16s of the 140th Air Wing of the Colorado National Guard.

On the equipment side, this bill responds to the rapidly growing needs of the services to refurbish, replace, and modernize equipment that is being worn out in Iraq and Afghanistan. Recognizing that the President's request for equipment for our troops was not sufficient, this bill expands the authority for war-related procurement by over $12 billion. I am particularly encouraged with the bill's inclusion of $4.1 billion to fulfill the military services' unfunded requirements for MRAP vehicles, whose V-shaped hulls are proving invaluable in reducing casualties from IEDs. This builds on an effort Senator BIDEN led in March to include $1.5 billion in the emergency supplemental. Fort Carson soldiers told me how invaluable these MRAPs are, and this funding will see to it that we get more of those vehicles into the field as quickly as possible.

Mr. President, I see the majority leader on the floor, and I would be happy to yield to him, if he so chooses.

Mr. WARNER. Mr. President, if the distinguished leader will yield for a minute, I want to thank our colleague. I listened to his presentation and thank him for his reflections about the committee's work under the leadership of Senator LEVIN and Senator MCCAIN on the underlying bill. Eventually, I presume, we will focus more attention on that, but it is important to the Senator's State.

The State of Colorado is one of the rocks in our overall defense system of this country, and I wish more people knew how important Colorado's citizens are in giving their support to our men and women of the Armed Forces who proudly serve us from that State. I thank the Senator for his contribution.

Mr. SALAZAR. I thank my friend from Virginia.

Mr. REID. Mr. President, before my friend from Virginia leaves, I note that 40 percent of the State of Nevada is restricted military airspace—40 percent of it. It is all controlled by the military.

Mr. WARNER. Amazing.

Mr. REID. We have Nellis Air Force Base which, as you know, is such a great facility for training our fighter pilots. That is for the Air Force. In the northern part of the State, as you know, we have the Naval Air Training Center, which is for the Navy. If you want to be a Navy pilot, you have to go to Fallon to get your Ph.D. The same as if you are an Air Force pilot, you have to go to Nellis to get your training. It takes so much of Nevada's land to fly over to become the Ph.Ds in fighter training.

Mr. WARNER. The citizens of your State have given 100 percent support to these military people all these years. They may miss a little bit of that airspace, but they are proud to have them there.

Mr. REID. I wanted to brag about Nevada a little bit.

You know, the interesting thing, I say to my friend from Virginia, Nellis Air Force Base—when it was started during the Second World War, it was known as the Las Vegas Gunnery School, and then it became Nellis Air Force Base—named after someone from Searchlight, NV, by the way, Bill Nellis—was on the outskirts of Las Vegas. Now it is in the middle of Las Vegas. But the people of Las Vegas support that base. They protect that base. Nobody criticizes an airplane being a little too loud. We love Nellis Air Force Base.

Mr. WARNER. Mr. President, Nellis Air Force Base is well cared for in the current authorization bill before this body.

Mr. REID. Mr. President, I ask unanimous consent that the Durbin amendment No. 2252 be withdrawn; that the McConnell amendment No. 2241 be agreed to; and that the Cornyn amendment No. 2100 be agreed to; and that the motions to reconsider be laid on the table.

Before there is acceptance or rejection, let me say this, Mr. President. We have read the Cornyn amendment. We believe it should have a 50-vote margin, like all other amendments, but we are even willing to go a step further with this amendment. We will just accept it, and that is what the consent is all about. We accept the Cornyn amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, we, under our leadership of Senator MCCONNELL, have a request for a rollcall vote on the Cornyn language. We would object to a unanimous consent request to agree to the amendment because there is a desire, a strong desire, to have a recorded vote on this important issue; that every Senator express his or her desire on this amendment.

Having said that, we also want to check with the sponsor of the amendment to see if he wanted to make further comments prior to a vote. Again, we are confident we would be prepared to set that vote for a reasonable time tomorrow after we consult with the proponent.

Therefore, I object to the request, and I propose we revisit this in the morning to see if we can find a time certain for a vote on the Cornyn language.

Mr. REID. Mr. President, we would be happy to revisit this in the morning. We agreed to a reasonable time agreement on this and to have an up-or-down vote. We are in favor of that, a recorded vote. We will take a recorded vote or we will take a voice vote—whatever the sponsor of the legislation and the Republican leadership wants.

I say, however, that there is an effort to delay this matter. It appears very clear that the purpose of the Republican minority is to obstruct what we are trying to do, and that is complete work on this Defense authorization bill, including an up-or-down vote on Levin-Reed. But I appreciate the opportunity to revisit this in the morning, and I look forward to that.

The PRESIDING OFFICER. Objection has been heard.

Mr. WARNER. Mr. President, I thank the distinguished leader for his understanding and the representation that we can resolve this issue tomorrow, and I know our leader is anxious to hopefully get through the various procedural matters relating to the underlying authorization bill so that can move forward.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I have about 5 more minutes to complete my presentation, and then I know Senator JACK REED has probably about 20 minutes as well to speak on the issue.

Mr. REID. Mr. President, may I be heard briefly. I so apologize to my friend from Colorado for interrupting his speech. He was gracious. I didn't hear him yielding the floor to recognize me. I thought he was finished. I apologize. This is very typical of the Senator from Colorado to think of others before he thinks of himself. I apologize for not recognizing his courtesy.

Mr. SALAZAR. Mr. President, I thank the majority leader for his statement. Frankly, it was not great interruption. He had major procedural business to bring before the floor of the Senate and I very much understand.

The budget authority for the Air Force is equally robust, putting additional money behind some of our key space and missile defense programs. Many of our communications, intelligence, and missile detection satellites—a large number of which are flown by the 50th Space Wing out of Buckley—are reaching the end of their lifespan. Every day, though, they grow more and more central to troops on the ground.

The bill provides important investments in our space assets, including $126.7 million for the Space-Based Infrared Satellite System to replace outdated missile detection satellites, and another $300 million to improve our space situational awareness, to help address concerns raised as a result of the Chinese antisatellite test earlier this year. Ask the space professionals, as I have at Schriever, Buckley, or Peterson Air Force Base, and they will tell you how much these investments are needed.

Beyond the funding for equipment and facilities in the bill, however, there are several key quality-of-life provisions in this legislation that the Armed Services Committee has brought before us. Supporting our troops, after all, means we support them in the field and we support them at home. We should help them be successful not just as soldiers but as mothers, fathers, sons, daughters, husbands, and wives. Part of our support includes passing the Dignified Treatment for Wounded Warriors Act, which we passed last week. The bill requires the Secretaries of Defense and Veterans Affairs to create a comprehensive policy for servicemembers who are transitioning from the DOD health system to the VA system. As evidenced by Walter Reed, the current system is not up to the standards that any of us would want for our men and women who have served our country so proudly.

I am also pleased that the underlying bill includes a 3½ percent pay raise for our military personnel, it rejects the administration's proposal to raise TRICARE fees, and requires the DOD to develop a plan to address the findings of an internal assessment of the well-being of soldiers and marines in Iraq. These steps are all important for the quality of life and health of the servicemembers of our Armed Forces.

Mr. President, I again thank Chairman LEVIN, Ranking Member MCCAIN, Senator REID, Senator NELSON, and others who have been involved in taking such a large step forward for our Nation's defenses, and which provides so much common ground from which we can work. It is a solid bill. It is a solid bill which I hope will be further strengthened by the time it passes this Chamber.

I want to very briefly speak about four amendments that I have filed. First, I have filed an amendment with Senator ALEXANDER to implement the recommendations of the Iraq Study Group, and I look forward to the debate on that amendment in more detail later this week. We need to find common ground on how we move forward with the United States policy in Iraq.

Second, Senator MCCONNELL, Senator ALLARD, Senator BUNNING, and I have filed an amendment, amendment No. 2061, to set 2017 as a hard deadline for chemical weapons destruction and to increase funding for the weapons destruction programs at Pueblo, CO, and in Bluegrass, KY. Our amendment adds $44 million for MilCon, military construction, funding at these sites.

Third, amendment No. 2110; that will help the Department of Defense protect military installations against encroaching development. My amendment builds on recently released DOD and RAND Corporation reports and pushes the Department to allocate additional resources, provide additional staff, and more aggressively implement the authorities Congress provided to confront the encroachment challenges at many of our bases. Fort Carson, in my State of Colorado, is a prime example of how an effective DOD encroachment program can make sure the military training at the facility is not compromised by development. At other places and other bases in my State—Buckley Air Force Base, Schriever, and Peterson—the Air Force and we in the Congress have a lot more to do to make sure we don't compromise the military training mission of those facilities.

Finally, Senator SESSIONS and I have filed an amendment to provide better support for the Paralympic programs that serve our servicemembers and veterans. My amendment will allow the Office of Special Events at the Department of Defense to provide transportation, logistical support or funding for the Paralympic Military Program and for certain national and international Paralympic competitions. The Paralympic program is invaluable to wounded warriors who are recovering from injuries, and DOD should be allowed to assist with the program when it benefits our servicemembers and veterans.

Again, I thank the leadership of the Armed Services Committee and all its members for bringing forward a bill that is truly a very solid, excellent bill.

I thank my colleague, Senator REED, for his indulgence in letting me precede him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I ask the distinguished assistant Democratic leader, I believe that business for today is concluded with respect to consents from the other side. Am I not correct on that? We will have the benefit of the remarks of the distinguished Senator REED, and then he will wrap up, including two resolutions which we have on this side; am I correct in that?

Mr. DURBIN. I would say to the Senator from Virginia, I am not aware of any other business to come before the Senate.

Mr. WARNER. Is that the understanding?

Mr. REED. That is my understanding. I have no knowledge of any.

Mr. WARNER. I am told by the floor staff there will be no request for consents tonight.

Mr. DURBIN. That is correct.

Mr. WARNER. I appreciate the assurances of the assistant leader.

Mr. REED. Mr. President, today we are facing a critical juncture regarding our operations in Iraq. We can continue with a policy that is straining our military, putting excruciating strain on our military and their families, which is diminishing our standing in the international community and which is rapidly losing the support of the American public—in sum, a policy that cannot be sustained—or we can change, we can make a transition of this mission to focus on objectives that are feasible, to begin a reduction in our forces which will relieve the stress on our military and their families, to initiate complementary and comprehensive diplomatic, political, and economic efforts to engage Iraq's neighbors and the rest of the world in bringing a degree of stability to that country.

I believe it is time for such a change. That is why I have joined many of my colleagues, particularly Senator LEVIN, to propose an amendment to do that. This amendment would first call for a beginning of a reduction of American military forces 120 days after the passage of the legislation. It would give the President the flexibility to pick the precise moment and the precise number of forces and to develop a timetable for their departure. Then it would call for the transition to specific missions by next spring, and those missions would include counterterrorism operations, since we can never give up in our attempts to preemptively attack and destroy terrorist cells—not just in Iraq but in, unfortunately, many other parts of the world.

Second, it would allow the American forces to continue to train Iraqi security forces.

Third, it would clearly state we will protect our forces wherever they are, particularly in Iraq.

It also talks about a very comprehensive diplomatic effort. One of the dramatic failings of this administration has been a one-dimensional policy—military force alone, in most cases unilateral military force. That one-dimensional policy defies strategy, it defies the operational techniques of counterinsurgency, and effectively, I think, has led us, in large part, to Iraq today where we are in a very difficult situation.

As all of our commanders have said persistently over the course of this entire conflict: Military operations alone will not lead to success. They will buy time, they might provide some political space, but they will not lead to success. They are merely a complement and a prelude to the economic, to the political, to the nonmilitary forces that are essential to prevail in a counterinsurgency, stabilize a country, and to ultimately prevail in the type of operation we are witnessing in Iraq.

I believe the President had an opportunity last January to chart a new course. The American people spoke very clearly in the November elections. They wanted change. The Iraqi Study Group, a combination of some of the most gifted minds on both sides of the aisle with respect to foreign policy, gave a framework that talked about and hoped for a redeployment of American forces and significant engagement in diplomatic activities. All of this was at the hands of the President. He essentially said, no, we are going to do a lot more of the same—or a little more of the same. I think at that point, frankly, the American people understood the President wasn't listening or, if he was, it was not getting through.

As a result, I think they began to become very much disenchanted with the course of action of this administration. I don't have to tell anyone in this Chamber or across the globe that this is a decisive turning point in their demands that we act, that this Senate and the House of Representatives take significant action. We are trying to respond to that legitimate concern of the American people by the Levin-Reed amendment that we have proposed.

The President said the goals for the surge were to support Iraqi efforts to quell sectarian violence, ensure territorial integrity and counter Iranian and Syrian activity, encourage strong democratic institutions, and foster the conditions for Iraqi national reconciliation.

The heart of it, as he suggested and others have, was to give the Iraqi leaders the ability to make tough political decisions which were essential to their future and to our continued engagement in Iraq.

Principally among them was to jump start the reconciliation process, bring the Sunni community into government and the civic life of Iraq, to pass legislation to fairly distribute the proceeds of oil revenue, the major source of revenue in that country, and to take other steps—including provincial elections. None of that has been effectively accomplished.

So if the premise of the surge was to create tactical momentum for political progress, some tactical momentum may be there but very little, if any, political progress. That, I believe, is the reality.

These goals, this effort was difficult for an extra 30,000 troops to accomplish. But it was made much more difficult because of a series of fundamental operational mistakes and strategic flaws that this administration has been engaged in since the beginning of their operations in Iraq. We know that soon after we arrived in Baghdad, after a very successful conventional attack, there were insufficient forces to occupy the country and chaos broke out. The Coalition Provisional Authority, the CPA, embarked on a debaathification program that denied employment and livelihood and, in a sense, hope to thousands of individuals—teachers, bureaucrats—who had been part of the prior regime, mostly because it was the only way they could hold their jobs, and left, particularly the Sunni community, in a situation where they questioned whether there was a place for them in the new, emerging government.

The CPA disestablished the Army; 500,000 individuals with training suddenly found themselves without a future and very quickly many of them found themselves in the insurgency, for many reasons. The Government, the administration, failed to garner support from regional powers to help.

Then the administration embarked on a series of elections. These elections demonstrated the procedure of democracy. But what they failed to grasp, the administration particularly, is that elections alone are insufficient unless there is a governmental capacity to translate those elections into an effective government that serves the needs of its citizens. So we have demonstrations of thousands of Iraqis, hundreds of thousands, millions going to the polls. But what happened is they didn't elect a functioning government. They became even more frustrated when they recognized that the Government in Baghdad today doesn't work for them.

All of this was summed up, I think very accurately, by former Secretary of Defense William Perry, on January 25, before the Armed Services Committee, where he stated:

> We may never know whether our goal of achieving a democratic stable government in Iraq was in fact feasible, since the administration's attempts to do so were so burdened with strategic errors.

So we start now in a real strategic deficit. Unfortunately, I think the President continues in that vein. The President announced the surge in January: 30,000, roughly, additional forces. It took them many months finally to get in place. The administration claims that since June 15 they have been in place. This was not a surge in the classic military sense of overwhelming force applied rapidly. It was a slow, gradual escalation of a limited force because our force structure limits what we could do. From the very beginning, the ability of this force, deployed in a slow manner, to decisively influence the action on the ground was highly questionable.

I had the opportunity a few days ago to go to Iraq. Many of my colleagues have gone. I was able to travel not only into Baghdad but to get into the countryside to visit forward-operating bases, patrol bases, company-sized bases that are the new disposition of our forces.

First, let me say, as always, I was impressed with the extraordinary professionalism and commitment of the soldiers and marines, the sailors and the airmen who serve us so well. They are doing a superb job. But my conclusion, after spending these 2 brief days in the field, was their tactical momentum, changing the nature of the battlefield, has not, as I said, translated into the political progress needed to truly bring security and stability to Iraq.

And then something else too, the nonrebuttable fact that I see constantly; that is, this surge will come to an end later next spring, not because we have succeeded, not because we have achieved our objectives, but simply because we cannot continue to deploy 160,000 troops in that country. That is a function of our limited forces. Unless the President is prepared to adopt Draconian personnel policies, not 14- to 15-month tours but 18- to 20-month tours; unless he wants to continue to rely upon significant stop-loss, where individuals who are able to leave the service are prevented from doing so; unless he is prepared to do those things, then by next spring the surge ends.

So I think it is appropriate, if we are seeing a situation where just months from now we are going to lower our forces, that we should start thinking right now of how we do it in a way which will enhance the security of the United States, which will represent to the American people a new direction which they are clamoring for, and which can be sustained, not only in terms of material and personnel but in terms of the support of the American people.

In my opportunity to visit Iraq, I had a chance to sit down with General Petraeus and Ambassador Crocker. They have suggested that they consciously recognize the limitations of our overall infrastructure. They also indicated that they were ready, probably sooner than September, to make a declaration of their advice to the President. I do not think we should wait, either. I think this debate is timely, the legislation is timely, and we should move forward.

Now, we received additional information just a few days ago in the nature of the interim report with respect to the status of the benchmarks. There is an appearance that the military situation in terms of the reliability of Iraqi Army units is encouraging to a degree. But there is still a great deal of work to do with the police force, which is a major component of any type of stable society.

In addition, I think if you drill down below the superficial, there is still the nagging question of the reliability, the political reliability, the professional reliability, of these forces, particularly their leadership. That is something which I think is still in great doubt.

But if you look at most of the political area, there is a string of unsatisfactory grades. The President's report found unsatisfactory progress of enacting and implementing legislation on debaathification reform. Essentially, what we are seeing is a huge conflict between the Sunni and Shia communities, and this conflict is not being abated by the wise action of the Government, a Shia government, to allow Sunnis fuller participation in the civic life and the political life of Iraq.

We are seeing unsatisfactory progress on enacting and implementing major legislation to ensure equitable hydrocarbon resources, distribution of oil and petroleum proceeds. We are seeing unsatisfactory progress on establishing a provincial election law, establishing provincial council authority, and setting a date for provincial elections.

One of the problems that has been nagging in the election process for the last several years in Iraq is that the Sunni community did not participate in significant elections, and therefore they are not adequately represented in certain areas. So, as a result, they haven't got this sense of participation of ownership that is so necessary. Until we have provincial elections, this will continue and further provide excuses, if not real reasons, for Sunnis not to participate fully and not to cooperate fully with the Government and with our forces in the field.

The report also talked about unsatisfactory progress toward providing Iraqi commanders with all authorities to make tactical and operational decisions in consultation with U.S. commanders without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shia militias. Here is that very-difficult-to-measure factor about the subjective quality of these commanders and leaders—whether they can operate without political interference or whether they are wittingly or unwittingly extensions of the political party.

Just today, if you saw the New York Times, there was an interesting article about how our American forces in Anbar Province were making progress with Sunni tribes, previously our enemies, our opponents, who now were rallying, not necessarily because they agree with us but because they recognize how ruthless and how much al-Qaida is targeting them in going after them. Now, that is progress we should recognize.

But what is disconcerting is the report that the regular Iraqi brigade in that region, primarily Shia, is actually trying to interfere, even in some cases suggest an attack on those Sunnis tribespeople because they see this as a force that will threaten them as they go forward—another example of this Sunni-Shia divide, which is a very difficult political chasm to try to bridge in a short period of time, and that is what we face today in many parts of Iraq.

We also saw unsatisfactory progress in ensuring the Iraqi security forces are providing evenhanded enforcement of the law and unsatisfactory progress as far as limiting militia control of local security. It is a very difficult situation in many respects.

Now, military operations—our military operations are critically important, but here is another reality that I think escapes so many people. Ultimately, only the Iraqis can provide a solution to these political problems, to these sectarian divides. We can suggest what they should do, but unless they do it, these divides will continue to paralyze this country and continue to undermine our efforts to help them stabilize their own country.

I don't think, given the fundamental nature of those issues, that the next 6 weeks until September 15 will make a profound difference. It has been suggested by many commentators that the ability of the Iraqi Government to function—even participate over the next several weeks is limited. So for those people, my colleagues, who call: Wait for September 15, I don't believe or hope that they are suggesting that those profound political problems will be somehow miraculously cured in the next 6 weeks.

As I said before, the inescapable fact, to me, is that by next April, we won't be able to generate 160,000, that somehow our military, sooner rather than later, will have to declare that there is a new strategy that rests not on the surge but on a much smaller force or at least a smaller force, and that force has to deal with these problems or has to deal in a way which the American people will support their continued presence in Iraq. That signal is today for a change in policy, not in September, not next spring, but today.

Now, I alluded to the lack of public support. Some would suggest, well, that is not important. You know, tough leaders have been in situations where the public did not support them. Well, the reality that I learned a long time ago, serving in the military, going to West Point, is that public support is a critical and necessary element of any national security strategy; you can only go so far and so long without it.

We are reaching a point where the American public is clearly declaring that they are deeply concerned about what is going on, deeply distrustful of the President's policy, and my fear, frankly, is unless we take prudent action today, unless the President takes prudent action, that their tolerance for any significant engagement might erode completely by next spring, leaving us with fewer options then than we have today.

A July 6 through 8 Gallup poll found 62 percent of Americans felt the United States made a mistake in sending troops to Iraq. A July 11, 2007, Newsweek poll found that 68 percent of Americans disapproved of the way President Bush was handling the situation in Iraq. This is significant because I suggest it undercuts the necessary ingredient of public support for any major military strategic policy. As the President continues to be intransigent and as many of our colleagues give him the luxury of that intransigence, I fear that the American public becomes increasingly disheartened, increasingly desperate, and increasingly unwilling to listen to policies that will provide for a phased and orderly transition of our mission in Iraq.

We also understand the huge cost of this war. We have appropriated $450 billion. As many of my colleagues point out, the Congressional Budget Office estimates that we are spending about $10 billion a month. That, too, is very difficult to sustain because most of this is being financed, if not all of it, through deficit spending, which means we are passing on to the next generation of Americans a huge bill.

But, also, these are real opportunity costs. How are we going to reestablish, in a very narrow vein, our military, in terms of the personnel, their equipment, when the effort is essentially completed one way or the other? How are we going to provide for the next generation of military equipment, the next generation of military tactics and techniques and support personnel if our budget is in such disarray as it is now? I am not even beginning to comment on the huge costs that are unmet in this society in terms of health care, in terms of education, in terms of those forces and those ingredients of national power, broad national power that are so essential.

As I said earlier, these operations are posing an excruciating stress and strain on military forces. The high operational tempo is really taking its toll on the troops and on their families. Since 2002, 1.4 million troops have served in Iraq or Afghanistan. Nearly every nondeployed combat brigade in the Active-Duty Army has reported that they are not ready to complete their assigned war mission. These are the troops who have come back from Iraq, from Afghanistan. They are not ready to perform their mission.

We all can remember—I can, at least—Governor Bush talking up before a large crowd in his election campaign and criticizing the Clinton administration because two divisions, as he said, were not—if they were asked to report, they would say: Not ready for duty, sir, to the President. That pales in comparison to the lack of readiness we see today in our military forces. Nearly 9 out of every 10 Army National Guard forces that are not in Iraq or Afghanistan have less than half of the equipment needed to do their job. Their job now is to provide support for Governors in disasters, in problems that are related to their home States.

As I said again and again, military planners do not see how we can sustain 160,000 troops beyond next April. We also recognize that our policies of go-it-alone, our policies of virtually unilateral action are increasingly alienating opinion throughout the world. Once again, to accomplish anything significant, to rally diplomatic forces, to rally all of the forces throughout the world to help us achieve our end, you have to start on the basis of at least understanding and support. We have seen that deteriorate.

We have seen also the situation where, because of our concentration in Iraq, al-Qaida now is resurgent. That is the conclusion of the National Intelligence Estimate that was talked about in the press just last week. We are seeing a situation where Iran is increasing its strategic power. One major factor is the fact that we are tied down with 160,000 troops in Iraq. We are tied down in a way in which many of the individuals in the Iraqi Government whom we depend upon to do and take the actions where it is essential to our success have close personal and political ties to the Iranians. They talk to them on a weekly basis. They take certain directions from them. We are in a situation where our position in Iraq—unwittingly, perhaps—has strengthened the Iranians. We cannot effectively talk about another major military operation when we are having a very difficult time supplying and supporting this operation.

We have effectively taken out two of their traditional opponents in the region, and most difficult and dangerous opponent, the Taliban regime in Afghanistan and Saddam Hussein in Iraq. They now have strategic space. They are using it. They are using it to encourage Hezbollah and Hamas. They are using it to try to achieve nuclear fuel cycles and, on many days we all feel, perhaps, even a nuclear weapon. So what we have seen also is that as these developments take place, the world's opinion is rapidly turning against us.

We are seeing disturbing events in Pakistan and elsewhere where there is a concentration of al-Qaida leadership. I, like so many of my colleagues, was most disturbed a few weeks ago when American news broadcasters were showing films of a graduation ceremony of hundreds of individuals somewhere in Pakistan who were leaving to go off and pursue their jihadist terrorist activities around the world. That is a frightening but real situation.

As a result, Senator LEVIN and I have worked with our colleagues and have proposed an amendment that responds to these different issues and different threats and also the reality of the situation at home and in Iraq. I am pleased we are supported in our efforts by so many, including our colleagues, Senators HAGEL, SMITH, and Senator SNOWE. This is a bipartisan amendment. It recognizes what the American people are demanding, a change in direction, and what the status on the ground and the status of the military require also, a change in direction. It calls for protecting U.S. and coalition forces, continuing our fight against terrorism, and training Iraqi security forces to step up and discharge their responsibilities. It calls for a beginning of a phased reduction of forces, 120 days after enactment of the legislation. It also calls upon us to begin to take up the issue of real proactive, complimentary diplomatic, and political action that is so necessary to stability in the operation.

One of the factors the President talked about last January, and was alluded to by the Secretary of State and others, was the civilian surge to match the military surge—a surge in advisers, technicians, those people who can help the Iraqis organize their political processes at the city level, the provincial level, and their economic processes. That is not taking place as rapidly as necessary. We are at a critical moment, a moment not to delay but to take appropriate action, a moment to change the direction in Iraq, not simply to wait and wait and wait until events dictate we have to draw down forces. I hope we can prevail our colleagues to support our efforts. I will have more to say. I believe many of my colleagues will have much more to say tomorrow.

I urge passage of the Levin-Reed amendment.

MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL MOYERS' EULOGY FOR LADY BIRD JOHNSON

Mr. DURBIN. Mr. President, we should all be so fortunate as to live a worthy life and at the moment of our passing have a person with the talent of Bill Moyers memorialize our time on Earth. On Saturday, Bill Moyers, the PBS journalist who served as special assistant to President Lyndon Johnson from 1963 to 1978, delivered a eulogy at Lady Bird Johnson's funeral service Saturday. He read from a text which I will now have printed in the RECORD.

I ask unanimous consent that the eulogy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From statesman.com, July 15, 2007]

BILL MOYERS'S EULOGY FOR LADY BIRD JOHNSON

Bill Moyers, the PBS journalist who served as special assistant to President Lyndon Johnson from 1963 to 1967, delivered a eulogy at Lady Bird Johnson's funeral service Saturday. He read from this text:

It is unthinkable to me that Lady Bird is gone.

She was so much a part of the landscape, so much a part of our lives and our times, so much a part of our country for so long that I began to imagine her with us always. Now, although the fields of purple, orange, and blue will long evoke her gifts to us, that vibrant presence has departed, and we are left to mourn our loss of her even as we celebrate her life.

Some people arriving earlier today were asked, "Are you sitting with the family?" I looked around at this throng and said to myself, "Everyone here is sitting with the family. That's how she would treat us." All of us.

When I arrived in Washington in 1954, to work in the LBJ mailroom between my sophomore and junior years, I didn't know a single person in town—not even the Johnsons, whom I only met that first week. She soon recognized the weekends were especially lonesome for me, and she called one day to ask me over for Sunday brunch.

I had never even heard of Sunday brunch, must less been to one; for all I knew, it was an Episcopalian sacrament. When I arrived at 30th Place the family was there—the little girls, Lady Bird and himself. But so were Richard Russell and Sam Rayburn and J. Edgar Hoover—didn't look like Episcopal priests to me. They were sitting around the smallish room reading the newspaper—except for LBJ, who was on the phone. If this is their idea of a sacrament, I thought, I'll just stay a Baptist. But Mrs. Johnson knew something about the bachelors she had invited there, including the kid fresh up from her native East Texas. On a Sunday morning they needed a family, and she had offered us communion at her table. In a way, it was a sacrament.

It was also very good politics. She told me something that summer that would make a difference in my life. She was shy, and in the presence of powerful men, she usually kept her counsel. Sensing that I was shy, too, and aware I had no experience to enforce any opinions, she said: Don't worry. If you are unsure of what to say, just ask questions, and I promise you that when they leave, they will think you were the smartest one in the room, just for listening to them. Word will get around, she said.

She knew the ways of the world, and how they could be made to work for you, even when you didn't fully understand what was going on. She told me once, years later, that she didn't even understand everything about the man she married—nor did she want to, she said, as long as he needed her.

Oh, he needed her, alright. You know the famous incident. Once, trying to locate her in a crowded room, he growled aloud: "Where's Lady Bird?" And she replied: "Right behind you, darling, where I've always been."

"Whoever loves, believes the impossible," Elizabeth Browning wrote. Lady Bird truly loved this man she often found impossible. "I'm no more bewildered by Lyndon than he is bewildered by himself," she once told me.

Like everyone he loved, she often found herself in the path of his Vesuvian eruptions. During the campaign of 1960 I slept in the bed in their basement when we returned from the road for sessions of the Senate. She knew I was lonesome for Judith and our six-month-old son who were back in Texas. She would often come down the two flights of stairs to ask if I was doing alright. One night the Senator and I got home even later than usual. And he brought with him an unresolved dispute from the Senate cloakroom. At midnight I could still hear him upstairs, carrying on as if he were about to purge the Democratic caucus. Pretty soon I heard her footsteps on the stairs and I called out: "Mrs. Johnson, you don't need to check up on me. I'm alright." And she called back, "Well, I was coming down to tell you I'm alright, too."

She seemed to grow calmer as the world around her became more furious.

Thunderstorms struck in her life so often, you had to wonder why the Gods on Olympus kept testing her.

She lost her mother in an accident when she was five. She was two cars behind JFK in Dallas. She was in the White House when Martin Luther King was shot and Washington burned. She grieved for the family of Robert Kennedy, and for the lives lost in Vietnam.

Early in the White House, a well-meaning editor up from Texas said, "You poor thing, having to follow Jackie Kennedy." Mrs. Johnson's mouth dropped open, in amazed disbelief. And she said, "Oh, no, don't pity for me. Weep for Mrs. Kennedy. She lost her husband. I still have my Lyndon."

She aimed for the consolation and comfort of others. It was not only her talent at negotiating the civil war waged in his nature. It was not just the way she remained unconscripted by the factions into which family, friends, and advisers inevitably divide around a powerful figure. She kept open all the roads to reconciliation.

Like her beloved flowers in the field, she was a woman of many hues. A strong manager, a canny investor, a shrewd judge of people, friend and foe—and she never confused the two. Deliberate in coming to judgment, she was sure in conclusion.

But let me speak especially of the one quality that most captured my admiration and affection, her courage.

It is the fall of 1960. We're in Dallas, where neither Kennedy nor Johnson are local heroes. We start across the street from the Adolphus to the Baker Hotel. The reactionary congressman from Dallas has organized a demonstration of women—pretty women, in costumes of red, white, and blue, waving little American flags above their cowboy hats. At first I take them to be cheerleaders having a good time. But suddenly they are an angry mob, snarling, salivating, spitting.

A roar—a primal terrifying roar swells around us—my first experience with collective hate roused to a fever pitch. I'm right behind the Johnsons. She's taken his arm and as she turns left and right, nodding to the mob, I can see she is smiling. And I see in the eyes of some of those women a confusion—what I take to be the realization that this is them at their most uncivil, confronting a woman who is the triumph of civility. So help me, her very demeanor creates a small zone of grace in the midst of that tumultuous throng. And they move back a little, and again a little, Mrs. Johnson continuing to nod and smile, until we're inside the Baker and upstairs in the suite.

Now LBJ is smiling—he knows that Texas was up for grabs until this moment, and the backlash will decide it for us. But Mrs. Johnson has pulled back the curtains and is looking down that street as the mob disperses. She has seen a dark and disturbing omen. Still holding the curtain back, as if she were peering into the future, she says, "Things will never be the same again."

Now it is 1964. The disinherited descendants of slavery, still denied their rights as citizens after a century of segregation, have resolved to claim for themselves the American promise of life, liberty, and the pursuit of happiness. President Johnson has thrown the full power of his office to their side, and he has just signed the Civil Rights Act of 1964—the greatest single sword of justice raised for equality since the Emancipation Proclamation. A few weeks later, both Johnsons plunge into his campaign for election in his own right. He has more or less given up on the South, after that legislation, but she will not. These were her people, here were her roots. And she is not ready to sever them. So she sets out on a whistle stop journey of nearly seventeen hundred miles through the heart of her past. She is on her own now—campaigning independently—across the Mason-Dixon line down the buckle of the Bible Belt all the way down to New Orleans. I cannot all these years later do justice to what she faced: The boos, the jeers, the hecklers, the crude signs and cruder gestures, the insults and the threats. This is the land still ruled by Jim Crow and John Birch, who controls the law with the cross and club to enforce it. 1964, and bathroom signs still read: "White Ladies" and Colored Women."

In Richmond, she is greeted with signs that read: "Fly away, Lady Bird." In Charleston, "Blackbird Go Home." Children planted in front rows hold up signs: "Johnson is a Nigger Lover." In Savannah they curse her daughter. The air has become so menacing we run a separate engine fifteen minutes ahead of her in case of a bomb; she later said, "People were concerned for me, but the engineer in the train ahead of us was in far greater danger." Rumors spread of snipers, and in the Panhandle of Florida the threats are so ominous the FBI orders a yard-by-yard sweep of a seven-mile bridge that her train would cross.

She never flinches. Up to forty times a day from the platform of the caboose she will speak, sometimes raising a single white-gloved hand to punctuate her words—always the lady. When the insults grew so raucous in South Carolina, she tells the crowd the ugly words were coming "not from the good people of South Carolina but from the state of confusion." In Columbia she answers hecklers with what one observer called "a maternal bark." And she says, "This is a country of many viewpoints. I respect your right to express your own. Now is my turn to express mine."

An advance man called me back at the White House from the pay phone at a local train depot. He was choking back the tears. "As long as I live," he said, in a voice breaking with emotion, "I will thank God I was here today, so that I can tell my children the difference courage makes."

Yes, she planted flowers, and wanted and worked for highways and parks and vistas that opened us to the technicolor splendors of our world. Walk this weekend among the paths and trails and flowers and see the beauty she loved. But as you do, remember—she also loved democracy, and saw a beauty in it—rough though the ground may be, hard and stony, as tangled and as threatened with blight as nature itself. And remember that this shy little girl from Karnack, Texas—with eyes as wistful as cypress and manners as soft as the whispering pine—grew up to show us how to cultivate the beauty in democracy: The voice raised against the mob. . . the courage to overcome fear with convictions as true as steel.

Claudia Alta Taylor—Lady Bird Johnson—served the beauty in nature and the beauty in us—and right down to the end of her long and bountiful life, she inspired us to serve them, too.

Mr. DURBIN. Mr. President, those of us who were fortunate enough to know Mr. Moyers understand what an extraordinary person he is. I hope those who read the remarks he made about Lady Bird Johnson will come to appreciate so much more the contributions she made in her life. She was a gracious and caring person. Bill Moyers' eulogy reminds us she was also a person of exceptional courage.

I join America in extending condolences to Lady Bird Johnson's family, to the family of our former colleague, Senator Charles and Lynda Robb, and to all those who mourn her passing, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first let me associate myself with the comments of Senator DURBIN about Lady Bird Johnson. I had the privilege and pleasure for many years of knowing a dear friend of their family, my dear friend, Warrie Price and her family. She was there in Austin for the services.

Also, I had the privilege of serving with Senator Chuck Robb and knowing Lynda. I thank the Senator for recognizing those comments by Bill Moyers.

When I spoke to my friend, Warrie Price, she said she had never heard anything as moving and as evocative and as fitting as the tribute by Bill Moyers.

I thank the Senator for including that in the RECORD for the American people to consider.

INDEPENDENCE DAY IN CAPE VERDE

Mr. REED. Mr. President, today with my colleagues in the Senate, I celebrate the anniversary of Cape Verde's independence on behalf of all America. This small African country of 400,000 deserves our recognition, particularly as it one of democracy's few success stories in the African continent.

The existence of Cape Verde's islands was first acknowledged by the Romans. But it was not until 1456 that the uninhabited islands were rediscovered by the Portuguese under the command of Henry the Navigator. Six years later, Cape Verde was inhabited and incorporated as a colony of the Portuguese Empire. Its prosperity during the height of European colonialism was so great as to be the object of looting pirates, such as the infamous Sir Francis Drake. However, because of recurring droughts and the decline of the slave trade near the end of the 18th century, many Cape Verdeans emigrated from the islands to New England, many becoming productive members of America's whaling commerce.

In the 20th century, Cape Verde was affected by growing nationalism, fomented by disastrous economic circumstances during the Second World War. The tiny nation was subsequently suppressed by the authoritarian Portuguese regime. But in 1974 the Carnation Revolution in Portugal not only brought about the world's third wave of democracy but also meant independence for Cape Verde. On July 5, 1975, Cape Verde received its independence from Portugal.

Cape Verde's road to full democracy has been gradual, but nevertheless Cape Verde can now boast a prolific and fair government that received a perfect score in the Freedom House ratings for both political rights and civil liberties, the only African country with such an honor. I urge my colleagues in the Senate to join me in wishing the 350,000 Cape Verdean-Americans a happy Independence Day this Fifth of July.

VISIT OF POLISH PRESIDENT LECH KACZYNSKI

Mr. OBAMA. Mr. President, I rise to welcome Polish President Lech Kaczynski to Washington. Recognizing the rich history of cooperation between our two countries, I am happy to say, Witam Serdecznie w Washingtonie, Welcome to Washington.

The Polish President's visit reminds us that for the last 200 years America and Poland have been linked in the struggle for freedom. Today there is a strong legacy of sacrifice between the two nations—sacrifice for the cause of American and Polish freedom alike.

As early as the Revolutionary War, Polish patriots like Casimir Pulaski and Tadeusz Kosciuszko fought alongside American patriots—from Germantown to Saratoga—to help win our country's independence.

During World War I, Ignacy Paderewski, an unparalleled musician, helped lead the fight for a free and independent Poland. He became Prime Minister after the war, only to be forced into exile by the Nazi Occupation. After he died in exile in the United States, America gave this great friend of freedom a place alongside our honored dead in Arlington National Cemetery. There he would rest, in the words of President Franklin Roosevelt, "until Poland would be free."

It was a moving sight when, in 1992, President George H. W. Bush escorted Paderewski's ashes home to Poland. No one will forget seeing thousands of Poles lining the streets over the miles from the airport to the city center, waiting to see the horse drawn carriage.

It was the world's good fortune that a Pole infused with this same dedication to freedom and the dignity of all people was elected Pope at such a critical time. Polish Americans were thrilled at the election of Karol Wojtyla as Pope, a man who kept the faith when faith was forbidden.

At the same time, American Polonia's dedication to freedom in their native Poland was vital in ensuring that Soviet totalitarianism would not succeed. Millions of personal packages were sent to friends and family back home, and each package was a message of hope in dark days like—the imposition of martial law in 1981—of the Soviet Union.

The razing of the Iron Curtain provided opportunities to renew the linkage between Poland and America. Two centuries after the deaths of Pulaski and Kosciuszko, Poland and America became formal allies in NATO, institutionalizing the faith in freedom our countries have shared for centuries.

Since joining NATO in 1997, Poland has become one of America's most important strategic partners, dedicating troops and resources to our operations in Afghanistan and Iraq.

We now have an opportunity to build on this long and deep relationship. Here is how we can:

Renew the unity of purpose of the Transatlantic Relationship. The Bush administration's policy of splitting Europe into "old" and "new" was not just wrong, it was counterproductive. Poland should not have to choose between its vital interest in closer integration with Europe and its alliance with the United States. America must repair its relationship with Europe as a whole, so that Poland and our other Central European allies are never put in that position again.

Finish building a Europe whole and free. Poland has been a steadfast champion of liberty in the countries to its east. America and Poland should stand together to help Ukraine build a strong and stable democracy, and to help the people of Belarus regain their human rights. We also share an interest in working with Russia to meet common security threats and to encourage Russia's integration into Western institutions. But we should also embrace, not abandon, those in Russia working to preserve their hard won liberty, and draw clear lines against Russia's intimidation of its neighbors. Mr. President, 21st century Europe cannot be divided into 19th century spheres of influence.

Meet global challenges together. Not long ago, we looked to Poland as a country that needed American help in its own efforts to be free and secure; now we look to Poland as a critical partner in building a safer, freer world. We should work with Poland to secure more European troops, with stronger rules of engagement, to stabilize Afghanistan. And we should work together to send an unmistakable signal to Iran that its insistence in pursuing a nuclear weapons program is a profound mistake.

Energize the alliance to confront new challenges. From Poland to the United States, we are facing a new kind of threat in the form of energy insecurity and climate change. The North Atlantic community has always joined forces to confront and defeat new challenges, and we should be doing the same now by, among other things, sharing best practices on energy conservation, inviting India and China to join the International Energy Agency, and dedicating our significant resources to establishing a global cap and trade on greenhouse gas pollution.

Prudently but decisively prepare for emerging threats. The Bush administration has been developing plans to deploy interceptors and radar systems in Poland and the Czech Republic as part of a missile defense system designed to protect against the potential threat of Iranian nuclear armed missiles. If we can responsibly deploy missile defenses that would protect us and our allies we should—but only when the system works. We need to make sure any missile defense system would be effective before deployment. The Bush administration has in the past exaggerated missile defense capabilities and rushed deployments for political purposes. The Bush administration has also done a poor job of consulting its NATO allies about the deployment of a missile defense system that has major implications for all of them. We must not allow this issue to divide "new Europe" and "old Europe," as the Bush administration tried to do over Iraq.

Invite Poland to join the Visa Waiver Program. We should work to include countries like Poland that are members of both the EU and NATO into the Visa Waiver Program. Today's visa regime reflects neither the current strategic relationship nor the close historic bonds between our peoples, and is out of date.

These are important steps and I look forward to working with my colleagues to implement them.

It is wonderful to welcome the Polish President at a time in which America and Poland share the same freedom. Our two nations share a common legacy and destiny, and I am honored to welcome President Kaczynski to Washington.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 2900. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

H.R. 2956. An act to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), and the order of the House of January 4, 2007, the Speaker reappoints the following members on the part of the House of Representatives to the Commission on International Religious Freedom: Ms. Felice Gaer of Paramus, New Jersey, for a 2-year term ending May 14, 2009, to succeed herself, and Ms. Nina Shea of Washington, D.C., for a 2-year term ending May 14, 2009, to succeed herself upon the recommendation of the Minority Leader.

The message also announced that pursuant to 22 U.S.C. 2761, clause 10 of rule I, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group, in addition to Mr. CHANDLER of Kentucky, Chairman, appointed on March 30, 2007: Mr. WU of Oregon, Vice Chairman, Mr. POMEROY of North Dakota, Mr. CLYBURN of South Carolina, Mr. ETHERIDGE of North Carolina, Mr. DAVIS of California, Mr. BISHOP of New York, Mr. PETRI of Wisconsin, Mr. BOOZMAN of Arkansas, Mr. BOUSTANY of Louisiana, Mr. CRENSHAW of Florida, and Mr. WILSON of South Carolina.

At 2:16 p.m., a message from the House, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1851. An act to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

ENROLLED BILLS SIGNED

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1851. An act to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud; to the Committee on Finance.

H.R. 2956. An act to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 2900. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2563. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Product Mandatory Reporting" (RIN0581-AC66) received on July 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2564. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the evolution of improvised explosive device threats; to the Committee on Appropriations.

EC-2565. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-2566. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alachlor, Chlorothalonil, Metribuzin; Denial of Objections" (FRL No. 8135-3) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2567. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 8439-7) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2568. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No.

8439-8) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2569. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Clark and Floyd Counties 8-hour Ozone Nonattainment Area to Attainment" (FRL No. 8440-2) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2570. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of LaPorte County to Attainment for Ozone" (FRL No. 8440-4) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2571. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the South Bend-Elkhart 8-Hour Ozone Nonattainment Area to Attainment" (FRL No. 8440-3) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2572. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Public Hearings and Submission of Plans" (FRL No. 8439-6) received on July 13, 2007; to the Committee on Environment and Public Works.

EC-2573. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Material From Cyprus" (RIN1505-AB80) received on July 12, 2007; to the Committee on Finance.

EC-2574. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations and Removal of Temporary Regulations Under Section 3402(f)" ((RIN1545-BE20)(TD 9337)) received on July 13, 2007; to the Committee on Finance.

EC-2575. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Subpart F Relating to Partnerships" ((RIN1545-BE34)(TD 9326)) received on July 13, 2007; to the Committee on Finance.

EC-2576. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Maine and Minnesota" (CBP Dec. 07-53) received on July 12, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2577. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2007 Data Mining Report: DHS Privacy Office Response to House Report 109-699"; to the Committee on Homeland Security and Governmental Affairs.

EC-2578. A communication from the Attorney General, transmitting, a report relative to the implementation of a new national security oversight and compliance effort; to the Committee on the Judiciary.

EC-2579. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Import and Production Quotas for Certain List I Chemicals" (RIN1117-AB08) received on July 5, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 392. A bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period (Rept. No. 110-130).

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1789. An original bill making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-131).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1789. An original bill making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. OBAMA:

S. 1790. A bill to make grants to carry out activities to prevent the incidence of unintended pregnancies and sexually transmitted infections among teens in racial or ethnic minority or immigrant communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. CRAPO, and Mr. CRAIG):

S. 1791. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize, and increase funding for, the biodiesel fuel education program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself, Mr. OBAMA, and Mrs. CLINTON):

S. 1792. A bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI:

S. Res. 273. A resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. Con. Res. 41. A concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom; considered and agreed to.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 435

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 435, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Montana (Mr. TESTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 1107

At the request of Mr. SMITH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1261

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1261, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1450

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1708

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1744

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1744, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1784

At the request of Mr. KERRY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1784, a bill to amend the Small Business Act to improve programs for veterans, and for other purposes.

S. 1785

At the request of Mr. NELSON of Florida, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1785, a bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.

Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

S. RES. 269

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 269, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of former United States Representative Barbara Jordan.

AMENDMENT NO. 2021

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2021 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2033

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2033 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2046

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2046 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2060

At the request of Mr. SANDERS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 2060 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2072

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2072 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2074

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. SANDERS, his name was added as a cosponsor of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2108

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2108 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2125

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2125 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2188

At the request of Mr. LIEBERMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2188 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2191

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2191 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2205

At the request of Mrs. MCCASKILL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2205 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A SEMIPOSTAL STAMP TO SUPPORT MEDICAL RESEARCH RELATING TO ALZHEIMER'S DISEASE

Ms. MIKULSKI submitted the following resolution; which was referred

to the Committee on Homeland Security and Governmental Affairs:

S. RES. 273

Resolved, That it is the sense of the Senate that the United States Postal Service should, in accordance with section 416 of title 39, United States Code—

(1) issue a semipostal stamp to support medical research relating to Alzheimer's disease; and

(2) transfer to the National Institutes of Health for that purpose any amounts becoming available from the sale of such stamp.

SENATE CONCURRENT RESOLUTION 41—COMMENDING THE 1ST BRIGADE COMBAT TEAM/34TH INFANTRY DIVISION OF THE MINNESOTA NATIONAL GUARD UPON ITS COMPLETION OF THE LONGEST CONTINUOUS DEPLOYMENT OF ANY UNITED STATES MILITARY UNIT DURING OPERATION IRAQI FREEDOM

Ms. KLOBUCHAR (for herself and Mr. COLEMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 41

Whereas the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard, known as the Red Bull Division, is headquartered in Bloomington, Minnesota, and is made up of some 3,700 hard-working and courageous Minnesotans and some 1,300 more soldiers from other Midwestern States;

Whereas the 1st Brigade Combat Team has a long history of service to the United States, beginning with the Civil War;

Whereas the 1st Brigade Combat Team was most recently mobilized in September 2005 and departed for Iraq in March 2006;

Whereas the 1st Brigade Combat Team recently completed the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

Whereas during its deployment, the 1st Brigade Combat Team completed 5,200 combat logistics patrols, secured 2,400,000 convoy miles, and discovered 462 improvised explosive devices (IEDs) prior to detonation;

Whereas the 1st Brigade Combat Team processed over 1,500,000 million vehicles and 400,000 Iraqis into entry control points without any insurgent penetrations;

Whereas the 1st Brigade Combat Team captured over 400 suspected insurgents;

Whereas more than 1,400 members of the 1st Brigade Combat Team reenlisted during deployment and 21 members became United States citizens during deployment;

Whereas the 1st Brigade Combat Team helped start 2 Iraqi newspapers that provide news to the local population and publish stories on reconstruction progress;

Whereas the 1st Brigade Combat Team completed 137 reconstruction projects;

Whereas the deployment of the 1st Brigade Combat Team in Iraq was extended by 125 days in January 2007;

Whereas the 1st Brigade Combat Team and its members are now returning to the United States to loving families and a grateful Nation;

Whereas the families of the members of the 1st Brigade Combat Team have waited patiently for their loved ones to return and endured many hardships during this lengthy deployment;

Whereas the employers of the soldiers and family members of the 1st Brigade/34th Infantry Division have displayed patriotism over profit by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers of the soldiers and their families are great corporate citizens through their support of our armed forces and their family members;

Whereas communities throughout the Midwest are now integral participants in the Minnesota National Guard's extensive Beyond the Yellow Ribbon reintegration program that will help members of the 1st Brigade Combat Team return to normal life; and

Whereas the 1st Brigade Combat Team/34th Infantry Division has performed admirably and courageously, putting service to country over personal interests and gaining the gratitude and respect of Minnesotans, Midwesterners, and all Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

(2) recognizes the achievements of the members of the 1st Brigade Combat Team and their exemplary service to the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Adjutant General of the Minnesota National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2211. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2212. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2213. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2214. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2215. Mr. LOTT (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2216. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2217. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2218. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2219. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2220. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2221. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2222. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2223. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2224. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2225. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2226. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2227. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2228. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2229. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2230. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 2045 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2231. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2234. Mr. SALAZAR (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2235. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2236. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2237. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr.

MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2238. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2143 submitted by Mr. CORNYN and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2239. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2240. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2241. Mr. MCCONNELL proposed an amendment to the bill H.R. 1585 , supra.

SA 2242. Mr. BIDEN (for himself, Ms. CANTWELL, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2243. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2244. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2245. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2246. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2247. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2248. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2249. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2250. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2251. Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2252. Mr. DURBIN proposed an amendment to amendment SA 2241 proposed by Mr. MCCONNELL to the bill H.R. 1585, supra.

SA 2253. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2254. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2255. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2256. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2257. Mr. CORNYN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2258. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2259. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2260. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2261. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2262. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. ALEXANDER, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2263. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2264. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2265. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2266. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2267. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2268. Mr. DURBIN (for himself, Mr. INOUYE, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, Mr. BIDEN, Ms. MIKULSKI, Mrs. DOLE, Mr. REED, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2269. Mr. REED (for Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 27, supporting the goals and ideals of "National Purple Heart Recognition Day".

TEXT OF AMENDMENTS

SA 2210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF REPORTING REQUIREMENT.

Section 3111 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3539) is amended—

(1) in subsection (b), by striking "March 1, 2007" and inserting "March 1 of 2007, 2009, 2011, and 2013";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

"(c) FORM.—The report required by subsection (b) to be submitted not later than March 1 of 2009, 2011, or 2013, shall be submitted in classified form, and shall include a detailed unclassified summary."; and

(4) in subsection (e), as redesignated, by striking "(c)" and inserting "(d)".

SA 2211. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

(a) FINDINGS.—Congress makes the following findings:

(1) The brown tree snake (*Boiga irregularis*), an invasive species, is found in significant numbers on military installations and in other areas on Guam, and constitutes a serious threat to the ecology of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would pose an immediate and serious economic and ecological threat.

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam,

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to

ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

SA 2212. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection is necessary because—

(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and security under this subsection include the following:

(A) Any official, military member, or employee of the Department of Defense, including such a former or retired official who faces serious and credible threats arising from duties performed while employed by the Department.

(B) Any distinguished foreign visitor to the United States who is conducting official business with the Department of Defense.

(C) Any member of the immediate family of a person authorized to receive physical protection and security under this section.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, and the duration of the authorized protection and security for such officer, employee, or individual.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the 90-day period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report of each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 30 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms "qualified members of the Armed Forces and qualified civilian employees of the Department of Defense" refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(A) The U.S. Army Criminal Investigation Command.

(B) The Naval Criminal Investigative Service.

(C) The U.S. Air Force Office of Special Investigations.

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide security and protection under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

(2) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

SA 2213. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and either the aggregate amount included in that budget for the Department of Defense or the Department of Veterans Affairs for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department of Defense and the Department of Veterans Affairs for health care for such preceding fiscal year, and, in the case of the Department of Defense, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount on the access to and delivery of medical and support services to members of the Armed Forces, veterans, and their family members.

SA 2214. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek in the budget of the President for fiscal year 2009 funds to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system.

SA 2215. Mr. LOTT (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. 10,000-POUND BALLISTIC AERIAL DELIVERY AND SOFT-LANDING SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $3,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army, as increased by subsection (a) $3,000,000 may be available for Advanced Warfighter Technologies (PE #0603001A) for the 10,000-pound Ballistic Aerial Delivery and Soft-Landing System.

(c) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to amounts available for Aerospace Technology Development and Demonstration (PE #0603211F) for 15 Flight Vehicle Test Integration.

SA 2216. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND MEDICAID PROGRAMS.—For purposes of subparagraph (D) of sections 1819(b)(5) and 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i-3(b)(5), 1396r(b)(5)), if, since an individual's most recent completion of a training and competency evaluation program described in subparagraph (A) of such sections, the individual was ordered to active duty in the Armed Forces for a period of at least 12 months, and the individual completes such active duty service during the period beginning on July 1, 2007, and ending on September 30, 2008, the 24-consecutive-month period described subparagraph (D) of such sections with respect to the individual shall begin on the date on which the individual completes such active duty service. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service.

(b) REPORT ON RELIEF FROM REQUIREMENTS FOR NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE DUTY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

SA 2217. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1599. Physicians and health care professionals comparability allowances

"(a) AUTHORITY TO PROVIDE ALLOWANCES.—(1) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section and such regulations as the President or his designee may prescribe, enter into a service agreement with a Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

"(A) in the case of a Department of Defense physician—

"(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

"(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

"(B) in the case of a Department of Defense health care professional—

"(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

"(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

"(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

"(2)(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

"(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37 shall be deemed service as a Department of Defense health care professional.

"(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

"(1) is employed on less than a half-time or intermittent basis;

"(2) occupies an internship or residency training position; or

"(3) is fulfilling a scholarship obligation.

"(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall, under such regulations, criteria, and conditions as the President or his designee may prescribe, determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

"(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of one year of service in the Department of Defense unless the physician or health care professional requests an agreement for a longer period of service.

"(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section, unless the Secretary of Defense, under such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

"(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

"(g) CONSTRUCTION WITH OTHER AUTHORITIES.—(1) An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, chapter 81 or 87 of title 5, or other benefits related to basic pay.

"(2) Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

"(h) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to Congress a written report on the operation of this section during the preceding year. Each report shall include, with respect to the year covered by such report, information as to—

"(1) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

"(2) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

"(3) the size of the allowances and the duration of the agreements entered into; and

"(4) the degree to which the recruitment or retention problems referred to in paragraph (1) were alleviated under this section.

"(i) DEFINITIONS.—In this section:

"(1) The term 'Department of Defense health care professional' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (F) of paragraph (2).

"(2) The term 'Department of Defense physician' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

"(A) Section 5332 of title 5, relating to the General Schedule.

"(B) Subchapter VIII of chapter 53 of title 5, relating to the Senior Executive Service.

"(C) Section 5371 of title 5, relating to certain health care positions.

"(D) Section 5376, of title 5, relating to certain senior-level positions.

"(E) Section 5377 of title 5, relating to critical positions.

"(F) Subchapter IX of chapter 53 of title 5, relating to special occupational pay systems.

"(3) The term 'qualified health care professional' means any individual who is—

"(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

"(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

"(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

"(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled; or

"(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

"1599e. Physicians and health care professionals comparability allowances.".

SA 2218. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 844, insert the following:

(h) STUDY AND PLAN.—

(1) IN GENERAL.—No amounts in the Fund may be used until the Secretary of Defense develops a plan for establishing the appropriate size of the acquisition workforce of the Department to accomplish inherently governmental functions.

(2) CONTENT.—The plan developed under paragraph (1) shall—

(A) identify the positions and skills, due to their inherently governmental nature, that should be supplied by Department of Defense personnel versus contractor personnel;

(B) identify the gaps in skills that exist within the current acquisition workforce of the Department;

(C) create a plan for closing such skill gaps;

(D) create a plan for obtaining a proper match between the level of acquisition expertise within each acquisition program office and the level of risk associated with the acquisition program that the program office is expected to manage; and

(E) identify the additional personnel or hiring authorities that may be required on an interim basis, until such time as the Department of Defense has sufficient government personnel to fill the positions designated as inherently governmental.

(3) REPORT.—Not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the plan developed under paragraph (1).

SA 2219. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 872 and insert the following:

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ, AFGHANISTAN, AND OTHER DESIGNATED AREAS WITHIN THE CENTCOM AREA OF RESPONSIBILITY.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq, Afghanistan, or other designated contingency area within the area of responsibility of the Central Command (CENTCOM AOR), including security, transition, reconstruction, and humanitarian relief activities, for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(3) a preference is provided for products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ, AFGHANISTAN, OR OTHER DESIGNATED CONTINGENCY AREA WITHIN THE CENTCOM AOR.—For the purposes of this section:

(1) A product is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it is mined, produced, or manufactured in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(2) A service is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it is performed in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR by citizens or permanent resident aliens of Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(3) A source is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it—

(A) is located in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; and

(B) offers products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

SA 2220. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

"§ 408a. Travel and transportation allowances: inactive duty training

"(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

"(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

"(1) is—

"(A) qualified in a skill designated as critically short by the Secretary concerned;

"(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve component with a critical manpower shortage; or

"(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

"(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

"(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be $300.

"(d) TERMINATION.—No reimbursement may be provided under this section for travel that occurs after December 31, 2010.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

SA 2221. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10___. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: "The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).";

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

"(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense and each Secretary of a military department is authorized to—

"(A) establish goals for transitioning Phase III technologies in subcontracting plans;

"(B) change the profit guidelines to increase the incentive for a prime contractor on such a contract to insert SBIR and STTR technology into programs of record or fielded systems; and

"(C) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

"(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense and each Secretary of a military department shall—

"(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

"(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary."; and

(4) in paragraph (8), as so redesignated, by striking "fiscal year 2009" and inserting "fiscal year 2012".

SA 2222. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585 to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. DEFINITIONS.

In this subtitle:

(1) The term "Convention on the Physical Protection of Nuclear Material" means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term "formula quantities of strategic special nuclear material" means uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium), as set forth in the definitions of "formula quantity" and "strategic special nuclear material" in section 73.2 of title 10, Code of Federal Regulations.

(3) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term "nuclear weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3132. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 "National Strategy for Combating Terrorism" issued by the

White House states, "Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face."

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, "Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.".

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack "would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty".

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a "race against time" to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3133. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3134. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for "appropriate effective" physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3135. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3134(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

SA 2223. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. POLICY ON PROGRAMS IN SPACE TO DEFEND UNITED STATES ASSETS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States space-based satellites provide automated reconnaissance and mapping, aid weather prediction, track fleet and troop movements, give accurate positions of United States and enemy forces, and guide missiles and pilotless planes to their targets during military operations.

(2) United States access to space is dependent upon our ability to defend our space assets.

(3) China has an aggressive mission to gain space power, and on January 17, 2007, China successfully conducted an anti-satellite (ASAT) weapons test that successfully destroyed an inactive Chinese weather satellite.

(4) Space-based weapons in the hands of hostile states constitute an asymmetric capability designed to undermine United States strengths.

(5) Space-based assets have the potential to prevent interference with United States satellites.

(b) POLICY.—It is the policy of the United States to protect its military and civilian satellites and to research all potential means of doing so.

SA 2224. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 may be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

SA 2225. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. BALLISTIC MISSILE DEFENSE SPACE TESTBED.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities—

(1) the amount available for the Ballistic Missile Defense Space Testbed (PE#0603895C) is hereby increased by $10,000,000; and

(2) the amount available for Ballistic Missile Defense Technology (PE#0603175C) is hereby decreased by $10,000,000.

SA 2226. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STATE SPONSORS OF TERRORISM.

(a) DEFINITION.—In this section, the term "state sponsor of terrorism" means any country, the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to—

(1) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(2) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(3) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(b) SECURITIES AND EXCHANGE COMMISSION DISCLOSURE OF BUSINESS TIES TO STATE SPONSORS OF TERROR.—

(1) REQUIREMENT FOR A SECURITIES AND EXCHANGE COMMISSION REPORT.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Securities and Exchange Commission (in this section referred to as the "Commission") shall prepare and submit to Congress a report on business activities carried out with state sponsors of terrorism.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a list of all persons required to make periodic or other filings pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) that disclose in filings with the Commission business activity in or with a country that is a state sponsor of terrorism, or an instrumentality of such a country;

(B) a description of such business activities carried out by each person referred to in subparagraph (A);

(C) the value of such activities carried out by each person referred to in subparagraph (A); and

(D) a description of the disclosure standard in effect at the time at which the content of the report was collected, if it has changed from the time of the first or most recent report submitted pursuant to paragraph (1), and the criteria for persons to register under section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)).

(3) PUBLICATION OF REPORT.—The Commission shall make the report required by this subsection available on its website in an easily accessible and searchable format.

(4) STRENGTHENING SECURITIES AND EXCHANGE COMMISSION DISCLOSURE REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations to require disclosure by all persons required to make periodic or other filings pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) of business activity in an amount equal to more than $1,000,000, either directly or through an affiliate, in or with a country that is a state sponsor of terrorism, or an instrumentality of such country.

(c) REPORT ON BUSINESS TIES TO STATE SPONSORS OF TERRORISM.—

(1) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress a classified report on business activities carried out with state sponsors of terrorism.

(2) DATA.—The Director of National Intelligence shall use all data available from elements of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and other appropriate governmental and nongovernmental entities to prepare the report required by paragraph (1).

(3) CONTENT.—The report required by paragraph (1) shall include—

(A) a list of persons, including foreign persons, that carry out business activities in or with a country that is a state sponsor of terrorism, or an instrumentality of such a country;

(B) a description of such business activities carried out by each such person;

(C) the value of such activities carried out by each such person;

(D) an assessment of likely omissions and incompleteness in the report required by paragraph (1);

(E) if necessary, differentiation by the degree of reliability of the data used to prepare the such report;

(F) a description of available options to increase the completeness and reliability of such data;

(G) an assessment of the economic condition of each state sponsor of terrorism; and

(H) an assessment of the effects of implementing various divestiture and sanctions options against each state sponsor of terrorism.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) EVALUATION OF DIRECTOR OF NATIONAL INTELLIGENCE AND SECURITIES AND EXCHANGE COMMISSION REPORTS.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress a report that compares the report of the Commission submitted under subsection (b) and the report of the Director submitted under subsection (c), to include—

(A) a comparison of included persons and business activities;

(B) measures that evaluate the completeness of each report;

(C) measures that evaluate the reliability of each report; and

(D) an assessment of options to increase the completeness and reliability of such data.

(2) INVESTMENT REPORT.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress, a report—

(A) that, in an unclassified section, contains the names of persons described in subsection (b)(2)(A) that are included in each of the major investable financial market indices and the holdings of the Federal Thrift Savings Plan of the Federal Retirement Thrift Investment Board (in this paragraph referred to as the "TSP"), including—

(i) the percentage of each such index and TSP holdings comprised of such persons; and

(ii) the dollar capitalization of each such person;

(B) that, in a classified section, contains the names of persons described in subsection (c)(3)(A) that are included in each of the major investable financial market indices and the holdings of the TSP, including—

(i) the percentage of each such index and TSP holdings comprised of such persons; and

(ii) the dollar capitalization of each such person; and

(C) the unclassified section of which is made available on the website of the Government Accountability Office in an easily accessible and searchable format.

(3) GOVERNMENT CONTRACTING REPORT.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress a report—

(A) that, in an unclassified section, contains the names of the persons described in subsection (b)(2)(A), the nature of the activity, and the value of United States Government active contracting for the procurement of goods or services with any such person;

(B) that, in a classified section, contains the names of the persons described in subsection (c)(3)(A), the nature of the activity, and the value of United States Government active contracting for the procurement of goods or services with any such person; and

(C) the unclassified section of which is made available on the website of the Government Accountability Office in an easily accessible and searchable format.

(e) AUTHORIZATION FOR CERTAIN STATE AND LOCAL DIVESTMENT MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any State, locality, or United States college or university may adopt measures to prohibit any investment of State, local, college, or university assets in the Government of a state sponsor of terror, or in any person with a qualifying business relationship with a state sponsor of terrorism.

(2) APPLICABILITY.—Paragraph (1) shall apply to measures adopted before, on, or after the date of enactment of this Act.

(f) INVESTMENT COMPANY ACT OF 1940.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a-13) is amended by adding at the end the following:

"(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act, as modified under section 3(b) of that Act.

"(2) DEFINITION.—For purposes of this subsection, the term 'person' includes the Federal Government and any State or political subdivision of a State.".

(g) INCREASED PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

"SEC. 206. PENALTIES.

"(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

"(b) CIVIL PENALTY.—A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

"(1) $250,000; or

"(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

"(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.".

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of enactment of this Act.

SA 2227. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1205. LIMITATION ON AVAILABILITY OF FOREIGN MILITARY FINANCING PROGRAM ASSISTANCE FOR EGYPT.

Of the amount appropriated or otherwise made available by any Act making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2008 for the Foreign Military Financing Program and available for assistance for Egypt, $200,000,000 may not be made available to be obligated or expended until the Secretary of State certifies that the Government of Egypt has taken concrete and measurable steps—

(1) to enact and implement a new judicial authority law that protects the independence of the judiciary;

(2) to review criminal procedures and train police leadership in modern policing to curb police abuses; and

(3) to detect and destroy the smuggling network and smuggling tunnels that lead from Egypt to Gaza.

SA 2228. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 1203, strike subsection (a) and insert the following:

(a) AUTHORITY FOR FISCAL YEAR 2008.—

(1) IN GENERAL.—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(A) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(B) for a similar program to assist the people of Afghanistan.

(2) VOLUNTARY RELOCATION IN IRAQ.—The response to urgent humanitarian relief and reconstruction requirements referred to in paragraph (1)(A) shall include using direct payments, job creation, and housing assistance to facilitate the relocation of Iraqi individuals and families, if, in the judgment of United States military commanders in Iraq—

(A) such individuals and families are affiliated with a sect that comprises no more than half of the population of the neighborhood or community in which they reside;

(B) such individuals and families are likely targets of violence because of their sectarian affiliation;

(C) such individuals and families desire to relocate to a neighborhood or community where their sect comprises a substantial majority of the population; and

(D) the security of a particular neighborhood or community can be improved with the relocation of sectarian minorities.

SA 2229. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. COUNTERTERRORISM ASSISTANCE TO SECURITY FORCES IN THE KURDISTAN REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) Turkey, a key ally of the United States and an important fellow member of NATO, faces a terrorist threat from the Kurdistan Workers Party, or PKK, an organization included on the Department of State's list of foreign terrorist organizations.

(2) Some PKK members now reside in, plan, or launch terrorist operations from northern Iraq.

(3) Iraq, a sovereign nation, is obliged under international law to protect neighboring countries from threats emanating from within its own borders.

(4) The Kurdistan Regional Government, which oversees a three-province, constitutionally-recognized region of Iraq that is largely stable and peaceful, requires additional capacity to eliminate terrorist-related activities, including those of the PKK, that exist within its boundaries.

(5) The Georgia Train and Equip Program, started in 2002—

(A) enhanced the counterterrorism, border security, and intelligence capabilities of the Government of Georgia;

(B) successfully mitigated the growing threat of international terrorism within the borders of Georgia; and

(C) contributed to greater regional stability and made a positive contribution to relations between the Governments of Georgia and Russia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) peace and stability along the border between Turkey and Iraq is essential for the long-term security of Iraq; and

(2) the Georgia Train and Equip Program provides a model for security assistance necessary to counter terrorist threats in northern Iraq.

(c) ASSISTANCE PROGRAM.—The Commander, Multi-National Security Transition Command-Iraq, shall develop and implement a program, modeled after the Georgia Train and Equip Program, to assist the Government of Iraq and the Kurdistan Regional Government in securing Iraq's border with Turkey and eliminating terrorist safe havens, including by providing assistance—

(1) to secure Iraq's border with Turkey;

(2) to eliminate PKK safe havens in the Kurdistan Region; and

(3) to enhance the intelligence gathering and border security capabilities of the Government of Iraq.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commander, Multi-National Security Transition Command-Iraq, shall report to Congress on the progress in developing and implementing the program required under subsection (c).

SA 2230. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 2045 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

(a) FINDINGS.—Congress makes the following findings:

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

(c) LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand to initiate new military assistance activities until 15 days after the Secretary of Defense notifies the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives of the intent of the Secretary to carry out such new types of military assistance activities with Thailand.

(d) EXCEPTION.—The limitation in subsection (c) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(e) NEW MILITARY ASSISTANCE ACTIVITIES DEFINED.—In this section, the term "new military assistance activities" means military assistance activities that have not been undertaken between the United States and Thailand during fiscal year 2007.

SA 2231. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. ACCESS TO STUDENT RECRUITING INFORMATION.

Section 503(c) of title 10, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following: "(1)(A) Each local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965—

"(i) shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

"(ii) shall provide, upon a request made by a military recruiter for military recruiting purposes, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), unless the parent of such student has submitted the prior consent request under subparagraph (B).

"(B)(i) The parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of subparagraph (A) without prior written parental consent. Upon receiving a request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

"(ii) Each local educational agency shall notify parents of the option to make a request described in clause (i).

"(C) Nothing in this paragraph shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under subparagraph (B)(i).

"(D) PARENTAL CONSENT.—For purposes of this paragraph, whenever a student has attained eighteen years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.";

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

"(2)(A) If a local educational agency denies recruiting access to a military recruiter under this section, the Secretary shall notify—

"(i) the Governor of the State in which the local educational agency is located; and

"(ii) the Secretary of Education.

"(B) Upon receiving a notification under subparagraph (A), the Secretary of Education—

"(i) shall, consistent with the provisions of part D of title IV of the General Education Provisions Act (20 U.S.C. 1234c), determine whether the local educational agency is failing to comply substantially with the requirements of this subsection; and

"(ii) upon determining that the local educational agency has failed to comply substantially with such requirements, may impose a penalty or enforce a remedy available for a violation of section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) in the same manner as such penalty or remedy would apply to a local educational agency that violated such section."; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SA 2232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER AT ELLINGTON FIELD, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Ellington Field, Texas, to house a Domestic Military Aviation National Training Center (DMA-NTC) for current and future operational reconnaissance and surveillance missions of the National Guard that support local, State, and Federal law enforcement agencies.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC-26 aircraft in support of local, State, and Federal law enforcement and determine the number of aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC-26 domestic training center meeting the requirements identified under paragraph (1); and

(3) determine the cost of locating such a training center at Ellington Field, Texas, for the purpose of preempting and responding to security threats and responding to crises.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico.

SA 2233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States .

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C-5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F-16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute's three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

SA 2234. Mr. SALAZAR (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, the following:

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee;

"(B) for which participation exceeds 100 amateur athletes; and

"(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability."; and

(2) by adding at the end the following new subsection:

"(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SA 2235. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting "or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))" after "rated as 100 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2236. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) Extension of Concurrent Receipt Authority to Retirees With Service-Connected Disabilities Rated Less Than 50 Percent.—

(1) Repeal of 50 percent requirement.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) Computation.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

"(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.".

(b) Repeal of Phase-In of Concurrent Receipt for Retirees With Service-Connected Disabilities Rated as Total.—Subsection (a)(1) of such section is amended by striking "except that" and all that follows and inserting "except—

"(A) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004; and

"(B) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as total by reason of unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2007.".

(c) Clerical Amendments.—

(1) The heading for section 1414 of such title is amended to read as follows:

"§1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.".

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. ___. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) Eligibility for TERA Retirees.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and inserting "who—

"(1) is entitled to retired pay, other than a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

"(2) has a combat-related disability.".

(b) Amendments To Standardize Similar Provisions.—

(1) Clerical amendment.—The heading for paragraph (3) of section 1413a(b) of such title is amended by striking "RULES" and inserting "RULE".

(2) Qualified retirees.—Subsection (a) of section 1414 of such title, as amended by section 2(a), is amended—

(A) by striking "a member or" and all that follows through "retiree')" and inserting "a qualified retiree"; and

(B) by adding at the end the following new paragraph:

"(2) Qualified retirees.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

"(A) is entitled to retired pay, other than in the case of a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

"(B) is also entitled for that month to veterans' disability compensation.".

(3) Disability retirees.—Subsection (b) of section 1414 of such title is amended—

(A) by striking "Special Rules" in the subsection heading and all that follows through "is subject to" and inserting "Special Rule for Chapter 61 Disability Retirees.—In the case of a qualified retiree who is retired under chapter 61 of this title, the retired pay of the member is subject to"; and

(B) by striking paragraph (2).

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SA 2237. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XXXIII—DREAM ACT OF 2007

SEC. 3301. SHORT TITLE.

This title may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. 3302. DEFINITIONS.

In this title:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3303. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) Effective Date.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 3304. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In general.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 3305, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) Waiver.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) Procedures.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence.—

(1) In general.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 3305. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 3306, an alien whose status has been adjusted under section 3304 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3304(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3304(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 3306. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 3304(a)(1) and section 3305(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 3304. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 3305(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 3305(d)(1) during the entire period of conditional residence.

SEC. 3307. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 3304(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 3308. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 3309. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 3310. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 3311. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 3312. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3304(a);

(2) the number of aliens who applied for adjustment of status under section 3304(a);

(3) the number of aliens who were granted adjustment of status under section 3304(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 3305.

SA 2238. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2143 submitted by Mr. CORNYN and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, between lines 1 and 2, insert the following:

DIVISION D—IMMIGRATION

TITLE XXXIII—IMMIGRATION FRAUD PREVENTION

SEC. 3301. SHORT TITLE.

This division may be cited as the "H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007".

SEC. 3302. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking "In the case of" and all that follows through "where—" and inserting the following: "The employer will not place the nonimmigrant with another employer if—"; and

(iii) in subparagraph (G), by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(B) in paragraph (2)—

(i) in subparagraph (E), by striking "If an H–1B-dependent employer" and inserting "If an employer that employs H–1B nonimmigrants"; and

(ii) in subparagraph (F), by striking "The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer."; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days";

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided";

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

"(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and".

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

"(i) on a website maintained by the Department of Labor, which website shall be searchable by—

"(I) the name, city, State, and zip code of the employer;

"(II) the date on which the job is expected to begin;

"(III) the title and description of the job; and

"(IV) the State and city (or county) at which the work will be performed; and

"(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

"(B) Each available job advertised on the list shall include—

"(i) the employer's full legal name;

"(ii) the address of the employer's principal place of business;

"(iii) the employer's city, State and zip code;

"(iv) the employer's Federal Employer Identification Number;

"(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

"(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

"(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

"(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

"(ix) a statement of the expected hours per week that the job will require;

"(x) the date on which the job is expected to begin;

"(xi) the date on which the job is expected to end, if applicable;

"(xii) the number of persons expected to be employed for the job;

"(xiii) the job title;

"(xiv) the job description;

"(xv) the city and State of the physical location at which the work will be performed; and

"(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

"(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

"(D) The Secretary may promulgate rules, after notice and a period for comment—

"(i) to carry out the requirements of this paragraph; and

"(ii) that require employers to provide other information in order to advertise available jobs on the list.".

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

"(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs."; and

(2) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.".

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

"(A) The employer—

"(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(II) the median average wage for all workers in the occupational classification in the area of employment; or

"(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed."; and

(B) in subparagraph (D), by inserting "the wage determination methodology used under subparagraph (A)(i)," after "shall contain".

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

"(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. 3303. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 3302 (d)(2), is amended—

(1) by inserting "and through the Department of Labor's website, without charge." after "D.C.";

(2) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(3) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(4) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(5) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking "12 months" and inserting "24 months"; and

(B) by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months" and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.".

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(I) by adding at the end the following:

"(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C)."; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H-1B nonimmigrants.".

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) INFORMATION PROVIDED TO H-1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.".

SEC. 3304. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case of an alien spouse admitted under section 101(a)(15)(L), who" and inserting "Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.".

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

"(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).".

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L-1 nonimmigrant with another employer.".

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

"(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

"(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

"(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

"(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

"(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

"(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).".

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

"(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).".

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting "(L)," after "(H),".

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

"(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

"(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the employer shall be liable to employees harmed for lost wages and benefits.".

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(bb) the median average wage for all workers in the occupational classification in the area of employment; or

"(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 3305. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 3304, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) a current employee;

"(II) a former employee; and

"(III) an applicant for employment.".

SEC. 3306. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE XXXIV—EMPLOYMENT BASED VISAS

SA 2239. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROHIBITION ON EXPULSION, RETURN, OR EXTRADITION OF PERSONS BY THE UNITED STATES TO COUNTRIES ENGAGING IN TORTURE.

(a) PROHIBITION.—

(1) IN GENERAL.—Part IV of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 181—EXPULSION, RETURN, OR EXTRADITION OF PERSONS TO COUNTRIES ENGAGING IN TORTURE

"Sec.
"4101. Definitions.

"4102. Prohibition on expulsion, return, or extradition of persons by the United States to countries engaging in torture.
"4103. Approval of Foreign Intelligence Surveillance Court required for transfers of persons between foreign countries.
"4104. Annual reports on countries using torture.

"§ 4101. Definitions

"In this chapter:

"(1) The term 'appropriate congressional committees' means—

"(A) the Committees on Armed Services, Foreign Relations, Homeland Security and Government Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

"(B) the Committees on Armed Services, Homeland Security, the Judiciary, and International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) The term 'appropriate government agencies' means the following:

"(A) The elements of the intelligence community (as defined in or specified under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

"(B) Any element (other than an element referred to in subparagraph (A)) of the Department of State, the Department of Defense, the Department of Homeland Security, the Department of Justice or any other Federal law enforcement, national security, intelligence, or homeland security agency that takes or assumes custody or control of persons or transports persons in its custody or control outside the United States.

"(3) The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

"(4) The term 'substantial grounds', in the case of an evidentiary showing, means a showing that a fact is more likely than not.

"§ 4102. Prohibition on expulsion, return, or extradition of persons by the United States to countries engaging in torture

"(a) PROHIBITION.—No person in the custody or control of any department, agency, officer, or employee of the United States, or any contractor thereof, shall be expelled, returned, or extradited to another country, whether directly or indirectly, unless—

"(1) such person—

"(A) is being legally extradited under a bilateral or multilateral extradition treaty or legally removed under the immigration laws of the United States; and

"(B) has recourse to a United States court of competent jurisdiction before such extradition or removal to challenge such extradition or removal on the basis that there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country;

"(2) in the case of a transfer of such person from the territory of the United States through means other than those covered by paragraph (1), such person has recourse to an appropriate district court of the United States before such transfer to challenge such transfer on the basis that there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country; or

"(3) in the case of the transfer of such person from one foreign country to another foreign country, the transfer has the prior approval of the Foreign Intelligence Surveillance Court in accordance with section 4103 of this title.

"(b) JURISDICTION.—

"(1) JURISDICTION OF DISTRICT COURTS.—In the event the district courts of the United States do not have jurisdiction under any other provision of law to hear a challenge described in subsection (a)(2), the district courts of the United States shall have jurisdiction to hear such a challenge by reason of this section.

"(2) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to consider petitions under section 4103 of this title in accordance with the provisions of that section, and to make determinations, certifications, and approvals of and with respect to such petitions as provided in that section.

"(c) RELEASE OF CERTAIN PERSONS.—If the legal basis for detention of a person to be transferred under subsection (a)(2) no longer applies pending such transfer, including the dismissal or final disposition of criminal charges, immigration proceedings, or material witness obligations, such person shall be released unless the attorney for the appropriate government agency first obtains a warrant from a district court of the United States authorizing continuing detention of such person, upon a showing that—

"(1) there are substantial grounds to believe such person would not be in danger of being subjected to torture in the receiving country;

"(2) there is probable cause to believe such person is an agent of a foreign power (as that term is defined in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)); and

"(3) the detention of such person pending transfer is necessary to ensure the safety of the community or the appearance of such person for transfer.

"(d) PRESUMPTION OF SUBSTANTIAL GROUNDS.—

"(1) IN GENERAL.—If the receiving country is included among the countries on the most current list submitted to the appropriate congressional committees by the Secretary of State under section 4104 of this title, a court reviewing the proposed transfer of a person under paragraph (1) or (2) of subsection (a), or a court reviewing an application for a warrant with respect to a person under subsection (c), shall, except as provided in paragraph (2), presume there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country.

"(2) EXCEPTION.—The presumption in paragraph (1) shall not apply with respect to a person if the head of the appropriate government agency concerned makes an affirmative showing to the court that there is in place a mechanism to assure the head of the agency, in a verifiable manner, that such person will not be tortured in the receiving country including, at a minimum, immediate, unfettered, and continuing access from the point of transfer to such person by the International Committee of the Red Cross or its designee.

"§ 4103. Approval of Foreign Intelligence Surveillance Court required for transfers of persons between foreign countries

"(a) IN GENERAL.—The Foreign Intelligence Surveillance Court shall, upon a petition submitted under subsection (b), approve the transfer of a person covered by such petition from one foreign country to another foreign country for purposes of section 4102(a)(3) of this title if the Court determines and certifies that there are substantial grounds to believe such person would not be in danger of being subjected to torture in the receiving country.

"(b) PETITION.—

"(1) IN GENERAL.—The head of an appropriate government agency seeking the transfer of a person from one foreign country to another foreign country for purposes of section 4102(a)(3) of this title shall submit to the Foreign Intelligence Surveillance Court a petition seeking the approval and certification of the Court under subsection (a).

"(2) ELEMENTS.—The petition submitted under this subsection with respect to a person shall include the following:

"(A) The name, nationality, and current location of such person.

"(B) A factual explanation of the facts that caused, or are expected to cause, such person to be within the custody or control, whether direct or indirect, of the United States Government.

"(C) The specific purpose for the transfer covered by the petition, including the receiving country of the transfer.

"(D) A declaration that the transfer does not violate any applicable law or treaty of the United States.

"(E) Any other information the Court considers appropriate for purposes of this section.

"(c) PRESUMPTION OF SUBSTANTIAL GROUNDS.—

"(1) IN GENERAL.—If the receiving country in a petition under subsection (b) is included among the countries on the most current list submitted to the appropriate congressional committees by the Secretary of State under section 4104 of this title, the Foreign Intelligence Surveillance Court shall, except as provided in paragraph (2), presume there are substantial grounds for believing that the person covered by the petition would be in danger of being subjected to torture in the receiving country.

"(2) EXCEPTION.—The presumption in paragraph (1) shall not apply with respect to a person if the head of the appropriate government agency concerned makes an affirmative showing to the Court that there is in place a mechanism to assure the head of the agency, in a verifiable manner, that such person will not be tortured in the receiving country including, at a minimum, immediate, unfettered, and continuing access from the point of transfer to such person by the International Committee of the Red Cross or its designee.

"§ 4104. Annual reports on countries using torture

"(a) ANNUAL REPORTS REQUIRED.—The Secretary of State shall submit to the appropriate congressional committees on an annual basis a report listing each country where torture is known to be used.

"(b) BASIS OF REPORTS.—Each report shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 28, United States Code, and at the beginning of part IV of such title, are each amended by adding after the item relating to chapter 180 the following new item:

"181. Expulsion, Return, or Extradition of Persons to Countries Engaging in Torture .... 4101".

(b) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 60 days after the effective date of this section under subsection (e), the heads of the appropriate government agencies shall prescribe interim regulations for the purpose of carrying out chapter 181 of title 28, United States Code (as added by subsection (a)), and implementing the obligations of the United States under Article 3 of the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) FINAL REGULATIONS.—Not later than 180 days after interim regulations are prescribed under paragraph (1), and following a period of notice and opportunity for public comment on such interim regulations, the heads of the appropriate government agencies shall prescribe final regulations for the purposes described in paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE GOVERNMENT AGENCIES.—The term "appropriate government agencies" has the meaning given that term in section 4101 of title 28, United States Code (as so added).

(B) CONVENTION AGAINST TORTURE.—The term "Convention Against Torture" means the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(c) INITIAL REPORT ON COUNTRIES USING TORTURE.—The Secretary of State shall submit the initial report required by section 4104(a) of title 28, United States Code (as so added), not later than 30 days after the effective date of this section under subsection (e).

(d) REPEAL OF SUPERSEDED AUTHORITY.—

(1) REPEAL.—Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) is repealed.

(2) TEMPORARY CONTINUATION OF EFFECTIVENESS OF CURRENT REGULATIONS.—Regulations prescribed under section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 that are in effect on the effective date of this section under subsection (e) shall remain in effect until the heads of the appropriate government agencies prescribe interim regulations under subsection (b)(1).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

SA 2240. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X of division A, add the following:

SEC. 10___. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (d), based upon—

(1) the existence or extent of any requirement or condition under that program that—

(A) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(B) waives the applicability of any limitation described in subparagraph (A) for eligible homeowners who are elderly or senior citizens; or

(2) any requirement under section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) to determine cost effectiveness.

(b) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (d), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or the environment under paragraph (1).

(c) SAVINGS PROVISION.—Except as provided in subsections (a) and (b), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (d) that are used by the State of Louisiana under the Road Home Program of that State.

(d) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2241. Mr. MCCONNELL proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally".

(3) The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world".

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that "a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. . . . The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory."

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that "Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence".

(8) The Iraq Study Group noted that "Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons."

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, "Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs."

(11) The Iraq Study Group found that "[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

SA 2242. Mr. BIDEN (for himself, Ms. CANTWELL, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. POLICY AGAINST THE ESTABLISHMENT OF PERMANENT BASES IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to a September 2006 poll conducted by the Program for International Policy Attitudes at the University of Maryland, 97 percent of Sunni Arabs and 77 percent of all Iraqis believe that the United States intends to maintain permanent bases in Iraq.

(2) General John Abizaid testified before Congress in March 2006 that the United States "must make clear to the people of the

region we have no designs on their territory or resources".

(3) Iraqi Prime Minister Nuri al-Maliki, in an April 13, 2007, interview with al-Arabiya Television, said, "When we see that our forces are built, and that we are prepared to take full responsibility for the security issue, we will ask the international forces to leave the country."

(4) The Iraq Study Group recommended that "the United States can begin to shape a positive climate for its diplomatic efforts, internationally and within Iraq, through public statements by President Bush that reject the notion that the United States seeks to control Iraq's oil, or seeks permanent military bases within Iraq".

(5) President George W. Bush has not adequately publicly stated that the United States does not seek permanent military bases in Iraq.

(6) A declaration that the United States does not seek permanent military bases in Iraq should not be taken as a sign of a precipitous military redeployment from Iraq.

(7) United Nations Security Council Resolution 1546 (2004) resolves that United States and Coalition forces in Iraq are present at the request of the Government of Iraq and that the mandate of these forces shall be reviewed at least every 12 months and will terminate at the request of the Government of Iraq.

(b) SENSE OF THE SENATE.—The Senate calls upon the President—

(1) to communicate a message to the people of Iraq that the United States neither seeks to control Iraq's oil resources nor seeks permanent United States military bases in Iraq; and

(2) to direct the United States Permanent Representative to the United Nations to work with other Members of the Security Council and the Government of Iraq to craft in a timely manner a Security Council Resolution to update the mandate of the Multi-National Force-Iraq.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until January 1, 2009, the Secretary of Defense shall submit to Congress an unclassified report, with classified annexes as necessary, on the status of United States military installations in Iraq, which shall include the following elements:

(1) Information on military installations that have been transferred to Iraqi control, that remain under United States control, and that have been decommissioned.

(2) A schedule on plans to turn over the remaining military installations to Iraqi control.

(3) Information on negotiations towards a status of forces agreement between the United States and the Government of Iraq.

(4) Specific information on the following military installations:

(A) Camp Al Asad (Anbar governorate).

(B) Logistics Support Area Anaconda (Salah ad Din governorate).

(C) Contingency Operating Base Speicher - Al Sahra Airfield (Salah ad Din governorate).

(D) Camp Victory (Anbar governorate).

(E) Camp Adder at Tallil Airbase (Dhi Qar governorate).

(F) Camp Korean Village at Al-Walid Airbase (Anbar governorate).

(G) Forward Operating Base Endurance at Qayyarah Airbase West (Ninewah governorate).

(H) Convoy Support Center Scania (Qadisiyah governorate).

SA 2243. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ANTI-TERRORISM FORCE PROTECTION HYDROGRAPHIC SURVEY SYSTEMS FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE TARGETING AND ENGAGEMENT OPERATIONS.

Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, and available for Power Projection Advanced Technology (PE #0603114N), $3,000,000 may be available for the development of an Autonomous Unmanned Surface Vessel as a high-endurance, Anti-Terrorism Force Protection, Hydrographic Survey, Intelligence, Surveillance and Reconnaissance system supporting military missions.

SA 2244. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES AND LOCAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency and every office of the Department of Veterans Affairs in the State in which the veteran will first reside after separation.

SA 2245. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, insert "and every office of the Department of Veterans Affairs" after "State veterans agency".

SA 2246. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES AND LOCAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency and the local office of the Department of Veterans Affairs in the State in which the veteran will first reside after separation.

SA 2247. Mr. SANDERS submitted an amendment intended to be proposed to amendment 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, insert "and the local office of the Department of Veterans Affairs" after "State veterans agency".

SA 2248. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 865. CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.—

(1) PROHIBITION.—The head of an agency may not enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(2) RELATED ENTITY DEFINED.—In this subsection, the term "related entity", with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) DEFINITIONS.—In this section:

(1) The term "agency" means the Department of Defense, and any department, agency, and element of the Department of Defense, and includes the Coast Guard when it is operating as a service in the Navy.

(2) The term "inherently governmental functions" has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(3) The term "functions closely associated with governmental functions" means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(4) The term "organizational conflict of interest" has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

SA 2249. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1107. EDUCATIONAL ASSISTANCE IN SUPPORT OF THE NUCLEAR MISSIONS OF THE NAVY.

(a) IN GENERAL.—The Secretary of the Navy is authorized to carry out a program to provide scholarships, fellowships, and grants for pursuit of programs of education at institutions of higher education that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(b) ELEMENTS.—The program under subsection (a) shall include the following:

(1) Merit-based scholarships for undergraduate study.

(2) Research fellowships for study the graduate level.

(3) Grants to support the establishment at 2-year public institutions of higher education of programs of study and training that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(4) Grants to increase the utilization of training, research, and test reactors at institutions of higher education.

(5) Any other elements that the Secretary considers appropriate.

(c) CONSULTATION.—In developing the program, the Secretary shall consult with trade organizations, technical societies, organized labor organizations, and other bodies having an interest in the program.

(d) REPORT ON PROGRAM.—Not later than January 31, 2008, the Secretary shall submit to Congress a report on the program under subsection (a), including a description of the program and a statement of the funding required during fiscal years 2009 through 2013 to carry out the program.

(e) REPORT ON WORKFORCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy during the 10-year period beginning on the date of the report.

(2) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2250. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. REVIEW OF LICENSED MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND MARRIAGE AND FAMILY THERAPISTS UNDER THE TRICARE PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of—

(1) conducting an independent study of the comparability of credentials, preparation, and training of individuals practicing as licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program to provide mental health services; and

(2) making recommendations for permitting such professionals to practice independently under the TRICARE program.

(b) ELEMENTS.—The study required by subsection (a) shall provide for each of the health care professions referred to in subsection (a)(1) the following:

(1) An assessment of the educational requirements and curriculums relevant to mental health practice for members of such profession, including types of degrees recognized, certification standards for graduate programs for such profession, and recognition of undergraduate coursework for completion of graduate degree requirements.

(2) An assessment of State licensing requirements for members of such profession, including for each level of licensure if a State issues more than one type of license for the profession. The assessment shall examine requirements in the areas of education, training, examination, continuing education, and ethical standards, and shall include an evaluation of the extent to which States, through their scope of practice, either implicitly or explicitly authorize members of such profession to diagnose and treat mental illnesses.

(3) An analysis of the requirements for clinical experience in such profession to be recognized under regulations for the TRICARE program, and recommendations, if any, for standardization or adjustment of such requirements with those of the other professions.

(4) An assessment of the extent to which practitioners under such profession are authorized to practice independently under other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, Head Start, and the Federal Employee Health Benefits Program), and a review the relationship, if any, between recognition of such profession under the Medicare program and independent practice authority for such profession under the TRICARE program.

(5) An assessment of the extent to which practitioners under such profession are authorized to practice independently under private insurance plans. The assessment shall identify the States having laws requiring private insurers to cover, or offer coverage of, the services of members of such profession, and shall identify the conditions, if any, that are placed on coverage of practitioners under such profession by insurance plans and how frequently these types of conditions are used by insurers.

(6) An historical review of the regulations issued by the Department of Defense regarding which members of such profession are recognized as providers under the TRICARE program as independent practitioners, and an examination of the recognition by the Department of third party certification for members of such profession.

(c) PROVIDERS STUDIED.—It the sense of Congress that the study required by subsection (a) should focus only on those practitioners of each health care profession referred to in subsection (a)(1) who are permitted to practice under regulations for the TRICARE program as specified in section 119.6 of title 32, Code of Federal Regulations.

(d) CLINICAL CAPABILITIES STUDIES.—The study required by subsection (a) shall include a review of outcome studies and of the literature regarding the comparative quality and effectiveness of care provided by practitioners within each of the health care professions referred to in subsection (a)(1), and provide an independent review of the findings.

(e) RECOMMENDATIONS FOR TRICARE INDEPENDENT PRACTICE AUTHORITY.—The recommendations provided under subsection (a)(2) shall include specific recommendation (whether positive or negative) regarding modifications of current policy for the TRICARE program with respect to allowing members of each of the health care professions referred to in subsection (a)(1) to practice independently under the TRICARE program, including recommendations regarding possible revision of requirements for recognition of practitioners under each such profession.

(f) REPORT .—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a).

SA 2251. Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, and Mr. GRAHAM) submitted an amendment intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUSTICE FOR MARINES AND OTHER VICTIMS OF STATE-SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for Marines and Other Victims of State-Sponsored Terrorism Act".

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

"§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

"(a) IN GENERAL.—

"(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

"(2) CLAIM HEARD.—The court shall hear a claim under this section if—

"(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

"(B) the claimant or the victim was—

"(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

"(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

"(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

"(b) DEFINITION.—For purposes of this section—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

"(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

"(1) 10 years after April 24, 1996; or

"(2) 10 years from the date on which the cause of action arose.

"(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

"(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

"(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

"(h) PROPERTY DISPOSITION.—

"(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

"(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

"(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.".

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(g) PROPERTY IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property by the government of the foreign state;

"(B) whether the profits of the property go to that government;

"(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

"(D) whether that government is the sole beneficiary in interest of the property; or

"(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.".

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

(3) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting "or" after the semicolon;

(ii) in paragraph (6)(D), by striking "; or" and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this section.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

SA 2252. Mr. DURBIN proposed an amendment to amendment SA 2241 proposed by Mr. MCCONNELL to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the bill's enactment.

SA 2253. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT ELIGIBILITY CONFIRMATION PILOT PROGRAMS.

(a) REQUIRING FEDERAL DEPARTMENTS AND AGENCIES TO PARTICIPATE IN THE BASIC PILOT PROGRAM.—Section 402(e)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

"(A) EXECUTIVE DEPARTMENTS AND AGENCIES.—Each department and agency of the Federal Government—

"(i) shall participate in the basic pilot program described in section 403(a);

"(ii) shall comply with the terms and conditions of such program.".

(b) REQUIRING DEPARTMENT OF DEFENSE CONTRACTORS TO PARTICIPATE IN THE BASIC PILOT PROGRAM.—Section 402(e)(1) of such Act, as amended by subsection (a), is further amended by adding at the end the following:

"(C) DEPARTMENT OF DEFENSE CONTRACTORS.—The following entities shall participate in the basic pilot program described in section 403(a) and shall comply with the terms and conditions of such program:

"(i) A contractor who has entered into a contract with the Department of Defense to which section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) applies, and any subcontractor under such contract.

"(ii) A contractor who has entered into a contract with the Department of Defense that is exempted from the application of such Act by section 6 of such Act (41 U.S.C. 356), and any subcontractor under such contract.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SA 2254. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the physical security of Department of Defense installations and resources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the progress in implementing requirements under the Physical Security Program as set forth in the Department of Defense Instruction 5200.08–R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

(2) Recommendations based on the findings of the Comptroller General of the United States in the report required by section 344 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–366; 120 Stat. 2155).

(3) Recommendations based on the lessons learned from the thwarted plot to attack Fort Dix, New Jersey, in 2007.

SA 2255. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled "National Guard Equipment Requirements", outlines the "Essential 10" equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SA 2256. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. SENSE OF CONGRESS ON PROGRAM ON FACILITATION OF TRANSITION OF MEMBERS OF THE ARMED FORCES TO RECEIPT OF VETERANS HEALTH CARE BENEFITS AFTER COMPLETION OF MILITARY SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense and the Secretary of Veterans Affairs should, in developing the comprehensive policy required by section 1611 as added by Senate amendment 2019, consider establishing a program that utilizes eligible entities to assist members of the Armed Forces, particularly members described in subsection (b), in applying for and receiving health care benefits and services from the Department of Veterans Affairs and otherwise after completion of military service in order to ensure that such members receive a continuity of care and assistance in and after the transition from military service to civilian life.

(b) TARGET POPULATIONS.—Members described in this subsection are all members of the Armed Forces, particularly the following:

(1) Members with serious wounds or injuries.

(2) Members with mental disorders.

(3) Women members.

(4) Members of the National Guard and the Reserves.

(c) VETERAN NAVIGATOR.—The program described in subsection (a) should include a requirement that eligible entities provide assistance under the program through qualified individuals who provide such assistance on an individualized basis to members of the Armed Forces described in subsection (a) as they transition from military service to civilian life and during the commencement of their receipt of health care benefits and services from the Department of Veterans Affairs and otherwise. An individual providing such assistance would be referred to as a "veteran navigator".

(d) ELIGIBLE ENTITIES DEFINED.—In this section, the term " eligible entity" means any entity or organization that—

(1) is independent of the Department of Defense and the Department of Veterans Affairs; and

(2) has or can acquire the capacity, including appropriate personnel, to provide assistance under the pilot program described in this section.

SA 2257. Mr. CORNYN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1043, insert the following:

(f) FOCUS ON IMPROVING INTERAGENCY COOPERATION IN POST-CONFLICT CONTINGENCY RELIEF AND RECONSTRUCTION OPERATIONS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The interagency coordination and integration of the United States Government for the planning and execution of overseas post-conflict contingency relief and reconstruction operations requires reform.

(B) Recent operations, most notably in Iraq, lacked the necessary consistent and effective interagency coordination and integration in planning and execution.

(C) Although the unique circumstances associated with the Iraq reconstruction effort are partly responsible for this weak coordination, existing structural weaknesses within the planning and execution processes for such operations indicate that the problems encountered in the Iraq program could recur in future operations unless action is taken to reform and improve interdepartmental integration in planning and execution.

(D) The agencies involved in the Iraq program have attempted to adapt to the relentless demands of the reconstruction effort, but more substantive and permanent reforms are required for the United States Government to be optimally prepared for future operations.

(E) The fresh body of evidence developed from the Iraq relief and reconstruction experience provides a good basis and timely opportunity to pursue meaningful improvements within and among the departments charged with managing the planning and execution of such operations.

(F) The success achieved in departmental integration of overseas conflict management through the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433; 100 Stat. 992) provides precedent for Congress to consider legislation designed to promote increased cooperation and integration among the primary Federal departments and agencies charged with managing post-conflict contingency reconstruction and relief operations.

(2) INCLUSION IN STUDY.—The study conducted under subsection (a) shall include the following elements:

(A) A synthesis of past studies evaluating the successes and failures of previous interagency efforts at planning and executing post-conflict contingency relief and reconstruction operations, including relief and reconstruction operations in Iraq.

(B) An analysis of the division of duties, responsibilities, and functions among executive branch agencies for such operations and recommendations for administrative and regulatory changes to enhance integration.

(C) Recommendations for legislation that would improve interagency cooperation and integration and the efficiency of the United States Government in the planning and execution of such operations.

(D) Recommendations for improvements in congressional, executive, and other oversight structures and procedures that would enhance accountability within such operations.

SA 2258. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) in paragraph (1)—

(A) by striking "23" and inserting "24"; and

(B) by striking "55" and inserting "56"; and

(2) in paragraph (2), by striking "55" and inserting "56".

SA 2259. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AMOUNT FOR FLASHLIGHT SOLDIER COMBAT IDENTIFICATION SYSTEM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $1,000,000.

(b) AVAILABILITY FOR FLASHLIGHT COMBAT IDENTIFICATION SYSTEM.—Of the amount authorized to be appropriated by section 201(4) for research development, test, and evaluation for Defense-wide activities, as increased by subsection (a), the amount available for Special Operations Technology Development may be increased by $1,000,000, with the amount of the increase to be available for the Flashlight Combat Identification System (FSCIS).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $1,000,000.

SA 2260. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. FIRE SCOUT CLASS IV VERTICAL TAKEOFF UNMANNED AERIAL VEHICLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army has purchased MQ–8B Fire Scout Vertical Takeoff Unmanned Aerial Vehicles (UAV) to satisfy the requirement for Class IV unmanned aerial vehicles under its Future Combat Systems program.

(2) The MQ–8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicle is based on the highly successful RQ–8A Vertical Takeoff Unmanned Aerial Vehicle System developed for the Navy, and is currently in test and evaluation having successfully completed more than 200 test flights since May 2002.

(3) Production of at least six Army MQ–8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicles has been completed, and final flight testing has been delayed until 2010.

(4) The United States Central Command has an urgent requirement for persistent command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) systems in support of ongoing operations.

(5) There are at least six Army MQ–8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicle aircraft available today that could be outfitted with appropriate sensors and deployed to rapidly satisfy the requirements of the United States Central Command.

(b) PROGRAM REQUIRED.—The Secretary of Defense shall take appropriate actions to field not less than six existing Army Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicles, with appropriate sensors and communications capabilities and requisite ground control stations, for deployment to the United States Central Command area of operations by not later than February 2008.

(c) FUNDING.—Amounts authorized to be appropriated by this title may be available for procurement for purposes of subsection (b).

(d) REPORT.—Not later than December 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made toward meeting the requirements of subsection (b).

SA 2261. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting "or the period beginning on October 1, 2007, and ending on September 30, 2014," after "December 31, 2001,".

SA 2262. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. ALEXANDER, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15(g)) is amended by striking "on the date that is 3 years after the date of the enactment of this section" and inserting "October 28, 2012".

SA 2263. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF REST AND RECUPERATION LEAVE.

Section 705(b)(2) of title 10, United States Code, is amended by inserting "for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months," after "for not more than 15 days".

SA 2264. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended——

(1) in subsection (a), by adding at the end the following: "However, the Retirement Home shall be treated as a military facility of the Department of Defense, and may not be privatized. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense."; and

(2) by striking subsection (g) and inserting the following new subsection (g):

"(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.".

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: "The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care".

(e) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

"SEC. 1515A. CHIEF MEDICAL OFFICER.

"(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

"(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

"(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

"(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

"(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

"(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

"(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

"(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

"(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

"(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

"(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

"(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

"(4) Periodically examine and audit the medical records and administration of the Retirement Home.

"(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

"(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.".

(f) LOCAL BOARDS OF TRUSTEES.——

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

"(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

"(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

"(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

"(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.".

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

"(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).".

(h) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. INSPECTION OF RETIREMENT HOME.

"(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

"(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

"(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

"(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

"(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

"(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

"(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

"(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

"(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with Section 1422(a) of this amendment.

"(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

"(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing——

"(A) the results of the inspection; and

"(B) a plan to address any recommendations and other matters set forth in the report.

"(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.".

(i) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

"(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.".

SA 2265. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 299, line 7, strike "fifth fiscal year" and insert "fourth fiscal year".

On page 299, line 9, strike "fifth fiscal year" and insert "fourth fiscal year".

Beginning on page 486, strike line 7 and all that follows through page 487, line 5, and insert the following:

(A) by striking "(1)" and inserting "(1)(A)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) Subject to clause (ii), the maximum lease amounts for the 350 units in subparagraph (A) may be waived and increased up to a maximum of $60,000 per unit per year.

"(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.";

(2) in paragraph (2), by striking "the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy" and inserting "the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy";

(3) by striking paragraphs (3) and (4) and redesignating paragraphs (5) and (6) as paragraphs (3) and (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (4) of this subsection, by striking "paragraphs (1), (2), (3), and (4)" and inserting "paragraphs (1) and (2)"; and

(5) by inserting after paragraph (3) the following new paragraph:

"(4) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Army may lease not more than 3,975 units of family housing in Korea subject to a maximum lease amount of $46,000 per unit per year. That maximum lease amount shall be adjusted for foreign currency fluctuations and inflation from October 1, 2007.".

SA 2266. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the OSD (P&R) as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Under Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Secretary of Defense.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard and Reserve organizations;

(ii) an assessment of any unmet resource requirements;

(iii) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard and Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard and Reserve organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SA 2267. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. SENSE OF SENATE ON COLLABORATIONS BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON HEALTH CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been recent collaborations between the Department of Defense, the Department of Veterans Affairs, and the civilian medical community for purposes of providing high quality medical care to America's wounded warriors. One such collaboration is occurring in Augusta, Georgia, between the Dwight D. Eisenhower Army Medical Center at Fort Gordon, the Augusta Department of Veterans Affairs Medical Center, the Medical College of Georgia, and local health care providers under the TRICARE program.

(2) Medical staff from the Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have been meeting weekly to discuss future patient cases for the Active Duty Rehabilitation Unit (ADRU) within the Uptown Department of Veterans Affairs facility. The Active Duty Rehabilitation Unit is the only rehabilitation unit in the Department of Veterans Affairs system for members of the Armed Forces on active duty.

(3) As of January 2007, 431 soldiers, sailors, airmen, and marines have received rehabilitation services at the Active Duty Rehabilitation Unit, and 26 percent of those treated have returned to active duty in the Armed Forces.

(4) The Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have combined their neurosurgery programs and have coordinated on critical brain injury and psychiatric care.

(5) The Department of Defense, the Army, and the Army Medical Command have recognized the need for expanded behavioral health care services for members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom. These services are currently being provided by the Dwight D. Eisenhower Army Medical Center.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should encourage continuing collaboration between the Army and the Department of Veterans Affairs in treating America's wounded warriors and, when appropriate and available, provide additional support and resources for the development of such collaborations, including the current collaboration between the Active Duty Rehabilitation Unit at the Augusta Department of Veterans Affairs Medical Center, Georgia, and the behavioral health care services program at the Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia.

SA 2268. Mr. DURBIN (for himself, Mr. INOUYE, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, Mr. BIDEN, Ms. MIKULSKI, Mrs. DOLE, Mr. REED, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. NURSE MATTERS.

(a) IN GENERAL.—The Secretary of Defense may provide for the carrying out of each of the programs described in subsections (b) through (f).

(b) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN THE ARMED FORCES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) COVERED OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) AGREEMENT FOR ADDITIONAL SERVICE.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The total amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS FOR EDUCATION AS NURSES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) SCOPE OF SCHOLARSHIPS.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount equal to the difference between such basic pay and such payment and other compensation.

(g) ADMINISTRATION AND DURATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish requirements and procedures for the administration of the programs authorized by this section. Such requirements and procedures shall include procedures for selecting participating schools of nursing.

(2) DURATION.—Any program carried out under this section shall continue for not less than two years.

(3) ASSESSMENT.—Not later than two years after commencing any program under this section, the Secretary shall assess the results of such program and determine whether or not to continue such program. The assessment of any program shall be based on measurable criteria, information concerning results, and such other matters as the Secretary considers appropriate.

(4) CONTINUATION.—The Secretary may continue carrying out any program under this section that the Secretary determines, pursuant to an assessment under paragraph (3), to continue to carry out. In continuing to carry out a program, the Secretary may modify the terms of the program within the scope of this section. The continuation of any program may include its expansion to include additional participating schools of nursing.

(h) DEFINITIONS.—In this section, the terms "school of nursing" and "accredited" have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 2269. Mr. REED (for Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 27, supporting the goals and ideals of "National Purple Heart Recognition Day"; as follows:

On page 2 line 8 strike "requests that the President issue a proclamation calling on" and insert "calls upon".

NOTICE OF HEARING

Mr. KERRY. I would like to inform Members that the Committee on Small

Business and Entrepreneurship will hold a hearing entitled "Increasing Government Accountability and Ensuring Fairness in Small Business Contracting," on Wednesday, July 18, 2007, at 2:00 p.m. in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Nikhil Sahai and Lauren Hughes of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, reappoints the following Member to the President's Export Council: the Honorable MIKE ENZI of Wyoming.

NATIONAL PURPLE HEART RECOGNITION DAY

Mr. REED. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 27 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) supporting the goals and ideals of "National Purple Heart Recognition Day."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REED. I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2269) was agreed to, as follows:

On page 2 line 8 strike "requests that the President issue a proclamation calling on" and insert "calls upon".

The concurrent resolution (S. Con. Res. 27), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in a conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in a conflict with an enemy force or who die of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of "National Purple Heart Recognition Day";

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

COMMENDING THE MINNESOTA NATIONAL GUARD

Mr. REED. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 41 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 41) commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REED. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 41) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 41

Whereas the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard, known as the Red Bull Division, is headquartered in Bloomington, Minnesota, and is made up of some 3,700 hard-working and courageous Minnesotans and some 1,300 more soldiers from other Midwestern States;

Whereas the 1st Brigade Combat Team has a long history of service to the United States, beginning with the Civil War;

Whereas the 1st Brigade Combat Team was most recently mobilized in September 2005 and departed for Iraq in March 2006;

Whereas the 1st Brigade Combat Team recently completed the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

Whereas during its deployment, the 1st Brigade Combat Team completed 5,200 combat logistics patrols, secured 2,400,000 convoy miles, and discovered 462 improvised explosive devices (IEDs) prior to detonation;

Whereas the 1st Brigade Combat Team processed over 1,500,000 million vehicles and 400,000 Iraqis into entry control points without any insurgent penetrations;

Whereas the 1st Brigade Combat Team captured over 400 suspected insurgents;

Whereas more than 1,400 members of the 1st Brigade Combat Team reenlisted during deployment and 21 members became United States citizens during deployment;

Whereas the 1st Brigade Combat Team helped start 2 Iraqi newspapers that provide news to the local population and publish stories on reconstruction progress;

Whereas the 1st Brigade Combat Team completed 137 reconstruction projects;

Whereas the deployment of the 1st Brigade Combat Team in Iraq was extended by 125 days in January 2007;

Whereas the 1st Brigade Combat Team and its members are now returning to the United States to loving families and a grateful Nation;

Whereas the families of the members of the 1st Brigade Combat Team have waited patiently for their loved ones to return and endured many hardships during this lengthy deployment;

Whereas the employers of the soldiers and family members of the 1st Brigade/34th Infantry Division have displayed patriotism over profit by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers of the soldiers and their families are great corporate citizens through their support of our armed forces and their family members;

Whereas communities throughout the Midwest are now integral participants in the Minnesota National Guard's extensive Beyond the Yellow Ribbon reintegration program that will help members of the 1st Brigade Combat Team return to normal life; and

Whereas the 1st Brigade Combat Team/34th Infantry Division has performed admirably and courageously, putting service to country over personal interests and gaining the gratitude and respect of Minnesotans, Midwesterners, and all Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

(2) recognizes the achievements of the members of the 1st Brigade Combat Team and their exemplary service to the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Adjutant General of the Minnesota National Guard for appropriate display.

ORDERS FOR TUESDAY, JULY 17, 2007

Mr. REED. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, July 17; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the Republicans and the second half under the control of the majority; that following morning business, the Senate resume consideration of H.R. 1585; that on Tuesday, the Senate recess from 12:30 p.m. to 2:15 p.m. for the respective conference work periods; further that the mandatory quorum required under rule XXII with respect to the cloture motions filed today be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REED. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Tuesday, July 17, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 16, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *July 16, 2007*.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

MADE IN CHINA

Mr. WOLF. Madam Speaker, I have a longer speech today which I will insert for the record, but I want to highlight some of the key points.

During the debate over granting China permanent normal trade relations status, proponents argued that economic liberalization would lead to political liberalization in China, that exposing China to the West's ideas and values would lead them to play a more constructive role in the international community, and that the U.S. and other industrialized nations could influence China through economic activity to better respect the rights of its citizens to fundamental human rights.

Instead, we have seen why the protection of basic liberties should not come second to economic growth. The China today is worse than the China of yesterday, or of last year, or of the last decade.

And now, in addition to all of the horrible things the Chinese government does to its own citizens, it is doing to other countries' citizens as well.

Just read the headlines:

Toothpaste from China containing an industrial solvent and prime ingredient in some antifreeze.

Chinese-made Thomas the Tank children's trains slathered in lead-based paint, a substance that is toxic if swallowed.

Unsafe food products from China including prunes tinted with chemical dyes, dried apples preserved with a cancer-causing chemical, scallops and sardines coated with putrefying bacteria, and mushrooms laced with illegal pesticides.

Five types of farm-raised shrimp and fish from China banned by the FDA because they are so contaminated from unsafe drugs in China's polluted waterways.

Malfunctioning fireworks from China responsible for critical injuries, including in my hometown of Vienna, Virginia on July the 4th.

Chinese-made tires sold without a critical safety feature that prevents the tread from separating from the tire.

Within a year, China will also be the biggest source in the world of greenhouse gases from all the new coal-fired power plants being built.

I could take several 1-hour special order speeches to detail China's egregious human rights record:

Slave labor camps;

Religious persecution, including torture and imprisonment of Catholic bishops, Protestant church leaders, Muslim worshipers, Falun Gong followers, and Buddhist monks and nuns;

Human organ harvesting and selling;

Sophisticated system of espionage against the U.S. government and American businesses;

World's leading producer of pirated products.

Then there's China's foray into Sudan, selling weapons to the very government orchestrating the genocide in Darfur.

And despite all of these abhorrent acts, China was still awarded the honor of hosting the 2008 Olympics.

Where is the outrage over China's unacceptable behavior in the Congress and in the administration? The facts are before us. The United States can no longer say that things are improving in China.

Next time you make a purchase and you see the words "Made in China," think of the poisoned toothpaste, the contaminated food, the polluted waterways and airspace, the exploding tires, malfunctioning fireworks, the human rights abuses, and the intimidation of religious leaders.

Madam Speaker, imagine a country where factory workers have no workplace safety, labor or environmental protections and are required to work 80-hour weeks for no more than $110 per month to produce goods for export.

Imagine a country which boldly supplies missiles and chemical weapons technology to countries that support or harbor terrorists.

Imagine a country that oversees a network of espionage operations against American companies and the U.S. government.

Imagine a country which tortures and imprisons Catholic bishops, Protestant church leaders, Muslim worshipers, Falun Gong followers, and Buddhist monks and nuns just because of their faith and systematically destroys churches and confiscates Bibles.

Imagine a country which has a thriving business of harvesting and selling for transplant kidneys, corneas and other human organs from executed prisoners who are thrown in prison with no trial or sentencing procedures.

Imagine a country which maintains an extensive system of gulags—slave labor camps, also known as the "laogai"—as large as existed in the former Soviet Union that are used for brainwashing and "reeducation through labor."

Sadly, none of this is imaginary. Such a nation exists. It is the People's Republic of China.

Sadly, too, that's just part of the list of egregious actions.

In 2006, the Chinese government arrested 651 Christians that we know of. Currently, China has 6 Catholic bishops in jail and another 9 under house arrest. Renowned human rights advocate Rebiya Kadeer has watched from exile as the Chinese government arrests and beats her family members in her homeland.

Late last year, western mountain climbers captured on videotape a horrifying scene: Chinese police shooting from their North Face tents at a group of Tibetan refugees crossing Nangpa Pass. A 17-year-old Buddhist nun was killed and several others were wounded.

There are some who assert that human rights are something that should come once stability has been attained. They say that protection of human rights comes second to attaining economic power and wealth. We must reject that notion.

During the debate over granting China permanent normal trade relations status, proponents argued that economic liberalization would lead to political liberalization in China, that exposing China to the West's ideas and values would lead them to play a more constructive role in the international community, and that the U.S. and other industrialized nations could influence China through economic activity to better respect the rights of its citizens to fundamental human rights and the unfettered practice of their faith.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Instead, we have seen why the protection of basic liberties should not come second to economic growth. The China of today is worse than the China of yesterday, or of last year, or of the last decade. China is not progressing. It is regressing. It is more violent, more repressive, and more resistant to democratic values than it was before we opened our ports to freely accept Chinese products.

And now, in addition to all of the horrible things the Chinese government does to its own citizens, it does to other countries' citizens as well. It poisons children in Panama, the Dominican Republic, and Australia, with toothpaste containing an industrial solvent and prime ingredient in some antifreeze. This toothpaste was marketed under the brand name "Mr. Cool."

Some 1.5 million wooden toys in the Thomas the Tank Engine line of children's trains were recalled after manufacturers discovered that the Chinese-made toys were slathered in lead-based paint, a substance that is toxic if swallowed.

China continues to send American consumers adulterated and mislabeled food products, including prunes tinted with chemical dyes, dried apples preserved with a cancer-causing chemical, scallops and sardines coated with putrefying bacteria, and mushrooms laced with illegal pesticides.

Food and Drug Administration inspectors who traveled across the world to investigate the recent mass poisoning of U.S. pets stemming from tainted pet food from China arrived at two suspected Chinese factories, only to find the factories had been cleaned out and all equipment dismantled.

On June 28, the FDA banned the import of five types of farm-raised shrimp and fish from China because they are so contaminated from unsafe drugs in China's polluted waterways.

A recent NPR story described how garlic from China outsold garlic grown in California for the first time last year. China began dumping garlic at U.S. ports below cost in the 1990s. Hefty tariffs kept the garlic imports at bay for a few years, but since 2001, imports of Chinese garlic have increased fifteen-fold.

Several Fourth of July celebrations in my district, including in my hometown of Vienna, VA, included malfunctioning fireworks that injured 11 people, including children and an infant. These fireworks came from China.

Some 450,000 imported tires were recalled from Foreign Tire Sales after it was discovered that the Chinese-made tires were sold without a critical safety feature that prevents the tread from separating from the tire. A blown tire can cause the driver of the vehicle to lose control of his or her car and crash.

China is one of the world's leading producers of unlicensed copies of goods ranging from movies and designer clothes to sporting goods and medications. According to the Motion Picture Association of America, 93 percent of DVDs sold in China are unlicensed copies. The MPAA, the U.S. Chamber of Commerce and other industry groups say that despite stricter Chinese enforcement, product piracy is growing amid China's booming economic expansion.

China is building a new coal-fired power plant every week and within a year will be the biggest source in the world of greenhouse gases. It is building factories and infrastructure all over the developing world, but we have no solid data on China's plans or programs. A recent editorial in The Washington Post reported that World Bank experts estimate that toxic air and water in China kill some 710,000 to 760,000 Chinese each year.

During a recent visit to Sudan, Chinese President Hu Jintao promised to build a new palace for the Sudanese president, Omar al-Bashir, despite Bashir's role in orchestrating the ongoing genocide in Sudan's Darfur region. This is in addition to the recent Amnesty International report that China is selling weapons to the Sudanese government, which are then being used to kill and maim innocent civilians in Darfur.

China bullies neighboring Taiwan, repeatedly threatening to launch missiles from the mainland for Taiwan's refusal to accept China's claims of sovereignty over the democratically governed territory.

And despite all of these abhorrent acts, China was still awarded the honor of hosting the 2008 Olympics. The Olympic Games: an event designed to lift up "the educational value of good example and respect for universal fundamental ethical principles," according to its own charter. Does China's behavior sound like a "good example" to the rest of the world? Or that it is reflecting "fundamental ethical principles" that all nations should aspire to?

Amnesty International reports that the Chinese government is rounding up people in the streets of Beijing that might "threaten stability" during the Olympic Games, and is detaining them without trial. Human Rights Watch reports that the Chinese government is tightening restrictions on domestic and foreign media, in an effort to control what information leaks out about China's repressive and violent nature during coverage of the Olympics.

China has even gone so far as to claim it will "force rain" in the days leading up to the Olympics, in order to have clear skies for the Games. They intend to fire rocket shells containing sticks of silver iodide into Beijing's skies, provoking a chemical reaction that will force rain—despite mixed reviews on the soundness of this science.

China's desperation to conceal its true character leading up to the Games smacks of the Nazi bid for the Olympic Games. Analysts are likening the 2008 Beijing Olympics to the 1936 Olympics, in which Nazi Germany soft-pedaled its anti-Semitic agenda and plans for territorial expansion, fooling the international community with an image of a peaceful, tolerant Germany under the guise of the Olympic Games.

Like the Nazi regime in 1936 Berlin, the Chinese government is preparing for the Olympics by hiring U.S. firms to handle public relations and marketing for the 2008 Beijing Olympics.

Where is the outrage over China's unacceptable behavior? The facts are before us. The United States can no longer say that things are improving in China.

But China would have America and the world believe that is the case. China has hired a number of large lobbying firms in Washington, DC to push China's agenda with the U.S. government. Documents from the Department of Justice show these lobbyists as having a significant presence on Capitol Hill, including almost 200 meetings with Member offices between July 1, 2005 and December 31, 2006.

America must be a country that stands up for basic decency and human rights. America must speak out on behalf of those who cannot speak for themselves—men and women who are being persecuted for their religious or political beliefs. Our foreign policy must be a policy that helps promote human rights and freedom. Not a policy that sides with dictators who oppress their own citizens.

Next time you make a purchase, and you see the words "Made in China," think of the poisoned toothpaste, the contaminated food, the polluted waterways and airspace, the exploding tires, malfunctioning fireworks, the human rights abuses, and the intimidation of religious leaders. Remember that China poses a threat not only to its own citizens, but to the entire world.

American businesses have an opportunity to capitalize on China's failure to protect the safety of its food exports. American businesses should seize this opportunity by reclaiming their place in the global market. The United States government and American consumers must be vigilant about protecting the values that we hold dear.

IMMIGRATION REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning-hour debate for 5 minutes.

Mr. STEARNS. Madam Speaker, I am here to discuss why past efforts to stop illegal immigration into our country have failed.

Over the past several decades, immigration policy in our country has been somewhat confused and unfocused to the point that there is widespread and deepening concern that our current policies regarding immigration are not working. Poorly designed policies and weak enforcement of immigration laws have led to disturbing vulnerabilities in this country to our security, and the millions of illegal immigrants currently in our country continue to belittle the naturalization process.

From a national security perspective, preventing illegal entry and reducing those individuals illegally present in the United States is an imperative. An uncontrolled immigration system encourages the circumvention of immigration laws and is a clear invitation to those who wish to take advantage of our openness to cause this Nation harm.

Congress and the President must take credible steps to reduce illegal immigration. Federal, State and local law enforcement must be allowed to enforce existing immigration law. But because of the current lack of enforcement, the illegal population in the United States will continue to grow, the burden on local communities will increase, the stresses on civil society will become greater, and border security will become more expensive while remaining just as ineffective. Furthermore, this failure to enforce our immigration laws is tremendously unfair to the millions who obeyed the law and went through the rewarding process of obtaining legal citizenship.

Most individuals and families that immigrate to the United States, whether legally or illegally, come seeking economic opportunity. We respect that. However, unlike previous generations, a generous welfare, education and health system with generous eligibility draws a disproportionate rate of poor and low-skilled illegal immigrants to the United States. These thousands of low-skilled immigrants that pour into our country illegally each year drain precious resources from Federal, State and local governments.

In my State as in other States, they need temporary workers. I understand that. A balanced and well-constructed temporary worker program should diminish the incentives for illegal immigration by providing an additional option for legal temporary labor and, in combination with other reforms, reduce over time the current population of illegal aliens. This would foster better national security and serve a growing economy. Such a temporary worker program would be a valuable component of a comprehensive immigration reform proposal. I recognize that.

Nevertheless, my colleagues, enthusiasm for such a program in theory must be moderated by serious concerns not only about the failures of such programs in our past attempts and in other countries, but also regarding how a new program would likely be implemented and operate in practice. An ill-defined and poorly constructed temporary worker program would make the current problems of immigration policy unfortunately even worse.

In the mid 1980s, Congress advocated amnesty for long-settled illegal immigrants and considered it reasonable to adjust the status of what was then a relatively small population of illegal aliens. In exchange for allowing aliens to stay, border security and enforcement of immigration laws would be greatly strengthened, in particular through sanctions against employers who hired these illegal immigrants.

However, the Immigration Reform and Control Act of 1986, did not solve our illegal immigration problem. Indeed, the lessons of that policy experiment are clear. From the very start, there was widespread document fraud by applicants. Unsurprisingly, the number of people applying for amnesty far exceeded projections, and there proved to be a failure of political will in enforcing new laws against employers.

Two decades later, the Senate proposed another bill specifically designed to allow the overwhelming majority of illegal immigrants to legally live and work in the United States from day one and eventually to become permanent residents and then citizens. This was a form of amnesty and that is why it failed.

Securing a future where America's borders are no longer porous, its laws are respected, and illegal labor is replaced by legal workers and legal immigrants is an achievable objective that we can accomplish. More than any other nation in history, our country and its system of equal justice and economic freedom beckons not only the downtrodden and the persecuted but also those who seek opportunity and a better future for themselves and their families. But by allowing millions of illegal immigrants to remain in the United States without providing any new significant security guarantees at the border is unacceptable.

We must control our borders first, then enforce the rules and regulations at the border with more security border guards. Only after that is done should we look at a policy concerning the illegal immigrants in this country. That is what the American people want.

Secure our borders now, Madam Speaker.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LORETTA SANCHEZ of California) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of power and might, this Nation stands before You with a contrite heart, seeking Your holy will.

Bless this House of Representatives in their work of fashioning laws that will bind Your people together in social concord and lasting values.

Lord, drive out demons of doubt and despair. Replace manipulation and cynicism with the renewed Spirit of faith and freedom, that all citizens of this country may participate actively in working to achieve and maintain the common good, always calling upon Your holy name, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. HINOJOSA) come forward and lead the House in the Pledge of Allegiance.

Mr. HINOJOSA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MURDER OF JOURNALISTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, in the last few years, 30 foreign journalists have been murdered in a country torn by war. Violence against reporters is so severe that one American journalist has recently fled back to the United States. The would-be assassins have reportedly even been hired to come to America to track these reporters down.

Madam Speaker, I'm not talking about violent Iraq. I am talking about the murder of reporters in Mexico, second highest murder rate in the world for reporters, next to Iraq.

One of the vicious violent drug cartels, the Zetas, made up of former Mexican military officers, are targeting journalists who report on their drug activities. Now these dope dealing thugs claim they will just come to the United States, because of our porous borders, and kill these journalists.

The United States should heed the warnings reported by these courageous journalists, that these drug cartels are easily criss-crossing the Texas-Mexico border and bringing more drug violence to America and Mexico.

Homeland Security should seize control of our border before the cartels seize the lives of any more journalists.

And that's just the way it is.

NATIONAL GUARD PASSES RECRUITMENT GOALS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, America's National Guard is taking a crucial role in the global war on terrorism. They make up a vital part of our deployed forces, serving our country to stop terrorism overseas, protecting American families. I am proud the National Guard exceeded its recruitment goals for the month of June, which reflects the new greatest generation.

Through the month of May, the National Guard has 351,400 troops. Numbers have not been this high since November 2001. As a 31-year veteran of the Army National Guard, I understand the importance of their mission as explained by Captain James Smith.

I am particularly grateful my former unit, the 218th Brigade, is serving in Afghanistan, where they're actively working to train the Afghani police and army.

As the father of four sons in the military, I am grateful for each and every American who decides to serve. Our all-volunteer Armed Forces are making the ultimate sacrifice, and today democracy is more widespread throughout the world than any time in history protecting American families.

In conclusion, God bless our troops, and we will never forget September the 11th.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 16, 2007, at 9:53 am:

That the Senate passed S. 975.

Appointments: British-American Interparliamentary Group, National Council of the Arts, Vietnam Education Foundation, Senate National Security Working Group.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

APPOINTMENT AS INSPECTOR GENERAL OF THE HOUSE FOR THE 110TH CONGRESS

The SPEAKER pro tempore. Pursuant to clause 6 of rule II, and the order of the House of January 4, 2007, the Chair announces the joint appointment by the Speaker, the majority leader, and the minority leader of Mr. James J. Cornell of Springfield, Virginia, to the position of Inspector General of the House for the 110th Congress, effective January 4, 2007.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FDIC ENFORCEMENT ENHANCEMENT ACT

Mr. SIRES. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2547) to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FDIC Enforcement Enhancement Act".

SEC. 2. ENFORCEMENT AGAINST MISREPRESENTATIONS REGARDING FDIC DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

"(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—

"(A) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may—

"(i) use the terms 'Federal Deposit', 'Federal Deposit Insurance', 'Federal Deposit Insurance Corporation', any combination of such terms, or the abbreviation 'FDIC' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or

"(ii) use such terms or any other sign or symbol as part of an advertisement, solicitation, or other document,

to represent, suggest or imply that any deposit liability, obligation, certificate or share is insured or guaranteed by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation.

"(B) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—

"(i) that any deposit liability, obligation, certificate, or share is federally insured, if such deposit liability, obligation, certificate, or share is not insured by the Corporation; or

"(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured by the Corporation to the extent or in the manner represented.

"(C) AUTHORITY OF FDIC.—The Corporation shall have—

"(i) jurisdiction over any person that violates this paragraph, or aids or abets the violation of this paragraph; and

"(ii) for purposes of enforcing the requirements of this paragraph with regard to any person—

"(I) the authority of the Corporation under section 10(c) to conduct investigations; and

"(II) the enforcement authority of the Corporation under subsections (b), (c), (d) and (i) of section 8, as if such person were a state nonmember insured bank.

"(D) OTHER ACTIONS PRESERVED.—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State law enforcement agency or individual.".

(b) ENFORCEMENT ORDERS.—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:

"(4) FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.—

"(A) TEMPORARY ORDER.—

"(i) IN GENERAL.—If a notice of charges served under subsection (b)(1) of this section specifies on the basis of particular facts that any person is engaged in conduct described in section 18(a)(4), the Corporation may issue a temporary order requiring—

"(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and

"(II) affirmative action to prevent any further, or to remedy any existing, violation.

"(ii) EFFECT OF ORDER.—Any temporary order issued under this subparagraph shall take effect upon service.

"(B) EFFECTIVE PERIOD OF TEMPORARY ORDER.—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—

"(i) until such time as the Corporation shall dismiss the charges specified in such notice; or

"(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.

"(C) CIVIL MONEY PENALTIES.—Violations of section 18(a)(4) shall be subject to civil money penalties as set forth in subsection (i) in an amount not to exceed $1,000,000 for each day during which the violation occurs or continues.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 18(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended—

(A) by striking "this subsection" the first place such term appears and inserting "paragraph (1)"; and

(B) by striking "this subsection" the second place such term appears and inserting "paragraph (2)".

(2) The heading for subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by striking "INSURANCE LOGO.—" and inserting "REPRESENTATIONS OF DEPOSIT INSURANCE.—".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SIRES) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SIRES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIRES. Madam Speaker, I yield myself as much time as I may consume.

First, I would like to thank Chairman FRANK for moving this legislation through the committee and bringing it to the floor today.

I would also like to thank Congresswoman BIGGERT for sponsoring this legislation with me. I was happy to have such a strong proponent of consumer protection join me in introducing this bill.

We hear all types of stories about trademarks registered to a specific company being used inappropriately. In some cases, multimillion-dollar lawsuits are filed for copyright and patent infringement.

We have the same thing going on with the FDIC. Their trusted logo is being used to deceive consumers, but they have no recourse.

H.R. 2547 will allow the FDIC to levy cease and desist orders against any persons or entity that uses the FDIC's name, logo, abbreviation or any other FDIC-recognized indicator fraudulently and without the FDIC's permission. This legislation will also allow the FDIC to impose fines of up to $1 million per day against any person or entity engaging in falsely representing the FDIC's backing of a product.

This is important consumer protection legislation that is necessary to preserve the trusted name of one of the most recognized Federal agencies. In fact, the FDIC believes this legislation is necessary to help them to continue to fight financial scams.

I ask my colleagues to support H.R. 2547.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to, first of all, thank the gentleman from New Jersey (Mr. SIRES) for his work on this bill, and I urge my colleagues to support H.R. 2547, the FDIC Enforcement Enhancement Act.

In May I was pleased to join my colleague, Congressman SIRES, in introducing this bill which gives the Federal Deposit Insurance Corporation new tools to protect our constituents from financial scam artists.

After the great stock market crash in 1929 and the numerous bank closures during the Great Depression, Congress passed, in 1933, the Glass-Steagall Act, which created the FDIC. Congress created this independent Federal agency and charged it with a most important mission: To instill and maintain "the stability and the public's confidence in the Nation's financial system."

For over 70 years, the FDIC has worked to meet its mission. The FDIC's name, seal, abbreviation, and other indicators are well known, and they are symbols that the public uses to identify a financial institution or a product as being legitimate, federally insured, sound, and supervised. These are easily identifiable FDIC symbols and they can be found in a range of places, from the bank teller's window to a financial institution's Web site.

Unfortunately, over the years, criminals have taken advantage of the public's confidence in the FDIC name and used it for malicious purposes. Criminals have fraudulently used the FDIC's name to deceive consumers, most often the elderly, into saving or investing their money in a criminal's illegitimate product offered by a criminal's illegitimate financial institution.

For example, some of you may have received or known individuals who have received e-mails from these scam artists. The e-mails, that are actually from criminals, claim to be from the FDIC and request that the e-mail recipient provide highly sensitive, online banking information. However, the e-mails are fraudulent and not from the FDIC.

Current law prohibits this criminal activity, but H.R. 2547 strengthens the FDIC's enforcement powers so that it can take immediate action against criminals that are fraudulently hiding behind the good name of the FDIC and to immediately stop such criminal activity so that the consumer's money doesn't disappear.

The act allows the FDIC to enter cease and desist orders against this conduct and impose fines up to $1 million per day on any person who falsely represents the nature of the product offered or the FDIC's insurance coverage available. In addition, the proposed legislation would clarify the FDIC's authority to seek injunctive relief against such person under the rules of any Federal, State or foreign court of competent jurisdiction.

The language of this act is similar or is identical to the act of 2005, the Financial Service Regulatory Relief, section 615, which the Committee on Financial Services approved by a vote of 67-0 in November of 2005. The House has approved this bill by a voice vote.

So I would urge my colleagues to again support the language and vote for today's bill. This bill gives the FDIC the ability to help prevent our constituents from becoming victims of financial scam artists and, like Glass-Steagall, aims to give our constituents confidence in the Nation's financial system.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIRES. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and pass the bill, H.R. 2547, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIRES. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HOUSING ASSISTANCE COUNCIL AUTHORIZATION ACT OF 2007

Mr. HINOJOSA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1980) to authorize appropriations for the Housing Assistance Council.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Assistance Council Authorization Act of 2007".

SEC. 2. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009, 2010, 2011, 2012, 2013, and 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

☐ 1415

GENERAL LEAVE

Mr. HINOJOSA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1980, the Housing Assistance Council Authorization Act of 2007.

I introduced H.R. 1980 earlier this year. It was referred to the Committee on Financial Services. Chairwoman WATERS held a hearing on it in her Housing Subcommittee, and the committee reported it favorably to the floor to the point where we are today.

At this point I will enter into the RECORD a letter from 266 organizations in support of the Housing Assistance Council, also known as HAC.

APRIL 16, 2007.

Hon. DAVID R. OBEY,
Chairman, House Appropriations Committee, Washington, DC.
Hon. JOHN W. OLVER,
Chairman, Subcommittee on Transportation, HUD, and Related Agencies, House Appropriations Committee, Washington, DC.
Hon. JERRY LEWIS,
Ranking Member, House Appropriations Committee, Washington, DC.
Hon. JOE KNOLLENBERG,
Ranking Member, Subcommittee on Transportation, HUD, and Related Agencies, House Appropriations Committee, Washington, DC.

DEAR REPRESENTATIVES: We urge you to support congressional funding for the Housing Assistance Council (HAC), a national nonprofit intermediary organization, which has been committed for more than 35 years to supporting the development of affordable housing in the nation's most rural and underserved places. HAC has an excellent record as a lender, capacity builder, and information provider and should be included in the 2008 Department of Housing and Urban Development appropriation.

We, the undersigned 266 organizations, represent vibrant, rural communities across America. Our efforts to build and sustain affordable housing for low-income rural residents are often complicated by funding cuts and capacity challenges. Throughout, HAC has been a staunch advocate, a lender, a source of information and technical advice, and a friend to rural housing providers. At times, when others have ignored rural America's needs, HAC has stood firm and kept rural issues at the forefront of the national discourse.

Congressional funding allows HAC to support rural communities and provide:

Lending. HAC has loaned more than $217 million dollars to 1,875 organizations to develop 56,000 units of affordable housing. These loans have helped thousands of families own or rent affordable, decent homes in 49 states and the Virgin Islands and Puerto Rico.

Capacity Building Grants, Technical Assistance, and Training. HAC has raised and distributed more than $5 million in capacity building grants to nurture over 300 local nonprofit organizations engaged in affordable housing development. Grants, supported by technical assistance and training have a ripple effect, enabling recipient organizations to begin to sustain themselves and better serve their communities.

Research and Information. The HAC website, ruralhome.org, helps to overcome the geographical isolation that impacts many rural communities and brings up-to-date information and technical resources to often disconnected rural communities. Taking Stock and other HAC research provide objective analysis of rural housing and poverty conditions that impact more than 55 million rural residents.

With continued congressional support, HAC can sustain and expand its exceptional work in the rural communities you represent across America.

Thank you for your consideration.

Alabama: Alabama Non Profit Housing Inc., Oneonta; Ecumenical Ministries, Fairhope; Habitat for Humanity Hale County, Inc., Greensboro; HERO, Greenboro; North Glover CDC, Mobile; SE Alabama Self-Help Association, Inc., Tuskegee; Sowing Seeds of Hope, Marion.

Alaska: Alaska CDC, Palmer; RurAL CAP, Anchorage.

Arizona: Comm. Action Human Resources Agency, Eloy; Emanika Associates Architects, Inc., Florence.

Arkansas: CHICOT Housing Assistance Corp., Lake Village; Crawford-Sebastian Comm. Dev. Council, Fort Smith; Delta Studies Center, State Univ.; East AR Strategic Planning Initiative, Brinkley; Eldorado Housing Authority, El Dorado; SACD, Arkadelphia; St. Francis County CDC, Forrest City; Universal Housing Development Corp., Russellsville.

California: Cabrillo Economic Dev. Corp., Ventura; California Coalition for Rural Housing, Sacramento; California Housing Partnership Corp, San Francisco; California Human Dev. Corp., W. Sacramento; Center for Community Advocacy, Salinas; Comm. Hsng. Improvement Program, Chico; CHISPA, Salinas; Legal Services of Northern California, Chico; Mercy Housing, W. Sacramento; Organizacion en California de Lideres Campesinas, Pomona; National Housing Law Project, Oakland; Peoples' Self-Help Housing Corporation, San Luis Obispo; Rural California Housing Corporation, W. Sacramento; Rural Community Assistance Corp., W. Sacramento; Self Help Enterprises Inc., Visalia; Self-Help Home Improvement Project, Redding; Torres Martinez Desert Cahuilla Indian Nation, Thermal.

Colorado: Century 21 Real Estate, Pagosa Springs; Colorado Housing, Inc., Pagosa Springs; Grand County Housing Authority, Fraser; Habitat for Humanity of Colorado, Denver; Habitat for Humanity of Montrose Cty, Montrose; Housing Justice, Denver; Housing Resources of Western Colorado, Grand Junction.

Delaware: Delmarva Rural Ministries, Inc., Dover; NCALL Research Inc, Dover.

Florida: Coalition of Florida Farmworker Orgs., Florida City; Florida Home Partnership, Inc., Ruskin; Florida Low Income Housing Associates, Inverness; Florida Non-Profit Housing, Inc., Sebring; Homes in Partnership, Inc., Apopka; Indiantown Non-Profit Housing, Indiantown; Rural Neighborhoods, Homestead.

Georgia: East Athens Development Corp, Athens; GA State Trade Assn. of Nonprofit Developers, Atlanta; Home Development Resources, Inc., Gainesville; Hsng and Econ. Leadership Partners, Inc., Athens; Ropheka Rock of the Word, Inc., Atlanta; Sams Memorial Community Econ. Dev., Darien; Seminole County Training School CDC, Donalsonville; Southwest Georgia HDC, Cuthbert; Washington Clay CDC, Atlanta.

Hawaii: Hawaii Human Dev. Corp., Honolulu; Self-Help Housing Corp. of Hawaii, Honolulu.

Idaho: Community Council of Idaho, Caldwell.

Illinois: Franciscan Ministries, Inc., Wheaton; Housing Action Illinois, Chicago; Illinois Migrant Council, Chicago; YouthBuild McLean County, Bloomington.

Indiana: Community Action of East Central IN, Richmond; Comm. Action Program of Evansville, Evansville; Heart House, Aurora.

Iowa: Northeast Iowa CAC, Decorah.

Kansas: 21st Century Homestead, Altamont; Emporia Comm. Hsng Org., (ECHO), Emporia; Interfaith Housing Services, Inc., Hutchinson; Mental Health Assoc. of the Heartland City, Kansas City; NEK-CAP, Hiawatha; New Beginnings, Inc., Hutchinson; Northwest Kansas Housing, Inc., Hill City; See-Kan Cooperative Development, Inc., Sedan.

Kentucky: Community Housing, Inc., Winchester; FAHE, Berea; Frontier Housing, Morehead; Housing Development Alliance, Hazard; Kentucky Housing Corporation, Frankfort; Kentucky Mnt Hs Dev' Corporation, Manchester; Low Income Hsng Coalition of E. KY, Prestonsburg; McCreary Cty Comm. Hsng Dev. Corp., Whitley City; Owsley County Action Team, Booneville; Partnership Housing, Inc, Booneville.

Louisiana: United for Fair Economy, Mandeville; Greater North Louisiana CDC, Jonesboro; MET—La. Housing, Hammond; Mt. Olive Waterworks District, Grambling; Project 2000, Inc., Hammond.

Maine: Bread of Life Ministries, Augusta; Coastal Enterprises, Inc., Wicasset; Community Concepts, South Paris; Rumford Group Homes, Inc., Rumford.

Maryland: Interfaith Housing Alliance, Inc, Frederick; Southern MD Tri-County CAC, Inc., Hughesville.

Massachusetts: Hilltown CDC, Chesterfield; RCAP Solutions, Gardner; Rural Development Incorporated, Turners Falls.

Michigan: Bay Area Housing, Inc, Bay City; Channel Housing Ministries, Inc., Hart; G.A. Haan L.P., Harbor Springs; Human Development Commission, Caro; Jackson Affordable Housing Corp., Jackson; Marquette County Habitat for Humanity, Marquette; NW Michigan Human Services Agency, Traverse; Northern Homes CDC, Boyne City; Saginaw County CAC, Saginaw; Washtenaw Affordable Housing Corp., Ann Arbor.

Minnesota: American Indians in Unity, Saint Paul; Becker County Housing, Fergus Falls; Grand Portage Indian Housing Authority, Grand Portage; Minnesota Housing Partnership, Saint Paul.

Mississippi: African American Cultural Society, Starkville; Central Mississippi, Inc. (CMI), Winona; Christian Housing Dev. Org., Inc., Columbus; City of Picayune, Picayune; Delta Foundation, Inc., Greenville; Esther Stewart Buford Foundation, Yazoo City; Southwest Mississippi Opportunity, Inc., McComb; West Holmes Community Dev. Org., Tchula.

Missouri: Economic Security Corp. of SW Area, Joplin; Green Hills Community Action Agency, Trenton; Missouri Valley CAA, Marshall.

Montana: Midwest Assistance Program, Lewistown; N. Cheyenne Housing Improvement Prog., Lame Deer; Neighborhood Housing Services, Great Falls.

Nevada: Rural Community Assistance Corp., Dayton.

New Hampshire: Laconia Area Community Land Trust, Laconia; NeighborWorks Greater Manchester, Manchester.

New Jersey: Crusaders CDC, Bridgeton; Mendham Area Senior Housing Corp., Mendham.

New Mexico: Centro Fuerza Y Unidad, Mesquite; City of Lordsburg, Lordsburg; Eastern Plains Housing Dev. Corp., Clovis; Greater Hidalgo Area Chamber of Comm., Lordsburg; Habitat for Humanity—Gila Region, Silver City; HELP-New Mexico, Inc, Albuquerque; Hsng Authority of the City of Las Cruces, Las Cruces; Navajo Partnership for Housing, Inc., Gallup; Santo Domingo Tribe, Santo Domingo, Pueblo; Siete del Norte, Embudo; SW Neighborhood Housing Services, Albuquerque; Supportive Housing Coalition of NM, Albuquerque; Tierra del Sol Housing Corporation, San Miguel.

New York: ADD Community Services Programs, Inc., Wappingers Falls; Bishop Sheen Ecumenical Hsng Fdn, Inc., Rochester; Cuba CDC, Cuba; Hudson Valley Housing Development Finance Corp., Wappingers Falls; NYS Rural Advocates, Blue Mntn Lake; NYS Rural Housing Coalition, Albany; Rural Development Leadership Network, Prince St. Stn; Rural Opportunities, Inc., Rochester.

North Carolina: Design Corps, Raleigh; Habitat for Humanity of Moore County, Aberdeen; Herrington Village, Ltd., Elizabeth City; Hinton Rural Life Center, Hayesville; Housing Assistance Corporation, Hendersonville; Inez Community Development Co., Greensboro; Lincoln Apartments, Inc., Durham; Moore County Habitat for Humanity, Aberdeen; Mount Sinai Homes, Fayetteville; Mountain Projects Inc., Waynesville; North Carolina Housing Coalition, Raleigh; Panola Heights Housing Dev. Corp., Tarboro; Princeville Housing Development Corp., Princeville; Robeson County CDC, Rowland; Southern Real Estate Mgmt & Cons., Durham; Telamon Corporation, Rowland, Rowland.

North Dakota: Southeastern North Dakota CAA, Fargo; Spirit Lake CDC, Saint Michael; Standing Rock Housing Authority, Fort Yates.

Ohio: Adams Brown Counties. Econ. Op. Inc., Winchester; COHHIO, Columbus; Habitat for Humanity of Morrow Cty, Mt. Gilead; Rural Appalachian Housing Dev., Glouster.

Oklahoma: Latimer County Housing Authority, Stigler; Native American Housing Services, Inc., McLoud; Tri-County Indian Nations CDC, Ada.

Oregon: CASA of Oregon, Newberg; Junction City/Harrisburg/Monroe Habitat for Humanity, Junction City; LeBanon Area Habitat for Humanity, Lebanon; Rural Collaborative, Portland; Umpqua CDC, Roseburg.

Pennsylvania: Alliance for Better Housing, Kennett Square; Columbia County Housing Corporation, Bloomsburg; Housing Alliance of Pennsylvania, Glenside; Livable Hsng & Comm. Dev. Software, York; Sisters of St. Francis, Aston; Threshold Housing Development, Inc., Uniontown; Trehab, Montrose.

South Carolina: Allendale County ALIVE, Allendale; CDC of Marlboro County, Bennettsville; Lowcountry Hsng and Econ. Dev. Fdn, Charleston; United Methodist Relief Center, Mt. Pleasant.

South Dakota: Inter-Lakes Comm. Action Partnership, Watertown; Oti Kaga, Inc., Eagle Butte.

Tennessee: Affordable Housing Resources, Nashville; Buffalo Valley, Inc, Hohenwald; Carey Counseling Center, Paris; Crossville Housing Authority, Crossville; Eastern Eight CDC, Johnson City; Foothills CDC, Alcoa; Hawkins Habitat for Humanity, Rogersville; Joshua & Nehemiah Comm. Ministry, Jackson; Riverview Kansas CDC, Memphis.

Texas: Action Gypsum, LP, Houston; Amigos del Valle, Mission; Association of Rural Comm. in Texas, Austin; Comm. Council of Southwest Texas, Uvalde; CDC of South Texas, Inc., McAllen; Futuro Communities, Uvalde; Housing Plus, Inc., Harlingen; Lower Valley Housing Corp., Fabens; McAllen Affordable Homes, McAllen; Motivation, Education and Training, Inc., Austin; Organizacion Progresiva de San Elizario, San Elizario; Paso del Norte Civil Rights Project, El Paso; Proyecto Azteca, San Juan; Self-Help Housing of East Texas, Newton; South Texas Civil Rights Project, San Juan; Texas C-BAR, Austin; Urban County Program, College Station; Walker-Montgomery CHDO, New Waverly.

Utah: Mountain Lands Comm. Housing Trust, Park City; Neighborhood Nonprofit Housing Corp., Logan; Rural Housing Dev. Corp. of Utah County, Provo.

Vermont: Brattleboro Area Comm. Land Trust, Battleboro; Lamoille Housing Partnership, Inc., Morrisville; RNA Community Builders, Rutland; Vermont Affordable Housing Coalition, Burlington; Vermont Housing & Conservation Board, Montpelier.

Virginia: Bay Aging, Urbanna; Blue Ridge Housing Development Corp., Roanoke; Community Housing Partners Corp., Christiansburg; HOPE Community Services, Farmville; Mountain Shelter, Wytheville; Rappahannock Tribe, Inc., Indian Neck; Southeast RCAP, Roanoke; Trailview Development, Abingdon; Volunteers of America, Alexandria.

Washington: Diocese of Yakima Housing, Yakima; Homes for Islanders, Friday Harbor; Kitsap County Consolidated Hsng Auth., Silverdale; Office of Rural and Farmworker Housing, Yakima; Okanogan County CAC, Okanogan; Shelter Resources, Inc., Bellevue; WA State Farmworker Housing Trust, Bellingham; WA State Housing Finance Commission, Seattle, Whatcom Skagit Housing, Bellingham.

West Virginia: Comm. Homebuyer Investment Program, Wheeling; Harts Community Development Inc., Harts; Housing Authority of Mingo County, Williamson; Stop Abusive Family Environments, Welch; Telamon Corporation, Martinsburg; Woodlands Development Group, Elkins.

Wisconsin: America's Dream, Inc., Seymour; Coalition of Wisconsin Aging Groups, Madison; Southeast Wisconsin Housing Corporation, Burlington; UMOS, Milwaukee.

Wyoming: Habitat for Humanity of the Greater Teton Area, Jackson.

Madam Speaker, I want to take this opportunity to thank my good friend Congresswoman WATERS for working closely with me as she helped navigate this important rural housing legislation to this floor. I also want to recognize the important role her staff played in bringing this bill to the floor today. I commend Mikael Moore and Nat Thomas with Chairwoman WATERS, as well as Jeff Riley with Congressman FRANK for their time and efforts and patience and understanding while working on this important legislation. I also want to acknowledge the good work of Jaime Lizarraga.

In my capacity as chairman of the Congressional Rural Housing Caucus, I introduced H.R. 1980, the Housing Assistance Council Authorization Act of 2007, that supports rural communities' efforts to provide quality and affordable housing. It authorizes the Department of Housing and Urban Development to provide the Housing Assistance Council, known as HAC, with funds for technical assistance, for training, as well as support and advice. These types of assistance will help develop the business and administrative capacities of rural community-based housing development organizations. Also, this bill will provide the Housing Assistance Council with funds to use to make loans, grants, or provide other financial assistance for community-based housing development organizations, which will help them develop affordable housing options for low- and moderate-income families throughout rural America.

HAC will use some of these funds received as a result of this authorizing language and the appropriations process for below-market lending to local community and faith-based home builders with an emphasis on first-time low-income homeownership, particularly for minorities. When repaid, HAC will lend the funds again to new borrowers. The new capital will be used throughout rural America, including in five very high need areas: Appalachia, the Lower Mississippi Delta and Southeast, the Southwest border region, Native American areas, and migrant farm worker regions throughout the country. These are areas where property rates and housing need are very high, development capacity is very low, and conventional financing tools do not always work.

The Housing Assistance Council has extensive experience and is uniquely qualified to carry out this work. HAC's 35-year-old nonprofit loan fund, where this new capital would be used, has lent over $220 million during their existence to nearly 1,900 organizations to develop almost 60,000 homes, and the fund has a loss rate of less than 1 percent. Madam Speaker, these loans have helped thousands of families own or rent affordable, decent homes in 49 States and the Virgin Islands and Puerto Rico, and has helped Proyecto Azteca in my congressional district. It is important to note that HAC is the only national assistance organization devoted solely to rural housing and community development.

Madam Speaker, 20 percent of our Nation's population lives in rural communities; yet far too many of these families live in conditions that are poor, inadequate, or run-down. This bill will go a long way towards improving the overall quality of life of rural Americans by providing them with the resources they need to improve the quality of housing in rural America.

In conclusion, I want to thank again Congresswoman MAXINE WATERS and Chairman BARNEY FRANK for their support for this important legislation and for bringing this bill to the floor for a vote today.

Madam Speaker, I reserve the balance of my time.

Mr. PEARCE. Madam Speaker, I yield myself such time as I may consume.

I rise today to support H.R. 1980, the Housing Assistance Council Authorization Act of 2007, and would like to compliment the gentleman from Texas (Mr. HINOJOSA) for his work on this and also Chairwoman WATERS for bringing this important initiative for rural communities to the floor today.

This legislation recognizes the work of the Housing Assistance Council in providing housing opportunities for low-income families in rural communities, and most of the Second District is rural communities in New Mexico. There are many others across this country, but we feel the direct impact in New Mexico.

Although HAC has received funding through HUD appropriations since the early 1980s, the program has never been authorized. This bill would formally authorize assistance councils, which is important to ensure the continued success of the program and long-term goal of aiding individuals in low-income housing.

The Housing Assistance Council is unique in nature and the only nonprofit designed to help improve rural housing. HAC should be particularly praised for its work on self-help housing initiatives, which promote personal stability and financial responsibility for low-income housing.

Again I want to thank my colleagues for acknowledging the Housing Assistance Council's important contribution to affordable housing for rural communities, and I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Madam Speaker, I want to yield 5 minutes to my good friend the gentleman from New Hampshire, Congressman PAUL HODES, who has already made a mark in Congress during his first year in office.

Mr. HODES. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of H.R. 1980.

Rural poverty is a particularly harsh brand of indigence. It tends to be more extreme than urban poverty, and because it develops in areas far from television cameras and daily newspapers, to most people in this country, rural poverty is faceless. But its presence and its consequences are very real, and they present formidable challenges to both our country and our conscience.

In my own home State of New Hampshire, we have largely a rural State. Our cities by some measures are hardly cities. They are large towns. And while we are known for the beauty of our mountains and our lakes and our tourist economy as well as our high tech economy, there are pockets of intransigent rural poverty throughout our State. In the far north the rate of poverty is much higher than it is in most other places in the State, and generally the poverty rate in rural areas of the country is 14.6 percent, which tops that of most urban areas.

People who are living in rural poverty face numerous challenges. Inaccessibility of housing with high rents. In New Hampshire the average price for an apartment for a family of four is now $1,000, and this is at a time when folks who are living in rural areas are facing a softer economy and gas prices which are rising, and the challenge of finding a decent place to live for people who live in rural areas is a powerful challenge. People who live in rural areas are farther from basic services. They are less likely to take advantage of them.

There is a desperate need in parts of our country, including my own State. And as the people's House, we have a moral imperative to help children and parents trapped in destitution.

H.R. 1980 and H.R. 1982, which will come to the floor later, are compassionate, responsible bills which encourage the development of low- and moderate-income housing in our most stricken areas. There is no doubt, because I have seen it with my own eyes on numerous occasions at home, that a clean, safe place to live is often the first step on the road to self-sufficiency. We are not talking about handouts. Encouraging economic development in poor areas helps creates jobs and a solid tax base, which build toward self-sustaining prosperity.

Madam Speaker, H.R. 1980 and its companion 1982 are wise, compassionate investments in our country's future. I urge my colleagues to support their passage.

I appreciate the opportunity to speak on this important bill.

Mr. PEARCE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

This legislation is very important to many parts of Texas. As you know, when they redrew the lines of the Congressmen in Texas, I was given a 375-mile-long geographic area that had 90 communities. The greatest majority, 90 percent, were small rural communities who were asking when is Congress going to recognize the great need that we have for housing assistance?

And I want to give you just one example of the route that I mentioned, Proyecto Azteca, which is one where people build their own homes. They provide the labor to build those homes with the supervision of some professional supervisors in construction of residential homes. The only assistance that we give them is the purchasing of the materials, the building materials, which amounts to about $30,000. And I wish you could see these homes. I wish you could see the fine work that is done in these three-bedroom, one-bath homes that many have been built in our area with this type of assistance.

So I give this example because there are many serving in Congress who have never visited colonias like those that are in some parts of the southwestern part of the United States.

So I say that this type of legislation is something that is going to go a long ways in helping provide many, many more affordable homes.

Ms. WATERS. Madam Speaker, I rise in strong support of H.R. 1980, the Housing Assistance Council Authorization Act of 2007.

This bill authorizes $10 million for the Housing Assistance Council, HAC, in Fiscal Year 2008 and $15 million in Fiscal Years 2009–2014. HAC, a nonprofit corporation, is the only national intermediary focused solely on the tremendous affordable housing needs of rural areas and small towns.

HAC assists in the development of both single-family homes and multi-family housing, and promotes homeownership for working low-income rural families. HAC maintains a special focus on high-need groups and regions: Indian country, the Mississippi Delta, farm workers, the Southwest border colonias, and Appalachia. In just the past 8 years, HAC has provided over $105 million in aid to hundreds of organizations in 160 Congressional districts. Since inception in 1971, HAC has helped build 60,000 affordable homes in 49 states and 2 territories.

The funds authorized by H.R. 1980 will allow HAC to continue successfully assisting a national network of rural nonprofit, public and for profit builders. Specifically, HAC could continue providing grants, loans, technical assistance, training, and other support to build the capacity of rural community-based housing development organizations to create and sustain safe affordable housing. The bill also enables HAC to offer vital help to specific housing projects and initiatives these groups undertake.

I am especially pleased that this funding will enable HAC to bring its expertise to bear on the problem of rural homelessness. While my District does not encompass rural areas, it does have as many as 10,000 persons on any given night. And though it may not seem so at first blush, homelessness in central Los Angeles is related to rural homelessness.

Specifically, in the absence of an adequately resourced network of housing and service providers in their home communities, poor rural folks who fall into homelessness often leave their family and social networks and move to larger urban areas in the hope of finding jobs, housing, and social services.

While migrating from the countryside to the city, and vice versa, is an important and time-honored American tradition, these vulnerable households—often with few skills and suffering from disabilities or chronic health problems—too often experience homelessness again in the destination city. There, they enter public and private systems of care already stressed to the breaking point—as tragically exemplified by a recent "60 Minutes" story on so-called "hospital patient-dumping" in Los Angeles.

H.R. 1980 will enable HAC to help interrupt this tragic cycle, by building the capacity of their network of housing developers and social service providers to care for the homeless and at-risk in their own hometowns—where they

are most likely to escape homelessness and re-enter the economic mainstream.

Mr. HINOJOSA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 1980.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PEARCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1430

RURAL HOUSING AND ECONOMIC DEVELOPMENT IMPROVEMENT ACT OF 2007

Mr. HINOJOSA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1982) to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Housing and Economic Development Improvement Act of 2007".

SEC. 2. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.

(a) USE.—The Secretary of Housing and Urban Development may carry out a program, through the Office of Rural Housing and Economic Development, to provide assistance to Indian tribes, State housing finance agencies, State community or economic development agencies, local nonprofit organizations and community development corporations in rural areas to support innovative housing and economic development activities in rural areas.

(b) REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR ASSISTANCE.—As a condition of initial or continuing assistance under any housing or economic development activity that is provided assistance with amounts made available under this section, the Secretary of Housing and Urban Development shall require that each member of a family so assisted (or of a family applying for such assistance) who is 18 years of age or older or is the spouse of the head of household of such family, shall have a valid social security number.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development for assistance under this section—

(1) $30,000,000 for fiscal year 2008; and

(2) $40,000,000 for each of fiscal years 2009, 2010, 2011, 2012, and 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007.

I introduced H.R. 1982 earlier this year. It was referred to the Committee on Financial Services. Chairwoman MAXINE WATERS held a hearing on it in her Housing Subcommittee, and the committee reported it favorably to the floor to the point where we are today.

At this point, I would submit for the RECORD a statement of the National Association of Realtors in support of the Rural Housing and Economic Development Improvement Act.

STATEMENT OF THE NATIONAL ASSOCIATION OF REALTORS TO THE HOUSE FINANCIAL SERVICES COMMITTEE, SUBCOMMITTEE ON HOUSING AND COMMUNITY OPPORTUNITY HEARING

RURAL HOUSING PROGRAMS: REVIEW FISCAL YEAR 2008 BUDGET AND PENDING RURAL HOUSING LEGISLATION—MAY 9, 2007

Nearly 20% of the U.S. population live in non-metropolitan areas. Housing conditions in rural areas are generally worse than in urban or suburban neighborhoods. Federal rural housing programs are instrumental in providing affordable housing opportunities to low- and moderate income rural renters and homebuyers. The National Association of REALTORS® strongly supports federal housing programs that target rural communities and provide sufficient federal assistance needed to meet the housing needs of rural communities.

Many of our rural citizens face a serious housing crisis. Nearly all of the counties with the highest poverty rates in America are rural. As a result, access to an adequate supply of safe, affordable rental units, mortgage financing and housing assistance is especially important in these areas. Approximately 1.9 million rural renters have housing problems; the majority of these renters are spending more than 30% of their incomes for housing. These areas also generally have fewer mortgage lenders competing in the marketplace, a factor that raises the cost of home mortgages.

FY2008 budget proposals

The President's FY2008 budget proposal for the U.S. Department of Agriculture's Rural Housing Service (RHS) reflects a preference for loan guarantees and vouchers to provide low income rental housing. The President's budget proposal eliminates funding for the Section 502 single family direct loan program, while increasing funding for the Section 502 single family guaranteed loan program by 32%. Similarly, the proposal would eliminate funding for the Section 515 multifamily direct loan program (which provides loans to developers of affordable rental housing), while doubling funding for the Section 538 multifamily guaranteed program. Lastly, the budget proposes to increase from 2 to 3 percent, the guarantee fee on new 502 loans.

While NAR's members understand and support programs like loan guarantees that leverage available funds, we also believe that direct loan programs are also very important. In many rural communities, the Section 502 direct loan program is the only housing assistance available. Section 502 homeownership direct loan program loans are used primarily to help low income households purchase homes. They can be used to build, repair, renovate, or relocate homes, and to purchase and prepare sites, including providing water and sewage facilities. These loans may also be used to refinance debts when necessary to avoid foreclosure or when required to make necessary house repairs affordable. We strongly support the availability of sufficient federal assistance to ensure the Section 502 direct loan program responsibly addresses the housing needs of low and moderate income rural families.

Rental housing is also a critical need in rural communities. Approximately 7.8 million people in non-metropolitan areas in the U.S. are poor. Section 515 Rural Rental Housing Loans are direct, competitive mortgage loans made to finance affordable multifamily rental housing units for very low-, low-, and moderate-income families, elderly persons, and persons with disabilities. Since its inception in 1962, the Section 515 program has provided more than half a million decent rental homes affordable for the lowest income rural residents. We urge Congress to restore construction funding for the Section 515 program eliminated in the President's FY2008 budget so as to enable low-income rural families to find decent, safe, and affordable housing.

We also strongly oppose the proposed increase in the guarantee fee on 502 loans. Increasing the fee will mean that rural low- and moderate-income families will have to pay more for the opportunity to become homeowners. This may cause some families to become ineligible for a mortgage.

Pending rural housing legislation

The National Association of REALTORS® also supports H.R. 1982, the "Rural Housing and Economic Development Improvement Act of 2007", introduced by Rep. Hinojosa (D-TX). This bill would authorize the Rural Housing and Economic Development program at HUD that provides assistance to states and localities for housing and economic development activities in rural communities. The program provides limited funding on a competitive basis to community groups including local rural non-profits, community development corporations, housing finance agencies (HFAs), and economic development agencies. The funding may be used for capacity building and similar support for housing and economic development projects in areas with a population of less than 20,000. This program has been operating successfully at HUD but has not been authorized. HR 1982 would simply authorize the program and deserves Congressional support.

Conclusion

In closing, the National Association of REALTORS® appreciates this opportunity to comment on the needs for rural housing. We thank the Subcommittee for its attention to rural housing, and we urge your strong support of our policy and funding recommendations to improve rural housing opportunities.

Madam Speaker, 20 percent of our Nation's population lives in rural communities, yet far too many of these families live in conditions that are poor, inadequate or run down. To address these horrendous conditions, I cofounded and currently chair the Congressional Rural Housing Caucus. The goal of the caucus is to improve the availability, affordability and quality of housing in rural America.

H.R. 1982 provides $30 million for the Rural Housing and Economic Development, known as the RHED, program respectively for fiscal year 2008, and $40 million for fiscal years 2008 throughout the year 2013.

I believe this legislation will go a long way towards accomplishing the goals of the Congressional Rural Housing Caucus.

The Rural Housing and Economic Development program provides for capacity building at the State and at the local level for rural housing and economic development, and to support innovative housing and economic development activities in rural areas.

Funds made available under this program are awarded competitively on an annual basis through a selection process conducted by HUD. This program is established to assist nonprofit organizations in rural communities across America. Eligible applicants are local rural nonprofits as well as community development corporations, federally recognized Indian tribes, State housing finance agencies, and State community and/or economic development agencies.

Support for innovative housing and economic development activities is intended for, but not limited to, other costs for innovative housing and economic development activities.

Possible activities include the following: Preparation of plans; architectural drawings; acquisitions of land and buildings; demolition; provision of infrastructure; purchase of materials and construction costs; use of local labor markets; job training and counseling for beneficiaries; and financial services such as revolving loan funds and IDAs, which are the individual development accounts.

Other possible activities include home ownership and financial counseling, the latter of which is important to me in my role as the cofounder and cochair of the Financial and Economic Literacy Caucus with my friend Congresswoman BIGGERT.

The RHED program also allows for application of innovative construction methods, provision of financial assistance to homeowners, businesses and developers, and the establishment of CDFIs, lines of credit, revolving loan funds, microenterprises, and something that is much needed in my own district, small business incubators.

The Rural Housing and Economic Development Enhancement Act of 2007 will help the RHED program provide additional funding needed to increase and improve capacity, building at the State and local level for rural housing and economic development.

I urge my colleagues to vote for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. PEARCE. Madam Speaker, I rise today in support of H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007. RHED is designed to provide grants to Indian tribes, State housing finance agencies, State community or economic development agencies, local nonprofit organizations and community development corporations.

H.R. 1982 was introduced in response to the administration's budget proposals for the fiscal year 2008, which zeros out the RHED program by consolidating it into the Community Development Block Grant program, CDBG.

This shows a continuing promise by the administration to more effectively manage its grant programs. However, preserving the one remaining outreach in HUD to rural communities is critical in helping our most impoverished citizens.

The Second District of New Mexico, which I represent, is one of America's most rural districts, and it is critical that Congress provide our rural citizens with the proper access to safe, affordable housing. For example, in the town of Columbus, New Mexico, near the Mexican border, there are citizens who have no running water in their homes. They must bring a pail to the center of town in order to get water for their families. Many times these individuals are overlooked because of geography, and we must protect their rights.

I would like to thank Congressman HINOJOSA for recognizing the need for safe housing in rural communities like those in southern New Mexico. The need for this kind of program is great in the Second District, and I am grateful to assist in seeing that Congress is coming to the aid of the neediest families in rural areas. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Madam Speaker, at this time, I wish to yield 5 minutes to my good friend, the gentleman from New Hampshire, Congressman PAUL HODES.

Congressman HODES has helped focus Congress' attention on rural housing issues and environmentally green, sustainable building practices. And he has earned the respect of those of us on that committee.

Mr. HODES. I thank the gentleman for yielding on this important bill.

Madam Speaker, I had the privilege to speak briefly on H.R. 1980. In many ways, H.R. 1982 is a companion measure.

This important act authorizes the Secretary of Housing and Urban Development, through the Office of Rural Housing and Economic Development, to implement important assistance programs to support innovative housing and economic development activities in rural areas. Both in my State of New Hampshire and in States around the country, this important act will provide much needed assistance.

I rise in strong support of this act. I urge my colleagues to unanimously approve of this measure.

Ms. WATERS. Madam Speaker, I rise in strong support of H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007. This bill authorizes $30 million for the U.S. Department of Housing and Urban Development's, HUD, Rural Housing and Economic Development, RHED, program in FY 2008 and $40 million for Fiscal Years 2009–2013.

Although Congress has funded RHED since 1999, this bill finally gives the program formal authorization. Such authorization is long overdue, as this competitive grant program has long-since proven its worthiness. According to the Office of Management and Budget, RHED grants have created more than 9,100 jobs and more than 112,000 housing units.

RHED grants are desperately needed to address the growing affordable housing crisis in rural America. While housing costs are lower in rural America, so too are household incomes. As a result, rural America faces a growing affordability concern, particularly among renters. According to the 2005 American Housing Survey, nearly 3.6 million rural households are cost burdened, paying more than 30 percent of their monthly income for housing costs. The Department of Housing and Urban Development's biennial "worst case housing needs" survey reveals that, in 2005, nearly 1 million rural households paid more than half their incomes in housing costs and/or lived in substandard housing—a dramatic 51 percent increase since 2003.

RHED funding is prudently allocated—based on community need measured by poverty and unemployment rates, as well as by other indicators including rates of substandard housing and percentage of households facing affordability problems.

The RHED program also emphasizes specific high needs regions and populations. Over 60 percent of the organizations that have received RHED funds over the program's history serve high needs regions, which include Appalachia, the Mississippi Delta, the Border Colonias, Native American lands, and farmworkers.

The RHED program also targets smallest, most isolated rural communities, giving extra weight to applications proposing to serve areas with populations of 2,500 or less. Because of this targeting, the Housing Assistance Council estimates that almost one-third of RHED grants have been allocated to organizations serving the most remote rural counties.

RHED is an especially important housing resource for rural America because of its exclusive focus on rural communities—a unique niche among HUD programs, and one that helps redress the challenges rural communities face in obtaining funding in many other federal housing programs. For example, only 12 percent of section 8 funds go to non-metropolitan areas and the HOME program has no set-aide for rural communities, with the result that they receive a disproportionately small portion of formula grants. Less than 7 percent of FHA assistance goes to non-metropolitan areas. On a per-capita basis, rural counties fare worse with FHA, getting only $25 per capita versus $264 per capita in metro areas. Only about 10 percent of Veterans Affairs housing programs reach non-metropolitan areas and per capita spending in rural counties is only one-third that of metropolitan areas.

RHED fills such critical gaps left by other Federal housing and community development programs. Its flexible design supports comprehensive community development efforts that address the interconnected housing and economic development needs of rural communities. This targeted resource has enabled rural community organizations across the country to design and implement innovative programs and stabilize their communities. The ongoing need for the RHED programs is clear and I encourage my colleagues to vote for H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007.

Mr. RODRIGUEZ. Madam Speaker, I would like to thank Chairman FRANK and my friend Congressman HINOJOSA for bringing forth this important legislation and making it a priority for the American people.

I rise today in strong support of H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007, a bill that would implement an assistance program to support economic and housing development in rural areas. This act would provide assistance to Indian tribes, State housing finance agencies, State community or development agencies, local nonprofit organizations and community development corporations.

According to the Texas Low Income Housing Information Service, in Texas alone, more than one million people have lived in public housing over the past 60 years. In Texas and throughout the country, the majority of families living in public housing have very low income and have no alternative to public housing.

My Congressional District is very rural, and housing in these very low-income communities remains a top concern. This act would allow sustainable low income housing and improve the economic standard of our working-class families in Texas.

I ask all my colleagues to join me in supporting those in need of assistance by voting for this bill.

Mr. SMITH of Nebraska. Madam Speaker, In 2006, the Santee Sioux Tribe of Nebraska, in Niobrara, received a Rural Housing and Economic Development Innovative Support Grant award, to provide additional funding for a 40-unit subdivision in the Village of Santee.

Today, we will pass H.R. 1982, authorizing the Office of Housing and Urban Development to authorize the Rural Housing and Economic Development program to provide competitive grants to support housing and economic development in rural areas.

This program is the only exclusively rural housing program administered by HUD, and focuses on "high-risk" areas.

If rural areas of Nebraska are going to grow and prosper, we need strong, safe communities. H.R. 1982 is an investment in the future for struggling rural areas, and is a good step in the right direction.

Mr. PEARCE. Madam Speaker, I yield back the balance of my time.

Mr. HINOJOSA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 1982, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PEARCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING THE CATHEDRAL SQUARE CORPORATION ON ITS 30TH ANNIVERSARY

Mr. HODES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 408) recognizing and honoring the Cathedral Square Corporation on its 30th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 408

Whereas in 1977 the Cathedral Church of St. Paul, the Cathedral of the Episcopal Diocese of Vermont, recognized the need to provide safe and affordable housing for its low-income seniors, organized the Cathedral Square Corporation, and began construction of a single project;

Whereas since that small beginning Cathedral Square Corporation has grown into one of the largest and most innovative nonprofit housing developers in Vermont;

Whereas the work of Cathedral Square Corporation has been groundbreaking, both literally and figuratively;

Whereas Cathedral Square Corporation has developed housing for persons with mental health challenges, and operates the housing in partnership with mental health agencies;

Whereas Cathedral Square Corporation has developed housing for younger adults with severe mobility impairments, and operates the housing in partnership with the Visiting Nurse Association;

Whereas Cathedral Square Corporation completed one of the first assisted living conversion projects in the country for very low-income seniors who otherwise would be in nursing homes;

Whereas Cathedral Square Corporation saved the historic Ruggles House, a property on the National Register of Historic Places, converting it to shared housing;

Whereas Cathedral Square Corporation developed an intergenerational community, serving the elderly, teenage parents, and parents returning to college;

Whereas Cathedral Square Corporation created Whitcomb Terrace, a housing development for persons of any age, income, or disability, which is a truly integrated, barrier-free community;

Whereas Cathedral Square Corporation recently completed construction of an innovative mixed-financing project, which is one of few such projects in the Nation and will be home to 63 senior households and 4 nonprofit organizations;

Whereas Cathedral Square Corporation currently manages housing for 837 seniors, 79 young adults with special needs, and 24 low-income children, and every property managed by the Corporation provides as many services as possible to enable independent living by the residents;

Whereas not only has Cathedral Square Corporation made possible 40 affordable housing communities throughout Vermont, but the Board of Directors and staff of the Corporation are always looking to the future, anticipating the housing and service needs of those Vermonters who otherwise would have few housing options; and

Whereas Cathedral Square Corporation does not just build housing, they provide homes: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors the tremendous accomplishments and dedication of Cathedral Square Corporation, a Vermont nonprofit housing development organization, on the occasion of its 30th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Madam Speaker, I yield myself so much time as I may consume.

I rise today in support of House Resolution 408. This resolution recognizes and honors the Cathedral Square Corporation on its 30th anniversary in September of this year.

The Cathedral Square Corporation is based in Burlington, Vermont, in the district of my esteemed colleague, PETER WELCH.

In 1977, the Cathedral Church of St. Paul, the Cathedral of the Episcopal Diocese of Vermont, recognized the need to provide safe and affordable housing for its low-income seniors. It organized the Cathedral Square Corporation and began construction of a single project. Since then, it has grown into one of the largest and most innovative nonprofit housing developers in Vermont.

The Cathedral Square Corporation has developed much needed housing for persons with mental health challenges, younger adults with severe mobility impairments, and completed one of the first assisted living conversion projects in the country for very low-income seniors who otherwise would be in nursing homes. In addition, the Cathedral Square Corporation has worked with the community to save the historic Ruggles House, a property on the National Register of Historic Places, converting it to shared housing.

This extremely important organization has worked to develop an intergenerational community, serving the elderly, teenage parents, and parents returning to college.

In total, Madam Speaker, the Cathedral Square Corporation currently manages housing for 837 seniors, 79 young adults with special needs, and 24 low-income children. And every property managed by the corporation provides as many services as possible to enable independent living by the residents.

Madam Speaker, not only has Cathedral Square Corporation made possible 40 affordable housing communities throughout Vermont, but the board of directors and staff of this corporation are always looking to the future, anticipating the housing and service needs of those Vermonters who otherwise would have few housing options.

The Cathedral Square Corporation doesn't just build housing, they provide homes and help create community. They are an outstanding example to all housing groups, and I applaud their innovation and their diligent work and service to the community.

I congratulate the Cathedral Square Corporation. And this resolution congratulates them on 30 years of distinguished service.

Madam Speaker, at this time I reserve the balance of my time.

Mr. PEARCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 408 to honor Cathedral Square Corporation in respect to their 30 years of dedicated service to providing quality, affordable housing for seniors and individuals with special needs.

The United States must take care of its seniors and individual needs. I appreciate the work done by the Cathedral Square Corporation over the last 30 years to provide the most quality assistance to our seniors and special need individuals.

I thank and congratulate the CSC on reaching their 30th anniversary. And I encourage my colleagues to support the resolution.

Madam Speaker, I yield back the balance of my time.

Mr. HODES. I thank the gentleman for his concurrence in this resolution.

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Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 408.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A WORLD DAY OF REMEMBRANCE FOR ROAD CRASH VICTIMS

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 87) supporting the goals and ideals of a world day of remembrance for road crash victims.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 87

Whereas 40,000 people in the United States, and 1,200,000 people globally, die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles, the increasing use of motor vehicles, and rapid urbanization;

Whereas the World Health Organization has predicted that by the year 2020 the annual number of deaths from motor vehicle crashes is likely to surpass the annual number of deaths from AIDS;

Whereas the current estimated cost of motor vehicle crashes worldwide is $518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas over 90 percent of motorist-related deaths occur in low- and middle-income countries;

Whereas according to the World Health Organization motorist-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors; and

Whereas the United Nations General Assembly adopted a resolution designating the third Sunday of November as a day of remembrance for road crash victims and their families, and called on nations globally to improve road safety: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of a world day of remembrance for road crash victims; and

(2) encourages the people of the United States to support and participate in programs and activities to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs, and other activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Con. Res. 87, a bill that supports the goals and ideas for a world day of remembrance for road crash victims. H. Con. Res. 87, which has 54 cosponsors, was introduced by Representative ROBERT WEXLER on March 8, 2007. H. Con. Res. 87 was reported from the Committee on Oversight and Government Reform on June 12, 2007 by a voice vote.

The third Sunday in November is designated as a world day of remembrance for road crash victims. This resolution commemorates the 1.2 million people killed in road crashes globally, including 40,000 in the United States each year.

Road crashes are the second leading cause of death worldwide among young people from ages 5 to 29, and the third leading cause of death among people aged 30 to 44 years. Vehicle accidents every year have injured and disabled as many as 50 million people throughout the world. Road traffic injuries cost countries approximately $518 billion each year, which is between 1 and 5 percent of the gross domestic product of each nation.

I support this legislation to encourage the people of the United States and of the world to support and participate in programs and activities to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs and other activities.

Madam Speaker, I commend my colleague, ROBERT WEXLER, for introducing this legislation and urge swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, every year approximately 40,000 people in the United States die in road crashes. The number worldwide is even more devastating, over 1.2 million. These tragedies are overwhelming to the victims and their families and lead to numerous unintended physical, emotional and financial hardships.

H. Con. Res. 87 supports a world day of remembrance for road crash victims on the third Saturday of every November. According to the World Health Organization, 90 percent of motorist-related deaths occur in low and middle income countries. The countries are in need of improved road systems, increased prevention initiatives, and education programs for new drivers.

Too many of these road crash fatalities can be prevented through legislation, consistent enforcement and better education on the use of safety precautions such as seatbelts, child restraints and helmets. Drunk driving prevention programs and campaigns such as Mothers Against Drunk Driving are useful tools to bring awareness to such tragedies.

Communities and families worldwide must work together to prevent road crashes and related deaths. These traffic accidents injure or disable more than 50 million people. It is time we take these numbers into perspective to end dangerous and life-threatening vehicle crashes.

With that, I urge my colleagues to support H. Con. Res. 87.

Mr. SMITH of Nebraska. Madam Speaker, today, we will pass H. Con. Res. 87, supporting the goals and ideals of a world day or remembrance for road crash victims.

This legislation sets aside the third Sunday of November as a day of remembrance for road crash victims and their families, and calls on nations globally to improve road safety.

It also encourages our country to support and participate in programs and activities to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs, and other activities.

Each year 40,000 people in the U.S. die in road crashes—last year Nebraska had 226 fatal crashes, according to the Nebraska Office of Highway Safety.

Very few of us can say we have never been affected by a road crash. It is my hope, through these educational and informative steps, we can lower the total of Americans—and Nebraskans—lost to road crashes each year.

Mr. CANNON. Madam Speaker, I have no other speakers, and I yield back my time.

Mr. DAVIS of Illinois. Madam Speaker, I would urge passage of this legislation, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 87.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DR. KARL E. CARSON POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2570) to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. KARL E. CARSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, shall be known and designated as the "Dr. Karl E. Carson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Karl E. Carson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 2570, which names a postal facility in Fort Collins, Colorado, after Dr. Karl E. Carson. H.R. 2570, which was introduced by Representative MARILYN MUSGRAVE on June 5, 2007, was reported from the Oversight Committee on June 12, 2007, by a voice vote. This measure has the support of the entire Colorado congressional delegation.

Dr. Karl E. Carson served in the U.S. Navy Reserve during World War II. He was a communications officer on the USS Strive, a minesweeper. Following his military service, he attended the University of Nebraska and received his doctor of dental surgery degree in 1951. Dr. Carson started his dental practice in 1954. His practice thrived and continued until his retirement in 1994.

In 1991, the Colorado Dental Association gave him its Distinguished Service Award. Dr. Carson was a member of the Fort Carson City Council from 1975 until 1973. He held the city's top post, mayor, for 5 years, from 1968 to 1973.

Madam Speaker, I commend my colleague, Representative MARILYN MUSGRAVE, for introducing this legislation and urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Dr. Karl Carson, a father, musician and public servant, led an honorable life of community service. Over the years the tremendous contributions he made to the City of Fort Collins, Colorado, certainly merit the naming of a post office in his honor.

Dr. Karl Carson was born in 1915 in Wichita, Kansas. He was raised on a dairy farm and milked cows each day before leaving for school. While in high school, he met his wife Wilma Schull, with whom he had five children. Dr. Carson demonstrated a deep devotion to his family as a loving husband, father and grandfather.

He attended Fort Collins State University in Kansas on a music scholarship and paid for his education by singing at weddings and other social occasions.

After graduating, he served honorably in the U.S. Navy Reserve during World War II as a communications officer aboard the USS *Strive*. This service marked the beginning of a lifetime of serving his community and country.

After the conclusion of his military service, Dr. Carson received a doctorate degree in dental surgery from the University of Nebraska. In 1954, he moved to Fort Collins, Colorado, with his family and established his own dental practice. Dr. Carson enjoyed a successful 43-year long dental career. He was recognized for his excellence in dentistry by the Colorado Dental Association in 1991 with a Distinguished Service Award.

In 1965, Dr. Carson began his noteworthy career of public service as a member of the Fort Collins City Council. He was subsequently elected by the City Council to be mayor in 1968.

During his mayoral term, he initiated a program called Designing Tomorrow Today, which was the catalyst for building the downtown library, city hall and the Lincoln Center. Dr. Carson also regarded his support of adding fluoride to Fort Collins water supply as one of his greatest achievements.

Dr. Carson will be remembered for his legendary record of community service. Beyond serving as the director of downtown Fort Collins development, the Colorado League of Cities and President of the Colorado Municipal League, he was a member of the Kiwanis Club for over 60 years.

Regarded by many of the fathers of Fort Collins, Dr. Karl Carson undoubtedly left his mark on the Colorado community. Let us recognize his legacy of community service and devotion to family by naming this post office in his honor.

Madam Speaker, I urge the passage of H.R. 2570.

Mr. DAVIS of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Speaker, I rise today to speak on behalf of H.R. 2570, to designate the post office building at 301 Boardwalk Drive in Fort Collins, Colorado, as the Dr. Karl E. Carson Post Office Building.

Madam Speaker, I am pleased to have the opportunity to honor a man who has given so much to the Fort Collins community. He was quoted in 2005 saying that he lived life by a simple pledge: "I hope when I leave this place, I contributed to making it a better place."

His legacy in Fort Collins was indeed a life of community service and devotion to his family. Dr. Carson passed away in February of this year, and I think it would be safe to say that Fort Collins was a better place because of Dr. Carson's service to this community.

Karl was born on September 27, 1915, in Wichita, Kansas, to Daniel and Clara Helfrick Carson. He was raised on the family dairy farm, and every day before he went to school he milked cows and bottled milk. In high school, he met his lifelong sweetheart, Wilma Schull, and they married on August 23, 1936. To this union, five children were born: Allen, James, Daniel, Thomas and LuAnn. The Carsons also had eight grandchildren and four great grandchildren.

Karl Carson attended Fort Hays State University in Kansas on a music scholarship, and he paid his way through college by singing at weddings and parties.

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He served in the United States Navy Reserve during World War II. He was a communication officer on the USS *Strive*, a mine sweeper.

Following his military service, Mr. Carson attended the University of Nebraska and received his Doctor of Dental Surgery degree in 1951. The Carson family moved to Fort Collins where Dr. Carson started his dental practice in 1954. His practice thrived and continued until retirement in 1994. Amazingly, for 30 of those 43 years he practiced dentistry with his son, Tom. In 1991, the Colorado Dental Association gave him its Distinguished Service Award.

Dr. Carson was a member of the Fort Collins City Council from 1965 to 1973. He held the city's top post, mayor, for five terms, from 1968 to 1973 at a time when the city council elected the mayor. And he considered his support of adding fluoride to the Fort Collins water supply one of his greatest achievements. During his tenure, he started a program called Designing Tomorrow Today, which led to the construction of the Lincoln Center, city hall, and the downtown library.

Dr. Carson's community service is legendary. He was the director of downtown Fort Collins development, President of the Colorado Municipal League and the Colorado League of Cities. He was also a member of Kiwanis since 1938. Continuing his love of music and youth, he lent his expertise to participants in the Kiwanis annual Stars of Tomorrow Talent Show.

Madam Speaker, Dr. Karl Carson indeed fulfilled his legacy of leaving Fort Collins and this world a better place. The citizens of Fort Collins, Colorado, will never forget him. He was a man of love and commitment to his family and community. Upon hearing of his death in February of this year, the current mayor of Fort Collins, Doug Hutchinson, called Dr. Carson a "City Father."

I urge my colleagues to join me in recognizing Dr. Karl Carson for his many contributions to the Fort Collins community by supporting this legislation.

Mr. CANNON. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2570.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REQUIRING REPORT ON EFFORTS TO BRING TO JUSTICE PALESTINIAN TERRORISTS WHO KILLED JOHN BRANCHIZIO, MARK PARSON, AND JOHN MARIN LINDE

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2293) to require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT RELATING TO THE MURDERS OF JOHN BRANCHIZIO, MARK PARSON, AND JOHN MARIN LINDE.

(a) FINDINGS.—Congress makes the following findings:

(1) On October 15, 2003, a convoy of clearly identified United States diplomatic vehicles was attacked by Palestinian terrorists in Gaza resulting in the deaths of John Branchizio, Mark Parson, and John Marin Linde, and the injury of a fourth American.

(2) John Branchizio, Mark Parson, and John Marin Linde were contract employees providing security to United States diplomatic personnel who were visiting Gaza in order to identify potential Palestinian candidates for scholarships under the Fulbright Program.

(3) Senior officials of the Palestinian Authority have stated that they were aware of the identities of the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde.

(4) Following her visit to Israel and the West Bank on February 7, 2005, Secretary of State Condoleezza Rice announced that she had been "assured by President Abbas of the Palestinian Authority's intention to bring justice to those who murdered three American personnel in the Gaza in 2003".

(5) Since the bombing on October 15, 2003, United States Government personnel have been prohibited from all travel in Gaza.

(6) The United States Rewards for Justice program is offering a reward of up to $5,000,000 for information leading to the arrest or conviction of any persons involved in the murders of John Branchizio, Mark Parson, and John Marin Linde.

(7) The Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde have still not been brought to justice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the continued inability or unwillingness of the Palestinian Authority to actively and aggressively pursue the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde and bring them to justice calls into question the Palestinian Authority's suitability as a partner for the United States in diplomatic efforts to resolve the Palestinian-Israeli conflict;

(2) future United States assistance to the Palestinian Authority may be suspended or conditioned, and the continued operation of the PLO Representative Office in Washington may be jeopardized, if the Palestinian Authority does not fully and effectively cooperate in bringing to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde; and

(3) it is in the vital national security interest of the United States to safeguard, to the greatest extent possible consistent with their mission, United States diplomats and all embassy and consulate personnel, and to use the full power of the United States to bring to justice any individual or entity that threatens, jeopardizes, or harms them.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

(1) efforts by the United States to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde;

(2) a detailed assessment of efforts by the Palestinian Authority to bring to justice the Palestinian terrorists who killed John

Branchizio, Mark Parson, and John Marin Linde, including—

(A) the number of arrests, interrogations, and interviews by Palestinian Authority officials related to the case;

(B) the number of Palestinian security personnel and man-hours assigned to the case;

(C) the extent of personal supervision or involvement by the President and Ministers of the Palestinian Authority; and

(D) the degree of cooperation between the United States and the Palestinian Authority in regards to this case;

(3) a specific assessment by the Secretary of whether the Palestinian efforts described in paragraph (2) constitute the best possible effort by the Palestinian Authority; and

(4) any additional steps or initiatives requested or recommended by the United States that were not pursued by the Palestinian Authority.

(d) CERTIFICATION.—The requirement to submit a report under subsection (c) shall no longer apply if the Secretary of State certifies to the appropriate congressional committees that the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde have been identified, arrested, and brought to justice.

(e) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of H.R. 2293, and I yield myself such time as I may consume.

The legislation the House is considering today will ensure that three brave Americans are not forgotten. I want to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN and my friend, the ranking member of the subcommittee, Mr. PENCE, for their support and cosponsorship of the bill.

Though my belief in the necessity of this legislation is complete, my feelings about the bill are mixed. I am proud that this House will today insist that justice be done for three Americans who died in the service of their country. But I am deeply troubled and saddened that this legislation is even necessary.

On October 15, 2003, John Branchizio, Mark Parson, and John Marin Linde were killed due to the detonation of a roadside car bomb in Beit Hanoun in the Gaza Strip. These young Americans were providing security to a mission of American diplomats on their way to Gaza to conduct interviews for Fulbright scholars to come to the United States. But they never made it.

Despite the easily recognized vehicles and the diplomatic plates marking them clearly as Americans, despite coordination with the Palestinian security authorities, despite the fact that they were on a mission of kindness and generosity, their lives were ended by a brutal and cowardly act. And ever since then, United States Government employees have been barred from entering Gaza.

Their deaths were tragic. But what followed, however, was a farce.

The attack took place near a manned Palestinian checkpoint; and immediately following the attack, journalists photographed Palestinian police officers standing by as onlookers cheered the attack and roamed the crime scene destroying critical evidence. But within 24 hours, the Palestinian Authority, quite literally, "rounded up the usual suspects," four members of the so-called Popular Resistance Committee, or PRC.

Yasser Arafat's Palestinian Authority, however, never presented a case against them. Held over for a month, the Palestinian court finally announced that the defendants would be released since "no evidence was offered against" them. They remained in jail despite the judge's order, however, pending Yasser Arafat's approval of their release. When that approval never came, a mob of PRC members stormed the jail the next month, without resistance, and freed the suspects.

A year later, on September 22, 2004, Arafat's cousin, the head of military intelligence in Gaza, told the Associated Press that though the identity of the killers was known, the United States would have to forgo justice in this case. Speaking of our Nation, he said, "They know that we are in a very critical position and clashing with any Palestinian party under the presence of the occupation is an issue that will present many problems for us."

"The Americans," he added, "have started recently to understand our position and I expect that this crisis will also be resolved."

Six months later, Secretary Condoleezza Rice raised the matter directly with Palestinian President Mahmoud Abbas. I don't know that Abu Mazen, as Abbas is known, told our Secretary of State, but she publicly announced on February 7, 2006, "We have been assured by President Abbas of the Palestinian Authority's intention to bring justice to those who murdered three American personnel in Gaza in 2003."

Obviously, we are still waiting and with the Hamas takeover of the Gaza Strip, we may never know the truth, and justice may never be done.

I have been outspoken in my criticism of the administration's failure to use the fresh mandate Abbas had in 2006 to make real progress toward peace. We failed him, as did the Israelis, and we are now confronting the consequences of our shortsightedness. But in this case, in this small but meaningful case, Abu Mazen has failed us.

The case presented an opportunity to establish the Palestinian Authority's writ, to demonstrate that the PA was capable of handling the duties of a state, which above all is obliged to maintain law and order, for visitor and citizen alike.

There is still a $5 million bounty pending, through the Rewards for Justice program, but I doubt it will ever be paid. The Bush administration has been so lack in dealing with this case, so lackadaisical in the pursuit of justice for three Americans who died in the service of this Nation that I believe Congress must step in.

It is not in our power to compel justice, nor can we instill drive, initiative, or energy. But we can maintain accountability, and that is what this bill would do. Thirty days after passage, and every 120 days thereafter, the Secretary of State will have to present Congress with a progress report, and not a short one either. This report would require details, the kinds of sticky uncomfortable deals, the kind of sticky uncomfortable details that will show whether the Department is insisting on the pursuit of justice, or just waiting for it to show up on its own. We are not asking for the impossible. The most important requirement of the report is a specific assessment of whether the Palestinians are making their best effort and possible resolution.

Today, it is hard to say what that would look like. But very deliberately, this report will be prepared every 120 days in perpetuity until the Secretary can certify that the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde have been identified, arrested, and brought to justice.

I regret saying it, but justice for these three men was never as great a priority for the Bush administration as it ought to have been.

The vital national security interests of the United States require us to safeguard to the greatest extent possible consistent with their mission United States diploma tics and all embassy and consulate personnel, and to use the full power of the United States to bring justice to any individual or entity that threatens, jeopardizes, or harms them.

Every man and woman working for the United States abroad deserves this commitment. And so many months after their deaths, John Branchizio, Mark Parson, and John Marin Linde deserve this much at the very least. I urge all of my colleagues to vote "yes" on this bill.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 2293, which would require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed three Americans on October 15, 2003.

I would like to begin by expressing my heartfelt condolences to the families and loved ones of John Branchizio, Mark T. Parson, and John Marin Linde, Jr., and all United States citizens who have been victimized by the incessant Palestinian terrorist attacks.

These three brave Americans were murdered while accompanying United States diplomats who were going to interview young Palestinians for the opportunity to study in this great country on Fulbright scholarships, offering those youth a chance for a better life.

While I am sickened by this deplorable act, I am surprised that for far too long our State Department and the Palestinian Authority have done little to bring the murderers of these Americans to justice. These families and others who have lost loved ones should not have their grief compounded by the lack of justice from our own system.

The virtual impunity afforded the certain terrorists sends the wrong foreign policy signal, not only to the American people and our allies in the region, but to the terrorists themselves. Recently, Palestinian Authority President Mahmoud Abbas established an emergency government in the West Bank, with an independent, Salem Fayyad as Prime Minister. Abbas and Fayyad have made statements opposing terrorism, violence and militia rule that pervades both the West Bank and Gaza. But they must follow up their words with actions.

Not only do Abbas and Fayyad need to crack down on terrorism and dismantle all militias within the West Bank, but they must locate, detain, and turn over to U.S. custody the murderers of John Branchizio, Mark Parson, and John Marin Linde so that they can be charged and brought to justice in an American court. They cannot fulfill their responsibility for stopping terrorism in the future without taking action against those who have perpetrated terrorism in the past.

Madam Speaker, we have a great responsibility to those Americans who have lost their lives to Palestinian terror. Therefore, our government should consider conditioning any aid to the West Bank emergency government upon that government showing concrete actions in resolving this case. We must end the message that we as a country are fully committed in our resolve to investigate and prosecute the murder of innocent Americans abroad.

Again, I strongly condemn the attack on United States citizens by Palestinian terrorists and reiterate our demands that the administration do more to bring their killers to justice.

H.R. 2293 is a major step in the right direction, and I am proud to have cosponsored it. For their leadership in introducing this bill, I thank my good friends and colleagues, the chairman and the ranking member of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN and Mr. PENCE. I urge my colleagues to join us in supporting this critical legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 2293, which requires the Secretary of the State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde. This bill requires the Secretary of State to submit a report—classified, if necessary—within 30 days and every 120 days thereafter to the appropriate committees until the attackers have been brought to justice.

The bill also warns of potential restrictions on privileges extended to the Palestinian Authority by our government in the case of continued noncompliance, although I hope it will never come to that.

I commend my colleague Mr. ACKERMAN of New York for introducing this important measure. This resolution lends the full support of the United States Congress to bringing to justice the Palestinian terrorists who murdered three contractors providing security to American diplomatic personnel in Gaza on October 15, 2003. The Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde have still not been brought to justice.

John Branchizio, Mark Parson, and John Marin Linde were slain by terrorists who assaulted a clearly marked convoy of American diplomats. Ironically, the diplomats were on a mission to help the Palestinians by identifying Gazan candidates for the Fulbright exchange program.

In February 2005, Palestinian Authority President, Mahmoud Abbas, assured Secretary of State Rice that the perpetrators would be brought to justice. Further, senior Palestinian officials asserted that the Palestinian Authority knew the identities of the assailants. Yet inexplicably, these terrorists have not been named; they have not been questioned; and they have not been arrested, charged, prosecuted, and punished. No way is that justice. Justice delayed is justice denied.

It is imperative that the legitimate leaders of the Palestinian Authority show their willingness to confront the scourge of terrorism if they are to be considered a reliable partner for peace.

Madam Speaker, I strongly support this piece of legislation, and I ask that my colleagues do the same.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 2293.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1515

HONORING OPERATION SMILE ON ITS 25TH ANNIVERSARY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 208) honoring Operation Smile in the 25th Anniversary year of its founding, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 208

Whereas Operation Smile is a private, not-for-profit volunteer medical services organization providing reconstructive surgery and related health care to indigent children and young adults in developing countries and the United States;

Whereas in 1982, Dr. William P. Magee Jr., a plastic surgeon, and his wife, Kathleen S. Magee, a nurse and clinical social worker, traveled to the Philippines with a group of medical volunteers to repair children's cleft lips and cleft palates;

Whereas there they discovered hundreds of children ravaged by deformities, and although they helped many children, the volunteers were forced to turn away the majority of those who sought help;

Whereas Operation Smile headquartered in Norfolk, Virginia, was founded in 1982 by Dr. William Magee Jr. and his wife Kathleen S. Magee to address this need;

Whereas since 1982, Operation Smile's volunteers have provided free reconstructive surgery to more than 100,000 children and young adults with facial deformities in 25 countries;

Whereas Operation Smile provides education and training to thousands of healthcare professionals globally, and is implementing a plan for a Global Standard of Care to ensure that every child treated will receive the same high standard of care every time;

Whereas Operation Smile provides a network of resources to assist families in the United States with children born with facial deformities;

Whereas more than 450 Operation Smile Student Associations in the United States and around the world build awareness, raise funds, and educate students about values of commitment, leadership, and volunteerism; and

Whereas in 2007, in commemoration of its 25th anniversary, Operation Smile has announced a year-long series of initiatives to include implementing global standards of care for all its medical programs, opening comprehensive care centers in seven countries, hosting international forums on medical diplomacy, and launching the World Journey of Smiles, which consists of 40 simultaneous missions in 25 countries with the goal of treating an estimated 5,000 children living with facial deformities: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 25th anniversary of the founding of Operation Smile as its volunteer medical professionals continue to travel around the world to treat children suffering from facial deformities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

I would like to thank our colleague, Congresswoman THELMA DRAKE, for sponsoring this important resolution and for her leadership on this issue.

Twenty-five years ago, William and Kathleen Magee of Virginia traveled with other medical professionals to the Philippines to treat children with facial deformities. Little did they know it was a trip that would change their lives and the lives of thousands of children around the world.

Inspired by the Filipino children, the Magees decided to start their own organization designed specifically to address cleft palates and cleft lips in countries where medical care leaves those afflicted with few options.

They called it Operation Smile, and the Magees were the perfect couple to start it. William is a plastic surgeon, and Kathleen is a nurse and social worker. Since 1982, operating out of their headquarters in Norfolk, Virginia, they have led a dedicated coalition of medical services workers to address facial deformities around the world.

Aside from appearance and comfort level, these are serious conditions that can cause problems with feeding and speech, as well as ear disease.

In the past 25 years, Operation Smile has provided corrective reconstructive surgery to some 100,000 children and young adults in 25 countries.

Operation Smile adeptly recognizes the differences in these countries and brings together medical professionals to tailor their care depending on the setting. The organization coordinates training activities, as well as fellowships and professorships, to further both its own mission and the medical system in these countries overall.

Operation Smile provides a network of resources to assist families in the United States with children born with facial deformities. It runs an annual international student leadership conference and student leadership program, and it trains surgeons in certain advanced skills.

We can all learn from Operation Smile and the model it provides to medical professionals and organizations around the world, and we can all learn from the Magees that public service can go far beyond one's chosen profession.

That is why I urge my colleagues to support this resolution to honor Operation Smile and William and Kathleen Magee on the 25th anniversary of their organization.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 208, which recognizes the 25th anniversary of the founding of Operation Smile, a private nonprofit founded by Dr. and Mrs. William Magee of Virginia in 1982.

Madam Speaker, the volunteers for Operation Smile provide reconstructive surgery and other health care to needy children in the United States, as well as in developing countries. They particularly help children with a cleft lip or cleft palate, congenital birth defects that occur as frequently as one in every 600 births.

Clefts can cause multiple physical and mental health problems for children and adults, including feeding and speech difficulties, ear infections that can lead to deafness, and low self-esteem, as well as alienation from others.

Children worldwide need not, and must not, suffer from these health problems simply because they were born with clefts. Surgery in infancy, adolescence or young adulthood can correct clefts and avert resulting medical and psychological difficulties.

Sadly, many families who seek medical care and surgery for children born with clefts are turned away, both in the United States and abroad, due to lack of funds or shortages of medically trained professionals who can provide the care that these children urgently need.

Fortunately, the outstanding medical professionals at Operation Smile have, for a quarter of a century, volunteered their time and effort to help save these children and their families. They have provided free reconstructive surgeries to over 100,000 children and young adults in this country and worldwide. They educate and train thousands of health care professionals across the globe. Just as importantly, they are developing future generations of volunteers for this noble cause.

Young men and women at more than 450 Operation Smile student associations in the United States and abroad are fund-raising, building awareness and encouraging their fellow students to take charge, to lead and to volunteer their time to help others. In all of these ways, these volunteers demonstrate the potential that volunteers and nonprofits have to change lives, to tackle global problems and to significantly improve the world around them.

Because of their 25 years of service, many children and young adults who were born with cleft lip or palate can look at themselves in the mirror with pride, and so can volunteers at Operation Smile.

This resolution, offered by my good friend and colleague from Virginia (Mrs. DRAKE) sends the right message by recognizing and encouraging outstanding volunteers and achievements in the private and the nonprofit sector.

Therefore, Madam Speaker, I urge the House to adopt this resolution, H. Res. 208.

Mr. SCOTT of Virginia. Madam Speaker, it is with great pleasure that I rise today to commend the efforts of Operation Smile during their 25 years of service to the United States and to the world. I would like to thank my distinguished colleague, Congresswoman DRAKE, for sponsoring this resolution and bringing it to the floor. As we both represent the city of Norfolk, VA, the home of Operation Smile, I would just like to say a few words about Operation Smile and its efforts to help children around the world.

What Operation Smile has accomplished since its inception is truly remarkable. Since its first mission in the Philippines in 1982, Operation Smile volunteers have treated more than 100,000 children and young adults and have trained thousands of health professionals around the world. In addition, through pure determination, Operation Smile has built bridges and built trust. As a result, it has created a presence, earned the respect of governments and ministries of health, and united cultures in over 25 developing countries.

Operation Smile consists of a diverse group of volunteers from various countries and cultures, who come together with the common goal of repairing childhood facial deformities. Through these missions, the strongest bonds of friendships are forged as people who have very little in common work together to change a life. Operation Smile has demonstrated an ability to find working partnerships amid unstable and controversial conditions. Through diplomacy and leadership, coupled with medical aid and technology, it is able to heal and inspire cross-cultural cooperation.

While promoting medical diplomacy, Operation Smile continues to cross borders, bridge cultural and ethnic divides, and encourage collaboration and commitment. Its success has been astounding and as a result, Operation Smile has become the largest volunteer charity of its kind. Its efforts go beyond children and their families—Operation Smile changes communities, students, medical professionals, and healthcare systems.

Just this past year, Operation Smile traveled to Jordan on two separate occasions in order to provide life-changing surgeries to 138 Iraqi children who were transported to Amman from Baghdad, and it worked with the Mercy ships to treat 54 children in Bangladesh. These missions consisted of volunteers from over a dozen countries who worked together side by side to help these children. In this time of war, the volunteers of Operation Smile managed to bring a bright light to the lives of these children that will last a lifetime.

In the war against terrorism, hatred of Americans by other populations is a significant problem. The work of Operation Smile is immeasurable in developing good will to counteract that hatred. The doctors and other volunteers who work with Operation Smile and the children who have been helped by Operation Smile will serve as perpetual evidence of our good will and the best America has to offer. I cannot think of better ambassadors for the United States than the founders of Operation Smile, Dr. Bill and Kathleen Magee.

In 1982, Bill and Kathleen saw a need both abroad and here at home to help children with deformities live a better and happier life. Because of their diligence, and that of the many volunteers and donors that have worked with Operation Smile over the past 25 years, Operation Smile has not only created smiles, but has changed the lives of hundreds of thousands of children across the globe.

I would like to once again commend Operation Smile on the occasion of their 25th anniversary, and I wish them continued success bringing smiles to the faces of children and families worldwide.

Mrs. DRAKE. Madam Speaker, I rise today to honor the 25th Anniversary of Operation Smile, a worldwide children's medical charity that repairs cleft lips and cleft palates for children and young adults in developing countries. Operation Smile, which is headquartered in Norfolk, VA, was founded by Dr. William Magee, Jr., a plastic surgeon, and his wife, Kathleen, a nurse and clinical social worker.

In 1982, the Magees traveled to the Philippines with a group of medical volunteers to repair children's cleft lips and cleft palates. While many children were treated, the inundated volunteers, lacking in resources and manpower, were forced to turn away the majority of those who sought help.

The Magees were heartbroken to see such an overwhelming need. Yet, instead of being discouraged, the Magees were inspired by their experience. As they prepared to leave the Philippines the Magees made a promise to return to the Philippines to help more children and Operation Smile was born.

The Magees returned to Norfolk and began to solicit the donations of surgical equipment and supplies, began grassroots fundraising, and assembled a volunteer team of doctors, nurses and technicians. Just as they promised, the Magees returned to the Philippines to treat even more patients.

Since those humble beginnings in 1982, Operation Smile has grown into a worldwide children's medical charity whose network of medical volunteers are dedicated to helping improve the health and lives of children and young adults worldwide. Operation Smile has helped more than 100,000 children and young adults in 30 developing countries overcome their physical irregularities. The organization now operates one of the world's largest volunteer networks, utilizing more than 5,000 medical and non-medical professionals around the world.

During their medical missions, credentialed medical professionals volunteer to repair facial deformities while building public and private partnerships that advocate for sustainable healthcare systems for children and families. Furthermore, Operation Smile trains and educates local medical professionals and leaves behind necessary equipment to lay the groundwork for long-term self-sufficiency.

I commend the Magees for their passion to improve the health and lives of children and young adults worldwide. Through Operation Smile, their efforts over the past 25 years have offered new life and new hope to those suffering from facial deformities and their families. In recognition of Operation Smile's 25th Anniversary, I am truly honored to commend their noble work here on the floor of the House of Representatives.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of our time.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 208, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution recognizing the 25th anniversary of the founding of Operation Smile.".

A motion to reconsider was laid on the table.

COMMENDING THE KINGDOM OF LESOTHO FOR ENACTMENT OF A LAW TO IMPROVE THE STATUS OF MARRIED WOMEN

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 294) commending the Kingdom of Lesotho, on the occasion of International Women's Day, for the enactment of a law to improve the status of married women and ensure the access of married women to property rights, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 294

Whereas the Kingdom of Lesotho is a parliamentary constitutional monarchy that has been an independent country since 1966;

Whereas Lesotho is a low-income country with a gross national income per capita of $960 and 50 percent of the population lives below the poverty line;

Whereas, in Lesotho, the HIV prevalence is estimated at 23 percent for the total adult population and 56 percent for pregnant women between the ages of 25 and 29, and the current average life expectancy at birth is estimated to be 34.4 years;

Whereas the Kingdom of Lesotho, referred to by some as the "Kingdom in the Sky", was a strong public supporter of the end of apartheid in South Africa, and the Government of Lesotho granted political asylum to a number of refugees from South Africa during the apartheid era;

Whereas the Government of Lesotho has demonstrated a strong commitment to ruling justly, investing in people, ensuring economic freedom, and controlling corruption;

Whereas the Government of Lesotho has been named eligible by the Millennium Challenge Corporation (MCC) for a Compact of financial assistance that, as currently proposed, would strongly focus on improving and safeguarding the health of the people of Lesotho, in addition to supporting projects for sustainable water resource management and private sector development;

Whereas, historically, a married woman in Lesotho was considered a legal minor during the lifetime of her husband, was severely restricted in economic activities, was unable to enter into legally binding contracts without her husband's consent, and had no standing in civil court;

Whereas legislation elevating the legal status of married women and providing property and inheritance rights to women in Lesotho was introduced as early as 1992;

Whereas for years women's groups, nongovernmental organizations, the Federation of Women Lawyers, officials of the Government of Lesotho, and others in Lesotho have pushed for passage of legislation strengthening rights of married women;

Whereas in a letter to the Government of Lesotho in September 2006, the chief executive officer of the MCC stated that gender inequality is a constraint on economic growth and poverty reduction and is related to the high prevalence of HIV/AIDS, and that inattention to issues of gender inequality could undermine the potential impact of the Compact proposed to be entered into between the MCC and the Government of Lesotho;

Whereas the MCC's advocacy of gender equity played a supportive role in the enactment of the Legal Capacity of Married Persons Act in the Kingdom of Lesotho, which effectively eliminated "de jure" discrimination against women in the customary law system;

Whereas the Legal Capacity of Married Persons Act was passed by the Parliament of Lesotho and enacted into law in November 2006;

Whereas the MCC has already provided assistance to further full and meaningful implementation of the new law; and

Whereas the MCC has promulgated and is currently implementing a new gender policy to integrate gender into all phases of the development and implementation of the Compact between the MCC and the Government of Lesotho: Now, therefore, be it

Resolved, That the House of Representatives—

(1) applauds the enactment of the Legal Capacity of Married Persons Act by the Kingdom of Lesotho;

(2) lauds the Kingdom of Lesotho for demonstrating its commitment to improve gender equity;

(3) encourages the Kingdom of Lesotho to continue its effort to ensure gender equity; and

(4) commends the Millennium Challenge Corporation (MCC) for developing and implementing policies to advance gender equity in the Kingdom of Lesotho and other countries

eligible for financial assistance from the MCC.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

H. Res. 294, as amended, commends the government of Lesotho for changing its laws to effectively eliminate legal discrimination against women in Lesotho's legal system.

In many parts of the world, women's rights are extremely limited, or barely exist, compared to the rights of men. While women and girls constitute 51 percent of the world's population and make up 70 percent of all agricultural workers, they continue to suffer more from poverty, chronic hunger, HIV/AIDS, and lack of access to education. Women often constitute the highest percentage of those dispossessed of their land, disadvantaged by customary law and traditions which privilege men. Women are often subject to discriminatory laws that restrict their civil, economic and property rights.

Until the passage of this law in Lesotho, women were defined as legal in Lesotho after marriage. Lesotho women had no rights to enter into economic transactions without the consent of their husbands. They could not purchase or inherit property and had no standing in the courts.

Customary law in Lesotho ensured that property belonged to the husband, or was entrusted to a male relative. In many instances, after the death of a parent or spouse, or in the event of a divorce or after an out-of-court settlement, many married women got nothing other than their personal effects.

In November of 2006, His Majesty King Letsie III and the government of Lesotho took a major step towards correcting this grave injustice against women citizens by enacting the Legal Capacity of Married Persons Act, giving Lesotho women many of the rights they have long been denied.

If faithfully implemented, the Legal Capacity of Married Persons Act will be an important vehicle for gender equality in Lesotho. It will certainly go a long way towards reducing the risk of women, particularly widows, divorcees and their children from falling into extreme poverty, which will increase their risk of exposure to the HIV/AIDS pandemic which has devastated the country's poorest population.

In a country where nearly 25 percent of adults are infected with HIV/AIDS and the life expectancy of women is 44 years, this new law is crucial to removing barriers to access to HIV prevention, treatment, care and support services for women and girls.

There is still progress that needs to be made on gender equity in Lesotho. According to the State Department, "a woman married under customary law has no standing in civil court. Under the country's dual legal system, marriages which occur under customary law must be legalized in the civil system to have legal standing."

But I believe the efforts of the government of Lesotho are showing real progress in the area of promoting equal rights for women, and I believe it's our responsibility to acknowledge the efforts of those people seeking to empower individuals from all walks of society. As right and overdue as it might be to make these changes, that does not make them easy changes in a society that has done things a certain way for so long a time. Hence, if we wish to see more political leaders around the world stand up and make the effort to change their societies for the better, we should be making as much of an effort here to support those efforts.

The actions of the Lesotho government, to guarantee equity for women under the law, will serve as an important model for other African Nations in addressing their national health and poverty challenges, and I look forward to the replication of this law across the continent of Africa.

And that is why this resolution also acknowledges another factor in making this change to empower the women of Lesotho.

□ 1530

It was through the work of the Millennium Challenge Corporation that we were able to encourage the best instincts of Lesotho's political leadership to make these changes into law. It is instructive to pay attention to how the MCC's leadership convinced Lesotho to make these changes.

They did not demand a change as a quid pro quo for MCC assistance. Instead, they appealed to the Lesotho Government's sense of reason, by convincing them that any assistance provided by the United States for economic development would be only half as effective if half of Lesotho's population was excluded from the formal economy.

I know we have had some concerns here in Congress about the MCC and its effectiveness, and I think it's important for us to look very carefully at the MCC and our entire U.S. foreign assistance delivery system, because I fear there has been a dreadful lack of effective leadership over this avowed pillar of U.S. foreign policy.

But I think there are a great deal of positive lessons to draw from the success of the MCC, and I hope we can support the MCC as it works to strengthen and expand its efforts.

I think the MCC's concept and directions are promising, and I hope the MCC's future efforts will bring more opportunities to introduce resolutions such as this one, and I am really proud to have presented this resolution, because that was one of the locations that I was asked to go to as an ambassador. Instead, I went to Micronesia, so I am really, really interested in how they make progress, and particularly how they empower their women. I urge all my colleagues to do the same and support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I would like to thank my colleague from California, Ambassador Watson, for introducing this important resolution, House Resolution 294, which commends the Kingdom of Lesotho for enacting a law to improve the legal status of married women.

Historically, a married woman in this African country was considered a minor under the law, and, as such, was unable to enter into contracts without her husband's consent and was severely restricted in economic activities and had no legal standing in the courts. This was the case, despite that women have traditionally borne a disproportionate share of responsibility for the health, the welfare, and the education of the family in Lesotho.

They are in the fields, in the markets, in the classrooms, and in the clinics. They run the home and provide the food, care and education essential for the survival of their families. Women serve as the backbone of society in Lesotho. Yet under the law, they have been considered only half a person.

Obviously, this was a grave social injustice that required remedy. I commend those in the government and in civil society who began pressing for greater gender equality in Lesotho as early as 1992.

But it is important to realize that gender inequality in Lesotho, and throughout Africa, is not just an issue of human rights. This is a development issue and an issue of national security.

Over half of the population lives below the poverty level. Yet a government cannot responsibly expect to lift its people out of poverty while legally excluding half of the most productive segment of society from the economy.

Further, at 29 percent, Lesotho has one of the highest HIV prevalence rates in the world. Life expectancy already has plummeted to 36 years, and prevalence rates are expected to climb to a staggering 36 percent in the next 15 years.

The HIV pandemic is obliterating a generation of the most productive people in Africa. In South Africa, for example, factory managers routinely complain that they have to hire two people to fill a single position due to absentee rates related to HIV.

When a man dies, who is left to provide for his family? His wife. But if a wife and a mother cannot secure even basic inheritance rights and has no standing in civil court, then how is she to provide for the next generation? The traditional safety net provided by the extended family has been eroded, and coping mechanisms have been exhausted by the HIV pandemic.

Women whose husbands have died are suspected to carry the virus themselves and are often shunned by their extended families and communities. Thus, high death rates associated with HIV/AIDS and gender inequalities are leaving behind a generation of impoverished, disaffected youth who are susceptible to criminal activities and radical acts.

In recognition of the links between gender inequality, poverty and HIV/AIDS, the Millennium Challenge Corporation made gender issues a high priority in its negotiations with Lesotho.

In a letter to the Government of Lesotho, the CEO of MCC asserted that the potential impact of a development compact between Lesotho and the MCC focusing on public health and sustainable water and private sector development would be undermined if the issues of gender inequality were not addressed.

Shortly thereafter, the Parliament passed the Legal Capacity of Married Persons Act, which has significantly enhanced the legal standing of women in Lesotho. To its credit, the MCC has provided assistance to support meaningful implementation of the act.

I strongly encourage the government of Lesotho to continue demonstrating its commitment to improving gender equality in the interest of human rights, economic development, and national security. I hope that other countries in the region will follow suit.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 294, commending the Kingdom of Lesotho, on the occasion of International Women's Day, for the enactment of a law to improve the status of married women and ensure the access of married women to property rights.

Let my first begin by thanking my distinguished colleague on the House Foreign Affairs Committee and a member of its subcommittee on Africa and the Global Health, Congresswoman WATSON, for recognizing this issue and introducing this vital resolution. It is important that we recognize and commend the role and the efforts that the Government of Lesotho has taken to further gender equity. International Women's Day, observed on March 8, 2007, calls for people to recognize the accomplishments of women, while reaffirming their commitment to continue the struggle for equality, justice, and peace. This is a milestone that demands worldwide recognition, and I applaud our United States Congress for taking this role.

The Kingdom of Lesotho is a parliamentary constitutional monarchy that has been an independent country since 1966. Often referred to as the "Kingdom in the Sky," Lesotho was a strong public supporter of ending apartheid in South Africa, and was known for granting political asylum to numerous refugees during that era. Lesotho is a low-income country with a gross national income per capita of $960, and 50 percent of its people live below the poverty line. However, its Government has demonstrated a strong commitment to ruling justly, investing in its people, ensuring economic freedom, as well as controlling corruption.

Madam Speaker, in the Kingdom of Lesotho, a married woman would historically be considered a legal minor during the lifetime of her husband. Such status would severely restrict her economic activities, forbid her from entering into legally binding contracts without her husband's consent, and hamper her ability to have standing in civil court. As early as 1992, legislation aimed at elevating the legal status of married women and providing property and inheritance rights to women in Lesotho was introduced. Since then, women's groups, nongovernmental organizations, the Federation of Women Lawyers, Lesotho Government officials, and many others have continually pushed for the passage of legislations which would strengthen their rights.

As a strong advocate of women's rights, it has continually been my role to denounce human rights violations against women, as well as fight for gender equity. I must certainly agree with the Chief Executive Officer of the MCC, who stated that "gender inequality is a constraint on economic growth and poverty reduction and is related to the high prevalence of HIV/AIDS, and that inattention to issues of gender inequality could undermine the potential impact of the Compact proposed to be entered into between the MCC and the Government of Lesotho."

Madam Speaker, the MCC is currently implementing a new gender policy to integrate gender into all phases of the development and implementation of the Compact between the MCC and the Government of Lesotho. It is now the responsibility of the United States House of Representatives to support the goals of Lesotho's International Women's Day, commend them on their strong commitment to improving gender equity, as well as applaud their enactment of the Legal Capacity of Married Persons Act.

Lesotho's actions aimed at guaranteeing equity for women under the law ought to serve as a model for many other African nations, where women have been subjected to discriminatory laws in the areas of civil, economic, and property rights. This resolution will certainly go a long way in reducing the risk of women and their children falling into extreme poverty, eventually reducing their risk of exposure to the HIV/AIDS pandemic. I ask my colleagues to support this measure. Let us continue to encourage the Kingdom of Lesotho in its ongoing efforts to ensure gender equity. Let us commend the Millennium Challenge Corporation for developing and implementing policies to advance gender equity.

I thank you once again, Congresswoman WATSON, for your efforts in introducing this piece of legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 294, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution commending the Kingdom of Lesotho for the enactment of a law to improve the status of married women and ensure the access of married women to property rights.".

A motion to reconsider was laid on the table.

HONORING WORLD RED CROSS RED CRESCENT DAY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 378) honoring World Red Cross Red Crescent Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 378

Whereas World Red Cross Red Crescent Day was observed on May 8, 2007;

Whereas May 8 marks the birth of Henry Dunant, the founder of the International Committee of the Red Cross, who began advocating for the humane treatment of the wartime sick and wounded after witnessing the atrocities at the Battle of Solferino in 1859;

Whereas World Red Cross Red Crescent Day is celebrated by many of the 185 Red Cross, Red Crescent, and Magen David Adom National Societies throughout the world and more than 750 chapters throughout the United States;

Whereas through the motivation and action of its volunteers and donors, the American Red Cross and its partners worldwide pay tribute to Henry Dunant's legacy by helping those in need and protecting human dignity for all;

Whereas the American Red Cross helps vulnerable people and communities around the world to prevent, prepare for, respond to, and recover from disasters, complex humanitarian emergencies, and life-threatening health conditions;

Whereas the American Red Cross is uniquely positioned to save lives through the Red Cross, Red Crescent, and Magen David Adom National Societies network of 97,000,000 volunteers located in nearly every country in the world;

Whereas in 2006, the American Red Cross responded to 23 international disasters, contributing more than $16.1 million in financial support, deploying delegates and providing relief supplies and other emergency assistance to millions affected by disasters;

Whereas the American Red Cross continues to help affected communities recover from the tsunami that resulted from the earthquake that occurred off the west coast of northern Sumatra, Indonesia, on December 26, 2004, by providing assistance to more than 3.3 million people through long-term recovery programs and more than 80 million people through disease control activities in the tsunami-affected countries;

Whereas since 2001, the American Red Cross and its partners in the Measles Initiative have vaccinated more than 372 million children in 48 countries against measles; and

Whereas World Red Cross Red Crescent Day will honor the efforts of Red Cross, Red Crescent, and Magen David Adom employees and volunteers who work tirelessly to alleviate human suffering: Now, therefore, be it

Resolved, That the House of Representatives commends the humanitarian efforts of Red Cross, Red Crescent, and Magen David Adom National Societies worldwide on the occasion of World Red Cross Red Crescent Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent for all Members to have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution.

I would first like to commend our distinguished colleague, Mr. FORTUÑO of Puerto Rico, for introducing this resolution.

More than 140 years ago, the great Henry Dunant founded the International Committee of the Red Cross after witnessing the atrocities of the Battle of Solferino in 1859.

Mr. Dunant's heroic advocacy on behalf of the humane treatment of wartime sick and wounded spawned a global movement dedicated to helping those in need and protecting human dignity for all.

Today, there are more than 185 Red Cross, Red Crescent and Magen David Adom societies throughout the world and more than 750 chapters in the United States alone. These organizations help vulnerable people in communities prevent, prepare for and respond to and recover from disasters, complex humanitarian emergencies and life-threatening conditions. The red symbols of these great organizations are unambiguous, internationally recognized, signs of comfort, hope and protection.

The American Red Cross, in particular, is a vital lifeline for many people, both in this country and abroad. In conjunction with its sister national societies throughout the world, it has assisted millions of distressed individuals.

In 2006 alone, the American Red Cross responded to 23 international disasters and contributed more than $16.1 million in financial support. Often beyond the lens of cameras or public view at some of the most devastated corners on Earth, the American Red Cross represents our country and our national spirit of generosity and hope.

To honor Mr. Dunant's legacy and the work of thousands of volunteers and donors, the American Red Cross and its partners will celebrate World Red Cross Red Crescent Day. This resolution pays tribute to this event and to the work of thousands of volunteers internationally. It reaffirms our country's support for the world's largest humanitarian network and celebrates the values of the Red Cross, the Red Crescent, and Magen David Adom societies.

I am pleased to note that for the first time World Red Cross Red Crescent day will include Magen David Adom, Israel's national Red Cross society, which became a full member of the international movement in 2006.

I strongly support this resolution and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 378 introduced by my good friend and colleague from Puerto Rico (Mr. FORTUÑO).

This resolution commends the humanitarian efforts of Red Cross, Red Crescent and Magen David Adom societies worldwide on the occasion of World Red Cross Red Crescent Day.

These organizations and their 97 million volunteers worldwide make invaluable contributions every day. They provide relief and humanitarian assistance to the world's most vulnerable people, alleviating the suffering of citizens afflicted by war, natural disasters and other crises.

More than 233 million people worldwide received assistance from Red Cross, Red Crescent and Magen David Adom societies each year. When a tsunami hit southeast Asia in 2005, those societies were there. When hundreds of millions of children require vaccination against measles and others diseases, those societies are there. When the need arises in the future for humanitarian aid and relief, those societies will be there.

As a Member of Congress from Florida's 18th District, I have witnessed firsthand the good works of the Red Cross throughout its efforts to help the victims of numerous hurricanes and tropical storms that have afflicted the residents of south Florida.

I have also witnessed firsthand, in my numerous trips to Israel, the relief work and the humanitarian assistance that the Magen David Adom has provided to so many, including, tragically, the many innocent victims of terror.

Therefore, I am particularly pleased that in 2006, in a long overdue development, the International Committee of the Red Cross officially recognized Magen David Adom as Israel's national aid society. With much appreciation for the good work of Red Cross, Red Crescent and Magen David Adom societies everywhere, I urge the House to adopt House Resolution 378, introduced by my good friend, Mr. FORTUÑO.

Mr. LOEBSACK. Madam Speaker, I rise today to voice my strong support for this resolution honoring the humanitarian work of the Red Cross and the Red Crescent.

In February of this year, southern Iowa was hit by a devastating ice storm that caused massive damage and left tens of thousands of people without electricity or heat in the middle of winter, some for more than ten days.

The Red Cross moved expeditiously to set up vitally needed shelters and coordinated with state and local governments to ensure that the needs of those affected by the storm were met.

In the immediate aftermath of the storm, I had the opportunity to tour Red Cross shelters throughout my district and to meet with Red Cross volunteers. I was enormously impressed with the Red Cross's rapid, thorough, and compassionate response to the disaster, which affected everyone of my constituents.

On behalf of the Second District of Iowa, I would like to extend my thanks to the Red Cross for the services they provided in the aftermath of the February storms.

This resolution recognizes the type of work I saw the Red Cross carrying out first-hand, and I strongly urge its passage.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of our time.

Ms. WATSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 378, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution commending the humanitarian efforts of Red Cross, Red Crescent, and Magen David Adom National Societies worldwide on the occasion of World Red Cross Red Crescent Day.".

A motion to reconsider was laid on the table.

☐ 1545

PASSPORT BACKLOG REDUCTION ACT OF 2007

Ms. WATSON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 966) to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passport Backlog Reduction Act of 2007".

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph—

"(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

"(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), including assistance related to the investigation of fraud in connection with an application for a passport."; and

(2) in paragraph (2)—

(A) by striking "The authority" and inserting "(A) The authority"; and

(B) by adding at the end the following new subparagraphs:

"(B) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(i) of paragraph (1) shall terminate on September 30, 2008.

"(C) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(ii) of paragraph (1) shall terminate on September 30, 2009.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this bill and yield myself such time as I may consume.

Madam Speaker, the U.S. passport system is broken and the average Americans are paying the price. We have heard their call for help and are here today to pass the Passport Backlog Reduction Act to help the State Department address this bureaucratic crisis.

Every citizen of our Nation has the right to hold a passport and getting one should only take a few weeks at most, but millions of Americans have had to wait for months on end simply for the right to travel abroad. People are lining up at dawn every day at passport offices around the country trying to salvage trips at the last minute. They are desperate to get the one document that will let them see ailing relatives overseas, conduct important business, or begin studying abroad programs.

A passport is much more than a travel document, and these delays are much more than an inconvenience. A passport is proof of American identity and, for many Americans with immigrant heritage, a passport is proof of their identity and commitment to America and the American idea. A passport must be available to any American citizen who requests one, and delays that are currently clogging our system are preventing American citizens from fully exercising their right of citizenship as well as freedom of travel.

Three years ago, Congress passed the law requiring travelers to show passports if they were returning from anywhere in the Western hemisphere. Demand for passports in the last year has been at record highs, but poor planning by top officials meant that the State Department was unprepared to cope with the surge in applications.

My colleagues and I on the Foreign Affairs Committee have been outraged by this poor planning and the resulting bottleneck. Last week the committee held a hearing on passport delays, and we heard testimony about the hardworking employees who are working through the night and giving up their weekends to clear the backlog of applications. At passport bureaus across the country the State Department has shipped in junior staff, government fellows, and rehired retirees to meet the crushing demand. Yet, phone calls to regional passport bureaus and to consular affairs offices have often gone unanswered on tens of thousands of occasions. Meanwhile, congressional offices are being flooded with phone calls from outraged citizens. They wonder if their passports have simply disappeared.

The Passport Backlog Reduction Act will assist the State Department's efforts to get all of the filed passports back to waiting travelers, and keep up with the demand in the coming months. This bill lifts legal impediments so that the agency can hire retired foreign service officers to process passport applications. Some of these officers will also be permitted to assist the officials who investigate passport fraud to ensure that passports only go to those citizens who are eligible for them and who do not pose a security risk.

Endless delays in exercising every citizen's right to a passport are outrageous and absolutely unacceptable. So, I urge my colleagues to support this bill so the House can take one additional step to ensure that our citizens' demands for their passports are met expeditiously.

Madam Speaker, I strongly support this legislation, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of Senate bill 966, the Passport Backlog Reduction Act. All of us have heard from our constituents. Millions of Americans are facing unprecedented delays in the processing of their passport applications. As weeks become months, these painful holdups have wrecked long-planned travel, job opportunities, and family obligations for thousands of our fellow citizens. This situation is incomprehensible and inexcusable. Officials should have anticipated and planned for this increased demand when the new travel security requirements were legislated 3 years ago.

Furthermore, the State Department has been collecting additional surcharges under authority granted by Congress 1½ years ago for the express purpose of meeting the increased demand for passports. But as we learned at last week's hearing before the Foreign Affairs Committee, officials did not adequately prepare for the increased demand that everyone knew would be coming, and there is no good explanation why.

At the same time that the planning was botched by their superiors, I want to praise the dedicated and hardworking individuals who have been working on an extended and overtime schedule to address this backlog. Madam Speaker, I am particularly impressed by the men and women of the Miami passport processing center who have maintained their professionalism and their courtesy even in this high pressure situation.

The bill before us will help in a limited but an important way to restore the timely passport processing that the American public has every right to expect. By easing certain reemployment restrictions, it will enable retired Foreign Service officers to come back to work on passport and visa processing on more than a part-time basis. It will also allow them to assist with passport fraud investigations which have not kept pace with the dramatic increase in passport applications.

Of course, this bill is only a temporary measure that will ease but will not fix the larger problem. Senate bill 966 is no substitute for the budgeting, hiring, and training that must be part of the Department's annual and long-range planning. We appreciate the solemn assurances at last week's hearing that the Departments of State and Homeland Security are now treating these problems with the seriousness that they deserve. I have no doubt that the Committee on Foreign Affairs under Chairman LANTOS' leadership will follow up to ensure that the current problems are remedied promptly and avoided in the future.

The bill before us, Madam Speaker, is a small part of that remedy and deserves our unanimous support.

Madam Speaker, I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the gentleman from Texas, Representative RUBÉN HINOJOSA.

Mr. HINOJOSA. Madam Speaker, I rise today in support of the Passport Backlog Reduction Act of 2007, or S. 966.

As I represent a district in south Texas, ensuring a safe and secure border which remains conducive to trade and travel is among my most urgent priorities in Congress. For that reason, I greatly appreciate the work of Senators SCHUMER and BIDEN, as well as my colleagues Congressman CAPUANO and Congresswoman MCCARTHY, in bringing this legislation forward.

Several months ago, my constituents began reporting to me that they were not receiving the passports they needed for spring and summer travel from the State Department within the Department's own posted timelines. As spring has turned to summer, many Americans have been unable to travel abroad and have missed many business, educational, and vacation opportunities as a result of the State Department's failure to provide them with required travel documents.

This bill will help to ease the backlog of passport applications caused by the State Department's mismanagement by allowing retired workers to voluntarily return to work without jeopardizing their pension eligibility. These volunteers will provide immediate assistance to the thousands of American travelers who have requested their travel documentation in a timely manner and expect the State Department to facilitate their travel plans.

I hope that my colleagues will join me in providing relief to American travelers.

Mr. MANZULLO. Madam Speaker, I rise in support of S. 966, which gives the Department of State the authority to re-hire Foreign Service retirees without harming their pensions through October 1, 2010 to temporarily increase more personnel to reduce the backlog on passport applications. S. 966 has already passed the Senate and it is time to send this bill on its way to the President's desk for his signature. I appreciate the expeditious consideration of this legislation to give the State Department another tool to help them deal with the massive increase in the number of passport applications.

I hate to say "I told you so" but in 2005 I predicted this train wreck. When I chaired the Small Business Committee, I held a hearing on the Western Hemisphere Travel Initiative (WHTI) in 2005 primarily to examine the effect of WHTI on small business. At the time, I said that because of the amount of commerce within the Western Hemisphere it "may make it next to impossible to fulfill the statutory mandate to require this enhanced documentation."

I recognize that Congress gave the Departments of State and Homeland Security a difficult mission to implement within a short time period. I was one of the 75 Members to vote against the Intelligence Reform and Terrorism Prevention Act of 2004 that contained the WHTI mandate.

However, since WHTI was implemented on January 23, my office has been inundated with frantic calls from constituents seeking passports to travel overseas. So far this year, my office has assisted 491 individuals with problems in obtaining their passports for travel. For all of 2006, my office helped just 51 constituents with passport problems. These calls are dominating the time of the caseworkers in my district offices.

Although we have been 99 percent successful in getting people the passports they need to travel, it has not been easy. Our caseworkers spend countless hours on the phone each day with panicked constituents who face the prospect of losing thousands of dollars and missing out on dream vacations if we cannot help them. And it seems we are always in crisis mode. Many passports do not get issued until two to three days before departure, and that is done with a continual push from my staff.

Despite constant monitoring and advocacy by my staff, some constituents do not receive their passports within 48 hours of departure. The last resort for these constituents is to take a day off work and travel to downtown Chicago—about two hours away—to get their passports on an emergency basis. I am told that although these constituents arrive before the required 7:00 a.m. opening time, it generally takes all day to get their passports.

Madam Speaker, you might not feel as bad if these were people who did not follow the rules and who waited until the last minute to get their passports. But a vast majority of the people who seek our assistance have done everything our Government asked of them. They applied for their passports well within the allotted time to receive their passports on time for their departures. And yet, their vacations and thousands of dollars of investments are in jeopardy.

I applaud the State Department and DHS for trying to ease the situation last month when they agreed to allow people traveling to Mexico, Canada or the Caribbean to depart as long as they had receipts in hand showing they had applied for their U.S. passports. But problems still occur. Some have applied, but the State Department website indicates their applications cannot be found and thus a receipt cannot be secured. In addition, some of the cruise lines in the Caribbean do not accept these receipts. This situation causes even more anxiety for my constituents.

I understand the goal of the WHTI, but its implementation has been difficult. It has caused unnecessary anxiety and enormous amounts of work for my constituents and my staff. We must come up with an alternative way to enhance our security or make severe adjustments in the way we manage WHTI so we don't leave high and dry the people who followed the rules to get their passports.

That is why I applaud the prompt scheduling of S. 966 so shortly after the Senate passed the bill at the end of last month. I urge my colleagues to pass S. 966 so that the bill can be signed into law by the President as soon as possible.

Mrs. MCCARTHY of New York. Madam Speaker, our Nation is facing a serious backlog in the processing of passports. Since the new travel rules have been enacted, the number of Americans applying for a passport has increased dramatically. Unfortunately, the number of Foreign Service officers responsible for the processing of passport requests remains far below the necessary capacity. This discrepancy has led to long lines at passport offices nationwide and extended processing times.

During the summer months, travel typically increases to and from the United States. To assist U.S. residents with the passport backlogs, I have introduced H.R. 2845, a bill that allows for an increase in Foreign Service officers trained to handle passport requests. My good friend from New York, Senator SCHUMER, successfully moved similar legislation through the Senate, which we will be voting on today.

I am encouraged to see the House act on this important and time sensitive issue and am hopeful the President will quickly sign S. 699 to help alleviate the tremendous passport backlogs facing our constituents.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of S. 966, the Passport Backlog Reduction Act of 2007. We are all very concerned by the extreme backlog in the passport system, and even more so by the apparent lack of adequate preparation that has led to the severe delays that our constituents are now experiencing. I would like to thank Senator SCHUMER for introducing this important legislation.

Madam Speaker, we all recognize the need to protect our Nation and to secure our borders. As a senior member of the Committee on Homeland Security, this has long been a priority for me, and I appreciate the need to continually review and update the policies we use to permit entry into the United States. However, I believe that the current delays are far in excess of what is excusable.

I have witnessed the suffering of those waiting to receive passports first hand in Houston, where my office shares a building with the passport agency. I have spoken with many of the countless Americans who have carefully planned and saved money for family vacations, only to lose the money spent on plane tickets and hotel rooms when they are unable to procure passports. Families in which only one of many children receives a passport in time for travel. U.S. citizens desperate to travel overseas to see ailing relatives. Businessmen and women who are unable to complete necessary overseas travel while waiting to receive their documents. These individuals and families lined up on the streets of Houston are indicative of the huge numbers of Americans who are suffering as a result of the U.S. Government's failure to adequately prepare for the swell in passport demands.

I would like to express my sincere appreciation for the men and women in the Houston field office, who have worked tirelessly to ensure that as many Americans as possible receive the necessary travel documents. Washington has let them down by failing to provide them with the adequate resources and personnel to successfully do their job, and it has failed the American people. This is a situation that demands leadership from the top.

The Department of State Crisis Response Act of 2007 is an important first step toward alleviating the massive passport backlog that has developed since the recent implementation of the Western Hemisphere Travel Initiative, or WHTI. It allows the State Department to employ retired Foreign Service officers to process passport applications. Many Foreign Service retirees already possess the necessary training and security clearance for these functions, and could therefore be rapidly deployed to meet the ongoing crisis.

Under the provisions of this act, Foreign Service retirees can work without forgoing pension payments, provided that they either provide assistance to consular posts with a substantial backlog of visa applications, or they provide assistance in meeting the passport backlog resulting from the WHTI.

I firmly believe we must do all in our power to keep the American people, and our Nation itself, safe. This includes constantly reviewing and, as need be, revising our entrance policies. However, I also believe that we owe it to the American taxpayers to do everything that we can to allow free travel. We must work to ensure that such a serious problem does not occur in the future, while also working to immediately address the ongoing passport backlog. I strongly support this legislation, which is an important first step toward alleviating the existing passport delays, and I would like to encourage my colleagues to do the same.

Mr. LOEBSACK. Madam Speaker, I rise today to voice my strong support for the Passport Backlog Reduction Act.

Our country's passport system is broken. The backlog in processing passport applications has been a severe burden on businesses and families. My constituents have been forced to cancel or delay travel plans; pay thousands of dollars for international flights they were unable to board; and lose deposits on accommodations they were unable to use. The current situation is unacceptable.

The administration had 3 years to plan for the new passport requirements, yet the Department of State was caught flat-footed by the surge in applications. Eliminating the backlog as swiftly as possible should be a matter of priority for the State and Homeland Security Departments, and new passport requirements for land and sea travel should not be enacted until the staffing infrastructure is in place to do so.

This bill allows the State Department to rehire retired Foreign Service employees to staff passport processing centers. By providing access to highly qualified staff, this bill will assist the State Department in reducing the backlog in passport applications.

The administration's lack of foresight and planning has created significant problems for families in Iowa and across the Nation. I strongly urge the passage of this bill as a crucial step towards fixing our country's passport system.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong support of this legislation. The passport backlog has affected millions of people's travel plans, and I know in Houston, our district offices have been receiving calls on nearly a daily basis from constituents whose travel plans have been affected by the delay.

I visited the Houston Passport Office last month, and was amazed to learn people were arriving there hours before the office opened in order to get service. The staff at the Houston office has been working nights and weekends to clear the backlog, but there is only so much they can do.

Despite having known this increase would be coming since Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, the Administration did not prepare for this increase and as a result, State Department employees and the American public is paying the price.

This was only the first phase of implementing the Western Hemisphere Travel Initiative—the second phase, which will require all individuals traveling to or from the United States by land and sea, could see an even larger demand for passports, especially in border states like Texas where people have friends and family across the border.

Last week, Maura Harty, Assistant Secretary for the Bureau of Consular Affairs, testified in front of the House Foreign Affairs Committee that her office anticipates the demand for passports will continue to grow and will be approximately 23 million in 2000, and as high as 30 million by 2010.

The State Department must now do what they should have done over the last six months to a year, and hire additional employees to handle what appears will be a permanent increase in the number of passport applications they will be receiving annually.

This bill alleviates some of the backlog, but the State Department needs to ensure they have the people and systems in place to prevent this from happening in the future. I urge my colleagues to join me in supporting S. 966.

Mr. ROYCE. Madam Speaker, S. 966 will help provide relief for the massive influx of passport applications due to a change in passport rules. This problem has frustrated many constituents in all of our districts.

Last week, the House Foreign Affairs Committee held a hearing focusing on this issue. As a result of questions I raised, it became apparent to Members of the Committee that the demands on the Bureau of Consular Affairs to get passports to Americans as fast as possible does raise fraud concerns. While the number of adjudicators has gone up, the number charged with investigating passport fraud, has not.

In that respect, I'd like to thank Chairman LANTOS for including additional language that would allow for the hiring of retirees to assist in investigation of fraud in connection with an application for a passport. These additional investigators are critical, as many times they uncover a broader fraud ring. We should be able to serve Americans in a timely matter and ensure their security. This bill will help do that.

Ms. WOOLSEY. Madam Speaker, despite the backlog of passport applications and the lack of sufficient staff to accommodate the workload, passport agency personnel have done a remarkable job of assisting my constituents in getting passports. The National Passport Information Center, the Washington, DC, Passport Agency, and the San Francisco Passport Agency, in particular, have been extremely helpful. The men and women in the State Department who are meeting this administrative crisis should be acknowledged for the extra effort they have been making to ensure U.S. citizens are able to travel abroad to work, vacation, participate in church and service projects, and attend educational programs. I rise in support of S. 966 and urge my colleagues to vote in favor of the bill.

Mr. CAPUANO. Madam Speaker, I rise today in strong support of the passage of S. 966, a bill that will help ease the lengthy delays that citizens are experiencing obtaining a passport.

The House will have the opportunity to pass amendments to S. 966, the Passport Backlog Reduction Act. The Senate passed the bill, originally introduced by Senator SCHUMER, by unanimous consent on June 29.

After hearing from many constituents about problems they were having, I introduced my I own bill, H.R. 2960, the Department of State Crisis Response Act of 2007. Along with my colleagues Representatives LOUISE SLAUGHTER, RUBEN HINOJOSA, TED POE, AL GREEN, MAC THORNBERRY, CHARLES GONZALEZ, EDDIE BERNICE JOHNSON, SHELLEY BERKLEY, HENRY CUELLAR, CAROL SHEA-PORTER, JERRY MCNERNEY, PETER WELCH and JASON ALTMIRE, I introduced this legislation to enable the Department of State to respond to a critical shortage of passport processing personnel by re-employing vital former employees. I am pleased that the House Foreign Affairs Committee decided to send the Senate bill, similar in purpose to my bill, to the floor in an effort expedite the process. With passage of S. 966, the State Department can begin working to reduce the passport backlog.

I am hopeful that this legislative action will go far to ease the difficulty and delay many of our constituents have experienced in getting or renewing their passports.

Ms. WATSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the Senate bill, S. 966, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTION OF MODELING AND SIMULATION TECHNOLOGY TO THE SECURITY AND PROSPERITY OF THE UNITED STATES

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 487) recognizing the contribution of modeling and simulation technology to the security and prosperity of the United States, and recognizing modeling and simulation as a National Critical Technology.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 487

Whereas the United States of America is a great and prosperous Nation, and modeling and simulation contribute significantly to that greatness and prosperity;

Whereas modeling and simulation in the United States is a unique application of computer science and mathematics that depends on the validity, verification, and reproducibility of the model or simulation, and depends also on the capability of the thousands of Americans in modeling and simulation careers to develop these models;

Whereas members of the modeling and simulation community in government, industry, and academia have made significant contributions to the general welfare of the United States, and while these contributions are too numerous to enumerate, modeling and simulation efforts have contributed to the United States by—

(1) expanding the understanding of nuclear chain reactions during the Manhattan Project through some of the earliest simulations replicating the reaction process, which ultimately contributed to the end of World War II;

(2) serving as a foundational element of the Stockpile Stewardship Program, which enabled the President of the United States to certify the safety, security, and reliability of the nuclear stockpile for more than ten years without the use of live nuclear testing, which demonstrates the Nation's commitment to nuclear nonproliferation;

(3) accelerating the effectiveness of joint, coalition, and interagency training exercises, while dramatically reducing the costs of such exercises, as demonstrated by United States Joint Forces Command's 2007 homeland security exercise, Noble Resolve, which was conducted virtually and required 5 months, 140 personnel, and $2,000,000 for development, compared to a 2002 Millennium Challenge exercise that was conducted live and required 5 years, 14,000 personnel, and $250,000,000 for development;

(4) preserving countless human lives, as well as military and civilian aircraft, ships, and other vehicles through the rehearsal of repeatable, simulated emergencies that otherwise could not have been practiced;

(5) increasing the quality of health care through the development of medical simulation training, which led the Food and Drug Administration to require such training for physicians before certain high-risk procedures to treat heart disease and strokes;

(6) reducing the cost of health care, as demonstrated by medical malpractice insurance rate discounts being provided to anesthesiologists and obstetricians who include simulated procedures in their biennial training requirements;

(7) simulating large scale natural or manmade disasters to improve the effectiveness of local, State, and Federal first responders, law enforcement, and other agencies involved in a coordinated emergency response;

(8) forecasting weather and predicting climate change to enable scientists, industry, and policymakers to study the effects of climate change and also to prepare for extreme weather, such as hurricanes;

(9) protecting rivers, waterways, and endangered species reliant on these waters through the Environmental Protection Agency's hydrology Dynamic Stream Simulation and Assessment Model, which predicts impacts on water quality for the Truckee River, including its effect on Lake Tahoe and other portions of its basin;

(10) producing analysis that resulted in enhanced designs and construction of critical infrastructure, such as roads, interchanges, airports, harbors, railways, and bridges that increases transportation capacity and safety, and reduces travel time and environmental impact; and

(11) providing National Aeronautics and Space Administration (NASA) astronauts training to ensure a safe and productive mission in space, including the utilization of the Shuttle Training Aircraft, which simulates real aircraft shuttle characteristics and enables NASA pilots to have 1,000 simulated shuttle landings before they land the Space Shuttle for the first time as a glider;

Whereas these contributions, in addition to numerous contributions that are not listed but that equally have brought prosperity to our Nation, demonstrate that modeling and simulation efforts have, and will continue to—

(1) provide vital strategic support functions to our Military;

(2) defend our freedom and advance United States interests around the world;

(3) promote better health care through improved medical training, improved quality of care, reduced medical errors, and reduced cost;

(4) encourage comprehensive planning for national disaster and emergency preparedness response;

(5) improve and secure our critical infrastructure and transportation systems;

(6) protect the environment; and

(7) allow the Nation to explore the Earth and space to further our understanding of our world and universe;

Whereas modeling and simulation frequently complements or replaces experimentation where experimentation is hazardous, expensive, or impossible, thus providing far greater capability than experimentation alone;

Whereas the modeling and simulation industry provides well-paying jobs to many Americans and represents an opportunity for Americans with strong foundations in science, technology, engineering, and mathematics to contribute to the prosperity and security of the United States;

Whereas other countries have recognized the value of modeling and simulation as an opportunity to gain a competitive advantage over the United States economically and militarily, and some of these same countries produce more engineers each year than the United States;

Whereas modeling and simulation efforts are critically dependent on a fundamental education in science, technology, engineering, and mathematics;

Whereas modeling and simulation require unique knowledge, skills, and abilities that are not adequately incorporated into governmental occupational classification codes; and

Whereas advances in modeling and simulation can be achieved through innovation in the private sector, and proper export controls and intellectual property rights are critical to the continued growth and innovation in this sector: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends those who have contributed to the modeling and simulation efforts which have developed essential characteristics of our Nation;

(2) urges that, consistent with previous legislation passed by this and previous Congresses, science, technology, engineering, and mathematics remain key disciplines for primary and secondary education;

(3) encourages the expansion of modeling and simulation as a tool and subject within higher education;

(4) recognizes modeling and simulation as a National Critical Technology;

(5) affirms the need to study the national economic impact of modeling and simulation;

(6) supports the development and implementation of governmental classification codes that include separate classification for modeling and simulation occupations; and

(7) encourages the development and implementation of ways to protect intellectual property of modeling and simulation enterprises.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H. Res. 487.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

☐ 1600

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 487, which recognizes the contribution of modeling and simulation technology to the security and prosperity of the United States, and recognizing modeling and simulation as a national critical technology.

Modeling and simulation is an important technology. It allows scientists to understand the functioning of complex systems that would otherwise be impossible to comprehend. It allows developers to understand their products better. It allows industry to save money that would otherwise be spent on experimentation and to allocate those funds to other activities, and allows our military to understand the impacts of their weapons.

In short, modeling and simulation is a very powerful tool that has improved our lives in many ways. Americans lead the world in this technology, and we should acknowledge that. It's important that we nurture this industry and stimulate its further growth.

Madam Speaker, I reserve the balance of my time.

Mr. FEENEY. Madam Speaker, I want to thank Chairman GORDON for bringing this resolution successfully through his committee, and I rise in support of House Resolution 487, and yield myself such time as I may consume.

Madam Speaker, House Resolution 487 recognizes that modeling and simulation technology is a national critical technology essential for America's long-term national security and her economic prosperity.

As a member of the House Modeling and Simulation Caucus, and representing one of the largest modeling and simulation clusters in the United States, I urge that the House pass this resolution to help retain America's lead in this high-technology field.

Your child's or your grandchild's video game represents one product of the modeling and simulation industry. Aircraft training simulators provide another well-known example.

Simulation uses combinations of sound, sight and motion to make you feel that you are experiencing an actual event. Modeling involves the complex computer models used to create these artificial environments.

For training purposes, modeling and simulation places people in an artificial, but seemingly real, environment and puts them through their paces. Unlike live training, if you make a mistake, you get to live another day and learn valuable lessons.

In the latter part of the 20th century, the U.S. military revolutionized warfighting by emphasizing this high-fidelity training that simulates the stress and decision-making of actual combat. Servicemen and -women gain experience and judgment previously only earned on the actual battlefield, often through serious injury and death.

Substantial amounts of that simulation and training come from my congressional district where representatives of all service branches collaborate with the University of Central Florida and private contractors of all sizes to produce these training systems. As other speakers will note, other clusters of modeling and simulation excellence exist throughout the United States.

But such training expands beyond military uses. Commercial aviation's enviable safety record is due in part to aircraft simulator training that prepares cockpit crews to handle complex and fast-paced emergencies.

In that vein, medical simulation is an especially promising and emerging field. By creating artificial, but seemingly real, environments, doctors and nurses can hone their skills in using sophisticated and invasive medical technology or in treating severely injured patients.

Beyond training, modeling and simulation replicates complex environments, allowing planners and designers to ask various "what if" questions.

Transportation planners simulate highway networks to determine how best to alleviate congestion. Emergency management experts simulate large-scale natural or manmade disasters to better improve coordinated emergency responses. Hurricane Katrina highlighted the need to better use modeling and simulation in order to protect life and property during such disasters.

Because of these growing numbers of uses, the modeling and simulation industry is rapidly growing and demands the best students with extensive math and science backgrounds including psychology, medicine, computer science, mathematics, engineering and physics.

In addition to the cluster in Central Florida, there's a great cluster of modeling and simulation in the Fourth Congressional District represented by Congressman RANDY FORBES, and I'd like to indulge my colleagues to paraphrase some important comments by Congressman FORBES and then would like to insert his comments, the original text, in the RECORD.

Representative FORBES points out that we can test a new airplane in a wind tunnel without risking human life and without building full scale airplanes. The benefits and applications of this technology are immediately obvious. We can learn a system in a more cost-effective, timely and safer manner. And, furthermore, we can simulate thousands of scenarios over and over again on a computer when it is too hazardous, expensive, or impossible to perform real world tests.

So, in short, modeling simulation tools allow us to understand complex interactions that would otherwise be impossible to comprehend using other means. If modeling and simulation sounds like it has the promise to dramatically change the way we apply science in our world, the fact is that it has already done so.

This resolution seeks to recognize the countless efforts of professionals who have taken this technology and applied it to make the United States a safer and more prosperous Nation.

The impact of modeling and simulation technology is felt in the private sector, academia, government, and across disciplines. Modeling and simulation tools have streamlined the design and manufacture of cars, homes, boats and airplanes, to name a few devices.

Modeling and simulation software designed in Illinois, for example, assists automotive engineers in designing engines that are more efficient, while reducing emissions that impact adversely our environment. Modeling and simulation analysis is also used in the engineering of major roads, bridges, harbors, railways and airports, all of which lead to increased transportation capacity and safety.

At the United States Joint Forces Command in the Fourth District of Virginia, represented by Congressman FORBES, modeling and simulation tools have accelerated the effectiveness of joint interagency exercises run by the command. One of their experimentation projects is to enhance our national security by running scenarios in an urban combat environment. The goal is to provide lessons learned for our troops in theater before they encounter the same situation on the ground.

Because of these kinds of valuable contributions, this resolution honors modeling and simulation by recognizing it as a national critical technology. National critical technology refers to those technologies essential to develop long-term national security and economic prosperity for our country. One example of the success historically of modeling and simulation is the famous Manhattan Project. It was early models and simulators that allowed scientists to develop an understanding of nuclear chain reactions that ultimately led to the end of World War II.

America's military have used simulators to train personnel for flying aircraft, ships, and we now use simulators to train soldiers and marines to detect roadside IEDs.

Additionally, in the past, medical malpractice insurance rates have included artificially high premiums because it was difficult to reduce the number of medical errors for certain medical procedures that were not routinely performed. Today, insurance discounts are being provided to anesthesiologists and obstetricians who include simulated procedures in their biennial training requirements.

Madam Speaker, the advantages that we have reaped from modeling and simulation go across all congressional districts and benefit all Americans in ways that are often unseen. I am thrilled to be a cosponsor of this resolution today.

I want to thank the chairman. The future is very bright and modeling, simulation and training will lead the way to make it a safer, brighter future for all Americans.

Central Florida represents one of the larger if not the largest Modeling and Simulation clusters in the United States. The Navy's NAVAIR Orlando and the Army's PEO–STRI are based in my District. Over 100 Modeling and Simulation companies directly employ over 6,000 people. Having reached a critical mass in Central Florida, the Modeling and Simulation industry continues to expand.

Central Florida achieved critical mass by leveraging relationships among military, academic, industry, and government entities. Locally, we refer to this rich and complex web of cooperation, collaboration, and partnerships as Team Orlando.

Over 50 years before "jointness" and "transformation" became favored concepts in the Department of Defense, the Navy and Army demonstrated these traits in Orlando by starting a partnership for the development of training systems. The Air Force and Marines joined as full partners during the 1990s. All military services use a common infrastructure of facilities, contracting, administration, and technology.

Collaboration with academia is demonstrated by the University of Central Florida and its Institute for Simulation and Training.

The private sector is represented by a portfolio of Modeling and Simulation companies. Recognized and established entities are present such as Lockheed Martin and SAIC. But Central Florida is also home to scores of innovative, entrepreneurial start-ups such as IDEAL Technologies and Vcom3D.

The lessons learned from Central Florida's experience can be applied nationally. Modeling and Simulation isn't a zero-sum game where success in one geographic area comes at the expense of another. This technology holds so much promise that everyone benefits from national cooperation and collaboration.

Today's resolution will help create a unified national identity for this technology. And it will raise this technology's profile within the Department of Defense, other government agencies, and the private sector.

Modeling and simulation allows us to better understand and control complex systems ranging from highway systems, manufacturing and processing facilities, and emergency management systems. Modeling and simulation also trains people to handle complex and fast-paced situations ranging from warfighting to emergency medical care.

So I urge support of this resolution recognizing modeling and simulation as a National Critical Technology.

Madam Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, let me just conclude by saying I think this is our 30th bill with Mr. FEENEY's help out of the Science Committee. All have been bipartisan. All but two have been unanimous. This is another good piece of legislation.

Mr. FORBES. Madam Speaker, while nearly all Members of this body have benefited from the application of modeling and simulation, or M-and-S, technology in one way or another, I want to briefly describe what we are talking about when we discuss Modeling and Simulation technology. "Modeling and Simulation" simply refers to replicating a system on a smaller scale or on a computer for extensive analysis.

For example, we can test a new airplane in a wind tunnel without risking human life and without building full-scale airplanes. The benefits and applications of this technology are immediately obvious: we can learn about a system in a more cost-effective, timely, and safer manner than analyzing the real thing. And furthermore, we can simulate thousands of scenarios over and over again on a computer when it is too hazardous, expensive, or impossible to perform a real-world experiment.

So in short, M-and-S tools allow us to understand complex interactions that would otherwise be impossible to comprehend using other means. If modeling and simulation technology sounds like it has the promise to dramatically change the way we apply science in the world, the fact is, that is has already done so—and this resolution seeks to recognize the countless efforts of the professionals who have taken this technology and applied it to make the United States a safer and more prosperous Nation.

The impact of Modeling and Simulation technology is felt in the private sector, academia, government, and across all disciplines. M-and-S tools have streamlined the design and manufacturing of cars, homes, boats, and airplanes.

M-and-S software designed in Illinois is assisting automotive engineers to design engines that are more efficient while reducing emissions. M-and-S analysis is also used in the engineering of major roads, bridges, harbors, railways, and airports—all of which lead to increased transportation capacity and safety.

At the United States Joint Forces Command in the Fourth Congressional District in Virginia, M-and-S tools have accelerated the effectiveness of joint and interagency exercises run by the Command. One of their experimentation projects is to enhance our national security by running scenarios in an urban combat environment. Their goal is to provide "lessons learned" for our troops in theater before they encounter the same situation on the ground.

Because of these kinds of valuable contributions, this resolution honors modeling and simulation by recognizing it as a National Critical Technology. A National Critical Technology refers to those technologies that are essential to develop in order to ensure the long-term national security and economic prosperity of the United States. I have already mentioned how modeling and simulation has broadly contributed to our national security and the economic prosperity, but let me name a few specific examples:

During the Manhattan Project, it was early models and simulations that allowed scientists to a developed understanding of nuclear chain reactions that ultimately led to the end of World War II.

America's military have used simulators to train personnel for flying aircraft and ships, and now they use simulators to train soldiers and marines to detect roadside IEDs.

Additionally, in the past, medical malpractice insurance rates have included artificially high premiums because it was difficult to reduce the number of medical errors for certain medical procedures that were not routinely performed. Today, however, insurance discounts are being provided to anesthesiologists and obstetricians who include simulated procedures in their biennial training requirements.

I commend those that have used M-and-S tools to make great contributions to this country.

Mr. SCOTT of Virginia. Madam Speaker, I rise in support of House Resolution 487, which recognizes modeling and simulation as a national critical technology. I would like to thank my friend from Virginia's Fourth Congressional District and the chair of the Congressional Modeling and Simulation Caucus, Congressman RANDY FORBES, for introducing this important resolution.

Modeling and simulation has become an essential component in ensuring that we meet both the defense and domestic challenges of the 21st century. Modeling and simulation allows us to easily and effectively sharpen the tools, procedures, and decisions needed to address difficult and complex problems. This critical technology allows us to build and develop models of complex systems—whether a car, an airplane, an entire battlefield, or even a major city's evacuation plan—to see how certain actions will affect the end result. These simulations help us develop better and practical analogies of real world situations. With the growing international challenges of the 21st century, this technology is vital to the defense of our great Nation. Simulating battlefield conditions will sharpen the skills of the brave men and women serving in our armed forces.

Madam Speaker, the practical uses of modeling, analysis and simulation technology as a training tool are boundless. Military and airline pilots have been using this technology for decades. Congress should be interested in using this technology for homeland security, disaster preparedness, and other ways to benefit the public; the resolution before the House today ensures that this body is aware of how critical this technology is for our Nation.

Madam Speaker, I am proud to represent the people and businesses of the Third Congressional District of Virginia who are a part of this important and growing sector of Virginia's economy. In addition to our local military bases supporting the Joint Forces Center in Suffolk, our local colleges and universities and NASA Langley Research Center on the Virginia peninsula are engaged in applying people, tools and facilities to modeling, analysis and simulation technology. Hampton Roads is leading the way in modeling and simulation technology. The Virginia Modeling, Analysis and Simulation Center in Suffolk, Virginia, is a premier facility that is second to none.

The modeling and simulation industry is vital to the growing economy of Hampton Roads and the Commonwealth of Virginia. The Hampton Roads Congressional Delegation has a history of working together and we will continue to do so in promoting this important industry in this Congress. Using modeling and simulation technology in the fields of science, national defense, homeland security and disaster planning will better the lives of all Americans and make our great Nation safer.

Madam Speaker, I am glad that the House is considering this resolution today and I encourage all my colleagues to support this resolution and to learn more about this critical technology.

Mr. FORBES. Madam Speaker, in addition to formally recognizing modeling and simulation contributions, H. Res 487 urges Congress to continue to invest in critical science, technology, engineering, and mathematics, or STEM education—disciplines that are essential to the expansion of modeling and simulation technology. Previous Congresses, as well as this Congress, have demonstrated a deep commitment to furthering STEM education. Because the skills required for modeling and simulation develop over a long period of time—it is essential that we begin to develop these critical skills in our children now.

Already, academic programs for modeling and simulation have sprung up across the country, at places such as Texas A&M and at the Virginia Modeling and Simulation Center based out of Old Dominion University. There, nearly 100 modeling and simulation professionals seek new ways to apply this technology.

We must invest now rather than later, and I applaud the efforts of the Administration and this House towards that end. This investment is particularly valuable as other countries continue to produce more engineers than we graduate each year.

This resolution is also meant to bring to the attention of this body, that policy decisions made in Congress and in the Administration can either accelerate the implementation of this technology, or unnecessarily slow its growth. That's why for the past 2 years, leaders in modeling and simulation from government, academia, and the private sector from around the country have come together in Virginia to identify the key policy challenges that are affecting the modeling and simulation industry.

For example, since last year, there has been a prohibition in place that prevents the Department of Defense from purchasing any flight simulator using a services contract. Now, if that prohibition had been in place just one year earlier, the Army's Flight School Twenty One at Fort Rucker, Alabama, would not have had the chance to revolutionize the way the Army's future aviators train. Because the prohibition came into affect after the service contract was signed, the Army was able to incorporate modern simulations into the heart of the training curriculum. As lawmakers, we ought to be aware of these policies, how they came about, and whether they are still valid or have outlived their usefulness.

When we recognize a technology that has been instrumental to our Nation, it follows that we should also understand the workforce that is producing these accomplishments. The professionals who make up the modeling and simulation community are scientists, mathematicians, programmers, and analysts. And unfortunately, we do not know much about them in part because they do not fit neatly into any current category as defined by the Department of Labor. There is also no nationwide estimate of how large the modeling and simulation community is; or whether our education system is producing an adequately technical workforce. So the government's classification of occupational codes is another area where Federal policy impacts modeling and simulation technology.

As many of my colleagues know, the Department of Labor uses classification codes to identify and describe many occupations. The codes identify the projected job market, and the typical skills, education, and experience requirements. Particularly for occupations related to critical technologies such as modeling and simulation, it is important that we identify these details. With this information, we can learn if the number of technical graduates each year can match expected modeling and simulation job growth, and we can identify the economic impact this industry has had across the country.

Madam Speaker, as Members consider their vote on this measure today, I would encourage my colleagues to keep in mind how this technology can break some of the logjams that seem to know no solution. For instance, medical errors persist even in the best hospitals. But, these errors could likely be reduced if we can train our medical professionals in situations that replicate the most common errors or scenarios without ever seeing a patient. Simulation can also extend the value of each defense dollar, which will only become more important as rising entitlement spending squeezes overall discretionary spending, which includes defense spending.

We can increase the opportunity for interagency cooperation by decreasing the financial and time costs associated with exposing department-long bureaucrats to other agencies. One way to do this is through simulated exercises and interagency education and training. Just five years ago, a large scale defense exercise was run with many personnel in realtime. It required 5 years, 14,000 personnel, and 250 million dollars.

This year, a recent interagency exercise at U.S. Joint Forces Command was conducted to practice responding to a natural and a manmade disaster. It required only 5 months, 140 personnel and 2 million dollars to develop. Madam Speaker, the price of many things that the government buys only goes up with time. But, with modeling and simulation, we can improve the value of each taxpayer's dollar by saving money on personnel costs, equipment, and time.

Modeling and Simulation also contributed to finding a solution to the concerns of nuclear testing. For a long time, there was a tension between wanting to have certainty in the reliability of our nuclear stockpile that at the time, was believed to only be achieved by live testing. But there were also concerns that more testing by the United States would negatively impact our nuclear nonproliferation efforts. Fortunately, an acceptable solution came in the form of modeling and simulation.

At the Government's Department of Energy national laboratories in California and New Mexico, modeling and simulation tools serve as a foundational element of the National Nuclear Security Administration's Stockpile Stewardship Program, which enables the President of the United States to certify the safety security and reliability of nuclear stockpile for more than 10 years without the use of live nuclear testing. So, we are able to have full certainty as to the readiness of our primary deterrent, while also demonstrating the Nation's commitment to nuclear nonproliferation.

Madam Speaker, we are at the tip of the iceberg as to what other issues modeling and simulation can address. I urge passage of this resolution that commends past modeling and simulation successes, and which presents a glimpse of the kinds of issues this House must address in the future to advance the benefits of this technology for the security and economy of this country.

Mr. GORDON of Tennessee. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 487.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COLONEL CHARLES D. MAYNARD LOCK AND DAM

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 781) to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Colonel Charles D. Maynard, who served the Nation with distinction as an engineer officer in World War II and afterwards oversaw the massive buildup of work on the "Arkansas River Project" in the early 1960s which at the time was the largest civil works project ever undertaken by the Corps of Engineers while concurrently overseeing construction of Greers Ferry and Beaver Dams on the White River.

(2) Colonel Charles D. Maynard was assigned as district engineer of the Little Rock Engineer District for 3 years during which time he directed planning, design, and construction of 13 locks and dams of the McClellan-Kerr Arkansas River Navigation Project.

(3) Colonel Charles D. Maynard successfully met the challenging schedules set by Congress and the Administration while coordinating with a host of state and Federal agencies in Arkansas and Oklahoma.

(4) Colonel Charles D. Maynard served as Chairman and President of the Water Resources Association of America, President of the Arkansas Basin Association, member of the Arkansas Basin Coordinating Committee of the Arkansas Basin Development Association.

(5) Colonel Charles D. Maynard actively promoted development of waterborne transportation in Arkansas and was appointed by 3 governors to serve on the Arkansas Waterways Commission for 21 years.

(6) Colonel Charles D. Maynard provided Congressional testimony in support of the McClellan-Kerr Arkansas River Navigation System, Fourche Creek Flood Control Project, and Montgomery Point Lock and Dam on behalf of various Arkansas associations and committees, and was named as a member of the Arkansas River Hall of Fame.

(7) Colonel Charles D. Maynard, who died on October 22, 2005, served in numerous community and civic roles, including the United

States Savings Bond Coordinator for Arkansas for 10 years, Campaign Chairman for the United Way of Pulaski County, Chairman Emeritus of Central Arkansas Radiation Treatment Center, and President of the Little Rock Chamber of Commerce.

(8) Colonel Charles D. Maynard was a dedicated citizen who served on a number of boards supporting his state and local community including Arkansas Arts Center, the Arkansas Symphony, and the Foundation Board of the University of Arkansas for Medical Sciences.

SEC. 2. LOCK AND DAM REDESIGNATION.

(a) REDESIGNATION.—Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, shall be known and redesignated as the "Colonel Charles D. Maynard Lock and Dam".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "Colonel Charles D. Maynard Lock and Dam".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 781, offered by my colleague, Mr. ROSS of Arkansas, to redesignate lock and dam No. 5 of the McClellan-Kerr Arkansas River Navigation System as the Colonel Charles D. Maynard Lock and Dam. The bill has the support of the entire Arkansas delegation.

Colonel Maynard made an undeniable contribution to the State of Arkansas through his professional duties and social services. Educated at West Point, he was the district engineer of the Little Rock Engineer District for 3 years, where he oversaw the planning, design and construction of the 13 locks and dams on the McClellan-Kerr. At the time, this was the largest civil works project ever undertaken in the State of Arkansas.

To this day, the locks and dams provide inland waterway transportation for commerce and well-paying jobs for many of the residents of Arkansas. Billions of dollars in goods move through the State's ports each year.

Colonel Maynard was an integral connection between the project and Congress: he provided congressional testimony in support of McClellan-Kerr, and he consistently met the deadlines our body designated for the project.

Because of his work promoting waterborne transportation in Arkansas, Colonel Maynard was appointed by three separate Governors to serve on the Arkansas Waterways Commission. He served on the commission for 21 years.

His civil roles included a variety of leadership positions for charity groups to better our society and for groups such as the Little Rock Chamber of Commerce to help promote business in his community.

Although Colonel Maynard passed away October 22, 2005, he remains a symbol of how best to engineer our civil works projects for the benefit of all. His memory could also be used to call attention to the vital role inland waterways have for our economy, and remind us of the improvements and necessary maintenance projects needed for our commerce on these rivers to thrive.

I urge my colleagues to join with me in supporting H.R. 781.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, the Arkansas River system provides navigation, flood protection, hydropower, water supply and recreation for millions of Americans. This body of water provides a 9-foot navigation channel that is almost 445 miles long and is controlled over this length by 17 locks and dams.

Madam Speaker, lock and dam No. 5, which this legislation would name after Colonel Charles Maynard, became operational in 1968. This is a vital piece of infrastructure where almost 9 million tons of commodities pass through it annually.

Prior to his work as district engineer in Little Rock, Arkansas, Colonel Maynard served in the Army in New Guinea and the Philippines during World War II and later supported the Berlin airlift as an engineer in charge of construction at Keflavik Field in Iceland.

Madam Speaker, Colonel Maynard oversaw many of the Army Corps of Engineers construction projects along the Arkansas River. Under his watch, Colonel Maynard directed the construction of 13 of the 17 locks along the river.

Due to his military education, management skills and World War II experience, he was uniquely qualified for his assignment as the Little Rock district engineer. This designation is an appropriate honor for Colonel Maynard's achievements and contributions.

I urge all Members to support H.R. 781.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to Mr. ROSS of Arkansas.

Mr. ROSS. Madam Speaker, I rise today in support of H.R. 781. This legislation honors and recognizes the life and work of Colonel Charles D. Maynard by redesignating lock and dam No. 5 of the McClellan-Kerr Arkansas River Navigation System as the Colonel Charles D. Maynard Lock and Dam.

□ 1615

I would like to first thank Chairman OBERSTAR and subcommittee Chairman JOHNSON, along with Ranking Member MICA and subcommittee Ranking Member BAKER and Mr. WESTMORELAND of Georgia for their support and assistance in moving this bill from the Transportation Committee to the floor of the U.S. House of Representatives in a bipartisan manner.

I am also pleased that this legislation has received the support and cosponsorship of the entire Arkansas congressional delegation. I would like to personally thank Congressman JOHN BOOZMAN, a Republican; Congressmen VIC SNYDER and MARION BERRY, Democrats. The entire Arkansas delegation in a bipartisan manner have come together in this legislation.

Colonel Charles D. Maynard served our Nation with distinction as an engineer officer in World War II. Following the war, Colonel Maynard oversaw the Arkansas River Project in the early 1960s, which at the time was the most substantial and largest civil works project ever undertaken, ever undertaken, by Corps of Engineers. At the same time Colonel Maynard also oversaw the construction of Greers Ferry and Beaver Dams on the White River in Arkansas.

Colonel Maynard was also the Little Rock Corps District Engineer in charge of construction of all locks and dams in Arkansas from 1962 to 1965. During that time he directed planning, design, and construction of 13, 13, locks and dams of the McClellan-Kerr Arkansas River Navigation Project.

In addition to his work with the Corps, Colonel Maynard actively promoted the development of waterborne transportation in Arkansas and was appointed by three Governors to a prestigious position on the Arkansas Waterways Commission, where he served for 21 years. He also served as Chairman and President of the Water Resources Association of America, President of the Arkansas Basin Association, and he was a member of the Arkansas Basin Coordinating Committee.

As a member of the Arkansas River Hall of Fame, Colonel Maynard provided congressional testimony in support of the McClellan-Kerr Arkansas River Navigation System, the Fourche

Creek Flood Control Project, and the Montgomery Point Lock and Dam on behalf of various Arkansas associations and committees.

In addition to his numerous accomplishments in waterways, Colonel Maynard was also a dedicated citizen who served in a variety of community and civic roles in the State of Arkansas. These included his service as the United States Savings Bond Coordinator for Arkansas for 10 years, the Campaign Chairman for the United Way of Pulaski County, the Chairman of Central Arkansas Radiation Treatment Center, and President of the Little Rock, Arkansas Chamber of Commerce.

Finally, Colonel Maynard's steadfast service on numerous boards and councils at the State and local level will never be forgotten. These include the Arkansas Arts Center, the Arkansas Symphony, and the Foundation Board of the University of Arkansas for Medical Sciences.

The life and work of Colonel Charles D. Maynard were immensely important to not only the State of Arkansas but to the entire Nation. This resolution will write into history Colonel Maynard's countless contributions. As such, I am proud to sponsor a resolution that commemorates his life's work and achievements by redesignating Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System as the Colonel Charles D. Maynard Lock and Dam. I urge my fellow colleagues to vote in favor of this worthwhile legislation today.

Mr. WESTMORELAND. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 781.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING UNITED PARCEL SERVICE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 375) honoring United Parcel Service and its 100 years of commitment and leadership in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 375

Whereas United Parcel Service (in this resolution referred to as "UPS") provides solutions that connect the flow of goods, funds, and information in the United States to more than 200 countries, including delivery service to every address in North America and Europe, through its expansive transportation network, thus truly synchronizing global commerce;

Whereas UPS was founded in 1907 as the American Messenger Company by James E. "Jim" Casey in Seattle, Washington, with $100 borrowed from a friend and has grown from a 2-person message delivery firm into a 427,000-plus employee global transportation and logistics corporation that moves nearly 15,000,000 packages through its network each business day;

Whereas Jim and his partner, Claude Ryan, focused on providing the best service and lowest rates to launch what would become the world's largest package delivery service;

Whereas the American Messenger Company acquired its first delivery car, a Model T Ford, in 1913 and operates today a vehicle fleet of almost 92,000 vehicles;

Whereas, in 1913, the American Messenger Company merged with competitor Evert "Mac" McCabe and selected the name Merchants Parcel Delivery;

Whereas, in 1919, Merchants Parcel Delivery made its first expansion beyond Seattle to Oakland, California, and adopted its present name, United Parcel Service;

Whereas, in 1929, UPS became the first package delivery company to provide air service and operates today the world's eighth largest airline;

Whereas, during the Second World War, UPS still continued to grow by expanding employment opportunities to, and capitalizing on the talents of, women in the workforce;

Whereas, in 1975, UPS forged the "Golden Link", becoming the first package delivery company to serve every address in the continental United States and began its first operations outside the United States in Ontario, Canada;

Whereas UPS continues to expand its role as a provider of transportation-based and supply chain services;

Whereas UPS has earned numerous awards for its outstanding business practices, recognizing the company's values and commitment to social responsibility and diversity;

Whereas the Environmental Protection Agency awarded UPS the Clean Air Excellence Award, citing UPS's alternative fuel program under which the UPS "Green Fleet" recently passed the 100,000,000 mile mark;

Whereas UPS plays a major philanthropic leadership role in the United States and has made significant contributions to numerous charitable organizations around the world;

Whereas, over the past 100 years, UPS has gone through many transformations, growing from a small messenger company to a leading provider of air, ocean, ground, and electronic services, while remaining true to its modest origins and commitment to customer service; and

Whereas UPS maintains its reputation for integrity, reliability, employee ownership, and customer service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes United Parcel Service's role in the global transportation system as the world's largest package delivery company; and

(2) celebrates United Parcel Service's 100th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 375.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Res. 375, honoring United Parcel Service and its 100 years of commitment and leadership in the United States.

This resolution, as introduced by the gentleman from Georgia (Mr. WESTMORELAND), honors the 100th anniversary of the United Parcel Service and recognizes its role in our global transportation system.

Since its founding in 1907 by James E. "Jim" Casey and Claude Ryan in Seattle, Washington, with $100 borrowed from a friend, United Parcel Service has grown from a two-person foot and bike messenger service into a worldwide transportation and logistics corporation. Today UPS is the world's largest package delivery company, employing over 427,000 workers, utilizing approximately 92,000 vehicles and operating the world's eighth largest airline. UPS plays an integral role in the movement of goods in the constantly changing global economy, moving over 15 million packages through its network each business day. It is an important spoke in the global transportation wheel, connecting the flow of goods and information in the United States to more than 200 countries.

In 1929, UPS became the first package delivery company to provide air service. In 1975, it became the first package delivery company to serve every address in the continental USA.

UPS's contributions to our Nation go beyond simply transporting goods or providing logistics to our businesses. It has maintained its role as a leader in good business practices, with a commitment to social responsibility and diversity. It has also made a significant dedication to environmental stewardship through the UPS "Green Fleet," which recently passed the 100 million mark. The company also plays an important philanthropic role in the United States and has made sizable contributions to numerous charitable organizations around the world.

I encourage my colleagues to join me in supporting House Resolution 375.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Res. 375, honoring the United Parcel Service and its 100 years of commitment and leadership in the United States, and all across this world.

It is increasingly difficult for businesses to survive in today's global economy, and I am proud to offer this resolution honoring UPS as a company that has not only survived but one that has continued to grow and prosper for 100 years not only in this country but all over the world.

In 1907, when Mr. James E. Casey borrowed $100 from a friend to start a delivery company, I am sure that it was impossible for him to envision what his hard work would become.

Whether it was purchasing his first delivery car in 1913, becoming the first package delivery company to provide air service in 1929, or using alternative fuels to power its fleet, UPS has continued to embrace technological advancements in order to better serve its customers.

Now, 100 years after its inception, UPS is a 427,000-employee global transportation corporation that moves nearly 15 million packages through its network each business day. While UPS is headquartered in my home State of Georgia, its presence is felt in every congressional district and all around the globe.

Madam Speaker, I believe it is fitting that we honor this tremendous achievement, and I urge all Members to support this resolution and recognize what brown has done for us.

Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I simply wanted to add that UPS also is very environmentally sensitive and uses natural gas in metropolitan areas.

I would move that we support this resolution.

Mr. GARRETT of New Jersey. Madam Speaker, I rise in strong support of House Resolution 375, which honors the United Parcel Service, UPS, and its 100 years of commitment and leadership in the United States. Of the 425,000 jobs that UPS provides to hard-working people across the globe, 16,000 of them are in my home State of New Jersey. Included in that number are the employees that work at the Ramapo Ridge Data Center in Mahwah, NJ, in my District, one of two data centers supporting UPS worldwide computer operations.

UPS has made it a priority to integrate itself into the local community and has been a magnet for jobs in a variety of positions; from the high-tech workers at the Mahwah Data Center to the uniformed delivery people we meet on a daily basis in offices across the country. UPS continues to actively recruit from the local colleges and universities in my district, with internship and co-op opportunities for students who are studying Computer Science, Information Systems, Industrial Engineering, and Mathematics.

UPS has also been recognized for its commitment to diversity. Twenty-nine percent of UPS's IT population is female, far higher than the IT population as a whole. In 2006, UPS was recognized as one of America's most supportive companies of both black and Hispanic engineering students by two independent surveys. Truly this is a company that has made a commitment to reach out to populations traditionally underrepresented in high-tech fields, and has continued to excel while doing so.

With more and more American jobs being created in the services industry, it is companies such as UPS that serve as a great example of how U.S. businesses are adapting to our changing economy. When the American Messenger Company acquired its first delivery car, a Ford Model T, in 1913, perhaps the founders could have envisioned the nearly 100,000 cars, vans, trucks, and motorcycles that today comprise the delivery fleet of UPS. But surely they could not have envisioned the 14.5 million page views that www.ups.com averages per day or the nearly 5,500 technology employees currently employed by UPS. As companies continue to adapt to the changing global economy, it is entirely appropriate that this House of Representatives recognize one such company that has not only adapted, but also stayed ahead of the curve for 100 years, while at the same time staying true to its original mission of delivering parcels from one to another.

Mrs. McCARTHY of New York. Madam Speaker, this year we recognize the 100th Anniversary of the United Parcel Service, or UPS. UPS was founded in 1907 as the American Messenger Company by James E. Casey in Seattle, Washington, with $100 borrowed from a friend. Since then, they have grown from a 2-person message delivery firm into a 427,000-plus employee global transportation and logistics corporation that moves nearly 15,000,000 packages through its network each business day.

The 4th Congressional District is home to the Oak Street Processing facility. This facility employs hundreds of hard-working individuals and is critical to UPS' Long Island operations. I am proud to have such an instrumental facility in my district. I want to thank the UPS employees from the Oak Street Facility and throughout the nation, for their continued service and dedication to our country".

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of H. Res. 375, Honoring United Parcel Service and its 100 years of commitment and leadership in the United States.

I have a UPS facility in my district on Sweetwater Lane in Houston and I have visited the facility many times to speak with management and the employees who are represented by the International Brotherhood of Teamsters. I even delivered packages with the UPS employees a few years ago on the Beltway 8 and Intercontinental Airport Route. Many of my constituents work at this UPS location and I am pleased that UPS continues to be a responsible employer and corporate citizen.

Many businesses have difficulties surviving over time, but UPS has stayed strong for 100 years. We appreciate their strong relationship with the local communities and the services they provide worldwide. I am pleased to honor UPS for their 100 years of service and I urge my colleagues to do the same.

Mr. SMITH of Nebraska. Madam Speaker, I rise today in support of H. Res. 375—Honoring United Parcel Service and its 100 years of commitment and leadership in the United States—and the more than 1000 UPS drivers, managers and other employees in the Third District of Nebraska.

Founded in 1907, UPS has become an everyday sight for many of us. In Washington, DC it is not remarkable to see one of the big, brown trucks every day.

But for people in rural Nebraska, UPS is an invaluable resource. Rural delivery service—for many—is a life-line for homes far away from the local post office. UPS prides itself on delivery service to every address in North America and Europe, including areas where neighbors can be separated by miles of ranch and farmland.

I have had the honor of meeting with some UPS drivers, and I look forward to doing so again in the near future. Until then, I say "thank you" to all UPS employees and to "keep up the great work."

Mr. YARMUTH. Madam Speaker, I rise today in recognition of my home town of Louisville's largest employer and one of its greatest corporate citizens: The United Parcel Service, UPS. For one quarter of UPS's 100 year history, it has located its international hub in Louisville, Kentucky forging a partnership that has facilitated tremendous growth for both the company and our city.

Louisville has undoubtedly been good for UPS. They have built a four million square feet facility that processes more than 300,000 packages an hour, using 122 miles of conveyor belt and enough fiber optic cable to stretch from coast to coast 4 times. UPS went public with the highest initial public offering in the history of the New York Stock Exchange, reached a milestone that saw its services reach an astounding two-thirds of the world's 6 billion people, and—keeping with the times—just won the Clean Air Excellence Award for its "Green Fleet", which has logged more than 100 million miles.

But UPS has also been very good for Louisville. Let me tell you a little bit about what Brown has done for us.

UPS employs 20,000 members of our community and will hire 5,000 more after it completes a one billion dollar renovation to our airport—only the latest major improvement at least in part due to UPS's influence. But that is just a fraction of the story. Because they are not merely jobs, but good ones. We are fortunate that our largest employer pays wages on which a family can be raised, health benefits for personnel, and even college tuition for part-time workers. Through the Metropolitan partnership with the city and area universities, UPS has paid the tuition for thousands of Louisville students, giving them a chance to pursue fulfilling careers at UPS while earning a college degree.

Of the four billion people around the world who benefit from UPS, few can claim the advantages we gain in Louisville—not just the employees, but all who are helped by their economic development initiatives, community service, and commitment to our community. I congratulate UPS—the world's largest package delivery company—on its first successful century and hope that the next one yields continued success in our home of Louisville, Kentucky.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 375, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 799) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 2007".

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) by striking paragraph (1)(A)(i) and inserting the following:

"(i) the amount of the grant shall not exceed—

"(I) 50 percent of administrative expenses;

"(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

"(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;"; and

(2) by striking paragraph (2)(A) and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

"(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.".

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) by striking subsection (d)(2) and inserting the following:

"(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to—

"(A) 50 percent of the cost of that operation;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

"(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation."; and

(2) in subsection (f)—

(A) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

"(A) 70 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) by striking subsection (d)(1) and inserting the following:

"(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

"(A) 50 percent of that cost;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

"(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost."; and

(2) by striking subsection (e)(1) and inserting the following:

"(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

"(A) not be made to an organization established for profit; and

"(B) except as provided in paragraph (2), not exceed—

"(i) 50 percent of those expenses;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.".

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.".

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.".

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.".

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.".

SEC. 3. ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"§ 14508. Economic and energy development initiative

"(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the Appalachian region for projects—

"(1) to promote energy efficiency in the region to enhance its economic competitiveness;

"(2) to increase the use of renewable energy resources in the region to produce alternative transportation fuels, electricity, and heat; and

"(3) to support the development of conventional energy resources in the region to produce alternative transportation fuels, electricity, and heat.

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

"(c) SOURCES OF ASSISTANCE.—Assistance under this section may be provided from amounts made available to carry out this section in combination with amounts made available under other Federal programs or from any other source.

"(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14507 the following:

"14508. Economic and energy development initiative.".

SEC. 4. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATION OF AT-RISK COUNTIES.—Section 14526 of title 40, United States Code, is amended—

(1) in the section heading by inserting "**, at-risk,**" after "**Distressed**"; and

(2) in subsection (a)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A) by striking "and" at the end; and

(C) by inserting after subparagraph (A) the following:

"(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and".

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of such title is amended by striking the item relating to section 14526 and inserting the following:

"14526. Distressed, at-risk, and economically strong counties.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 14703(a) of title 40, United States Code, is amended to read as follows:

"(a) IN GENERAL.—In addition to amounts made available under section 14501, there is authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle (other than section 14508)—

"(1) $65,000,000 for fiscal year 2007;

"(2) $80,000,000 for fiscal year 2008;

"(3) $85,000,000 for fiscal year 2009;

"(4) $90,000,000 for fiscal year 2010; and

"(5) $95,000,000 for fiscal year 2011.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703(b) of such title is amended to read as follows:

"(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—In addition to amounts made available under section 14501, there is authorized to be appropriated to the Commission to carry out section 14508 $12,000,000 for each of fiscal years 2008 through 2011.".

(c) AVAILABILITY.—Section 14703(c) of such title is amended by striking "subsection (a)" and by inserting "subsections (a) and (b)".

(d) ALLOCATION OF FUNDS.—Section 14703 of such title is amended by adding at the end the following:

"(d) ALLOCATION OF FUNDS.—Funds approved by the Commission for a project in a State in the Appalachian region pursuant to congressional direction shall be derived from such State's portion of the Commission's allocation of appropriated amounts among the States.".

SEC. 6. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking "2006" and inserting "2011".

SEC. 7. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting "Metcalfe," after "Menifee,";

(2) by inserting "Nicholas," after "Morgan,"; and

(3) by inserting "Robertson," after "Pulaski,".

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting "Ashtabula," after "Adams,";

(2) by inserting "Fayette," after "Coshocton,";

(3) by inserting "Mahoning," after "Lawrence,"; and

(4) by inserting "Trumbull," after "Scioto,".

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting "Giles," after "Franklin,"; and

(2) by inserting "Lawrence, Lewis, Lincoln," after "Knox,".

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting "Henry," after "Grayson,"; and

(2) by inserting "Patrick," after "Montgomery,".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 799.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 799, as amended, the Appalachian Regional Development Act Amendments of 2007, and thank Chairman OBERSTAR and Ranking Member MICA for their hard work and leadership in helping to bring this bill to the floor.

The Appalachian Regional Commission, the ARC, strives to ensure the people and businesses of the Appalachian region have the knowledge, skills, abilities, and access to services necessary to compete in basic economic activities of the United States.

Since its inception in 1965, the commission has been highly effective in meeting the goals of its mission. There is no doubt that it has compiled an impressive record of accomplishment in creating economic opportunity in Appalachia. Just as it has done since its inception, the ARC has proven it provides a fair return, both socially and economically, for the Federal Government's investment in the people of Appalachia.

Consistent with the congressional leadership and interest in energy programs, H.R. 799 authorizes the ARC to provide technical assistance, make grants, enter into contracts, or otherwise provide amounts in the Appalachian region for energy-efficient projects or projects to increase the use of renewable energy resources.

□ 1630

This bill also authorizes the creation of at-risk counties, and further outlines the percentage of funds for which these counties are eligible. The authorized amounts build on the funds authorized in Public Law 107–149 and adjust the annual amounts for inflation. The bill authorizes appropriation for the commission's programs and expenses through the fiscal year 2011.

H.R. 799, as amended, has strong bipartisan support, which acknowledges the ARC as a well-run and highly effective Federal/State partnership commission.

I urge the passage of H.R. 799, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 799, as amended, reauthorizes and improves the Appalachian Regional Commission, the ARC. The ARC has been a successful program for the last 40 years. It has helped reduce the Appalachian region's poverty rate. It has cut the infant mortality rate. It has increased the percentage of adults with a high school diploma. It has provided water and sewer services to a significant number of households and businesses and created new jobs.

H.R. 799, as amended, reauthorizes the ARC for 5 years. The bill includes a couple of very important reforms. It helps focus funding on distressed and at-risk counties, and it includes language that will deter earmarking of the program.

Currently, the ARC has four statutory designations which are determined by the unemployment rate, per capita income and the poverty rate of each ARC county. This bill creates an additional designation to assist counties that are at risk and don't fully qualify as distressed.

At-risk counties are fragile economies making it difficult to meet the 50 percent match rate to participate in the program. In many cases, at-risk counties are recently distressed and eligible for an 80 percent Federal match. The addition of the "at-risk" designation will fund projects in these counties up to 70 percent of the project cost as they continue the transition from the "distressed" to the "transitional" designation.

The ARC is viewed by most as a successful model for economic development. The ability to leverage a large amount of public and private funding makes the ARC a very valuable tool for economic development in Appalachia. We must ensure continuation of this successful program and further express our support for the hardworking people in the Appalachian region.

I would encourage my colleagues to support H.R. 799, as amended.

Madam Speaker, I would reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to our chairman of the committee, Mr. OBERSTAR of Minnesota.

Mr. OBERSTAR. I thank the gentlewoman, the Chair of our Water Resources Subcommittee, for standing in and carrying on while I was actually returning from Appalachia. And I thank the gentleman from Missouri, our ranking member on the subcommittee, for his strong support of all of the issues before our committee, and particularly these matters today.

I was in Sunbury and Shamokin Dam in Pennsylvania with our colleague, Congressman CARNEY, in his portion of the Appalachian Regional Commission looking at the Economic Development Highway Program of ARC.

Well, it's a long stretch from Minnesota to Appalachia, but the Appalachian region is an area that I have been associated with legislatively since I started here in the Congress 44 years ago as clerk of the Subcommittee on Rivers and Harbors, to the Committee on Public Works, predecessor to our Transportation and Infrastructure Committee.

I was engaged then in the earliest stages of forming what we know today as the Economic Development Administration and the Appalachian Regional Commission. It was close on the heels of the designation by President John F. Kennedy of Franklin D. Roosevelt, Jr. to travel throughout the Appalachian region to assess the conditions of distress, to listen to the concerns of the communities throughout the 13-State region, and to provide him with a report and a road map on dealing with the needs of Appalachia.

When John F. Kennedy went into the region, he found a region of poverty, a region of desolation. It struck him as worse than anything he had seen; a region he described as exploited by the coal barons, neglected by government and laid bare by ravages of the boom-and-bust cycles of coal mining.

In President Kennedy's words: "This is an area rich in potential. Its people are hardworking, intelligent, resourceful, capable of responding successfully to education and training. They are loyal to their homes, to their families, to their States and to their country."

"The Appalachian region," he said, "is well-endowed with potential water, mineral, forest and scenic resources. This region, properly developed and assisted by the Federal Government, can make a contribution to the Nation's well-being."

That was in 1960. Following the report of Franklin Roosevelt, Jr., President Kennedy shaped what we know today as the legislation that created the Appalachian Regional Commission, engineered into law by then-President Lyndon Johnson, authored in the Senate by Senator Jennings Randolph, and many cosponsors in the House, including my predecessor John Blotnick. At the time that John F. Kennedy made those observations, the way up for most people in Appalachia was a bus ticket north to Detroit or Chicago.

The economy of Appalachia could well be described in those days as 80 acres and a mule. When I traveled as a staff member into the region and saw that people were living in the hard pan areas, where there was no ground filtration for the sewage they were discharging into the creeks and streams, and in many places, generations of dysentery, where people were drinking their own sewage.

The area needed highways, airports; it needed vocational training centers; it needed education systems; it needed health care centers; it needed the structure of what 150 years of neglect had denied that area. And through the establishment of the Appalachian Regional Commission and the Federal/State partnership that resulted from it, an area that in 1960, whose income amounted to 45 percent of the national average, today is up to 75 percent of the national average. Where homeownership was a luxury, it is now a reality. Where job creation was nonexistent, it has now returned to this area, fulfilling President Kennedy's promise that the region can make a contribution to the Nation's well-being. And so it did exceedingly well.

Over many years, there were efforts to kill Appalachia. I remember so vividly during a hearing that I conducted as Chair of the Economic Development Subcommittee many years ago that we held in eastern Kentucky and brought witnesses from throughout the region, including from Tennessee, and I remember Ms. Tilda Kemplan, director of a child resource center, testifying at our field hearing and saying, "Gentlemen, when you go back to Washington, try not to look at that dollar and see George Washington, but look over the top of the dollar and see a child and see our future." And that is what Appalachia has done. The Appalachian Regional Commission has caused us to look over the top of the dollar and to see a child and to see the future of the region.

In another community we talked to members of the city council and the chamber of commerce. One of them said, very touchingly, "Before the ARC, we were so far down we had to look up to see bottom, but now we see a future." And in another community in West Virginia, the mayor of the town took us to his small business. Congressman NICK RAHALL was along, this was his district. And as the mayor and businessman explaining his operation and the need for road, for airport, for rail transportation, describing the needs and the good things that had been accomplished so far with the ARC, I looked at the wall behind the cash register, and there was a sign that read: "God never put nobody in a place too small to grow."

Appalachia has been growing, the counties throughout this region, growing and overcoming 150 years of neglect and decline; making investments, creating opportunities, building for the future. One of the reports about a decade ago by the commission, their annual report on progress, said: "Halfway home and a long way to go." Well, there's still a long way to go, but the march forward has been much improved, vastly improved by the investments we have made in partnership with the States throughout this region.

Continuing the investments, as we have done in the SAFETEA-LU Appalachia Backbone Highway Program at $470 million a year, continuing with the more than $400 million over the 4 years of the authorization in this bill, we will continue that partnership with the States, the communities, the neighborhood, the people of the Appalachian region. It is an investment of which all America can be proud, and of which all America has benefited.

I thank the gentleman from Missouri, and, heck, my colleagues on the Republican side of the committee. Throughout this whole initiative from the 1960s, this has been a totally bipartisan effort. And I recall, especially during the Reagan years when the Reagan administration was proposing to abolish the ARC and Congressman HAL ROGERS, the former chairman of the Commerce Subcommittee of appropriations, said, "We're not going to let them wear us down. We're going to proceed. We're going to prevail. We have prevailed. Appalachia prevails. And America prevails with it."

Madam Speaker, I rise in strong support of H.R. 799, a bipartisan bill to improve the programs authorized by the Appalachian Regional Development Act of 1965 (P.L. 89–4) and reauthorize the Appalachian Regional Commission ("ARC") for 5 years through FY 2011.

The Appalachian Regional Commission was created to address economic issues and social problems of the Appalachian region as a part of President Lyndon B. Johnson's Great Society program. Historically, the Appalachian region has faced high levels of poverty and economic distress resulting from geographic isolation and inadequate infrastructure.

As a regional economic development agency, ARC supports the development of Appalachia's economy and critical infrastructure to provide a climate for industry growth and job creation. ARC programs affect 406 counties located in 13 states, including all of West Virginia, and parts of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. The Appalachian region covers nearly 200,000 square miles and contains approximately 22 million people. Currently, of the 406 counties included in the ARC, 114 are considered to be distressed counties.

Since its creation in 1965, ARC has administered a variety of programs to aid in the advancement of the region, including the creation of a highway system, enhancements in education and job training, and the development of water and sewer systems. ARC's funding and projects have contributed significantly to employment, health, and general economic development improvements in the region.

Because of its efficiencies in decision-making and service delivery, ARC served as a model for the Delta Regional Authority. ARC is successful because it responds to identified and agreed upon needs, and is extremely flexible in its approach. According to research conducted by Brandow Co. and the Economic Development Research Group, three fourths of ARC infrastructure projects with specific business or job-related goals met or exceeded formal projections. This is a very robust figure.

H.R. 799 builds on more than four decades of economic development successes by providing additional, much-needed Federal investment in the region. The bill allows ARC to continue its economic development activities using such tools as the telecommunication and technology initiative, and the entrepreneurship initiation to improve the quality of life for the citizens of Appalachia. Further, the bill provides authority for the Commission to make technical assistance grants for energy efficient projects or projects to increase the use of renewable energy resources. This bill also authorizes the designation of "at risk" counties, which are counties in the Appalachian region that are most at risk of becoming economically distressed, and identifies the percentage of funds for which these counties are eligible.

ARC's authorization expired at the end of FY 2006. During the 109th Congress, the Committee's bipartisan leadership introduced H.R. 5812, a bill reauthorizing ARC through FY 2011. Although the Senate passed S. 2832 to reauthorize the ARC, the Senate-passed bill did not include the anti-earmarking provision of H.R. 5812. The House did not pass S. 2832 and no further action was taken on H.R. 5812. This bill includes the anti-earmarking provision.

I urge my colleagues to join us in supporting this bipartisan bill to reauthorize the Appalachian Regional Commission.

Mr. GRAVES. Madam Speaker, I want to thank the chairman of the committee, Mr. OBERSTAR, for his remarks. They are very well put.

I would now like to yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. To the distinguished chairman of our full committee, I just want you to know how well your staff is taking care of you today. As we were calling up the bill, knowing you were traveling back, I didn't know you were coming from Appalachia, but Mr. McCarragher came over and said, "Could you talk as long as possible so we can get the chairman back here?" And now I don't have to do that, so I don't think I will need the full 5 minutes.

I do want to remark on the ARC, Madam Speaker. No one can stand up and say that the vision of John F. Kennedy implemented by legislation in 1965 by Lyndon Johnson has not been a wonderful success in dealing with the abject poverty of the Appalachian region.

The chairman rightly talked about the infrastructure part of our committee's assignments. But one of my favorite hearings, when I had the pleasure of being the chairman of the subcommittee, is when the ARC stakeholders would come in and talk to the Republicans and Democrats on the subcommittee. And aside from industrial parks, aside from roads, aside from bridges, aside from safe drinking water, they beamed with pride about how their graduation rates had improved and how the young people in their region were now taking pride in the education they were receiving, and they were graduating from high school at record numbers, something that would not have happened had it not been for the ARC.

I came to the floor this afternoon to specifically thank the chairman of the full committee, Mr. OBERSTAR, and also the chairman of the subcommittee, Ms. HOLMES NORTON, together with Mr. GRAVES and Mr. MICA. One of John F. Kennedy's most oft quoted quotes is: "A rising tide lifts all boats." And so Congressman TIM RYAN and I looked around and we saw, boy, everybody around us, to the east, to the south, to the west, seems to have participated wonderfully well in the Appalachian Regional Commission. And if you put a map of the Midwestern United States up, there's only a few little white squares, and they are regions that Congressman RYAN and I represent, Ashtabula, Trumbull and Mahoning County. We had a discussion with Chairman OBERSTAR during the course of the markup of this legislation, and it seems that Congressman RYAN and I weren't the only ones interested in this. And as a result of those discussions, Chairman OBERSTAR has added 13 additional counties to the purview of the Appalachian Regional Commission.

So I came down today, Madam Speaker, to thank the chairman for working with us. And I firmly believe that the addition of these three counties in Ohio, together with the 10 counties located throughout the region, are going to permit our people in transitional counties to benefit the same way as other counties have benefited since 1965.

□ 1645

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR) for closing remarks.

Mr. OBERSTAR. Madam Speaker, I greatly appreciate the remarks of the gentleman from Ohio. He did great service, Madam Speaker, during his chairmanship of the Economic Development Subcommittee in service to the needs of the Appalachian Regional Commission, the ARC, and the Federal Economic Development Administration programs throughout the country. Adding these counties is an appropriate and necessary step to help lift the region further toward the future of continued economic growth. I was very touched by the gentleman's remarks about education and the increase in education rights. He spoke well and rightly.

I do want to emphasize for the record, though, that included among all the many beneficial provisions of this bill is an important limitation on earmarking of funds within the ARC. In the past, and it has usually happened in conference, but also occasionally in the House appropriations bill, funds have been earmarked for one or another project which has undercut the effectiveness of the Federal-State partnership and the authenticity of the grass-roots up process of project designation, development and implementation. Using the appropriations process to direct funds has disadvantaged the other regions, of the other States within the region, and has devalued the funding that Congress has appropriated. More importantly, it devalues the Federal, State, and local partnership, the very effective grass-roots up process of project selection within Appalachia. It says your judgment doesn't count. We know better. The authenticity and effectiveness of the ARC program derives exactly from its grassroots initiative.

So I was very insistent in the last Congress on finding a means by which we could thwart the earmarking. We have it in this bill. Our Senate counterparts have concurred that they want to follow this procedure. It will inure to the benefit of the Appalachian Regional Commission.

Mr. RAHALL. Madam Speaker, I am today in support of H.R. 799, the Appalachian Regional Development Act Amendments of 2007. This long overdue legislation continues to promote every one of the southern West Virginia counties I represent, and indeed the entire State of West Virginia, as it is the only State which lies entirely within ARC jurisdiction.

"A rising tide," President Kennedy told us, "lifts all boats." And so one of President Kennedy's legacies was created in 1965 with a unique mission to serve a unique part of the Nation, the Appalachian region.

Historically, the counties of Appalachia have "faced high levels of poverty and economic distress resulting from geographic isolation and inadequate infrastructure."

It was with these concerns in mind that ARC was created and it is these concerns ARC has been addressing vigorously for the past 40 years.

Take for example the area of transportation, a major focus for ARC. ARC was developed, in part, because of the severe isolation experienced in Appalachia and that in order to develop Appalachia and give its people an opportunity to compete, a system of highways was needed. Enter the Appalachian Development Highway System, which was created to serve the transportation needs of Appalachian residents by assisting in the construction of highways so critically needed by Appalachian communities for economic growth and development.

The ADHS now encompasses over 3,000 miles of Appalachian highways and nearly 85 percent of those roads are complete or under construction. The ADHS is truly a success story for ARC and all of Appalachia. Despite the President's recent budget, which requests eliminating funding for the Appalachian Development Highway System, it is my strong conviction that this program be continued at the agreed upon level set forth in SAFETEA–LU.

Before I leave this subject of transportation and the critical value of rural America's transportation network to our urban brothers and sisters, it is my sincere hope that rural America's voice will be loud and clear when it comes to funding schemes that would punish rural commuters and citizens who are forced by geography to drive long distances each day to and from their employment. It is an issue critical to the completion and maintenance of ARC development highways network.

And while a major focus of ARC remains on highways and Appalachian transportation infrastructure, as the times have changed so has ARC.

As much of the United States has been able to take advantage of the technological boom of the late 20th and early 21st centuries, Appalachia once again is in danger of being left behind and unable to compete in the global marketplace.

In the most recent FCC data on high-speed connections for Internet access, released on January 31, 2007, you can track the Appalachian mountain range by just how spotty the provider coverage is on the FCC's provider map. In fact, in West Virginia it is significantly below the average in broadband use nationwide.

Again, ARC is there to offer significant support, bringing broadband access to our communities, which is essential to leveling the playing field and giving our communities an opportunity to compete. Schools, businesses, local governments and individual homes all have benefited from ARC involvement in the expansion of broadband access in Appalachia, and continue to do so.

I have been working with ARC, private telecommunications companies and local economic development leaders to bring broadband technology into southern West Virginia. For example, through the E-commerce training initiatives being offered by ARC and others we are working to connect local small businesses to broadband, opening doors to Internet sales and services that just weren't there a couple of years ago.

It is ARC's ability to serve its mission by adapting its actions to fit the times that makes ARC such an invaluable resource to Appalachia and the Nation. From the Appalachian Development Highway System to the E-commerce and broadband initiatives, ARC continues to serve its mission by advocating for and partnering with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

I am also glad to see the integrity of ARC programs kept in tact by disallowing the use of earmarks in this legislation. I believe adoption of this provision is critical and will benefit all ARC member-states and the long-term viability of ARC itself. Additionally, I am pleased to see the bi-partisan support for this program which was displayed by the rejection of attempts to cut funding for it in the recent House passed FY08 Energy and Water Appropriations legislation.

I applaud the efforts of Federal Co-Chair Anne Pope who, as a native daughter of Appalachia, executes so well the mission of ARC in each of Appalachia's communities. I have said this before and am happy to do so again on the record, Anne is one of the finest Federal Co-Chairs to ever serve the people of Appalachia and I look forward to our continued strong relationship serving the needs of southern West Virginians, together.

I strongly support ARC, its mission and the incredibly successful initiatives it has undertaken to better the lives of the people of Appalachia and West Virginia.

Mr. GRAVES. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 799, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PEARCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HILL) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–235) on the resolution (H. Res. 547) providing for consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 2547, FDIC ENFORCEMENT ENHANCEMENT ACT

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and pass H.R. 2547, as amended, to the end that the Chair put the question de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr.

SIRES) that the House suspend the rules and pass the bill, H.R. 2547, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1980, by the yeas and nays;

H.R. 1982, by the yeas and nays;

H.R. 799, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HOUSING ASSISTANCE COUNCIL AUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1980, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 1980.

The vote was taken by electronic device, and there were—yeas 350, nays 49, not voting 32, as follows:

[Roll No. 630]

YEAS—350

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner ,
Forbes
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—49

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Blackburn
Burton (IN)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Culberson
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hensarling
Issa
Johnson, Sam
Jordan
King (IA)
Lamborn
Marchant
Miller (FL)
Paul
Pence
Petri
Poe
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—32

Boucher
Brown, Corrine
Butterfield
Carnahan
Crenshaw
Cubin
Cuellar
Davis, Jo Ann
Fortenberry
Fossella
Gallegly
Gutierrez
Hinchey
Hoekstra
Inglis (SC)
Jindal
Johnson (IL)
Kagen
Kingston
Kucinich
Lipinski
McKeon
Meek (FL)
Myrick
Peterson (PA)
Pryce (OH)
Rangel
Rush
Simpson
Tancredo
Tiahrt
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1859

Messrs. BARTON of Texas, GINGREY, SAM JOHNSON of Texas and POE changed their votes from "yea" to "nay."

Mr. DEFAZIO changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RURAL HOUSING AND ECONOMIC DEVELOPMENT IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1982, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 1982, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 350, nays 49, not voting 32, as follows:

[Roll No. 631]

YEAS—350

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle

Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)

NAYS—49

Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Blackburn
Campbell (CA)
Cantor
Carter
Chabot
Coble
Culberson
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hastert
Hensarling
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Lamborn
Manzullo
Miller (FL)
Paul
Pence
Petri
Poe
Rohrabacher
Roskam
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Weldon (FL)
Westmoreland
Wilson (SC)
Young (FL)

NOT VOTING—32

Akin
Boucher
Brown, Corrine
Butterfield
Crenshaw
Cubin
Cuellar
Davis, Jo Ann
Fortenberry
Fossella
Gallegly
Gutierrez
Hinchey
Hoekstra
Jindal
Johnson (IL)
Kagen
Kingston
Kucinich
Lipinski
McKeon
Meek (FL)
Myrick
Peterson (PA)
Pryce (OH)
Rangel
Rush
Simpson
Tancredo
Tiahrt
Towns
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

☐ 1906

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORTENBERRY. Mr. Speaker, on H.R. 1980, and H.R. 1982. I was unavoidably detained by transportation delay. Had I been present, I would have voted "yea."

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 799, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 799, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 332, nays 70, not voting 29, as follows:

[Roll No. 632]

YEAS—332

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark

Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—70

Akin
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blunt
Boehner
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Doolittle
Dreier
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Granger
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Jones (NC)
Jordan
King (IA)
Lamborn
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
Miller (FL)
Neugebauer
Paul
Pence
Petri
Poe
Price (GA)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Thornberry
Upton
Walberg
Weldon (FL)
Wilson (SC)

NOT VOTING—29

Boucher
Brown, Corrine
Butterfield
Crenshaw
Cubin
Cuellar
Davis, Jo Ann
Fossella
Gallegly
Gutierrez
Hinchey
Hoekstra
Jindal
Johnson (IL)
Kagen
Kingston
Kucinich
Lipinski
McKeon
Meek (FL)
Myrick
Peterson (PA)
Pryce (OH)
Rangel
Rush
Simpson
Tancredo
Tiahrt
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain.

☐ 1914

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
July 16, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 703c of the Public Interest Declassification Board, 50 U.S.C. 435 note, I have agreed to reappoint the Honorable David Skaggs to the Public Interest Declassification Board as the Minority Leader appointment. As previously agreed, because of the change in Congress and the presumed statutory intent of the Board, Mr. Skaggs has requested that he continue serving in this capacity, with the understanding that he will resign the position effective June 5, 2009. As such, I am pleased to make this appointment.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

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COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 12, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), I am pleased to appoint the Honorable Pat Tiberi of Ohio to the National Council on the Arts.

Mr. Tiberi has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

WE NEED TO SUPPORT PAKISTAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, our ally Pakistan is facing a difficult challenge. For those of us who believe that the region that includes Bangladesh, India, and Pakistan is one of our most strategic and Pakistan one of our most important, we want free elections and human rights. But now, we can see the light.

Pakistan is losing thousands of Pakistani troops into the region between Afghanistan and Pakistan in order to maintain the protection against the NATO troops. It is imperative that we engage Pakistan, support Pakistan and help them as they begin to try and resolve the crisis of Taliban.

Many criticize the agreement, but now we can see what happens when that agreement is declared dead by the Taliban. It is important that we work with Pakistan, see the light, stop the accusations and sit down to resolve the best, a safe and secure manner for the U.S. troops, the NATO troops and the Pakistani troops.

The alliance and friendship between the United States and Pakistan is important. We must find ways to accommodate that friendship to make it work for Pakistan and the United States and the United States military and the Pakistani Army.

HEALTH DISPARITIES AND SCHIP

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFERSON. Mr. Speaker, I rise today in support of increasing funding for the SCHIP program and also to address health care disparities in my State of Louisiana.

In 2004, the number of poor children living in Louisiana was 343,256, or 30 percent of all children in our State. Forty-seven percent of all African American children were listed as poor children, 26 percent of American Indian children, 23 percent of Asian children and 24 percent Latinos were listed as poor in my State. Of those 343,256 poor children, only 91,000 are covered by SCHIP, or as we call it in our State, LASCHIP.

After the storm, coverage for those originally enrolled in the Louisiana SCHIP program was not transferred across State lives, leaving many of the 251,000 children and adults who evacuated to other places without access to the health care they desperately need.

As former President Nelson Mandela said, "There can be no keener revelation of a society's soul than the way in which it treats its children."

I hope this House will remember that as we deal with the SCHIP funding program this time around.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEXICAN DRUG CARTELS OPERATE MARIJUANA PLANTATIONS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, earlier today I addressed this House and discussed how the Zetas drug cartel in Mexico has made it known it will hunt down journalists that report on the violent drug cartels in Mexico. This group of former Mexican military officers reportedly will track these reporters down even when they flee to the United States for safety. All of this because these journalists publish reports on the violent cross-border drug trade.

Tonight, I wish to discuss how these same outlaw Mexican drug cartels are operating marijuana plantations on public lands, not public lands in Mexico, but on public lands in the United States.

According to news reports, these plant plantations are in California, Arizona, Hawaii, West Virginia, Oregon, Tennessee and Kentucky, and account for 80 to 90 percent of all marijuana plantation production in the United States.

Law enforcement officials say that the drug cartels employ heavily armed bandits to guard these fields and they have superior fire power and surveillance equipment over American law enforcement agents.

The drug thugs destroy native vegetation and kill off all of the wildlife on the land so they can plant their marijuana crops. The cartels also use dangerous pesticides and fertilizers on the land that destroy the environment. Insultingly, all of this is occurring on American Federal lands.

There is more. The Washington Times reports today that "campers, fishermen, hikers and forest and park officials are being intimidated, threatened or assaulted when they come near Mexican-run marijuana" plantations on American soil, and that "all this plant growing produces a street value of $6.7 billion."

The Union newspaper from Nevada states, "These American marijuana gardens are guarded by Mexican nationals, and the traffickers use the profits from pot sales to finance large methamphetamine labs in Mexico and the United States."

Mr. Speaker, it seems that no public land is safe. Even California's Sequoia National Forest has been attacked by these drug cartels. The Director of the Office of National Drug Control Policy, John Walters, said, "Mexican drug cartels are turning our national parks into centers of international drug production and trafficking. Public lands are being held hostage by illegal drug traffickers."

Mr. Speaker, numerous law enforcement personnel, State, local and Federal, are attempting to retake our Federal and public lands from these drug cartel invaders. Some progress is reported, but the battle for our land goes forward.

We cannot allow these land grabbing, environmentally hazardous drug terrorists to seize America's national forests and national parks. These outlaws cannot be allowed to camp in our parks and swim in the profits from marijuana plantations. They should be tracked down, arrested, prosecuted, and put in jail.

We need to seize all their money from whatever financial institutions they try to hide it in and use the money to restore our national parks, the way they were before the drug invaders arrived.

We need to make it more difficult for them to operate here by actually securing the southern border, something that Homeland Security has yet to accomplish. Right now, security along our southern border is a glittering illusion.

Our national parks and forests are worth fighting for, and rather than journalists, campers, fishermen, hunters, and park rangers being afraid of these drug cartels like the Zetas, these outlaw drug gangs should be afraid of our relentless determination to take our land back.

And that's just the way it is.

ELEVENTH ANNIVERSARY OF THE TWA FLIGHT 800 DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise on the solemn occasion of the 11th anniversary of the crash of TWA Flight 800. Many Americans remember where they were when they heard the shocking and tragic news about Flight 800 when it crashed off the southern shore of Long Island 11 years ago tomorrow, on the evening of July 17, 1996, claiming the lives of all 230 passengers and crew on board.

The event remains one of the worst air disasters in history and led to one of the most costly and extended investigations to date. Today, that loss is still felt by hundreds of families whose loved ones perished but are remembered by the breathtaking monument to their lives that extends along the grounds of East Moriches, Long Island, overlooking the waters of the Atlantic Ocean where the plane fell.

Tomorrow, we honor the memory of those who perished, just moments after taking off from JFK International Airport bound for Paris. Some of the victims were on their way home; many were high school students on the first leg of an international field trip; and some were on the way to visit loved ones.

Just as the families who lost their loved ones to the crash deserve to be remembered, so do each of Long Island's emergency personnel, volunteers and neighbors who selflessly responded to the crash and who worked tirelessly over the next several days and weeks following the disaster to assist with the search and recovery efforts.

Like other challenging times our Nation has faced, the reaction to the Flight 800 catastrophe brought out the best, not only among my constituents, but in so many other areas in the surrounding towns, counties and States across the Northeast who joined in helping my community recover from its most horrific tragedy.

Throughout their grief and despite the unimaginable shock, the families of the victims worked tirelessly to build a permanent memorial with the help of Navy Seabees and thousands of dedicated local and building trade union members. The solemn monument serves as a constant reminder of our tremendous loss 11 years ago tomorrow.

Last year, it was my honor and privilege to attend the dedication of the memorial completed at Smith Point County Park just before the 10th anniversary of the crash.

The centerpiece of this breathtaking and poignant memorial is a black granite sculpture called "The Light." It was designed by Henry Seaman, whose cousin died in the crash. The monument offers some measure of closure to everyone who was affected by this terrible tragedy.

The memory of the passengers of Flight 800 lives on because of the continued work of people like Henry's brother, John Seaman, who is President of the Families of Flight 800 Association and among the memorial's most passionate and hardworking advocates.

In the 11 years since Flight 800, hundreds of thousands of people have visited the park in an acknowledgment of a shared sorrow for those who died. The monument ensures that future generations can do the same.

As we recognize the 11th anniversary of the Flight 800 disaster, it is important for us to take stock in the progress achieved since 1996 to prevent air disasters. We have made some great strides in aviation safety, particularly with design upgrades for passenger and cargo aircraft planes.

In particular, ongoing research and development of "inerting" technology will help to mitigate the vulnerability of aircraft fuel tanks to flammability, the underlying cause of the Flight 800 crash.

In fact, the crash was likely caused by a spark from a short-circuit in the Boeing 747's wiring that ignited the tank's volatile vapors. Although this was determined years ago and we know how to prevent similar disasters, we still have not required technology upgrades to protect passengers against another tragedy like the one witnessed 10 years ago.

To date, however, the Federal Aviation Administration has delayed taking on this challenge and has declined to work with the industry to implement a final FAA directive that would protect every air traveler with existing technology.

We still don't have the mandate for change. That is why I introduced the Transport Aircraft Fuel Tank Safety Act, which requires the FAA to retrofit all planes with new technology and to increase safety. I am pleased to report that the pending FAA reauthorization bill, which was recently passed by the House Transportation Committee, of which I am a member, includes a similar provision.

Senator SCHUMER is sponsoring a companion measure and is working with his colleagues on the Commerce, Science and Transportation Committee to move this legislation.

I am hopeful that my colleagues here in the Congress will work with me to bring an end to this delay. We have taken significant steps towards maintaining the memory of Flight 800, but we should also ensure that we don't allow this disaster to repeat itself.

Mr. Speaker, I would like to once again offer my deepest condolences to the surviving families and friends of the victims of Flight 800 and encourage my colleagues to join me in commending each of them for the grace and dignity with which they have handled unspeakable pain.

INVESTIGATING THE PROSECUTION OF FORMER BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is day 181st day of incarceration for two U.S. Border Patrol agents.

Agents Ramos and Compean were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. For almost a year, thousands of American citizens and dozens of Members of Congress have asked President Bush to pardon these agents. Many Americans are outraged by the President's decision to commute the sentence of White House aid Scooter Libby, while at the same time he refuses to pardon Border Patrol Agents Ramos and Compean.

Scooter Libby, an attorney who understands the laws of this country and should know right from wrong was convicted of perjury, obstruction of justice and lying to investigators. Mr. Libby, who should have served his sentence, did not spend one day in prison.

Yet two Border Patrol agents with exemplary records who were doing their duty to protect the American people from an illegal alien drug smuggler are serving 11 and 12 years, respectively, in prison. By attempting to apprehend an illegal alien drug smuggler, these agents were enforcing our laws, not breaking the laws. There are legitimate legal questions about how this prosecution was initiated and how the U.S. Attorney's Office proceeded in this case.

I am extremely pleased that Senator DIANNE FEINSTEIN will be presiding over a full committee hearing tomorrow to examine the details of this case. This hearing will provide U.S. Attorney Johnny Sutton an opportunity to explain to the Senate Judiciary Committee and to the American people why this U.S. Attorney's Office in western Texas chose to go after law enforcement officers while protecting illegal aliens who committed crimes and gave the illegal alien immunity to testify against the border agents.

I want to thank Senator FEINSTEIN for her interest in this case and for her leadership in holding hearings to look into this injustice.

I am also grateful to Chairman JOHN CONYERS, who I hope will hold a similar hearing on the House side sometime this fall.

Before I close, I want to say to the families of Border Patrol Agents Compean and Ramos that we, the American people, will not forget your husbands, your fathers, your brothers, and we will do everything we can to see that justice will prevail over an injustice.

NO MORE "STAY THE COURSE"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the President continues to ask this Congress and the American people to "stay the course" in Iraq. Well, Mr. President, today the American people and the Congress have said "no more."

Today I add my voice once again to the growing number of retired military generals, the Iraq Study Group, and untold thousands of rank and file on the front lines who were calling for a new direction in Iraq. The success of our military depends on a sound strategy. Yet instead of fighting the terrorists in the mountains of Afghanistan, our armed forces are overextended after 4 years of refereeing a civil war in the sands of Iraq.

The President's escalation of this war, his so-called surge, is not working. That much is clear. Since the escalation of this war 6 months ago, more than 25,000 troops have been sent to Iraq, 600 more U.S. soldiers have died, and more than 3,000 troops have been wounded. Countless thousands of Iraqis are dead, and today the violence in Iraq is at an all-time high. Those are facts that no one can deny.

Our troops have performed heroically in Iraq, but the Iraqi Government has failed to meet any, any of the benchmarks endorsed by the President in January. Political reconciliation within Iraq is nonexistent. A change of course is long overdue.

The time has come for the United States to responsibly redeploy our troops from Iraq and to refocus our efforts on protecting Americans from terrorism. The time has come for Iraqis to take primary responsibility for their country and for their security.

Let me be clear on one additional point. Democrats support the troops.

As a member of the Appropriations Committee, I personally have consistently voted to fund our troops and to provide our soldiers in the line of fire with the resources that they need. I do this because our brave servicemen and women are not risking their lives each and every day for one political party over another. They are risking their lives for America.

Our Nation owes our troops a strategy that is worthy of their sacrifice. But "stay the course" is not that strategy. It is a slogan that continues to fail them.

No, Mr. Speaker, if we really want to support our troops, it is time to get them out of Iraq and redeploy them to other areas where they can fight the terrorists who have attacked and who continue to threaten our Nation. That's where the war on terror should be waged.

SCHIP REAUTHORIZATION AND HEALTH DISPARITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to express my strong support for the reauthorization and expansion of the State Children's Health Insurance Program or SCHIP, our Nation's health care safety net for low-income, uninsured children.

We are at a critical juncture in our Nation's health care crisis. An estimated 46 million Americans are uninsured. Approximately 18,000 people die each year in this country as a direct consequence of being uninsured. Sadly, many of the victims are innocent children. No fewer than 9 million American children are without health insurance, and they are suffering as a result.

Uninsured children, like uninsured adults, are less likely to have access to early and preventive care, setting them up for a lifetime of health problems that may have been avoided if caught today. Far too many of our children are going to the emergency room because we have failed to let them into the doctor's office.

This is immoral, but it is also uneconomical. Preventive health care services are cheaper than disease management and trauma care. By denying our citizenry the former, we are paying a premium for the latter.

The President has ignored the potential cost savings, arguing, instead, that an expanded SCHIP program would move children off of private insurance, but that is simply not the case. The vast majority of children who would be covered by this bill come from families with less than $33,200 for a family of three. These families do not have the luxury of choosing private insurance over the public benefit. For them, it is public coverage or nothing.

We have a moral obligation to ensure that our children have access to health care. Our health care system produces infant mortality rates and incidences of health disparities far greater than other nations in the industrialized world. We know statistically that racial and ethnic minorities suffer disproportionately from poor health and die prematurely. More than 30 years after the national embarrassment of Tuskegee Syphilis Experience, our people are still being denied access to the best medical system in the world.

This trend recently played out in my home State in Maryland in an incident that I still find difficult to comprehend. In February, a 12-year-old African American boy named Deamonte Driver died when an untreated tooth infection spread to his brain. A routine dental checkup costing about $40 might have saved his life. But Deamonte was poor and homeless, and he did not have access to a dentist.

Deamonte's case was rare and extreme, but he is by no means alone in his suffering. The Centers for Disease Control and Prevention report that dental disease is the single-most chronic childhood disease in this country. It chills the conscience to think of how one young boy's life was cut short by the failure of our health care system, and millions of others continue to suffer.

We have a moral obligation in the memory of Deamonte to fix this problem now. This is why I have consistently advocated for a strong SCHIP bill that expands coverage to 6 million of our Nation's poorest children and guarantees them dental coverage.

I was discouraged to see that the first version of the bill from the Senate Finance Committee included only $35 million in additional funding and did not include mandatory dental benefit. As a Washington Post editorial board recently noted, memories are sometimes short here in Washington. I realize the current budgetary constraints make this process all the more contentious; however, these are times that require decisive leadership. I am hopeful that in the House we will be able to find funding to expand the program by $50 million while working with our Senate colleagues to negotiate a strong bill.

I urge all of my colleagues to support this vitally important legislation.

COMMIT TO FULLY FUND RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, tonight I rise to address the continuing tragedy of racial and ethnic disparities in America. I want to commend my colleague, the gentlelady from Ohio, a member of the Ways and Means Committee, Congresswoman STEPHANIE TUBBS JONES, and my colleague, our great Chair of the Congressional Black Caucus, Congresswoman CAROLYN KILPATRICK, for tonight calling us all together later in a Special Order.

I would like to talk just very briefly in support of the efforts of my colleagues in the Congressional Black Caucus to highlight health care as a central and important policy issue in the 110th Congress and to call for an end to racial and ethnic health disparities.

We must no longer turn a blind eye to the continuing pattern of racial bias in the delivery of health care in America. The fact is that if you are a person of color, are poor or speak a different language and walk into a hospital in need of care, you are less likely to be diagnosed correctly, less likely to receive the accepted standard of care and less likely to walk out. It is a death sentence for millions of Americans.

It is appalling that our Nation cannot commit the resources necessary to eliminate once and for all the devastating impact of unequal health care delivery in America. We must root out the causes of the continuing discrimination against racial and ethnic minorities in our health care system.

We must increase the diversity in the professional health care provider workforce. Health care must be delivered in a culturally and linguistically appropriate way without having to turn to intermediaries or family members to relay private information, health information. Funding research into the reasons for the different rates of disease incidence and minority populations must be a national priority.

While Latinos and African Americans make up over 25 percent of the U.S. population, they account for more than 67 percent of newly reported AIDS cases. Diseases that primarily impact communities of color continue to be neglected. We must commit to providing access to comprehensive preventive care, educational outreach, health screenings and follow-up consultation for at-risk populations.

Our health care system is broken. Health care should be a right, not a privilege. We spend more money on health care than any other Nation in the world; yet the United States ranks 23rd, 23rd in infant mortality among industrialized nations. We ranked 67th in immunization rates overall, right behind Botswana. We were first in life expectancy in 1945, and now we rank 20th behind nations like Canada, Britain, and France.

In the 1960s, I lived in Great Britain, and I was exposed to the assurance that the British public had in their access to quality health care with the British national health service. We in America can do better. We must do better. We can ensure that every person in America be treated equally, given a fair and thorough diagnosis and be treated with the most up-to-date treatments that are available. We must remember that an ounce of prevention is worth a pound of cure.

In any hospital on any given day or night, in communities with large numbers of people of color and African Americans, the poor, you will witness this terrible health care crisis firsthand. Just go to an emergency room and see who needs medical attention, emergency or not.

It's about time that we invest resources to close these deadly, and that's what they are, they are deadly disparities. We need to enact universal health care for all.

America is the wealthiest industrialized country in the world. It is a shame and disgrace that over 47 million have no health insurance and that such a large percentage are African Americans, Latinos and Asian Pacific Americans.

What is wrong with this picture? I just want to commend, again, Congresswoman TUBBS JONES and the Congressional Black Caucus; and also our Tri-Caucus, Congressional Hispanic Caucus and Asian Pacific American Caucus for insisting, and I mean insisting, that this House of Representatives begin to focus on closing these deadly health care disparities among communities of color.

□ 1945

SERGEANT KEITH KLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to commemorate the life of Sergeant Keith Allen Kline, born and raised in Oak Harbor, Ohio.

Sergeant Kline was serving his second tour of duty when he was mortally wounded while on patrol in Baghdad on July 5, 2007, the day after the 4th of July, his favorite holiday. Today, Sergeant Kline was laid to rest following a fitting and moving ceremony at his alma mater Oak Harbor High School. Through my words this evening, America honors his memory and comforts his family. After the ceremony today, he was laid to rest at Oak Harbor's Union Cemetery.

In his poem, the Psalm of Life, Henry Wadsworth Longfellow writes:

"Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;—
Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.
Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait."

Sergeant Kline lived the spirit of this message. The poem's words served as an epitaph as we recall his life and honor his ultimate sacrifice.

Keith Kline graduated from Oak Harbor High School in 2002. A talented wrestler, he placed in the top six wrestlers in Ohio during his high school years, a truly magnificent achievement from a large State like Ohio. He also played soccer and football and participated in school plays. He enlisted in the U.S. Army post-9/11 following his graduation.

At Fort Gordon, Georgia he completed his advanced individual training and was assigned to Bravo Company, 96th Civil Air Battalion, 95th Civil Affairs Brigade. In Iraq 3 months, he was assigned to the Civil Affairs Team supporting the 4th Brigade Combat Team, 1st Infantry Division. In his brief career, his distinguished service brought him four Army achievement medals, a Joint Meritorious Unit Award, Good Conduct Medal, National Defense Service Medal, Global War on Terror Expeditionary medal and Service Medal, Army Service Ribbon, and Basic Parachutist Badge. His death brought him the posthumous award of the Purple Heart Award, Bronze Star Medal, and Combat Action Badge.

More than a soldier, Keith Kline was known as a goodhearted person that was full of life and a very hard worker. Every single individual who paid him tribute this morning used the term "a man of great heart." He was a NASCAR fan, too, and he reveled in family get-togethers. And his favorite holiday, as I mentioned, was the 4th of July.

Cherishing his memory and celebrating the gift of life are his mother Betty, brother John, stepfather, grandparents, aunts, uncles, cousins, and true friends he held close to his heart. We offer them our sincere condolences and heartfelt gratitude as they struggle through this very difficult time. May they find comfort in their loved one's memory, and recall the words of Ecclesiastes 3:1, "To everything there is a season, and a time to every purpose under Heaven."

Today, America salutes Sergeant Keith Kline, a valiant son of our Republic, for his patriotism, for his excellence in service, for his courage, and for loving us more than he loved life itself.

PASSING OF RUSSEL TIMOSHENKO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. CLARKE) is recognized for 5 minutes.

Ms. CLARKE. Mr. Speaker, early in the morning on Saturday, July 7, I awoke to an unusual sound; it was the sound of a police helicopter circling over the community in which I reside. Typically, when you hear a police helicopter you know that something has gone wrong in the community. They are usually searching for a suspect in a crime.

Today, I stand before this body and before you, Mr. Speaker, with a heavy heart. The reason behind that circling was the injuring, critical injuring of an officer, a police officer. And it is with a heavy heart that I stand before you today to honor the life and contribution of a fallen hero, a great American patriot, New York Police Officer Russel Timoshenko. Last weekend, he was tragically shot in the face and the neck and succumbed to those fatal gunshots this weekend.

Officer Timoshenko was born in Belarus and immigrated to the United States in the early 1990s, when he was only 7 years old.

Upon his graduation from Tottenville High School in Staten Island, New York, Russel attended City College and majored in economics while playing on the lacrosse team. I understand, like myself, he loved to dance.

Prior to completing his studies, he decided to become a New York City police officer. During his short career on the force, Officer Timoshenko made 15 arrests. And although Officer Timoshenko had only been on the force for 1½ years, his commitment to protect and serve the least and the greatest in our community embodied the true sentiment of a public servant, and he was highly regarded among his colleagues.

Officer Timoshenko and his partner, Officer Herman Yan, were both shot during a routine traffic stop in Brooklyn in the early morning of Saturday, July 7. Officer Yan survived because of his bulletproof vest, and I pray for his continued speedy recovery. Unfortunately, Officer Timoshenko was shot in the head, and the two bullets that struck him cut across his spinal cord just beneath his brain. Officer Timoshenko did not survive his wounds.

Officer Timoshenko's untimely death was a direct result of the proliferation of illegal guns in my community. His life was taken in service to our city and in pursuit of his oath to protect and serve. And, in so doing, there are three less illegal handguns on the streets of New York.

I stand with the New York City Police Chief, Commissioner Kelly, Mayor Bloomberg, and Governor Spitzer in the fight against illegal gun trafficking into our city, and also in aggressively working to make our neighborhoods safe to live, work, and play.

To the parents and family of Officer Timoshenko, please accept our thanks for sharing him with us. Thank you for allowing us the opportunity to share the life of such a fine human being. And on behalf of New York's 11th Congressional District, I offer my sincerest condolences, and pray that God will grant the family comfort and peace at this time.

ARMENIAN GENOCIDE—PERSONAL ACCOUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to discuss the irrefutable fact of the Armenian genocide. Looking at the history of this catastrophic event from 1915 to 1918 and the impact it had on the Armenian people, it is impossible to deny that this was indeed genocide by all accounts. But one way, Mr. Speaker, to bear witness to the truth is to make reference to personal accounts when the genocide occurred at the hands of the Ottoman Turks.

Thousands of Armenians have their own account of the horrific events their families had to endure, but tonight I would like to tell the story of one person, Mrs. Haigoohi Hanessian, from Syracuse, New York.

Mrs. Hanessian was born in 1906 in Taurus, Turkey. In 1909, her family fled from their home after receiving word that the Turks were leading a massacre on all Armenians in the area. They took refuge in an institution, and I should say they took refuge, Mr. Speaker, in an American institution, and finally returned to their home only to find it burned to the ground. After traveling and staying with family in different areas, they eventually moved back to Taurus, Turkey.

Yet, again, in 1915, the Armenians were being exiled. Her family was forced to board a train with an unknown destination. With thousands of others, they were herded into these trains, confined in small boxcars for days with no food and no water. Mrs. Hanessian recalls that if someone died on the train, they were simply thrown off the train and were left on the side of the tracks.

When they finally arrived at their destination, they were placed in barracks. She speaks of the sentiments towards the Armenians at the time, stating, "They wanted all the Armenians to vanish from the Earth. Instead of killing them, they suffered and died."

The Armenians were then marched through desert towards Syria in extreme heat, again with no food and no water. On the way, many died and were left to rot. After they reached a small village in Syria, they stayed until they were told to move again. She remembers, "An order came from all the General Headquarters that all Armenians either be killed or deny their religion and become Muslims." Many people converted to save their lives, while others died to preserve their faith.

The Armenians were forced to relocate from village to village. They were left with no money and no supplies, and had to find ways to survive. She said, "You couldn't get in touch with anybody. You didn't know what to do. We were hungry. It was terrible. We were all dying. We were just skeletons, no food, no nothing."

Unlike much of Mrs. Hanessian's family who died or disappeared in the genocide, she survived and was able to relocate to the United States and rebuild her life in Syracuse, New York.

She has since passed away, but not before she left her story behind, and I am proud to be able to retell her memories, which must never be forgotten.

Mr. Speaker, I wish to express my support this evening for swift passage of H. Resolution 106, reaffirming the Armenian Genocide. The resolution now has a majority of the Members of the House as cosponsors on a bipartisan basis.

As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity. By properly affirming the Armenian genocide, we can also help ensure its legacy and rightfully honor its victims and survivors like Mrs. Hanessian.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2007 AND 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, pursuant to section 207(d) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302 (a) allocations for the House Committee on Appropriations for Fiscal Years 2007 and 2008. Section 207 (d)(2) directs the Chairman of the Committee on the Budget to adjust the discretionary spending allocations for three program integrity initiatives: Continuing Disability Reviews and Supplemental Security Income Redeterminations, Health Care Fraud and Abuse Control, and Unemployment Improper Payment Reviews as provided in section 207 (d) (1)(A), (C) and (D) of S. Con. Res. 21, respectively.

DISCRETIONARY APPROPRIATIONS: Appropriations Committee 302(a) Allocation

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2007	950,316	1,029,465
Fiscal Year 2008	953,459	1,028,780
Change for H.R. 3043 program integrity initiatives:		
Fiscal Year 2007	0	0
Fiscal Year 2008	636	317
Revised allocation:		
Fiscal Year 2007	950,316	1,029,465
Fiscal Year 2008	954,095	1,029,097

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PROVIDING FOR INDIVIDUALS A SECOND CHANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as I was leaving a friend of mine's home on Sunday morning, a young fellow was across the street on the other side and he flagged me down and said, "Can I talk to you for a moment?" And so I waited for him to come across the street, and he did. And I asked what I could do for him, and he says, "Well, I am trying to find a job." And I inquired as to his educational background, what kind of things that he could do, and what kind of jobs that he had. And he says, "Well, I had a job, but then my employer discovered that I also had a felony conviction and he didn't know that when I got hired." And, "Of course," he says, "I have lost my job, lost my house, lost my car, lost my wife, and I am in the process of losing my children." And as I listened to him on Sunday morning, it reinforced for me how important it is that we try and provide for individuals like this young man a second chance.

As a matter of fact, our country is the most imprisoned nation on the face of the Earth. More than 2 million people languish in our jails and prisons across the country.

More than 650,000 of them come home every year, and, like this young man, oftentimes find every avenue blocked that prevents them from leading normal lives. Of course, many of them do what we call recidivate, that is, if they don't get any help within 3 years, 67 percent of them will have done what we call re-offend; that is, committed another offense against society. More than 50 percent of them will be re-incarcerated, costing our taxpayers enormous sums of money.

And so I felt compelled to come to the floor and urge my colleagues to support the Second Chance Act, to urge the leadership to bring that legislation to the floor, so that this young man and thousands of others like him can, indeed, experience a second chance.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, tonight I'm joined by members of the Congressional Black Caucus on the first of what will be many CBC message hours. This evening we will be discussing health care disparities, as well as the SCHIP program, which is the State insurance health program.

But before I get into it, I need to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subjects that I just mentioned, that of health care disparity and the State Children's Health Insurance Program.

For the past few Congresses, the CBC has made confronting health disparities one of its major initiatives. We have been champions for access to affordable health care, meaningful coverage for prescription medications for every American, and increased representation of African Americans across all health care professions.

The health care statistics are staggering in the African American community. While African Americans comprise approximately 12 percent of the U.S. population, in 2000 they represented 19.6 percent of the uninsured. The African American AIDS diagnosis rate was 11 times that of the White diagnosis rate, 23 times more for women and nine times more for men.

African Americans are two times more likely to have diabetes than whites, four times more likely to see their diabetes progress to end-stage renal disease, and four times more likely to have a stroke. And African Americans are only 2.9 percent of the doctors, 9.2 percent of the nurses, 1.5 percent of dentists, and 0.4 percent of health care administrators. Yet African Americans comprise 12 percent of our population.

These problems are just the tip of the iceberg. Tonight, along with my colleagues, we will outline some of the various health issues that currently impact the African American community. Additionally, many of us have legislation that we are working to have passed to provide necessary care and resources to the African American community.

I want to thank the Chair of the Congressional Black Caucus, Congresswoman CAROLYN CHEEKS KILPATRICK, and our executive director, Dr. Joe Leonard, for their assistance and work in this effort, and for the record, my communications director Nicole Williams.

At this point I'd like to yield 5 minutes to the gentleman from Virginia, Mr. BOBBY SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to stress the importance of health care to the well-being of our children and to our Nation. In 2003, a report was released by the National Academy of Science entitled "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care." It confirmed what many of us have known for a long time, that even when African Americans and other minorities have equal insurance and equal access to physicians, their outcomes are different.

Minority populations just don't get the same health care and are not offered the same treatments. Unfortunately, we're foundering under the constraints of a profit-driven, multi-tiered health care where racial and ethnic stereotypes often distort the decision-making process by many health care providers.

The situation becomes even more critical when we realize that over 20 percent of all African Americans do not have health insurance. Those who do are more likely to have public insurance or Medicaid, which, unfortunately, often does not command the full measure of services available in private insurance.

Every day, more and more African Americans are diagnosed with life-threatening illnesses which can be avoided with proper care and prevention. The diagnosis of illnesses such as diabetes, high blood pressure, heart disease and HIV/AIDS continues to increase among African Americans in the African American culture as access to health care becomes more and more elusive.

It is no surprise that when it comes to taking care of our medical needs, many of us and our Hispanic, Native American and Asian Pacific Islanders are slipping through the safety nets available to other Americans.

Mr. Speaker, the total number of uninsured has actually increased from 41 million, just a few years ago, to 46 million by the most recent numbers. In the country where we pride ourselves as being the world's leading and most prosperous democracy, we have millions of children and young adults walking around without health insurance.

A sad reflection of how ominous the absence of health care insurance can be is the death of a 16-year-old boy in Maryland who died from infections caused by an abscessed tooth because his family had no health insurance to seek medical care.

Mr. Speaker, in the next few weeks, we'll address the reauthorization of the State Children's Health Insurance Program, or SCHIP, which is a vital Federal program which allows States to target and cover low-income children with no health insurance and families with incomes above the Medicaid eligibility levels.

Almost 90 percent of these children live in households with a working parent. More than half live in two-family households. Many of these children are actually eligible for coverage under SCHIP or Medicaid but are not enrolled due in large part to barriers to enrollment in programs and complex eligibility rules that make it difficult to obtain or keep coverage. Millions more children are underinsured or at risk of losing coverage if their parents change jobs or if employers drop health coverage for families.

Mr. Speaker, we need to do more than just renew SCHIP. We need to expand it so that it adequately covers every uninsured child living in the United States.

Early and preventive screening, diagnosis and treatment, EPSDT, which would include services such as dental, vision and mental health services should be available to all children. EPSDT is the current requirement under Medicaid to make sure that the health needs of children are being met, and we should bring this requirement to SCHIP.

Coverage for low-income pregnant women. We need to make sure that women are receiving the necessary prenatal care needed to ensure that infants have a healthy start in life.

Presumptive eligibility. We need a unified application system for SCHIP. There are many social services programs, such as reduced or free school lunch, that have eligibility requirements clearly more restrictive than SCHIP. So if a child is eligible for such a program, it is a virtual certainty that he's also eligible for SCHIP.

The problem arises that States do not presume eligibility, and parents are required to fill out different applications in different offices, often with the exact same information, just to access the services they obviously qualify for.

A commonsense solution would be to streamline the application process for SCHIP and other programs so that if you're enrolled in another social service program, you should not have to fill out another application just to get health care benefits. Money to promote the streamlining of this process should be included in the reauthorization of SCHIP.

Mr. Speaker, there is an urgent need for expanded health care coverage for children, and that's why I introduced H.R. 1688, the All Healthy Children's Act. That act has been endorsed by the Children's Defense Fund. It's a logical, smart, and achievable incremental next step to close the child coverage gap and guarantees that all children will have access to health care coverage that they need to survive, thrive, and learn.

This proposal will ensure that all children are covered by expanding the coverage of both Medicaid and SCHIP programs, while eliminating the procedural red tape that currently prevents children from being covered by either program. The comprehensive program would include all basic health care, as well as coverage for mental health and prenatal care.

Mr. Speaker, the United States health care system has yet to solve the fundamental challenge, delivering health care coverage to all Americans at an affordable price. The tragedy is that we know what to do to fix the problem once and for all. And what is required is a national health care system with universal access to comprehensive prevention-oriented benefits. And it is time to take action, and we should start with our children by passing the All Healthy Children's Act.

Mrs. JONES of Ohio. Mr. SCOTT, thank you very much for your leadership on that issue.

Let me speak for a moment about another piece of legislation that I've introduced with regard to health care disparities. About 7 years ago, one of my staffers approached me with an idea for a piece of legislation. He told me a story of one of his female friends who had been suffering from uterine fibroids. Her condition had taken a tremendous toll on both her and her family, mainly because she was unsure of her options.

This young lady is not alone. There are many women across this country who are silently dealing with this painful, sometime deadly, disease.

Uterine fibroids are noncancerous tumors that form within a woman's uterine lining. It is estimated that three in every four American women have uterine fibroids, with one in four women seeking medical care for the condition. African American women are three to nine times more likely to develop uterine fibroids.

Uterine fibroids can be hard diseases to combat, given the fact that women are diagnosed with the disease at various stages and physical conditions. While the fibroids may develop slowly in some women, others may develop more aggressively.

Right now, hysterectomy is the most common treatment for uterine fibroids, accounting for 200,000, or 30 percent, of all hysterectomies in the United States. It is for this reason that I have reintroduced the Uterine Fibroid Research and Education Act to find new and better ways to treat, or even cure, uterine fibroids.

The Uterine Fibroid Research and Education Act would double Federal funding for uterine fibroid research and fund a public education campaign on the condition. Senator Barbara Mikulski of Maryland introduced companion legislation in the Senate, and we introduced identical legislation in the 109th Congress, but neither received a floor vote.

Even though an estimated three-quarters of all reproductive-age women have uterine fibroids, little is known about them, and there are still few good treatment options available. Women deserve better. I have made it a priority to make sure women are not left out or left behind when it comes to health care.

This legislation would authorize $30 million in Federal funding for uterine fibroid research each year for 5 years, doubling the budget from last year's $15 million. Research is needed to find out what causes uterine fibroids, why African American women are disproportionately affected, and what can be done to prevent and treat the condition.

It is time that we put the health of the women of America in the forefront of our agenda. Therefore, I'm asking all to be supportive on this crucial issue.

Right now I'd like to yield such time as she may consume to Representative DONNA CHRISTENSEN, who is, in fact, a medical doctor; and she chairs the Congressional Black Caucus Health Disparities Health Brain Trust. And this weekend in the Virgin Islands you're hosting a health care health disparities conference, correct?

Mrs. CHRISTENSEN. Yes. Not only that, but Congressman CLYBURN's district will be hosting a disparities conference, as well as the Tri-Caucus, the Hispanic, Black and Asian Pacific Caucus this weekend.

Mr. Speaker, I'm pleased to join my colleagues to call attention to some critical unmet health care needs that this 110th Congress is called upon to address.

And I also want to applaud our chairwoman, CAROLYN CHEEKS KILPATRICK, for making this hour available to us and to thank Congresswoman STEPHANIE TUBBS JONES for her leadership as well.

Before I speak about the children's health insurance program, which is up for reauthorization, I want to remind this body that we have not yet appropriated the level of funding that would make a dent in the health disparities that result in 100,000 unnecessary deaths every year because of our country's failure to address them. We worry more about a few dollars that may be less than necessary than we worry about the unnecessary loss of life that happens every day in this country, although we have the wherewithal to stop them.

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Until our country funds disparity elimination adequately, people of color will continue to get to health care services late, if at all, and become disabled or die prematurely from preventable causes.

This Congress will have the opportunity to do just that by passing the Healthcare Equity and Accountability Act, introduced by the Black, Hispanic, and Asian Pacific Caucus last week. That is the way to improve health for everyone and to begin to drive down the skyrocketing cost of health care.

Mr. Speaker, I also want to call our attention to the now chronic underfunding for the AIDS Drug Assistance Program, or ADAP. As we have underfunded it every year, the gaps have grown and the waiting lists for lifesaving medicines have grown longer. Some of those waiting in line have died because of our neglect. This Congress, led by Democrats who have always understood the challenges faced by the HIV/AIDS community, more than half of which are people of color, needs to correct this deficiency in funding for this important program.

And, also, Mr. Speaker, very soon we will be reauthorizing the State Children's Health Insurance Program. We need to do so fully. Now when we have the opportunity to do the right thing for America's children with whose welfare we are charged, we are poised to shortchange them, to let them down, and to leave them without access to health care. That is unbelievable. There are 9 million uninsured children, of which 6 million are at or below 200 percent of poverty and eligible for SCHIP. I think we should cover all of them, but current proposals don't even cover one-third of those who are eligible.

This Congress should do nothing less than cover all 6 million eligible children, and we must do so with robust programs to foster their mental, dental, and nutritional health. Investing in our children is investing in our future.

The CBO has said that it would cost at least $60 billion to cover all of those eligible children. We are told there are not enough offsets, not enough money to cover the costs.

Well, there are no offsets for the civil war in Iraq, which we are funding while our children are being caught in the crossfire, and there were no offsets for the tax cuts to the wealthiest individuals in this country, both of which are funded in part with money borrowed from Communist China. If we can go into bad debt for those, then we can certainly go into good debt for our children because it is an investment that pays back invaluable dividends. I am willing to bet, Mr. Speaker and colleagues, that we will have to set PAYGO aside for some measure that is deemed important, probably even before this Congress adjourns. So let's do it now for America's children. There is no one and nothing more important than they.

There is one other alternative, and that would be to provide funding to cover all 6 million children for a shorter period of time and revisit that program 2 or 3 years from now when we should be out of Iraq and the tax cuts for the rich would expire. That, I think, is another viable alternative.

We know that the President has said that he will veto a bill if it costs what he considers too much and even the modest proposals from the House and Senate fit that bill. I think that that is a fight the American people would want us to take on because our children are just that important. And so using his own words, I would say "bring it on."

Let's not let there be any more Deamonte Drivers, the 11-year-old who died because he could not get an $80 tooth extraction. We are a better country than that.

Thank you, Congresswoman TUBBS JONES.

Mrs. JONES of Ohio. Thank you, Dr. CHRISTENSEN, for your leadership not only this year but every year that I have been in Congress on the health disparities issue and health care on behalf of all Americans while particularly focused on African Americans.

Mr. Speaker, it gives me great pleasure at this time to yield to my colleague and good friend DANNY DAVIS from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend and thank the gentlewoman from Ohio for not only her leadership on this but her leadership on many issues that affect not only African Americans but people all over America.

Although we are talking about health disparities, let it be known that we don't believe that merely dealing with the disparities is going to get us where we need to be relative to health care in this country. I am firmly convinced that the only way that we will address adequately all of the health care needs that exist in this country is to have a national health plan where everybody is in and nobody is out; where everybody will have access to quality, comprehensive health care without regard to their ability to pay.

I have spent a great deal of my time over the last 2 or 3 years dealing with the particular needs of young African American males. And if we look at that population group, nearly four out of 10 young African American men lack health insurance. The percentage of uninsured African American men, while higher than that of whites, is lower than that of Hispanics, American Indians, and Native Hawaiians. Young men, regardless of race or ethnicity, are more likely to be uninsured than any other age group.

People without health insurance are more likely than those with health insurance to delay needed care, less likely to fill prescriptions, and more likely to be diagnosed at a later stage when they do finally seek care. They are also less likely to have a usual or regular source of care.

Young African American men die at the rate that is at least 1.5 times that of young white and Hispanic men and almost three times the rate of young Asian men. While the death rate drops for men ages 25 to 29 for most groups, it continues to rise among African Americans. The leading causes of death for all young men ages 15 to 29, regardless of race or ethnicity, are unintentional injuries such as car accident, firearm, or drowning, suicide and homicide. For young African American men, more deaths are caused by homicide than any other cause.

Additionally, HIV is the sixth leading cause of death for young African American and Hispanic men. Yet for other racial groups, HIV is not among the top 10 causes of death.

When I hear my colleagues talk about what we need to do and when Representative CLARKE was here a few minutes ago talking about the need for gun control legislation that would make it more difficult to acquire and make use of handguns, that is so real. Not only are those tragedies taking place in New York, but I also take this opportunity to commend Reverend Jessie Jackson and a coalition of individuals, including Reverend Gregory Livingston, who every Saturday morning have been picketing gun shops outside the City of Chicago. Fortunately, you cannot purchase a handgun in Chicago, but you can go right outside and purchase all that you want.

So I commend them for their efforts to make real the notion that change can occur, but it only comes as we are activated, motivated, stimulated, and involved.

So, again, Representative JONES, I thank you for your leadership. Thank you for giving us the opportunity to put a face on this problem that is plaguing African Americans all over America.

Mrs. JONES of Ohio. I want to say to you, Mr. DAVIS, also your leadership on the Second Chance Act, you and I have been working on that issue for several years, and, hopefully, it will come to fruition in the next couple, 3 weeks. I look forward to working with you on that and discussing that issue with you.

Mr. DAVIS of Illinois. I must tell you, I was in Detroit at the NAACP convention last week, and there were some folks there from Ohio. And as we talked about what needed to happen, I know I don't have to ask you, but I just know that my representative, Representative Stephanie TUBBS JONES, is up on this, as in my man, you got it right. You're on it; stay on it. We appreciate you so much.

Mrs. JONES of Ohio. Thank you very much.

Mr. Speaker, it gives me great pleasure at this time to have the opportunity to yield to the awesome Chair of the Congressional Black Caucus. She has shown such great leadership not only in this role but as Chair of so many other events that the Congressional Black Caucus has done.

I yield to my sister, the Congresswoman from the great State of Michigan, CAROLYN CHEEKS KILPATRICK.

Ms. KILPATRICK. I thank you, Madam Chair, for yielding. I certainly appreciate your leadership and all that you do for this body. I thank you for being the coordinator for this Special Order as we move through this 110th session. We thank you for your leadership, delta woman. We appreciate you.

Mr. Speaker, I am honored to stand here tonight as chairperson of the Congressional Black Caucus. We are from 26 States. We are 43 Members. We represent over 40 million Americans. Eighteen of our Members have less than 50 percent populations of African Americans. The highest percentage that any Member represents is 61 percent African Americans. So we represent all ethnicities of America: Latino Americans, Asian Americans, Native Americans, Arab Americans, Italian Americans, European, and the whole conglomerate. So we call ourselves the conscience of the Congress because we are they, 43 of us, 26 States, representing over 40 million Americans who can speak and represent all ethnicities in America.

Disparities in health care is real. It's alive. And it is really determined by how you live, where you live, what economic standards are you able to afford with you and your family, from generations yet unborn. So we are here tonight to talk about how do we close that gap? What ought to be the policies of our United States government to take care of American citizens, 300 million of us, from disparate backgrounds? What can we do to close the gap?

One thing we can do is to make sure that education, quality education, is had for every American; that they may compete not against Ohio or Michigan or California and New York, but to compete in the world, China, India, other countries of the world who revere, and in knowing that education is the key not only to a successful life but a key to adequate health care opportunities.

Number two, that we invest in those communities so that we put the dollars where they are necessary, so that we don't have underserved communities as we have today across America, underserved as it relates to health care, their access to quality health care. Can they really participate in programs that make their lives better?

When we have a healthy America, then we have healthier families, we have healthier cities, and then, of course, our country is one of health.

We talk about disparities of health care, and it refers to the difference between two or more population groups, the outcomes and the prevalence of certain illnesses, heart disease, diabetes, access to quality health care, are we really providing what is necessary for America's families? And we, the members of the Congressional Black Caucus, don't believe that we do.

Our Federal budget is 2.9 trillion of your tax dollars. We round that off and say $3 trillion in this 2008 budget that we are dealing with. Of that budget three entitlements: Medicare, health insurance for 44 million American seniors; Medicaid, over 40 million low-income, disabled, and children's programs; and then our veterans, our proud veterans, who have fought in our wars ever since the beginning, some in battle, some in theater, some not, but defending our country.

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When you take out the main three entitlements, our Appropriations Committee handled 600 to $800 billion. Two-thirds of those monies goes to the entitlements, as was mentioned, and a few others handled by the Ways and Means Committee, where some of those health programs were had. And the other, what we call discretionary funding, is what is handled in the Appropriations Committee.

Of the $800 billion in 2008, $600 billion of that is going to defense, to defense. Proud that we are of our Defense Committee, but never is it intended that two-thirds of that budget, three-fourths in many instances, will go to defend the country. We have to end the war. We've got to bring our soldiers home. We have to invest in American families.

I believe that health care, education, housing, environment and access to capital are those things that this Congress must fund. That's why we have disparities, because many families start at a disadvantage; low income, poor schools, health crisis, unable to get quality health care.

So as we come to you tonight as members of the Congressional Black Caucus, we ask you, America, stand up for what you believe. If you want a strong family, if you want strong opportunities, if you want investment in your children and in your families, speak to that.

Our theme for the Congressional Black Caucus is "Change Course." Do something different, America. Join. Speak out. Donate. Volunteer. Be a part of something that you believe in that will make America stronger. Health care, we believe, is one of those things that you will find yourself participating in.

Change course and then confront the crisis. Confront the crisis of education. Why is it that our schools can't compete with schools around the world? Confront the crisis of the war. And yes, confront the crisis of the disparities in health that we find ourselves in today. We can do better. We can be better. Make sure you're a part of that equation.

And then let us all rise up and continue the legacy. Change course, confront crises, and continue the legacy that all of us have put together as members of the African American Congressional Black Caucus, Latino Caucus, Tri-Caucus, the Asian Caucus as well. We work together to make sure that we begin to address some of the disparities that we see.

So, Madam Chair, thank you for your leadership. Thank you as we try to talk to America to become involved, to change course, to confront crises, to continue the legacy that so many have given their lives and time that we might be on this floor tonight.

This is the greatest country in the world. Let's eliminate the health disparities. Let's make our families stronger. Provide better education opportunities, better work opportunities and, yes, access to capital. When we do that, we will eliminate the disparities that we find now in our health system.

With that, Madam Chair, I yield back the balance of my time.

Mrs. JONES of Ohio. Thank you, Madam Chair, for that great presentation and for your leadership.

Being uninsured means going without needed care. It means minor illnesses become major ones because care is delayed. Tragically, it also means that one significant medical expense can wipe out a family's life savings. There are millions of working uninsured Americans who go to bed worrying about what will happen to them and their families if a major illness or injury strikes.

In my home State of Ohio, there are currently 1,362,000 uninsured, an increase of 18,000 people since 2003. We've also seen the strain on many of the local hospitals in my district when people are forced to use emergency rooms as their source of primary care. The problem is getting worse. As the price of health care continues to rise, fewer individuals and families can afford to pay for the coverage. Fewer small businesses are able to provide coverage for their employees, and those that do are struggling to hold on to the coverage they offer. It is a problem that affects all of us, and we cannot sit idly by while the people of this country continue to go without health insurance.

I am pleased at this juncture to yield such time as she may consume to my colleague and good friend from the great State of Texas, Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank my distinguished colleague from Cleveland, Ohio, the chairwoman of the Ethics Committee, and as well the first African American woman, only African American woman on the Ways and Means Committee. These two distinctive positions are so important, one, for the health of this body, the Ethics Committee, and two, for the great city that she represents. And I might compete with her, she has the Cleveland Clinic; I have the Texas Medical Center. And I know that we have had the opportunity to work with each other, and I want to thank her for what I think is an enormously important Special Order.

I want to begin, as many of my colleagues have begun, and I want to acknowledge the chairwoman of the Congressional Black Caucus, Congresswoman KILPATRICK, for the importance of putting a face on the issue of disparities in health care.

In doing that, I'm reminded of the language in the beginning of the Constitution that the Founding Fathers organized to create a more perfect Union. But as they struck out on faith to establish this fledgling United States of America, only 13 colonies, feeling the redcoats breathing down their backs, afraid that at any moment this very fragile government might be toppled, they had enough courage to declare some words that I believe, if this Congress would use it as a moral compass, these issues of Congresswoman STEPHANIE TUBBS JONES would be very clear, and those are the words of the Declaration of Independence that said we all are created equal with certain inalienable rights; the right to pursue life, liberty and the pursuit of happiness. We are all created equal with certain inalienable rights; the rights of life, liberty and the pursuit of happiness.

Clearly, health care is intimately involved in life and the pursuit of happiness. And so in actuality, the Founding Fathers put down a marker of what kind of Nation they wanted this to be. Tragically, over the last years, when our good friends were involved, many of the serious issues of health care were diminished in terms of care and funding. And so it is important that we stand here tonight to be able to lay down the challenge and the charge that we are here to fix it up. We are here to make it right. We are here to correct some of the ills, governmental ills, budgetary ills that have caused health care to be diminished.

And let me cite some important statistics that represent the districts of individuals in this body coming from the south, coming from the midwest, coming from the far west, next to Texas, and parts of the mountain area.

The cost of the war in one district is costing $1 million. And out of that waste of money in the Iraq war, we would be able to provide people with health care: 336,000 adults and 527,000 children, plus, with health care.

Another district, the war is costing them $1.2 million, plus. We would be able to provide 420,000 people with health care if that war was ended, 758,000 children.

Another district, the war is costing them $1.1 million—755,000 people would be able to have health care and 633,000 children. Another district, $812,000 it's costing them, and we would be able to provide 310,000 adults with health care, and children, 502,000.

So, we can already see that we would be able to provide thousands, hundreds of thousands of Americans with health care and hundreds of thousands of children with health care if we, first of all, brought our troops home and ended the Iraq war.

Now, why should we be concerned with that? And the Congressional Black Caucus has gone on the record on questions of disparities in health care. And I might say that this whole issue of disparities is not just an issue of race; it's an issue of dealing with economics. It is the kind of health care that poor people are able to manage to get versus those who are covered, who have means. Some people have means where they pay outright for the care. The Texas Medical Center, for example, has long-time hosted international patients who outright pay for good care. We don't have that luxury here in the United States for many of those who are struggling.

And I might give you just a real-life example, Mr. Speaker, having left my home district and had the challenge and the desire to visit constituents who were ailing. They are now surviving because they happen to be individuals who had the care and the sophistication of family members who could get them to a spot that would, in fact, determine what was the final need of their care. Mr. Speaker, they had a disastrous cancerous organ that was not initially found, and they could have died. But because they had the means, they were able to go through test after test, and one expensive test that is rarely given, an MRI, was able to find that cancerous organ, their life has been saved. Another person with a severe injury or severe disease was able to be cared for and is in the best of care because of means. They live today. But that is not the case in the question of disparities on economics, what you make, and also on race.

I'm very glad to be part of the CBC effort and Health Task Force to focus on ensuring that the Ryan White CARE Act is passed with language that emphasizes minority HIV organizations.

I believe in fixing health care disparities on the ground. I have organized a series of testing activities or actions to engage the community in being tested. Our first effort with a church, 245 persons were tested. And our message is that HIV testing is not a one-shot deal. Just recently, a good friend, Representative Borris Miles, was able to get 7,000, or thousands of persons tested, possibly 7,000 persons, for HIV. We are going to launch another effort of testing and a campaign that says "HIV testing is not a one-shot deal."

I am a strong supporter of believing in the Health Centers Renewal Act of 2006. For the time that I have been here, I have emphasized that we have not enough community-based health clinics that were privately owned in neighborhoods accessible to grandmothers and young mothers with children. And we have worked hard to ensure that more community health centers come to Houston, Texas.

I'm proud that in my own congressional district we've opened one in Fifth Ward. We've opened two that are under the auspices of the Martin Luther King Community Center that I worked with and kept their doors open with a $400,000 grant from HHS in the early years of my congressional career. This is a stopgap to the disparities in health care, allowing those in the community to have immediate access to health care.

Then, of course, one of the largest, if I might use the term, Mr. Speaker, "elephants" in the room, is the question of obesity in America. As the co-chair of the Congressional Children's Caucus, we have worked on the issue of obesity in children. I was very proud to join Congressman DONALD PAYNE for a very thoughtful, forward-thinking session on obesity in New Jersey, and providing remarks dealing with the question of obesity in our children. And it is a disparity in health care as it relates to Hispanic and African American children who are victimized, if you will, in large numbers by the lack of nutritious food that generates an overweight child. That turns into hypertension as an adult, type II diabetes, coronary heart disease, stroke, gallbladder disease, asthma, bronchitis, sleep apnea, and other respiratory diseases.

There are also increases in overweight among children and teens. For children age 2 to 5, the prevalence of overweight increased from 5 percent to 13 percent; 6 to 11 years, prevalence increased from 6.5 percent to 18.8 percent; and for age 12 to 19 years, 5 percent to 17.4 percent.

We're working to ensure in the agricultural reauthorization bill that's coming forward that school lunches and school breakfasts are nutritious. That has to be for those children who are poor and are dependent upon those meals as sometimes their only meal.

I passed legislation that involved the creation of an Office of Minority Populations that still stands today, and the idea is to keep the question of disparities in health care before Health and Human Services regardless of who the Secretary is. We can do better in this Congress.

And there are issues dealing with our veterans. I'm very pleased that my VISTA bill was marked up in the veterans which provides added resources for visually impaired veterans in order to assist them in the care of those who are impaired by their recent, if you will, deployment to Iraq and those who are veterans who have suffered injury or have lost their sight.

But we come now to the issue of the SCHIP, which is in the process of being reauthorized. And the difficulty, of course, is that we need to emphasize the crucialness of SCHIP in the Nation and in our States. I believe that the work of the Congressional Black Caucus and all of us in our respective States is a telling answer to health care for children who are at a certain economic level.

Tragically, the State of Texas, after the passage of the 1997 budget resolution which created SCHIP, was one of those States that turned back $400 million because they could not enroll the children. As we move forward, I want to make sure that we move forward on the package that will cover 6 million children. I would like to see us go up to 9 million, but I think we need to look at process. I hope that we do not privatize and make this a market-based program so that people can stuff their pockets with money.

□ 2045

This should be a program that goes directly to these families. Any State that fails to enroll should be penalized by the State's having to refund their own tax dollars, not the money sent for the children. Let us not penalize the children, but let us cause those States to pay fines for their inertia and their inability to enroll these children. I hope that we will have that kind of reform.

Let me close by suggesting that we have an enormous road to take on health care. I am gratified that I hear more African Americans and Hispanics and others of a certain economic level who are prone to these disparities in health care talking about eating right, talking about an intake of less red meat. For those who are on the ranches, and I am from Texas, a good steak is a good thing to have. But to focus on vegetables, and some people have become vegetarians and are drinking water. These are elements that can encourage good health care.

For those of us who have our schedule here in Washington, D.C., a little walking, a little exercise would be good as well. We should probably look at ourselves in the mirror and try to improve our own health status. We have the capability and capacity if and when some health matter would come to our attention, that is a personal matter, but we must speak for the millions of Americans, 44 million, that are uninsured, that do not have access to health care. I do believe that it is time to move for universal access to health care.

So as we move in the 110th Congress and complete this session, I would say to all of my colleagues, be reminded of the Declaration of Independence; we all are created equal with certain inalienable rights of life, liberty and the pursuit of happiness. Health care has to be a constitutional issue and a right for Americans.

Certainly for the least of those we must stand ready to provide them with a strong and forceful statement and action on health care in America. We should have the SCHIP passed without hindrance and without a market-based approach. We should pass universal access to health care so that all Americans, all Americans, can have the ability to be blessed with the virtues of the pursuit of happiness and have good health care.

Mr. Speaker, let me thank my colleague for yielding. Might I also suggest that we have our marching orders at this point, that we will not take a "no" on passage of the SCHIP out of this House. We want to see universal access to health care come to the floor.

On the disparity question, I am looking forward to the Congressional Black Caucus and the Tri-Caucus health disparity bill being made in regular order and being brought to this floor as soon as possible.

Mr. Speaker, we must save lives. We must.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of Special Order to recognize the importance of closing the racial and ethnic health disparities in this country. It is crucial that we continue to bring awareness to the many health concerns facing minority communities and to acknowledge that we need to find solutions to address these concerns. My colleagues in the Congressional Black Caucus and I understand the very difficult challenges facing us in the form of huge health disparities among our community and other minority communities. We will continue to seek solutions to those challenges. It is imperative for us to improve the prospects for living long and healthy lives and fostering an ethic of wellness in African-American and other minority communities. I wish to pay special tribute to my colleague, Congresswoman DONNA CHRISTENSEN, the Chair of the CBC Health Braintrust, for leading the Congressional Black Caucus in its efforts to bring attention to the health challenges facing minority communities. I thank all of my CBC colleagues who have been toiling in the vineyards for years developing effective public policies and securing the resources needed to eradicate racial and gender disparities in health and wellness.

Let me focus these brief remarks on what I believe are three of the greatest impediments to the health and wellness of the African-American community and other minority communities. The first challenge is to provide everyone access to healthcare. This includes supporting the reauthorization and expansion of the State Children's Heath Insurance Program (SCHIP) so that all of our children who need health insurance will receive it. The second challenge is combating the scourge of HIV/AIDS. The third challenge is to reverse the dangerous trend of increasing obesity in juveniles and young adults.

DIFFERENTIAL ACCESS MAY LEAD TO DISPARITIES IN QUALITY; SUPPORT FOR HEALTHCARE LEGISLATION—H.R. 676

Across this great Nation the health disparities between minority and majority populations are staggering. Most major diseases—diabetes, heart disease, prostate cancer, HIV/AIDS, low-birth weight babies—all hit minority communities harder. As minorities, we constantly have had to endure decreased access to care, and often of lesser quality care, than do members of the majority race in America.

H.R. 676, "THE UNITED STATES NATIONAL HEALTH INSURANCE ACT"

Earlier this year, I was proud to be an original cosponsor of H.R. 676, "The United States National Health Insurance Act." This Act would allow for every American to receive heath insurance. You, the American people called for universal health care, as it was one of the most prominent issues for Americans in the 2006 election.

The need for a high-quality, accessible and affordable health care system has never been more urgent. There are currently 47 million uninsured Americans, 8 million of whom are children. Another 50 million are underinsured. Although the U.S. spends twice as much on health care per capita as countries with universal coverage, the World Health Organization ranks us 37th in overall health system performance. Major American corporations such as General Motors bear the brunt of an outdated health care system because they are at a competitive disadvantage relative to their international counterparts who pay less for health care. A Harvard study found that almost half of all bankruptcies are partially or fully related to health care bills.

Our plan, H.R. 676, "The United States National Health Insurance Act," guarantees every resident of the United States access to a full range of medically necessary services, including primary care, prescription drugs, mental health care and long term care. The role of the government would be limited to collecting revenues and disbursing payments; care would continue to be delivered privately. Patients could continue to use the same hospital, physician or health clinic from which they currently receive services. H.R. 676 is supported by over 210 labor unions and more than 100 grassroots groups across the country. The former editor of the New England Journal of Medicine, two former U.S. Surgeons General and 14,000 physicians support national health insurance.

HEALTH EQUITY AND ACCOUNTABILITY ACT OF 2007

I also strongly support the Health Equity and Accountability Act of 2007, an important bill that my colleague Congresswoman DONNA CHRISTENSEN has crafted to address the health disparities we face in our community. This bill will provide for:

Creation of Regional Minority Centers of Excellence Programs in medically underserved regions of the country

Creation of Health Information Technology Zones

Data Collection and Analysis Grants for Historically Black Colleges and Universities, Hispanic Services Institutions, and Tribal Colleges and Universities, and Asian American and Pacific Islander-serving institutions with accredited public health, health policy or health services research programs

Reauthorization of the National Center for Minority Health and Health Disparities

Expansion of funding the Minority AIDS Initiative ($610 million)

Grants for Racial and Ethnic Approaches to Community Health

Access to programs and activities and establishes support center to those with limited English proficiency and ensures antidiscrimination provisions and sets standards for these services, such as hiring bilingual staff and informing patients of their rights in their primary language.

Federal agencies that carry out health related activities are mandated to adopt a guidance model on language services.

The Secretary is required to conduct a demonstration project in no less than 30 states or territories showing the impact of costs and health outcomes to those with limited English proficiency.

Grants to improve healthcare for those with communities with low functional literacy.

The preparation and publication of a report that describes government efforts to provide access to culturally and linguistically appropriate healthcare services including an evaluation of activities and an explanation of best practices and models.

DHHS will be responsible for submitting a report on health workforce diversity with descriptions of any grant support provided for workforce diversity initiatives.

Establishment of a technical clearinghouse for health workforce diversity with statistical information, model health workforce programs, admissions policies, etc.

Evaluation of workforce diversity initiatives, data collection and reporting by health professional schools, and supporting institutions committed to workforce diversity.

Providing career development for scientists and researchers and for those non-research health professionals.

Provide cultural competence training for health care professionals.

To increase the number of individuals from disadvantaged backgrounds in health professions by enhancing their academic skills and supporting them in training.

Examination of providers and the delivery of culturally and linguistically appropriate services in geographic areas

Makes public the data collected and analyzed.

Grants to eligible institutions to conduct and coordinate research on the built environment and its influence on individual and population-based health.

Such a bill will go a long way in providing for the healthcare needs of minorities and will help to narrow the health disparity gap.

There is no reason why this country should continue down a dreadfully deleterious road of denying healthcare to any citizen of this country who needs it. Many of the health conditions, such as diabetes, obesity, kidney failure, cancer, hypertension and HIV/AIDS, the prevalence of which plagues our community the most, could be curtailed or even prevented if everyone had access to health insurance. I will continue to fight hard for the most effective policy measures that aim to narrow the racial health disparity gap.

It is a misconception that minority healthcare is just about helping minorities. Keeping Americans healthy ensures that children can stay in school and that their parents can go to work. It ensures that our emergency rooms are not glutted. It ensures that our hospitals are not wasting time and money chasing the uninsured with massive bills they cannot afford to pay anyway. Keeping Americans healthy ensures that all of our friends, neighbors, and loved ones can have longer, more productive lives to contribute to our communities and to our economy.

We all pay the cost of leaving people in America without health coverage. We cannot afford to pay that high cost any longer. The time for health equality is now. We need to work to improve access to care for people, in general, but there are also areas where more specific interventions are necessary.

I have worked to improve awareness on prostate cancer, and have worked with MD Anderson to help start clinics in Houston that will open access to quality affordable prostate screening and care. I have worked with Hepatitis C advocates in Houston, and across the Nation, to spread the word that Hep C is a silent killer that is cutting down our minority communities and our veterans. There is so much misinformation out there about Hep C. I am pushing the Government Accountability Office to do a full report on the Hep C problem so that we can work to stop this epidemic.

There is also a significant shortage of minority doctors, dentists, and health professionals of all sorts; a shortage that contributes significantly to quality healthcare access. It has been shown that people tend to seek care from people who look like them, and share similar backgrounds. So, the lack of diversity is not just a civil rights issue, it is an issue of health access. We need to boost minority enrollment in health professional programs.

Success will require young people to redouble their efforts to pursue their scholarly pursuits with a renewed commitment to health and medical research. I am very bullish on academic achievement. That is one reason why I was so interested in securing increased funding for science, technology, engineering, and mathematics education and research.

There are so many areas in which we need to work together and address the critical needs of the people who are being left out of our health care system. Putting energy and resources into decreasing health disparities is a solid investment, one that will reduce unnecessary suffering, and make our workforce and our society stronger. I pledge to you that I will continue to do my part. By your presence here today, I have no doubt you will continue to do yours. And together, we will see the eradication of serious health inequalities in our lifetimes.

We must ensure that all Americans have access to healthcare. Access to healthcare is an important prerequisite to obtaining quality care. Some access barriers, whether perceived or actual, can result in adverse health outcomes. Patients may perceive barriers to delay seeking needed care, resulting in presentation of illness at a later, less treatable stage of illness. For example, a usual source of care can serve as a navigator to the healthcare system and an advocate to obtain needed evidence-based preventive and health care services. Of the major measures of access, the lack of health insurance has significant consequences. Avoidable hospitalizations are a good example of the link between access and disparities in quality of care. These hospitalizations may reflect, in part, the adequacy of primary care. When health care needs are not met by the primary health care system, rates of avoidable admissions may rise. Many racial and ethnic minorities and individuals of lower socioeconomic status are less likely to have a usual source of care. As a result:

Hispanics and people of lower socioeconomic status are more likely to report unmet health care needs.

While most of the population has health insurance, racial and ethnic minorities are less likely to report health insurance compared with whites. Lower income persons are also less likely to report insurance compared with higher income persons.

Higher rates of avoidable admissions by blacks and lower socioeconomic position persons may be explained, in part, by lower receipt of routine care by these populations.

Many of these circumstances are the direct result of lack of heathcare coverage.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

Until we have a healthcare system that covers all Americans, it is crucial that we reauthorize the State Children's Health Insurance

Program, SCHIP. We know that the lack of healthcare contributes greatly to the racial and ethnic health disparities in this country, so we must provide our children with the health insurance coverage to remain healthy. SCHIP, established in 1997 to serve as the healthcare safety net for low-income uninsured children, has decreased the number of uninsured low-income children in the United States by more than one-third. The reduction in the number of uninsured children is even more striking for minority children.

In 2006, SCHIP provided insurance to 6.7 million children. Of these, 6.2 million were in families whose income was less than $33,200 a year for a family of three. SCHIP works in conjunction with the Medicaid safety net that serves the lowest income children and ones with disabilities. Together, these programs provide necessary preventative, primary and acute healthcare services to more than 30 million children. Eighty-six percent of these children are in working families that are unable to obtain or afford private health insurance for their Meanwhile, health care through SCHIP is cost effective: it costs a mere $3.34 a day or $100 a month to cover a child under SCHIP, according to the Congressional Budget Office. There are significant benefits of the State Children's Health Insurance Program when looking at specific populations served by this program.

CHILDREN IN RURAL AREAS

SCHIP is significantly important to children living in our country's rural areas. In rural areas:

One in three children has healthcare coverage through SCHIP or more than half of all children whose family income is under $32,180 received healthcare coverage through Medicaid or SCHIP.

Seventeen percent of children continue to be of the 50 counties with the highest rates of uninsured children, 44 are rural counties, with many located in the most remote and isolated parts of the country. Because the goal is to reduce the number of uninsured children, reauthorizing and increasing support for SCHIP will be crucial to helping the uninsured in these counties and reducing the 17 percent of uninsured.

MINORITY CHILDREN

SCHIP has had a dramatic effect in reducing the number of uninsured minority children and providing them access to care:

Between 1996 and 2005, the percentage of low-income African-American and Hispanic children without insurance decreased substantially.

In 1998, roughly 30 percent of Latino children, 20 percent of African-American children, and 18 percent of Asian American and Pacific-Islander children were uninsured. After enactment, those numbers had dropped by 2004 to about 12 percent, and 8 percent, respectively.

Half of all African Americans and Hispanics are already covered by SCHIP or Medicaid.

More than 80 percent of uninsured African-American children and 70 percent of uninsured Hispanic children are eligible but not enrolled in Medicaid and SCHIP, so reauthorizing and increasing support for SCHIP will be crucial to insuring this population.

Prior to enrolling in SCHIP, African-American and Hispanic children were much less likely than non-Hispanic White children to have a usual source of care. After they enrolled in SCHIP, these racial and ethnic disparities largely disappeared. In addition, SCHIP eliminated racial and ethnic disparities in unmet medical needs for African-American and Hispanic children, putting them on par with White children.

CHILDREN IN URBAN AREAS

SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has healthcare coverage through SCHIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

HIV/AIDS

Ensuring that everyone has healthcare coverage will also help to combat HIV/AIDS in this country, and in particular in African-American and minority communities. In 1981, HIV/AIDS was thought by most Americans to be a new, exotic, and mysterious disease which seemed to inflict primarily gay white males in New York City and San Francisco. But since then we have learned that in the America of 2006, AIDS is overwhelmingly a black and brown disease. And that means that we have to assume the major responsibility for finding the solutions to rid our communities of this scourge. Consider the magnitude of the challenge confronting us:

HIV/AIDS is now the leading cause of death among African Americans ages 25 to 44—ahead of heart disease, accidents, cancer, and homicide.

The rate of AIDS diagnoses for African Americans in 2003 was almost 10 times the rate for whites.

Between 2000 and 2003, the rate of HIV/AIDS among African-American males was seven times the rate for white males and three times the rate for Hispanic males.

African-American adolescents accounted for 65 percent of new AIDS cases reported among teens in 2002, although they only account for 15 percent of American teenagers.

Billions and billions of private and federal dollars have been poured into drug research and development to treat and "manage" infections, but the complex life cycle and high mutation rates of HIV strains have only marginally reduced the threat of HIV/AIDS to global public health.

Although the drugs we currently have are effective in managing infections and reducing mortality by slowing the progression to AIDS in an individual, they do little to reduce disease prevalence and prevent new infections. It simply will not suffice to rely upon drugs to manage infection. We can make and market drugs until we have 42 million individually tailored treatments, but so long as a quarter of those infected remain detached from the importance of testing, we have no chance of ending or even "managing" the pandemic.

Currently, the only cure we have for HIV/AIDS is prevention. While we must continue efforts to develop advanced treatment options, it is crucial that those efforts are accompanied by dramatic increases in public health education and prevention measures.

Learning whether one is infected with HIV before the virus has already damaged the immune system represents perhaps the greatest opportunity for preventing and treating HIV infection. According to the Centers for Disease Control, CDC, between 2000 and 2003, 56 percent of late testers—defined as those who were diagnosed with full-blown AIDS within 1 year after learning they were HIV-positive—were African Americans, primarily African-American males.

African Americans with HIV have tended to delay being tested because of psychological or social reasons, which means they frequently are diagnosed with full-blown AIDS soon after learning they are infected with HIV. This is the main reason African Americans with AIDS do not live as long as persons with HIV/AIDS from other racial/ethnic groups.

Researchers have identified two unequal tracks of HIV treatment and care in the United States. In the first, or "ideal track," a person discovers she or he is HIV-infected, seeks medical care, has regular follow-ups, and follows a regimen without complications. Persons in this track can now in most cases lead a normal life.

But some individuals follow a second, more-dangerous track. These individuals come to the hospital with full-blown AIDS as their initial diagnosis. They may have limited access to care because of finances or because other social or medical problems interfere. The vast majority of deaths from HIV/AIDS are among this second group. And the persons making up this group are disproportionately African-American males.

I have strongly supported legislation sponsored by CBC members and others to give increased attention and resources to combating HIV/AIDS, including the Ryan White CARE Act. I support legislation to reauthorize funding for community health centers (H.R. 5573, Health Centers Renewal Act of 2006), including the Montrose and Fourth Ward clinics in my home city of Houston, and to provide more nurses for the poor urban communities in which many of these centers are located (H.R. 1285, Nursing Relief Act for Disadvantaged Areas). I have also authored legislation aimed to better educate our children (H.R. 2553, Responsible Education About Life Act in 2006) and eliminate health disparities (H.R. 3561, Healthcare Equality and Accountability Act and the Good Medicine Cultural Competency Act in 2003, H.R. 90).

Twenty-five years from now, I hope that we will not be discussing data on prevalence and mortality of HIV/AIDS among African Americans, but rather how our sustained efforts at elimination have come into fruition. But for us to have that discussion, we must take a number of actions now. We must continue research on treatments and antiretroviral therapies, as well as pursue a cure. We absolutely have to ensure that everyone who needs treatment receives it. And we simply must increase awareness of testing, access to testing, and the accuracy of testing. Because we will never be able to stop this pandemic if we lack the ability to track it.

African Americans are 11 times as likely to be infected with HIV/AIDS, so we must make 11 times the effort to educate them until HIV/AIDS becomes a memory. We simply do not have any other alternative but to work continuously to eliminate HIV/AIDS in our community.

When it comes to the scourge of HIV/AIDS, the African-American community is at war. It is a war we absolutely have to win because at stake is our very survival. With HIV/AIDS we need not wonder whether the enemy will follow us. The enemy is here now. But so is the army that can vanquish the foe. It is us. It is up to us. For if not us, who? If not now, when? If we summon the faith of our ancestors, the courage of our great grandparents, and the determination of our parents, we will march on until victory is won.

OBESITY

The obesity epidemic in the African-American and other minority communities is also of great concern. Although the obesity rates among all African Americans are alarming, as Chair of the Congressional Children's Caucus, I am especially concerned about the childhood obesity epidemic among African-American youth. More than 40 percent of African-American teenagers are overweight, and nearly 25 percent are obese.

Earlier this year, my office in concert with the office of Congressman TOWNS and the Congressional Black Caucus Foundation, held a widely-attended issue forum entitled, "Childhood Obesity: Factors Contributing to Its Disproportionate Prevalence in Low Income Communities." At this forum, a panel of professionals from the fields of medicine, academia, nutrition, and the food industry discussed the disturbing increasing rates of childhood obesity in minority and low-income communities, and the factors that are contributing to the prevalence in these communities.

What we know is that African-American youth are consuming less nutritious foods such as fruits and vegetables and are not getting enough physical exercise. This combination has led to an epidemic of obesity, which directly contributes to numerous deadly or life-threatening diseases or conditions, including the following: hypertension; dyslipidemia (high cholesterol or high triglyceride levels), Type 2 diabetes; coronary heart disease; stroke; gallbladder disease; osteoarthritis; asthma; bronchitis; sleep apnea; and other respiratory problems; and cancer (breast, colon, and endometrial).

When ethnicity and income are considered, the picture is even more troubling. African-American youngsters from low-income families have a higher risk for obesity than those from higher-income families. Since the mid-1970s, the prevalence of overweight and obesity has increased sharply for both adults and children. According to the Centers for Disease Control and Prevention (CDC), among African-American male adults aged 20–74 years the prevalence of obesity increased from 15.0 percent in 1980 survey to 32.9 percent in the 2004.

There were also increases in overweight among children and teens. For children aged 2–5 years, the prevalence of overweight increased from 5.0 percent to 13.9 percent; for those aged 6–11 years, prevalence increased from 6.5 percent to 18.8 percent; and for those aged 12–19 years, prevalence increased from 5.0 percent to 17.4 percent.

As the debate over how to address the rising childhood obesity epidemic continues, it is especially important to explore how attitudes, environmental factors, and public policies influence contribute to obesity among African Americans and other minorities. Some of these contributing factors are environmental, others are cultural, still others are economic, and others still may be lack of education or information. But one thing is clear: we must find ways to remove them.

Mr. Speaker, I urge my colleagues to continue to support initiatives and programs that close the racial and health disparities gaps. It is imperative that we continue to seek workable solutions to the health and wellness challenges facing our communities. I look forward to working with all of my colleagues to achieve these goals.

Mrs. JONES of Ohio. Mr. Speaker, the State Children's Health Insurance Program is one of the most important priorities for the Congressional Black Caucus. Let me give you some information about SCHIP.

Of children living in rural areas, one in three children have health care coverage through SCHIP or Medicaid. More than half of all those whose family income is under $32,180 receive health care coverage through Medicaid or SCHIP. Of the 50 counties with the highest rate of uninsured, 44 are rural counties, with many located in the most remote and isolated parts of the country. Because SCHIP's goal is to reduce the number of uninsured children, reauthorizing and increasing support for this program will be crucial to helping the uninsured in these counties and reducing the 17 percent of uninsured.

Let's talk about children living in urban areas. One in four children have health care coverage through SCHIP or Medicaid. More than half of all the children whose family income is under $32,180 receive health care coverage through Medicaid or SCHIP. Nineteen percent continue to be uninsured. Because SCHIP's goal is to reduce the number of uninsured children, reauthorizing and increasing the support will be crucial in this area.

Let me talk about minority children just for a moment. SCHIP had a dramatic effect in reducing the number of uninsured minority children and providing them access to health care. Between 1996 and 2005, the percentage of low-income African American and Hispanic children without insurance decreased substantially. In 1998, roughly 30 percent of Latino children, 20 percent of African American children, and 18 percent of Asian American and Pacific Islander children were uninsured. After SCHIP's enactment, those numbers have dropped by 2004 to about 21 percent, 12 percent, and 8 percent.

Half of all African American and Hispanic children are already covered by SCHIP or Medicaid. More than 80 percent of the uninsured African American children and 70 percent of the uninsured Hispanic children are eligible but not enrolled in Medicaid and SCHIP, so reauthorizing and increasing support will be crucial to insuring this population.

One of the discussions that we have been having about the program is apparently the difficulty in getting young children enrolled in the program, whether they are African American, Hispanic, low-income, rural, or urban. One of the things that we have been talking about with the reauthorization is implementing new ways in which we can enroll children and get parents on board with providing health care to their children. The beauty of the program, as we have talked about previously, is the preventive arm of the program, so that children who have injuries or conditions can get treatment early in the process so that their problems will not escalate.

One of the exciting things that is going on this weekend is the fact that the Congressional Black Caucus is going to be participating in health care disparity events all over the country. In South Carolina, Congressman CLYBURN will be hosting a health and wellness event in Charleston this coming weekend. The 5th Annual Tri-Caucus Minority Health Summit will be held in San Diego, California. As I said previously, Representative DONNA CHRISTENSEN will be hosting an event in St. Croix, Virgin Islands.

We continue to be concerned about the SCHIP program. We are supportive of reauthorization. We are not only supportive, we are demanding reauthorization and requiring that the amount of money that is put into the program be extended such that it will cover most of the young men and women, or children, excuse me, in America. There is some debate about whether or not pregnant women ought to be included in this process. But the reality is, if we don't take care of pregnant women, the children will suffer as a result. So we are moving forward with those issues, as well.

I want to close with just a few more additional facts in and around the issue of health care disparities, because we can never say enough about the impact that it has. Let me talk to you for a moment about amputation. The differences in amputation rates reveal one of the many treatment disparities that exist between racial and ethnic minorities. In general, African Americans and Latinos have higher rates of lower extremity amputation than non-Hispanic whites. It brings to my mind an aunt that I have. Her name is Evelyn Shelton. She is in a nursing facility, having lost both of her legs as a result of a condition of diabetes. Among Medicare beneficiaries, the rate of amputation of all or part of the lower limb was 6.7 percent per 1,000 for African Americans and 1.9 percent per 1,000 for whites.

Let's talk about asthma care. Asthma rates are disproportionately high among racial and ethnic minorities, particularly among the African American community. Moreover, disparities also appear to exist in how asthma is treated in minority populations, with racial and economic minorities often receiving inadequate asthma care. Insured African Americans with asthma are more likely than insured whites to be hospitalized for asthma-related health conditions and are less likely to be treated by an asthma specialist.

African American children are about three times more likely to be hospitalized for asthma than their white peers, and about five times more likely to seek care at an emergency room. Among families in which parents lack any postsecondary education and do not have access to a primary care physician, African American and Latino children with asthma are more likely than white children to underuse routine medications, such as anti-inflammatory agents.

There are other facts that I would like to go on and discuss at the moment, but I don't have the time. There are issues around cancer care, there are issues around, cardiovascular care, there are issues around HIV treatment.

But I am pleased to stand this evening with my colleagues from the Congressional Black Caucus to discuss the issue of health disparity and to bring attention to those State Children's Health Insurance Program. This is the first of future hours that the Congressional Black Caucus will be hosting on issues that affect the African American community, and particularly but often affect the entire community of our Nation.

Mr. Speaker, my colleague BARON HILL, we came to Congress at the same time, and I thank you for having the opportunity to speak out on these issues.

Mr. CONYERS. Mr. Speaker, I rise today in strong support for the continuation of the State Children's Health Insurance Program (SCHIP). Since 1997, this program has served as a safety net for our Nation's low-income uninsured children. Today, the number of uninsured low-income children participating in SCHIP has fallen by more than one-third. The number of minority children that participate in the program has decreased even more drastically.

In 2006, 6.7 million of America's children received health care benefits through SCHIP; of these, 6.2 million came from families whose income was less than $33,200 a year for a family of three. SCHIP working in conjunction with Medicaid through State programs provides necessary preventive, primary and acute health care services for the lowest income children and those with disabilities. Overall, these programs service more than 30 million children.

Children living in both rural and urban areas benefit from the SCHIP program. In rural areas, one in three children is covered either through SCHIP or Medicaid. In spite of this statistic, 17 percent of the children living in these areas remain uninsured. In urban areas one in four children has healthcare coverage through SCHIP or Medicaid, but 19 percent continue to be uninsured.

SCHIP also helps to reduce the number of uninsured minority children. The percentage of low-income African-American and Hispanic children without insurance decreased between 1996 and 2005 because of this program. Prior to SCHIP's enactment, approximately 30 percent of Latino children, 20 percent of African-American children, and 18 percent of Asian-American and Pacific Islander children were uninsured. By 2004, those numbers had dropped to 21 percent, 12 percent, and 8 percent respectively.

Mr. Speaker, let's not undermine the purpose of the SCHIP program. We have a responsibility to our children to provide them with one of the most basic needs in our society, equal access to health care. Let us not ignore the great strides that SCHIP has made in reducing the number of uninsured children. Reauthorize the SCHIP program and keep our children insured.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, members of the Congressional Black Caucus wish to call greater attention upon the disparities that exist in health care.

Chilren of color suffer disproportionately from a lack of health insurance.

In my State of Texas, the problem is severe.

Texas has the highest rate of uninsured children in the Nation, with over 21 percent of children—that's 1.4 million—lacking health care coverage.

Across the nation, more than 9 million American children lacked health care coverage in 2005.

The State Children's Health Insurance Program, called SCHIP, is critically important to prevent low- and moderate-income minority children from slipping through the cracks of our health care system.

One problem is that eligible children are not enrolling in SCHIP.

Nearly three-quarters of uninsured children were eligible for health coverage through SCHIP or Medicaid in 2004.

A disproportionate number of those eligible, but uninsured, were either Black or Hispanic.

Without insurance, children living in poverty are likely to have poorer health compared to children with insurance.

Uninsured kids are more likely to lack a regular source of health care, delay or have unmet health care needs, use less preventive care, and receive poorer quality care than children with insurance.

I urge my colleagues to remember our uninsured—especially the children—and have compassion on our Nation's most vulnerable.

Mrs. JONES of Ohio. Mr. Speaker, I yield back the balance of my time.

SPEAKING THE TRUTH: OPPOSING UNTRUE STATEMENTS ABOUT THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, this weekend I noticed one of my colleagues in the majority on the Senate side on Fox News Sunday discussing our Nation's Iraq policy. In his conversation with Brit Hume he asserted that our Iraq policy was a failure because of limited progress on the political front in Iraq.

Mr. Hume challenged him on this point by pointing out that progress has been made recently in other areas of Iraq. Mr. Hume noted that if a lack of political progress in Iraq was the only thing that mattered, then couldn't people call the Democrats a failure because of their dismal record on enacting their priorities this session of Congress? The Senator from Michigan responded by drumming up a list of Democrat success, the first of which I find to be entirely dubious.

He attempted to prove that the majority party has not been a complete failure by first saying the Democrats have adopted a budget for the first time in years.

Mr. Hume had asked him, "My understanding is that you got the minimum wage increase, but nothing else passed. Does that make you a failure?"

The Senator responded, "Well, no, because it is not true. There is a lot of things that have passed. For the first time in years we have adopted a budget."

I am not sure if he has been in the same Congress that I have been serving in. He makes it look like it has been years since we passed a budget, and that is simply not true. In 2005, a budget resolution passed the House and the Senate as well as a conference report. In 2006 a budget resolution also passed the House and the Senate without an accompanying conference report.

So I am a little confused as to where the Senator is getting his facts. Unfortunately, Mr. Hume did not catch the untrue statement. As a result, the millions of Americans watching the popular Sunday news program were led to believe that somehow the fact that the majority has adopted a budget resolution was an unusual feat, unseen for years in Congress. I wish to set the record straight.

Some people might wonder why I call attention to this. My reasoning is simple: The truth matters. When we allow untrue statements to enter the public record, we have allowed the public to be led astray. Those to whom we are accountable deserve so much better. The American people deserve the whole truth, the whole picture, not half truths or dodgy statements intended to cloud a less than stellar record of accomplishment.

I will give the Senator from Michigan the benefit the doubt. Maybe he really thought that it has been years since Congress adopted a budget. But if that is the case we have an equally large problem; he can't keep his facts straight. Both problems serve to mislead the American people.

Fortunately, at this point I don't think the American people have been too misled. They know that this majority has quickly established itself as the party of broken promises. Recent polls tell the whole story. Since taking office, the majority's job approval ratings have taken a nosedive. It is not a temporary dip either. Ever since January, their approval ratings have consistently trended negative, dropping from 37 percent to a low of 23 percent. These sorts of ratings are so low that they have even turned heads in Washington, where unpopularity in the polls seems to be a way of life. I will submit for the RECORD a chart showing the plummeting of the Democrat job approval.

But I am concerned about the public dialogue at stake. If Congressional leaders can't be trusted with the basic facts and insist on creating a track record of truth distortion and promise breaking, I see it as my duty to voice opposition. Even if I am the only one raising the alarm, I will continue to call for integrity in all aspects of public life, and especially in that most important of arenas, communicating with the American people.

The facts are important. The American people deserve the respect that comes with not taking liberties with the facts.

☐ 2100

AMNESTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Mr. Speaker, I come to the well this evening to talk about a very, very important subject that we just went through some very contentious debate on, and my colleagues are familiar with that, and it is the immigration issue. The American people are familiar with it. And the people in the great State of Georgia, the 11th Congressional District that I serve, are familiar with it as well.

And the big concern was to not do something in a, quote, "comprehensive way" that resulted in granting amnesty to up to 12 million people, possibly more than that, that have over the last 20 years, since 1986, the last time we granted amnesty to 3 million at that time, we have not secured our borders and because of porous borders, it is estimated that something approaching 400,000 a year, and some are turned back, obviously, but approximately 400,000 get through. I am talking about illegal immigrants now. And when you do the math over 20 years, that is how we got to the 12 million that are here today. So that bill was all about we need to have the triggers. I am very proud of my Senators, our senior Senator SAXBY CHAMBLISS and JOHNNY ISAKSON. JOHNNY ISAKSON who obviously had the trigger so you couldn't do any of this stuff even if you didn't call it amnesty, you had to secure the borders first.

In the final analysis, because of their great concern, our Senators from Georgia said "no" to the bill that was being cooked up on the Senate side and could not be amended to their satisfaction. I am proud of them for that.

But there is another problem, Mr. Speaker and my colleagues, something that maybe the American people are not sufficiently aware of, and that is the fact that so many people come into this country every year on a program called the visa waiver program. I want to repeat that because I want each and every one of you to remember this, the visa waiver program. It too was started back in the mid-1980s, about the time of the amnesty bill we were talking about. What it does is this: it allows citizens from 27 countries, mostly Western European, and it didn't start as 27, but basically the initial countries were the United Kingdom, Germany, France, some of the countries that are really our best friends and best allies, there is no denying that. Without question, over the history of our great country, we have had wonderful friendships in Western Europe.

So the thinking back in 1986 was we need to not spend our time on worrying about doing background checks and our consulates, and those are the offices of our Department of State that exist in all of the other countries. They are part of our embassies. There are more consulates in a country than embassies. My colleagues know what I am talking about, and hopefully folks listening understand that you have State Department employees in all of these countries so when people come and apply for a visa and they want to come visit the United States or come over here to study, or get permanent legal resident, a so-called green card, they have to go through our consulates. They have to fill out forms and pay an application fee. They are all checked to a fare-thee-well, as the old Georgia expression goes, but it was decided in 1986, you know, for the countries where these are our friends, they look like us and in some instances they speak our own language, we don't need to worry about them, and so let's just let them come in without a visa. Therefore, the visa waiver program.

Now it has been expanded to 27 countries and growing. So they just show a passport. Our customs agents at our ports of entry, airports mainly, simply look at the passport. If the passport is from one of the 27 countries, they put a stamp on it and in the person comes.

The thinking is this is good for relations with other countries and we want to be on a friendly level with them. And of course it promotes tourism. And certainly folks involved in the travel industry, and maybe it is businessmen coming over for a 2-week or 2-month period of time. Actually, under the visa waiver program, the maximum amount of time that can be spent here under that program is 90 days.

In the year 2005, Mr. Speaker, 15 million people came to the United States under the visa waiver program. At first it was just a temporary program in 1986, and then it was expanded to more countries. And finally it was made permanent in about the year 2000, this visa waiver program. But we began to realize maybe there was a little bit of security risk, and so we said, look, we want to make sure these passports that we are just looking at and stamping and letting folks come in from these so-called friendly countries, that these are legitimate passports, that these are not fraudulent documents.

Those of my colleagues, and most of you are either parents or grandparents, and you have gone through those teenage years yourself and with your children and grandchildren, and you know it is pretty darn easy to get a fake driver's license. And of course my children, adult children now, never did that. They wouldn't do anything like that, Mr. Speaker. But some of their friends did, and they showed me how it was done. You can go on the Internet and just take your picture and paste it on. That is the kind of thing that is bad enough if it is a fake driver's license in this country, but when we are talking about a fake passport, and they are pretty easy to fraudulently prepare, that is where the danger arises.

Some of the countries, the 27 countries that are participating with us in the visa waiver program, have reported that they have had literally hundreds of passports stolen, and we don't really keep a close record on that but we should. We should be very worried about that, as a matter of fact.

So in 2000 we said, look, here is the way we prevent passport document fraud when people are coming into this country under the visa waiver program. It is a passport issued by Spain, France, Germany, Finland, Sweden, Australia, and I'm not going to name all 27 of the countries, but we want to say, look, we want a digital photograph that we can scan. We don't want some fake overlay laminated on a passport, and we also want to be able to machine read this document.

So, therefore, all of you countries that are participating in this program, that is promoting business and tourism in exchange between countries, you are going to have to prepare your passport in that manner so we know that you have done a background check and we can do a background check. We look at that passport. We know we have a watch list, a terrorist watch list, a criminal felon watch list, so that we do not just let them come in that minute, 1½ minutes that a busy custom agent has at the Atlanta Hartsfield International Airport. They have to do this quickly. If you spend 10 minutes per passport, you are going to have some people outraged, and that is not acceptable. They have to be able to do that quickly.

We knew this back in 2000, and keep in mind, my colleagues, I am talking about a year, a year and a half before 9/11 occurred. We said in the reauthorization of the visa waiver program and making it permanent, the countries had to have these passports based on biometrics, and we called that program US-VISIT. It has not been completed to this day. And after 9/11, of course, a huge wake-up call on many aspects of how we can do things better in regard to maybe we need some armed guards on the planes, and maybe we need to secure the cockpit door and maybe we should allow in certain circumstances the pilots, if they are trained properly, to carry a weapon, we have done a lot of these things to improve.

And of course all these lines, and every Member of this body, every one of you, probably waited in line today for a good little while getting through security before you were allowed to go to the gate to board your plane, and hopefully the plane was on time. If you were delayed too long going through security, hopefully the plane was delayed.

We continue to do these things, but yet this very important aspect, US-VISIT, to make sure, Mr. Speaker, those 15 million folks that come in for business or tourism or whatever, to promote goodwill with these other countries, and I am for that, but they are to stay 90 days. We don't know where they are or how to find them if they don't go back home in 90 days. And to think that even after 9/11, we still keep putting off that date certain these countries have to have and abide by US-VISIT and have to have the biometric passports and we have to have all of the equipment at our ports of entry so the custom agent can simply swipe that passport and it is fine, or a red light goes off.

This is what I am here tonight to talk about, and hopefully you are aware of it. I think most of my colleagues are. But we need to be thinking about this. We need to be thinking about it in a bipartisan way. This is not one of those issues that we should be fighting about politically. We know that this is for the citizens of this country, whether they are Democrats or Republicans, whether they are young or old, whatever their occupation, their religion, ethnicity. This is for everybody. This is not for PHIL GINGREY's district, the 11th Congressional District of northwest Georgia. This is for all of my colleagues' districts. That is why I am here tonight talking about such an important thing, and I hope we can get everybody's attention on this.

Later on in the hour I am going to talk about a bill that I introduced in regard to the visa waiver program, talk a little bit about what is going on in the other body in regard to the 9/11 bill that we passed I think the first day we were voting on anything in this 110th Congress, the so-called 6 for '06, to do those things that the 9/11 families asked us to do.

After all, they suffered then, are suffering now, and will suffer forever. We listened to them on both sides of the aisle, and we passed a bill. We did most of what they asked in the 109th Congress under different control, and now we have added a few things in the 110th Congress, and we are waiting on the other body. There are some provisions in their version in regard to this visa waiver program that gives me a little heartburn; we will talk about that as well.

I am expecting that some of my colleagues will join me during this hour, Mr. Speaker, and certainly when they get to the floor after their busy meetings that they are attending right now, I am going to yield time to them to give a little different aspect to this visa waiver issue or some other issue of concern to them.

I am a proud member, Mr. Speaker, of the Immigration Reform Caucus. In this 110th Congress, the Immigration Reform Caucus under the leadership of the gentleman from California (Mr. BILBRAY), we have worked hard to make sure that the Immigration Reform Caucus is a bipartisan group of Members, and it is.

□ 2115

I'm not going to stand here and try to name names, but we have got great Members on both sides of the aisle under the leadership of Congressman BILBRAY from California, and I think that's good. I think that's refreshing that Members know that this is not for politics. This is for policy, and this is for protection.

I see that Mr. BILBRAY is actually on the floor now, and I will look forward to hearing his perspective on the visa waiver program. And then we'll develop a colloquy during the next 40 minutes or so. At this time, it's my distinct privilege to welcome him to the floor and to this Special Order hour. I'm grateful to our leadership, the Republican leadership, for making this the minority party's Special Order hour for the evening and that Congressman BILBRAY is going to share the time with me. So I yield to my friend from California.

Mr. BILBRAY. Mr. Speaker, I appreciate the gentleman from Georgia for yielding, and Mr. Speaker, I want to congratulate you in holding the Chair tonight and thank you very much for the courtesy of allowing us to speak tonight. I appreciate the privilege.

Mr. Speaker, one of the things that the American people have not only asked, they have demanded, is that the Federal Government live up to its responsibility of defending our neighborhoods from forces from afar that may be entering this country with harm in their hearts and weapons and viciousness in their hands. I think that one of the things that we've really recognized in the past is the review and the oversight of who we allow to come into this country is one of our big responsibilities.

Let's face it, it doesn't take an act of Congress for a community to hire a teacher or hire police officers, but it takes an act of Congress and it takes the Federal Government to make sure that the people that are allowed into this country are people that are going to be friendly to us, to help us, to actually add to the quality and security of America rather than threaten it.

The visa system has always been sort of the minimum we've done in the past, and the visa waiver actually is an extraordinary concept of saying we are so sure that these countries are so secure and so safe that we're willing to waive the traditional international policy of having people kind of report in and prove that they are who they are and we allow them into the country.

And we've allowed this with many countries like Britain, my mother's home country, and Australia, and we've allowed it with many countries. But it's almost as if we've taken this concept that a little is good, a whole bunch must be great, where the political pressure is to expand this program to such a force that there's no counterbalance of saying, no, wait a minute, who's there really checking and keeping a tab on what is reasonable from a security point of view.

And I think what's important tonight for us to say is tonight is a way for the Immigration Caucus to sort of push back and balance. And I don't mind people that are wanting to have this waiver expanded, but I do mind that when we do not balance the perception, that those who may for business reasons or for their own special reasons want to throw away the paperwork, throw away the procedure for security and say it'd just be easier to do without it, they can say that but then there should be those of us who are willing to stand up and say, yes, but it's there for a reason and that reason is very important, the protection of our families and our homes and our neighborhoods. And only the Federal Government can provide this protection.

Remember, if we allow somebody with harm in their heart to enter this country, there is no defense once they're in this country from gaining access to those neighborhoods, those playgrounds, those schools, those hospitals that we take for granted are protected.

Local government cannot check a visa once the United States Federal Government allows them into the country. A county sheriff cannot check a visa once we've allowed them through that port of entry at the airport or at that seaport.

So it is incumbent on us that we're extraordinarily vigilant to make sure that only those that we are sure should be in this country are in this country, and it is extremely important that we only allow the waiver process in those extraordinary situations where we can look the American people in the eye and say we really believe this is a safe and prudent way of treating our immigration policy.

I think people will say then, well, why is there debate here? And I think that the gentleman from Georgia understands, there's people that want for business reasons, for personal reasons, to have people coming, going from all kinds of different countries, and they have their personal reasons to do that. Some may be profit and some may be convenience, but those reasons and those pressures need to be counter-balanced.

And the Federal Government must be reminded again and again that there's not just one agenda here, convenience of people coming into the country. There's not one agenda here, people making money by tourists coming and going. There's not one agenda, just business wanting to be able to have their partners come and go as they want. There is the major agenda that needs to be introduced into the formula, and that is the defense of the communities.

Mr. GINGREY. Mr. Speaker, I wanted to make the point to the gentleman that the first slide that I wanted to show, and let me read this quote from the 9/11 Families for a Secure America. I can't tell you how many of the 9/11 families are a part of this group, but this is how they feel. This is a quote. "If Islamic extremists commit another 9/11, it will not make any difference to the victims of that attack that the people responsible carried French passports rather than ones issued by Iran, Saudi Arabia or Lebanon."

This is when they endorsed the bill that I introduced, and we will talk about that a little bit later, but I wanted to yield back to the gentleman for his additional thoughts. But I thought it would be good at this point to interject this quote from the 9/11 Families for a Secure America.

Mr. BILBRAY. I think the real key there, Mr. Speaker, is the fact that the outcome does matter when you talk about the security of our Nation, and we forget sometimes when we talk about the security of the Nation that we're talking about the security of our neighborhoods and our homes.

I had the privilege of serving as mayor and chairman of San Diego County and mayor of a small county on the border, and I know and I think any mayor will tell you that those of us in local government just assume the Federal Government's going to do its part. The trouble is the mayor and the police chiefs and the county sheriffs end up having to take on these responsibilities, and they don't have the right to do what is the Federal Government's responsibility and, that is, check these documents and make sure that the right type of people are coming into the country.

Local government, the mayors, the city council members, the county supervisors, county commissioners, sheriffs, police chiefs, they have to live with the repercussions and the challenges once someone's here, but they don't get the chance to be able to review and approve this. And so that's why it's essential that the Federal Government, which is the only agency that can do this, the one line of defense that we have over inappropriate entry in this country, has to be strong and vigilant and effective.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, the next slide that I want my colleagues to focus in on now is really the kind of a passport that we are wanting, and that U.S. VISIT, and indeed the law in regard to the visa waiver program that was made permanent in 2000 requires them to have this type of passport because let me make one thing perfectly clear to my colleagues.

The visa waiver program trusts the security of our Nation to the background check capabilities and the passport procedures of all these foreign governments, the 27 countries that I mentioned and expanding all the time.

Basically, what we're saying, and if you will look at this next slide, on one side of the passport would be a digital photograph, again, one that is scannable. We have these iris scans, not just the old-fashioned finger prints, but everything in a digital way, including the photograph on the passport. And then I'm going to have to get a little closer to read this, but a machine readable passport has two lines of text, has letters, numbers and something called chevrons. Those are those greater than or less than, these little upside down Vs that you put, but it's a way of bringing a secure method to make sure people are not using fraudulent documents.

I want to talk a little bit now, Mr. Speaker, about some of the things that have been happening lately. It's hard to believe that 9/11 was almost 6 years ago. 2001, we're now 2007 and approaching September. It's almost unbelievable, but people tend to forget, and that's part of the problem.

One of my colleagues, whenever he gives a 1 minute or a 5-minute speech or has an opportunity to speak from the well, he always says, and this is the gentleman from South Carolina (Mr. WILSON), as he concludes, and we will never forget 9/11. God bless him for doing that. Sometimes it gets a little trite, but JOE WILSON knows of what he speaks.

But it's easy to forget, but nobody has forgotten about these doctors, doctors, medical doctors, health professionals that just within the last couple, 3 weeks in London and at the airport in Scotland, Glasgow, tried to blow up the terminal with the car bomb, laden with highly explosive material, and there was a warning in fact. Someone had said in some text messaging, beware of those who would cure you, meaning the doctors will kill you; those who cure you will kill you.

Well, these doctors in the United Kingdom were citizens of that country. I mean, they had passports, British passports, and in fact, a couple of them had actually, Mr. Speaker, made an application to come to the United States, I think to come to a hospital in Philadelphia, Pennsylvania. They wanted to practice medicine here. Everybody does want to practice medicine in the United States because, despite the previous hour from the other side, we do have a great health care system. Certainly it needs some improvement, and we're going to work on that hopefully in a bipartisan way, but these terrorists, those who would cure you that would kill you, were trying, at least some of them, to come into this country.

And they could have come in under this visa waiver program and simply showed a passport that did not, by the way, have a digital photo or any digital text or iris scanning. And we didn't have a U.S. VISIT machine that we could run that passport through that so that that would immediately come, go into a data bank so when the 90 days were up or the period of time that they planned to stay, that we could find them, ferret them out and have the ICE, Immigration and Customs Enforcement, agents go after them.

So this is not child's play that we're talking about here. This happened just within the last 3 weeks, and these were homegrown British terrorists that had ties to al Qaeda in Iraq.

I don't doubt the United Kingdom was one of our closest allies. Indeed, they are. Tony Blair has been our best friend and Gordon Brown will be and has been one of our best friends, but this just goes to show that even our greatest friends can be vulnerable to these homegrown terrorists possessing legitimate citizenship documentation and authorized legal passports.

So this is where we are, and this is what's going on this hour, and I will be happy to yield back to my good friend and colleague, the chairman, once again of our Immigration Reform Caucus for additional thoughts. I proudly, by the way, serve on his executive committee of the Immigration Reform Caucus, and I yield to my friend from California.

Mr. BILBRAY. Thank you. I appreciate the gentleman from Georgia's kind words, and let me just say that in the words of the former Inspector General of Homeland Security, specifically said that we should be abolishing the waiver system, not expanding it. So, on a minimum, we've got to stop the expansion.

I think that it just shows a lack of understanding of just how far the pressure's going to back off on our due diligence when it comes to border security by those people that don't see the big picture, and to think that at this time where we're talking about threats, especially what just happened in England, where somebody who they thought was a safe immigrant, literally drove a fire bomb into the front door of a terminal, if I remember right, and what will happen when we allow somebody to do that?

Frankly, I haven't spoke a lot about this, but on 9/11, I was in the immigration commissioner's office the day the plane started crashing into American buildings.

□ 2130

I was actually in the office, and we watched the second plane crash into the second tower. That commissioner said, can you imagine being the agents who let these guys into the country. Now, we didn't know who did this. We didn't know who was responsible. We had no idea.

But the immigration commissioner had the foresight of saying, my God, somehow I know I am responsible, and you imagine being the agent who personally let these people in.

I don't think we think about this, but tightening up and controlling the waiver process is going to be one of the things we have got to do so we don't look back and say, my God, we were warned, we knew this was coming, and why didn't we do more. Why weren't we there to stop this from happening?

All I have got to say is that I was out of politics. I was just meeting with them about immigration issues, but I saw the anguish and the frustration in his eyes and his voice realizing that somehow he knew the immigration agency that he was in charge of somehow contributed to this disaster.

The fact is, I hope all of us start looking at this as being what are we doing today to make sure that we are not faced off in saying, my God, why didn't I do more. Why didn't I push harder? Why wasn't I the bothersome one that told the administration, I know you are being pressured by these guys, but I am going to pressure you back? I am going to give some balance to the process here in Washington?

I think that's all the American people have asked for, a little balance. Again, as the Inspector General said, now is not the time to expand this program. If the President and the administration honestly believes that this country is under a threat, that this country must do extraordinary things to defend our neighborhoods, then the minimum is not to expand this program.

I think reasonable people should say the administration, rather than looking into expanding this program, should be looking to reduce it, at least temporarily, and ratcheting down and reducing the opportunities for people to come in here unreviewed. Because for every country, for every person that we allow in this country that we have not done our due diligence, we are exposing the Nation to that threat, and we are exposing ourselves to a lifetime of regrets that we did not do the right thing by the American people.

Mr. GINGREY. Colleagues, what Mr. BILBRAY is talking about, of course, is almost unbelievable, but what he says is true. He knows of what he speaks.

In December of this past year, just 8 months ago, the Department of Homeland Security said that they were going to temporarily, not dismantle, thank God, but temporarily suspend the US-Visit program. I am not sure why they made that decision, maybe too much work, they don't have enough money, I don't know. But we asked them to do it in 2000, we asked them to do it again in 2001 with the PATRIOT Act. We asked them in 2002 with the Secure Border Act. We put deadlines on it.

I guess it's kind of like the fence bill. I know my constituents in the 11th District of Georgia know all about that. They asked me, didn't you guys, PHIL, weren't you part of a group that had an amendment in the 109th Congress where when you guys were in control, when the Republicans were in control, wasn't it your amendment that was adopted that called for 700 miles of fencing along the 2,100 mile southern border where we have got some severe problems, not just people coming, seeking jobs, but potential drug lords and gang members, and, yes, terrorists carrying maybe even a nuclear weapon in a suitcase or a briefcase?

I said, yes, I was part of that. We did pass it. I am very proud of it. Then we came back and passed it again. They want to know why we have only got about 15 miles of the 700. It's hard to explain, and we need to have some conversations with the administration in regard to things that the Congress says need to be done, and we vote them into law, and appropriate money. Yet things either don't happen or happen far too slowly.

To think, though, that they just decided we are going to suspend this US-Visit, and as Mr. BILBRAY, the gentleman from California, just said, this is not the time to suspend US-Visit; this is the time to ramp it up, to make sure that we have a machine that reads these passports at every port of entry.

Hey, if American Express can do it, it seems to me the United States of America can do it. American Express and Visa and MasterCard, they have been doing it a long time. They don't get any cash unless they know you are who you say you are.

This is crazy that we haven't completed this. It's just outrageous, outrageous to suspend a program like that when we need it more than ever.

I know my friend from California has a thought on that, because he just stood up. I look forward to your comments.

Mr. BILBRAY. Just a couple of weeks ago, the Senate was shocked, the White House was shocked at what they saw was a groundswell from America against a proposal that America rightfully thought was amnesty. They wonder why is there so much animosity against Washington on the immigration issue.

It's exactly because of things like the US-Visit system. The American people think that the political leaders of Washington just don't get it and aren't willing to do the heavy lifting. It has been how many years that since, is it 1996, that the US-Visit system was supposed to be implemented. It still hasn't been implemented. Now we have people at a point where they say let's just forget about it.

This is much like the commitments and promises, much like building the fence that the American people have heard so many promises and seen their promises broken so often that they assume this town just does not care or, worse, has been enticed by whatever forces for whatever reason not to do the right thing.

I think when it comes down to developing confidence on the immigration issue, the American people are saying, before you ask us to trust you one more time, we want you to prove to us that you deserve to be trusted.

Go back to the things that you have been promising us for 20 years and do those, get your House in order and take care of it. Things like finish the visit system to where you know who has come into the country and who has gone out of the country. Without that, both, you don't know who stayed in the country.

What's your excuse, Washington? Why are you doing all of these other things that everybody talks about? You can talk about health care. It doesn't take an act of Congress to hire a doctor. It does take an act of Congress to stop a terrorist from crossing the border.

I want to say that it was very scary in February that the Senate was actually looking at expanding the visa waiver. Frankly, I was very proud of one move my Senators, Senator FEINSTEIN, for standing up and saying, whoa, whoa, whoa, we are going a little faster. I want to thank her for that.

It's important that we have bipartisan effort here. The American people are tired of both parties finding excuses and not doing the right thing. They want both parties working together to protect their neighborhoods. When a neighborhood gets blown up, it's Democrats, Republicans and independents whose lives are at stake.

It doesn't draw political lines where the threat is.

Frankly, the issue of being able to address these commonsense things like implementing the US-Visit system, to implement or reduce the impact of the waiver system is something that we need to work together. I want to publicly thank Senator FEINSTEIN for standing up on that issue. I think that we need to push more on that.

But this one right now is that if we can't get the visit system in, what are we doing expanding the visa waiver? That's an extraordinary, extraordinary challenge.

Again, this is why the American people are saying, I don't understand it. How can you ask me to trust you with another law that could be 300 or 1,000 pages when you haven't taken care of the promises you have made over the last 20 years?

Mr. GINGREY. How does the saying go? Fool me once, shame on you. Fool me twice, shame on me. I think that's exactly the point the Congressman is making in regard to the American people.

They are not happy about being fooled about border security and the nonbuilt fence. They are not happy about this either. They are not happy one bit about suspending this US-Visit program.

I have the next slide, and I think my colleagues will recognize some of these infamous characters. I want to point them out to you, though, once again. Over here, I will point to him, this gentleman right here, is named Richard Reid, but he is better known as the shoe bomber, the shoe bomber.

The shoe bomber flew from Paris with a passport, a citizen from a visa waiver country, got on a plane, had no intention, of course, with a visa waiver, he could stay in the United States for 90 days. He had no intention of getting to the United States. He just wanted to blow that plane to smithereens. Fortunately, we caught him, from a visa waiver program country.

The guy next to him, that's Moussaoui, Zacarias Moussaoui. He is known as the 20th hijacker. He was from Morocco, a French citizen from Morocco, living in France. He flew from London to Chicago and then, as we all remember in the 9/11 report, in particular, this guy, this terrorist with a passport, a legal passport, then enrolled in flight school in Oklahoma City.

Thank goodness that we had very attentive FBI agents who recognized that here was someone that was in this country under the visa waiver program who overstayed his visa. Well, not really a visa, but he overstayed the 90 days, and, fortunately, we caught him. He was the 20th hijacker.

To my near side are the photographs of the Fort Dix Six. These are the so-called pizza delivery guys who were going on the military base at Fort Dix, New Jersey. Many of my colleagues on both sides of the aisle that represent New Jersey understand the potential horror that these guys, these guys, these terrorists that were here with a passport from a visa waiver country were about to inflict on one of our major military installations.

Well, what I want to talk about now is what I plan to do about this problem with the visa program, not to expand it. The gentleman from California is absolutely right. The other Chamber, there are Members in this 9/11 bill that we passed back in January, and it's about to go to conference, the Senate version being a little different than the House version, there were some Senators that wanted to expand the visa waiver program, not limit it to the 27, but to expand it far beyond that.

As my colleague pointed out, his Senator from California, Senator FEINSTEIN, said maybe we ought not to do that yet. Well, I do commend her. I join him in commending her for that.

But I want to go a step further. What I want to do, and this is called for in my legislation, H.R. 1342, H.R., House of Representatives bill, 1342, the Secure Entry Act, it's time to suspend this program. It's not time to suspend US-Visit. It's not time to expand the U.S. visa waiver program, as Representative BILBRAY and Senator FEINSTEIN so well know.

We need to suspend this program and say to those countries, the 27 or any others that we expand to, I am not opposed in the future to expand it if they have those biometric machine-readable passports, and they have done the due diligence before they have given those passports, just like you would with a visa. If somebody is going to come over here for two or three years to study or something, they have to answer something like 40 different questions and all these background checks.

Not so with a passport. Getting a passport is about like getting a driver's license or a bank credit card or something. It's just a question or two. What's your name, where do you live, give us a photo.

We are not going to be safe with this program, this program that was initiated, I said at the outset of the hour, back in the mid-1980s to promote tourism, friendship and cultural exchange and to promote international trade and business. The Statue of Liberty says it all. But we are living in a different time now.

□ 2145

We are living in a time that we are not safe with this program. 15 million, I mentioned this earlier, Mr. Speaker, in the hour. 15 million people used this program in the last year that we were counting, 2005. It is probably more than that now. Certainly if we expand it, it will be more than that. So I introduced H.R. 1342, the Secure Entry Act, and this would suspend not end, not end. And I want to say to the ambassadors from the State Departments for these other countries, I have talked to them. They say, well, you are going to hurt tourism. Well, tourism is great, but you tell it to the families of the 9/11 victims, the over 3,000 that are no longer with us. We can do this.

But it seems like in this body and in any situation where you have to accomplish things, people for some reason want to wait until the 11th hour and they won't do it and they will procrastinate and they will drag their feet. It's too much trouble, don't have personnel, don't have the money. Well, you have got to make them do it. And you say, we will suspend the program and you can come to this country only if you have a visa, not with a passport, until you have done what we have our laws require you to do. That is it. That is the bill. And I think when you consider the safety of our people, it is not too much to ask.

We have another. This was someone that came in 1993. I am going back now a little bit. Remember, my colleagues, the first attack on the World Trade Center? They didn't bring it down, but they came close. They came very close, killed a few people, caused a lot of damage. And we treated it as some criminal act, not as an act of terrorism which is what it clearly was. Well, one of those characters we were able to catch, Ahmed Ajaj. And the slide, if you look closely says, "On September 1, 1992, Ahmed Ajaj fraudulently presented a Swedish, and, yes, my colleagues they are one of the 27 visa waiver countries, presented a Swedish passport without a visa for INS inspection when he arrived at JFK Airport in New York on a flight from Pakistan. Thank goodness, on secondary inspection Ajaj's luggage was searched revealing six bomb making manuals, six as if one wouldn't do, videotapes calling for terrorism against Americans, multiple fake passports, maybe some of those stolen visa waiver passports that we are not keeping up with, and a cheat sheet on how to lie to United States immigration inspectors. They are good at that, these people. Fortunately, Ajaj was arrested for passport fraud, and he was serving, long since over, with a 6-month sentence at the time that his fellow conspirators, his co-conspirators attacked the World Trade Center February 26, 1993.

Mr. Speaker, I want to show another slide, and this is from the Associated Press dated July 13, 2007, 3 days ago. And here is what the Associated Press said: "Al Qaeda is stepping up its efforts to sneak terror operatives into the United States and has acquired most of the capabilities it needs to strike here, according to a new U.S. intelligence assessment. The group will bolster its efforts to position operatives inside the United States borders. U.S. officials have expressed concern about the ease with which people can enter the United States through Europe," that is where most of these visa waiver countries are, in the continent of Europe, "because of a program that allows most Europeans to enter without visas."

That is where we are, Mr. Speaker. That is exactly why I am here tonight. That is why the chairman of the bipartisan House Immigration Reform Caucus is with me during this hour. It is that important. It is that important. And we deeply appreciate you listening to us because it is not all about, as we talked about at the top of the hour, this bill that just went crashing down in flames. Because I think, and many of my colleagues feel, and fortunately the Senate rejected anything that looked like amnesty, we have got to secure those borders first and foremost, and that was what everybody has said. Well, maybe, a sigh of relief certainly from Georgians. But this is a different issue but equally important. This is what you call internal security. Not necessarily just securing the southern border, but who do you let in, and under what terms do you let them in, and where are they going? Are they going to do what they say they are going to do, or are they who they say they are? And if they overstay, even if they are legitimate, who is going to round them up? 15 million of them. 15 million in 2005, maybe more now.

Listen to this, Mr. Speaker, some of the participating countries, and I would like my colleagues to pay attention. The 27, I may not mention them all, are: Argentina, Australia, Austria, Belgium, Denmark, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Monaco, New Zealand, Norway, Spain, Sweden, Switzerland, and the U.K. I left out a few, but you get the picture. You get the picture. I think there is something like 43 countries in Europe. Most of them, 27 at least, are part of this visa waiver program.

We are getting close to the hour that we need to wrap up, but before I do that I want to yield back to my friend from California, who is really a stalwart on immigration reform because he knows the problems that it has created if we don't do the due diligence that the American people have elected us to do. And he knows what has happened and the havoc that it has created in his State, our most populous State, the State of California.

Mr. BILBRAY. I appreciate that. And, Mr. Speaker, when we talk about a visa and we talk about a proposal to go to a $10 visa processing fee, I go to Latin America on most of my family's casual time; it is kind of the untold story that the chairman of the Immigration Caucus spends so much time in Latin America. But they charge $10 for a visa and you go through a process down there. And as a visitor, I don't feel put upon to participate in their security in places like El Salvador or Nicaragua or Mexico. But here, when you talk about these countries that are under the visa, you are talking about some of them with massive amounts of immigration. So somebody could come in from Iran, immigrate to Australia, like I said, my mother's former country, could immigrate from Morocco into France, and then once they get their citizenship in that country then use that citizenship as being a free ride into the United States. So in reality, because immigration has become so fluid and nationalization of foreign nationals has become so easy in so many countries, that the issue of allowing some countries to be exempt from review and oversight and others not really are becoming antiquated, and we need to get back there. If you do not want a terrorist coming in from the West Bank, going through France and coming into this country, then we have to review everyone who comes into this country.

So, in reality, we should be reducing the visa waiver, because we are not talking about people who have come from those countries, born in those countries, and have long term loyalty to those countries. We are also talking about people who have moved to those countries and might have moved there just a few years ago with the intention of getting their citizenship or getting legal residency to use that residency for the next move. And I think the doctors that tried to kill so many in England this last few months is an example that we really do have to be careful how we get it. Who would have thought that doctors from England could be terrorists. History has proven that those assumptions are wrong. And how many other assumptions are we making today that could be proven wrong in a much more graphic way?

I appreciate the chance, Mr. Speaker, for your patience of allowing us to address you here tonight and the American people here tonight, and I thank the gentleman from Georgia for his leadership on this issue. And I do thank the Georgia delegation for standing so strong and so firm and defending our national sovereignty and defending our neighborhoods by standing strongly for immigration control and proper regulation.

Mr. GINGREY. I thank the gentleman from California. And it reminds me, Mr. Speaker, as we talk about my colleagues from Georgia, Dr. Norwood, Charlie Norwood. We will elect tomorrow someone to replace him, but you can't replace him. Dr. Norwood was so strong on all these immigration issues in regard to that CLEAR Act that would let State and local law enforcement departments participate in apprehending illegals who had committed a felony in this country, God rest the soul of a great Member, Dr. Charlie Norwood.

NATHAN DEAL, our longest serving member second to JOHN LEWIS, and everybody knows JOHN LEWIS; but NATHAN DEAL says we ought to end this nonsense of birthright citizenship, Mr. Speaker. You sneak into this country, the husband and wife both illegals, and have eight children and all of a sudden they are all United States citizens. A lot of countries, most countries have stopped allowing that. So, I am glad my colleague gave me an opportunity to pay tribute to some of my Georgia colleagues.

Mr. Speaker, when we started I didn't think it would take an hour, but when you are passionate about something the time goes by pretty quickly. And this is such an important issue.

Who supports, other than me and I hope the majority of my colleagues in the House of Representatives, suspending the visa waiver program? I will tell you who: The 9/11 families for a Secure America, the Federation for American Immigration Reform, and last but not least because they represent thousands of people in this country, Numbers USA. They are all strongly supportive of this bill. And I hope that we can get it passed, Mr. Speaker, because here again I am not calling for eliminating the visa waiver program; I am saying let's suspend it, let's don't expand it, I agree with Senator FEINSTEIN, and let's get it right. We can get it right, and then people will be safe here.

Listen to what the European terrorist cells have said recently. A quote from Taliban military commander Mansoor Dadullah, as reported by Brian Ross of ABC News. This was just a couple of days ago. "These Americans, Canadians, British, and Germans come here to Afghanistan from faraway places. Why shouldn't we train them?" That is what I am talking about, Mr. Speaker, and that is why we are here tonight. We need to suspend this program until we can get it right so that we can protect the American people.

Mr. Speaker, I thank my colleagues for their attention, and I yield back the balance of my time.

CHILDREN'S HEALTH INSURANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 60 minutes.

Ms. SCHWARTZ. Mr. Speaker, I am very pleased this evening to introduce the subject of children's health insurance and what has really been a remarkably successful Federal-State, public-private initiative that has really helped to make sure that middle class working families across this country have been able to get health insurance for 6 million of their children. So it has really been helping families all across this country be able to do what they want to do as responsible parents, and that is to be able to help pay for health insurance. Every State does it a little bit differently. That is what we are going to talk about this evening; we are going to talk about how important it has been for 10 years in this country to help children in America get the health care they need and they deserve, and it helps them get off to the right kind of start. So I want to talk more about that and I will be joined by some of my colleagues. But because one of my colleagues is going to be taking over in the chair, I am going to give him a few minutes just to talk about the subject. He is a colleague of mine from Pennsylvania. And I will say in Pennsylvania we are very, very proud of having been one of the first States well before the Federal level to start a children's health insurance program. In fact, we called it CHIP, then the SCHIP program started. In 1992 is when we started it in Pennsylvania, and I was instrumental in creating the Children's Health Insurance Program in Pennsylvania. It has been incredibly successful. 130,000 children have health insurance in Pennsylvania.

☐ 2200

So a colleague of mine, who has also worked in health care for a good long time and knows about the experience of the Children's Health Insurance Program from the other part of Pennsylvania, in the western part of the State, my colleague, a freshman who's done a wonderful job already, JASON ALTMIRE, Congressman ALTMIRE is going to say a few words, and then we'll continue for the hour.

Mr. ALTMIRE. Mr. Speaker, she is correct. In the State of Pennsylvania, she did a fantastic job in the State legislature in crafting Pennsylvania's plan with regard to children's health insurance. And Pennsylvania, I think, has one of the best, if not the best plans, the model for the entire country on this issue.

And we're going to be joined tonight by some other people who know a lot about health care and especially know a lot about the children's health insurance programs.

We're going to be joined by Mr. PALLONE, who's the chairman of the Health Subcommittee right here in the House of Representatives for the Energy and Commerce Committee which has jurisdiction over this issue, and there's no one in this Congress who has worked harder on this issue over the years and has more experience with crafting this. He was involved in putting this together 10 years ago and now, as chairman, has certainly had a lot to say about it.

And we're going to be joined by our colleague from Connecticut, Mr. MURPHY, CHRIS MURPHY, who was instrumental in his State legislature on these issues. So we really do have some folks here tonight to talk about this issue who have experience, who have detailed knowledge on this issue.

And what could possibly be more important on the domestic front than health care?

And I'm sure my colleagues would agree, as I travel around my district, I'm sure they have the same experience in their district. That's the issue that comes up more often than any other issue because it affects everybody. It is an issue that, no matter whether you're rich or poor, live in an urban setting, rural setting, you have issues with your health care costs.

Small businesses can no longer afford to offer health insurance in many cases. Large employers are having the same issue.

We have 45 million uninsured in this country, people who lack any health insurance at all, tens of millions more that live in fear of losing their health coverage or are underinsured, don't have adequate coverage to cover their needs.

And 9 million of that 45, Mr. Speaker, are children. And, unfortunately, 6 million of those 9 million children are eligible to participate in the SCHIP program. And the SCHIP program has worked. We're at a 10-year point of reauthorization. And over the past 10 years the number of uninsured children in this country has decreased by 25 percent, while the number of uninsured Americans has increased. This is a program that has worked.

And we talk a lot in this House and a lot during these discussions about the differences between what the President wants to do on the budget level and what this Congress wants to do in a variety of issues. But there is no issue on which there is a starker contrast of opinion than this SCHIP program.

We, as Democrats, want to expand the program in a way that makes sense. It's fiscally responsible, but it's going to pick up many of those 6.2 million children who lack health insurance. We want to find a way to cover those kids.

What could possibly be more important in this country than finding a way to give health insurance to children who live in families that don't have health insurance? I can't think of any more important task.

The President, on the other hand, offered up a budget that actually decreased the number of children that are going to be covered under this program by 1 million. His 5-year budget would have knocked a million children who currently qualify for the program, would have knocked them off the rolls and they would no longer qualify.

And I know my colleagues are going to talk about some of the President's comments recently about what his views are on the program, and I will leave it to them to have that discussion, as I do appreciate the Speaker's indulgence as I have to take the chair following my remarks here.

But I did want to take a moment to just emphasize how important this issue is and to talk about the difference of opinion that exists, not just with Republicans and Democrats, but especially with the administration, Mr. Speaker, and this Congress. There is a stark contrast of opinion, and we're going to have that discussion tonight.

And I thank the gentlewoman from Pennsylvania for her time and all of our colleagues here for their leadership on this important issue.

Ms. SCHWARTZ. I thank the Congressman, and I appreciate that he has other duties to contend with, so he'll be a part of this conversation in a way. But thank you for taking the time to come to the floor and for your help on this.

And I think for many of us, and I know you've just come off the campaign trail this last year, and even those of us who were not campaigning every minute but certainly out and about talking to people, we do hear from everyday families about how hard it is to be able to buy health insurance for kids.

I mean, I remember a story, and maybe my colleagues I'm hoping will share some as well. When I was actually out and about once, and it was actually a church group. And afterwards a woman came up to me and said, you know, I haven't always shared this, but my husband, it was actually a fairly well-to-do area. But she said, my husband was laid off last year and it was a really, really tough time for us as a family. And one of the things that affected us is that we didn't have health insurance. But because of the CHIP program in Pennsylvania, SCHIP as we know it federally, she said, I was able to make sure that my kids had health insurance and they got the health care that I know that they needed and deserved and that we wanted to help make sure they got.

And as someone who, and Congressman ALTMIRE referred to this, in Pennsylvania I'm known as the mother of CHIP. People do come up to me and say, well, we don't always get thanked as elected officials, but do thank me, whether it's stories where someone came up and said my granddaughter who had some health issues, daughter was working hard trying to get a degree and just didn't have health coverage. She said, my granddaughter would not have health coverage without CHIP.

So these are the stories we hear all the time. And I think probably my colleagues will share it. We're going to talk tonight about some of the numbers they already referred to, the 6 million children who have had access to health care, private health care in a lot of situations across the States, the money that we've been able to work with the States where they've put in their own dollars that have made a difference in helping a lot of American families who didn't think that we'd be there to help them who have been able to get health insurance for the kids. But this is a place where we are making a difference in people's lives.

One last story, and then I am going to turn it over to my colleagues. I was talking to a group of school counselors, and some of them, one of them said, stood up and said that she had a child come to her, a teacher came to her and said they had a child in the class who never raised his hand. He's in third grade. Never raised his hand. Never participated in discussions. And she finally broke through to found out what was going on. Turns out he had never had any dental care, and he literally was afraid to open his mouth. It hurt. He had some discomfort. He was embarrassed about the way his teeth looked. And when he got children's health insurance coverage, he got to a dentist, she said he was a different kid. And that would have been a child who would have been a dropout, would have been a troublemaker in school because he just wasn't going to be able to participate.

So she said, health care's important because of health care, but it's also important because of education. If kids are not well, if they don't get the preventative care they need, if they don't get the eyeglasses, if they don't get treated when they're sick, I know it makes a difference to the teachers in my school to be able to teach those kids.

So on every level, and again we're going to talk about big numbers here. The President wants to do $5 billion which will barely be enough to sustain this program. It sounds like big numbers to families listening, but the fact is that we need to make that commitment. And I think we, as Democrats, have said we are going to make a commitment to make sure that the Children's Health Insurance Program continues, that it continues in the dynamic way that it has working with the States. But we're going to even do more. We're going to be a little bold, even in these tough budget times, and we're going to make sure that more children who are now on waiting lists in some States are able to get the health coverage that they deserve. And this is something we can do, we should do. It's about having the political will to make it happen. We're going to protect health care for seniors; we're going to do it for kids. And that's what our discussion is about tonight.

And I'm going to close, and I know you mentioned this as well, the previous speaker talked about the fact that the President, and I'm a little, I have to say, this is very disturbing to many of us because our Republican colleagues helped make this program happen. It was a bipartisan effort. This wasn't something that one side or the other sort of pushed without anyone else caring about it. But the fact is that 193 House Republicans, 10 years ago, voted to make this happen. It was a bipartisan effort; 153 House Democrats. This was a joint effort. We said we wanted to make this happen. We all stand up from time to time and we are really, really proud of this.

So when the President last week said, you know, he just doesn't think this is important, that, in fact, we ought to be doing something else. We ought to be helping families buy private health insurance by getting them some tax deductions. They can't afford it? Well, I don't know what he means.

He actually went on to say that kids can get health care in this country. They can go to the emergency room.

That's really just stunning, given what we know about the high cost of going to emergency rooms, the fact that that is not the best place for primary care. It certainly is not the best place for children who might just need a well-child checkup. So it's absolutely going in the wrong direction on the health care. It's why we wanted to stand up tonight and talk about this. That's why we will continue to until we actually get it done. And I think that the commitment that we have made is to make it happen.

And I'm joined tonight by two colleagues, one, Mr. PALLONE from New Jersey, who has not only been a leader on upgrading the Children's Health Insurance Program, but continues to work out all the details of how to make this happen. And I'm sure he's one of the people who thought we were going to have bipartisan cooperation, and we still hope we will, but is really working on some of the details of how we can and we should do this.

One of the reasons we reauthorize programs is that we want to see what worked best and what didn't; we want to see what changes have to be made given our experience. He is going to talk about some of that work.

And my colleague from Connecticut, who as a State legislator was involved in working on the State level to make this happen and to work in a special way to make Connecticut, make it work for children in Connecticut, and feels a special connection to the Children's Health Insurance Program there.

So gentlemen, I would ask you to share your stories and your help on this. Maybe we'll start with Mr. PALLONE, and if you would help us just sort of by giving us maybe some of the facts and figures or some of the stories that you hear from your colleagues as well.

Mr. PALLONE. I'd be very pleased to do that. And if I could, maybe I'll talk; first of all, let me thank you for doing this hour tonight and for everyone who's joining you, because it is really important. And maybe I'll talk about three things, and then I'll turn it back; and that is, one, how we came about with the SCHIP program because I think that relates to the whole bipartisan nature of it, which is what you stressed and is so important. And then maybe I can talk a little bit about the preventative nature of it because you talked about the emergency room and the President's comments about using the emergency room. And then I'll give you my one story.

I'm glad you're here, in part because last week we had some of my Republican colleagues, including some on the Health Subcommittee that I chair, who were talking about this program as if it was an entitlement, as if it was almost socialism, you know, sort of raising the specter that we wanted the government to run the health care system. And nothing could be further from the truth. I mean, first of all, you know they neglected to mention that this was bipartisan. And remember, when we're talking 10 years ago, this was the Gingrich Congress. This was the Republican majority that hadn't been the majority for very long. I mean, they were on the crest of this conservative right wing wave and in the midst of that were willing to adopt this bipartisan measure.

And the reason was because, in fact it wasn't an entitlement; it wasn't government control. It was just a practical solution to the problems that we faced at the time and still face. I mean, we all know that if people are very poor and likely not working, then they're eligible for Medicaid. And we have a lot of kids, and we have a lot of adults and, you know, people who find themselves because they're not working and their income is very low, having to use the Medicaid program, which is a very legitimate program and covers a lot of people very successfully.

But what we found 10 years ago was that there were a lot of other people who, because they were working, for the most part, were above the Medicaid guidelines. Their income was too high. But what were they making? Maybe 20,000 a year, 30,000, in some cases maybe 40,000 a year and they still had kids. And because they were working in jobs where there wasn't a health insurance option available to them, the employer just didn't offer it, or when they went out in the private market, you know, the costs were so prohibitive for them to buy insurance on the private market, which, you know, in New Jersey you might be paying $12,000 if you want to go out and buy insurance on the private market for a family of four, today that they simply couldn't get health insurance.

And so there wasn't any ideology involved here. In fact, it was a block grant. It was set up as a block grant which, I don't know if you guys remember because you haven't been here as long as me, but that was like the Republican mantra at the time; that everything should be block granted, all Federal Government programs should be block granted; this shouldn't be an entitlement. And that's what we did. We said, okay, fine. You want to make it a block grant. You know, President Clinton was the President, so we had a divided Congress, and we said, that's fine. Send the money to the States. We'll set up certain guidelines that, you know, you had to be up to 200 percent of poverty. And then if the States wanted to, they could go get waivers and go to 300 percent or higher.

☐ 2215

And we will give the money to the States. They will match it, and we will cover these kids.

Now, the second point I wanted to make is this is a preventative measure, as you pointed out. For President Bush to say people can always use the emergency, that's not the point. The point is we want people to have health insurance so that they go to the doctor on a regular basis, so they take preventative measures, and they don't get so sick, particularly if they are kids, that they have to go to an emergency room to get care. As you said, that is not the way to operate. So we save money because through prevention, and everyone will tell you, any doctor or medical professional will tell you, that the most important thing for a person is to get health care in those first 4 or 5 years of their life. If they are properly cared for and they have the type of preventative care and regular doctor care and dental care that you mentioned in those formative years, then they are likely to be healthy for the rest of their life because that is the most important time. So it makes sense; right?

And then I will tell you my story. My story is that before this was enacted, about maybe 11 years ago, I don't go there as much anymore, but I used to go to a luncheon place that was like a diner, but not a New Jersey, but more of a luncheonette, we used to call it then. It is like an old-fashioned word, I guess. And there was a waitress there who I knew for a long time, and she had young children. And she would always say that her husband worked and she worked as a waitress but she was never able to afford health insurance for her kids. She wasn't eligible for Medicaid. She and her husband were both working. I don't know how much they made. But she had tried repeatedly and asked me about getting private insurance. I even gave her some ideas about how whom to contact. And they couldn't afford it.

The day that we passed SCHIP, I went back there. I forget how long it was going to be enacted, maybe a couple months from then, and the President signed it. And I said, We are going to have this program now. You can go sign up for it. I went back there whenever it went into effect, and she had signed up her children, and it was the nicest thing that could ever happen.

You know how we always say we want to do things for people but a lot of times we are not able to? For me to be able to go back there and have lunch and have her say, Well, now my kids are covered through this program, it was such a wonderful thing.

And I think the gentleman from Pennsylvania said that right now there are about 6.7 million kids that are covered by SCHIP. There are about 6 million that are eligible and not enrolled. And the reason they are not enrolled, in part, is because the States have run out of money. Some of them ran out of money in March of this year, and we had to do a supplemental appropriation. So we are not talking about all this extra money in a vacuum. We are talking about needing it in order to try to cover as many of these kids as possible. And our reauthorization will not only include more money but also ways of getting them enrolled. One stop so that they sign up for one Federal program. They can get this so that they don't get dropped. This is a streamlined application. These are all the things that we are doing in addition to the dollars in order to try to cover as many kids as possible.

I am staying but I will yield back to the gentlewoman.

Ms. SCHWARTZ. Mr. Speaker, I wanted to let my colleagues share their stories too so maybe we could have a little conversation about it. But I just want to say that certainly one of the points that have been criticized by the other side is that families that make as much as $40,000 for a family of four might be eligible or are eligible for the Children's Health Insurance Program. Now, in Pennsylvania it is a subsidy to buy private health insurance. So you either get a complete subsidy or you might just get half of it or you can buy it at cost. In fact, many parents are contributing.

But as you point out, for a family of four making $40,000 a year and both parents might be working, by the time they pay their mortgage and pay the baby-sitter and pay their utility costs and maybe fill up their car with gasoline and pay the loan on the car and they pay their taxes, there is not a lot of money left over to find the $12,000 that they might have to find to purchase private health insurance. So you can say, fine, go to the marketplace, but you need a little help to go to the marketplace. And that is what this is about. And it has made such an enormous difference, thinking you can put a smile on a parent's face for doing the right thing. And good for you to go back and actually say to a person we really did do something for you, and it made such a huge difference.

I think the other point, and this is a lead in to our colleague from Connecticut (Mr. MURPHY) that the States have always done these programs in different ways. They have written these programs in ways that they think work best.

In 1992, 5 years before the Federal level when we were running it in Pennsylvania, we knew that a lot of these working families wanted a private health insurance card. Some States got very creative and expanded Medicaid and called it cute names, and that made it friendlier, and it is an issue just to tell people it exists. But we actually worked very hard with the private sector to get the benefits package right, to make sure that the cost was right. There were a lot of rules and regulations about it. But the fact is at the end of the day, people could walk in, families could walk into their physicians' offices with a private health insurance card, and that made them feel really proud that they were able to get some help so they could get that private health insurance. But it has made an enormous difference in Pennsylvania. And we have, as I say, about 130,000 children covered on the number of uninsured. It just goes to show it can work. When we work together, we can really make it work.

Mr. MURPHY, if you want to add a bit about the experience in Connecticut. We have been joined by another colleague of ours, Mr. ALLEN from Maine, who also has a long history in being an advocate for children's health insurance and making it happen. So thank you for joining us.

I yield to Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you, Representative SCHWARTZ. I am thrilled to be here with Representative PALLONE and Representative ALLEN, who have been advocating for this issue and many other issues regarding health care equity for a very long time.

I come from the State of Connecticut, where I served, as you mentioned, Representative SCHWARTZ, in the State legislature for about 8 years, and I chaired the Health Committee there for the last 4 years. And what we figured out was what Pennsylvania figured out a little bit before us and what dozens of other State legislatures figured out over the past few years, which is that by expanding our SCHIP program, and we have got a cute name for that program in Connecticut, where we call it the Husky program after the mascot of our University of Connecticut sports teams, we figured out over time that not only was expanding children's health care, and we actually make some adults, some of their parents, eligible for that benefit as well, that not only was it the right thing to do because, as you said and you are exactly right, in the high cost of living in a State of Connecticut, $40,000 doesn't go very far, and at a time we live in today where wages are remaining pretty much stagnant and flat, and when we celebrate a year in which the average health care premium increase stays at around 10 or 11 or 12 percent, you simply can't do much with an income hovering around $40,000, $45,000 or $50,000. In Connecticut certainly that becomes a problem. So what we figured out was that not only was it the right and fair thing to do to go out and insure these thousands of children who didn't have health care insurance before, but it was cost-effective thing to do it. We have referenced that on the floor here today.

I give some credit to the President in his remarks that he at least recognizes that we do have one single place that very ill children and adults can go, the emergency room. But what he neglects to mention in those remarks is that not only is it the most inhumane place to dump the sick and the ill but it is also the most expensive place for those patients to end up. We know that the care that children, and we are talking about children today, end up getting in the emergency room is amongst the most expensive care that you can get. And for just a few cents on the dollar in that preventative care that in Connecticut the Husky program provides and in Pennsylvania the CHIP program provides, you cannot only get care that is the right to do and the moral thing to do for those kids, but it, frankly, saves the health care system money in the end. The cost of insuring kids is actually pretty low compared to the cost of insuring you or me or other people out in the community. Kids are generally pretty healthy. They are cheap when they are healthy, but they are very expensive when they are sick. So if you don't get them that care upfront, and the reality is that a lot of illnesses that may not present themselves to be major that may not cause a parent, even without health care insurance, to drag that child down to the emergency room, it may end up being something very serious. And the barrier to getting that preventative care is often that $100 or $200 doctor visit that stands in the way.

The last thing to say is to just reinforce the notion that both of you have brought up here, which I am sure we will talk about, which is that bipartisan spirit in which this bill was brought into being. I wasn't here when the bill was passed, but my predecessor was. I was preceded in this House by Representative Nancy Johnson, a Republican who served here for a very long time. And she was very proud to come back here as a Republican and talk about her role in the passage of that bill. The problem was over time there were fewer and fewer people like her in the Republican caucus who were proud to talk about insuring children, standing up for kids. And you stand here now on the Republican side of the aisle that looks and sounds very different, unfortunately, than the group that stood up in 1995.

And, lastly, it is not just bipartisan within that House, but you also have a wide range of ideological and advocacy groups that are standing up for the reauthorization of SCHIP, and I will mention just one and that is the United States Chamber of Commerce. Not a fan of big government, if you have ever seen any of the propaganda coming from the U.S. Chamber of Commerce. So when you listen to the President or Republicans talk about the Democrats and children's health care being yet another government program, listen to what their friends are saying. Their friends in the U.S. Chamber of Commerce and the Business Roundtable and all of the groups that are traditionally the main cheerleaders against any minute expansion of government are standing up for children's health care, are cheering on the Democratic effort to reauthorize the SCHIP program, because they know what we know; that not only is it the right thing to do but it is the cost-effective thing to do. We figured that out in New Jersey and Pennsylvania and Connecticut and Maine. And I hope that we will be able to return to that bipartisan spirit again.

Ms. SCHWARTZ. If I may, I was very well aware of the fact that so many different organizations were supportive and, again, outside some of their own realm a little bit. So I asked my staff to produce a list. And I have four pages of a closely typewritten list of all the groups. It is the U.S. Chamber of Commerce and the Business Roundtable and it is also the AFL–CIO, AFSCME, and SEIU. But it is groups that you would think who are advocates for children: the March of Dimes and Families USA and the Children's Defense Fund. But it also is all the senior organizations: the AARP and the Center for Medicare Advocacy and the Alliance for Retired Americans. And so many of the provider groups: AMA and the Academy of Family Physicians and the Academy of Pediatricians. But also America's Health Insurance Plans and the Pharmaceutical Research and Manufacturers Association, PhRMA, who are saying this is an important thing to do as well, and the American Hospital Association. These are groups where you might say, well, why do they care? Now, hospitals, maybe they could get reimbursed for some of the uncompensated care that they provide, but the fact is that all these groups recognize how important it is. And we have the faith-based organizations: the National Council of the Churches of Christ and the Catholic Health Insurance Association. I mean all of them, all of them, have come together.

For the RECORD I will submit these four pages of the list of all of the different folks who have actually said this is so important. It works. It matters to people. It is helping Americans be healthier and stronger and more productive. And what more important thing can we do than that? I think that was said earlier.

But it is also doable. And we are taking a lot of fiscal responsibility in this new Congress among the Budget Committee. And the gentleman who is going to speak in just a minute is on the Budget Committee, and we have argued in the Budget Committee about how important it is to be smart about how we spend our money, to only spend money we can account for. So we are working very hard in this Congress to say we will not only maintain this program but we will expand it and we will find the money to do that because it is important. And when we are committed to doing something, we will find the money to do it, and that is what we are going to do in this.

I was going to ask my colleague, and I know you have some remarks you would like to make, but if you think about what happens if we don't continue the SCHIP program, I mean that is one of the things that people presume will, of course, continue. But, in fact, the President just said today said that he might veto a reauthorization continuation, just the maintenance of the Children's Health Insurance Program if it is not constructed the way he likes, which is really shocking that 6 million children on October 1 may be without health coverage because of his unwillingness to do this.

So knowing your history and your commitment to health care in general but particularly to children's health care and the good work that your State has done, if you would speak to that as well, I think it would be very helpful for Americans to understand that we are at risk here, that our children are at risk.

And I yield to my colleague Mr. ALLEN from Maine.

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Mr. ALLEN. I thank the gentlewoman from Pennsylvania for organizing this event tonight and for yielding to me.

I was here in 1997 when the SCHIP program was passed, and it was passed with very strong bipartisan support. People on both sides of the aisle, and many of the same groups that you just mentioned, people on both sides of the aisle believed, as virtually all Americans do, that our children should get health care. They ought to be able not just to go to an emergency room when they're seriously ill or have had an accident, but they should be able to get preventive care so they can grow up to be healthy children and healthy productive adults. That's really, I think, a fairly basic proposition. And that's what drove us back in 1997.

And now you were asking, what happens if this program doesn't continue? Well, if it's not reauthorized, then 6 million children in this country lose their health insurance. And if they lose their health insurance, maybe some of them, when they're seriously injured, will go to an emergency room, but most of them will lose the preventive care that they get today.

The President put in his budget $5 billion over 5 years for an increase in SCHIP, which would fund about one-third of the amount that States are estimated to require over the next 5 years. In other words, the President's position is that this is a program that should be cut back. And that probably is why he made the veto threat, which he basically said, look, people, children and adults, have access to an emergency room; and one thing we want to be careful not to do is expand health insurance if it's through a government program, which is bizarre, because the SCHIP program is designed for people who cannot afford to buy health insurance in the private market today. That's why they don't have it.

What we're trying to do is continue this public/private partnership because most States provide coverage through private plans. It's a Federal/State partnership, with 70 percent of the money coming from the Federal Government and about 30 percent coming from States. So States are choosing to fund this program for the obvious reason that our kids deserve to have health care coverage. Outside of the White House, this, I think, is a broadly accepted proposition.

I just want to say a few things about my State of Maine. Maine has been very aggressive in using this particular program. We have one of the lowest rates of uninsured children in the country. Only 7 percent of our children do not have health insurance, and the national rate is about 12 percent. But that, for us, we're a small State, but that's about 19,000 children who do not have health insurance. And for those families, for those parents, they know it makes a difference whether or not their kids have health insurance. And they, I know because I've talked to them, worry about whether they're going to get the kind of coverage, the kind of vaccinations, the kind of preventive health care that everyone hopes for their children, because that's really a fundamental point here.

I don't think there is a parent in America that doesn't want their children to have good health coverage, to get the health care they need when they need it. And that is what this program attempts to do. Because there are 6 million children in this country today who qualify for the SCHIP program but are not signed up, for whatever reason. Some States aren't being aggressive enough and the Federal Government contribution is falling short.

There are another 3 million who don't qualify for SCHIP and still don't have coverage. And all we're trying to do, as Democrats, is to expand that coverage. Now, we can argue about how fast we expand it, we can argue about how we pay for it, but the bottom line is this: children in America deserve to have health care. And we know if they have health insurance, whether the program is privately run or whether the program is publicly run, or some combination, they are much more likely to grow up into healthy, productive children and healthy, productive adults. That's what we're fighting here today for.

I want to thank you, my colleague, the gentlewoman from Pennsylvania, and all the rest of my friends here tonight for pushing this issue so hard and so long. We will not fail. And I yield back.

Ms. SCHWARTZ. And I think this is where we can get a chance to have a little bit of a conversation. There is a lot of feeling about it. I think all of us feel that we should be working as hard as we possible can to be getting this done, not be sort of saying, okay, I'm not interested, we'll do something else.

There are a lot of priorities here. We stand up on the floor frequently and say, okay, one of the most important things we can do is this, one of the most important things we can do is that. But the fact is if we aren't all parents, and many of us are, then we certainly have nieces or nephews we love, or neighborhood children. All of us know someone who has struggled through a moment when they couldn't provide the essentials. This is not a frill. And I think that's what you were saying, Mr. ALLEN, is this is not an, okay, if you can get to do it, go do it. This is something that's really essential for every child in America. And we're helping parents to be able to meet that essential requirement for their children.

Some of you may know, my husband is a physician. And I was joking with my staff that he cuts out articles from the New England Journal of Medicine all the time for me to read. And mostly they're not so readable for me, I have to admit, you know, they sort of need some interpretation. But just in the last week's journal there is a wonderful article talking about the imperative to continue the SCHIP program. And I'll share it with my colleagues, I'll send it around to everyone tomorrow, but really it made it very, very clear that this is something that we need to do because of the medical imperative, the health care imperative. And we know it is something that we can do.

So, it's something we're proud of and we should be and we want to do.

Mr. PALLONE, you look like you're ready to jump in here.

Mr. PALLONE. You know, when you relate your own experiences, I can relate so much to it myself.

I have to say, I was thinking back about 10 years ago when we first started the program. Of course, my wife and I were just starting to have kids. My oldest daughter now is 13, so she was three at the time. And I guess I had my son at the time, he was only one. And we were starting to realize at the time about the fact that, first of all, as parents, the idea of kids not having health insurance, you know, young kids at that age was really an awful thing. And that's why we got involved. I say "we" because my wife got involved in the whole issue as well. And to think about the fact that you have children and they can't have health insurance or you have to take them to an emergency room is just an awful thing.

I worry myself even now because a lot of times your health insurance doesn't cover everything. Like I was faced with the orthodontist bill a couple years ago. And I suddenly realized our insurance doesn't cover orthodontistry. And that was upsetting, but to think of parents that can't even take their kids to the doctor is just an awful thing.

One of the things that my wife would always say to me that she observed was that many times government officials, and I don't want to speak about ourselves because I don't want to be critical, but a lot of times politicians don't think about kids because of the fact that they don't vote. And I would almost kind of differ with the gentleman from Maine when he says that, you know, one of the things that we found and one of the reasons why States like Connecticut and New Jersey have covered some of the parents is because they have noticed that a lot of times the parents wouldn't enroll the kids unless they were eligible themselves to be enrolled in the program. And I again go back to, this is really a very practical thing. If some States have found that the parents won't enroll the kids unless they're enrolled, they actually allow the parents to enroll as an incentive to get the kids enrolled.

Because you can be cynical. I mean, you have to say that unfortunately sometimes parents don't care or sometimes politicians don't care. And the fact that we were able to do this and basically do a kids' health initiative program and get the political support for it in some ways was an amazing thing. You would say, well, gee, that's a basic thing, why wouldn't that happen? But it wasn't that easy. And we're going to have to continue to fight to expand it today.

I just wanted to answer your question, because I know that the gentleman from Maine did, but you said, what would happen if we don't reauthorize?

Well, I will just say, first of all, essentially this has happened in some fashion in the last few years. States have run out of money because there wasn't enough money as early as March in a given calendar year. Georgia ran out of money this March. And my own State started to run out of money by May. So we had to actually do a supplemental appropriation. The world knows it as the "Iraq supplemental," but actually it was the supplemental that included the funding for Iraq, and it included about $750 million for SCHIP because States, in fact, were running out of money.

In my own State of New Jersey a couple of years had to cut back on the program and actually lower the eligibility and eliminate parents because of the fact that they started to run out of money. So we have experience of what actually happens if we don't provide the additional funds.

The other thing, too, is that until last year, every year for the first 9 years of the program, the number of uninsured kids in the country was going down. But last year, for the first time, the number of uninsured kids went up. So this is a crisis. I mean, if we're going to get to those extra kids, we really have to do something.

Ms. SCHWARTZ. And just on that note, if the gentleman would yield, we do know that the number of uninsured for the first time in a long time is going up again. So we're talking about 45 million Americans. And the fact that, of those, 9 million are children who, again, through no fault of their own, don't have access to health insurance.

And one of the reasons is that health insurance is expensive. And even for businesses that want to provide health insurance for their employees, sometimes they're faced, particularly small businesses, with how do I actually pay that whole amount for family coverage? And they just cover the employee. And so even here, where you're talking about employers trying to do the responsible thing, but just looking at their bottom line and saying I can't do anything about this, when the parent is covered and the child is not is one situation where certainly CHIP comes in and really can be very, very helpful.

There has been some discussion obviously about adults. And I think this is intended for children. Some States have brought along the parents because it does help with enrollment, and we think that's true in Pennsylvania as well. But we also know that when the parents don't have health insurance, and if they can't get timely health care, then they don't have an ongoing relationship with a physician or a medical group. And the children also learn from their parents. Their parents are their models. And so if the parents are going for regular checkups and their kids are going for regular checkups and it's part of what you learn to do as a responsible person, that's a good package. It's what we want adults do be doing as well.

So I know that there is some discussion about that, too, whether States, now they're not allowed anymore to be able to sign up adults alone, but they're usually signed up with their children as a family coverage. And that's the way most people who buy insurance do it, too. They buy insurance for their family. That's the way it's sold mostly. So I think it's making sure that we actually allow people to sort of use the marketplace the way it really works and not punish them for that.

Mr. PALLONE. If I could point out one thing, too, because I know there is some debate about this. The States don't get any more money because they cover kids at a higher percentage of poverty or because they cover the adults, and I think there has been some debate about that. Remember, as I said before, this is a block grant, and the money that goes to the States is dependent upon the number of children that they have. So the fact of the matter is that if a State decides, like Connecticut did, that they're going to cover the adults, they just have to stretch out the Federal funds and contribute more State dollars to pay for it. They don't get additional money. I know that this sounds like such a bureaucratic comment, but some Members are worried, well, is my State going to get more because they cover kids at a higher level of poverty or another State covers adults. They don't. It's just a question of usually they're providing more State dollars and having the flexibility to include the parents so that they can cover the kids.

Mr. ALLEN. If the gentlewoman would yield, there are differences among States and now aggressively they seek to use the money that comes from the Federal Government. So there certainly are differences among States in that respect.

But I just wanted to comment. It is absolutely true that most people who buy insurance through a private plan will try to cover their kids as well, except that today one of the trends in this country is that the wheels are coming off this employer-based health care system and increasingly, by about a million people a year over the last 4 or 5 years, the number of uninsured is going up. It's now about 46 million people. And one of the reasons, and this is why I've done a plan for small businesses, one of the reasons is the small business community is simply not able to afford the kind of insurance they had in the past. And what they're doing, they're tending not to cover family members, which includes the children, and to require the employee to pay a higher and higher percentage, which some employees simply can't do.

So what we're seeing here, at the same time as the President is saying we don't want to expand this successful children's health care program, we're watching the number of uninsured steadily climb, both adults, and now children for the first time in a long period of time, having the number of uninsured climb because the private market, the employer-based market isn't working as well as it did in the past.

We have a national health care crisis on our hands, and this is a part of the solution. It ought to be the easiest part of the solution. But here is the President's spokesman the other day saying this will encourage many to drop private coverage purchased through their employer or with their own resources to go on a government-subsidized program. This is a program that is designed for people who don't have health insurance. We know these children don't have health insurance. We know how many there are. We know where they are. And we ought to be able to do a better job than simply to raise this kind of ideological objection. We ought to cover them first in the most practical, cost-efficient way.

I yield back.

Mr. MURPHY of Connecticut. Mr. ALLEN, if you would yield. I guess I come to the thinking, we wish we were in that position. I mean, wouldn't it be lovely, wouldn't it be wonderful if we were in the position in which the choice was between a government-sponsored program and an employer-sponsored program or a privately available sponsored program. It just isn't the reality. And anybody who spends time out in their communities, in their social halls, in their churches and synagogues listening to families will realize that, that there are just more and more families largely, as Mr. ALLEN noted, that work for small businesses and simply don't have the access to health care insurance that they once did.

And I want to hit one more point, and I mentioned it the other night when Mr. PALLONE and I were down here talking about this. We also have to disabuse people of this notion that we all aren't paying for those kids and those parents who don't have health care insurance. If the employer doesn't provide it, and then the HUSKY program in Connecticut, the SCHIP programs go away, somebody is going to pay for that health care. And we pay for it largely in two ways: one, all of the premiums that we pay, as insured people, are higher because they are basically subsidizing the care of people that don't have health care insurance, because a doctor is going to have to treat, by law, someone that shows up in an emergency room, and the hospital has to be compensated for that.

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So private insurance normally pays about 120 percent, 110 percent of what the average Medicare rate is. They are paying a 20 percent, 10 percent premium in order to subsidize the care of the uninsured. I don't know if this is the case in all States, but in Connecticut, we also have an uncompensated care pool, a taxpayer-funded pool, where tax dollars go directly to hospitals and health care providers to help them pay for the kids that walk in, 70,000 of them without health care insurance in Connecticut that have no insurance.

So the idea that we are going to be spending any more money on this, when really what you are doing is you are shifting money that we are all spending in our private rates and through these taxpayer-subsidized pools of money that go to hospitals, it is just shifting it to preventive care. We have to sort of remind people that we are paying every day for the uninsured that we have now. It is simply about building a more cost effective and more humane way of paying for it.

Ms. SCHWARTZ. I think we should continue this discussion about what is the smartest and most efficient way to do this. Again, what is interesting about the way SCHIP, the children's health insurance initiative, was set up is it said to each State, one, you don't have to do it if you don't want to, if you don't have a problem, or you don't think this is an issue. We were not even sure how it would all work out. They also said, then you can create whatever initiative works for you, what really works for you. It turns out every State has chosen to do it.

Actually, we already had SCHIP in Pennsylvania for 5 years when the Federal Government came in. Our governor was very nervous about taking it. He wasn't sure he wanted to do this. He was concerned it would be a new entitlement program and that he would be stuck with the bill at the end of the day. I know States had legitimate worries about that, that we actually tell them to do things and then don't give them any help in doing it.

But this is one case where we said, no, you have to do it. You have to structure the program. Here are some guidelines. Here is how we think you should do it. Then we are going to pay a part of it, a good part of it, but we are not paying all of it. You have to buy into it. You have to want to do it, also. You have to structure this.

So every State did this. We learned from each other. That also was a good thing, to look around and see what worked for other States and what didn't. When our governor was saying, should we do it? He really was very torn about it. Actually, he didn't decide to do it until September 30, and that was the deadline that year. I was very anxious. I was on the floor of the State senate many nights saying we ought to do this. I was pushing him to do that.

Of course, we were able then to triple the number of children who were covered because of the partnership we had with the Federal Government. That is what this is about. It really is. This is a great example of a very innovative way to create a partnership between the Federal Government and the States, between insurers in some ways and the States as well, in many cases, and between parents and families and health care providers, and say, we are all going to help make this happen.

Mr. MURPHY of Connecticut. Just to add to that partnership, it is also a partnership of health care professionals as well, because, to tell the truth, in a lot of States, Connecticut being one of them, the rate that we pay physicians for participating in the program is a little bit below the level of sufficiency. So there are a lot of physicians who want to do the right thing, who want to get compensated, but are okay not getting compensated at the same levels that they do by private HMOs.

It really becomes in the end, it really becomes a partnership of not only the Federal Government and the State Government, but also the provider community as well who has agreed to say, listen, because we really care and we really want to take care of this constituency, we are willing to do it for a little bit less than we would do otherwise. That has been a great benefit to the Government, to be able to get away with paying a little bit less, at least in Connecticut, than private payers do. But it is a wonderful partnership of all constituency groups.

Ms. SCHWARTZ. Again, the debate here is how much can we do? What can we afford to do? What is the best way to do it? Mr. PALLONE is working on all those details. I know we bug him and give our him suggestions about how to make this easier and streamline the bureaucracy and make it work for both providers and for children and for the States. So we are learning from that. I think that is pretty exciting.

But that is not the discussion that some are in. We were in that discussion since January, actually. This is certainly something that the President proposed. We wanted to push much further. But I just say that is unfortunate. I think that is why we are so deeply disturbed.

I will say that the President is consistent here. I will add just a note that when he was Governor, he was very reluctant to participate in the Children's Health Insurance Program and actually worked quite actively not to be engaged, not to have his State do it, and then tried to keep the level of the family to be as poor as possible.

He did not want to go to 200 percent of poverty. He wanted to keep it lower. He did not want to reach into the sort of the really working folks in Texas who were struggling. You may want to comment on that.

But I think for so many of my constituents, and again I think, Mr. PALLONE, you pointed this out earlier, for very poor people in this country, we do have health care coverage. But for the people who are above that level, who say I don't know that there is anyone there to help me, this is actually one way to say, that is right, we are going to help you be able to get health insurance for your kids. You are working. You are trying to do the right thing, and this is the way we can help you do it.

So for the very people who are playing by the rules, trying to do it right, struggling to make ends meet, to be able to help them get health insurance for their kids makes such a world of difference to their peace of mind and, of course, to the actual health of their kids.

Mr. PALLONE. I just think the President has been very inconsistent. You talk about his experience as governor of Texas. But keep in mind that for the last 6 or 7 years, he has actually been granting the waivers. For example, right now the law says 200 percent of poverty, is what the law says in terms of eligibility. But it allows for waivers, and he has given waivers for so many States, I think as many as around 15 States, to go to 300 percent of poverty, to allow adults in some cases. His administration had to approve all those.

So I was very surprised in the early part of this year when he said that he wanted to keep it at 200 percent, he didn't want to cover any of the adults, because he has allowed that flexibility during his administration.

One of the things that the National Governors Association said unanimously was that they wanted States to have the flexibility. Again, I point out, this is a block grant. The States don't get any more money because they cover adults or go to higher levels of poverty or lesser levels. There is also flexibility, and some States don't count assets in determining that 100 percent or the 300 percent.

I think it really makes sense, and the National Governors Association said it makes sense to leave it to the States to have that flexibility, and the President historically has been in favor of that kind of flexibility. So I really don't understand where he is coming from.

The other thing I wanted to mention is we were talking about alternatives. When I listened last week to our colleagues on the other side of the aisle, some of them were saying, well, people can go to community health centers. That was another thing that I heard. Well, the President talked about emergency rooms and some of our colleagues on the Republican said, well, they can go to community health centers.

Well, I am all in favor of expanding community health centers, but in my district I think we have maybe four Federally sponsored, maybe 5, community health centers. There is absolutely no way that the kids and the parents are going to line up. They don't have the ability to handle all the kids.

So what you said is true. They are going to end up being in an emergency room. They are part of charity care whose responsibility is on the rest of the taxpayers.

Then I heard another one of our Republican colleagues say, well, what we really need is, and I wrote it down, competition in the marketplace. And I was saying, what are we talking about here? Again, this is people who are working, who can't afford health insurance. What competition? They can't go out and buy it on the individual market.

So we hear a lot of inconsistencies. I don't want to be so critical of our Republican colleagues, because I want them to join us on this. But some of the statements that have been made by the President in the last few days.

I would point out in the Senate, as you know, the Republicans and Democrats came together and they are about to pass a bipartisan SCHIP expansion. So the Republicans in the Senate hopefully can talk to the President and the Republicans in the House and say, what are you doing? We want to continue with this on a bipartisan basis.

Ms. SCHWARTZ. Again, our hour is concluding, but I think, in other words, we certainly are very interested, I certainly am, in making sure that the marketplace, the insurance marketplace, you are from Connecticut, so I am sure you have an interest in this, that it works; that in fact it is affordable, that we can figure out a way for businesses to work together, to be able to get a market share, to be able to maybe do some things on the individual marketplace so that in fact it can be more affordable.

Some of the ideas that the President has about tax deductions, not as substitutes, but for individual coverage, that's fine. We should be doing that. But not say, okay, which are going to make sure that 6 million children who have had access to health care, and another 6 million who could, who are now eligible but are not signed up, we are going to continue to deny them care, and we are going to do that by scaring you into thinking somehow we are creating some new expanded government program that is somehow just going to be evil.

That is sort of kind of what the President is saying, instead of saying wait a minute, this is an initiative that works. It works in every State. People are proud of it. Republicans and Democrats stand up and praise it, doctors are happy about it, hospitals are happy about it, parents are happy about it. I don't know how the kids feel when they get their immunizations, how happy they are about it.

But the fact is we are doing the right thing and we are meeting a priority that American families talk to us about all the time. And it is not instead of doing something else. It is really just because it is a high priority for us. It is always a question of priority, but we really I think, certainly what I want to say, we are determined to get this done, and we want to work in a bipartisan way to do it. We want to do it in a fiscally responsible way. We want to continue to build on the success of the Children's Health Insurance Program, and that is why we are going to keep talking about it until we get it done and hopefully be joined by not only our colleagues on the the other side, but the President as well.

Mr. MURPHY of Connecticut. Let me just add some final thoughts to add to the theme of inconsistency here. This is a President who has presided over the largest expansion of a government paid for health care program in my generation at least with the addition of the prescription drug benefit to the Medicare program. But it was okay when it resulted in a massive giveaway to the pharmaceutical industry.

But when we are asking to expand health care for kids who don't have, as Mr. PALLONE said, not only do they not vote, but they also don't have political action committees and they also don't have lobbyists patrolling the hallways here and within the administration. When it comes to helping the most vulnerable, the most voiceless group of individuals out there, this administration results in a deafening, deafening silence.

So I am so glad we are down here talking about this tonight. I came to Congress, gave up my seat working on a health care policy in the Connecticut legislature because I figured out that this really had to be a Federal fix, to try to do something for the millions of uninsured.

I frankly hope in a lot of places I think I am am going to depart from the legacy of the person I replaced, but on this I hope to be able to work with all of you to join back across the aisle and build that bipartisan consensus to stand up for those voiceless, lobbyistless PAC-less constituents of ours, uninsured kids.

Ms. SCHWARTZ. We have an enormous opportunity here. We want to meet that challenge and we want to do it right. So that is the challenge over the next few months. My guess is we are going to continue to talk about this for the weeks ahead, and certainly if we are lucky enough to take some vacation this summer and see those cute kids on the beach on the Jersey shore, and Connecticut has some nice beaches too, to look at them and think which ones of those, because there are, who don't have health insurance, whose parents may delay care that they should get, not get an immunization, should not get care, maybe not even treat some simple illness that ends up running through school or camp and everybody gets sick.

But this is about giving kids the right healthy start. It is about doing it in a cost-effective way, about being creative and innovative, and meeting that challenge that American families have every day.

So I thank my colleagues for joining me this evening, and I look forward to continuing to work with you. Thank you for your leadership, Mr. PALLONE, as well.

Mr. Speaker, I include for the RECORD the list of all groups who support the SCHIP package.

ALL GROUPS WHO SUPPORT SCHIP PACKAGE

SENIORS GROUPS

AARP
Alliance for Retired Americans
American Association for International Aging
American Society on Aging
Association of Jewish Aging Services of North America
B'nai B'rith
National Academy of Elder Law Attorneys
National Association of Professional Geriatric Care Managers
National Association of State Long-Term Care Ombudsman Programs (NASOP)
National Association of RSVP Directors
National Association of Social Workers
National Committee to Preserve Social Security and Medicare
National Council On Aging
National Indian Council on Aging
OWL, The Voice of Midlife and Older Women
American Association for Geriatric Psychiatry
Medicare Rights Center
National Committee to Preserve Social Security and Medicare
National Senior Citizens Law Center

PROVIDER GROUPS

American Dental Association
American Hospital Association
American Medical Association
American Health Care Association
Federation of American Hospitals
National Association for Home Care & Hospice
National Association of Community Health Centers
PhRMA

LABOR UNIONS

AFL-CIO
AFSCME Retiree Program
American Federation of Teachers
International Union, United Auto Workers
National Active and Retired Federal Employees Association
Service Employees International Union
American Federation of State, County and Municipal Employees (AFSCME)
International Association of Machinists and Aerospace Workers
International Union, United Auto Workers
United Steelworkers

CHILDREN'S GROUPS

Academy of Pediatricians
Children's Defense Fund
Families USA
March of Dimes
National Association of Children's Hospitals and Related Institutions

DISABILITY GROUPS

AIDS Treatment Activists Coalition

AIDS Treatment Data Network
American Academy of HIV Medicine
American Association of People with Disabilities
American Association on Intellectual and Developmental Disabilities
American Network of Community Options and Resources
Association of Assistive Technology Act Programs
Association of University Centers on Disabilities (AUCD)
Gay Men's Health Crisis
HIV Medicine Association
Council for Learning Disabilities
Easter Seals
NAADAC, the Association for Addiction Professionals
National Association of Councils on Developmental Disabilities
National Association of People with AIDS
National Disability Rights Network
National Down Syndrome Society
The Arc of the United States

ADVOCACY GROUPS

Military Officers Association of America
Bazelon Center for Mental Health Law
Campaign for America's Future
Center for Medicare Advocacy, Inc.
Center on Budget and Policy Priorities
Consumer's Union
National Association of State Head Injury Administrators
National Health Law Program
National Organization of Social Security Claimants' Representatives
National Respite Coalition
National Spinal Cord Injury Association
NETWORK: A National Catholic Social Justice Lobby
Project Inform
Protestants for the Common Good
The American Federation of Teachers
Title II Community AIDS National Network (TII CANN)
United Cerebral Palsy
United Spinal Association
USAction

STATE AND LOCAL GROUPS

AIDS Action Baltimore, Inc.
AIDS Drug Assistance Protocol Fund
AIDS Education Global Information System
AIDS Legal Council of Chicago
AIDS Resource Alliance, Inc.
AIDS/HIV Health Alternatives
Alliance for Family Education Care & Treatment
California Health Advocates
Center for Independence of the Disabled in New York
Champaign County Branch NAACP
Chicago Women's AIDS Project
Clinical Social Work Guild 49
Coleman Global Telecommunications, LLC
Community HIV/AIDS Mobilization Project (CHAMP)
Community Information Center
Desert AIDS Project
Douglas County AIDS Project
Family Service Association of Bucks County HIV/AIDS Program
Florida Legal Services
F.O.U.N.D., Inc.
Friends of The Poor International
Georgia Rural Urban Summit
Health Equity Project
Hemophilia Association of New York
Hep C Advocate Network, Inc. (HepCAN)
HIV/AIDS Law Project
HIVictorious, Inc.
IndependenceFirst
International Foundation for Alternative Research in AIDS, Portland, OR
Kleine Editorial Services
La Fe Policy and Advocacy Center
L.A. Gay & Lesbian Center
Latinos for National Health Insurance
Living Hope Organization
Michigan Positive Action Coalition
NAMES Project Central New Jersey
NETWORTH/Positive Action
New Mexico Poz Coalition
New York AIDS Coalition
New York Legal Assistance Group
New York State Consumer Coalition on Part D
New Yorkers for Accessible Health Coverage
Northwest Health Law Advocates
Ohio AIDS Coalition
Pennsylvanians United for Single Payer Healthcare (PUSH)
Physicians for a National Health Program, NY Metro Chapter
Positive Opportunities, Inc.
Pueblo Family Physicians
Redwood AIDS Information Network and Services
Regional Addiction Prevention (RAP), Inc.
Regional AIDS Interfaith Network Colorado
Salt Lake Community Action Program
Search For A Cure
Selfhelp Community Services, Inc.
South Carolina Campaign to End AIDS (SC-C2EA)
Teamsters Retiree Club of Santa Clara County
Tennessee Justice Center
The Evangelical Catholic Diocese of the Northwest
The North American Old Catholic Church
The Richmond/Ermet AIDS Foundation
Topeka Independent Living Resource Center
Tia's Foundation
Triad Health Project
Twin States Network
Ursuline Sisters HIV/AIDS Ministry
West House, Inc.
West Oahu Hope For A Cure Foundation
Western

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for today.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of attending an event in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. POE, for 5 minutes, July 23.

Mr. BURTON of Indiana, for 5 minutes, today and July 17, 18, and 19.

Mr. BILIRAKIS, for 5 minutes, today and July 17 and 18.

Mr. JONES of North Carolina, for 5 minutes, July 23.

Ms. FOXX, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

ADJOURNMENT

Ms. SCHWARTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 17, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2502. A letter from the Director, Office of Management and Budget, transmitting a supplemental update of the Budget for Fiscal Year 2008, pursuant to 31 U.S.C. 1106; (H. Doc. No. 110-46); to the Committee on the Budget and ordered to be printed.

2503. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2504. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-06, concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

2505. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of Singapore (Transmittal No. 03-07); to the Committee on Foreign Affairs.

2506. A letter from the Secretary, Department of Education, transmitting the thirty-sixth Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2006 through March 31, 2007 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2507. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2508. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2509. A letter from the Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2510. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2006 through March 31, 2007, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2511. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2512. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2513. A letter from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2514. A letter from the Secretary, Department of the Interior, transmitting the Department's Strategic Plan for FY 2007 to FY 2012; to the Committee on Oversight and Government Reform.

2515. A letter from the Human Resources Management Office, Federal Trade Commission, transmitting the Commission's report on the use of the Category Rating System for each of the first three years following implementation of an alternative rating and selection procedure, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2516. A letter from the Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations, pursuant to Public Law 100-504, section 5; to the Committee on Oversight and Government Reform.

2517. A letter from the General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

18. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2519. A letter from the Executive Director and Chief Executive Officer, American Chemical Society, transmitting the Society's Annual Report and the Audited Finanical Statements for the years ended December 31, 2006 and 2005, pursuant to Public Law 88-504, section 3; to the Committee on the Judiciary.

2520. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from W.R. Grace in Erwin, Tennessee be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2521. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from Los Alamos National Laboratory be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2522. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Dow Chemical Company site in Madison, Illinois be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2523. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the activities of the review panel on prison rape in 2006, pursuant to 42 U.S.C. 15603(c); to the Committee on the Judiciary.

2524. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2006 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 10101(b)(1) and 150909; to the Committee on the Judiciary.

2525. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden for the period from January 1, 2006 through December 31, 2006, pursuant to 36 U.S.C. 4610 Public Law 88-449, section 10(b); to the Committee on the Judiciary.

2526. A letter from the Chief Judge, United States Bankruptcy Court for the Central District of California, transmitting the 2006 Annual Report for the United States Bankruptcy Court for the Central District of California; to the Committee on the Judiciary.

2527. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clayton Fireworks, St. Lawrence River, Clayton, NY. [CGD09-07-039] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2528. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Papermill Island Fireworks, Baldwinsville, NY [CGD09-07-041] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2529. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie Interclub Race, Presque Isle Bay, Erie, PA. [CGD09-07-044] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2530. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tom Graves Memorial Fireworks, Port Bay, Wolcott, NY. [CGD09-07-047] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2531. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peninsula Celebration Association Annual Fireworks Spectacular, San Francisco Bay, CA [COTP San Francisco Bay 07-024] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2532. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Lake Tahoe Fireworks, Lake Tahoe, CA [COTP San Francisco Bay 07-023] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2533. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Summer Solstice/US Chamber of Commerce Fireworks, Mystic Seaport, CT. (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2534. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule — Safety Zone; Lesbian and Gay Community Center Fireworks, Fire Island Pines Harbor, NY. [CGD01-07-063] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2535. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; French Festival Fireworks, St. Lawrence River, Cape Vincent, NY [CGD09-07-042] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2536. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on Wheathouse Bay, St. Lawrence River, Ogdensburg, NY. [CGD09-07-046] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2537. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harborfest, Genesee River and Lake Ontario, Rochester, NY [CGD09-07-045] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2538. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Displays in the Captain of the Port Puget Sound Zone [CGD13-07-017] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2539. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: City of Long Beach Fireworks, Atlantic Ocean, Long Beach, NY. [CGD01-07-065] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2540. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Extravaganza, City of Antioch, San Francisco Bay, CA [COTP San Francisco Bay 07-022] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2541. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pittsburg Chamber of Commerce Fourth of July Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-018] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2542. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of San Francisco Fourth of July Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-016] (RIN: 1625-AA00) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 2547. A bill to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes (Rept. 110–234). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 547. Resolution providing for consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–235). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. SHEA-PORTER:

H.R. 3045. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

By Mr. McNULTY (for himself, Mr. SAM JOHNSON of Texas, Mr. RANGEL, Mr. McCRERY, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. PASCRELL, Mr. MEEK of Florida, Mr. HASTINGS of Washington, Ms. MATSUI, Mrs. CAPPS, Mr. FARR, Mr. RODRIGUEZ, Mr. FILNER, Ms. McCOLLUM of Minnesota, and Mr. HINCHEY):

H.R. 3046. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mr. STUPAK, Mr. BUCHANAN, Mr. BOOZMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of South Carolina, Mr. HAYES, Mr. DAVIS of Illinois, Mr. MANZULLO, Mr. GRAVES, Mr. BILIRAKIS, Mr. ENGLISH of Pennsylvania, Mrs. CHRISTENSEN, and Mr. FORTUÑO):

H.R. 3047. A bill to amend title 38, United States Code, to improve the processing of claims for benefits administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DINGELL:

H.R. 3048. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Natural Resources.

By Mr. DUNCAN:

H.R. 3049. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN:

H.R. 3050. A bill to grant the consent and approval of Congress to an interstate forest fire protection compact; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. PASCRELL, Mr. ELLISON, Mr. McDERMOTT, Mrs. McCARTHY of New York, Mr. McNULTY, Mr. PAYNE, Mr. CLAY, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. NADLER, Mr. KUCINICH, Mr. SESTAK, Mr. BRADY of Pennsylvania, . Mr. LoBIONDO, Mr. KAGEN, Mr. EMANUEL, Ms. SUTTON, Mr. RANGEL, Ms. MATSUI, Mr. HALL of New York, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. HOOLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SIRES, Mr. UDALL of New Mexico, Mr. WAXMAN, Mr. AL GREEN of Texas, Ms. WOOLSEY, Mr. McGOVERN, Mr. PERLMUTTER, and Mr. DAVIS of Illinois):

H.R. 3051. A bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself, Mr. TIBERI, Mr. REGULA, Ms. KAPTUR, Mr. WILSON of Ohio, Mrs. SCHMIDT, Mr. TURNER, Mr. RYAN of Ohio, Ms. SUTTON, Mr. JORDAN, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. LaTOURETTE, Mr. CHABOT, Mr. GILLMOR, Mr. HOBSON, and Ms. PRYCE of Ohio):

H.R. 3052. A bill to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mr. SENSENBRENNER, Ms. HERSETH SANDLIN, Mr. SMITH of Texas, Mr. DeFAZIO, Mr. GOODLATTE, Mr. FRANKS of Arizona, and Mrs. DRAKE):

H.R. 3053. A bill to protect private property rights; to the Committee on the Judiciary.

By Mr. WOLF (for himself, Mr. TERRY, Mrs. DRAKE, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McNULTY, Ms. BORDALLO, Mr. PITTS, Mr. WALSH of New York, Mr. OLVER, Ms. WATSON, Mr. SMITH of New Jersey, Mr. CAPUANO, Ms. CLARKE, Mr. ADERHOLT, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. HONDA, Mr. McGOVERN, Mr. PAYNE, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. STARK, Mr. CALVERT, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia):

H.R. 3054. A bill to establish a program to assist Sudanese refugees in the United States known as the "Lost Boys and Lost Girls of Sudan" to voluntarily return to southern Sudan to assist in reconstruction efforts in southern Sudan; to the Committee on Foreign Affairs.

By Mr. YARMUTH (for himself and Mr. PLATTS):

H.R. 3055. A bill to amend the Elementary and Secondary Education Act of 1965 to provide expanded resources, technical assistance, reasonable accountability, and professional development to eligible entities implementing Even Start programs; to the Committee on Education and Labor.

By Mr. ACKERMAN (for himself, Mr. PENCE, Mr. LANTOS, Mr. ISSA, and Mr. BOUSTANY):

H. Res. 548. A resolution expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS:

H. Res. 549. A resolution recognizing the importance of America's Waterway Watch program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HONDA (for himself and Mr. PAYNE):

H. Res. 550. A resolution congratulating the people of Ethiopia on the second millennium of Ethiopia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JEFFERSON (for himself, Mr. WAXMAN, Mr. CLYBURN, Ms. KILPATRICK, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Mr. BACA, Mr. NADLER, Mr. LEWIS of Georgia, Mr. CLAY, Mr. ELLISON, Mr. WATT, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. RUSH, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. ENGEL, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. REYES, Mr. HONDA, Mr. SIRES, Mr. ANDREWS, Mr. FILNER, Mr. RANGEL, Mr. MEEKS of New York, Mr. TOWNS, Ms. WOOLSEY, Mr. BAIRD, Mr. CUELLAR, Mr. MEEK of Florida, Mr. GONZALEZ, Ms. CLARKE, Mr. RYAN of Ohio, Ms. VELÁZQUEZ, Mr. MELANCON, and Mr. MCCRERY):

H. Res. 551. A resolution acknowledging the progress made and yet to be made to rebuild the Gulf Coast region after Hurricanes Katrina and Rita; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SMITH of Washington, Mr. GARRETT of New Jersey, Mr. TIBERI, and Mr. MILLER of North Carolina.

H.R. 178: Mr. KUCINICH.

H.R. 180: Mr. TIERNEY.

H.R. 346: Mr. MCCOTTER, Mr. ENGLISH of Pennsylvania, Mr. JINDAL, and Mr. CANNON.

H.R. 418: Mr. GONZALEZ, Ms. BERKLEY, and Mr. ENGLISH of Pennsylvania.

H.R. 657: Mrs. CHRISTENSEN, Mr. CARNEY, Ms. CARSON, Mr. ENGLISH of Pennsylvania, and Mr. PAUL.

H.R. 687: Mr. FATTAH and Mr. MILLER of North Carolina.

H.R. 690: Ms. WOOLSEY.

H.R. 695: Mr. COSTELLO, Mr. LANGEVIN, Mr. WEINER, Mr. BERMAN, Ms. CLARKE, and Ms. MATSUI.

H.R. 725: Mr. TERRY.

H.R. 734: Mr. MAHONEY of Florida.

H.R. 760: Mr. ROYCE, MR. BERMAN, and Mr. WALZ of Minnesota.

H.R. 784: Mr. UDALL of New Mexico and Mr. KELLER of Florida.

H.R. 826: Mr. GOODLATTE.

H.R. 840: Mr. UDALL of New Mexico, Mr. CAPUANO, and Ms. ESHOO.

H.R. 861: Ms. FOXX.

H.R. 864: Mr. BOUCHER and Mr. VAN HOLLEN.

H.R. 962: Mr. VAN HOLLEN.

H.R. 1029: Mr. GINGREY and Mrs. BOYDA of Kansas.

H.R. 1038: Mr. CLAY.

H.R. 1043: Mr. MCDERMOTT.

H.R. 1076: Mr. FATTAH.

H.R. 1125: Mr. COHEN, Ms. KAPTUR, Mr. HALL of New York, Mr. CUMMINGS, MR. MICHAUD, and Mr. GONZALEZ.

H.R. 1228: Ms. MCCOLLUM of Minnesota.

H.R. 1275: Mrs. MCCARTHY of New York.

H.R. 1320: Mr. COURTNEY.

H.R. 1330: Mr. KANJORSKI.

H.R. 1346: Mr. WYNN.

H.R. 1357: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SAXTON, Mrs. DRAKE, and Mr. GINGREY.

H.R. 1376: Mr. ENGLISH of Pennsylvania and Mr. MCNULTY.

H.R. 1384: Mr. HUNTER, Ms. MATSUI, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mrs. TAUSCHER, Ms. WATSON, and Mr. WAXMAN.

H.R. 1399: Ms. FOXX and Mr. TIAHRT.

H.R. 1400: Mr. LOEBSACK.

H.R. 1415: Mr. LEWIS of Georgia.

H.R. 1416: Mr. LEWIS of Georgia and Mr. WAXMAN.

H.R. 1418: Mr. MCNULTY.

H.R. 1422: Mr. CALVERT and Mr. WEXLER.

H.R. 1464: Mr. MCHUGH.

H.R. 1466: Mrs. MCMORRIS RODGERS.

H.R. 1497: Mr. KUCINICH.

H.R. 1509: Mr. NUNES.

H.R. 1514: Ms. CLARKE.

H.R. 1553: Mr. FRANK of Massachusetts.

H.R. 1590: Ms. CLARKE.

H.R. 1632: Mr. SPACE, Mr. WILSON of Ohio, and Mr. BRADY of Pennsylvania.

H.R. 1713: Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. MARKEY, Mrs. CHRISTENSEN, Ms. MATSUI, Mr. MEEKS of New York, Mrs. TAUSCHER, and Mr. LEWIS of Georgia.

H.R. 1732: Mr. RUPPERSBERGER.

H.R. 1740: Mr. CAPUANO and Ms. MATSUI.

H.R. 1818: Mr. PAUL, Mr. GONZALEZ, and Mr. RADANOVICH.

H.R. 1964: Mr. CARNAHAN.

H.R. 2003: Mr. JEFFERSON.

H.R. 2005: Mr. YOUNG of Alaska.

H.R. 2027: Mr. PAUL.

H.R. 2050: Mr. GENE GREEN of Texas.

H.R. 2066: Mr. MARSHALL.

H.R. 2164: Mr. COHEN and Ms. DELAURO.

H.R. 2205: Mr. MCDERMOTT.

H.R. 2216: Mr. RUSH and Mr. GRIJALVA.

H.R. 2217: Mr. RUSH and Mr. GRIJALVA.

H.R. 2265: Mr. CROWLEY and Mr. MCDERMOTT.

H.R. 2266: Mr. OBERSTAR.

H.R. 2295: Mr. GEORGE MILLER of California, Mr. PUTNAM, and Mr. MORAN of Virginia.

H.R. 2303: Mr. BISHOP of Georgia.

H.R. 2325: Mrs. MCMORRIS RODGERS.

H.R. 2342: Mr. MCNERNEY.

H.R. 2364: Mr. KUCINICH.

H.R. 2464: Mr. CARNAHAN and Mr. HINCHEY.

H.R. 2478: Mr. LEVIN.

H.R. 2495: Mr. SPRATT and Mr. GORDON.

H.R. 2566: Mr. ABERCROMBIE.

H.R. 2585: Mr. BOUSTANY.

H.R. 2587: Mrs. BLACKBURN.

H.R. 2593: Mr. PASTOR.

H.R. 2596: Mr. BOUCHER, Mr. ROTHMAN, and Mr. WEINER.

H.R. 2606: Ms. SCHAKOWSKY and Mr. BOUCHER.

H.R. 2630: Mr. KIND.

H.R. 2668: Mr. HASTINGS of Florida.

H.R. 2733: Mr. KIND.

H.R. 2750: Mr. WOLF.

H.R. 2757: Mr. KIND.

H.R. 2758: Mr. SCHIFF, and Mr. CUMMINGS.

H.R. 2778: Mr. RANGEL.

H.R. 2818: Mr. WYNN, Mr. DAVID DAVIS of Tennessee, and Mr. BISHOP of Georgia.

H.R. 2832: Mr. WYNN.

H.R. 2840: Mr. GUTIERREZ, and Mr. BISHOP of Georgia.

H.R. 2865: Mr. NADLER.

H.R. 2870: Ms. WATERS, and Mr. VAN HOLLEN.

H.R. 2892: Mrs. GILLIBRAND, and Mr. ISRAEL.

H.R. 2902: Mr. MICHAUD.

H.R. 2903: Mr. MORAN of Virginia.

H.R. 2929: Mr. NADLER, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. MILLER of North Carolina, Ms. CORRINE BROWN of Florida, Ms. ROYBAL-ALLARD, Ms. HARMAN, Ms. SOLIS, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. PAYNE, Mr. WATT, Mr. YARMUTH, Mrs. GILLIBRAND, Ms. VELÁZQUEZ, Mr. SCOTT of Georgia, and Mr. JOHNSON of Georgia.

H.R. 2933: Mr. SOUDER.

H.R. 2934: Mr. PAUL, Mr. WALBERG, and Mr. BARROW.

H.R. 2941: Mr. SPACE.

H.R. 2954: Mr. WAMP and Ms. FOXX.

H.R. 2966: Mr. LANTOS.

H.R. 3005: Mr. BOOZMAN.

H.R. 3008: Mr. CUELLAR and Mrs. CHRISTENSEN.

H.R. 3029: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 28: Mr. DAVID DAVIS of Tennessee, Mr. CONAWAY, Mr. PAUL, Mr. LAHOOD, Mr. HENSARLING, Mr. TIBERI, Mrs. JO ANN DAVIS of Virginia, Mr. FORTUÑO, Mr. SHIMKUS, Mr. KIND, and Mr. CARTER.

H. Con. Res. 49: Mrs. CHRISTENSEN, Mr. SALAZAR, Mr. WOLF, Mr. CONAWAY, and Mr. LAHOOD.

H. Con. Res. 75: Mr. NADLER, Mr. MCGOVERN, Mr. WOLF, Mr. WEXLER, and Mr. MOORE of Kansas.

H. Con. Res. 108: Ms. CLARKE.

H. Con. Res. 176: Mr. LAHOOD and Mr. LAMBORN.

H. Res. 111: Mr. SHULER, Mr. CROWLEY, Mr. BISHOP of New York, Mr. CONAWAY, Mr. CARDOZA, and Mr. FILNER.

H. Res. 121: Mr. FORTUÑO, Ms. WASSERMAN SCHULTZ, Mr. DOGGETT, and Mr. PETERSON of Minnesota.

H. Res. 123: Mr. SHAYS.

H. Res. 143: Mr. HINCHEY and Mr. SKELTON.

H. Res. 146: Mr. CONYERS and Mr. NADLER.

H. Res. 345: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 351: Mr. SESSIONS.

H. Res. 356: Mr. KIRK.

H. Res. 407: Mr. PALLONE and Mr. MCGOVERN.

H. Res. 417: Mr. WYNN.

H. Res. 443: Mr. WELCH of Vermont, Ms. MATSUI, Mr. HASTINGS of Florida, Ms. CASTOR, Mr. ARCURI, and Ms. SLAUGHTER.

H. Res. 457: Mr. MILLER of North Carolina.

H. Res. 487: Mr. SCOTT of Virginia.

H. Res. 499: Mrs. BOYDA of Kansas, Mr. JONES of North Carolina, Mr. BOOZMAN, Mrs. ALTMIRE, Mr. PICKERING, and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 529: Mrs. GILLIBRAND, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. JOHNSON of Georgia.

H. Res. 535: Mr. STUPAK, Mr. STARK, and Mr. GONZALEZ.

H. Res. 541: Mrs. GILLIBRAND, Mr. JONES of North Carolina, Mr. HUNTER, Mr. BILBRAY, Mr. SESSIONS, Mr. MCKEON, Mr. PUTNAM, Mr. KING of Iowa, Mr. YOUNG of Alaska, Mr. FERGUSON, Mr. MCHENRY, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. GILLMOR, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. MCCOTTER, Mr. HULSHOF, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mr. REICHERT, Mr. GRAVES, Mr. PITTS, Mrs. BLACKBURN, Mr. SHUSTER, Mr. WALBERG, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mrs. BACHMANN, Mr. LATHAM, Mr. CULBERSON, and Mr. MANZULLO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2641

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the South Carolina HBCU Science and Technology initiative (SC).

H.R. 2641

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 36: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Environmental Science Center, University of Dubuque, IA.

H.R. 2641

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 37: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Emmanuel College Center for Science Partnership, MA.

H.R. 2641

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 38: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Roosevelt University Biology Laboratory Equipment (IL).

H.R. 2641

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 39: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Nanosys, Inc.

H.R. 3043

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available by this Act for the Low-Income Home Energy Assistance Program may be used while there continues in effect a Federal prohibition on the exploration, leasing, development, or production of oil or natural gas in the Arctic National Wildlife Refuge or the Outer Continental Shelf.

H.R. 3043

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. ___. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 3043

OFFERED BY: MR. GINGREY

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangments between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

H.R. 3043

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following new section:

SEC. ___. Appropriations made in this Act are hereby reduced in the amount of $1,517,480,000.

H.R. 3043

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 5: Strike section 111.

H.R. 3043

OFFERED BY: MR. JORDAN OF OHIO

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 4.6 percent.

EXTENSIONS OF REMARKS

NICHOLAS DAVID FUSTON FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicholas David Fuston, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and by earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many Scout activities. Over the years Nicholas has been involved in Scouting, he has earned 31 merit badges and held numerous leadership positions, serving as Patrol Leader, Den Chief, Quartermaster, Librarian, Troop Guide and Senior Patrol Leader. Nicholas is also a Brotherhood Member in the Order of the Arrow and a Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Nicholas planned and supervised the reconstruction and enlargement of a shelter by a pond at the Martha Lafite Thompson Nature Sanctuary in Liberty, Missouri. Nicholas has also attended the National High Adventures Camp, and has earned the 12 Month Camper Award and the 100 Nights Camper Award.

Madam Speaker, I proudly ask you to join me in commending Nicholas David Fuston for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

STATEMENT HONORING THE LIFE OF CLAUDIA TAYLOR "LADY BIRD" JOHNSON

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. AL GREEN of Texas. Madam Speaker, I rise to commemorate the life and outstanding works of Claudia Taylor "Lady Bird" Johnson, the former First Lady of the United States.

Lady Bird Johnson was born on December 22, 1912, to Thomas Jefferson Taylor and Minnie Lee Patillo. As a child, Lady Bird was a tremendous student who expressed great love for classical literature before going on to earn degrees in art and journalism from the University of Texas in 1933 and 1934. She married Lyndon Baines Johnson on November 17, 1934.

When Lyndon Johnson became the 36th President of the United States, Lady Bird showed groundbreaking leadership in developing new opportunities for our First Ladies. Lady Bird conceptualized and secured congressional support for the Highway Beautification Act, which President Johnson signed into law on October 22, 1965. This important piece of legislation ordered the removal of certain junkyards and overly intrusive advertising along our nation's highways. She also championed the creation and strengthening of the Head Start program, which has helped ensure that all children have access to vital early-childhood education, regardless of their parents' income.

After her time as First Lady, Lady Bird continued to show leadership in the causes dear to her, especially the preservation of our wildlife. In 1970, she published her diaries of her time as First Lady, White House Diary, which detailed her pioneering accomplishments and inspired young women across the country. In 1982, Lady Bird founded the National Wildflower Research Center, which works to expand the sustainable use and conservation of wildflowers and plants. She also served as National Geographic Society trustee emeritus and Kennedy Center Honorary Chair.

As a result of her numerous good works, Lady Bird Johnson earned the Presidential Medal of Freedom in 1977 and the Congressional Gold Medal in 1988. These honors were well deserved and serve as testament to the exemplary life of Lady Bird Johnson.

Mrs. Johnson's passage yesterday is a tremendous loss for the Johnson family and for our country. It is with great sadness that I pass on my condolences to Lady Bird Johnson's family and friends, but with great pride that I honor her incredible life and accomplishments.

TRIBUTE TO NEW BERLIN, NEW YORK CELEBRATING ITS 200TH ANNIVERSARY

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. ARCURI. Madam Speaker, I rise today in recognition of the town of New Berlin in my congressional district in upstate New York. This year, New Berlin is celebrating the 200th anniversary of its founding.

New Berlin has planned a series of events to celebrate its bicentennial, including concerts, parades and reenactments. A folk painting by Jim Parker, which recreates the town's map from 1870, will be unveiled on July 21st.

A community of over 2,800 residents, New Berlin is located on the Unadilla River in Chenango County. There are five hamlets in the town: the Village of New Berlin, South New Berlin, Holmesville, Amblerville and Chenango Lake.

New Berlin enjoys a rich history. The first settler, Daniel Scribner, arrived in 1790, and the town was partitioned from Norwich in 1807. New Berlin is home to Preferred Manor, which was built in 1831 and served as a stop on the Underground Railroad. Now listed on the National Register of Historic Places, Preferred Manor features one of only two indoor weather vanes in existence. The town has also produced some very accomplished individuals. Anson Burlingame, born in New Berlin, was a Member of Congress from Massachusetts from 1855–1861. He later was an Ambassador and negotiated the treaty between the United States and China. Henry Bennett, another New Berlin native, served in Congress from 1849–1859.

Madam Speaker, I am honored to represent such a historic community still thriving in the twenty-first century. Please join me in congratulating New Berlin on their exciting bicentennial celebration.

JOEL STERLING HUMBLE FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joel Sterling Humble, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and by earning the most prestigious award of Eagle Scout.

Joel has been very active with his troop, participating in many scout activities. Over the years Joel has been involved in scouting, he has earned 39 merit badges and held numerous leadership positions, serving as Assistant Senior Patrol Leader, Patrol Leader, Librarian and Scribe.

For his Eagle Scout project, Joel cleared a ¼-mile long fence of overgrown brush and debris at the Blue Springs Cemetery. Joel has earned the highest award offered in the Cubs scout program, the Arrow of Light Award in April 2002.

Madam Speaker, I proudly ask you to join me in commending Joel Sterling Humble for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. ABERCROMBIE. Madam Speaker, I regret that I had to return to my district early and missed rollcall vote no. 584 through vote no. 606. Had I been present, I would have voted

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"yea" on rollcall vote 584, 596, and 606. I would have voted "no" on rollcall vote 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 597, 598, 600, 601, 602, 603, 604, and 605.

DIRK PAUL HUDSON FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dirk Paul Hudson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and by earning the most prestigious award of Eagle Scout.

Dirk has been very active with his troop, participating in many scout activities. Over the years Dirk has been involved in scouting, he has earned 40 merit badges and held numerous leadership positions, serving as Senior Patrol Leader, Patrol Leader, and Scribe. Dirk is also a member of the Tribe of Mic-O-Say.

For his Eagle Scout project, Dirk constructed a 270-foot walking trail at Green Hills of Platte Wildlife Preserve. His project consisted of preparing the ground for the trail, pruning trees, removing brush, spreading mulch, and lining the trail with rocks.

Madam Speaker, I proudly ask you to join me in commending Dirk Paul Hudson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO RICHARD "DICK" SMITH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Ms. NORTON. Madam Speaker, today I recognize the achievements of one of my constituents, Richard "Dick" Smith, who has generously contributed to the preservation and continuance of jazz music and culture. With deepest honor, I am proud to present this tribute to Mr. Smith, a contributor of our American culture.

For the past 8 years, Mr. Smith has diligently worked as music coordinator for Jazz Night located at a Southwest Washington church. The mission of Jazz Night is to present, preserve, document, and perpetuate the original art form of jazz as it has been practiced for over 75 years. Jazz Night provides a venue for local jazz legends and contemporary musicians throughout the D.C. Metropolitan area to perform for people of all ages, experiences and backgrounds.

Mr. Smith dedicates his life to jazz, and his involvement and participation in such programs as Jazz Night reflects his sincerity and devotion to his cause. In collaboration with Jazz Night Mr. Smith works to provide outreach by presenting jazz musicians and hosting jazz performances in community centers, senior citizen facilities and nursing homes. Music education is also provided for young people through a program designed to develop and nurture emerging musicians. This program serves often neglected sectors of our community by supporting and developing the youth. By doing this Mr. Smith hopes to erase as much of the negativity and violence that threatens many communities.

Furthermore, Mr. Smith wishes to bridge the gap between the youth and the jazz tradition by recognizing the youth as a vital part of our jazz community, and by exposing them to music other than hip hop which often saturates their environment.

Mr. Smith has tirelessly and unselfishly devoted his life to the conservation of jazz. He is one of the founding members of Lettum Play, an organization formed in the 1950s that gave musicians a venue to perform. Mr. Smith serves as a mentor to many emerging musicians in the Washington area. Without the incessant efforts of Mr. Smith, DC jazz as we know it would cease to exist.

In addition to being a vocalist, the former Washington Redskin is truly a legend in the D.C. area. His mission, to ensure that the history of jazz in Washington, DC is preserved for generations to come, is commendable. As a performer, Mr. Smith has had the privilege to perform with such greats as Shirley Murdock, and notable jazz musicians like the late Keter Betts, Buck Hill and the late Ronnie Wells. For more than 5 years, Mr. Smith was a featured male vocalist for the East Coast Jazz Festival.

Mr. Smith has spent years enriching the cultural and musical life of District residents. I am pleased to join the Washington area in recognizing Mr. Smith's service and contributions to our community as he celebrates his recent birthday.

COMMEMORATING SAFRAN DRIVE IN THE CITY OF GRAND PRAIRIE, TEXAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. MARCHANT. Madam Speaker, I rise today to express my gratitude to the contributions of the companies of the Safran Group and to commemorate the naming of Safran Drive in Grand Prairie, Texas.

The Safran Group companies of Turbomeca USA, Microturbo Inc. and Sagem Avionics have played a substantial role in providing resources, jobs and business growth in Grand Prairie and have shown tremendous commitment to the community. All three companies show strong growth potential and together they already employ more than 500 people from the surrounding area. Once named, Safran Drive will adjoin these companies' headquarters and will facilitate the sharing of resources and personnel.

Turbomeca USA has grown from a small, five-man operation in 1980 to a corporation that now employs more than 400 highly trained and dedicated people. It offers a wide range of overhaul and repair services for helicopter engines, modules and accessories and serves single aircraft operators and fleets of more than 100 aircrafts. Turbomeca has proudly provided the engines that power the U.S. Coast Guard HH-65 Search and Rescue Helicopter fleet and that of the U.S. Army Light Utility Helicopter fleet.

Microturbo Inc. has also supported our armed services, shipping more than 1,000 turbojet engines to the U.S. Army and Air Force for their aerial targets programs. It also maintains, repairs and overhauls the gas turbine starting system installed in the U.S. Navy's T45 Hawk trainer aircraft and the Canadian Forces Hawk 100 NATO aircraft.

Sagem Avionics supplements the products and services of Turbomeca and Microturbo, especially in the commercial sector as it provides technical support, MRO services and marketing and sales of commercial aerospace products. Sagem will soon be headquartered adjacent to the other two Safran Group companies on Safran Drive, creating a powerful hub of aircraft resources and greatly supporting the people of Grand Prairie with its expanding workforce.

Madam Speaker, it is with great pride that I honor and recognize these three great companies in my district for the economic opportunities that they create and the outstanding community presence they provide. I am privileged to commemorate Safran Drive as a symbol of the great things to come from these esteemed corporations.

ERIC EDWARD ADAMS FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Edward Adams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and by earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many scout activities. Over the years Eric has been involved in scouting, he has earned 34 merit badges and held numerous leadership positions, serving as Patrol Leader, Assistant Patrol Leader, Scribe, Quartermaster and Assistant Senior Patrol Leader. Eric is also an Ordeal Member in the Order of the Arrow and a Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Eric planned and supervised the construction of a 24-foot handicap accessible walking bridge over a ditch at the earnest Shepherd Youth Center in Liberty, Missouri. Erik has also attended three National High Adventures Camps, and has earned the 12 Month Camper Award and the 100 Nights Camper Award.

Madam Speaker, I proudly ask you to join me in commending Eric Edward Adams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO PATTI WINKLER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. DOOLITTLE. Madam Speaker, I would like to take a moment to pay tribute to a remarkable woman, whom I have known for over 30 years. On July 20, 2007, Patti Winkler will retire after 34 years working for See's Candies.

Patti Winkler was born in Canada and moved to the United States as a child. She lived with her mother, father, brothers and sisters in South Sacramento, CA, until the late eighties when the family moved to Roseville. Today, Patti still lives in Roseville and shares her home with her mother, Rita, her two sisters Maxine and Mary Jane, her nephew Robbie, and five dogs. Patti enjoys visiting her family cabin in Cascade Shores, where she and her sisters spend time boating in Scott's Flat Lake, pulling the children behind on tubes, and then returning to the cabin at the end of the day to play card games.

In her life, Patti's family has always come first. She takes great pleasure in accompanying her mother to play bingo, helping her nephew through college, and cooking one of her famous BLT sandwiches for anyone in the family. Her loving and generous spirit is particularly evident during the Christmas season, as she cooks for her family and brings cookies and toffee in for her coworkers.

As a frequent customer, I always look forward to seeing Patti when I visit the See's Candies store in Roseville. Patti began working for See's in November 1973 at the Arden Fair Mall. Both her mother and sister Janie also worked for See's. On September 29, 1988, she opened the See's store in Roseville, which she managed until 2003. Patti knows the workings of the shop better than anyone else, and is special not only to the store's customers, but also to the people she works with, who truly cherish Patti's friendship. She makes the shop warm and inviting to anyone who works there and goes out of her way to make everyone feel like part of the team. While her family will benefit from spending more time with Patti in her retirement, her coworkers and customers are truly sad to see her go.

During her retirement, Patti is looking forward to splitting her time between her home in Roseville and their cabin in Cascade Shores. She also plans to continue traveling, as she enjoys taking cruises with her family to Alaska, Mexico, the Caribbean, and through the east coast. I join everyone who knows Patti in wishing her many happy moments in retirement, and thanking her for the joy she brings to everyone she knows.

STATEMENT UPON THE INTRODUCTION OF THE "SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PROTECTION ACT OF 2007"

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. MCNULTY. Madam Speaker, I rise today to introduce the "Social Security Number Privacy and Identity Theft Protection Act of 2007." As Chairman of the Subcommittee on Social Security, I am proud to introduce this bipartisan bill along with my chief cosponsor, the Ranking Member of the subcommittee, SAM JOHNSON. We are also joined by Members of the Committee on Ways and Means, which has jurisdiction over the Social Security number (SSN). This bill is modeled after legislation sponsored in prior Congresses by our friends and former colleagues Congressman CLAY SHAW, and the late Congressman Bob Matsui, who were our predecessors on the subcommittee.

The bill is the subcommittee's response to the growing problem of identity theft. Our subcommittee has held 16 hearings on identity theft and the misuse of Social Security numbers since 2000. Numerous experts have testified that identity theft is greatly facilitated by the easy availability of SSNs in public and private sector records and because of the rampant use of the number as an individual identifier. Once obtained, criminals use the SSN to impersonate their victims or unlock access to their good credit histories to open new accounts.

Identity theft is one of the fastest-growing crimes in the United States. Research by the Federal Trade Commission (FTC) in 2003 found that almost 5 percent of the adult population of the U.S.—some ten million people—were victims of some kind of identity theft in just a single 12-month period. A more recent private sector survey estimated the number of victims at 15 million in the 12 months prior to August 2006.

Identity theft ruins individuals' good names and destroys their credit ratings. Identity thieves have stolen the homes of elderly retirees, and have caused innocent persons to be arrested when crimes are committed under a falsified identity. It has even ruined the future credit ratings of young children.

The FTC reports that individuals spend $5 billion a year attempting to recover their good names and credit histories. Annual surveys find that businesses lose more than $50 billion per year to identity theft-related fraud. Victims often spend years recovering from the damage done by such thieves.

The Social Security Administration (SSA) and its Inspector General have worked diligently to increase the integrity and security of the Social Security number, and the procedures used in issuing numbers and cards. But despite its value as a key facilitator of identity theft crimes, SSA has essentially no control over how the Social Security number is used by other governmental agencies or the private sector. The SSN was originally created for SSA's use in the administration of the Social Security programs. Its use has grown, piecemeal, by the federal government as a result of regulation or legislation, wherever a unique identifier was needed for official government purposes. However, no law of general applicability explicitly allows or specifically requires the private sector to collect, sell, or use the SSN to the extent that it is done so today. Although the Social Security Act requires government entities to protect the confidentiality of the SSN, no law exists that generally protects the privacy of the SSN in the private sector.

The Government Accountability Office (GAO) and other law enforcement experts have testified before the subcommittee that the current patchwork of laws that regulate how businesses and government agencies use and disclose personally identifiable information in their records leaves large gaps in protection for the SSN. While financial services and consumer reporting agencies are subject to some regulation controlling how and when they may disclose SSNs to third parties, there are limitations in these protections. Moreover, other industries remain completely free to buy and sell personal information about individuals with whom they have no business relationship. Sophisticated identity thieves have taken advantage of the gaps in protection and have been able to pose as users of personal information for purportedly legitimate purposes, gaining access to hundreds of thousands of SSNs sold by information brokers. Stalkers are also able to capitalize on the lack of protection for Social Security numbers and use them to locate and track their targets.

For these reasons, the legislation we introduce today will restrict the ability of government agencies, private businesses and others to sell, purchase or publicly display Social Security numbers. In recognition that a general prohibition may disrupt legitimate government uses and business practices that rely on the SSN, certain exceptions are made for law enforcement purposes, national security, public health, where the health or safety of an individual is at risk in an emergency situation, to ensure the accuracy of credit and insurance underwriting information and certain other Fair Credit Reporting Act purposes, for tax compliance purposes, if incidental to the sale or merger of a business, to administer employee or government benefits, for limited research purposes, with the individual's affirmative and written consent, and to the extent authorized by the Social Security Act. Further exceptions may be made for other purposes by regulation. Among other new requirements, the bill also restricts the display of SSNs on the Internet, on government documents and identification cards and tags. The bill's provisions will be enforceable by civil and criminal penalties imposed by federal agencies or state attorneys general; and by a limited ability of citizens to stop a federal agency's lack of compliance and recover actual damages through federal court action.

Madam Speaker, it is my expectation that this legislation will give us more control over how the SSN is used, in order to better protect the SSN from identity thieves and other criminals. I am proud to sponsor this bill and to join my colleagues as we move this legislation forward.

A summary of the bill follows.

Provisions Related to Social Security Numbers (SSNs) in the Public and Private Sectors

Federal, State, and local governments would be prohibited from:

Selling SSNs (limited exceptions would be allowed, such as to facilitate law enforcement and national security, to ensure the accuracy of credit and insurance underwriting information and certain other Fair Credit Reporting Act purposes, for tax purposes, for research purposes, and to the extent authorized by the Social Security Act). Further exceptions may be made for other purposes by regulation.

Displaying SSNs to the general public, including on the Internet.

Displaying SSNs on checks issued for payment and accompanying documents.

Displaying SSNs on identification cards and tags issued to employees or their families; patients and students at public institutions; and Medicare cards.

Employing prisoners in jobs that provide them with access to SSNs.

Requiring the transmission of SSNs over the Internet without encryption or other security measures.

The private sector would be prohibited from:

Selling or purchasing SSNs (limited exceptions would be made for law enforcement (including child support enforcement); national security; public health; health or safety emergency situations; tax purposes; to ensure the accuracy of credit and insurance underwriting information and certain other Fair Credit Reporting Act purposes; if incidental to the sale, lease or merger of a business; to administer employee or government benefits; for some research; or with the individual's affirmative, written consent). Further exceptions may be made for other purposes by regulation.

Displaying SSNs to the general public, including on the Internet.

Displaying SSNs on checks.

Requiring the transmission of SSNs over the Internet without encryption or other security measures.

Making unnecessary disclosures of another individual's SSN to government agencies.

Displaying the SSN on cards or tags issued to employees, their family members, or other individuals.

Displaying the SSN on cards or tags issued to access goods, services, or benefits.

Public and private sectors would be required to safeguard SSNs they have in their possession from unauthorized access by employees or others.

Sale, purchase, or display of SSNs in the public or private sector would be permitted by regulation in other circumstances, when appropriate. In making this determination, regulators would consider whether the authorization would serve a compelling public interest and would consider the costs and burdens to the public, government, and businesses. If sale, purchase, or display were to be authorized, the regulation would provide for restrictions to prevent identity theft, fraud, deception, crime, and risk of bodily, emotional, or financial harm.

A person would be prohibited from obtaining another person's SSN to locate or identify the individual with the intent to harass, harm, physically injure or use the individual's identity for an illegal purpose.

Would specify that, wherever a truncated SSN is used, it must be limited to the last 4 digits of the number. (This truncation standard does not change the permissible uses of the SSN.)

State law governing use of SSNs would not be preempted where state law is stronger.

The National Research Council would be required to conduct a study to evaluate the feasibility of banning the use of the SSN as an authenticator.

ENFORCEMENT

New criminal penalties (up to 5 years imprisonment and fine up to $250,000) and civil penalties (up to $5,000 per incident) would be created for violations of the law relating to the display, sale, purchase, or misuse of the SSN, offering to acquire an additional SSN for a fee, and for selling or transferring one's own SSN.

Prison sentences would be enhanced for SSN misuse associated with repeat offenders (up to 10 years), drug trafficking or crimes of violence (up to 20 years), or terrorism (up to 25 years).

New criminal penalties (as much as 20 years in prison and fine up to $250,000) and civil penalties (up to $5,000 per incident) would be created for Social Security Administration employees who fraudulently sell or transfer SSNs or Social Security cards.

The bill permits enforcement by the Social Security Administration (which would have civil monetary penalty authority); the Department of Justice (which enforces criminal violations of federal law); and state attorneys general (who would be granted civil enforcement authority over private-sector users and state and local government). In addition, individual victims affected by violations of this bill by federal agencies would be provided with limited legal recourse to stop an agency's violation and recover any actual damages they may have suffered.

HONORING THE CREATIVE ACHIEVEMENTS OF LAURA ELISABETH ULRICH

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to celebrate Laura Elisabeth Ulrich, a senior at Louisiana Tech University in Ruston, LA, who at the young age of 19 was invited to participate in the prestigious Rome Festival Opera. The festival was held in Rome from June 28 though July 13, 2007.

Ulrich was selected to be the understudy for the role of Cherubino in Marriage of Figaro, an opera that is performed in Italian. One of only 10 Americans selected to perform, Ulrich does not speak Italian fluently; however, she demonstrated the level of talent, skill and experience required by the festival's performers.

A student of voice under Dr. Laura Thompson at Louisiana Tech, Ulrich has certainly made a name for herself in North Louisiana, but I believe her experience in Rome foreshadows a career that will include honor and recognition on the global scale.

Madam Speaker, I ask my colleagues to join me in honoring Laura Elisabeth Ulrich whose natural abilities and dedication to her art will surely transform her into one of our Nation's finest vocal performers.

TERI ZENNER—SOCIAL WORKER KILLED IN PUBLIC SERVICE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. POE. Madam Speaker, I would like to tell you about the silent war of crime on the social worker community of America.

Teri Zenner loved being a social worker. In August 2004, Teri went to check on a routine visit to a mentally unstable client, to make sure that he was taking his medication. When she went into the client's home, he accosted her with a knife and ordered her up into his bedroom, holding her hostage.

What his intentions for Teri were are not known. He never got the chance to act on them. He lived with his mother and she came home early from work that day. His mother heard Teri's cries from the lower level of the house and went to investigate.

Opening the door to her son's bedroom, the mother saw Teri being held hostage by her son. Teri, seeing her one opportunity to escape, ran for the door. As she tried to free herself, her captor stabbed her in the throat. She continued her desperate run for freedom, but her attacker gave chase and continued to stab her over and over. He then went up to his bedroom, where he had a chainsaw, and continued his assault on Teri with it. Teri Zenner was 26 years old. She died because she was trying to make sure that her attacker had been taking care of himself.

I have met Teri's husband, Matt, a wonderful man—he too is a victim of his wife's homicide.

I would like to thank Congressman DENNIS MOORE, KS, for bringing this homicide to the attention of Congress. The issue of social worker safety has become vitally important in the United States. They are literally on the front lines of social violence in our country.

Social workers are required to respond to homes to evaluate claims of child abuse and neglect. Many of these situations require that the workers remove the children from the home, a solution that angers the accused parents. These types of situations leave social workers vulnerable to escalating situations and threats of violence, without the training or resources necessary to protect themselves.

As the saying goes, "No good deed goes unpunished." The good they do for our community is sometimes punished by people in the community. In 2005 and 2006, in Texas, there were several attacks on social workers. One of those attacks resulted in a social worker being murdered. According to Texas social workers, they are subjected to being "threatened, cursed at, chased by dogs, spit upon, and run out of houses by angry parents."

It has become essential for this Nation to protect those who work to protect our children, and others, in our society. For these reasons, Congressman DENNIS MOORE has introduced H.R. 2165—Teri Zenner Social Worker Safety Act, which I am an original cosponsor. This legislation will establish grants to provide social workers, domestic violence outreach staff, and other individuals who work with at-risk populations with workplace safety measures, equipment, and training.

These crimes affect all States and all districts throughout the Nation—and these individuals should not worry about their personal safety while striving to protect the most vulnerable victims—children.

Social workers are the second highest at-risk group of people in our society. The first are peace officers. Social workers deserve our protection.

Madam Speaker, we need to get to a place in our country where we no longer have the need to name laws after murder victims.

And that's just the way it is.

RECOGNIZING THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT EMPLOYEE LEARNING WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to acknowledge the American Society for Training & Development, ASTD, as one of the largest associations dedicated to workplace learning and performance professionals, and recognize their annual Employee Learning Week, that is to be held December 3rd through the 7th, 2007.

In 1944, ASTD began their first annual conference. ASTD has widened the profession's focus to connect learning and performance to individual and organizational results, and is considered a strong voice in the field of workplace development.

Members of ASTD come from more than 100 countries and connect locally in 136 U.S. chapters and 25 global networks. Members work in thousands of organizations of all sizes, in government, as independent consultants, and suppliers.

ASTD has a commitment to maintaining an edge in the highly skilled workforce that is critical to growing and sustaining a competitive advantage. To further these goals, ASTD has declared December 3rd through the 7th, 2007, as "Employee Learning Week" and designated time for organizations to recognize the strategic value of employee learning.

I applaud ASTD and its members for their commitment to developing the skills of employees and the workforce during Employee Learning Week, and I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

TRIBUTE TO JACK CARTER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor a true American hero, Jack Carter, who proudly served our country in both the Navy and the Army during both World War II and the Korean war. He then returned home to be a leader in Morgan County, Colorado.

Jack Carter was born in 1925 and joined the Navy in January of 1943, at the age of 17. One of Jack's first assignments was to the fleet Marine Corps as a medic. He made 3 beach landings before he was hit in the stomach with a 25 mm round during the infamous invasion of Guam on February 25, 1944. After 45 days of rest and recuperation he was reassigned to the aircraft carrier USS *Ranger*, where he remained until his discharge in November 1945.

Jack and his friend Murl Ring re-enlisted 3 years later, this time in the U.S. Army. The two friends managed to stay together and were assigned to the 34th Regiment of the 24th Infantry when the Korean war broke out. The two friends survived when most of the 34th was lost in battle, hiding for 3 days before being rescued. Both men were medics and they were involved in numerous firefights.

Jack received a long list of awards and honors for his incredible service, including the Silver Star, Purple Heart, and 2 Bronze Stars, one with a V for valor, and another for meritorious unit actions against an enemy. Jack was on active duty for 13 years altogether and spent 10 years in the National Guard.

Following his heroic service, Mr. Carter and his wife Dorothy moved to Brush, Colorado, in 1961 with their children Jerald, Paul, Jack and Carol. He has been married to his second wife Alyce for 43 years and they have a wonderful daughter Lauralyn. Four of Jack's 5 children served in the military; Jerold was an Army pilot who lost his life in Vietnam.

Jack worked at the Brush Hospital in both the lab and the x-ray department. Jack is well known in Morgan County for organizing the Morgan County Ambulance Service in 1967. He organized the meetings, trainings and helped establish bylaws and procedures. This volunteer system has been in place until fairly recently. Jack was honored as the Optimist Citizen of the Year in 1969 and later became the first Brush Optimist Club President.

Madam Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country whose citizens willingly volunteer to put themselves in harm's way to defend and protect our great Nation.

I am proud to honor Jack for his dedicated service to our Nation. Jack is a hero who left his home to defend our Nation, and then returned home to be a valued member of his community, showing his children and grandchildren how to live meaningful lives of service. Jack truly is the embodiment of all the values that have molded America into the great nation it is today. May God bless Jack and his family, may God bless our precious veterans, and may God bless America.

CELEBRATING BEECH SPRINGS BAPTIST CHURCH'S 100TH ANNIVERSARY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the 100th anniversary of Beech Springs Baptist Church, located in the quiet north Louisiana town of Quitman—which I am proud to call my home.

While the church building, which began as a humble one-room schoolhouse in 1907, has changed many times over the past century to accommodate the growing membership, the role of Beech Springs Baptist Church has always remained the same—to be a place where members of the community can go to worship and where all those who enter will find Christian love, fellowship and guidance. I have attended this church many times, and it is evident to me that God truly works through the people of Beech Springs Baptist Church.

Throughout its long history, Beech Springs Baptist Church has bonded together through its faith in Christ to persevere through local tragedies as well as difficult times in our nation's history such as the Great Depression and war. However, the church has also been a place of great celebration and joy. Countless Sunday morning worship services, baptisms, weddings and revivals have been held there, and I am confident that many more will take part over the next century.

Madam Speaker, I ask my colleagues to join me in honoring Beech Springs Baptist Church, which will celebrate this landmark anniversary on July 22, 2007, for its efforts to be a source of Christian love, strength, and comfort over the past 100 years and for its desire to continue serving Christ in the Quitman community.

BEHIND EVERY MAN, THERE'S A LADY BIRD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. POE. Madam Speaker, my grandmother influenced my life in so many ways and she educated me in the ways of the world more than anyone in my life, but to her dismay I broke from her staunchest southern belief—the Democratic Party. I don't know that she ever forgave me for being a Republican and during the 60s, in the heyday of LBJ, she was aghast that anyone could be anything else. Despite my political difference with President Lyndon Johnson, his contributions to Texas as President may only be surpassed by those of his First Lady. This week we said goodbye to one of the finest southern ladies politics and Texas has ever had the pleasure of knowing, Lady Bird Johnson.

My grandmother always said, "there is nothing more powerful than a woman—that has made up her mind!" There are no truer words; and none that describe our former First Lady better. Claudia Alta Taylor Johnson, known throughout the world simply as Lady Bird, not only changed the landscape of Texas highways, but paved the way for the next generation of women. She was the best example of the powerful role women of her generation played—second to my grandmother of course.

While Lady Bird will best be remembered for her love of the environment and the preservation of our natural resources, she was no wallflower in the business and political world either. She was her husband's staunchest supporter and was with him step-for-step throughout his entire career, but at the same time she also carved a path for herself in the business world by turning a debt-ridden Austin radio station into a multi-million dollar broadcast empire. Her resume reads like that of a modern-day Superwoman. Among her many achievements, she played a pivotal part in shaping legislation by lobbying and speaking before Congress in support of the Highway Beautification Bill, or better known as the "Lady Bird Bill." She oversaw every detail in the creation of the LBJ Presidential Library, which became the model for Presidential libraries today, and served faithfully, and often in awe of her colleagues, as a regent of her alma matter, the University of Texas.

Like my grandmother she came from a generation of women that were strong and influential. They possessed the grace of an angel, but wielded a heavy-hand in running their affairs—and those of their husbands' for that matter. Few women of their generation worked outside the home, but few men succeeded without the backing of them. Whether they devoted their time to their work or to their home, their influence undoubtedly changed the country we live in today. Texas Congressman Sam Rayburn, longtime friend of President Johnson and House Speaker, once told him, "marrying Lady Bird was the wisest decision he had ever made." Few people know that Lady Bird originally told LBJ "no," when he asked to marry her.

Every Spring folks will head up Highway 290 to see wildflowers; and every bluebonnet we see throughout the Texas Hill Country and every tree we plant here at home along Will Clayton Parkway is a tribute to Lady Bird and her determination to "Keep Texas Beautiful." Her legacy and influence will live on forever. I doubt that Texas, nor our country. will ever know a finer lady and patriot than we had in Lady Bird Johnson. As the saying goes, behind every good man, there stands a better woman. May God bless Lady Bird Johnson as she has blessed us.

And that's just the way it is.

CONGRATULATIONS TO ROBERT NICHOLSON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to congratulate Mr. Robert Nicholson of Alexandria, VA, on being awarded the Air Force Association's DW Steele Chapter "Teacher of the Year Award."

A teacher at Alexandria County Public Schools since 1984, Mr. Nicholson has taught earth sciences, oceanography and astronomy and is also the Earth Sciences Division coordinator at TC Williams High School.

Mr. Nicholson's creative approach to education allows him to teach a variety of classes using hands-on learning that captivates students while enriching their learning experience. Deputy Superintendent of Alexandria County Public Schools, Cathy David, praised Mr. Nicholson not only for his outstanding work in enhancing the science curriculum at TC Williams but also for mentoring fellow teachers, ensuring consistency and rigor in the science curriculum.

In addition to the courses he teaches Mr. Nicholson is planetarium director at TC Williams High School and is known to use his free time to give shows to students outside his astronomy classes and also gives informative and entertaining presentations to middle and elementary school students from Alexandria City Public Schools and area private schools. Fellow colleagues from all disciplines frequently ask Mr. Nicholson to present planetarium shows that relate to their specific content needs.

Mr. Nicholson is truly an asset to the students he inspires and the lives he shapes in the Eighth District of Virginia. I congratulate him on being awarded this great honor.

INTRODUCTION OF THE "SOCIAL SECURITY PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2007"

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, you know Americans are rightly worried about the security of their personal information, including their Social Security number. Practically a day doesn't go by when we don't read about or hear about another data breach in the private or public sector where hundreds if not thousands of people's personal identity information is stolen.

According to the Privacy Rights Clearinghouse, the total number of known records that have been compromised since January 2005 through last week was over 158 million.

The fact is that even though Social Security numbers were created to track earnings for determining eligibility and benefit amounts under Social Security, these numbers are widely used as personal identifiers. According to the Government Accountability Office, Social Security numbers have become the "identifier of choice" and are used for every day business transactions. In fact, in their April 2007 report, the President's Identity Theft Task Force identified the Social Security number as the "most valuable commodity for an identity thief."

These thieves are hard at work. According to the latest data provided by Federal Trade Commission, over a one year period nearly 10 million people, or about 5 percent of the adult population, discovered they were victims of identity theft. Even worse, the true number of victims of this devastating crime is unknown, since most victims do not report the crime.

Losses due to ID thefts have been estimated to exceed $50 billion annually. Victims spend roughly 300 million hours a year trying to re-establish their hard-earned credit and clearing their good name.

Even worse, identity theft continues to threaten our national security. As said in the 9/11 Commission Report, "Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

The Ways and Means Subcommittee on Social Security has been working on a bipartisan basis to protect the privacy of Social Security numbers and prevent identity theft since the 106th Congress when it first approved the Social Security Number Privacy and Identity Theft Prevention Act of 2000, to restrict the sale and public display of Social Security numbers. This legislation was introduced on a bipartisan basis by then Subcommittee Chairman Clay Shaw and then Ranking Member, the late Bob Matsui. Today, we continue that bipartisan effort to help stop the rampant use of Social Security numbers as I join the Chairman of the Ways and Means Subcommittee on Social Security, MIKE MCNULTY, to introduce the "Social Security Number Privacy and Identity Theft Prevention Act of 2007."

This bill achieves three critical goals. First, it would limit access to SSNs in the public and private sector by restricting their sale, purchase, and public display, including display on the Internet.

Second, the bill would protect individuals by prohibiting persons from obtaining SSNs to find a person with the intent to physically injure or harm them.

Finally the bill would enforce these restrictions through civil and criminal penalties for violations.

Providing for uses of Social Security numbers that benefit the public while protecting their privacy is a complex balancing act. This bill achieves that balance.

It is long past time for Congress to act to help stop the widespread use of Social Security numbers, help prevent ID theft, and further protect American's privacy. I urge all my colleagues to sponsor this important bipartisan legislation.

PAYING TRIBUTE TO PRIVATE FIRST CLASS JOSHUA S. MODGLING

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of PFC Joshua S. Modgling who died on Tuesday June 19, 2007, of injuries sustained in support of Operation Iraqi Freedom.

Private First Class Modgling had been in Iraq since May and was assigned to the 1st Battalion, 30th Infantry Regiment, 3rd Infantry Division, Fort Stewart, Georgia. PFC Modgling was killed while conducting missions out of Forward Operating Base Falcon when an improvised explosive device detonated near his vehicle in Muhammad al Ali, Iraq.

PFC Modgling was raised in Las Vegas Valley and attended Manch Elementary School and Silverado High School. During his youth, Joshua played Pop Warner football and set a record for the most sacks. Private First Class Modgling was a hero whose desire to serve his country will forever make an impact on his family, his community and his country. He joined the United States Army to serve his country in the Global War on Terror. He will not only be remembered for his sacrifice and willing service, but for the extraordinary person that he was. His warmth and optimism brightened the lives of his family and friends.

Madam Speaker, I am proud to honor the life of PFC Joshua S. Modgling. His heroism and sacrifice for his country while fighting the Global War on Terror are the highest tribute to the democracy and freedom we hold so dear.

PAYING TRIBUTE TO MARK T. KEETON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and service of a great American, Mark Thomas Keeton. As a 19 year veteran of Las Vegas Fire & Rescue, Mr. Keeton dedicated his life to serving the City of Las Vegas, and it is a distinct honor to recognize his service to the Southern Nevada community.

Mark Keeton, a Nevada resident for 42 years passed away on May 8, 2007, at the age of 44 after a battle with brain cancer. Mr. Keeton served the Las Vegas community as a firefighter for 19 years, facing not only the immediate dangers of fires inherent to the profession, but also the hazards posed by the chemicals and smoke to which firefighters are frequently exposed. In addition to Mr. Keeton's 19 years of service as a firefighter of Las Vegas Fire & Rescue, Mark was also a veteran of the United States Air Force, serving in the Persian Gulf War. Mr. Keeton was a member of the International Association of Firefighters and will be honored this year on their Wall of Honor, which recognizes the great sacrifices made by firefighters who have fallen in the line of duty.

Madam Speaker, it is with great respect and deep appreciation that I honor the life of Mark Thomas Keeton. His commitment and dedication to the Las Vegas community will never be forgotten. I give my sincere condolences to his wife, Lerma and their children, Sean and Sharon, and thank him for his honorable service to our country.

IN RECOGNITION OF THE 90TH BIRTHDAY OF THELMA NEWMAN FRAZIER

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mrs. JONES of Ohio. Madam Speaker, today I ask you and my colleagues to join me in celebrating the life Thelma Newman Frazier on the occasion her 90th birthday. The daughter of farm workers Eugene Newman and Kate Robinson, Thelma was born on July 26, 1917 in Richland County, AR.

Thelma is truly a child of God, having accepted Christ as her Lord and savior at an early age. She is a past member of Morning Star Missionary Baptist Church and currently attends Shalom Church City of Peace.

Thelma was united in holy matrimony to Nathaniel Frazier, Sr. on April 17, 1941. To this union were born two children, Katie M. McKinney and Nathaniel Jr., who preceded her in death. In 1952, Thelma and her family migrated to St. Louis, Missouri. There she became active in the community. A devout member of the Order of the Eastern Star, Thelma worked tirelessly to carry out their mission.

Mrs. Frazier has been rewarded in life by her hard work and dedication to family. She has a devoted daughter, Katie M. McKinney, son-in-law, Lewis L. McKinney Sr., 13 grandchildren, 22 great-grandchildren, and 7 great-great-grandchildren. Her hard work has influenced her family tremendously. She is proud of all their accomplishments.

The matriarch of her family, Thelma continues to live independently in St. Louis and is a constant support to her family through her unconditional love and encouragement. If only every child was blessed to have had a mother, grandmother, or aunt like Thelma Newman Frazier, the world would be a better place. Happy birthday, Thelma, and may you be blessed with many, many more.

RECOGNIZING THE 10TH ANNIVERSARY OF POLISH NEWS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. EMANUEL. Madam Speaker, I rise today to commemorate the 10th anniversary of Polish News, Chicago's Polish American monthly magazine. Polish News has served as an integral part of the Polish American community for the past decade, documenting Polish American culture in Chicago and around the world.

On behalf of the more than 110,000 residents of the Fifth Congressional District of Polish descent, I want to congratulate Polish News on their 10 years of success, and wish them well for many more to come.

Publications like Polish News promote cultural understanding and are vital in maintaining cohesive relationships in a Nation as diverse as our own. For the past 10 years, Polish News has documented the vibrant social, civic, and philanthropic accomplishments of Polish Americans and their contributions to our society.

The magazine's success is due in large part to its wide array of content, including interviews with prominent Polish American leaders, profiles of community members and special events, and information on historical moments of importance to the Polish community.

Polish Americans have shared a leading role in business, fine arts, charity and many other forms of public service. The Polish American influence has shaped the city of Chicago and our country into the strong and dynamic Nation that it is today. I commend Polish News for documenting these events, ideas, and stories.

Today, I am proud to reaffirm our appreciation and respect for the Polish culture and the Polish American community as we congratulate Polish News on its dedication to promoting our city's ethic pride. I look forward to continuing to read Polish News in the years to come.

PAYING TRIBUTE TO JAMES "SKOGIE" LENON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of my good friend James 'Skogie' Lenon, who passed away on May 5, 2007. Skogie was a dear friend who was instrumental in helping me get established early in my career.

A longtime resident of Boulder City, NV, James 'Skogie' Lenon made a huge impact on the life of his community. Skogie earned his nickname from a t-shirt he often wore, which read, "Muskogee YMCA". Skogie was a caring man, who worked often to uphold the small-town, family-oriented feel of Boulder City. In 1955, Skogie was on the original committee to help raise funds for the Boulder City Hospital. During World War II, unable to join the military due to a childhood illness, he became Assistant Director of the Boulder City United Service Organizations. After the war, he became a Naval Reserve Officer. Skogie helped in building and operating the first skating rink, as well as the first city swimming pool in Boulder City. He was President of the Boulder City Recreation Association and a member of the Boulder City Golf Association. He spent much of his time enjoying golf, and played a large part in adding nine holes at the Boulder City Municipal Golf Course.

Madam Speaker, I am proud to honor the life and service of James 'Skogie' Lenon. Skogie was a true patriot, having devoted his life to his community and country. His dedication to service should serve as an example to us all.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 17, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

July 18

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine modernization of Federal Housing Administration programs.

SD-538

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the federal response to ensuring the safety of Chinese imports.

SR-253

Finance

Business meeting to consider the nominations of David H. McCormick, of Pennsylvania, to be an Under Secretary, and Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary, both of the Department of the Treasury, Kerry N. Weems, of New Mexico, to be Administrator of the Centers for Medicare and Medicaid Services, Tevi David Troy, of New York, to be Deputy Secretary of Health and Human Services, and Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation.

SD-215

Health, Education, Labor, and Pensions

Business meeting to consider S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, S. 1551, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and other pending calendar business.

SD-106

Judiciary

Business meeting to consider S. 1145, to amend title 35, United States Code, to provide for patent reform, S. Res. 248, honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth, S. Res. 236, supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem, S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. Res. 261, expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard", a bill entitled, "School Safety and Law Enforcement Improvements Act", and the nominations of Roslynn Renee Maus-kopf, to be United States District Judge for the Eastern District of New York, William Lindsay Osteen, Jr., to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, to be United States District Judge for the Western District of North Carolina, Timothy D. DeGiusti, to be United States District Judge for the Western District of Oklahoma, Janis Lynn Sammartino, to be United States District Judge for the Southern District of California, Rosa Emilia Rodriguez-Velez, to be United States Attorney for the District of Puerto Rico, and Joe W. Stecher, to be United States Attorney for the District of Nebraska.

SD-226

10:30 a.m.

Aging

To hold hearings to examine abuse of elderly citizens, focusing on prevention methods.

SD-628

2 p.m.

Small Business and Entrepreneurship

To hold hearings to examine increasing government accountability and ensuring fairness in small business contracting.

SR-428A

July 19

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to the Congress.

SD-538

Energy and Natural Resources

To hold hearings to examine S. 1634, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

SD-366

Foreign Relations

To hold hearings to examine the war in Iraq, focusing on an update from the field.

SD-419

Indian Affairs

Business meeting to consider pending calendar business, to be immediately followed by a hearing to examine draft legislation to amend and reauthorize the Native American Housing Assistance and Self-Determination Act.

SR-485

10 a.m.

Judiciary

Business meeting to continue consideration of S. 1145, to amend title 35, United States Code, to provide for patent reform, S. Res. 248, honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth, S. Res. 236, supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem, S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. Res. 261, expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard", a bill entitled, "School Safety and Law Enforcement Improvements Act", and the nominations of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York, William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina, Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California, Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico, and Joe W. Stecher, of Nebraska, to be United States Attorney for the District of Nebraska.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the military's role in disaster response, focusing on progress since Hurricane Katrina.

SD-342

2 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Department of Agriculture for the fiscal year ending September 30, 2008.

SD-106

2:15 p.m.

Finance

To hold hearings to examine aviation financing, focusing on industry perspectives.

SD-215

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1769, to amend the Communications Act of 1934 to facilitate number portability in order to increase consumer choice of voice service provider, S. 1780, to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent, S. 1582, to reauthorize and amend the Hydrographic Services Improvement Act, S. 1771, to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, S. 1778, to authorize certain activities of the Maritime Administration, S. 1492, to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, and the nominations of Jonathan W. Bailey, and Philip M. Kenul, both to be Rear Admiral, for the National Oceanic and Atmospheric Administration.

SR-253

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the mayoral proposal to reform the District of Columbia's public school system, focusing on assessments, assurances, and accountability.
SD-342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

2:45 p.m.
Judiciary
To hold hearings to examine the nominations of Sharion Aycock, to be United States District Judge for the Northern District of Mississippi, Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit, and Richard A. Jones, to be United States District Judge for the Western District of Washington.
SD-226

July 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine youth violence, focusing on the efficacy of mentoring children.
SD-116

July 24

9:30 a.m.
Judiciary
To continue oversight hearings to examine the Department of Justice.
SH-216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the protection of children on the internet.
SR-253

Health, Education, Labor, and Pensions
To hold hearings to examine the BioShield and Preparedness programs, focusing on improvements needed for epidemics.
SD-628

July 25

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs health care funding.
SD-562

2:30 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine United States trade relations with China.
SR-253

July 26

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine preparation taken for digital television transition.
SR-253

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To continue hearings to examine the Railroad Safety Enhancement Act.
SR-253

July 31

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, July 17, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 10 a.m.

PRAYER

Dr. Billy F. Hudgins, Cross Creek Community Church, Hokes Bluff, Alabama, offered the following prayer:

Lord, our gratitude to You for being in this place, and hallowed by the presence, and we're honored by the blessings that You bestow upon us and upon those that will be represented by the ones in the room.

Lord, our cry this morning is for Your wisdom. Our cry is for Your mercy, Your anointing so that the ones in this room may accomplish their task that's been assigned to them today with insight far greater than their own ingenuity and other provisions.

Lord, give to this House a spirit of unity that supersedes personal prejudice or party pressures so that Your divine purpose may be accomplished this day.

Lord, for those precious men and women serving in Iraq and other difficult global assignments, or for those protecting us here at home, guide them with a sense that their task is Yours.

And Lord, may the words of our mouth, the meditations of our heart be acceptable in Your sight, oh, Lord, our strength, our redeemer.

Lord, we pray these things in that sweet name of Jesus, Your son.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. Con. Res. 27. Concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. Con. Res. 41. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom.

The message also announced that pursuant to Executive Order 12131, as amended, the Chair reappoints the following Member to the President's Export Council:

The Senator from Wyoming (Mr. ENZI).

INTRODUCTION OF DR. BILLY FRANKLIN HUDGINS

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, I rise today to recognize our guest chaplain, Dr. Billy Franklin Hudgins. Dr. Hudgins has served selflessly as a pastor in Louisiana, South Carolina, and now in the district I represent in Alabama where he's the senior pastor of Cross Creek Community Church of Hokes Bluff, Alabama.

In addition to pastoral work, Dr. Hudgins has also been very involved with both State and national church leadership organizations. Among the honors he's received, he's served as president of the Alabama Baptist Convention Pastors Conference. He also served as trustee of the International Mission Board of the Southern Baptist Convention.

Dr. Hudgins has been a teacher and a coach over the course of his career. He has spent 5 years as a bi-vocational pastor and 35 years in churches belonging to the Southern Baptist Convention. If that wasn't enough, at a time when others look toward retirement, at the age of 60, Dr. Bill Hudgins helped start the church he currently serves in Hokes Bluff.

Dr. Hudgins is joined in Washington today by his wife, Connie, with whom he'll be celebrating 46 years of marriage in a matter of weeks. I'm honored to welcome Dr. Billy Hudgins as our guest here in the United States House of Representatives this morning as someone who is a servant and has spent

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his career as a follower of Jesus, and one who has helped others do the same along life's way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches.

TROOP WITHDRAWAL STRATEGY

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, ending this tragic misadventure in Iraq is necessary but insufficient. How and the means by which we end it is of even greater importance, both to the safety of our troops and to our overall strategic security.

First, our troops. It took us 6 months to extract 6,000 troops out of Somalia after Blackhawk Down, and we inserted 17,000 personnel to guard the retreat. We have not only 160,000 troops in Iraq, but over 100,000 civilians. We must ensure their safety, and that will take approximately 1 year.

Second, that time line of a year is actually the change in strategy that will ensure that we have an aftermath, if we pursue diplomacy with Iran and Syria, to bring about an unfailed state. Recently the intelligence community said Iran does not want a failed government. Therefore, we must approach the end of this war with a strategic approach working with the Republicans. This is our country's war, because the aftermath of its consequences are so great and it requires a strategic end.

MINNESOTA NATIONAL GUARD RETURNS AFTER 16-MONTH DEPLOYMENT TO IRAQ

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to honor the 2,600 men and women of the Minnesota National Guard who, after serving our country with great honor and courage, are returning home from their 16-month deployment to Iraq.

Last Friday my friend and colleague, Congressman TIM WALZ, and I had the privilege of visiting Volk Field near Fort McCoy in Wisconsin and welcoming home soldiers from the 1st Brigade Combat Team, 34th Infantry Division, the famed "Red Bulls." It was truly a memorable experience greeting these proud soldiers as they returned from the longest combat deployment of any Army brigade combat team in Operation Iraqi Freedom.

Minnesota's "Red Bulls" escorted supply convoys and traveled 2.4 million miles in Iraq. Other members of the BCT provided essential security to U.S. bases throughout the country.

Speaking with the fine men and women of the "Red Bulls" as they stepped off the plane and smelled that clean, fresh air and stepped on American soil, it became clear that these soldiers are justifiably proud of their accomplishments. The great State of Minnesota and all Americans can be proud as well.

HONORING ROBERT CAUSOR, JR.

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to honor Robert Causor, Jr., a paratrooper rifleman with the 82nd Airborne Division who was killed July 7 by a homemade bomb in Samarra, Iraq.

Robert was born and grew up in San Jose, California. Since childhood, he dreamed of being a soldier, and after graduating from Overfelt High School he enlisted to serve in Iraq. Despite worries from his family, Robert was determined to fulfill his lifelong dream.

To Robert, service in the military was a way to repay his country for the successes of his family. He came from a close family, one of 26 cousins who lived in San Jose for over three decades.

On behalf of California's 16th Congressional District, I offer Robert's family our deepest condolences as they deal with this painful loss. He will be decorated with many honors, including a Bronze Star and a Purple Heart, but today our thoughts and our prayers are with his parents, the rest of his family and his friends.

CONTINUING TO FIGHT TERRORISM ACROSS THE WORLD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to remind my colleagues that we are engaged in what truly is a global war on terrorism. The war in which we are fighting does not have borders. It is not contained to Iraq and Afghanistan. Again last week the United Kingdom reported that up to eight police officers and several public officials were uncovered with ties to extremist groups, including al Qaeda, who may have also attended terror training camps in Pakistan and Afghanistan.

Everyone should be concerned about the recent series of suicide bombings in northwest Pakistan. Al Qaeda has established safe havens in the border areas of Pakistan, a nuclear armed nation. The tribal area of North Waziristan announced on Sunday that they are ending a 10-month ceasefire with the government. These terrorist attacks follow last week's mass murder of police officers in Algeria, and the beheading of 10 Army personnel in the Philippines. Americans must face the threat that modern civilization is under attack worldwide.

I am proud of our brave men and women in uniform who fight daily to ensure that American families are protected.

In conclusion, God bless our troops, and we'll never forget September the 11th.

COST OF THE WAR IN IRAQ

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, the war in Iraq has cost, as of last week, every man, woman and child in my district, New York's 19th district, $3,077. Now, for that $3,077, the men, women and children of my district have paid for a war that was a strategic mistake and has been horribly mismanaged.

In the latest example, USA Today revealed that the Pentagon has been even slower than we thought in providing safer vehicles for our troops. According to e-mails within the Pentagon, a Marine general in Iraq requested MRAPs, mine resistant ambush protected vehicles, as far back as December 2003. These vehicles offer the best protection from IEDs for our troops. The number one killer of troops in Iraq are IEDs.

However, while Pentagon leadership delayed in providing these vehicles to U.S. troops, they decided to equip the Iraqi Army with these vehicles, while leaving our soldiers with Humvees. This resulted in the unnecessary deaths of at least 600 Americans.

For $3,000, the taxpayers of my district paid for the best equipment we could buy for the Iraqi Army, but left our soldiers and marines with substandard Humvees. It is time we reorient our priorities, protect our own soldiers, and end this war.

END CURRENCY MANIPULATION AND LEVEL THE PLAYING FIELD

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, currency manipulation by our foreign competitors is creating difficult challenges for our country's manufacturing base, particularly our domestic auto industry.

The Wall Street Journal reported in June that "a cheap yen is making it advantageous for Toyota to increase manufacturing capability and to export cars from Japan, and that it is much more profitable to produce cars in Japan and ship them all to the United States right now."

And what is the response of the Congress to this threat against the American automotive industry which is directly responsible for the employment of millions of American jobs?

Well, the Democrats control the Congress, and the Democratic leadership has decided that Detroit doesn't have enough on its plate right now. Instead of trying to level the playing field, Democrats want to pile on unworkable new CAFE standards on the domestic auto industry.

Higher CAFE standards will not reduce our dependence on foreign oil, but they will steal investment dollars from technologies that could transform the entire automobile industry and level the global automotive market.

I urge my colleagues to reject this misguided policy and stand up for American manufacturing companies, stand up for American jobs.

□ 1015

IRAQ IS DISTRACTING US FROM PROTECTING THE HOMELAND AND FIGHTING GLOBAL WAR ON TERROR

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, an interim report last week by the White House confirmed what most observers believe, that the situation in Iraq is not improving. The Iraqi Government has failed to meet the political benchmarks endorsed by the President last January. The Iraqi security forces continue to perform below expected levels. But the President continues to ask us stubbornly to stay the course.

At the same time, U.S. troops are overextended, many having served multiple tours in Iraq. This is unfair to our soldiers, their families, and dangerous for our national security. As Major General John Batiste recently noted, "Iraq is distracting America from what should be the focus . . . It is in America's best interest to rethink our national strategy, deliberately disengage from Iraq, refit and rearm the military, get serious about homeland security, and prepare to win the next phase of the struggle.

Last week this House voted to do exactly that. This Democratic House joins with the American people and our retired generals in demanding a new direction in Iraq. This week the Senate can join us by supporting the Levin-Reed amendment.

OPERATION SMILE

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I rise today to honor the 25th anniversary of Operation Smile, a worldwide children's medical charity headquartered in Norfolk, Virginia, that repairs cleft lips and cleft palates for children and young adults in developing countries.

Founded in 1982 by Dr. William Magee, Jr., a plastic surgeon, and his wife, Kathleen, a nurse and clinical social worker, Operation Smile has grown from humble beginnings into a worldwide children's medical charity whose network of medical volunteers are dedicated to helping improve the health and lives of children worldwide.

Operation Smile has helped more than 100,000 children and young adults in 30 developing countries overcome their physical irregularities. The organization now operates one of the world's largest volunteer networks, utilizing more than 5,000 medical and nonmedical professionals around the world.

I commend the Magees for their passion to improve the health and lives of children and young adults worldwide. Through Operation Smile, their efforts over the past 25 years have offered new life and new hope to those suffering from facial deformities.

REPUBLICANS CONTINUE TO MOVE AWAY FROM BUSH ON IRAQ; ACTION SPEAKS LOUDER THAN WORDS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, Democratic efforts to change direction in Iraq forced the President to issue a preliminary report showing that the Iraqis have not met the benchmarks that they were supposed to. The failure of the Iraqi Government to keep its promises, coupled with continued violence on the ground, the death of our soldiers and Iraqi civilians has led Senate Republicans, at least some of them, to join us in calling for a new direction in Iraq.

Some Senate Republicans see the writing on the wall, writing on the wall in both of our House cloakrooms, but is yet to be seen on the Republican side but for four of our colleagues, for the optometrist hasn't made his way over there. The situation is getting worse for our troops. We will see this week whether Senate Republicans mean what they say and they vote for the Levin-Reed amendment when it comes to the Senate floor tomorrow and bring our troops home. The amendment is close to identical with what the House passed with Democratic votes and four Republicans last week.

The Iraqi Prime Minister Maliki has said they can supply their own defense and they don't need us any longer. When a host says go home, it is only correct to go home. He says they don't need us. We aren't needed. We need to bring our troops home and not have them needlessly die.

MT. SINAI BAPTIST CHURCH

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise this morning to pay tribute to Mt. Sinai Baptist Church of Marietta, Georgia, celebrating 143 years of spiritual service to our community.

The history of Mt. Sinai reaches back nearly as far as the history of Marietta itself. In 1864, 1 year before the Civil War ended, a group of black slaves gathered in the backwoods of Georgia and they began their own worship service, and by 1873 the now freed slaves built Mt. Sinai Baptist Church on a plot of land south of Marietta.

They were not content to merely be a house of worship. Mt. Sinai created a school to educate the children of former slaves and became a central gathering place for the whole community.

Mr. Speaker, today Mt. Sinai Baptist Church carries on that tradition as a spiritual and communal leader in Marietta. Currently under the guidance of Pastor Albert Johnson, the church is upholding its legacy of education and outreach, the same commitment that it has displayed for nearly 1½ centuries.

Mr. Speaker, I ask all my colleagues to join me today in congratulating the Mt. Sinai Baptist Church on 143 years of service and request that they have at least 143 more.

THE TRUE COSTS OF THE WAR IN IRAQ TO OUR MILITARY AND TO THE AMERICAN TAXPAYER

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, over the last week, we have seen more proof of the devastating effects that war in Iraq is having on our Nation's budget and military.

Last week CRS reported that the average monthly cost of the Iraq War is now $10 billion a month. That means this year alone, the Bush administration has already spent $60 billion in Iraq. Just imagine how we could have used $60 billion here at home? We could have improved a lot of Americans' lives and addressed our deficit.

The war is also negatively impacting our military. Last week the Army announced it missed its recruiting goals for the 2nd month in a row, falling 1,000 recruits shy of its June goals.

Mr. Speaker, the status quo cannot continue in Iraq. That's why Democrats have repeatedly tried to change the direction of the war, with little help from our friends across the aisle. How much worse do things have to get before congressional Republicans stop blindly following President Bush?

The warning signs of change have been in the air for months. But Republicans refuse to see them.

HONORING THE LIFE OF SERGEANT WILLIAM "BILL" ZAPFE

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise this morning to honor the life of Sergeant First Class William "Bill" Zapfe. Sergeant Zapfe was serving with the Army's 3rd Infantry Division as a combat engineer when he was tragically killed by an improvised explosive device last month. Sergeant Zapfe was a dedicated soldier on his third tour in Iraq.

Bill grew up in Park Hills and Dry Ridge, Kentucky, and joined the military shortly after graduating from high school. He came from a family of dedicated public servants. His late father, Joseph, was a State trooper, and his two brothers, Joseph and Edward, have also both dutifully served our Nation. He is remembered by his family as a loving and devoted husband and father. Bill Zapfe is a true patriot who died fighting for a cause he believed in. Bill leaves behind his mother, Jeanne; his loving wife, Evelyn; and his three children, Anastasia, Cameron, and Spencer.

Today, as we honor the life of Sergeant Zapfe, our thoughts and prayers are with his family and friends during this difficult time.

We thank Sergeant Zapfe for his service and for answering the call to protect our great Nation.

INTERIM REPORT SHOWS THAT A NEW DIRECTION IS NEEDED IN IRAQ

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, last week the White House released an interim report on Iraq that unfortunately reaffirms what we have known for quite some time: The President's troop escalation plan is not working and we are desperately in need of a new direction in Iraq.

Since the President announced his surge 6 months ago, we have lost 600 American troops and spent another $60 billion. And yet by the Bush administration's own admission, there is unsatisfactory progress on all of the political reconciliation benchmarks announced by the President in January.

Mr. Speaker, just days after this report was released, the White House once again asked for more time to pursue the President's failed strategy. But the American people and this Democratic Congress know that more time and lower standards are no substitute for real progress.

It is time for a new direction in Iraq. The House acted last week. The Senate has the opportunity this week. They should join us in changing course.

SCHIP TAX INCREASE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as the body here begins the debate on the SCHIP reauthorization plan, separate from Medicaid, I would encourage my colleagues not to lose sight of the purpose of this program, which is insuring underprivileged children.

When we created this program in 1997, it was intended to provide health insurance for children at or around 200 percent of the poverty line. Today in States like Minnesota, almost 40,000 people are enrolled in SCHIP; 34,000 of them are adults.

The Democrats want to expand this program up to 400 percent of the Federal poverty line. This type of expansion would allow a family of four with an income level of more than $80,000 to be eligible for the SCHIP program in some parts of this country.

Let's get our priorities straight. We want to provide insurance for underprivileged children, not adults who can afford to pay for it themselves.

LET'S FOCUS ON THE REAL THREAT

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, President Bush said last week al Qaeda in Iraq attacked us on 9/11.

Nothing could be further from the truth. The truth is there was no al Qaeda in Iraq on 9/11. In fact, we helped create al Qaeda in Iraq by our invasion. And what we are going to learn today from our intelligence service report is 4 years in Iraq has made al Qaeda stronger around the world.

So let's get our facts straight in this war and focus on the real threat in a smart and intelligent way.

NYPD OFFICER RUSSEL TIMOSHENKO

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, those who wear the badge of a peace officer do so with valor and the determination to serve their community. NYPD Officer Russel Timoshenko was one of those peace officers.

Officer Timoshenko chose to be an American citizen and legally immigrated to the United States from Russia in 1993. He followed the law to get here and then became a protector of the law as a member of New York City's Finest.

Around 2:30 a.m., Tuesday, July 10, 2007 Officers Timoshenko and Herman Yan stopped an SUV on a dark New York City street. As the officers approached the SUV, the passengers turned and gunned down both officers. Officer Yan was shot in the chest and arm, and he will recover. Russel Timoshenko was shot twice in the face, and Saturday the 23-year-old officer died. He had been a New York City cop for only 18 months. Two outlaws have been arrested for murder.

Mr. Speaker, Officer Russel Timoshenko was the American Dream, a naturalized citizen who dedicated his life and service to American citizens. America can use more American immigrant citizens who wear the badge.

And that's just the way it is.

COLORECTAL CANCER SCREENING AND DETECTION COVERAGE ACT

(Mr. BOREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOREN. Mr. Speaker, I rise today to express the importance of access to colorectal cancer screening tests for Americans.

Like far too many other Americans, my life has been touched by cancer. Nine years ago I lost my mother, Janna, to colon cancer. I understand too well the importance of catching cancer early.

Colorectal cancer is a leading killer in the United States that will unnecessarily take the lives of more than 52,000 of our constituents. This is a tragedy because we have every tool necessary to prevent suffering and almost all death from this disease.

Last September I took very seriously the fact that I signed the 2015 Pledge to do anything possible to eliminate suffering and death due to cancer by the year 2015. Today I take a step in that direction.

Twenty-two States and the District of Columbia have protections in place to provide access to screening and early detection for colorectal cancer. It is time that the rest of the country has the same access that could save their lives.

Please join me and my friend from Texas, Mr. RALPH HALL, as we introduce the Colorectal Cancer Screening and Detection Coverage Act.

COLLECTIVE BARGAINING

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today the liberal leadership of this House will call up H.R. 980, the Public Safety Employee-Employer Cooperation Act.

It sounds harmless. But let's not mince words. This bill is not concerned with public safety. It's a payoff from the left to the powerful labor unions that finance many of their campaigns.

The liberal leadership already bowed to union pressure by passing legislation to strip workers of the right to vote in a private ballot election. Now they are attempting to federalize collective bargaining for public safety professionals.

The International Association of Chiefs of Police opposes the legislation because it would effectively take power from State and local governments during labor-management relations. I oppose it because it will likely make our communities less safe.

Mr. Speaker, there is a time and there is a place for politics, but not when our lives and the safety of our communities is at stake.

□ 1030

SENATE HAS A CHANCE TO TAKE ACTION TO CHANGE THE COURSE OF THE WAR IN IRAQ

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, for weeks now, the Republican Senators have been coming forward saying that the status quo in Iraq cannot continue. They're right. This week they have an opportunity to act on those words. We'll see if they join us in changing the course of the war, or if they find another excuse as to why they must continue to support President Bush's failed policy. I would hope that they would stand by their words.

Senator LUGAR correctly stated, "The President and some of his advisers may be tempted to pursue the surge strategy to the end of his administration, but such a course contains extreme risks for United States national security." Senator VOINOVICH correctly stated, "A policy of responsive military disengagement, with a corresponding increase in nonmilitary support, is the best way to advance our Nation's interests in Iraq and achieve our primary goals." Senator DOMENICI again correctly stated, "There's nothing to wait for."

We agree. That's why this House voted last week to bring most of our troops home by next April. The Senate has the chance to take that same action this week. I hope that these Senators will stand by their words and join us in changing the course.

BUSH ANNOUNCES THAT IRAQ HAS NOT MET ONE OF THE BENCHMARKS THEY PROMISED TO MEET

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, last week, the President's preliminary progress report on Iraq showed no progress at all. In fact, the Bush administration admitted that the Iraqi government failed to meet any of its targets for political or economic progress.

You would think that this report would serve as a wake-up call to the Bush administration. It hasn't. It's clear that President Bush does not want to change a thing. In fact, the Washington Post reported that the administration is not considering a strategic change, but simply a shift in message.

Mr. Speaker, the failures in Iraq have nothing to do with message. President Bush promised that the Iraqi government would meet these benchmarks when he announced his troop escalation plan earlier this year. Many of us were skeptical that the Iraqis would actually follow through. And now that it's clear that the government has failed to meet any of the benchmarks, a shift in message is simply not enough.

Democrats have a plan to bring our troops home by April of next year. It's time for the Iraqis to take accountability for their own country. And that's why we passed the Republican Redeployment Act last week, and the Senate should follow our lead this week.

BOEHNER CALLING SENATORS "WIMPS"; HOUSE REPUBLICANS REFUSE TO CHANGE COURSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, despite the fact that 70 percent of Americans support withdrawing almost all U.S. troops from Iraq by April, and despite a growing number of retired generals and senior Republican Senators joining Democrats in calling for a new strategy in Iraq, many House Republicans remain staunchly in favor of the President's failed Iraq policy. In fact, just last week, the leader of the House Republicans referred to the Senate Republicans who have spoken out against President Bush's failed policy as "wimps." And it begs the question, doesn't the minority leader believe 70 percent of Americans and numerous retired generals are wimps as well?

It's a much easier thing to toe the line and keep rubber-stamping the President's failed Iraq policy, as many Republicans in this body continue to do. It's a lot easier to do that than break from your party and the will of our President to take a principled stand for what you believe. Those Republicans who are against the President's policies are the true patriots.

Mr. Speaker, despite the name calling, Democrats will continue to push for a responsible redeployment of U.S. troops from Iraq, and we hope that some of our Republican colleagues here in the House will join with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Employer-Employee Cooperation Act of 2007".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE.

Congress finds the following:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. As the first to arrive on scene, State and local public safety officers must be prepared to protect life and property and to preserve scarce and vital Federal resources, avoid substantial and debilitating interference with interstate and foreign commerce, and to protect the national security of the United States. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The health and safety of the Nation and the best interests of public safety employers and employees may be furthered by the settlement of issues through the processes of collective bargaining.

(4) The Federal Government is in the position to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(5) The potential absence of adequate cooperation between public safety employers and employees has implications for the security of employees, impacts the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments, and can affect interstate and intrastate commerce.

(6) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this Act, and such State laws should be respected.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Authority" means the Federal Labor Relations Authority.

(2) The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(3) The term "firefighter" has the same meaning given the term "employee in fire protection activities" defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(4) The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(5) The term "law enforcement officer" has the same meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(6) The term "supervisory employee" has the meaning given such term, or a substantially equivalent term, under applicable State law on the date of enactment of this Act. In the absence of such State law on the date of enactment of this Act, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a preponderance of employment time exercising such authority.

(7) The term "management employee" has the meaning given such term, or a substantially equivalent term, under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(9) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and the purpose of which is to represent such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(10) The term "substantially provides" means substantial compliance with the rights and responsibilities described in section 4(b).

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) Determination.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider the opinion of affected employers and labor organizations. Where the Authority is notified by an employer and an affected labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making its determination under this subsection.

(2) Subsequent Determinations.—(A) A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) An employer or a labor organization may submit a written request for a subsequent determination, on the basis of a material change in State law or its interpretation. If the Authority determines that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) Judicial Review.—Any person aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in section 7123(c) of title 5, United States Code, shall be followed.

(b) Rights and Responsibilities.—In making a determination described in subsection (a), the Authority shall consider a State's law to provide adequate rights and responsibilities unless such law fails to substantially provide rights and responsibilities comparable to or greater than each of the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this subsection; and

(B) any written contract or memorandum of understanding.

(c) Failure To Meet Requirements.—

(1) In General.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) Effective Date.—Paragraph (1) shall apply in each State on the later of—

(A) 2 years after the date of enactment of this Act; or

(B) the date of the end of the first regular session of the legislature of that State that begins after the date of the enactment of this Act.

SEC. 5. ROLE OF THE AUTHORITY.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Authority shall issue regulations establishing procedures which provide the rights and responsibilities described in section 4(b) for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) Role of the Federal Labor Relations Authority.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise and conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right;

(7) if the Authority finds that any State is not in compliance with the regulations prescribed under subsection (a), direct compliance by such State by order; and

(8) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) Enforcement.—

(1) Petition by Authority.—If a State fails to comply with a final order issued by the Authority, the Authority shall petition any United States Court of Appeals with jurisdiction over the parties or the United States Court of Appeals for the District of Columbia Circuit to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with section 7123(c) and (d) of title 5, United States Code, except that any final order of the Authority with respect to questions of fact shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) Right of Action.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any interested party shall have the right to file suit against any political subdivision of a State, or, if the State has waived its sovereign immunity, against the State

itself, in any district court of the United States of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), to enforce compliance with any order issued by the Authority pursuant to this section, or to enforce section 6 of this Act. The right provided by this paragraph to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority under paragraph (1).

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

Notwithstanding any rights or responsibilities provided under State law or under regulations issued by the Authority under section 5—

(1) a public safety employer may not engage in a lockout of public safety officers;

(2) public safety officers may not engage in a strike against such public safety employer; and

(3) a labor organization may not call for a strike by public safety officers against their public safety employer.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

This Act and the regulations issued under this Act shall not be construed to invalidate a certification, recognition, collective bargaining agreement, or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act, or the results of any election held before the date of enactment of this Act.

SEC. 8. CONSTRUCTION, COMPLIANCE, AND ENFORCEMENT.

(a) CONSTRUCTION.--Nothing in this Act or the regulations issued under this Act shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that substantially provides greater or comparable rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a State law which prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because—

(A) such State law permits an employee to appear in his or her own behalf with respect to his or her employment relations with the public safety agency involved;

(B) such State law excludes from its coverage employees of a state militia or national guard;

(C) such rights and responsibilities have not been extended to other categories of employees covered by this Act, in which case the Authority shall only exercise the powers provided in section 5 of this Act with respect to those categories of employees who have not been afforded the rights and responsibilities described in section 4(b); or

(D) such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding;

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(5) to require a State to rescind or preempt laws or ordinances of any of its political subdivisions if such laws substantially provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities enumerated in section 4(b) of this Act; or

(6) preempt any State law that substantially provides for the rights and responsibilities described in section 4(b) solely because such law does not require bargaining with respect to pension and retirement benefits.

(b) PARTIAL EXEMPTION.—A State may exempt from its State law, or from the requirements established under this Act, a political subdivision of the State that has a population of less than 5,000 or that employs fewer than 25 full time employees. For purposes of this subsection, the term "employees" includes each individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(c) ENFORCEMENT.—Notwithstanding any other provision of the Act, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this Act with respect to public safety officers employed by a State.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material relevant to H.R. 980 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to be sponsor of H.R. 980, along with my good friend from Tennessee, Mr. JOHN DUNCAN.

H.R. 980 extends to firefighters, police officers, corrections officers and other public safety officers the basic right to discuss workplace issues with their employers. Public safety officers, who risk their lives to protect us, deserve a say in decisions that affect their lives and their livelihood.

We have addressed concerns raised during the hearing held on the legislation in the Education and Labor Committee and strengthened this strongly bipartisan bill. This bipartisanship of this legislation is demonstrated by the 280 cosponsors of this bill and a 42–1 bipartisan vote in favor of this bill during the markup in the Education and Labor Committee.

I would like to thank Chairman MILLER, Chairman ANDREWS and the committee staff for all their support on this important legislation. I wish to also thank Ranking Member MCKEON and Ranking Member KLINE and their staff for their work with us on this legislation.

I first introduced this legislation more than a decade ago back in 1995. It has been a long journey to today, and this legislation is long overdue for our Nation's public safety employees.

I would also like to thank the groups that we have worked with on this legislation, including, among others, the International Association of Firefighters, the Fraternal Order of Police, the American Federation of State, County and Municipal Employees, the International Union of Police Associations and the National Association of Police Organizations.

The absence of the right to collectively bargain denies these public servants the opportunity to influence decisions that affect their work and their family. Our firefighters and police officers risk their lives to keep us safe, yet there are some States in this country that deny them the right to discuss workplace issues with their employers, a right most Americans have. At the very least, they should be allowed to negotiate for wages, hours and safe working conditions.

When I was in the State legislature in Michigan, I helped pass legislation that granted all public employees the right to collectively bargain. In Michigan, this has led to a working environment that effectively protects the public and that both employers and employees are proud of.

H.R. 980 would merely create a minimum standard that States have the flexibility to implement, regulate and enforce as they see fit. Many States, such as my own State of Michigan, have laws in place that go well beyond H.R. 980, and these States would not be affected by this legislation. Additionally, this legislation does not allow strikes or lockouts, and it preserves management rights.

Firefighters and police officers are very serious about their commitment to public safety. They deserve the basic right to sit down with their employers and discuss their work conditions.

The reasonableness of this legislation again is demonstrated by the wide bipartisan support it has from its 280 cosponsors. I urge my colleagues to join me in passing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of this legislation. I'm proud to be a cosponsor of H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007.

Firefighters and police officers put their lives on the line to protect us, and they deserve the right to collectively bargain for safe working conditions and fair wages.

Recent events remind us of their heroism. It was a week ago today that a plane crashed into two homes in Sanford, Florida, just outside my hometown of Orlando, Florida. An off-duty firefighter named Ryan Cooper was nearby when he heard the plane roaring toward the houses. As the airplane smashed the two homes and exploded them into flames, Ryan Cooper went into action. He rushed into the smoldering homes and brought out a 10-year year-old boy and his father.

Firefighter Ryan Cooper is a true hero. From his hospital bed, where he was being treated for smoke inhalation, Mr. Cooper humbly said that any firefighter would have done the same thing.

Sometimes firefighters pay the ultimate sacrifice. Just last month, nine firefighters in Charleston, South Carolina lost their lives fighting a blaze at a furniture store. These acts of heroism highlight the dangerous nature of public safety officers' jobs.

This legislation gets the ball in the strike zone. On the one hand, it allows firefighters and police officers to collectively bargain for better working conditions and fair wages. On the other hand, it expressly outlaws strikes, and it does not overturn State right-to-work laws. In short, this bill is fair and reasonable and deserves our bipartisan support.

Finally, let me address the main concern raised by some folks about this legislation. They say that this legislation would mandate compulsory unionism in right-to-work States. That simply isn't the case. Section 8, subsections 2 and 3, specifically state that this legislation would not preempt State right-to-work laws. In other words, this legislation allows States to enforce laws that prevent employers and unions from requiring union fees as a condition of employment.

Many people confuse collective bargaining with right to work. The two can coexist. For example, firefighters currently enjoy collective bargaining rights in my home State of Florida, yet Florida is a right-to-work State.

In closing, I would like to thank the gentleman from Michigan (Mr. KILDEE) for all his hard work on this bill. Mr. KILDEE has been a tireless advocate for this legislation.

I would also like to thank the chairman of the Education and Labor Committee, Mr. MILLER, and the majority staff for working with the minority to make some changes and improvements in this bill, particularly those that address issues which were raised during consideration of this bill in committee. I would also like to thank the lead Republican cosponsor of this legislation, Mr. JIMMY DUNCAN from Tennessee, for his work.

I will be voting for H.R. 980 today, and I urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. First of all, Mr. Speaker, I want to thank Mr. KELLER for his hard work on this bill. He has made it a joy working on the bill, and I thank him for that.

I now yield to the gentleman from New Jersey, the chairman of the Health, Employment, Labor and Pensions Subcommittee that had jurisdiction over this bill, such time as he may consume.

Mr. ANDREWS. I thank the gentleman for yielding.

I would like to begin by thanking Mr. KELLER for his strong statement of support of the legislation, Mr. DUNCAN for his very vigorous advocacy of this bill, Mr. MCKEON for his cooperation in getting it here today, obviously Chairman MILLER for his leadership, and especially my friend and colleague from Michigan (Mr. KILDEE).

For Mr. KILDEE, this has been a 12-year effort, an endurance test, where he has built a coalition of all different kinds of groups across party lines and around the country for a very worthy piece of legislation. So Mr. Speaker, I would commend my good friend for his persistence and congratulate him on a job beautifully done on this legislation.

There is a strong bipartisan consensus for this legislation because it's all about common sense.

Mr. Speaker, most Americans would agree that, almost without exception, every American should have the right to bargain collectively and organize and join or not join a union. This legislation gives that right to our career firefighters, police officers, emergency service personnel, corrections officers, and other public safety officials.

□ 1045

There is a commonsense consensus that because of the significant work that these individuals do, they should not have the right to strike if there is a difficult contract negotiation. Under this bill they do not. There is not a right to strike created by this bill because we recognize the difficulty that strikes would create in the public safety field.

There is a commonsense consensus that there should not be a one-size-fits-all national rule to govern police officers, firefighters and public safety personnel in each of the 50 States and other jurisdictions. That is not what this bill does.

It creates a set of standards. It says that if a State and local jurisdiction meet those standards, then public sector collective bargaining laws stay in place without exception or change. But it says, in those States with the right to bargain collectively, the right to organize, the right to grieve are not fully recognized, where those States do not come up to standard, then there is a new Federal procedure that would guarantee men and women these rights.

The critics of this legislation say it is a threat to public safety. There is not a shred of evidence that that is the case. Not a shred. There is not a difference in crime rates where there is collective bargaining among public safety professionals. There is not a negative difference in absenteeism or other chain-of-command type of issues.

Frankly, we saw a dramatic example of just how wrong that point of view is. On September the 11th, the police officers and firefighters and other public safety personnel in and around New York City, the Port Authority, the New York City Fire Department, the New York City Police Department, those public safety professionals who responded to this great crisis were all unionized. Many of them were in the middle of a difficult contract process where there was strong disagreement between the City of New York and the union as to what to do next.

Not one of those men or women failed to respond nobly and heroically to the crisis this country faced. Not one. When they went up the stairs in the towers as they were about to crumble, no one talked about whether they were in a union or not. When the New York City Fire Department lost more people in 1 day than it previously had done in months and years before that, no one talked about a contract dispute. These individuals responded nobly and heroically. So the suggestion that there is some corrosion of public safety because of unionization is unsupported by the evidence and just flat-out wrong.

Mr. Speaker, I congratulate Mr. KILDEE for the strong bipartisan coalition he has built. I would urge my colleagues to vote "yes" in favor of this bill.

Mr. KELLER of Florida. Mr. Speaker, I yield 4 minutes to my fellow east Tennessean, JIMMY DUNCAN, who is the lead Republican and original cosponsor of this legislation and has been a true champion of this issue.

Mr. DUNCAN. Mr. Speaker, I want to thank my good friend, the gentleman from Florida (Mr. KELLER), who very rightly claims east Tennessee as a home also. I am pleased to join with him. I want to commend him for his work on this legislation. I also want to especially commend the gentleman from Michigan (Mr. KILDEE) and the gentleman from New Jersey (Mr. ANDREWS) for their comments about this legislation.

I originally agreed to cosponsor H.R. 980 several years ago, several Congresses ago, at the request of firefighters and police officers from my district. I certainly am not anti-union, nor am I controlled by any union. I strongly believe, though, that no one should be forced to join a union. But I also feel that anyone who chooses to organize or join a labor union should have that right. Employees should be able to make this decision for themselves. In fact, I am a cosponsor, and have been in several Congresses, of H.R. 697, the National Right-to-Work

Act. This legislation would prohibit compulsory union membership by applying the right-to-work laws that we have in Tennessee to the entire Nation.

In regard to H.R. 980, I want to emphasize four of the act's main points and then provide some additional details. First, this bill specifically prohibits strikes and lockouts by public safety employees and employers, as has been pointed out by previous speakers.

Second, the bill is not mandatory. It is totally voluntary and, therefore, is a right-to-work bill. Third, it does not federalize or nationalize this aspect of labor relations. The important details would still be governed by State law.

As has been pointed out by some other speakers, several States give their public safety employees more collective bargaining rights than this bill, and it certainly hasn't caused any problems that anyone knows of in those States.

Finally, this bill would simply give firefighters and police officers some, but not all, of the rights enjoyed by other workers. The legislation provides very limited collective bargaining rights and does not give State and local public safety employees the right to strike or numerous other rights that almost all other employees have.

Over the years, Congress has enacted a number of laws granting such rights to other workers and has expanded the scope of collective bargaining laws to govern private sector, nonprofit association, transportation and Federal Government employees.

Since the enactment of the Congressional Accountability Act, State and local public safety employees are the only workers left in America who do not have the right to enter into collective bargaining agreements with their employers. While most States provide collective bargaining rights for these employees, others do not.

When this legislation was being considered originally during the 105th Congress, local firefighters and police officers contacted me directly regarding the bill. Unfortunately, as local elected officials changed, these public safety workers have found that their benefits and wages have sometimes been subject to change, too. These firefighters and police officers feel that this legislation will help them establish consistency in their benefits between the administrations.

Firefighters and police officers have taken an oath to protect public safety. I believe that these individuals should have the opportunity to voice their concerns about issues affecting their livelihood. These brave people risk their lives for public safety every day and should have the same rights as workers in other fields.

Mr. Speaker, let me just mention, as others have, that the Fraternal Order of Police and other police of the National Association of Police Organizations are supporting this bill, and the International Association of Firefighters.

Mr. Speaker, finally, I will close just by emphasizing once again that this legislation would give firefighters and police officers an option to participate in collective bargaining discussions but would not require such action.

I think the good labor unions do not need compulsory unionism agreements. I believe that this is a bill that is encouraging and voluntary, and I urge its support.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to thank Mr. DUNCAN for his hard work on this bill. He is, as we all know, a study in civility, and civility certainly helps in this House. He also illustrates that we can sit down in a bipartisan way and seek solutions. I thank him for his work on this.

Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman from Michigan, Mr. KILDEE, both for the time and for his leadership in this bipartisan effort. I am so happy as a new Member of Congress to be here to join him and support this legislation today, because it is about fairness for those on the front lines protecting our neighborhoods and communities, our firefighters and law enforcement officers.

This bill is about ensuring these public safety employees, these heroes, have the right to ensure their voices are heard in the workplace. Not only do they deserve this right, we owe it to these public servants who risk their lives and put their safety on the line every day to protect our families and our communities.

Our legislation simply gives them the same rights that so many other workers around this Nation retain. These people who put the public first deserve to be heard on the matters that affect their livelihood.

For our firefighters, police officers, EMTs and other public safety officers, let's rise beyond the words of support, pass this bill, and make it clear that we respect and admire the work and sacrifice of these brave men and women.

Mr. KELLER of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman for yielding me the time.

Mr. Speaker, I am opposed to this bill. I urge opposition of H.R. 980 because it will force unions' so-called representation on public safety employees.

Labor relations between States and their public employees have historically remained at the State level. H.R. 980 would impose Federal law on States that do not meet forced unionism standards defined in this piece of legislation. Furthermore, the bill fails to ensure a secret ballot election for public employees who would be given the right to unionize under this legislation.

H.R. 980 would deny thousands of police and firemen the freedom to negotiate directly with their employers. Those who attempt to negotiate on their own behalf could face fines and even firings. Unionizing a public sector workforce also requires hiring and training staff to negotiate with unions and administer union contracts which would impose unnecessary financial burdens on taxpayers.

Don't allow the Federal Government to impose costly and inappropriate requirements on State and local governments. State and local governments are capable of managing their own public employees. I urge opposition to H.R. 980, to ensure each State's right to define labor laws for their own public employees.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), my chairman and the chairman of the full Education and Labor Committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman very much for yielding. I want to thank Mr. KILDEE for his authorship of this legislation for over, I believe, 12 years now in support of this legislation, and Mr. DUNCAN, his cosponsor, for the same years, to try and provide for the organization of our public safety officers around the country.

I want to thank Mr. KELLER for his work on the subcommittee and Mr. ANDREWS for shepherding this bill through the committee. With the 280 cosponsors of this legislation, which obviously represents very strong bipartisan support, this legislation clearly demonstrates that this Congress is committed to protecting the rights and the livelihoods of our first responders, and this legislation stands in tribute to these dedicated men and women. I am proud that the Education and Labor Committee was able to pass H.R. 980 out of the committee almost unanimously by a vote of 42–1.

Firefighters, police officers, correction officers and emergency medical technicians risk their lives each and every day to protect our lives and this country. H.R. 980 will ensure that all public safety officers have a right to sit down with their employers and bargain over wages and working conditions.

While States and cities and towns have historically managed their own labor relations, approximately 28 States do not fully protect the collective bargaining rights of public safety employees. That is why this legislation is so necessary. This legislation would respect those States that already provide for collective bargaining rights for public safety employees, but it would extend those rights in all other States.

The bill would provide basic labor protections for State and local public safety workers, including the right to join a union, the right to have their union recognized by their employer, the right to bargain collectively over hours, wages, terms and conditions of employment, a mediation or arbitration process for resolving the impasse in negotiations, and enforcement through the courts.

H.R. 980 will give public safety officers a voice in issues like safety on the job and effective delivery of services. It will improve communications and cooperation between rank-and-file public safety employees and their employers, ensuring a more cohesive and coordinated operation.

□ 1100

That's the crux of this legislation. This gives the rights of these negotiations, the rights of these discussions, the rights to have a union, to the very same people that we trust every day to protect our lives, to protect our communities, to protect our country, both before and after a terrorist attack, before and after a criminal act. These are the people that we trust to do this.

This legislation, under the authorship of Mr. KILDEE and Mr. DUNCAN, also suggests that we trust them to have a responsible say in their workplace conditions, in how they carry out their job, to make suggestions, to negotiate with their employers, to more effectively carry out their duties. I think it is a long time coming. I think this legislation and its very broad cosponsorship indicate this could have been done much sooner, but it is going to be done today. It is going to pass the House today. I believe it will pass with large bipartisan support. I urge all of my colleagues to support this legislation.

I also want to say that the fact that this legislation is here today, although 12 years late, is maybe a hallmark of Mr. KILDEE's career, and that is persistence. He doesn't give up on an idea because others disagree. He has pushed for this legislation year in and year out. He was not allowed to have it heard for passage, and this year we were able to accommodate him and Mr. DUNCAN. When we do that, we are also accommodating and supporting our first responders all across the country who need these rights to better do the job that we have handed to them, a very difficult, a very dangerous job. I would hope that the House would pass this legislation overwhelmingly.

Mr. KELLER of Florida. Mr. Speaker, before I yield to my next speaker, what is the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Florida (Mr. KELLER) has 11 minutes remaining and the gentleman from Michigan (Mr. KILDEE) has 7 minutes remaining.

Mr. KELLER of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Florida for yielding me this time.

There is no one who appreciates firefighters, police and other public safety personnel more than I do. However, I rise in opposition to H.R. 980 because public sector labor relations has never been and should not be an issue with which Congress meddles. Historically, the terms and conditions of employment for all State and local employees has been an issue decided on the State and local level. This is the way it should be.

Some States, such as my home State of North Carolina, have laws banning monopoly bargaining schemes, while others give unions total control over public sector labor relations. Most States fall somewhere in the middle.

But in a move that chips away at States rights, this bill requires all States to set up systems to impose monopoly bargaining on all public safety workers, in effect nullifying the pre-existing laws of 27 States. A move like this is a virtually unprecedented infringement on States rights.

I want to be perfectly clear. Every worker in America, whether public or private, already has the right to form and join a union. That is not the question here. What the unions are asking for is the power to force their so-called "representation" on police and firefighters who do not want it. While some States have made what I view as the mistaken decision of giving unions that kind of power, that is their right under our Federal system.

This bill is flawed in that it takes away the right of States to make the decision on their own. At the end of the day, this issue does not belong in our hands. It should be left to the States. And, frankly, it is not Congress's business.

More than half the States in the country have refused to grant union bosses the complete monopoly control over public safety employment mandated by H.R. 980. They have done this not only as a rightful exercise of their States rights, but in the interest of keeping costs low for their taxpayers.

Studies have shown that monopoly bargaining increases costs for taxpayers. Multiplied across dozens of States, this would impose millions of new costs on taxpayers. State and local governments should have jurisdiction over their own employees, not the Federal Government.

The fact that this bill inserts the Federal Government into an issue that has always been one left to the States should give us pause, and it ought to make us wonder why it is being passed under suspension today. Any bill that makes this sort of dramatic change to public policy should be subject to the regular order of full debate and amendments.

Please, I ask my colleagues to join me in protecting the rights of States and vote against H.R. 980 today.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I support the Public Safety Employer-Employee Cooperation Act providing our first responders with a right that they deserve which has long been withheld, the right of collective bargaining. Many Americans have this right, and our first responders should not be left out.

In professions where working together can mean and does mean the difference between life and death for workers and citizens in our communities, cooperation in a healthy working environment is critical.

In my home State of Vermont, first responders have the right of collective bargaining. We are very proud of them. That right should be extended to their colleagues across the Nation.

Last fall I had an opportunity to participate in firefighting training at the Vermont Fire Academy in Pittsford, Vermont. I suited up in jackets, pants, and oxygen mask. And you know what I learned, the work they do is hard. The work they do is dangerous.

We must make certain that they feel fully entitled to represent themselves at the bargaining table for safe and decent conditions.

Representative KILDEE and Representative DUNCAN, thank you for your leadership in this overdue legislation.

Mr. KELLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want to thank my friend from Florida for yielding, and when I came to the floor today, I didn't come here to speak; but, you know, my father was a fireman for 26 years for the City of Atlanta. In fact, he died in an alarm. I know what it is like for these firefighters to answer the alarms. He suffered a heart attack while turning off an OS&Y valve in a pit. It was 18 degrees that December morning. I know what it is like for those firefighters. But, you know, my father never belonged to a firefighters union, and that is what this is. This is basically a union bill and payback to the unions.

But, you know, Georgia is a right-to-work State. We have a 10th amendment to our Constitution. I was very disappointed to hear from the chairman that this thing passed out of committee 42–1. That breaks my heart. That really breaks my heart that those Republicans were on that side. I don't know what the majority thinks about the 10th amendment, but I believe very strongly in it. This has something to do with States rights. And I am sorry and I am very disappointed that this House will do this under suspension and there won't be any opportunity for amendments or this thing to be looked at.

I hope that the majority of the Members here will realize what is going on, oppose this suspension and bring it up under regular order.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I wanted to respond to our friend from Georgia's comment about compulsory unionism and affirm something my friend from Florida said earlier about compulsory unionism.

Section 8(a)(2) of this bill says that nothing in this act or the regulations issued under this act shall be construed to prevent a State from enforcing a State law which prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment.

This bill expressly preserves the rights of States to maintain so-called right-to-work laws in their State. I want the record to reflect that point, that the gentleman's concerns about the Georgia Constitution are met in this bill.

Mr. KELLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, at this time I have no further speakers, but I will say this. First of all, this has been a great example of bipartisanship on an issue that very often has divided us. This has brought us together. I think this is a great historical moment. Democrats and Republicans. It was 42–1 in committee, and I think that is something to be said in this body. I think this illustrates that on an issue that very often divides us, labor issues, when it comes to a specific group of these first responders, we can find a way to resolve that division.

Mr. KELLER of Florida. Mr. Speaker, I am prepared to close. I don't believe we have any other speakers.

Let me just begin by saying what this bill does not do to provide some reassurance to some of my Republican colleagues who may be concerned.

This bill expressly does not allow public safety officers to go on strike. This bill does not preempt State right-to-work laws. This bill does not require compulsory unionism. This bill does not require binding arbitration.

I think we all agree that firefighters and police officers risk their lives every single day and they are entitled to make fair wages and have working conditions that are as safe as possible. This legislation is fair and balanced, and that is why it has received such broad bipartisan support.

On the one hand it does allow firefighters and police officers to collectively bargain for better working conditions and fair wages. On the other hand, it expressly outlaws strikes and does not overturn State right-to-work laws. For those reasons, I urge my colleagues to do what I am about to do and vote "yes" on this important bipartisan legislation.

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 980, the Public Safety Employer-Employee Cooperation Act. I commend my friend, Congressman KILDEE for bringing this legislation forward and I am honored to be a cosponsor.

As a former labor organizer, I know firsthand the importance of collective bargaining. I would not be here today as a Member of Congress if it were not for my union. Yet, 21 States do not fully protect the collective bargaining rights of public safety employees.

Firefighters, police officers and emergency medical personnel play a critical role in our Nation's homeland security. They are the first to respond to terrorist attacks, natural disasters and other mass casualty events. These workers deserve the same right to discuss workplace issues with their employer that the Federal Government already grants to most employees. Additionally, rank-and-file input improves communication and cooperation between employees and management for more efficient and coordinated operations that are necessary in our post 9/11 world.

This bill would establish minimum standards that States must meet regarding the process of collective bargaining with public safety employees.

Mr. Speaker, it is vitally important to our national security, public safety, and the rights of our first responders to pass H.R. 980. I urge my colleagues to join me in supporting this legislation.

Mrs. CAPPS. Mr. Speaker, as a cosponsor of the Public Safety Employer-Employee Cooperation Act, I rise in strong support of the bill.

While most government employees enjoy the right to collectively bargain with their employer, many fire fighters, police officers and emergency medical personnel across the country are denied this right. We must take action to end this injustice.

The Public Safety Employer-Employee Cooperation Act would affirm the right of our Nation's State and local public safety officers to bargain collectively and work cooperatively with their employers. This critical legislation would do so by establishing minimum collective bargaining standards for all States. Such standards include: the right to collectively bargain over wages, hours and working conditions, establishment of a dispute resolution mechanism, and the enforcement of contracts through State courts.

Our public safety officers put their lives on the line every day to protect us. Yet, they are denied their right to collectively bargain to better protect themselves and their families. Collective bargaining leads to higher wages, greater access to health care and better retirement benefits. Furthermore, cooperation between public safety employees and employers reduces injuries and fatalities because first responders are more likely to have the safety equipment and resources they need. Studies also show that communities promoting communication between public safety officers and their employers enjoy more efficient and effective delivery of emergency services.

Over the years, we have expanded collective bargaining laws to protect private sector employees, non-profit association employees, transportation workers, and Federal Government employees. One of the few groups of workers not covered by these Federal laws is state and local public safety officers. They work tirelessly to protect us. We must take this opportunity to help protect them.

I urge my colleagues to vote "yes" on the Public Employee-Employer Cooperation Act.

Mr. SHAYS. Mr. Speaker, as a cosponsor and longtime supporter of H.R. 980, I am pleased this legislation is on the House floor today. This bill will take the important step of guaranteeing firefighters and police officers the right to discuss workplace issues with their employers.

It troubles me to know in many states, public safety employees lack basic collective bargaining rights.

Firefighters and police officers take seriously their oath to protect public safety and, as a result, they do not engage in work stoppages or slowdowns. The absence of collective bargaining denies these workers any opportunity to influence the decisions that affect their livelihoods.

H.R. 980 recognizes public safety officers' unique situation by creating a special collective bargaining right outside the scope of other federal labor law.

Mr. Speaker, I urge support of this legislation.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 980, the Public Safety Employer-Employee Cooperation Act. I have been a cosponsor of this legislation in every Congress since I was first elected, and I am glad that under Democratic leadership, it has finally come to the floor of the House for a vote.

It is imperative that we do all that we can to assist the police and firefighters that sacrifice so much in order to protect us. This bill requires States to establish a collective bargaining floor to allow police and firefighters the chance to negotiate their labor agreements. Many States already have similar laws on the books, but for those that don't, this is a good starting point. Public safety officers should have just as much of a right as other workers to organize. When they do so, they not only benefit themselves, but also society as a whole.

We are not forcing unionization on States, nor are we doing anything here today that could in any way jeopardize public safety. We are simply allowing those brave men and women who provide for our safety the chance to negotiate a more livable wage, a better pension plan, and expanded health insurance coverage. We owe it to them, and I am glad that this body will finally take up this important bill. I urge passage of H.R. 980.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 980, which is designed to provide police officers, firefighters and other public safety I officers with basic collective bargaining rights, without undermining State authority or existing State laws. I would first like to commend our distinguished colleague, Mr. KILDEE of Michigan, for introducing this important resolution. In light of the post-9/11 era of protecting America from terrorism, in which we are asking our police officers, firefighters, and other public safety officers, to take on more—and more dangerous—responsibilities than they had before, the least we can do is ensure they enjoy the basic right to bargain for better wages and benefits.

State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. As the first to arrive on scene, State and local public safety officers must be prepared to protect life and property and to preserve scarce and vital Federal resources, avoid substantial and debilitating interference with interstate and foreign commerce, and to protect the national security of the United States. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the Nation's best interest.

Public safety agencies benefit from constructive relationships with their public safety officers. In fact, local communities also benefit by a more efficient delivery of safety and emergency services. This type of cooperation is promoted by providing public safety employees with the fundamental right to bargain with their employers. Public safety officers deserve the same right to discuss workplace issues with their employer that the Federal Government already grants to most other employees.

The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions; and to make all reasonable efforts through negotiation to settle differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

Mr. Speaker, public sector membership gains are important because they demonstrate workers' willingness and ability to organize under conditions of relative management neutrality and non-interference. If the National Labor Relations Act had covered public safety officers 30 years ago—when health care and nonprofit entities were finally covered—it is likely that public sector unionization in the U.S. today would be at least 80 percent, strikingly similar to Canada, Europe, South Africa, Korea, Japan and every other democracy. Instead, the existence or scope of collective bargaining in half the States is still being determined by State legislators or Governors, who favor either no bargaining at all or limited "meet and discuss" arrangements.

If collective bargaining in public employment is indeed a public good, we need to focus more on explaining and defending that process, rather than just highlighting the obstacles that individual unions face while trying to boost their own membership. For example, in France, unions count only 10 percent of the workforce as dues-payers but unions negotiate in nearly all industrial sectors based on long-standing support for collective bargaining. Unions actively compete against each other—both for membership and votes for government-mandated workplace committee members open to all workers in the same workplace or firm. But the country's various labor federations then find ways to engage in common contract campaigns with management or the government; as a result, nearly 90 percent of French workers have collective bargaining agreements.

Mr. Speaker, this bill is very balanced. Given the unique responsibilities of the public safety community, the bill specifically outlaws strikes by firefighters, police officers, and other public safety personnel. The bill also does not interfere with State right-to-work laws; preserves the rights of volunteer firefighters; protects all existing certifications, recognitions, elections and collective bargaining agreements; and exempts all States with a State collective bargaining law for public safety officers equal to or greater than the bill's basic minimum standards.

Promoting collective bargaining is even more critical today, because the Nation is in much worse shape than half a century ago. What is the likelihood that we can address America's safety crisis, the collapse of retirement security, the threat of outsourcing, workplace safety and health hazards, or the growing income inequality without far more workers winning the right to bargain? We know the answer, and it is H.R. 980. For these reasons I strongly urge my colleagues to support this resolution.

Mrs. MILLER of Michigan. Mr. Speaker, throughout my career, I have been a strong supporter of workers' rights to bargain collectively with their employers. And while I believe every worker should have the right to bargain collectively, I think there are few who have more earned that right than our Nation's first responders.

Historically, Congress has given States and localities wide discretion in determining how to negotiate with their public safety employees. The result of this has been a myriad of different rights for different workers depending on where they serve. Some States have very strong rules to protect collective bargaining. Other States have none at all.

Today, the Public Safety Employer-Employee Cooperation Act gives us an opportunity to ensure that our first responders have a minimum collective bargaining rights no matter what jurisdiction they serve.

This bill would ensure that police officers and firefighters have the basic rights to bargain over wages, hours, and working conditions. The bill also provides for a mediation or arbitration process to resolve disputes.

This legislation strikes the proper balance by prohibiting strikes and lockouts and does not infringe upon existing collective bargaining agreements.

Our Nation's police officers and fire fighters lay their lives on the line every day. At a moment's notice, they are ready to protect us from crime, fire, natural disasters, and, regrettably, from terrorists. And too often they offer their lives in the process.

Though we can never properly repay them for the things they do, this bill will ensure that their collective voice is heard at the bargaining table.

I urge my colleagues to support this legislation.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the Public Safety Employer-Employee Cooperation Act of 2007. I applaud Mr. KILDEE and Mr. DUNCAN for their impressive work on this bill and I'm proud to be a cosponsor of this important legislation.

As a result of this legislation, public safety officers—police officers, fire fighters, and EMTs—will be able to discuss workplace issues and collectively bargain with their employers.

Public safety officers in Iowa and across our nation regularly put themselves in harms way and risk their lives so that we are safe. It's only right that they have a say in the decisions that affect their lives and their livelihoods. They should be able to negotiate for wages, hours, and safe working conditions.

This legislation has strong bipartisan support. It's the right thing to do and I urge my colleagues to support its passage.

Mr. WELDON of Florida. Mr. Speaker, I rise to express my concerns about H.R. 980. Unfortunately, this bill, like many under the new majority has come to the House floor under a closed process that prevents Members of Congress from offering any amendment to this bill.

Florida is a right-to-work State, and while the proponents of the legislation argue that this bill does not preempts states rights, the details of the bill simply do not match the rhetoric.

This bill, which is opposed by the National League of Cities, has the effect of forcing thousands of State and local governments to recognize union officials as the exclusive bargaining agents of public-safety officers. Under the process established in this bill—even in right to work states—if union organizers win the representation of 50 percent of workers plus one, they are recognized as the sole bargaining representative of each and every public safety officer. This preempts State laws and strips tens of thousands of police and firemen of their freedom to negotiate directly with their employer. This is tantamount to compulsory unionizing. The bill amounts to an unprecedented federalization of collective bargaining; an area traditionally left to State and local governments. This issue was succinctly stated by R. Theodore Clark who testified on behalf of the National Public Employer Labor Relations Association during the Committee hearing on H.R. 980 when he said:

> [My] opposition to federal collective bargaining legislation such as H.R. 980 is not because I oppose public sector collective bargaining, but rather because of my firm belief that the enactment of a federal collective bargaining law would severely limit the demonstrated innovative and creative abilities of the states and local jurisdictions to deal in a responsible manner with the many complex issues that the public sector collective bargaining poses.

Finally, concerns have been raised that H.R. 980 might endanger public safety by decimating volunteer fire departments that currently protect countless small communities across America. A fact well understood and opposed by small community mayors and volunteer firefighters across the country.

Our local cites and States are the best deciders of how to provide vital services to our citizens. We should not tie their hands by establishing a "one size fits all" Federal pattern that cannot hope to account for the unique conditions and structures that our states and localities face. It is for this reason and the decision by the majority leadership to deny the ability of members of Congress to address these shortcomings that I could not vote for final passage of H.R. 980.

Mr. SALI. Mr. Speaker, the House voted on a measure that would require public sector employees at the State and local level to set up a system of monopoly bargaining. H.R. 980, the Public Safety Employer-Employee Cooperation Act, is well-intended, as are most bills that come before this body. Yet its effects would be profoundly negative, both on fire and police departments nationwide and on the way Congress operates with respect to our most fundamental allegiance, the Federal Constitution.

As we all know, the tenth amendment to the Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people." Yet with H.R. 980, Congress is plainly overriding carefully crafted State labor laws with a single stroke. This bill dictates to States how they must deal with unionization issues, which is a serious abridgement of the role of Congress envisioned by our Founders.

We took an oath here, Madam Speaker—an oath to uphold a Constitution that does not give us the power to ride roughshod over States whenever it strikes our fancy.

Moreover, the practical effect of this legislation would be disastrous. As the International Chiefs of Police have noted, "By mandating a 'one-size fits all' approach to labor-management relations, H.R. 980 ignores the fact that every jurisdiction has unique needs and therefore requires the freedom to manage its public safety workforce in the manner that they have determined to be the most effective."

Worse yet, H.R. 980 would give the Federal Labor Relations Board the responsibility of overseeing labor-management laws in virtually every jurisdiction in the Nation, from municipalities to counties to States.

Not only is Congress extending its meddling arms into matters reserved by the Constitution for the States, but now, some of my friends across the aisle want to cut funding for the only Federal agency that reviews union abuses. As John Fund put it in the Wall Street Journal, "The new Democratic Congress has finally found a government agency whose budget it wants to cut: an obscure Labor Department office that monitors the compliance of unions with federal law."

Allow me to quote Mr. Fund at some length:

> In the past six years, the Office of Labor Management Standards, or OLMS, has helped secure the convictions of 775 corrupt union officials and court-ordered restitution to union members of over $70 million in dues. The House is set to vote Thursday on a proposal to chop 20% from the OLMS budget. Every other Labor Department enforcement agency is due for a budget increase, and overall the Congress has added $935 million to the Bush administration's budget request for Labor. The only office the Democrats want to cut back is the one engaged in union oversight . . . GOP Rep. John Kline of Minnesota will offer an amendment Thursday to restore $3 million of the $11 million planned cutback in OLMS's budget, so its budget would merely be restored to its 2007 level. Whatever sums are spent on union disclosure reports appear to be a good investment. Unions held $22 billion in assets in 2005, and you'd think that a modest enforcement budget, representing less than 0.003% of that amount shouldn't be the only target for cuts by budget appropriators.

Mr. Speaker, allowing workers to determine whether or not they wish to join unions is consistent with the American principle of personal freedom and self-determination. A Federal law concerning public sector union membership that would render State laws irrelevant is unconstitutional, reckless, and unnecessary. And reducing funding for the one Federal agency that pursues notorious union corruption is incomprehensible in its own right—but especially coming from a new majority that heralds its own allegiance to the highest ethical standards.

These things must not be allowed. These are matters of "liberty and justice for all" we must not take lightly.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007. This vital legislation will provide police officers, firefighters, and other public safety officers with basic collective bargaining rights, without undermining state authority or existing state laws—providing modest minimum standards to be included in state laws.

Sadly, some members of this body object to H.R. 980 on the grounds that it supposedly "tramples on state's rights." This could not be further from the truth. The Public Safety Employer-Employee Cooperation Act only requires that states and localities have a bargaining process, it does not mandate binding arbitration, it does not allow strikes, and local employers still retain the final say in all budgetary decisions. Furthermore, most states and localities already meet or exceed the bill's minimum requirement of having a process in place that allows police, firefighters and others sit down and talk about their jobs with their employers. For these reasons, it seems to me that the state's rights objections raised by the bill's opponents do not stand up under scrutiny.

Congress has long recognized the benefits of a cooperative working relationship between labor and management. Over the years we have extended collective bargaining rights to letter carriers, postal clerks, public transit employees, and even Congressional employees. It is long past time that we allow public safety employees the basic right to bargain collectively and raise workplace and public safety issues with their employers and in passing H.R. 980 today we will correct this wrong.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of H.R. 980, the Public Safety Employer-Employee Cooperation Act.

I am a cosponsor of H.R. 980, which ensures that police officers, firefighters, emergency medical personnel, and other public safety officers have basic collective bargaining rights. Americans depend on public safety workers and first responders to keep us safe and healthy. These critical personnel should be able to depend on Congress to provide them basic rights, including the ability to negotiate for the wages and benefits that they deserve.

This bill promotes the development of labor-management partnerships, which are frequently established through collective bargaining. These partnerships enhance public safety by increasing communication and cooperation between employees and employers, leading to more effective and efficient delivery of services.

It is important to note that the Public Safety Employer-Employee Cooperation Act in no way undermines existing State laws. It simply establishes a basic minimum standard that most states already meet and many exceed. This balanced legislation does not force parties to reach agreement, but rather opens the door for dialogue and negotiation. Additionally, H.R. 980 recognizes that public safety officers play a significant role in emergency situations, and for that reason includes a provision Outlawing strikes.

This bipartisan bill is widely supported by the American public, and it is endorsed by the International Association of Fire Fighters, Association of State, County, and Municipal Employees, Fraternal Order of Police, International Union of Police Associations, and the National Association of Police Organizations.

It is essential for all workers to have a voice at work. Please join me in supporting collective bargaining rights for public safety officers.

Mr. KELLER of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 980, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 547 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 547

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3043 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 547 provides for consideration of H.R. 3043, the Labor, Health and Human Services and Education Appropriations Act for 2008 under an open rule. Under this rule, all Members of the House are afforded the opportunity to offer any amendment that is germane and otherwise complies with House rules.

Mr. Speaker, the phrase most often associated with this bill has been "feast or famine." For instance, Congress first doubled funding for the National Institutes of Health between 1999 and 2003 and then flat-lined the agency's funds since then. It was actually cut for the first time in history in fiscal year 2006.

In contrast, this year's bill sticks to the principle of sustainable growth in strategic areas: Health research, worker safety and education. I would like to applaud Chairman OBEY and Ranking Member WALSH for their hard work in crafting this fair and responsible blueprint for our Nation's future.

Nowhere is this broader strategy of sustainable growth more evident than at the NIH. The underlying legislation provides a modest 2.6 percent increase over last year's level. Such an increase is critical to maintaining America's global leadership in biomedical research. This research will expand the boundaries of human knowledge and keep America at the forefront of the field.

Unfortunately, low or frozen funding levels resulted in almost 1,300 fewer grants from 2003 to 2006. But this year's sustainable increase will allow those grants to expand responsibly.

In particular, I would like to thank the committee for its continued support of the National Children's Study. Its budget within the NIH is very modest, but its impact to children and families will be great. The study will examine environmental effects on childhood development, including autism, asthma and premature birth. For several years, I've been working with the committee and other Members to provide the study with proper support. I'm happy to report that the study has now received widespread and bipartisan support.

I'd also like to highlight the full funding of Ryan White AIDS programs within the bill. Cities and towns all across the country rely on these funds to provide vital health services to individuals with HIV or AIDS. With this funding, the victims of HIV and AIDS will have increased access to medications, primary care and home health care.

In addition to ensuring health care access and advancement, this bill also plans for our children's educational future.

We all realize that the cost of a college education is not getting any cheaper. In fact, it's growing by thousands of dollars a year. So I commend the committee's increase in the maximum Pell Grant by $390 to $4,700. It will permit over 5.5 million students to take advantage of this critical assistance, and it does so without having to reduce other student financial assistance programs, as the administration had proposed.

The underlying legislation also acts responsibly to prepare our Nation's students before they get to college by ensuring better performance at the K-12 grade levels.

Title I grants support schools in high-poverty areas, and they are the engine behind No Child Left Behind. Nonetheless, these grants have been flat-funded or even reduced in the past two school years. This has hindered the ability of title I schools to assist low-performing students. I commend the committee for increasing this fund so that nearly 55,000 title I schools can invest in their young people.

Make no mistake, in a world that increasingly depends on highly skilled employees, this legislation is an investment in the future of our students and in the future competitiveness of this Nation.

In conclusion, I urge all Members to support this rule and the underlying bill. It deals responsibly with the needs of our health care sector, our education system, and the labor market.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from California (Ms. MATSUI) for yielding me the customary 30 minutes.

Mr. Speaker, this proposed rule would provide for consideration of the Labor-Health and Human Services-Education appropriations bill, the seventh out of 12 appropriation bills to be considered by the House this year.

Mr. Speaker, I'm pleased that for the seventh time we are considering this appropriations bill under an open rule that allows every Member of the House the opportunity to come to the floor and to offer his or her amendment to the bill. Except for in the instance earlier this year when the House considered the final fiscal year 2007 spending bill, which allocated $463 billion of taxpayer dollars while denying all Members of the House the opportunity to amend the bill, this rule continues a long-standing tradition of openness on spending bills.

Mr. Speaker, the Labor-Health and Human Services-Education appropriations bill provides over $607 billion to support the Federal Government's role in labor, health and education programs. Of this total, over $455 billion, or 75 percent, is comprised of spending for government programs that grow automatically every year with little congressional review. For the next fiscal year alone, these programs will increase by an estimated $54 billion, nearly 12 percent, which I might add, Mr. Speaker, is three or four times the rate of inflation.

Without question, these programs pose the largest threat to our long-term economic health because they essentially run on autopilot with little accountability to the taxpayers writing the checks. If we want to get spending under control, it is vital that we take a hard look at these programs sooner rather than later.

The remaining money in this appropriations bill is set by Congress each year. For the last fiscal year, $144 billion was provided to support the Federal Government's role in labor, health and education programs, but for the upcoming fiscal year, the underlying bill provides for $151 billion, an increase of $7 billion.

Mr. Speaker, while I support some of the increases in the bill, such as an increased funding for the Individuals with Disabilities Education Act, I do have concerns with the overall increased spending level in this difficult budget year. I believe that Congress must always stop and remember that we are spending the American taxpayers' money when considering appropriations bills. Each time a decision is made to spend more money, taxpayers face a higher tax bill or the deficit faces an increase in leaving our children and grandchildren to foot the bill. Therefore, we must take a balanced approach that provides for the general welfare of our Nation while reducing the deficit.

It's important that taxpayers are aware that under the Democrat majority's budget plan, each taxpayer faces an average $3,000 increase in their Federal tax bill in order to pay for the Democrats' spending spree over the next 5 years, as reflected in their budget.

Throwing money at all of our Nation's problems will not make them go away. The American people expect more of Congress. They expect us to tackle the difficult issues, make tough decisions and lower the deficit through fiscal restraint.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I'd just like to make a few comments before I yield to the next speaker.

I'd like to say that the President's budget would have cut education programs, health care programs, energy assistance for seniors, avian flu by some $7.6 billion below last year after adjusted for inflation. This bill rejects most of those arbitrary cuts. As a result, some Members have criticized it.

But the bill only increases these funds by a modest 3 percent after adjusting for inflation and population growth. This increase puts the bill a full $2.9 billion below its funding level in 2005. It is interesting logic that when you're spending less than you did 2 years ago, it's out-of-control spending.

The subcommittee's ranking member testified to the Rules Committee last night that he would have written a very similar bill as Mr. OBEY did had he been in the chairman's seat. And most of the amendments offered in committee were by the minority seeking to increase various funding levels in the bill.

This bill funds our Nation's health care, education and worker protection programs in a responsible, sustainable manner.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentlewoman from California.

Mr. Speaker, this Congress faces the challenge of acting on the direction of the American people, as expressed in the vote of November 2006, and that is to change the direction of this country and to restore a domestic agenda that serves all Americans.

We began, and again on a bipartisan basis, with 100 hours, raising the minimum wage, reversing wasteful subsidies to the big oil companies, and instead funding renewable energy, requiring price negotiations so our taxpayers didn't get ripped off in prescription drug prices, making college more affordable.

□ 1130

These measures are a down payment, but just a beginning. Today, the House takes up the eighth of 12 appropriation bills. This bill, under the leadership of Mr. OBEY, more than anything else, is going to put a stamp on a new direction that this Congress is moving in.

It's a direction that says all Americans have to be included, not just the wealthy, not just those who can afford corporate lobbyists. All Americans have a right to affordable education, to quality health care, to safe working conditions and to a financially secure retirement. Getting from here to there is a challenge, but this is the road that this bill takes us on.

Let me mention just four different areas. First, the legislation restores $7.6 billion in funding to vital programs that have been cut by the administration. At the same time, it saves $1.1 billion from lower priority programs. There is a commitment here to fiscal responsibility.

We must invest in America's future generations, and the bill does that.

Second, again, I will just mention a few things that are important to us in Vermont. We have had unfunded mandates. Special Ed, No Child Left Behind are the poster childs of that. This bill increases funding for No Child Left Behind by $8.6 billion over fiscal year 2007.

This bill invests in vital rural health care programs, something that we in Vermont are very familiar with, by increasing funding by $307 million. That provides real services to real people with real health care problems. This bill increases funding for the vital Low Income Heating Assistance Program. That was cut in the administration proposal by $379 million, or 17.5 percent, below last year's level. That's simply not sustainable. That's going to inflict real harm on people who have no ability to control the price of home heating oil.

This bill is taking us further on the road of having a Congress who is committed to the needs of all Americans.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, House Resolution 547 is an open rule providing for consideration of the fiscal year 2008 Labor, Health and Human Services, and Education appropriations bill.

The underlying legislation puts many of this Nation's most critical agencies on a responsible and sustainable funding path. Chairman OBEY and Ranking Member WALSH should be commended. As the Rules Committee heard in their testimony yesterday, they worked in a cooperative manner without partisan rancor to balance many competing needs funded through this bill.

This bill strengthens our families and prepares our workforce for the challenges that lay ahead. For instance, in just 7 years, nearly half of all the Nation's job growth will be concentrated in occupations requiring a college degree. This bill helps prepare our young people for this new world by increasing funding for students at K–12 or college level. In particular, it rejects an administration proposal to freeze Pell Grants. Instead, this legislation increases Pell Grants by $390 to $4,700 on top of a $260 increase provided in 2007 continuing appropriations resolution. These efforts will make great strides in making college more affordable.

The legislation also maintains our Nation's leadership in health care research by lifting a 2-year freeze on the average cost of new research grants to NIH, and it provides a responsible increase in employment, training and worker protection programs. These are just some of the ways in which the underlying legislation provides millions of Americans with access to affordable health care, a decent education, and strong worker protection.

I urge all my colleagues to support this open rule and the underlying bill.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

MOTION TO GO TO CONFERENCE ON H.R. 1, IMPROVING AMERICA'S SECURITY ACT OF 2007

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to clause 1 of rule

XXII and by direction of the Committee on Homeland Security, I move to take from the Speaker's table the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mrs. Blackburn moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to agree to section 1455 of the Senate amendment.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to clause 7 of rule XXII, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

The motion to instruct would require the Secretary to deny a Transportation Worker Identification Credential, a TWIC, to any applicant who has been convicted of certain crimes.

This card is the access card to our Nation's critical and sensitive port and maritime facilities. We have over 750,000 workers who access our ports daily. TWIC was created to ensure that they are all screened and that they pose no threat of terrorism.

Now, our motion would specify that individuals convicted of certain crimes, such as treason, espionage, sedition or murder, would be permanently disqualified from receiving a TWIC card. This would further specify interim disqualifying crimes, such as smuggling, arson, kidnapping or robbery, that would disqualify an individual within a certain timeframe of conviction.

This provision provides the right balance between ensuring that our ports are safe while ensuring that we have the workers we need to get the job done in a timely manner.

We all agree that protecting our ports is one of the most critical duties that we have. All the guns, all the gates, all the guards in the world, every bit of that is useless if we give an individual a TWIC card to walk right past them.

This would ensure that the screening of these individuals is thorough, and that it is complete. While some may argue that this will unnecessarily disqualify too many individuals, we have already provided for an appeal and waiver process elsewhere to ensure that individuals can apply for a TWIC despite their past history.

This section that we are offering today in this motion to instruct passed the Senate 94–2. Our motion to instruct would accede to the language in the Senate provision.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, as you know, the House has passed its own language as it relates to the issuance of the TWIC cards. We have negotiated for the last 2 months with our Senate colleagues and, for the most part, we have a bipartisan agreement on the issuance of the transportation security cards to convicted felons.

That agreement talks about many of the things my colleague referenced in the report. It talks about treason, it talks about sedition, it talks about espionage, all those things.

Therefore, I think carrying it to the level that my colleague would want to carry it is not in the spirit of the conference report that we are negotiating with our colleagues in the Senate.

It is bipartisan. We have been meeting for 2 months to craft a language. It's good language.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I would like to call to the body's attention, we had last week on July 10, a front page article in The Hill talking about this.

The concerns with this clause, I know that this program, TSA is going to roll this TWIC card program out on September 1. I would hope that our security is of such importance to us that we would not weaken this program.

We know that the security of our ports is important. We want to make certain that the workers that we are sending in to these ports have gone through the appropriate clearances. We know that these are critical and sensitive areas. Why would we want to give a card to someone who has been convicted of crimes such as treason, espionage, sedition or murder?

I do not think that the American people want to see those individuals inspecting the cargo that's coming into these ports. We hear so much about security and food security, the issues that surround that. We are hearing about the security of human trafficking that is going through our ports. For goodness sakes, we want to be certain that the people that are walking into those ports to work every day are not convicted of these serious crimes.

Mr. Speaker, I reserve the balance of my time.

□ 1145

Mr. THOMPSON of Mississippi. I now yield as much time as she may consume to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman of the full committee, and to the Speaker, my good friend from Tennessee, we are here on this floor for a very serious deliberation.

Over the last 10 days we have heard a number of responses from the administration; and I have often said that if and when, if and when there was a turn of events that would generate a horrific and terrorist act against this Nation, it is the Members of the United States Congress and committees with names like Homeland Security and Defense that would have to be called to the carpet.

None of us, none of us, Mr. Speaker, have any desire to be on the list of those who are derelict in their duties. In fact, Chairman THOMPSON has been enormously zealous in constant oversight of the Department of Homeland Security, constant briefings, and I am reminded of one that occurred in the last 10 days where the term "gut feeling" was introduced to us. Out of that particular briefing, many of us tightened our belts and began to reflect on the oversight hearings and the legislative initiatives that will respond and have responded to that gut reaction. So the dilemma, or the discussion today, as we bring up the 9/11 bill, may I remind my colleagues, is about terrorism. It is about the thought and the fear that Americans have of who lives amongst us.

The TWIC card, as Transportation Security Administration is about to issue forward with regulations, is one of the elements to define who is in this country that would want to do us harm. Let me say this again, Mr. Speaker. It is a card to define who wants to harm us.

As the chairwoman of the Transportation Security Subcommittee, Critical Infrastructure, we live every day with those individuals who are receiving identification, those at airports. We have done oversight about employees' ingress and egress, about the back side of the airport. We are well aware, my colleague Representative SANCHEZ, LORETTA SANCHEZ and her committee, well aware of the massiveness of the Nation's ports. We could give you a list of times that we have been to look at the intimacies of the port. But what my good friend is speaking about clearly has no direct relationship to ensuring America's security and releasing or eliminating the fear that Americans have about the next-door terrorist cell. This amendment, this motion to instruct is not constructive. For what it says is that age-long workers, union workers who through an early lifetime had the ups and downs of a criminal record, have now been cast as terrorists.

Mr. Speaker, I am not interested in opening the doors to criminal elements. I don't disrespect the fact that we are concerned about murderers and others who have done dastardly deeds. But what you are talking about is taking an age-old seasoned port worker, union member, and eliminate their livelihood by projecting onto them the question of whether or not they are in line to perpetrate a terrorist act.

The TWIC card is an identification document to ensure that those who are in possession of that card have no connection to any elements of terrorism. It is to safeguard the American public. It is not, it is not, if you will, the sledgehammer on hardworking, taxpaying Americans. And let me be very clear: The TWIC card is no wimp. There is a serious review process that goes forward that takes into account everyone's record and includes any elements that would lead us to believe that this person might perpetrate a terrorist act.

I respect the gentlelady from Tennessee because I know that she is, as we all are, warriors against terrorism, and this Congress has to be united on this factor. I would raise the question, however, as to whether or not these modifications of a TWIC card that has already been vetted directed only at eliminating, firing, and terminating lifelong employees with strong records that have shown no inclination and no past history to terrorist acts is the appropriate direction to take.

I hope that we can join in this body, as Chairman THOMPSON has encouraged us as members of his committee, to focus in a bipartisan way on solutions to major problems: Critical infrastructure, nuclear and biological possibilities, the reconstruction of FEMA, the interests in protecting our ports and borders north and south. This is how, an intelligence response that shows who is here as it relates to terrorist cells and who is here to do damage. These are the key elements, along with the 9/11 bill, that lay down the underpinnings, the framework of the survival of this Nation. Let us not fall upon divisiveness in the redesign of a card that has been fully vetted in its structure, that will do what it is intended to do, which is to weed out the terrorists and to allow hardworking Americans to continue to work and provide for their families. They, too, are patriots. And we as patriots and lovers of this country must stand united together in doing the right thing to secure America.

Mrs. BLACKBURN. Mr. Speaker, the gentleman from Mississippi spoke of the compromise language, and the compromise language does not give our TSA the tool in its toolbox that it needs. Indeed, the compromise language would weaken that tool that they need in that toolbox to be certain that they are giving Americans the certainty that they want to view our Nation's ports security with. They want to know that certainly the people that are coming into those ports have our Nation's best interests at heart. And I fully believe that they do not want individuals who are convicted of these crimes of treason, espionage, sedition, murder and, further, interim disqualifying crimes such as smuggling, arson, kidnapping or robbery to be in there watching the cargo and the transportation that comes into our ports and maritime facilities. Certainly, this is a regulation that TSA uses now with our truck drivers who are moving hazardous material. So the compromise language would take a tool out of that toolbox that TSA uses to give Americans the certainty that they are doing their best.

Now, with respect to the question from the gentlelady from Texas, and I appreciate the hard work that she does at the Homeland Security Committee, but this would provide only a 7-year lookback, and I think that that is important to note in that screening process. But at the same time, Mr. Speaker, we want to be certain that screening is thorough, that it is complete, and that there is certainty given to the American public.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, for the record, I would like to say to my colleague from Tennessee, this bipartisan agreement was worked out in the spirit of making sure that those individuals who work in various capacities in high-risk areas, that they are, in fact, not security risks. So what we have done, we have taken espionage, we have taken sedition, we have taken treason, any felony crime of terrorism, crime involving a transportation security incident, improper transportation of hazardous material, unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of or dealing with an explosive device, we have gone into great detail in defining those disqualifying areas.

In addition to that, we have laid out interim disqualifying criminal offenses that go toward unlawful possession, sale, manufacture, purchase, distribution of firearms; extortion, bribery, smuggling, immigration violations; distribution, possession with intent to distribute or importation of controlled substance; arson, kidnapping, rape, assault with intent to kill; robbery, conspiracy, fraudulent entry into a seaport, a violation of the Racketeering Influence and Corrupt Organization Act. Mr. Speaker, we have gone in great detail to list as many offenses as we could.

Now, from what I understand from the gentlelady's motion that we are debating, the only issue is that you don't want the Secretary of Homeland Security to have the ability to look at these things and say whether or not they should be modified. Now, if we are wrong in our interpretation, that is fine, but as we look upon what you have before us today, that is the only thing.

If we can't trust the people who run the Department to make certain administrative decisions, then who can we trust? And it is in this spirit that we left that particular modification language there for the Secretary to look at any unforeseen crime that may or may not have been excluded in this disqualifying criminal offense.

So clearly, Mr. Speaker, it was a bipartisan effort, and we wish to offer it.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, the gentleman was just making his point, and in part of that he is right, but the important part of this is that what we have to do is be certain that a Secretary doesn't delete these provisions. And if you are going to give them that flexibility and if they delete it, then you have that hole that is there. So, because of that, we need it in statute to be sure that it is not altered.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Our Secretary of Homeland Security is appointed by the President. I would think that he would appoint the best qualified person, someone who would have the interests of this country at heart every second that he or she may be in that position. So to take the ability of an individual who is running a department from making certain decisions is not in our best interests.

We should not micromanage the Department of Homeland Security. We should let the Secretary of Homeland Security run the Department. He should have the administrative authority to do it. This would not be in the best interests of us. We do not do this in other secretarial departments.

And so, again, Mr. Speaker, in the interest of identifying crimes that are disqualifying, but notwithstanding the fact that the Secretary should have some discretion over running his or her Department regardless of what that Department may be, this is the bipartisan spirit in the conference that we reached.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

□ 1200

Mr. LATOURETTE. Mr. Speaker, I speak on this motion with the greatest respect for the gentlelady from Tennessee. But I would say that in my prior life, before coming to the Congress I was a prosecuting attorney, and I was responsible for sending a lot of people to prison.

I also had a responsibility to go down and visit people that I'd sent to prison. And I remember the first visit that I made down to one of the prisons in Ohio, and there's these trustees outside the prison gates with white stripes on the side, and they were given trusted positions within the prison.

And I said, who are the trustees? How do you get to be qualified to be a trustee? And they said, well, they're murderers. And I said, what do you mean, they're murderers? They said, they're murderers.

What we find is that in the crime of murder, most murders in this country are committed in crimes of passion, a husband murders a wife, a wife murders a husband, a boyfriend and so forth and so on. But they are also the least likely people to ever commit crime again.

And what concerns me about the requirement of receding to the Senate provision in this is that it ignores the opportunity for rehabilitation. It ignores the opportunity that people make mistakes, and they're not a threat to national security, and they can be good productive people. They can work in our ports.

And I am concerned that murder is one of the automatic disqualifiers. I am also concerned that the other list of crimes that have waiting periods of 5 to 7 years, they have nothing to do, in my mind, with terrorism or port security.

And I am all for a system where the Secretary or even in law the Congress of the United States says, you know what, if you committed a crime of violence we're going to take an extra look at you; but to be automatically disqualified, either forever or for a considerable period of time, I think disturbs me.

I intend to vote against the motion. I respect the gentlelady's opinion and why she's brought this motion, but sadly, I can't agree with it.

Mrs. BLACKBURN. Mr. Speaker, you know, the appeals and waivers process was put in place for a reason, and that is why it is there, and that's why you've got the look-back provision and why it is stated as such.

Again, I will reemphasize the point. We don't want to do something that is going to weaken a tool that is in the TSA toolbox for being certain that we have the necessary security at our ports; that we know who is there and we know the reasons they are there, that we know that they have the appropriate clearances for being there.

And with all due respect to the chairman and the chairwoman who have worked on this legislation, our wording here, acceding to the language that passed over in the Senate, 94-2, would be certain that we have in statute something that is going to give our citizens the security that we have done our job.

It is the responsibility of this body to be certain that we have this national security interest at heart for the people of this good Nation, and certainly this language is one step in so doing.

And at this time, Mr. Speaker, if the gentleman from Mississippi has no further speakers and is ready to yield back, then I will do so. But I want to be certain I have the right to close on this.

Mr. Speaker, I will reserve at this point.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have one additional speaker. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman. To my good friend from Tennessee, let us be very clear that homeland security is a bipartisan issue.

What the chairman has indicated is that we are yielding to the Secretary of Homeland Security for a slight opportunity to be able to modify, if you will, in his reasoned judgment, that deals with securing America. We are not ignoring sedition and treason. I want my colleagues to know that.

But the individuals that will now be subjected to the TWIC card, which costs 137 dollars and 700,000 people will be processed the first year, and 1.5 million persons the second year, these are our neighbors, individuals who have been working in this capacity who have nothing in their background that would suggest that they are terrorists.

The gentlelady's motion would literally shut down America's ports. Commerce would come to a standstill. As my good friend from Ohio has said, people rehabilitate. Give the Secretary the opportunity to use his judgment and to use his discretion to be able to secure America on the real causes of sedition and treason.

Mrs. BLACKBURN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspension of the rules on H.R. 980, by the yeas and nays;

Adoption of House Resolution 547, de novo;

Motion to instruct on H.R. 1, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 980, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 980, as amended.

The vote was taken by electronic device, and there were—yeas 314, nays 97, not voting 20, as follows:

[Roll No. 633]

YEAS—314

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg

Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—97

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Boozman
Brown (SC)
Burgess
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Deal (GA)
Doolittle
Drake
Dreier
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Pitts
Putnam
Radanovich
Rogers (AL)
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Stearns
Tanner
Taylor
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wolf

NOT VOTING—20

Alexander
Brady (TX)
Brown, Corrine
Carson
Cubin
Davis, Jo Ann
Edwards
Gohmert
Green, Al
Green, Gene
Hinojosa
Johnson (IL)
Kucinich
Lewis (GA)
McCaul (TX)
Ortiz
Payne
Price (GA)
Sestak
Tancredo

☐ 1232

Messrs. SALI, BOOZMAN, ISSA, PITTS, PICKERING, WICKER, PETERSON of Pennsylvania and MELANCON changed their vote from "yea" to "nay."

Messrs. WILSON of South Carolina, HASTERT, BURTON of Indiana and COLE of Oklahoma changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SESTAK. Mr. Speaker, on rollcall No. 633, I was detained while picking up my 6-year-old daughter who had become ill. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The unfinished business is the question on adoption of House Resolution 547 which the Chair will put de novo.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 178, not voting 21, as follows:

[Roll No. 634]

YEAS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—178

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.

Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Alexander
Brady (TX)
Brown, Corrine
Carson
Cubin
Davis, Jo Ann
Edwards
Gohmert
Green, Al
Green, Gene
Hinojosa
Johnson (IL)
Kucinich
Lewis (GA)
McCaul (TX)
Ortiz
Payne
Peterson (PA)
Price (GA)
Tancredo
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. HIRONO. Mr. Speaker, on rollcall vote No. 635, my vote was mistakenly recorded as "yea"; however, I intended to vote "no."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, I missed rollcall Nos. 633 and 634 since I was at Walter Reed Army Hospital visiting injured troops. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PRICE of Georgia. Mr. Speaker, on rollcall Nos. 633 and 634 I was unavoidably detain and not able to vote. Had I been present, I would have voted "no" on 633 and "no" on 634.

MOTION TO GO TO CONFERENCE ON H.R. 1, IMPROVING AMERICA'S SECURITY ACT OF 2007

MOTION TO INSTRUCT OFFERED BY MRS. BLACKBURN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1 offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 66, not voting 11, as follows:

[Roll No. 635]

YEAS—354

Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—66

Abercrombie
Baldwin
Berman
Blumenauer
Brady (PA)
Butterfield
Capps
Capuano
Carson
Clarke
Clay
Clyburn
Conyers
Davis (CA)
Davis (IL)
DeGette
Delahunt
Farr
Filner
Frank (MA)
Green, Al
Green, Gene
Gutierrez
Hastings (FL)
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kingston
LaTourette
Lee
Markey
McDermott
McGovern
Melancon
Miller, George
Moore (WI)
Murtha
Olver
Pallone
Pascrell
Paul
Price (NC)
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Slaughter
Smith (WA)
Solis
Stark
Thompson (MS)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wynn

NOT VOTING—11

Alexander
Brown, Corrine
Cubin
Davis, Jo Ann
Hinojosa
Johnson (IL)
Kucinich
Lewis (GA)
McKeon
Payne
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1256

Mr. CUMMINGS changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, on Tuesday, July 17, 2007, I was unable to vote on rollcall Nos. 634 and 635. Had I been present, I would have voted "yes" on both.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately this morning I was unable to cast my votes on H.R. 980, H. Res. 547, and the Motion to Instruct Conferees on H.R. 1 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 633 on suspending the rules and passing H.R. 980, the Public Safety Employer-Employee Cooperation Act, I would have voted "yea."

Had I been present for rollcall No. 634 on passing H. Res. 547, the rule providing for consideration of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2008, I would have voted "nay."

Had I been present for rollcall No. 635 on the Motion to Instruct Conferees to H.R. 1, the Implementing the 9/11 Commission Recommendations Act, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Conferees on H.R. 1 will be named later.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2641 in the Committee of the Whole pursuant to House Resolution 481, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. ROTHMAN limiting funds for the Green Maintenance Building in North Bergen, New Jersey;

An amendment by Mr. FLAKE limiting Army Corps of Engineers construction funding for the South Central Pennsylvania project;

An amendment by Mr. FLAKE limiting funds for the Coastal Wind Ohio project;

An amendment by Mr. FLAKE limiting funds for the Green Maintenance Building in North Bergen, New Jersey;

An amendment by Mr. FLAKE limiting funds for the National Center for Manufacturing Science in Michigan;

An amendment by Mr. FLAKE limiting funds for the University of North Alabama Green Campus Initiative;

An amendment by Mr. FLAKE limiting funds for the Center for Instrumented Critical Infrastructure in Pennsylvania;

An amendment by Mr. FLAKE limiting funds for the Alliance for NanoHealth in Texas;

An amendment by Mr. FLAKE limiting funds for the Notre Dame Innovation Park in Indiana;

An amendment by Mr. FLAKE limiting funds for the ACE Program at Maricopa Community Colleges in Arizona;

An amendment by Mr. HENSARLING limiting funds for the South Carolina HBCU Science and Technology initiative in South Carolina;

An amendment by Mr. HENSARLING limiting funds for the Environmental Science Center, University of Dubuque, Iowa;

An amendment by Mr. HENSARLING limiting funds for the Emmanuel College Center for Science Partnership in Massachusetts;

An amendment by Mr. HENSARLING limiting funds for Roosevelt University Biology Laboratory Equipment in Illinois;

An amendment by Mr. HENSARLING limiting funds for Nanosys, Inc.;

An amendment by Mr. CAMPBELL of California limiting funds for projects requested by Members of Congress and disclosed pursuant to the rules of the House, which shall be debatable for 30 minutes; and

An amendment or amendments by Mr. VISCLOSKY regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations and its Subcommittee on Energy and Water Development each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material during further consideration of H.R. 2641.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2641.

□ 1300

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. TIERNEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 20, 2007, the amendment by the gentleman from New York (Mr. HINCHEY) had been disposed of and the bill had been read through page 40, line 18.

No further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. ROTHMAN

Mr. ROTHMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROTHMAN:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available in this Act may be used for the Green Maintenance Building in North Bergen, New Jersey.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ROTHMAN) and a Member opposed each will control 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would ask unanimous consent to claim the 5 minutes in opposition to the gentleman's amendment, even though I am not opposed to the gentleman's amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. ROTHMAN. Mr. Chairman, I will not take my full 5 minutes. This amendment strikes an earmark for a project requested by myself and Congressman SIRES who together represent the town of North Bergen, New Jersey.

The funds allocated in this bill would have gone towards the construction of a new public works building in North

Bergen, New Jersey, that would have repaired and maintained all of the vehicles for that municipality, as well as all of the fire trucks for the surrounding five towns of Weehawken, Guttenberg, West New York and Union City.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, we would be happy to accept the gentleman's amendment.

Mr. ROTHMAN. Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN).

The amendment was agreed to.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. Chairman, I want to set the stage for what is occurring on the House floor at this point in time because it is my privilege to submit to the House for final passage H.R. 2641, the Energy and Water Development Appropriations Act for Fiscal Year 2008, with its supplemental report.

On July 10, the Appropriations Committee approved the supplemental report unanimously by voice vote. As I have said before, this is a good bill and it merits the support of the entire House.

I would emphasize that the money spent in this bill, whether enumerated originally by the administration or by the Congress, are investments, investments in our national security, investments in our energy security, and investments in the health and safety of our citizens. They are investments to create a climate and to build the infrastructure that encourages the development of new, good-paying jobs in our country.

To the extent we have made changes in the administration's priority, the changes have been to enhance the effectiveness of the programs in this bill and to complement them.

I would like to give two examples. All one needs to do is look at the West Sacramento Flood Control Project as proof that we are dealing with fundamental issues, like ensuring people and their families' lives are secure and their homes and their businesses are protected from devastating floods. In Tennessee, the Center Hill Dam is another project that Congress has funded to control flood waters and generate clean, safe and efficient hydroelectric power.

There are also examples of administration funding requests that originated in Congress years ago. For fiscal year 2006, Congress designated funds to support activities at the supervisory control and data acquisition test facilities at the Idaho National Laboratory. This system has proven itself so useful in helping to improve the reliability and robustness of the electric power grid that for fiscal year 2008 the administration has included the project as part of its project request. If nothing else, this shows how the executive and legislative branches can work together to fund important projects for the Nation, regardless of who initiated support for the idea.

Mr. Chairman, as we consider today's supplemental report to the Energy and Water Appropriations bill, I urge my colleagues to keep these factors in mind. The specific projects enumerated in this report serve a purpose: To improve the quality of life for our citizenry and to make advances on key priorities facing our Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I appreciate the fair and bipartisan manner in which the gentleman from Indiana (Mr. VISCLOSKY) as our chairman has used to put this supplemental report together. I fully support the list of congressionally directed projects that it contains. I encourage Members to support these projects and to vote for final passage of the underlying Energy and Water bill.

When we first brought this bill to the floor roughly a month ago, I expressed my concern about the absence of detailed project guidance on how to spend this much money. The supplemental report that is before the committee today resolves that concern.

Chairman VISCLOSKY and I, and our respective staffs, engaged in a lengthy bipartisan effort to sort through the thousands of earmark requests that we received. We screened the large number of requests to select the projects that had the most merit and were the best fit for inclusion in the Energy and Water bill. We have complied fully with Chairman OBEY's direction to reduce the value of our energy earmarks by one-half compared to the amount we funded in fiscal year 2006.

The Corps of Engineers faces an enormous backlog of work, somewhere between $12 billion and $60 billion, and that is before the pending WRDA bill adds another $13 billion of unfunded requirements. There is a significant need for additional funding for water resources infrastructure, above and beyond what the administration requested. This supplement provides another $770 million for specific Corps water projects. Within a total appropriation of $5.58 billion for the Corps, less than 14 percent is dedicated to congressionally directed projects. Every one of those projects is already authorized, and every one has been reviewed by the Corps to be sure they have the capability to execute it. Until we make some progress with the backlog of ongoing work, we continue the past practice of not funding any Corps new starts.

On the Department of Energy side, the committee recommended $246.5 million for 263 specific projects, which represents a 50 percent reduction from the amount of DOE earmarks contained in our fiscal year 2006 bill. Many of these projects are intended to demonstrate alternative energy technologies. It is important to note that we are spending billions of dollars on DOE's energy security mission, which includes the research, development, demonstration and deployment of advanced energy technologies. If this research is to be worth the investment, and if this research is to improve our energy security by reducing our dependence on imported oil and reducing the environmental impact of burning fossil fuels, then these technologies must ultimately be adopted by the private sector.

Therefore, a significant number of our Department of Energy earmarks are "green" buildings to demonstrate alternative energy technologies. It is important that we show the American people that there are alternatives to burning fossil fuels for power generation, for transportation, and for heating and cooling, so that builders and consumers know these alternatives are available and affordable. We intentionally put these technology demonstrations in high-traffic settings designed to get a lot of public exposure, such as museums, educational institutions, and community buildings, in order to maximize the value of these demonstrations.

We have a constitutional responsibility to appropriate funds for the Federal agencies. That means we do not simply rubber-stamp the administration's project requests, but rather, we put our own mark on the annual agency budgets. That is what this supplement represents. I support this supplement to our bill, and I encourage the other Members to do so as well.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 503. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the Achieving a College Education Program at Maricopa Community Colleges.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator" is hereby reduced by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit a million dollars, and reduce the cost of the bill by a consistent amount, from being used to fund an earmark for the ACE Program at the Maricopa County Community Colleges.

While I am often criticized for meddling in the congressional districts of other Members in my attempts to make Federal spending on earmarks transparent, that accusation would be unfounded with this amendment.

As the saying goes, "all politics is local," and this amendment makes that a truism, with a portion of Maricopa County within the boundaries of the district I represent.

As I am sure the sponsor of this earmark will be proud to tell you, the Achieving a College Education program was started in 1988 at one of the community colleges in the Maricopa system, and has spread to all 10 of its institutions.

According to the ACE Program Web site, the program is a partnership between community colleges and local high schools that was designed to reduce dropouts among at-risk high school students and transition them to community colleges and university studies.

It would be foolish and not truthful for me to stand here and say the program is not making a valuable contribution to Maricopa County. However, the criteria for receiving another Federal handout of $1 million cannot and should not rest simply on whether a program is doing valuable things.

I am certain that at many, if not all, of the hundreds upon hundreds of community colleges across the country there are important programs that are making valuable contributions to their communities. Surely the taxpayer shouldn't have to fund all of those programs. So how do we choose? How does Congress decide which important, valuable programs get funded with taxpayer dollars and which do not?

The willingness of Members of Congress to give Federal handouts to a select few has led to more than $5 billion in earmarks in this appropriations bill, a bill that is more than $1 billion over the President's request and has garnered a veto threat because of it.

In addition, this earmark is focused on education and raises the question of why it is being funded out of the account of the Office of the Administrator of the National Nuclear Security Administration. It is my understanding that Federal funding for the ACE Program came through the Department of Housing and Urban Development in previous years.

Other earmarks in the account of the Office of the Administrator for educational programs seem to highlight math and science education. While components of the ACE Program highlight math, science, technology or engineering, this appears to be only one facet of the program and not the sole purpose at all. In fact, other components also appear to highlight health services, business industry technology, community service, adult education, personal finance, and other areas.

I would submit to my colleagues again that if simply having a program that makes a valuable contribution were enough to warrant being awarded millions of dollars, the Treasury would soon be empty.

Further, I would submit that an earmark of this variety is misplaced in the Energy and Water appropriations bill, and should at the very least be considered in the upcoming Labor, Health and Human Services appropriations bill.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Arizona (Mr. PASTOR), a member of the subcommittee.

Mr. PASTOR. Mr. Chairman, as the sponsor of this program, as my colleague from Arizona has told you, it has been in existence for a number of years and has in the past received Federal funding. With the Federal funding, we have expanded this program to all of the community colleges in the Maricopa County Community College System.

My colleague asked the question why in DOE and why the Office of the Administrator? Four or 5 years ago, the Department of Energy, through the Secretary then, it was decided that the Department of Energy was going to get involved in the educational programs dealing with historically black colleges and also with Spanish-serving institutions. It was to ensure that there would be a stream of people into math and science programs.

As you know, our President has a number of times emphasized and has began initiatives through the Department of Energy that would help recruit students into the math and science classes. So when the Secretary of Energy made that commitment, knowing that that program was available to colleges and universities, a presentation was made to the Department of Energy whether this program, ACE, would be one that they had an interest in. In one of the hearings ACE was brought up.

So the Department of Energy with the board and administrators of the Maricopa County Community College System began negotiating and set up this program. The intent is to serve minority students that are enrolled in schools throughout Maricopa county, to assist them in a path of math and science. It is in cooperation with the community colleges, because MCCG is encouraging these students to go through the community college system and then take them to the university.

As this program was presented to me 3 years ago by the Maricopa County community colleges and was presented to the Department of Energy, because of the many success stories and it is a program that needs to continue.

The reason it is in DOE is because that is where the program is and that is where the moneys are allocated for this type of program.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I have a great deal of respect for the gentleman who just spoke, Mr. PASTOR, and I know of his concern for education and his commitment there.

The point I would make again is there are many valuable programs out there. There are thousands and thousands of community colleges out there. I would think that we simply have to stop saying all right, we are going to fund this one or we are going to fund that one without some kind of criteria that should be set by somebody else other than Members of Congress because we are in a position where it happens politically.

Now that is not to say that decisions by Federal agencies aren't political. They often are. That's the responsibility of oversight, for us to step in and say you ought to have this criteria or this merit-based selection process or this competitive grant process.

But for us to say we don't like the way the Federal agencies do it so we are going to do it ourselves, I would think is not the wisest course. With that, I would urge support of the amendment. We simply can't fund all of the programs, the good programs that are out there, and maintain any type of position here in Congress of being equal or being good stewards of the taxpayer dollars. With that, I would urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Chairman, the program in the Department of Energy is geared to get minority students into a pathway of math and science. I did not write the program. All I did was act as a facilitator between the community college system and the Department of Energy. There is an agreement. The agreement was signed 3 years ago between the Department of Energy and the Maricopa County community colleges. In that agreement, DOE has filled out the requirements of the program that the community colleges have had to adhere to, it is an agreement between the Department of Energy and the community college system.

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All I did was facilitated between the community college and the Department of Energy, and I would ask my colleagues to reject this amendment, because the program assists minority students to achieve a college education. It's an initiative that the President has put forward, and the Department of Energy has taken on the initiative. This agreement is between the community college system and the Department of Energy.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment of the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 503. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the Alliance for NanoHealth.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "Department of Energy—Science" is hereby reduced by $750,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $750,000, and reduce the cost of the bill by a consistent amount, from being used to fund an earmark for the Alliance for NanoHealth, or ANH.

The ANH is comprised of seven universities and scientific institutions headquartered in Houston, Texas.

ANH's mission is to collectively bridge the disciplines to develop nanotechnology-based solutions to unresolved problems in medicine.

This earmark, according to the certification letters submitted by the sponsor, will be used for electron microscopy equipment, a high-resolution CCD camera, freezing apparatuses as well, for training and for upgrades for shared equipment purchases.

In 2004, the Federal Government provided $2.4 million in start-up funding for the alliance through an earmark in the Department of Defense appropriations bill. In fiscal year 2005, the Alliance for NanoHealth received a total of $7.4 million in Federal earmarks.

In addition to the earmark in this bill, ANH is scheduled to receive another $1 million for fiscal year 2008 in the Commerce, Justice and Science appropriations bill.

There is a competitive and transparent process for awarding Federal research contracts and Federal grants, but this is not it.

Let me be clear. I congratulate the alliance for its work and for its contributions to society. I believe that we, as lawmakers, should do everything we can to encourage more private sector research and development activity, but there is a troubling and growing tendency to replace private sector activity with governmental intervention. This earmark bears witness to that.

Just look at the 2006 endowment ratings for the university members of the Alliance for NanoHealth: Number 4 on the list, University of Texas system, $13.2 billion; number 10 on the list, Texas A&M, $5.6 billion; number 55, Baylor Medical School, $1.1 billion; and the list goes on.

Let us not allow the Federal Government to push private donors aside and remove the incentive for them to contribute in this or any other endeavor.

And with that, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I would like to have some kind of discussion on this, but apparently not. Apparently the sponsor of the earmark doesn't want to speak to it or we're just going to leave it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, as I said, I rise in opposition to this amendment.

We used a bipartisan process, and I was very involved in strict adherence to the applicable House rules and a thorough examination of Member requests. This process resulted in funding recommendations for the projects that we considered the most meritorious. This project that this amendment attacks is a legitimate use of Federal funds to further the development of the Department of Energy's mission.

In closing, I believe this amendment has no basis and should be defeated, and I urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, there is another disturbing trend here. It's often thought that if there is a bipartisan basis for the offering of these earmarks that it's okay. As long as 60 percent goes to the majority, 40 percent to the minority, then it's okay whatever you fund. That shouldn't be the basis on which we distribute taxpayer dollars at all.

In this case, for science grants there is a competitive and transparent process at the Federal agency level. If we're not happy with that process, we should intervene in that process, change it, mandate a more competitive process or a change in the process, instead of supplanting that process with one of our own that is far less competitive, that really is just political, because it pits one Member against another or one committee against another.

That's not how money should be awarded. If the agencies have too much money, we should cut it. If they don't have enough, we should add more. We should stipulate, we should mandate, we should have oversight of those agencies. But basically saying we're just going to have our own process because we don't like what they're doing over there is not the right way to go.

And I would say that this earmark is a good example of that, and for that reason, I offer the amendment and would urge its adoption.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 503. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for Concurrent Technology Corporation.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "Department of Energy—Fossil Energy Research and Development" is hereby reduced by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I was tempted just not to offer any other amendments and just offer this one because this one is important for everyone to focus on because it points at problems not just with the earmark itself but with the process that we have in the House. And I would submit that we are not following that process as we should.

This amendment would strike funding for the Center for Instrumented Critical Infrastructure. The center is to receive $1 million in taxpayer funding in this bill.

When searching on the Web, my staff and I were unable to find the center's Web site. I'm not sure whether the center currently exists or whether this earmark creates the center. I would appreciate if the sponsor of this earmark would clear that up.

All the bill says is that it funds $1 million for the Center for Instrumented

Critical Infrastructure in Pennsylvania. However, when you look at the certification letter that each Member now, according to our earmark rule, is required to submit, you see that the earmark is actually going to the Concurrent Technology Corporation based in Jonestown, Pennsylvania. This is a leading earmark recipient in multiple appropriation bills over the years.

Currently in this year, I believe in the Intelligence authorization bill this same group, Concurrent Technology, received two other earmarks. Why isn't that in the earmark itself in what we were handed? We only learned that through the certification letter. Is the earmark to go to the Instrumented Critical Infrastructure Center or to Concurrent Technology? I would love to have that clarified here.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I take it the sponsor of this earmark is not here to talk about it, but if I could ask the chairman where the earmark is supposed to go. Does the earmark go to this Center for Instrumented Critical Infrastructure or to Concurrent Technology?

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I'm sorry, I did not hear the gentleman's question.

Mr. FLAKE. I'm wondering, in the report that accompanied the bill, it mentioned that the earmark was to go to the Center for Instrumented Critical Infrastructure, but the certification letter says that it's going to go to that but the earmark should actually go to Concurrent Technology Corporation. Which is it?

Mr. VISCLOSKY. It is my understanding that it will go to the Center for Instrumented Critical Infrastructure.

Mr. FLAKE. Does that center currently exist?

Mr. VISCLOSKY. At this time, I do not know, but if it does not exist, the moneys could not go to it.

Mr. FLAKE. We were told in this process early on by the chairman of the Appropriations Committee that a different process was needed, that the earmarks should be added later in conference and not now because the Appropriations Committee simply couldn't vet or scrub these earmarks well enough. I would submit that this is a perfect example of that.

We've had another example. One earmark was actually withdrawn, one on the list that I was to offer, because it hadn't been adequately scrubbed. I would submit that this one should be as well, when the chairman of the relevant subcommittee can't tell us if this center even exists. We don't know if it even exists, if it's created by this earmark.

Concurrent Technology has been the recipient of millions upon millions of dollars over the years. The executives in Concurrent Technology contribute handsomely to Members of Congress. So it receives a lot of earmarks. It seems to be an earmark incubator of some type, an earmark that begets more earmarks.

And yet we have the report that comes with the bill that doesn't even mention Concurrent Technology. It just mentions this center as if it already existed. We don't even know if it does. We can't even find any information on it, and apparently we can't even get that information from the Appropriations Committee.

So I would submit that this is what this process is about. This is why we come to the floor. This is why we invite the sponsor of the earmark to defend the earmark. But I would say again, does this center exist? Do we even know if it exists? How do we know if it's a good center or a bad center? Is this Concurrent Technology, which already receives millions and millions of dollars in other bills, worthy of another earmark to create another center?

These are the questions that we have to ask.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. I would continue to reserve my time.

Mr. FLAKE. Mr. Chairman, I guess I will finish off. I will call for a vote on this one, but I think it's important when Members are voting on this earmark and whether to retain it that we have to know what we know and know what we don't know.

We don't know if this center even exists. We are appropriating money for a center where the Appropriations Committee that has a responsibility to vet this earmark can't even tell us here if this even exists. We don't know that. We're voting on an earmark where in the report it says it goes to the center, but here in the certification letter it mentions Concurrent Technology, a private company. Which is it?

If we don't know these facts, we don't know what's going on here, I would say the thing to do is to vote this down, to actually vote for the amendment and wait until the Appropriations Committee actually has time to scrub and to vet these earmarks a little more carefully.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. VISCLOSKY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Illinois) having assumed the chair, Mr. TIERNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 1, IMPROVING AMERICA'S SECURITY ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Homeland Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Thompson of Mississippi, Ms. Loretta Sanchez of California, Mr. Dicks, Ms. Harman, Mrs. Lowey, Ms. Jackson-Lee of Texas, Mrs. Christensen, Messrs. Etheridge, Langevin, Cuellar, Al Green of Texas, Perlmutter, King of New York, Smith of Texas, Souder, Tom Davis of Virginia, Daniel E. Lungren of California, Rogers of Alabama, McCaul of Texas, Dent, and Ms. Ginny Brown-Waite of Florida.

From the Committee on Armed Services, for consideration of secs. 1202, 1211, 1221, 1232, 1233, and 1241 of the House bill, and section 703 of the Senate amendment, and modifications committed to conference: Messrs. Skelton, Spratt, and Saxton.

From the Committee on Energy and Commerce, for consideration of Title I, Title II, secs. 743 and 901 of the House bill, and Title III, secs. 1002, 1481, 1482, 1484, and Title XVII of the Senate amendment, and modifications committed to conference: Messrs. Dingell, Markey, and Barton of Texas.

From the Committee on Foreign Affairs, for consideration of secs. 601, 1202, 1211, 1221, 1222, 1232, 1233, 1241, 1302, 1311, 1312, 1322, 1323, 1331–1333, 1412, 1414, 1422, 1431, and 1441–1443 of the House bill, and secs. 502, 1301, Title XVIII, secs. 1911–1913, and 1951 of the Senate amendment, and modifications committed to conference: Messrs. Lantos, Ackerman, and Ms. Ros-Lehtinen.

From the Committee on the Judiciary, for consideration of secs. 406, 501, 601, 702, and Title VIII of the House bill, and secs. 123, 501–503, 601–603, 1002, and 1432 of the Senate amendment, and modifications committed to conference: Mr. Conyers, Ms. Zoe Lofgren of California, and Mr. Sensenbrenner.

From the Committee on Oversight and Government Reform, for consideration of sec. 408 and subtitle A of title VIII of the House bill, and secs. 114, 601, 602, 903, 904, 1203, 1205, and 1601 of the Senate amendment, and modifications committed to conference: Messrs. Waxman, Clay, and Issa.

From the Permanent Select Committee on Intelligence, for consideration of secs. 601, 712, 723, 732, 733, 741, 742, and subtitle A of title VIII of the House bill, and secs. 111-113, 121, 122, 131, 502, 601, 602, 703, 1201-1203, 1205, 1206, and 1606 of the Senate amendment, and modifications committed to conference: Messrs. Reyes, Cramer, and Hoekstra.

From the Committee on Science and Technology, for consideration of secs. 703, 1301, 1464, 1467, and 1507 of the Senate amendment, and modifications committed to conference: Messrs. Gordon of Tennessee, Wu, and Gingrey.

From the Committee on Transportation and Infrastructure, for consideration of Titles I-III, sec. 1002, and Title XI of the House bill, and secs. 202, 301, Title IV, secs. 801-803, 807, 901, 1001, 1002, 1101-1103, 1422-1424, 1426, 1427, 1429, 1430, 1433, 1436-1438, 1441, 1443, 1444, 1446, 1449, 1464, 1473, 1503, and 1605 of the Senate amendment, and modifications committed to conference: Messrs. Oberstar, DeFazio, and Mica.

For consideration of Title II of the House bill, and Title III and subtitle C of title XIV of the Senate amendment, and modifications committed to conference: Mr. Larson of Connecticut.

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2641.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. TIERNEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) had been postponed.

AMENDMENT NO. 35 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the South Carolina HBCU Science and Technology initiative (SC).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this particular amendment would save the taxpayers $1.5 billion. This would strike the funding for the South Carolina HBCU Science and Technology initiative.

Let me say at the outset that I have no doubt that good use could be made of these funds by this institution in South Carolina. Let me also stipulate I have no doubt that the gentleman from South Carolina, who has offered this earmark, knows far more about the good work they do at this institution than do I.

But I do believe that it is critical that every single penny of Federal spending be put in the context of its impact, not only on the taxpayer, but of future generations. I think if you are going to lead, you have to lead by example.

Now, I wish we had the opportunity to come to the floor each and every day and debate what will happen to future generations if we don't alter the spending patterns that we presently have in Congress today.

In fact, the chairman of the Federal Reserve has recently spoken, "Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened with future generations bearing much of the cost."

A report from the Government Accountability Office, the rising cost of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.

I know that principally our spending patterns are driven by entitlement spending. But as the late Everett Dirksen once said, $1 billion here, $1 billion, we are starting to talk about real money. By one estimation, we already have 10,000 Federal programs spread across 600 agencies, and it seems like week in, week out, we just add, add to those particular programs.

The question I have here today again is when we look at this one expenditure, and, yes, earmarks are a small part of Federal spending, but I believe that they are a large portion of the culture of Federal spending. I am not religiously opposed to earmarks.

Again, maybe good things can be done with this money. But looking at the fact that the Federal budget is going way beyond the ability of the family budget to pay for it, at what point do we say that maybe, maybe the Federal taxpayer shouldn't be asked to spend money that goes to, I believe in this case, a private college.

Again, as I understand it, the funding would be used for math and science research at the respective institutions.

Well, we have got some of these institutions in the Fifth Congressional District of Texas. I am sure they could use the money at Eastfield College. I am sure they could use the money at Trinity Valley Community College. I am sure my alma mater, Texas A&M University, which is not in my district, could use this money as well.

But out of the hundreds of thousands of institutions of higher learning, why are we deciding that the taxpayer is supposed to fund this one? Is there any good purpose, any good program, any good project in America that shouldn't receive a Federal subsidy? That's kind of the question that we have here today.

When I see a group of earmarks that are going to institutions in Members' districts, and I reflect upon the fact that we are now on a collision course to either double taxes on the next generation, or, for all intents and purposes, have no Federal Government, save Medicare, Medicaid and Social Security, we have got to start saving the pennies. When we start saving the pennies, eventually, the dollars will take care of themselves.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment and claim the time.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I would be happy to yield time to my colleague, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank my chairman for giving me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

In fiscal year 2003, while I was a member of the Energy and Water Subcommittee, I requested an analysis of the Department of Energy funding, which had been historically received by historically black colleges and universities.

When I met with the subcommittee staff to go over these numbers, I think it is fair to say that we were all shocked. At that time, Mr. HOBSON was chair of this subcommittee, and he summoned me to his office, and we sat down to discuss these numbers.

What we found was that over the prior 5 years funding to these institutions by the Department of Energy had been somewhere around 6.8 percent of all of their funding to colleges and universities across the country. In that 5-year period, that number had dropped to 2.8 percent, and we decided that it would be good to take a look at whether or not this could be reversed. I want you to just think about that.

Less than 3 percent of the funding by the Department of Energy was going to these institutions, yet over 25 percent of all black students in higher education were attending these institutions.

Now, my congressional district has seven, I would say to the gentleman from Texas, seven historical black colleges and universities, and he seemed to be discussing this amendment as if it were one.

I would also say to the gentleman that in my congressional district, you will find the University of South Carolina, The Citadel, the College of Charleston, Columbia College, Francis Marion University. And I would say that as far as the University of South Carolina is concerned, in this same subcommittee, you will see some earmarks, if you please, I call it targeted funding, to that institution. Yet I would ask the gentleman why has he singled out the HBCUs with no attention given to the University of South Carolina.

Mr. Chairman, I would suggest to the gentleman from Texas that this funding, $10.5 million, is a very small investment for these students. I applaud the gentleman's desire to be a good steward of the taxpayers' money. But our suggestion is that his focus is misguided. This small investment will pay huge dividends to the constituents I represent, and I rise in the strongest objection to this amendment.

Mr. HENSARLING. Mr. Chairman, I would just add, there is a number of amendments I have, not just simply those in the gentleman's district, I suppose I could be here all day speaking about them.

I might also add that I am pleased to have a historically black college in my district, Jarvis Christian College in Wood County, Texas. Last I looked they don't have any money in this particular bill.

But the question again is, if we are going to help people with education, doubling taxes on the American families, which the budget resolution has done, which this bill is a part of, is no way to help an education.

I would urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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Mr. HOBSON. Let me say this: as the gentleman spoke, this came about when I was chairman of the committee. We relooked at what we were doing for HBCU. I happen to have two in my district. These institutions are generally underfunded and generally don't have the ability to put the emphasis on science and technologies that many of us believe these students should have. This is an effort by the committee to direct that money so we can increase taxes and can increase funding to the Federal Government and to other agencies by getting these people involved in science and technology. So I wholeheartedly support the committee's recommendation and would urge to vote down the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 36 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Environmental Science Center, University of Dubuque, IA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I would like to continue on somewhat with some of the themes that were touched upon in the last amendment. But before I do, I do want to say a few words about the overall bill.

I do want to say that I think a lot of good work was done by the committee, by the chairman, by our ranking member. It is my understanding that the dollar value of the earmarks has declined substantially from the last bill. I am going to say that I view that as progress. But I also want to say that when we are approaching as a Nation a very nasty fiscal fork in the road, and in this institution unfortunately there is a nasty habit of just kicking that can down the road as I mix my metaphors; but, again, don't take my word for it, look at the analysis of the Congressional Budget Office, look at the analysis of the General Accountability Office, look at the Office of Management and Budget.

Just dealing with the government that we have today, if Congress just disappeared and created no new government, we are going to reach this fiscal fork in the road in the next generation, where we are either going to have to double taxes on our children and grandchildren, or for all intents and purposes there will be no Federal Government save Medicare, Medicaid, and Social Security.

It is not my analysis. Look at the analysis of these other bodies. And so I believe again that, unfortunately, although earmarks today are a small portion of the Federal budget, they are a large portion of the culture of Federal spending.

Another reservation I have is my fear that too often they teach people and teach institutions to become dependent upon the Federal Government. I come from Dallas, Texas, and a part of the Fifth Congressional District takes in the eastern part of the City of Dallas. I was dealing not long ago, taking a tour with one of the very revered and esteemed medical institutions within the City of Dallas that said that for years and years and years they were always happy to competitively bid through the NIH process or other processes for their research grant money. But they have awakened to the dawn of a new day now to where so many of their other competing medical education, medical research institutions were receiving their Federal funding via the earmark track. And so finally, after all these years, they broke down and invested in a Federal lobbyist. Now, they were happy with a competitive system, but they have realized that, unfortunately, that is increasingly not where this Congress is headed.

And so I believe that that is a bad thing, again, to try to somehow move away from what should be a more competitive process into one that does something else. Now, again, I think there is a lot of wonderful earmarks here. I have no doubt about it. But, unfortunately, more often than not we see earmarks representing a victory of the special interests over the national interests, a victory of seniority over merit, and too often a victory of secrecy over transparency.

I am glad that the Democrat leadership recently reversed themselves to allow the transparency that we see today, and I believe that that is a good thing. But two things we have to remember as we hand out money to one specific educational institution, and in this particular case the Environmental Science Center at the University of Dubuque. Maybe good things can be done with that money, but how about the good things that the taxpayers who fund this, how about the good things they could have done?

I recently received some correspondence from a lady in my district, Joyce of Tennessee Colony, Texas: "Dear Congressman, please do what you can to stop the wasteful spending. I am retired; I am disabled. I am raising three grandchildren and now one great grandchild. I sometimes cannot afford my own medicine. It takes everything I have to get us from month to month. Gas has become a problem. I can't go to church at the end of the month because I don't have gas to get to town."

So here we are, Mr. Chairman, in an energy and water bill, and we are harming the energy program of American families to put energy earmarks in this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would simply make the observation that for collectively the decisions made for congressional changes in the administration's request represent about 1 percent of the total funding for the Department of Energy in this bill, and they were very thoughtfully made. And whether they be, in this instance, in Dubuque, Iowa, or any other community around the United States, it is certainly the committee's position and belief that those investments are urged for the greater good of everyone living in this country, and that is certainly to the advantage of every taxpayer in the United States of America.

Mr. BRALEY of Iowa. Mr. Chairman, I rise today to oppose the amendment by the gentleman from Texas, which would prohibit funding in the Energy and Water Appropriations bill for the new Environmental Science Center at the University of Dubuque in Iowa. When opened, this Center will provide State, regional, and national benefit through educating undergraduate and graduate level students in the environmental sciences, and helping to create the next generation of science professionals.

The need for greater science education has received a lot of attention in recent years, and is an integral component of ensuring America's global competitiveness. As a Member of the Science, Technology, Engineering, and Math Caucus, I believe strongly in the need for investment in science education, and I recognize the direct role that the Environmental Science Center plays in keeping America competitive.

The University of Dubuque has offered an interdisciplinary major in Environmental Science since 1980, with many graduates currently working in scientific fields. The environmental science program at the university is unique because of its hands-on focus and strict scientific training. In nearly every course, a field laboratory provides direct, applied experiences for all types of students. Furthermore, University of Dubuque's tri-state location affords students the opportunity to work with three State natural resource agencies—Iowa, Illinois, and Wisconsin. Even as an undergraduate, students are able to receive a regionally based scientific education.

The new Environmental Science Center will allow the university to expand on its proven record of educating national scientific leaders. The Center will specialize in hands-on, applied learning for current science teachers, environmental agency personnel, undergraduate environmental science majors, and education majors to teach the next generation of American scientists. A failure to fund the Environmental Science Center would be a step backward for America's scientific proficiency.

This funding is consistent with the President's goal to, "encourage innovation throughout our economy and to give our Nation's children a firm grounding in math and science." [President George W. Bush, State of the Union Address, February 1, 2006] America needs facilities like the University of Dubuque's Environmental Science Center to provide a grounding in science, and help move America forward.

I strongly oppose the amendment offered by the gentleman from Texas, because it will set America back in terms of global competitiveness and will endanger programs that will educate the next generation and allow them to compete with the likes of China, Europe, Japan, and Asia.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

AMENDMENT NO. 37 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Emmanuel College Center for Science Partnership, MA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, in specific, this amendment would strike the earmark that would fund the computer and science equipment at Emmanuel College Center for Science Partnership.

Again, following up on some of the debate in the earlier amendments, I simply question why, at a time when our Nation continues to face great fiscal challenges in the future, that although these individual earmarks may be small amounts, I almost feel like the story of the three bears, whether the porridge is too hot or too cold. You come to debate spending on the floor, and sometimes people will tell you, well, that program is so big it is a sacred cow, you can't touch it. And then other times, Mr. Chairman, you hear, well, we are dealing with a very small amount of money here, so why are we bothering with that? You almost believe it is part of the NIMBY syndrome, the "Not in My Back Yard."

And, again, I will say I am sure the sponsor of this earmark knows far more about it than I do, knows far more about the educational institutional, and I have no doubt that good things could be done with that money. But that is not really the relevant question. The relevant question ought to be, number one, is this something the Federal Government ought to be doing in the first place, given all the other challenges and needs that we have.

Second of all, is this a priority? Is this a priority? Because we know now that as, recently, Congress voted to increase the debt ceiling, continues to raid the Social Security fund. Is it worth taking money out of the Social Security trust fund to fund this particular earmark or any other particular earmark? And that is what Members have to decide.

And although I am sure the sponsor of the earmark can make a very good defense and tell us all the wonderful good ways that this money will be used, and I am sure he will tell us that he knows his district better than anybody else, I stipulate that. I stipulate that. But, Mr. Chairman, I think I know my district, the Fifth Congressional District of Texas, better than anybody else in this institution; and I am fearful that every time the people of the Fifth Congressional District are called upon to fund somebody else's earmark somewhere else across the Nation, because, again, as we are trying to fund Federal energy and water programs, we are taking away from family energy and water programs, including in many of those in the Fifth Congressional District of Texas.

Recently, I heard from Ken of Mabank, Texas. He was concerned about this single largest tax increase in the history that was passed as part of the Democrat budget. And as you spend more money, you have to tax more money. And so we know that the average American family in the next 5 years is going to be faced with an extra tax burden of about $3,000 a year, and part of it pays for earmarks like these. I heard from Ken in Mabank, and he said: "Dear Congressman, any increase in taxes will hurt my family budget and cause us to cut back in other key areas. The rising gas prices have already made us cut back on spending. Why does the Federal Government continue to have an open checkbook based on the backs of the taxpayer, me?"

Well, I get letters like these every day, Mr. Chairman. And, again, we have to be cognizant as these so-called investments are made in Washington, we are taking away the ability of families including those in the Fifth Congressional District of Texas to make their investments in energy, their investments in water. And, again, I have no doubt that the sponsor of this amendment believes that good things can be done with the money, but is every good thing in America due to receive a Federal subsidy? Shall we start to subsidize Girl Scout cookies? How about cut flowers in everybody's home? My children, who are age 3 and 5, are just now learning to swim. Maybe we should subsidize swimming pools in every community across America. Where does it all end? Where does the madness stop?

This kind of spending fuels the single largest tax increase in history and threatens, threatens, to double taxes on our children. I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. At this point I would yield time to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, several questions I guess I heard. Number one, about earmarks in general. I respect that. That is a legitimate debate to have. I personally thought I wasn't elected just to rubber-stamp the President's desires or his administration's; I was elected to also exercise judgment, judgment on behalf of my constituents and judgment on behalf of the people of America. One of the things I think is important is to educate the children of America.

This particular earmark goes to a private college that has entered into a private, private partnership with Merck to build a new science lab, to educate the children from, I would dare say, some of them might be from the Fifth District of Texas. This is a private university run by nuns. And, by the way, if Sister Janet ever called you and asked you for a favor, you would do it, too, if you had any brains, because I wouldn't say no to Sister Janet. So I don't know exactly what the debate is. This particular one is to educate our own children in an merging field of biotechnology and other sciences.

Now, I know that some of the people that don't like this amendment also don't want us to bring people from overseas for those jobs. I question, where would they come from? Who will we hire? If we don't want people coming from overseas, which is a fair comment, and we don't want to educate our own children, where is the next generation of scientists coming from if we don't help?

Mr. Chairman, this is just another ploy to get some kind of philosophical opportunity to make marks. It doesn't help the country, it doesn't address the specific item at hand, it is just a way to make some television time; and I urge this amendment be defeated.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, now, I have never met Sister Janet, but I have heard from Melanie in Chandler, who said: "If I have to pay more taxes, then I can't afford to go to school." I have heard from Rose in Garland who says: "I am a divorced mother with a child in college. An increase in taxes would wipe out hope of the first college graduate in the family."

Fueling earmarks like these take away from family education programs, Mr. Chairman. And that is why I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I understand that people don't like to pay taxes. Neither do I, unless those taxes are used for wise and important purposes. And if the gentleman is so concerned about every taxpayer that doesn't want to pay taxes, then why are we still in Iraq?

The amounts of money you are concerned with you said is a very small amount of money. And it is, to you. It is not to Sister Janet and to the students at Emmanuel College. And if you are that concerned with it, all you have to do is just shut down Iraq for less than 30 seconds and you would have this money available to us. So I don't believe that the real concern is tax money, because if it were, we wouldn't be having this debate. We would be having a debate on another matter that is much more financially irresponsible.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 38 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Roosevelt University Biology Laboratory Equipment (IL).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would strike the earmark used to fund the equipping of two laboratories, creating 48 state-of-the-art work stations at Roosevelt University Biology Laboratory.

Again, Mr. Chairman, there are so many great colleges, so many great universities across our Nation. How do we get into the business of subsidizing some and not subsidizing others?

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Again, there are many worthy colleges in the Fifth Congressional District of Texas, Jarvis Christian College, Eastfield College, Trinity Valley Community College, and a much greater list beyond that. And so somehow, the students who attend those colleges in the Fifth District of Texas, either they or their peers are being asked to take money that would be destined for their education programs and send them somewhere else, in this case Illinois, to fund somebody else's education, somebody else's research.

I again stipulate that I have no doubt that good things could be done with this money. I don't know what. I'm sure the gentleman who sponsored the earmark would be happy to let us know the good things that can be done with this money.

But too often, Mr. Chairman, we seem to forget whose money it is in the first place. And so that's why I bring these letters, this correspondence from people from the Fifth Congressional District of Texas, because we should never ever forget that as we're plussing up some Federal program, be it in energy or water or education, you're taking away from some family's program where they're trying to fund their energy, their water, their education.

And again, Mr. Chairman, I just don't know how people can be aware of the fact that this Nation is on a collision course for a fiscal calamity. Just the government we have today threatens to double taxes on the American people. Now, a lot of those people today can't vote. Some of those people aren't even born yet. But we know it's going to happen.

Go to the Congressional Budget Office. Go to the Office of Management and Budget. Listen to the Federal Reserve Chairman. Let me quote from some other sources. I quoted earlier from Federal Reserve Chairman Ben Bernanke, that without early and meaningful action, the U.S. economy could be seriously weakened, with future generations bearing much of the cost.

CBO, either a substantial reduction in the growth of spending, a significant increase in tax revenues relative to the size of the economy, or some combination will be necessary to promote the Nation's long-term fiscal stability.

A famous economist, Robert Samuelson, the rising cost of government retirement programs, mainly Social Security and Medicare, increase taxes or budget deficits so much that they could reduce economic growth and this could trigger an economic and political death spiral.

And so what I hear from too many of my colleagues is, well, this is just a few dollars in my particular district. Well, the challenge is great. The challenge is great. We must lead by example, and by leading by example, we shouldn't be bringing a bill to the floor, number one, that has a 4.3 percent increase over last year, 3.7 percent over the administration's request, and quite often they request too much, that I believe contains 5.6 billion in earmarks. Where does it all stop?

Is this truly a Federal priority? Or should the priority be to assure that we leave the next generation with greater freedom and greater opportunity?

That fight starts today. I know too often the focus in the Nation's capital is on the next election and not the next generation. We ought to put it on the next generation because if we don't there'll be no money for them to fund their education programs. There'll be no money at all. And so we need to start today, and in this area of earmarking funds to these private educational institutions is a good start.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would like to claim the time in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. At this point I would like to recognize my colleague from the State of Illinois, Mr. DAVIS.

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman from Indiana for yielding.

I've listened rather intently all afternoon to the gentleman from Texas and his amendments. I've tried to find some logic. I've tried to find some validity. I've tried to find some argument. And, you know, for the sake of me, I have not been able to find any.

You can talk to any educators in America, and they will talk about the great need that exists for science teachers. You can talk to any medical schools, anybody really interested in health care, and they will talk about the need for scientists. You can talk to researchers. You can talk to people who try and keep us competitive with other nations, and they will talk about the great need that exists. You can talk to school districts who are importing science teachers from other countries because we don't have an adequate supply here in the United States of America.

Then I hear the gentleman say, let's not fund these institutions. Let's not give the Roosevelt University, named for one of our great Presidents, Franklin Delano Roosevelt, which provides opportunities for young people who would never, ever get the chance to go to college, to learn science.

Well, I can tell you that I still have not been able to find the logic of the gentleman's argument, other than to say let's not have earmarks. I'm sure that Jarvis Christian could use whatever resources that it could get, and of course it would have them if its Representative had requested and tried to get what they need.

So I strongly oppose the gentleman's amendment, urge that it be voted down, down, down, as far down as it can get, and that we provide the opportunity for young people in America to fulfill the dream of a college education, a chance to earn a living, raise their families, make America the Nation that it has not been.

Mr. Chairman, I rise in support of the $700,000 from the Department of Energy—Science account for biology laboratory equipment for Roosevelt University in Chicago, IL. Roosevelt University seeks equipment assistance for its biology laboratory which supports student and faculty work in cell and molecular biology. These subjects are integral to majors in the sciences, pre-health career programs, and science education. This request would equip 2 laboratories, creating 48 state-of-the-art workstations and provide equipment for institutions advancing science and science education. The total cost of the project is $6,000,000. Roosevelt University has partnered with the State of Illinois and local university funds are available for this project. This laboratory also supports the summer career pathways biotechnology program with Chicago Public Schools.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I'm not sure we're having a debate over how much money we're going to spend over education. We are certainly having a debate over who should do that particular spending.

I'm sorry that the gentleman from Illinois doesn't see the logic of American families who are working hard trying to save money, trying to put their children through college, and yet he has an earmark that is helping being funded by the largest tax increase in American history.

I heard from Joy in Dallas, "I could not pay for a semester of college for my daughter if I had to send $2,200 more dollars to the government." We can ask her about the logic of the gentleman's earmark.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment from the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

AMENDMENT NO. 39 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Nanosys, Inc.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this particular amendment would strike the earmark for Nanosys, Inc. The funding would have been used to develop a fuel cell membrane electrode assembly to enable the production of lightweight fuel cells suitable for automotive applications and portable electronic devices.

Mr. Chairman, I have no doubt that that is a very worthy expenditure of funds. I, myself, prior to coming to Congress, used to be an officer in what most typically know is a green energy company.

The issues surrounding fuel cells, the issues surrounding making energy more environmentally friendly, making America more energy independent are very, very important issues. But I wonder, I wonder about the wisdom, about earmarking funds to a specific, which I assume to be, for profit company, a private company. Otherwise why are they called Nanosys, Inc.?

There are hundreds and hundreds and hundreds of thousands of companies across America, all trying to do good things, trying to feed our people, educate our people, clothe our people, heat their homes in the winter, cool them in the summer, help them with transportation. What isn't a priority here?

And so now we give all the indication that, instead of having a company come and compete in some process, some kind of competitive bidding process, instead we have an earmark to a private company. Why is their fuel cell technology so superior to somebody else's?

Back when I was affiliated with Green Mountain Energy of Austin, Texas, they were doing a lot of good things to produce power from wind energy and solar energy and biomass. Perhaps I should encourage some of my former colleagues of that particular private company to, instead of competing in the halls and competing in the marketplace, to come compete in the halls of Congress for an earmark.

Now, again, this Nation desperately needs advances in fuel cell technology, but to start handing money, through earmarks, to individual companies, Mr. Chairman, I do not believe is the way to go.

And furthermore, once again we face such fiscal challenges. Our energy challenge, our educational challenge are not the only challenges we face. We face a great fiscal challenge. To paraphrase the Controller General Walker, he has said, we are on the verge, in America, of being the first generation in our Nation's history to leave the next generation with a lower standard of living.

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It has never been done in the history of America. And we will do that if we don't stop the ways that we spend the people's money.

So, again, I am faced with a bill here that spends 4.3 percent more than last year. I am faced with an earmark that is part of that process. I am looking at a Democrat budget plan, Mr. Chairman, that will be $21 billion over the President's request. I am looking at a Democrat budget resolution that is going to impose the single largest tax increase in America's history not only on the good people of the Fifth Congressional District of Texas but everybody. So, again, the relevant question is not can good things be done with the money. I am sure Nanosys can do a lot of good things with the earmark that they will mostly likely receive. But it is coming out of American families. It is coming out of their energy budget. It is coming out of their education budget. If we don't fund it through that, if we pass more debt on to our children, then what are they facing? They are facing doubling of their taxes and our generation passing on to them a lower standard of living. And, Mr. Chairman, I simply do not wish to be a part of that.

So I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment and claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the chairman of the subcommittee for the very good work that he has done, all the members of the committee, because I know that you have to make difficult choices.

I am pleased to speak on the floor today about this investment in new technologies. As so many Members of the House know, I have the privilege of representing a congressional district that is the home of innovation and technology, high technology, biotechnology in our Nation. So perhaps the gentleman from Texas should come to visit because he would quickly come to respect what our country has come to rely on as well as our national economy.

I believe that this is a small but very important investment, and it will make vehicles more fuel efficient. I think this is not only a value of the people of my congressional district but of the entire Nation.

Our country today is paying too high a price for not being fuel efficient, not being energy efficient; and to add insult to injury, we are depending upon our opponents and in some cases our enemies to supply us. That is a policy that I believe is on its head, and so I was pleased to request of the committee that we make an investment in this technology.

Now, what does it do? It develops a new type of cost-effective, energy-efficient fuel cell for automobiles. Now, fuel cells, we know that they can dramatically improve mileage per gallon, but the downside is that they require platinum, and platinum is expensive and it is in short supply. But it is needed because it is the catalyst for these fuel cells.

This particular investment actually will go a long way to dramatically increase the surface area of the platinum in a fuel cell. In other words, it will bring down the price. In fact, this project that I have requested funding for promises to produce a one-third cut in the overall cost of the fuel cell.

Now, we are respected around the world for the investments that we have made collectively, public and private, in new technologies. It seems to me that this is cutting edge, that it is smart, and that it is wise.

I would like to make two broader observations. Number one, when I listen to the gentleman from Texas, he registers the complaints from his constituents.

You know what? You don't have a corner on the market of constituents that care about how we spend money. Of course these things should be scrutinized. I welcome it.

But when there is an overall public good here where all of the American people win, not just my constituents from the 14th District in California or the gentleman's district in Texas but all Americans, that is a good investment.

Number two, my constituents pay taxes, just like yours. And guess what? Californians don't get back everything that they send here. So are some things appropriate, good investments? We have to scrutinize that. But mine pay a fair share just as everyone else's do. As a matter of fact, California sends more than it gets back, which includes my constituents.

And I would like to add a final point, and my mother used to say this, and now her words, I think, are truer than ever: "There are some that know the cost of everything but value nothing."

Mr. HENSARLING. Mr. Chairman, I have listened intently to the gentlewoman's debate. I would simply say that it sounds too good to be true. If the company is on the cusp of making such wonderful breakthroughs, I just wonder, then, why taxpayer funds are needed. It would seem like investors would be knocking on the door to have a part of this great technology that this company is about to produce. I would love to sometime be able to visit California, visit this particular company, although I am not sure how practical it is. And I would encourage the gentlewoman to come to the Fifth District of Texas and speak to the people who are having to pay for this bill.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the following:

Ala Wai Canal feasibility study
U.S. Army Corps of Engineers for Wailupe Stream Flood Damage Reduction Investigation
Consortium for Plant Biotechnology Research, GA
Aquatic Ecosystem Restoration Funds, North Hempstead, New York
Fumer Creek, NY
Moyer Creek, NY
University of North Alabama Green Campus Initiative (AL)
Upper Mississippi River System Navigation and Ecosystem Sustainability Program

Ouachita and Black Rivers Navigation Project
U.S. Army Corps of Engineers for Bayou DeSiard, Monroe, LA
J Bennett Johnston Waterway, Louisiana
Ouachita River Levees, Louisiana
Camp Ellis, Maine
Gulf of Maine Research Institute Laboratory Upgrades, Maine
Port of Pittsburgh Commission
Kennedy Health System, Voorhees, New Jersey
Steele Creek, NY
Upper Susquehanna River Basin Environ Rest, Cooperstown, NY
Stillwater, MN Flood and Retaining Wall Project, St. Croix River
Mt. St. Helens Sediment Control, Washington
Columbia River Channel Improvements, Oregon and Washington
Columbia River at Baker Bay, WA
Puget Sound and Adjacent Waters Restoration, Washington
Comite River Diversion Canal, Louisiana
Bayou Sorrel Lock, Louisiana
Louisiana State University Ag Center
Lake Belle View, Wisconsin
BioEthanol Collaborative, SC
Augusta, Georgia U.S. Army Corps of Engineers study
City of Atlanta, Environmental Infrastructure
Biorefinery and Hydrogen Fuel Cell Research, Development and Demonstration Project, Georgia
Sustainable Energy Research Facility Construction, Frostburg State University, MD
Johnson Creek Project, Arlington, Texas
Advancing Texas Biofuel Production Project, Baylor University, Texas
Center for Renewable Energy, Science, and Technology (CREST)
Jupiter Oxygen Inc., Dallas, Texas
Army Corps of Engineers Des Plaines River Project
Army Corps of Engineers Squaw Creek (Round Lake Drain) project
Ballona Creek Restoration, CA
Los Angeles River Ecosystem Restoration, CA
Sun Valley Watershed Management Plan, County of Los Angeles, CA
Tujunga Wash Environmental Restoration, County of Los Angeles, CA
Arroyo Seco Watershed Management Plan Feasibility Study, CA
City of North Las Vegas Water Reuse Facility, NY
Las Vegas Wash Improvement Project, Nevada
Channel Improvement Program, U.S. Army Corps of Engineers, Memphis District
White River, AR
White River Navigation Study, AR
Bayou Metro Basin, AR
Ethanol from Agriculture for Arkansas and America project, Arkansas State University, Arkansas
Ozark Powerhouse Rehabilitation project, Arkansas
Mississippi River Levees project, U.S. Army Corps of Engineers, Memphis District
Orland Wetlands Project, IL
Aquatic Invasive Species Dispersal Barriers, Chicago District of the U.S. Army Corps of Engineers, IL
Lockport Lock Upper Pool Major Rehabilitation and Maintenance, Rock Island District of the U.S.
Army Corps of Engineers, IL
North San Diego County Water Recycling Project, CA
Shoreline restoration Tarpon Springs, FL
Logan Cancer Center Equipment and Technology, Intermountain Health Care Logan Regional Hospital, UT
Chattahoochee Dam Removal, GA
Underground waste pipeline integrity, Albany, GA
Fire Island Montauk Point Study, NY
Wolf River, TN
Lower Columbia River Ecosystem Restoration project, OR
Table Rock Lake, MO
High School Branch creek study, MO
Missouri Alternative Renewable Energy Technology Center, MO
Jordan Creek, Springfield, MO
USA Cancer Institute Oncology Medical Record System, University of South Alabama, AL
Coosa-Alabama civil works project, AL
Whitewater River Basin Flood Control project, CA
Murriets Creek Flood Control project, CA
Rancho California Water District water study project, CA
Pine Mountain Lake, AR
National Center for Reliable Electric Power Transmission, AR
Agana (Hagatna) River Flood Control, Guam
Webbers Falls Lock and Dam, OK
Beaver Creek flood control project, VA and TN
Philpott Lake, VA
Levisa and Tug Forks of Big Sandy River and Upper Cumberland River, WV, KY, and VA
Calcasieu Lock, Louisiana
Southwest Coastal Louisiana Hurricane Protection Study, LA
Gulf Petro Initiative, University of Louisiana at Lafayette, LA
Florida State University Electric Grid System Study, FL
Horseshoe Cove, Dixie County, FL
Clinton Lake, Kansas
Manhattan Levee Study, KS
Kansas Flood Damage Reduction project, Topeka, KS
Town Bluff Dam, Texas
Schuylkill River at Grand Point, PA
MRI machine, Memorial Hermann Baptist Orange Hospital, TX
Philadelphia Naval Shipyard Seawall, Philadelphia Industrial Development Corporation, PA
Environmental Science Center, University of Dubuque, IA
Lock and Dam 11 project, U.S. Army Corps of Engineers Rock Island District, IL
Hogan's Creek Ecosystem Restoration, FL
Jacksonville Harbor, FL
Jacksonville Marine Science Research Institute, FL
Georgetown Harbor, South Carolina
Wauchula Municipal Electric Substation Rehabilitation, FL
Wares Creek Flood and Coastal Storm Damage project, FL
Port Manatee, FL
Pecan Creek, Texas
Center for Advanced Scientific Computing and Modeling, University of North Texas, TX
Upper Trinity River Basin, TX
EnerDel Inc., IN
Indiana Wesleyan University School of Nursing, IN
Martin County Hydrogen Fuel Cell Development, NC
Dismal Swamp Canal, VA
Heacock and Cactus Channels flood control, CA
San Clemente Shoreline, CA
Inland Empire Regional Water Recycling Project, CA
Upper Newport Bay Ecosystem Restoration, CA
Santa Anna River Mainstem flood control, CA
Leland Harbor, MI
Great Lakes Fishery and Ecosystem Restoration, MI
Boardman River Dam project, MI
Imaging and Oncology Equipment, Intermountain Healthcare, UT
Central West Virginia, WV
Marmet Lock and Dam, WV
Santa Clara River Watershed Protection Plan Feasibility Study, CA
Capinteria Shoreline Study, CA
Matilija Dam Removal and Ecosystem Restoration, CA
Lake Cachuma Water and Sewage Treatment Replacement Project, CA
Emmanuel College Center for Science Partnership, MA
Muddy River Ecosystem Restoration and Flood Damage Control Project, Massachusetts
San Joaquin County Urban Flood Protection Project, CA
San Joaquin River Salinity Management, CA
Saint Genevieve levee, MO
St. Louis North Riverfront feasibility study, MO and IL
St. Louis Flood Protection, MO
Nicholson Borough Authority, Wastewater Collection and Treatment Facility, PA
Towanda Municipal Authority Public Water Expansion, PA
Whitpan Township, Pennsylvania
White River (North) Flood Damage Reduction Project, Indianapolis
Williamson County Water Recycling Project, TX
Cardiac Catheterization Research and Equipment, Metroplex Hospital, TX
Middle Brazos Feasibility Study, Brazos River Authority, TX
Wilmington Harbor project, New Castle County, DE
Vehicle to Grid Demonstration Project, Delaware Energy Office, DE
Bethany/South Bethany Beach Replenishment Project, Delaware
Good Samaritan Hospital Specialty Cancer Center, OH
Xavier University Science Equipment, OH
Central Riverfront Project, OH
Eastern Kentucky University Chemical Research Instrumentation, KY
Bluegrass Pride, KY
Green Visitor Center, Brooklyn Botanic Garden, NY
Blue River Channel, Kansas City, MO
City of Kansas City Water Services Department, MO
Swope Park, Kansas City, MO
Turkey Creek Basin, Kansas City, MO
Brush Creek Basin, Kansas City Water Services Department, Kansas and Missouri
Kansas City Plant Multi-Disciplined Integrated Collaborative Environment, Kansas City, MO
Feasibility study Edisto Beach, South Carolina
Lake Marion Regional Water Agency, SC
EngenuitySC, Columbia, SC
South Carolina HBCU Science and Technology Initiative (SC)
Wolf River Harbor, Memphis, Tennessee
Memphis Riverfront Development Project, TN
O.C. Fisher Lake Ecosystem Restoration, TX
Lower Colorado River Basin Study, TX
J. Percy Priest modifications, US Army Corps of Engineers Nashville District
Mill Creek Watershed feasibility study, TN
SemiTropic Phase II Groundwater Banking project, CA

Alton to Gale Levees Districts, IL
Wood River Levee, IL
East St. Louis and Vicinity Ecosystem Restoration and Flood Damage Reduction, IL
Belleville (IL) project, Madison and St. Clair Counties
Mystic River Harbor Commission, CT
Long Island Sound Dredged Material Management Plan, Army Corps of Engineers New England District, CT and NY
Pinhook Creek Flood Control Project, Huntsville, AL
Integrated Environmental Research and Services (IERS), Alabama A and M, University Research Institute
Fernandina Beach shore protection project, FL
Bronx River Basin, Army Corps of Engineers New York District
Orchard Beach, Army Corps of Engineers New York District
Soundview Park, Army Corps of Engineers New York District
Casper College Renewable Energy Program, WY
Energy-Efficient Green Campus Research Initiative, Texas A and M International University (TX)
Alliance for Nanohealth, TX
Brays Bayou, Harris County Flood Control District
Buffalo Bayou flood control, Harris County Flood Control District
Marshall Fund, Minority Energy Science Initiative, MD
Baltimore Harbor and Channels project, Maryland Department of Transportation
Poplar Island project, Maryland Department of Transportation
Eastern Shore, Mid-Chesapeake Bay Island project, Maryland Department of Transportation
McCook Reservoir Project, Metropolitan Water Reclamation District of Greater Chicago
Chesapeake Bay Oyster Recovery, MD and VA
Tennessee-Tombigee Waterway, Tennessee Waterway Development Authority
Roosevelt University Biology Laboratory Equipment (IL)
Greenup Locks and Dam Ohio River, Huntington District U.S. Army Corps of Engineers
Coal Fuels Alliance, KY and IN
Cumberland County Water Supply, TN
Belmont Bay Science Center, VA
George Mason University Center for Biodefense and Infectious Disease Research (VA)
Broad Creek shallow draft navigation channel, Norfolk District U.S. Army Corps of Engineers
Utility Integration of Distributed Generation, San Diego Gas and Electric, CA
Buford Dam and Lake Sydney Lanier (GA), U.S. Army Corps of Engineers Mobile District
International Port of Coos Bay, OR
Siuslaw River project, Oregon
Port of Umpqua, OR
Wave Power Demonstration Project, Reedsport, OR
Chatfield Reservoir water reallocation study, CO
Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery
Implementation Program, U.S. Bureau of Reclamation Upper Colorado Region
Ecosystem Restoration project, Treat's Pond, MA
Aunt Lydia's Cove, New England District of the Army Corps of Engineers
Sesuit Harbor (MA), New England District Army Corps of Engineers
Green Harbor (MA), New England District Army Corps of Engineers
Long Island Dredged Material Management Plan, Connecticut Department of Environmental Protection
Lehigh River Basin Release, Army Corps of Engineers Philadelphia District
Advanced Cellular and Biomolecular Imaging, Lehigh University (PA)
Biodiesel Injection Blending Facilities, Independence Biofuels, PA
Air Products and Chemicals Inc., PA
Center for Collaborative Sciences and Research, Barry University, FL
University-Community Outreach, Research and Training Endeavor, St. Thomas University (FL)
Everglades Ecosystem Restoration, Seminole Tribe, FL
Makah Community Water supply project, Makah Tribe, WA
Grays Harbor Navigation Improvement Project, WA
Inland Northwest Research Alliance Water Research Consortium, WA
Pugent Sound Nearshore Ecosystem Restoration study, WA
Skagit River Flood Control project, WA
Green Duwamish Ecosystem Restoration Project, Seattle District Army Corps of Engineers
Mud Mountain Dam, Army Corps of Engineers Seattle District
National Center for Manufacturing Sciences, MI
Port of Monroe, U.S. Army Corps of Engineers Detroit
Great Lakes Sea Lamprey Barrier, Great Lakes Fishery Commission
Spring Lake Aquatic Ecosystem Restoration Project, Texas
Michigan City Harbor Dredging project, U.S. Army Corps of Engineers Chicago
Notre Dame Innovation Park, IN
Placer County Subregional Wastewater Treatment Project, CA
Placer County Biomass Utilization Pilot Project, CA
American River Pump Station, CA
Three Rivers Wet Weather Demonstration Project, U.S. Army Corps of Engineers Pittsburgh, PA
Lower Monongahela Improvement Project for Locks and Dams 2, 3, and 4, PA
Nuvision Engineering, PA
Lynnhaven River Environmental Restoration, U.S. Army Corps of Engineers, VA
Norfolk Harbor, Craney Island, Army Corps of Engineers Norfolk, VA
Plug-in Hybrid Electric Vehicle Demonstration, South Coast Air Quality Management District, CA
San Gabriel Basin Restoration Fund, CA
Pistol Creek, U.S. Army Corps of Engineers, Nashville District
First Creek, Knoxville, TN
Nuclear Security Science and Policy Institute, Texas A&M University
Meridian Wetlands, Meridian, TX
Whitney Lake Powerhouse, Whitney, TX
San Antonio Channel Improvement, San Antonio, TX
Dallas Floodway Extension, Upper Trinity River Basin, TX
Lower Rio Grande Valley Water Conservation Project, Waco, TX
Houston-Galveston Navigation Channel, TX
Clear Creek, TX
Texas A&M University Port of Freeport, TX
Upper Trinity River Feasibility Study, TX
Texas City Ship Channel, Galveston, TX
The Brazos River Authority, TX
Lower Colorado River Basin Study
Guadalupe and San Antonio River Basins
Greens Bayou, Houston, TX
Brazos Island Harbor
Lake Whitney, TX
Brazos Island Harbor, TX
Houston Ship Channel, TX
Minnehahah Creek Watershed District, MN
University of Southern Indiana
John T. Myers Locks and Dam, IN and KY
Illinois Institute of Technology's Energy and Sustainability Institute
DePaul University's Interdisciplinary Science and Technology Center
Cape Girardeau Floodwall, MO
Rolla Distributed Energy Research Center, MO
Clearwater Dam Rehabilitation, Clearwater Lake, MO
Brois Brule Drainage and Levee District
Wappapello Lake, MO
St. Johns-New Madrid Floodway Flood Control Project, MO
Mississippi River Levees, MO
Ramapo and Mahwah River Project, NY
Rockland Community College Science Lab
Presque Isle Shoreline Erosion Control Project, PA
Clean and Efficient Diesel Locomotive Project, PA
Direct Carbon Technologies, CA
Nanosys, Inc, CA
San Mateo County Harbor District
California Coast Conservancy
Integrated Biomass Refining Institute, North Carolina State University, NC
Robert F. Henry Lock and Dam, AL
Ground Water Protection Council, OK
Watsonville Area Water Recycling Project, CA
Pajaro River Flood Control Project, Santa Cruz, CA
Moss Landing Harbor, CA
Education Advancement Alliance, PA
City of Philadelphia Water Department
Rosa Bay Environmental Restoration Project, FL
Florida Inland Navigation District
Raritan River, Green Brook Sub-Basin, NJ Flood Damage Reduction Project
Salton Sea Research Project, Temecula, CA
Dismal Swamp and Dismal Swamp Canal Feasibility Project, Chesapeake, VA
Tyler's Beach Boat Harbor and Channel/Upland Disposal Site, Isle of Wight, VA
Appomattox River Federal Navigation Dredging Project, VA
Chesapeake Atlantic Intracoastal Waterway-Dismal Swamp Canal, VA
Antelope Creek Flood Damage Reduction Project, Fremont, NE
Sand Creek Environmental Restoration Project, NE
Western Sarpy-Clear Creek Flood Damage Reduction Project, NE
Lower Platte North Natural Resources District, NE
Rio Puerto Nuevo Flood Control Project, Puerto Rico
Portugues and Bucana Rivers Flood Control Project, Puerto Rico
Appalachian State University
Wake Forest University Health Sciences, Winston Salem, NC
Muddy River Ecosystem Restoration and Flood Damage Control Project, MA
Westport River and Harbor, MA
Colorado River Transmission Line Upgrade, Phoenix, AZ
Saint Clare's Hospital, Denville, NJ
Upper Passaic River & Tributaries, NJ Project
New York and New Jersey Harbor Deepening Project, Port Authority of NY and NJ

Raritan River, Green Brook Sub-Basin, NJ Project
Jackson Brook, NJ Flood Damage Reduction Project
Hudson River Estuary Lower Passaic River Restoration Project, NJ
Calleguas Municipal Water District, CA
Albright College, Reading, PA
St. Joseph's University, PA
Johnson Matthey Fuel Cells North America, PA
University of Arizona, Tuscon, AZ
Big Elk Creek, Elkton, MD
Chesapeake Bay Restoration, U.S. Army Corps of Engineers, Baltimore District
Upper Delaware River Basin
New York City Watershed, NY
Office of Sponsored Programs and Research, Bowling Green State University, Green, OH
Defiance County; Office of the Commissioners, Defiance, OH
Lake Allatoona Operations and Maintenance, Allatoona, GA
Nueces River Basin, San Antonio, TX
John H. Kerr Dam and Reservoir, VA and NC
Center for Energy Efficient Design, Rocky Mount, VA
Roanoke River Flood Control, Roanoke, VA
J Percy Priest Greenway, Nashville, TN
Oaklands and Murfree Springs, Nashville, TN
Dale Hollow Lake, Nashville, TN
Tennessee Technological University, Cookeville, TN
Central City Corps Project, Fort Worth, TX
Farmers Branch, Fort Worth, TX
Benbrook Lake Recreational Facilities, Forth Worth, TX
Harris Country Flood Control District, Houston, TX
Yuma East Wetlands Restoration, Yuma, AZ
Chicago Public Schools Science Laboratory, Chicago, IL
Northeast Texas Community College, Mt. Pleasant, TX
Photovoltaic System Demonstration, NY
Lock and Dam 24, IL and MO
Mill Creek South Slough, Rock Island, IL
Rock Island Sunset Marina, Rock Island, IL
Intelligent Optical Systems, Inc, Torrance, CA
West Basin Municipal Water District, Carson, CA
County of Los Angeles Department of Beaches and Harbors, Marina del Rey, CA
Sherman Hospital, Elgin, IL
U.S. Bureau of Reclamation Pacific Northwest Regional Office, Boise, ID
Herbert Hoover Dike, West Palm Beach, FL
St. Lucie Inlet, St. Lucie Country, FL
Levine Children's Hospital, Charlotte, NC
University of North Carolina, Chapel Hill, NC
Nye County, Pahrump, NY
Photovoltaic green buildings technology art RPI, NY
Truckers Meadow Water Reclamation Facility, Sparks, NY
Sacramento River, Glenn-Colusa Irrigation District, CA
Hamilton City, CA
Yuba River, Sacramento, CA
Sutter County, CA
U.S. Bureau of Reclamation, Mid-Pacific Region, Sacramento, CA
Perkins Country Rural Water System, Bison, SD
Mni Wiconi Rural Water System, Ft. Pierre, SD
Lewis and Clark Rural Water System, Sioux Falls, SD
Buffalo Harbor, NY
Buffalo River, Buffalo, NY
NanoDynamics, Buffalo, NY
Ohio River Greenway Development Commission, Jeffersonville, IN
Next Wave Systems, H.H.C., Pekin, IN
Solar Consortium, New Paltz, NY
Barbers Point Harbor, Oahu, HI
Kawaihae Deep Draft Harbor, HI
U.S. Army Corps of Engineers, Honolulu District, Fort Shafter, HI
Mason Run Watershed, City of Whitehall, OH
Airpark Ohio Sewer Utility, Springfield, OH
Village of Blooming burg, OH
Culpepper Area Water System, OH
Euclid Creek, OH
Decision Support Tools for Complex Analysis, Springfield, OH
Hydro Partners Brazil, Solon, OH
IntelliTech, Fairborn, OH
Columbus Children's Hospital, Columbus, OH
Ohio University, Lancaster, OH
Brown Street, University of Dayton, Dayton, OH
Laboratory for Advanced Laser-Target Interactions, College of Math and Physical Science, Ohio State University
New Hampshire Department of Environmental Services, Concord, Columbus, NH
Arcadia Harbor, MI
Pentwater Harbor, MI
Saugatuck Harbor, MI
White Lake Harbor, MI
Sweet Arrow Lake, PA
SiGNa Chemistry, New York, NY
Assunpink Creek, Trenton, NJ
Delaware River Basin, NY, NJ, PA, DE
Guadalupe River, CA
San Luis Reservoir, CA
Coyote and Berryessa Creeks, CA
Tillamook Bay and Bar, Tillamook, OR
Yaquina River, OR
Paint Branch Fish Passage and Stream, MD
Parish Creek, Anne Arundel County, MD
St. Jerome Creek, St. Mary's County, MD
Anacostia River and Tributaries, MD
Clemson University, Columbia, SC
Northport Harbor, Huntington, NY
New York Institute of Technology, NY
San Luis Rey River, Los Angeles, CA
Science and Technology Center, Chicago State University, Chicago, IL
Indian Ridge Marsh, Chicago, IL
Chicago Shoreline, Chicago, IL
Cook County, IL
Alexandria, LA to the Gulf of Mexico Hurricane Protection Project, New Orleans, LA
Lake Shelbyville Wildlife Management Area, Shelbyville, IL
Dallas Floodway/Trinity Lakes Title XVI Study, City of Dallas, TX
Eastern Illinois University, Charleston, IL
Dansby Hall, Morehouse College, Atlanta, GA
City of Mayfield Heights, OH
Wind Spires, Cleveland State University, Cleveland, OH
Cuyahoga Community College, Cleveland, OH
Green Bay Harbor, Detroit, MI
Kewaunee Harbor, Detroit, MI
Sturgeon Bay Harbor and Lake Michigan Ship Canal, MI
Lackawanna River, Scranton, PA
Wynn Road, Oregon, OH
Pit-in-Bay, Put-in-Bay, OH
Huron Harbor, OH
Ten Mile River, MA
Saginaw River, MI
Wyandotte Municipal Services, Wyandotte, MI
City of Alma Fish and Wildlife Service, Alma, WI
Driftless Area Initiative, Lancaster, WI
Jones Inlet, Town of Hempstead, NY
Glen Cove Creek, Glen Cove, NY
Atlantic Intracoastal Waterway, GA
Savannah Harbor, GA
Brunswick Harbor, GA
Waukegan Harbor, IL
Des Plaines River, IL
Palm Beach Harbor, FL
Broward County, FL
National Center for Manufacturing Sciences, Ann Arbor, MI
Wavecrest Labs, Rochester Hills, MI
Federal Technology Group, Cleveland, OH
Rochester Institute of Technology, Rochester, NY
Spunky Bottoms, Brown County, IL
Upper Missouri River Restoration, IL
Meredosia, IL
Illinois River Basin, IL
Lakeview Museum, Peoria, IL
Memorial Medical Center, Springfield, IL
Fountain Creek Watershed, Colorado Springs, CO
Charlestown Breachway Project, Massachusetts
Harbor of Refuge, Block Island, Rhode Island
San Francisco Bay Harbor—Main Ship Channel, California
Photovoltaic Demonstration Project, Connecticut
Southington Water Supply Study, Connecticut
The Winnebago River reconnaissance study, Iowa
General Investigations study in Perry, Iowa
Iowa Stored Energy Project
Luther College Science building renovation, Decorah, Iowa
Iowa Central Community College Renewable Fuel Labs
West Jackson Street Water Main Replacement, Painesville, Ohio
Allen Road/McCauley Road Waterline Construction, Stowe, Ohio
Ashtabula River and Harbor, Ashtabula, Ohio
Oakland Harbor, California
Clinton River, Michigan
Loma Linda University Medical Center, Loma Linda, CA
South Coast Air Quality Management District, Diamond Bar, CA
Hi-Desert Water District, Palms Highway, Yucca Valley, CA
Mojave Water Agency, Apple Valley, CA
Santa Ana River, San Bernardino, California
San Bernardino Valley Municipal Water District, 1350 South E. Street, San Bernardino, CA 92408
Mission Springs Water District, Desert Hot Springs
Morehouse School of Medicine, 720 Westview Drive, SW, Atlanta, GA 30310-1495
University of Kentucky's Center for Applied Energy Research, Kentucky
Northern Illinois University Fuel Research and Development, DeKalb, Illinois
Cook County Environmental Infrastructure Fund, Chicago, Illinois
Townsend Inlet, Cape May, New Jersey
City of Pennsville, New Jersey
New Jersey shore protection, New Jersey
Coe College, Cedar Rapids, Iowa
Santa Clara Valley Water District, Santa Clara, California
South County Nature Preserve, Irvington, New York
Saw Mill River feasibility study, New York
Bronx River Basin, New York
University of Oklahoma Center for Biofuels Refining Engineering, Norman, Oklahoma
Sacramento Area Flood Control Agency, Sacramento, California
Parametric Technology Corporation, Needham, Massachusetts

Muddy River, Massachusetts
Massachusetts Port Authority, East Boston, Massachusetts
Gulf Intracoastal Waterway, Lee County, Sarasota County and Manatee County, Florida
Naples to Big Marco Pass, Collier County, Florida
Estero and Gasparilla Islands, Florida
Intracoastal Waterway, Jacksonville, Florida
St. Lucie Inlet, Florida
New York City Watershed, New York, New York
Solar 2—Green Energy, Arts & Education Center, New York, New York
McHenry County Groundwater/Stormwater Protection program, Chicago, Illinois
Boston College, Chestnut Hill, Massachusetts
Malden River, Malden, Massachusetts
Town of Winchester, Massachusetts
Middlesex Community College, Lowell, Massachusetts
Ben Hill County Commission, Fitzgerald, Georgia
Clean Cities Program, Macon, Georgia
Olijato Chapter of the Navajo Nation, Monument Valley, Utah
Westminster College, Salt Lake City, Utah
Hofstra University, Hempstead, New York
City of Lancaster, California
CureSearch, Bethesda, Maryland
Harriet Island, St. Paul, Minnesota
Minnesota's New Museum of Natural History, Minneapolis, Minnesota
J. Bennett Johnston Waterway, Louisiana
Shreveport-Bossier Community Renewal, Inc., Shreveport, Louisiana
Elliot Bay Seawall, Seattle, Washington
Puget Sound Nearshore Ecosystem Restoration Study, Seattle, Washington
Duwamish/Green Ecosystem Restoration Program, Seattle, Washington
Puget Sound and Adjacent Waters Restoration Program, Washington
Eikos Inc., Franklin, Massachusetts
Upper Blackstone Water Pollution Abatement District, Millbury, Massachusetts
Blackstone River Coalition, Massachusetts
NuVision Engineering, Mooresville, North Carolina
State University of New York at Oswego (SUNY Oswego), Oswego, New York
Catalyst Renewables Corporation, Lyons Falls, New York
New Topsail Inlet, North Carolina
Carolina Beach Inlet, North Carolina
Lockwoods Folly Inlet, North Carolina
Wilmington Harbor, North Carolina
Santa Clara River Restoration Project, California
Eastern Santa Clara River basin Perchlorate Remediation Initiative, California
Walla Walla Watershed Feasibility Report, Washington
Columbia Basin Development League, Royal City, Washington
Electric Utility Transmission and Distribution Line Engineering Program at Gonzaga University, Washington
Farmington Groundwater Recharge Project, California
San Francisco Bay to Stockton Project, California
Mt. Diablo Mercury Mine Cleanup, California
Mokelumne River Regional Water Storage and Conjunctive Use Project, California
State University of New York College of Agriculture and Technology at Cobleskill, New York
Virginia Key Beach project
Jamaica Bay (Port Authority of New York and New Jersey)
Atlantic Coast New York City, East Rockaway Inlet and Jamaica Bay, NY Shoreline Project
Houma navigation Cal Dredging and Beneficial Use
Flagler Beach feasibility study, Florida
Reconnaissance Study of Deep Creek for St. Johns County, Florida
Stetson University's Sage Hall, DeLand, Florida
Bucks Harbor, Machiasport, Maine
Greenville Steam Company, Greenville, Maine
Los Angeles River, California
Port of Long Beach, California
Long Beach Desalination Project, California
Long Beach Water Refuse Project, California
City of Creedmoor Corps Study, North Carolina
North Carolina State University, Raleigh, North Carolina
Lexington Harbor, Michigan
Port Sanilac Harbor, Michigan
Lepeer Regional Medical Center CT Stimulator, Michigan
Escambia and Conecuh Rivers, Florida
Santa Ana River Mainstem Project, California
Orange County regional water reclamation project, CA
Suisun Bay Channel, California
San Pablo Bay and Mare Island Strait, California
Pinole Shoal management study, California
Napa River Salt March Restoration Project, California
Lower Walnut Creek, California
Mt. Diablo Mercury Mine Cleanup, Costa County, California
Trinity River Restoration Program, Weaverville, California
Walnut Creek Basin (Grayson & Murderer's Creeks), Contra Costa County, California
Va Shly-Ay Akimel Salt River Restoration, AZ
Tres Rios Environmental Restoration, Arizona
Rio Salado, Phoenix and Tempe Reaches, Arizona
Parkersburg Riverfront Park project, New Martinsville, West Virginia
Monongahela Locks Automation project, Morgantown, Hildebrand and Opekiska Locks, West Virginia
West Virginia and Pennsylvania Flood Control project, Philippi, Parsons and Belington West Virginia; Clymer Pennsylvania
Turkey Creek flood damage reduction project, Kansas City, Kansas and Missouri
Upper Turkey Creek project, Kansas
Kansas City Metropolitan flood protection system, Kansas and Missouri
Bush Creek Basin project, Johnson County, Kansas and Jackson County, Missouri
Four Mile Run environmental restoration project, Virginia
Tripps-Holmes-Cameron Run-Hunting Creek water resources study, Virginia
National Venter for Biodefense, Virginia
University of Kansas Medical Center Tele-Oncology Network, Kansas
Greater New Haven Clean Cities Coalition, New Haven, Connecticut
Electro Energy, Inc., Danbury, Connecticut
Environmental restoration feasibility study, Upper South Hampton Township, Pennsylvania
Philadelphia Navy Yard Seawall, Delaware River, Philadelphia, Pennsylvania
Flood Plain Management Study, Pennsylvania
CENTRIA, Moon Township, Pennsylvania
Dams and Locks on the Monongahela River, Pennsylvania
Conversion of Waste Biomass into Biodegradable Plastics and Bioethanol: Research on a New Streamline Biomass to Sugar Conversion Process, Indiana, Pennsylvania
Concurrent Technology Corporation, Johnstown, Pennsylvania
South Central Pennsylvania Environmental Infrastructure Program
Structural and nonstructural flood control, stream bank protection, storm water management and channel clearing, Southwestern Pennsylvania
Sustainable Biofuels Development Center, Colorado State University, Fort Collins, Colorado
Upper Colorado River/San Juan River basin Endangered Fish Recovery Program, Colorado
Sorghum to Ethanol Research, Lubbock, Texas
Building Materials Reclamation Program, Charlotte, North Carolina
RenewableNY project, New York, New York
New School University Green Building, New York
Coney Island Area Shore Protection Project, New York, New York
Norwalk, California, Water Supply Improvement
Pioneer Valley Life Sciences Institute ($2 million), Springfield, Massachusetts
Wind Science and Engineering Research Center, Texas Tech University, Lubbock, Texas
J. Strom Thurmond O_2 System for Richard B. Russell Pumped Storage
Success Dam Seismic Remediation Project, California
Upper San Joaquin River Storage Investigation, California
Laurentian Energy Authority, Minnesota
Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota
Section 569 authorized in the Water Resources Development Act of 1999, Minnesota
St. Lawrence Seaway Study
Duluth-Superior Harbor maintenance and operations, Minnesota and Wisconsin
Northern Wisconsin Environmental Assistance Program
Protection of endangered mussels, Minnesota, Wisconsin and Michigan
City of St. Croix Falls, Wisconsin
Lake Superior Small Harbor Dredging, Michigan
A second lock at Sault St. Marie, Michigan
St. Croix River Basin Reconnaissance Study, Minnesota and Wisconsin
Mt. Wachusett Community College Wind Project, Massachusetts
Integrative Science Building, UMASS, Amherst, Massachusetts
Milford Pond, Milford, Massachusetts
Hoosic River Restoration Design, Massachusetts
Berkshire Environmental Resources Center, Massachusetts College of Liberal Arts, North Adams, Massachusetts
Popular Brook Continuing Authorities Program, New Jersey
Shark River Maintenance Dredging project, New Jersey
Nutley Board of Education, Nutley, New Jersey
Peckman River and Tributaries, New Jersey
Rio Salado Oeste project, Salt River, AZ
Achieving a College Education (ACE) program, Maricopa Community Colleges, Arizona
Phoenix Metropolitan Water Reuse project, Arizona

Rio de Flag project, Flagstaff, Arizona
Seton Hall University Science and Technology Center, South Orange, New Jersey
Newark Bay, Hackensack, and Passaic Rivers operation or maintenance, New York and New Jersey
High Efficiency Cascade Solar Cells, New Mexico State University, Las Cruces, New Mexico
San Francisco MUNI Solar Energy Facility Project, California
Hamilton Army Airfield Wetland Restoration Project, California
San Francisco Bay Harbor and Bay Drift Removal project, California
San Francisco Bay Long Term Site-Monitoring Strategy, California
University of San Francisco Science Facility and Hamey Science Center, California
Renewable & Logistical Fuels for Fuel Cells at the Colorado School of Mines, Colorado
Jefferson County Bioenergy Initiative, Colorado
White Earth Tribal Nation Wind Energy Project, Minnesota
Willmar Municipal Utilities Power Generation Study, Minnesota
Stripper Well Consortium, Penn State University, College Park, Pennsylvania
Bath house and camping area at Tioga-Hammond Lake, Pennsylvania
Bath house and playground equipment at Tionesta Dam, Pennsylvania
Bath house and camping area at Cowanesque Lake, Pennsylvania
Campground improvements at East Branch Clarion River Chippewa River at Montevideo, Minnesota
Strategic Biomass Initiative of the Mississippi Technology Alliance, Mississippi
Sustainable Energy Research Center, Mississippi State University, Starkville, Mississippi
Laboratory facilities, Messiah College, Grantham, Pennsylvania
Garrison Diversion Project, North Dakota
Fargo-Ridgewood Flood Control Project, North Dakota
Garrison Dam and Power Plant, North Dakota
Sierra Trauma Center, St. Rose Dominican Hospitals, Las Vegas, Nevada
West Cary Stream Restoration project, Cary, North Carolina
Upground reservoir, Marysville, Ohio
5th Avenue Dam removal, Olentangy River, Columbus Ohio
Timberlake Wastewater upgrades, Franklin County, Ohio
Florida Renewable Energy Program, University of Florida, Gainesville
Friant-Kern and Madera Canals Capacity Improvement, California
Greenbrier River Basin, West Virginia
Robert C. Byrd Locks and Dam, Ohio River, West Virginia, and Ohio
Southern West Virginia environmental infrastructure projects, West Virginia
Fuel Cell balance-of-Plant Reliability Testing Prototype High Altitude Airship Project, Stark State College of Technology, North Canton, Ohio
Louisville Wastewater Treatment Plant, Louisville, Ohio
Orrville water main replacement, Orrville, Ohio
Rolls-Royce Solid Oxide fuel cell systems development, Fuel Cell Proto typing Center at Stark State College
Center for Zero Emissions Research and Technology, Montana
State University, Bozeman, Montana
Western Environmental Technology Office, MSE Technology Applications, Inc., Butte, Montana
Fort Peck / Dry Prairie Rural Water System, Montana
King County Biogas and Nutrient Reduction Project, Washington
Seattle Cancer Care Alliance Proton Beam Therapy, Washington
Dine Power Authority Project, Window Rock, Arizona
Little Colorado River Levee project, Winslow, Arizona
Sparks Arroyo Flood Control, Colonia, El Paso, Texas
El Paso Flood Control project, El Paso, Texas
Mill Seat Landfill Bioreactor Renewable Green Power Project, Monroe County, New York
Alternative Energy/Geothermal Technology Demonstration Program, Daemen College, Amherst New York
Pikeville Medical Center medical science research facility, Pikeville, Kentucky
Paintsville Lake recreational improvements, Johnson County, Kentucky
Southern and Eastern Kentucky Environmental Restoration Initiative, Kentucky
Wolf Creek Dam Seepage project, Kentucky
Southeast Bioenergy Initiative, Auburn University, Auburn, Alabama
MBI International biomass research, Lansing, Michigan
Intermediary BioChemicals, Okemos, Michigan
Energy Efficient Press and Sinter of Titanium Powder, Glendale Heights, Illinois
Miami Museum of Science Renewable Energy Project, Miami, Florida
Florida Keys Water Quality Improvement, Monroe County Florida
Lower Saddle River Project, New Jersey
Hackensack Meadowlands Environmental Restoration, New Jersey
Port of Los Angeles, Main Channel Deepening Project, California
Water Replenishment District Regional Groundwater Monitoring Program, Lakewood, California
Jackson Park Hospital Green Medical Office Building, Chicago, Illinois
Parker Hannifin Corporation Hybrid Hydraulic Drive Train Demonstration, Youngstown, Ohio
NorthEast Ohio Pipeline Scooping Study, Mentor, Ohio
Baard Energy L.L.C., CO2 Production & Emissions Study, Mentor, Ohio
Lower Girard Dam Repairs, Girard, Ohio
Struthers South Interceptor Sewer Project, Youngstown, Ohio
Windham to Ravenna Arsenal Infrastructure Project, Ravenna, Ohio
Brookfield Center North Sanitary Sewer—Phase II, Vienna, Ohio
Animas-LaPlata Project, Durango, Colorado
Arkansas River Fisheries Habitat Restoration, Pueblo, Colorado
Los Angeles Basin Water Supply Augmentation Study, California
La Mirada Flood Control and Drainage Study, California
Barnegat Inlet Navigation Project, New Jersey
Solid Acid Fuel Cell Research, California
Metropolitan Region of Cincinnati flood control project, Duck Creek, Ohio
Perry Township Waterline Extension, Ohio
Williamsburg Water Treatment Plant Expansion, Ohio
Borough of Hatfield wastewater and sewer infrastructure improvements, Pennsylvania
Elizabeth River sediment remediation, Hampton Roads, Virginia
Cheyney University Science and Technology Building, Cheyney, Pennsylvania
Stamford Waste-to-Energy Project, Connecticut
Bridgeport Harbor, Connecticut
Norwalk Harbor Federal Navigation Project, Connecticut
Portsmouth Harbor/Pascataqua River Feasibility Study for Navigation Improvement, Portsmouth, NH
Wiswall Dam Aquatic Ecosystem Restoration Project, New Hampshire Fish and Game Department, Durham, NH
Cocheco River Federal Navigation Project, Maintenance Dredging, Dover, NH
Hampton Harbor Improvement Project, Pease Development Authority, Division of Ports and Harbors, Portsmouth, NH
Hampton Harbor Maintenance Project, Pease Development Authority, Division of Ports and Harbors, Portsmouth, NH
Olmstead Lock and Dam Project, USACE Louisville District, Louisville, KY
Energy Xchange, Yancey County Local Government, Burnsville, NC
Western North Carolina Clean Energy Business Incubator Consortium, Asheville, NC
South Central Pennsylvania Environmental Improvement Program, Altoona-Blair County County Development Corporation, Altoona, PA
Eastern Idaho Regional Wastewater Authority, City of Shelley, Idaho
Harbor Deepening Project at the Port of New York and New Jersey, Port Authority of New York and New Jersey, New York, NY
Green Department of Public Works/Fleet Maintenance Project, Town of North Bergen's Green
Maintenance Building, Township of North Bergen, North Bergen, NJ
Olcott Outer Harbor Breakwater Project, Niagara County Department of Economic Development, Sanborn, NY
Dredging of the Genesee River at the Rochester Harbor, Buffalo District
Nanosystems Initiatives at the University of Rochester, University of Rochester, Rochester, NY
Nanostructured Solar Cell Project, University of Arkansas at Little Rock, Little Rock, AR
University of Saint Francis Achatz Hall, University of Saint Francis, Fort Wayne, IN
Monday Creek Watershed, Hocking River, Huntington, WV
Arbaugh-Hope Water Project, Vinton County Commissioners, McArthur, OH
South Carolina Lambda Rail Portal, Clemson University, Clemson, SC
National Energy Resource Center, York Technical College National Energy Resource Center, York Technical College, Rock Hill, SC
Estudillo Canal Feasibility Study, San Francisco, CA
Jack D. Maltester Channel (San Leandro Marina), San Francisco, CA
Dredging of Menominee Harbor, Menominee River, Detroit, MI
Michigan Technological University Nanostructured Materials Development project, Michigan Technological University, Houghton, MI
Traverse City Harbor Dredging at Northwestern Michigan College, Traverse City, MI
McClellan-Kerr Arkansas River Navigation System, Locks and Dams, Tulsa, OK

City of Elyria Water Treatment Plant Water Intake Project, Elyria, OH
Flood Control Project, Sandy Creek, TN
Flood Control Demonstration Project, West Tennessee Tributaries, Obion and Forked Deer River, West, TN
Pinole Shoal Management CA/Delta Long Term Management Strategy for Delta Levee rehabilitation, Contra Costa County, CA
Contra Costa Water District Alternative Intake Project, Contra Costa County, CA
Napa River Shallow Draft Dredging, San Francisco, CA
West Sacramento Flood Control Project Deficiency Study and Repair, Sacramento, CA
Dredging of Noyo Harbor, Fort Bragg, CA
Sacramento River Deep Water Ship Channel Dredging, Sacramento, CA
Warm Springs Dam Inundation maps, San Francisco, CA
El Dorado Lake, KS (O&M), Tulsa, OK
Oologah Lake Watershed, Oklahoma and Kansas, Tulsa, OK
Equus Beds Division of the Wichita Project, City of Wichita, Wichita, KS
Sustainable Energy Solutions, Wichita State University, Wichita, KS
Federal Maintenance Dredging of the Newburyport Harbor Entrance Channel, Concord, MA
Silicon Based Solid Oxide Fuel Cell Chip for Portable Consumer Electronics, Lilliputian Systems, Wilmington, MA
Urban Environmental Research Center and Greenhouse Project, Brooklyn College, Brooklyn, NY
Holes Creek Flood Protection Project, Miami Conservancy District, Dayton, OH
Edison Materials Technology Center (EMTEC) Hydrogen Energy Production and Storage—Phase IV, Edison Materials Technology Center, Dayton, OH
South Goose Creek, Cottonwood Pond, Boulder County, CO
Canyon Road Water Treatment Plant Upgrade, Sante Fe County, Sante Fe, NM
Jicarilla Apache Reservation Rural Water System, Rio Arriba County, Dulce, NM
Navajo Hopi Land Commission Office Renewable Energy Generation Project, Window Rock, AZ
St. Joseph Harbor, St. Joseph, Detroit, MI
Dredging the harbor at South Haven, MI, Detroit, MI
Sustainable Energy Center, Biodiesel from farmed algae, Western Michigan University, Kalamazoo, MI
Bioscience Education Center, Germantown Innovation Center, Life Sciences and Technology Park of the Germantown Biotechnology Project, Germantown, MD
Jupiter Oxy Fuel Technology Project, Illinois
Northwest Indiana Computation Grid, Indiana
Pilot Energy Cost Control Evaluations, West Virginia, Pennsylvania, Indiana
Purdue Calumet Island Water Institute, Indiana
Purdue Hydrogen Technologies Program, Indiana
Waste-to-Energy Cogeneration Project, Munster, Indiana
CIMTRAK Cyber Security software, Indiana
Bioenergy Cooperative ethanol biomass fuel plant, Indiana
Little Calumet River, Indiana
Indiana Harbor—Grand Calumet River Environmental Dredging, Indiana
Burns Waterway Small Boat Harbor, Indiana
Burns Waterway and the Bailey intake pipe, Indiana
Calumet Region Environmental Infrastructure, Indiana
Cedar Lake, Indiana
Notre Dame Geothennal Ionic Liquids Research, Indiana
Purdue Technology Center, Indiana
Indiana Shoreline, Indiana
Oregon Institute of Technology Geo-Heat Center, Klamath Falls, Oregon
Port of Umatilla biodiesel refining plant, Pendleton, Oregon
Savage Rapids Pumping Plant, Rogue River Basin, Oregon
Umatilla Basin Project, Umatilla County, Oregon
Elk Creek Lake permanent trap-and-haul facility, Oregon
Walla Walla River Restoration Feasibility Study, Oregon
Environmental System Center at Syracuse University, Syracuse, New York
Rochester Institute of Technology Integrated Power Microsystems, Rochester, New York
Woody Biomass Project at State University of New York College of Environmental Science and Forestry
Limestone Creek, Fayetteville, New York
Onondaga Lake, New York
Irondequoit Harbor, New York
Minnesota Center for Renewable Energy, Minnesota State University Mankato
Blue Earth Ecosystem Restorations, MN, SD, IA, ND
Chickamauga Lock, Tennessee River, TN
Port Everglades Future Dredging Program, Florida
Seminole Big Cypress Critical Project, Everglades and South Florida
The Methanol Economy, University of Southern California
Science and Technology Facility, Bennett College, Greensboro, North Carolina
Vermont Independent Colleges Zero-Energy Campaigns, Vermont
Canaveral Harbor, Florida
Illinois State University Biomass Research, Illinois
Perry Memorial Hospital Picture Archiving and Communication System (PACS), Illinois
Will County Government, Illinois
Port Everglades Dredging Reimbursement Project, Broward County, Florida
Kentucky Lock and Dam Addition Project, Tennessee River, Kentucky
Elvis J. Stahr Harbor Project, Hickman-Fulton County, Kentucky
DeSoto County Wastewater Treatment Facility, Mississippi
New Albany Electrical Substation, Mississippi
Carbon sequestration study, Mentor, Ohio
New Mexico Center for Isotopes in Medicine, University of New Mexico
Ecosystem Revitalization at Route 66, Albuquerque, New Mexico
Rio Grande Bosque Rehabilitation (Bosque wildfires), New Mexico
Middle Rio Grande Bosque, New Mexico
Petaluma River Flood Control, California
Corte Madera Creek, California
North Bay Water Reuse Project, CA
San Rafael Channel Dredging, California
Tools for the Nanotechnology Education Development Program, Oregon
Tualatin Basin water supply project, Oregon
CVD Single-Crystal Diamond Optical Switch, Maryland
Water Infrastructure Project, Mill Creek basin, Louisville, KY
Water Infrastructure Project, Louisville, KY
McAlpine Locks and Dam, Ohio River, Louisville, KY
Math and Science Educational Project, Louisville Science Center, Louisville, KY
Pinellas County Beach Erosion Control Project, Pinellas County Board of Commissioners, Clearwater, FL
WaterReuse Foundation Research Activities, WaterReuse Foundation, Alexandria, VA
Eckerd College Science Center, Eckerd College, St. Petersburg, FL
Chenega IRA Council, Chenega Bay, AK
Technology Initiative for Print Disabled Community, Recording for the Blind and Dyslexic, Princeton, NJ
Kotzebue Electric Association's Wind Program, Kotzebue Electric Association, Kotzebue, AK
Renewable Energy Biomass Utilization Program, Alaska Village Initiatives, Anchorage, AK
Tanadgusix Foundation's Hydrogen Project, Tanadgusix Foundation (TDX), Anchorage, AK

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I yield myself such time as I may consume.

This particular amendment would eliminate all the earmarks in the bill, all 800 of them, all $1.1 billion of them.

Now, I have two confessions to make about this amendment before I proceed here. Confession number one is that the amendment is rather inartfully drafted. And the way it is drafted, it may actually catch some things, some elements of spending, that were not technically part of the 800 earmarks in the bill. But the reason for that is that the 800 earmarks are not actually in the bill. Something I would like to address later. But the amendment is drafted the only way it can be drafted under the current situation, under the current process, to eliminate all of these 800 earmarks and $1.1 billion.

The second confession I would like to make is that one of those 800 earmarks that is in the bill is one I requested. Now, I believe a couple other Members requested it as well, but it is definitely one that I requested.

So you may be asking why would I be proposing an amendment to eliminate an earmark that I requested. Do I suddenly believe that the earmark that I requested is somehow not valid or somehow not appropriate? No. Had I believed it was not valid or not appropriate when I requested it some months ago, I would not have requested it.

But the fact is, Mr. Chairman, that the process by which these earmarks happen stinks. And I believe that this process is terrible and that until we reform this process, we should eliminate all earmarks.

And that, Mr. Chairman, is why I offer this amendment to you today. It is not because I think that necessarily all 800 earmarks, including my own, in this bill are inappropriate. I do think

$1.1 billion is more money than I would like to see relative to this or any earmarks. But it is because until we reform this process and have a process that works, I don't think we should do any earmarks at all.

The earmark process has, I believe, actually hurt not just Republicans and Democrats and not just taxpayers, but I believe it has hurt this institution. And I believe that is why Chairman OBEY, the gentleman from Wisconsin, has expressed his own distaste for earmarks and the earmark process.

So let me make a few suggestions, 10 of them precisely, if I may, as to how this process might be reformed, how we might get it right.

First, put the earmarks in the bill. The reason we have had to draft this amendment so oddly is because the earmarks are not actually written in the text of the bill. If we are going to spend the taxpayers' money as Members of Congress on specific things, those specific things we are spending it on should be in the language of the bill that appropriates those expenditures.

Second, let's have full disclosure of all the earmarks in the bill and let's have it at least a week before the vote. I think we got the list of these earmarks last, I think it was, Thursday or Friday, and here we are debating these today. There are 800 earmarks in this bill. It is a little tough for us or anyone else to go through 800 earmarks in just a couple of days.

Third, let's have full disclosure of all earmark requests. Every earmark in this bill in theory has a certification from the Member who requested it claiming what they have requested and why and also claiming that they have no financial interest in that earmark. Let's make those public. Those were turned in, I can't remember exactly whether it was February or March. I think it was March. Why should those be under some secrecy? Why should all those earmark requests not be available to the public? And when we have full disclosure of earmarks, let's have real disclosure of earmarks. The disclosure that we got last week was one list that has the earmark amount and the project and another list that has the project and the Member requesting. So if you want to take the Member requesting and match it up with the amount, you have to match up the two lists somehow. Now, if there are only 10 earmarks, you could do that. But with 800 it is really hard to do, and not in a searchable database. In fact, in a few cases where we were able to get disclosure of the actual earmark request, which only happened yesterday afternoon, the description of the project in the earmark request is not the same as the description of the project on the earmark list. So what we have now is an attempt at some late partial disclosure. It is not full disclosure in any way, shape, or form of earmarks or earmark requests.

Mr. OBEY has suggested that Members often feel like they are ATMs. That is what this earmark process does. It diminishes, I think, the value of all of us that serve in this institution. We are here to make public policy. We are not ATMs. I was stunned when, in my first few months as a Member of this House, 70 different people came into my office not asking for a certain element of public policy, not encouraging me to support this or that or the other, but asking for money, asking for earmarks, because they saw Members of Congress as an ATM.

Number four, we should not have any earmarks for programs that are not authorized; otherwise, why do we bother to authorize programs? If we are not going to go through the process of authorizing a program, then earmarks can come in and be about anything. I think that is what you have seen in some of Mr. HENSARLING's and Mr. FLAKE's objections is that earmarks have become about almost anything.

Number five, we should not have earmarks that do not serve a Federal interest and have a Federal nexus. This is Federal taxpayers' money.

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There are many great needs out there in cities, counties and States, but cities and counties and States have sources of revenue. It's not like we don't have enough to do here. It's not like we don't have other things that we could spend the money on. God forbid we might give it actually back to the taxpayers. But even if we weren't going to do that, there are obviously plenty of truly Federal priorities that we should not be fixing sewers and other things like that, which are clearly local priorities.

Six, we should not be including earmarks that are requested outside of the State of a Member of Congress. Now, the point of these earmarks is to direct funds for things that our constituencies need. Why would we ever be wanting to direct funds for things that some other constituency needs? We know why. It's because some lobbyist or something somewhere requested it. So let's not be requesting or honoring earmarks that are outside of one's State.

Seven, we shouldn't be giving earmarks to private entities without some kind of a competitive bidding process. You know, if other elements of the Federal Government were to award contracts for millions of dollars to private entities without some kind of bidding process, we would complain about it here. And we do complain about it when we see it, and we should complain about it when we see it. But yet under this earmark process, many earmarks are given directly to private entities without any competitive bidding process.

Eight, conference reports should never increase an earmark. Now, everything we could do here in the House to disclose and provide sunshine for earmarks could be null and void if you simply can drop earmarks into a conference report that were not in either the House or the Senate version of the bill. So we should never have earmarks coming back to this floor that are more than the amount that was in either the House or the Senate version of that bill.

Nine, earmarks should be available for discussion at a hearing. We're spending the public's money. It should be exposed, what we're doing; it should be clear to people what we're doing; and we should talk about it and be willing to stand up and defend it, or not do it.

Ten, when we eliminate earmarks, the money we save should go into debt reduction. It should save the taxpayers' money. It should go to reduce the Federal deficit.

Now unfortunately, if this amendment were to pass, I would love to tell you that the $1.1 billion to the taxpayers would be saved, but the way the rules are, it would take another amendment, a subsequent amendment to then save that money for the taxpayers.

Mr. CULBERSON of Texas offered an amendment in the Appropriations Committee to change that rule so that if we do strike and/or eliminate any number of earmarks, that that money saved is actually saved, that it goes to debt reduction. But that amendment was defeated.

So, Mr. Chairman, those are 10 things that could put sunshine on this earmark process. But we are a long ways from that sunshine. We are a long ways from that accountability. We are a long, long ways from all these earmarks being visible, justifiable and, in fact, justified.

So until then, I have made and will continue to make proposals to eliminate all the earmarks in any bill regardless of whose they are, myself included, or others, until we reform the process.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. VISCLOSKY. I would be happy to recognize my friend and ranking member, Mr. HOBSON from Ohio, for such time as he may consume.

Mr. HOBSON. I would like to thank my chairman.

Mr. Chairman, I rise in opposition to the amendment.

We have put together, I think, a very good bill. This bill is $31.6 billion. The earmarks and the directed spending in this supplemental we're talking about today is about 3 percent of the bill, it's $1.09 billion. There are 777 projects. This includes the plus-ups to the administration's request. In some cases the administration asked for some money, we decided it wasn't quite enough to finish off something, so we added money to it.

Let me talk a little bit about the Corps. The administration requested $4.08 billion for 837 projects. The House adds $777 million for 466 projects. There are no new authorizations or new starts. And sometimes the President asks for new starts, Members ask for new starts; we don't have enough money to do new starts, so we stopped new starts.

The earmarks are 14 percent of the total Corps' budget. I might add, when we started with the Corps of Engineers, the Corps didn't have a 5-year development plan, they had no vision of where it really wanted to go. It didn't come from the administration to change that, it came with the chairman and myself working together. We changed that in the Corps. That didn't come out of the administration, those nameless people down there who somehow figure out how they're going to spend the money. At least here we know who's spending the money and we know the projects that we're looking at.

Title II. The administration requested $551 million for 146 projects. The House added $72 million for 47 projects.

In DOE, in title III, the House adds $246.5 million for 263 projects. This represents less than 1 percent of the total DOE budget, which is $32 billion. This is a 50 percent cut to the fiscal year 2006 level. And I might say on the Republican side, it is now a 40 percent split versus the 60 percent as the majority changed. I think we've done a good job at looking at people's needs.

Let me give an example. In my State, ODOT is the big highway people, and they always want to do these big projects. And when I want to do something in my town that really impacts people within my city, they don't have time to do it. And even when I do an earmark, they fight me on the earmark because they want to do the big deals. They want to do the big projects that cost a lot of money. And they take care of people, too. But at the local community, I think sometimes we are better off at what we want to do versus what the large agencies want to do.

So I want to thank the chairman, and frankly, the staff, who has looked through all these projects. We've looked through all these projects. We've vetted these projects. And we've done as good a job as I think we can in looking at them. And we're not the technical people, but the staff is more technical. We've gone back on the Corps projects and talked to Corps of Engineers and said, do these projects make sense? Are they executable? Can we get them done? And they've come back and said yes. So we have had a review.

I think this is a well done bill. I think the earmarks are essential to Congress doing its oversight. I wish, frankly, we could work better with the administration on their earmarks. We don't know what they're going to do. They don't come and talk to us. Even in the hearings, we have no idea where they're going to spend all their money on the projects they want.

I think it would be a better process if we could all work together and have more transparency, and did more things at the local level. And we could take out a lot of the bureaucracy that exists in those huge bureaucracies that we tend to fund without anybody ever questioning how much money they're spending there.

And I don't want to pay more taxes either. I think the projects here that we do help the quality of life within the communities where we live.

I support the bill. I'm opposed to this amendment. And I would request that Members oppose this amendment.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I would like to yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank him for this wonderful amendment.

I rise today out of a concern for what earmarks are doing to this body. Those of us on the Republican side understand very well the perils of unfettered earmarks. It's part of the reason we're squarely in the minority today. But there are greater concerns than which party is in the majority. I hope that each of us, Republicans and Democrats, would recognize this.

Proponents of earmarking defend the practice by noting that Article I of the Constitution gives Congress the power of the purse, and that earmarking is consistent with that responsibility. It is true that Congress has the power of the purse. But the contemporary practice of earmarking circumvents, rather than enhances, the careful execution of our responsibility as stewards of the public purse.

Take the Labor-HHS bill that will be coming up later today; it contains 1,300 earmarks. Are we to assume that each of these 1,300 has been properly vetted and scrubbed? No way. I suspect that, just as the distinguished chairman of the Appropriations Committee noted a couple of weeks ago, there is no way to adequately screen these earmarks given the tight appropriations schedule. The question needs to be asked, why are we so bent on moving forward with 1,300 earmarks?

I should note that last year there were no House earmarks in the Labor-HHS bill. The world didn't come crashing to a halt. The year before there were no House earmarks in the Labor-H bill. The planets are still in order today.

Why are we so bent on moving forward when we can't adequately vet these earmarks?

Perhaps the most frequent justification for the contemporary practice of earmarking is that "Members of Congress know their districts better than some faceless bureaucrat in Washington." Now, I'm not here to defend faceless bureaucrats. They waste a lot of money in my district, as well as others. Faceless bureaucrats in Federal agencies waste so much money that somebody needs to be constantly looking over their shoulder and providing oversight. That's why we're here. But let's face it, when we approve congressional earmarking for indoor rain forests in Iowa or teapot museums in North Carolina, we make the most spendthrift faceless bureaucrats look frugal.

Excess by Federal agencies does not excuse congressional excess. If Federal agencies don't follow the procedures requiring competitive bidding or other processes, then we should cut their funding and/or mandate that they change their practice. We shouldn't try to one-up them with equally suspect appropriations.

Just as an aside, we saw just a couple of weeks ago that the majority of this Chamber chose to deny funding for one particular earmark. Now, for the RECORD, it was my amendment to cut funding for the "Perfect Christmas Tree Project." There was no Federal nexus, and I didn't think it was a wise use of Federal dollars. But it was no less worthy than hundreds of projects funded by the same legislation.

The distribution of earmarks is based on politics, not policy. Most appropriation bills award 60 percent of the earmarks to the majority party and 40 percent to the minority party. Is there a policy reason for this allocation that has reversed with every legislation? Are well-positioned Members who award themselves with more earmarks than rank-and-file Members more deserving? Are their districts more needy? In some appropriation bills, each member of the committee is given an equal share. Are we to assume here that these districts have exactly the same needs?

The truth is, we can try all we want to to conjure up some noble pedigree for the contemporary practice of earmarking, but we are just drinking our own bath water if we think the public is buying it.

It seems that over the past few years we've tried to increase the number of earmarks enough so that the plaudits we hear from earmark recipients will drown out the voices of taxpayers who have had enough. It hasn't worked, thank goodness. For every group that directly benefits from earmarks, there are hundreds who see it as a transparent gimmick to assure our own reelection.

Mr. Chairman, our constituents deserve better. This institution deserves better than we're giving it. Let's return to the time-honored process of authorization, appropriation and oversight that has served us well for so long.

Mr. CAMPBELL of California. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would reserve the balance of my time, understanding I have the right to close, and I will be the final speaker on our side.

Mr. CAMPBELL of California. Mr. Chairman, Mr. FLAKE said it very well. This House can do better than this earmark process. We can do better than what is going on. Their earmarks have led to some of our colleagues who are now in jail. It has led to other problems with other colleagues. Let's reform it or get rid of it.

This amendment is the beginning of that process. And Mr. Chairman, I would urge Members, even if they have earmarks in this bill, to support the beginning of reform or elimination of what has hurt this institution and has hurt taxpayers so much.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and will begin my remarks in opposition, first of all, by again thanking my friend and colleague from Ohio (Mr. HOBSON), all of the members of the subcommittee, and the staff, who have done a very good job on this bill and improved the circumstances for people's safety, health, security and employment opportunities.

I would like to make a couple of points. The first is, we've heard a lot about the expenditures that are enumerated in this legislation, and that certainly is worthy of debate. What has been lost today, but was covered earlier this year when the bill originally was on the floor, is the fact that there are significant cuts that have been made in this bill to programs that we felt could be either eliminated or reduced because they did not have the same value and merit as those contained in the legislation we're considering today.

And I would note that there were 37 different DOE weapons programs that were cut. There were an additional 20 programs, two in the Army Corps of Engineers, two in the Bureau of Reclamation, three within the independent agencies, and 13 others in the Department of Energy that were reduced because we did not feel that they cut mustard and did not make the same significant contribution to our country.

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As far as our infrastructure, and I would want to focus on that for a few minutes, the investment in our water infrastructure, for example, in this legislation represents a little bit less than 20 percent of the overall spending. But I would note that in 2005, the American Society of Civil Engineers estimated that nearly 50 percent of the Corps of Engineers-maintained locks are functionally obsolete using a design life of 50 years. Many of our communities do not enjoy the benefit of adequate flood protection.

We think of moving the commerce of this country. We think of people's safety. We are woefully behind. There are numerous channels and harbors throughout our Nation, across this country, that are not maintained at usable depths, much less at the authorized levels. Again, for every ship that uses a channel or a harbor not at depth, they are coming in and they are leaving lighter. That is less efficient as far as the economy of our country.

The Corps of Engineers' backlog is $50 billion. One thing that I would note for the membership here is that during the last several years under Mr. HOBSON's leadership as chairman, one of the things that we have tried to do is, if you would, to focus funds on some programs to meet that backlog, to make sure that some projects ultimately are completed.

I would also point out that the committee is mindful of the responsibility that we all have in Congress regarding ensuring that Federal funds are spent in a responsible manner. This committee has been at the forefront of changes to the fiscal management of the Corps of Engineers.

In light of the challenges involved in modernizing this Nation's water resources infrastructure, we have required, again, over the last several years, a more disciplined and rigorous approach to fiscal and contract management by the corps. This bill continues financial management contracting reforms to ensure that the corps manages its budget in the best interests of the taxpayers. The recommendations include directing that the corps continue to take action in considering additional factors as they proceed in the planning of projects.

Outside of water infrastructure, we do have the Department of Energy that encompasses obviously more than three-quarters of the spending in this bill. As was noted when we brought the bill to the House floor, regrettably, as a citizen, as a public official, I would note that since 1990, the Department of Energy has been on the high-risk list of the GAO for project management.

That is all of our money. One of the things that we have, again, attempted to do in this bill is to begin to force the issue with the Department so these major construction projects are brought in on time and on budget.

As I mentioned, and I will close on this note, in my remarks at the beginning of the debate, we started today, the money spent in this bill, whether they were enumerated originally by the administration or by the Congress, are investments, investments in our national security and in the safety and reliability of our nuclear weapons. They are investments in our energy security, which is now in economic crisis, a national security crisis and an environmental crisis. We have increased funding for biofuels. We have increased funding for vehicle technology. We have increased funding for renewable energy research. I am proud of the subcommittee's work in those areas.

We have made investments in the health of our people, in that if you have clean water to drink, you are going to enjoy good health. If you do not, you are going to become very sick. We have also looked at the health of those citizens around our country who live in and around former weapons sites and the nuclear cleanup that is going to unfortunately still take decades to accomplish. These are investments in the safety of our citizens. Think about those dams in this country. Think about one of those locks failing. Think about the gentleman in Highland, Indiana, who lost his life when the Little Calumet River flooded.

They are investments to create a climate and to build the infrastructure of our Nation that encourages the development of new, well-paying jobs. To the extent we have made changes in the administration's priorities, whether they be by earmarks or changes in programs, those changes have been to enhance the effectiveness of the programs in this bill and to complement them.

Mr. Chairman, for all of these reasons, I certainly am opposed to the gentleman's amendment, I would ask my colleagues to oppose it, and I would ask for my colleagues' support of the underlying legislation.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOBSON. I yield to the gentleman from Ohio (Mr. LATOURETTE) for such time as he may consume.

Mr. LATOURETTE. I want to thank the distinguished ranking member for yielding, and I want to thank the body for its indulgence as we wrap up this important debate.

I want to describe and discuss an amendment I was going to offer but did not and some of the reasons for it. Contained in this bill is a $2 million earmark for the Parker Hannifin Company of Cleveland, Ohio, for the hybrid drivetrain program.

I am not going to offer the amendment for three very important reasons. One is the earmark was requested by my good friend and neighbor, Congressman Tim Ryan; two, in doing research on the hybrid drivetrain program, it is a good one, and three, Parker Hannifin is a great company that I am going to talking about in a minute.

But my amendment would have redirected the $2 million from the hybrid drivetrain program to their plant in Eastlake. Parker Hannifin has announced their intention in the near future to close a plant in Eastlake, Ohio, and cause the loss of 177 jobs.

Most of the folks that work there have been working there for a number of years and are members of the International Association of Machinists and Aerospace Workers. But I want to talk a little bit about Parker Hannifin and why I am not offering the amendment and then have a request at the end.

Parker Hannifin Company was started in 1918 by a guy named Arthur Parker. Just to show you how some of our entrepreneurs have had tough experiences, in 1919 there was a truck accident that wiped out the entire inventory of the company, and he had to go back to another job. He started again; and at the height the Depression, he bought an auto plant in 1935 in the City of Cleveland, and then during the height of World War II, employed 5,000 people in Cleveland, Ohio, supplying the war effort.

The war ended. Mr. Parker died. Again, the defense contracts dried up. It looked like there wasn't going to be any progress for the company. His widow said no, and they continued to reinvest in northeastern Ohio and northeastern Ohio continued to reinvest in them and they rewarded them as well. Today, they are a $10 billion company employing 50,000 people worldwide.

My simple request is, I am not going to ask to redirect this money to the plant in Eastlake, Ohio, but as this bill moves forward, I would hope that we can continue to talk to the folks in Cleveland and Parker Hannifin, because if you think about this $2 million, some of those 177 machinists who potentially will lose their jobs paid into the Federal Treasury some of the money that comprises this $2 million that is going to the hybrid drivetrain project, and I hope that we are able to resolve this in a way that we not only have the new technology for fuel efficiency that comes from the hybrid drivetrain technology, but given northeastern Ohio's solid commitment to this company since 1918, that they take that into consideration as we move forward and they make tough decisions in this global economy as to whether or not these jobs remain in northeastern Ohio.

Again, I very much thank the ranking member and the chairman for their indulgence.

Mr. VISCLOSKY. Mr. Chairman, if my colleague would yield for a moment, I certainly appreciate the gentleman striking and yielding the time.

Again, I understand and appreciate the gentleman's concern and his passion about this. Obviously, I cannot make any representations, other than I would want to stay in touch with both gentlemen and see what can be done and to work closely with you.

But I appreciate again the circumstances you find yourself in and would be happy to try to work with you.

Mr. HOBSON. Mr. Chairman, I thank both gentlemen for their comments, and I yield back my time.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. FLAKE of Arizona.

Amendment No. 35 by Mr. HENSARLING of Texas.

Amendment No. 37 by Mr. HENSARLING of Texas.

Amendment No. 39 by Mr. HENSARLING of Texas.

An amendment by Mr. CAMPBELL of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on an amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 326, not voting 12, as follows:

[Roll No. 636]

AYES—98

Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Coble
Conaway
Cooper
Davis (KY)
Davis, David
Deal (GA)
Duncan
Ehlers
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gohmert
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Westmoreland
Wilson (SC)

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)

Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bishop (GA)
Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Granger
Hill
Hoyer
Kucinich
Napolitano
Solis
Tancredo

☐ 1519

Messrs. POMEROY, CROWLEY and KANJORSKI changed their vote from "aye" to "no."

Ms. GINNY BROWN-WAITE of Florida, Messrs. SHIMKUS, NUNES, CARNEY and Mrs. BIGGERT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 636, had I been present, I would have voted "no."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 636 on H.R. 2641 I was unavoidably detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Remaining votes in this series of votes will be 2-minute votes. There will be a 1-minute warning and then a 2-minute vote.

AMENDMENT NO. 35 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 70, noes 357, not voting 9, as follows:

[Roll No. 637]

AYES—70

Akin
Bachmann
Bilbray
Bishop (UT)
Blackburn
Boehner
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Graves
Hastert
Heller
Hensarling
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Mack
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Westmoreland

NOES—357

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Granger
Hoyer
Kagen
Kucinich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining to vote.

☐ 1524

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 37 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 79, noes 337, not voting 20, as follows:

[Roll No. 638]

AYES—79

Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Graves
Hastert
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCaul (TX)
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Westmoreland
Wilson (SC)

NOES—337

Abercrombie
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Bordallo
Boswell
Brown, Corrine
Carnahan
Christensen
Davis, Jo Ann
Dicks
Faleomavaega
Gonzalez
Hoyer
Johnson, Sam
Kirk
Kucinich
Marchant
Napolitano
Radanovich
Tancredo
Welch (VT)
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1527

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 39 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 348, not voting 7, as follows:

[Roll No. 639]

AYES—81

Akin
Bachmann
Barrett (SC)
Bilbray
Bishop (UT)
Blackburn
Boehner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Westmoreland
Wilson (SC)

NOES—348

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)

Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Hoyer
Kucinich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1533

Mr. WAXMAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 39, noes 388, not voting 9, as follows:

[Roll No. 640]

AYES—39

Akin
Blackburn
Campbell (CA)
Cannon
Cantor
Chabot
Cooper
Deal (GA)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Heller
Hensarling
Issa
Jindal
Jordan
Kline (MN)
Lamborn
Linder
Miller (FL)
Musgrave
Myrick
Neugebauer
Pence
Petri
Pitts
Platts
Price (GA)
Radanovich
Ryan (WI)
Sensenbrenner
Shadegg
Sullivan
Terry
Thornberry
Tiberi
Westmoreland

NOES—388

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Bordallo
Brown, Corrine
Cuellar
Davis, Jo Ann
Faleomavaega
Hoyer
Kucinich
Tancredo

□ 1537

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2008".

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleagues, my good friend from Indiana and chair of the subcommittee, Mr. VISCLOSKY, and Chairman OBEY, for bringing up this important piece of legislation.

I rise in support of the supplemental report on H.R. 2641.

Mr. Chairman, I want to thank the subcommittee leadership for their inclusion of $18.3 million for the Houston Ship Channel Navigation project, which is $2 million more than the President's budget, and for including $15.442 million in operations and maintenance for the Houston Ship Channel, which is $1 million over the President's request.

While I understand the tight fiscal constraints this Congress is under, I hope we increase funding for these projects in the future.

The continued O&M funding would be used to keep the channel at its authorized depth, which is critical to keeping the channel navigable for the tankers that bring in crude oil to our refineries. The navigation funding goes towards important environmental restoration work in the deepening and widening project. We are at the end of that project now.

Our area relies heavily on Corps of Engineers' funding, since we're not only an energy-producing area but also a low-lying area in the middle of a flood plain.

I requested funding through the Army Corps of Engineers for Greens Bayou, Hunting Bayou and Halls Bayou, which were flooded during Tropical Storm Allison in 2001. These authorized projects are located in blue-collar residential areas in my district, where the threat of future flooding is all too real.

I am grateful the subcommittee included $588,000 for Greens Bayou, which will help conclude the study portion of the project and now the project is fast approaching its construction phase. The Greens Bayou project has a high 3.7 benefit to cost ratio, and in 2001, over 15,000 homes in this watershed flooded in Tropical Storm Allison.

I appreciate the committee's continued understanding of the pressing flood control needs in our area, but am disappointed only Greens Bayou received funding in this appropriations cycle.

Hunting Bayou has already started construction and a cut-off of Federal funding threatens to put this project into danger of falling further behind schedule. Fortunately, this is a 211 (f) project which provides the local sponsor—the Harris County Flood Control District—flexibility to continue work on the project.

The Hunting Bayou project will reduce the number of homes and businesses in the 100-year flood plain by 85 percent, from 7,400 structures to 1,000. Eight thousand homes flooded in this area during Tropical Storm Allison as well.

I also hope Halls Bayou will receive funding in the future; this project is authorized in WRDA 1990 and is included in the pending WRDA legislation to become a Sec. 211(f) project.

Greens Bayou, Hunting Bayou, and Halls Bayou are not projects to protect vacation homes or homes in obvious flood hazard areas. Most of these areas were outside the flood plain until upstream development expanded the flood plains.

In closing, I want to commend the Chairman, and especially my good friend from Texas, Congressman CHET EDWARDS, for their hard work on this legislation, and hope they will continue their progress on funding critical needs across the Nation.

I urge my colleagues to support the supplemental report.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place into the record a listing of the Congressionally-directed project in my home state of Idaho that is contained within the report to this bill.

The project provides $4 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in Idaho communities. The funding was authorized in the Water Resources Development Act.

This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies.

Perhaps the most striking example of why the federal government has a responsibility to assist these communities is the burden the EPA's revised arsenic standard is having across America. In addition, these funds help rural communities in Idaho trying to attract new businesses and spur economic development. The vital water funding in this bill will assist rural communities in job creation and affordable housing by offering improved services at lower costs than would otherwise be possible.

I'm proud to have obtained this funding for Idaho communities and look forward to working with them in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

1. Rural Idaho Environmental Infrastructure, $4,000,000.

Mr. BISHOP of New York. Mr. Chairman, I rise in strong support of H.R. 2641, the Energy & Water Appropriations bill for fiscal year 2007. I applaud our colleagues on the Energy & Water subcommittee for producing a bill that fully funds some of this nation's most important basic research under the Office of Science.

In particular, I commend chairmen OBEY and VISCLOSKY, ranking member HOBSON, and my fellow Long Island colleague, Mr. ISRAEL, for their tireless support of ground-breaking research conducted at Brookhaven National Laboratory.

I'm proud to represent BNL and the talented scientists who keep our nation at the cutting edge of basic research with projects like the Relativistic Heavy Ion Collider, which helps scientists unravel the big bang theory to explain the origins of our universe.

Fully funding this research will avert the same kind of uncertainty that threatened to derail it last year. Preserving BNL's status as a leading research institution will hopefully result in more decisions like yesterday's announcement that BNL will be the permanent home of the NSLS II, which uses intense light for x-ray imaging.

I also want to commend the committee for allocating $7 million for the Fire Island to Montauk Point project, which would protect 83 miles along Long Island's south shore.

Mr. Chairman, fully funding these research and infrastructure priorities are good for this nation and our economy. I am proud to support H.R. 2641 and again commend our colleagues for a good bill and their hard work.

Mr. UDALL of New Mexico. Mr. Chairman, we as leaders must face and prepare for the reality that America's nuclear footprint is shrinking and that in the coming years our national priorities will shift to address the looming energy crisis. With that in mind, it is abundantly clear that the mission and purpose of Los Alamos National Laboratory, located in my district, must be diversified to ensure its future permanence and to utilize its full potential for scientific research. I stand resolutely behind LANL, and will continue to fully support the men and women who work there, but they must recognize that the bill before us marks only the first step of the coming reallocation of resources in the nuclear complex. Only in recognizing, accepting, and ultimately embracing this shift, will the lab ensure that they continue to serve in their leading role in combating existing national security threats as well as others that are sure to emerge.

That is why today, Mr. Chairman, I will be voting in favor of the Energy and Water Appropriations bill. In so doing, I am voting for the future of the lab. I am voting for what I believe will be a future as bright as past in helping this country meet its national security challenges. But as I do, I vow to help the leadership at the lab make this diversification a reality. I vow to help the lab remain the preeminent lab in the country, home to the best scientists in the world.

Before we vote, however, I would like to briefly recap the steps in the Appropriations process that have brought us to this point today. In May, the Appropriations Subcommittee on Energy and Water marked up its Fiscal Year 2008 bill and reported it to the full Appropriations Committee. This bill included funding cuts that would affect the core mission of the Lab, which gave me great concern. The bill also postponed funding for the RRW and CMRR, projects I have been skeptical of since first being proposed. I am not the only one skeptical of these programs, which is why this bill also wisely included a provision requiring the Administration to thoroughly evaluate and prepare a plan outlining the specific need for not only these projects, but for our entire nuclear stockpile before authorizing millions more taxpayer dollars.

On the other hand, the bill we considered in committee included an unprecedented and long overdue investment in energy efficiency, renewable energy, and climate change research. I applauded the Chairman's vision for these investments, both because it is needed to enhance our nation's security for the future, but also because I firmly believe that the top-notch scientists at LANL have valuable contributions to make in these areas. During this discussion, I received assurances from the Chairman that LANL will have access to these new funds, but they must actively compete for them.

The bill was voice-voted in Committee a few weeks ago and was brought to the floor. During that debate, I led the fight to protect the core mission of the Lab, offering an amendment to restore $192 million in funding for the Road Runner Supercomputer, the Science campaign, and the Lab's facilities. Not only are these areas needed for the lab to effectively conduct its core mission, but they will also be needed for diversification. However, my amendment was not an endorsement of the status quo regarding our nuclear weapons policy. Unfortunately, my amendment was defeated.

However, during all of this, what became clear was that part of these funding issues for LANL had to do with preparing for conference with the Senate. As the gentleman from Tennessee, Mr. WAMP, stated on the House Floor, ". . . this is the beginning of the process. I know Senator Domenici is going to weigh in. I love it, because these House leaders have given the House a better position to negotiate this bill from than we have ever had in my tenure here, because we need that leverage. Frankly, the Senate has rolled us on this bill for many years. Not any more. We get fair treatment. We can go in there and negotiate our priorities and come away with a good product." No one who follows the Appropriations process should be shocked by this negotiating tactic.

In the meantime, the Senate Appropriations Committee reported a bill to the full Senate that provides hundreds of millions of dollars in funding increases for LANL. The Senate has yet to pass their legislation, but when they do, as we know, a conference committee will convene to negotiate the differences between the two versions of the legislation. I am confident that the final conference report will result in the restoration of funding for the core mission of the Lab, just as my amendment would have done.

And I will certainly be working for restoration of these funds through conference. Nevertheless, the process to this point must serve as a signal that change is needed if the funding—and the permanence—of the lab is to be certain. It would be folly to assume that the status quo and a static mission will be enough in the years to come. Instead, I hope the idea of diversification is strongly embraced and pursued by LANS, not only to strengthen the lab and its work force, although that is also important, but because the capacity of the lab to produce scientific greatness in pursuit of solving the gravest threats to our nation and to the world is too important.

I have received assurances from the NNSA that diversifying the mission of the lab is possible, but the leadership of the lab must take the initiative to start the process. In fact, there are ongoing discussions at this time about a possible diversified mission for LANL. As we continue the funding process, it is now up to LANL to decide whether it wants to diversify and thrive, or remain focused only on its current mission, which, as we have seen this year, means an uphill battle. I have strongly advised and urged the leadership at the lab to see that diversification is the only way to ensure the future of the lab. I hope that those at the lab believe the same and that in the very near future we will begin to see a true, substantive move toward this important goal.

Mr. VISCLOSKY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. TIERNEY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 481, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 312, nays 112, not voting 7, as follows:

[Roll No. 641]

YEAS—312

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—112

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Brown (SC)
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert

Graves
Hall (TX)
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (NY)
Kline (MN)
Knollenberg
Lamborn
Lewis (CA)
Linder
Lucas
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Roskam
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—7

Bean
Brown, Corrine
Davis, Jo Ann
English (PA)
Jones (NC)
Kucinich
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1557

Mr. SULLIVAN and Mr. BILBRAY changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BLOCKING PROPERTY OF CERTAIN PERSONS WHO THREATEN STABILIZATION EFFORTS IN IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons determined to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and relied upon for additional steps taken in Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004. In these previous Executive Orders, I ordered various measures to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq.

My new order takes additional steps with respect to the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people. The order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person designated pursuant to this order, or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 17, 2007.*

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3043, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OBEY. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3043 pursuant to House Resolution 547, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3043.

□ 1601

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Chairman, this bill, more than any other, determines how willing we are to make the investment necessary to assure the future strength of this country and its working families. We strengthen the country when we strengthen our families. We strengthen our country when we invest in workers to have the most competitive workforce in the world.

The decisions we make in any one year are not decisive. But if we do not think in long term, if we do not recognize the kind of country we will be in 10 years, we will not make the investments necessary to prepare for that world and we will be shortchanging the future of every American.

Because he has chosen to put his desire to give $50 billion in tax breaks to those make $1 million a year, and his desire to spend $140 billion on Iraq ahead of those investments, the President has chosen to cut those investments by this bill by more than $7.5 billion in real terms.

This bill rejects most of those cuts because we cannot disinvest in the country's future without hurting national security and the future of every

American family. Instead of cutting $7.5 billion, as the President requested, we eliminate or cut 41 programs, saving $1.1 billion. We then increase investments in critical programs by about $4.5 billion in real terms, or 2.8 percent over last year, after adjusting for inflation and population change.

Now, why do we do that? Because in 10 years there will be 27 million more Americans, 12 million more seniors needing health care, 2.7 million more kids in elementary and secondary school, 2.2 million more students in college, 11 million more Americans will be without health insurance, unless we wise up and wake up and change our policies. And within 7 years, half of the Nation's job growth will be in occupations requiring higher education skills.

To meet those challenges, with this bill we target modest increases to crucial high priority activities to attack deficits in worker training, deficits in health care, deficits in education access.

On a bipartisan basis, without a dissenting vote, we've provided $450 million above the President's inadequate request for Title I to help an additional 155,000 disadvantaged students. Instead of wiping out every student aid program except Pell and Work Study, we rejected the President's cuts and raised the maximum Pell Grant by $650 over the last year to help over 5 million students go to college.

We reversed the 3-year decline in Federal support for special education. Mr. WALSH, the ranking member of this subcommittee, has taken a leadership role in that regard.

We reversed the President's cuts in teacher training. We provided new after-school opportunities for 163,000 more students.

On health care, nobody has ever come up to me at home and said, "OBEY, why don't you guys get your act together and cut cancer research?" But that's exactly what Congress did the last 2 years, cutting NIH research grants by over 500 grants. Well, we've stopped that.

In January, we reversed the President's cuts and this bill adds another $1 billion above the President's request, which would again cut research grants.

We have also included a package of five initiatives to put health care within the reach of more than 2 million additional Americans; $200 million to expand access to health and dental care at community health centers, $75 million to help States expand health coverage for targeted populations, $50 million to help States provide affordable health insurance for 200,000 people who are medical high risks and cannot get insurance from the private market, $20 million to help trade impacted workers benefit from the Health Coverage Tax credit, and added funding to help Medicare beneficiaries to get health insurance counseling.

Because of high energy prices, we have added $880 million to the President's request for low income heating assistance, reversing half the cut Congress and the President made last year.

To discourage abortions, instead of lecturing, we provide a $1.4 billion package of incentives to provide real world help to women through expanded Head Start, child care, domestic violence programs, maternal and child health care, family planning and abstinence programs.

To help workers, we reverse the President's cuts in a range of workforce training programs. We also provide a $100 million increase above the President to help reduce Social Security claims backlogs and to keep more Social Security offices open.

Now the President claims that this bill amounts to runaway spending. Fact: From 1980 to today, domestic appropriations, as a percentage of total national income, have declined hugely. The President's budget would cut them to a level 48 percent below the 1980 level, and by 2012, to a level 57 percent below 1980. That's hardly runaway growth. That is a steady bleed of America's quality of life and America's future.

For the President to borrow $1.2 trillion to pay for tax cuts, and $600 billion to pay for Iraq, including another $140 billion next year, and then pretend that this modest 2 percent difference with him is the cause of fiscal irresponsibility is sheer nonsense, and many enlightened Republicans know it.

These investments are not just fiscally responsible, they are necessary for the future health and strength of the Nation.

One other point. We will today hear complaints about earmarks in this bill. Let us be clear, the last time Congress was in Democratic hands there were no earmarks in this bill. Under Republican rule, they exploded from zero to over 3,000.

This bill has cut back the dollar level for earmarks to half the level in the 2006 bill. Exactly two-tenths of 1 percent of the total funding in this bill go for congressionally directed earmarks.

And let me also point out that the amount of dollars in spending directed by the Congress is a tiny fraction of the amount directed by the Administration. First, for instance, the Administration in this bill requests specific earmarks, $10 million for Reach Out and Read, $10 million for Teach for America, $9 million for the Points of Light Foundation, $4.5 million for America's Promise, $1.7 million for the Mind and Body Institute, $1.4 million for the YMCA.

On top of that, in 2006 alone, the Health and Social Services Department directed spending of $1.9 billion through 21,000 contracts that were less than fully competed. That alone is more than seven times the amount of congressionally directed spending in this bill.

In the Labor Department, 90 percent of discretionary funding for the High Growth Job Training Program was spent on a noncompetitive basis.

The Office of Inspector General found that the Education Department strong-armed State and local school districts to select textbooks from favored publishers. Madison, Wisconsin, in my own State, lost its $2 million Reading First grant because they refused to purchase texts from an inferior program. Yet, the most thoroughly evaluated programs, like Success for All and Reading Recovery, were frozen out by the program administrators.

ABC reported that one publisher with good connections at the White House saw its corporate net worth rise from $5 million to $360 million, with a little help from their friends.

The Office of Inspector General has made criminal references to the Justice Department, and we have cut Reading First until the Administration changes its ways.

So I would simply say, Madam Chairman, spare us the Administration's sanctimony about earmarks or directed spending, and please spare us the pretense that this bill has anything to do with the fiscal mess this country faces. It is a disciplined set of investments. Virtually every Republican amendment in committee did not seek to cut funding, rather it sought to increase it.

I appreciate the bipartisan support for the bill in committee. I appreciate the partnership with Mr. WALSH, the ranking member.

People who have reviewed it most closely, Republicans and Democrats alike, know this bill is responsible and disciplined.

Just one comparison. The Administration's defense request, even without counting the $140 billion in new money that they're asking for in their supplemental, that defense bill is still $43 billion above last year, which is at least four times as large as the difference between the committee and the Congress on this bill.

I would urge every Member who thinks about this country's future to support this bill.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs ----- Comparable	Request		
100	TITLE I - DEPARTMENT OF LABOR						100	
150	EMPLOYMENT AND TRAINING ADMINISTRATION						150	
200	TRAINING AND EMPLOYMENT SERVICES						200	
250	Grants to States:						250	
300	Adult Training, current year	152,199	---	152,199	---	+152,199	300	FF
350	Advance from prior year	(712,000)	(712,000)	(712,000)	---	---	350	
400	FY 2009	712,000	712,000	712,000	---	---	400	
450	Adult Training	864,199	712,000	864,199	---	+152,199	450	
500	Youth Training	940,500	840,500	940,500	---	+100,000	500	FF
550	Dislocated Worker Assistance, current year	341,811	54,939	341,811	---	+286,872	550	FF
600	Advance from prior year	(848,000)	(848,000)	(848,000)	---	---	600	
650	FY 2009	848,000	848,000	848,000	---	---	650	
700	Dislocated Worker Assistance	1,189,811	902,939	1,189,811	---	+286,872	700	
710	Subtotal, Grants to States	2,994,510	2,455,439	2 994,510	---	+539,071	710	
720	Current Year	(1,434,510)	(895,439)	(1 434,510)	---	(+539,071)	720	
730	FY 2009	(1,560,000)	(1,560,000)	(1,560,000)	---	---	730	
750	Federally Administered Programs:						750	
755	Dislocated Worker Assistance National Reserve:						755	
760	Current year	70,092	---	70,092	---	+70,092	760	FF
770	Advance from prior year 1/	(212,000)	(212,000)	(212,000)	---	---	770	
780	FY 2009	212,000	212,000	212,000	---	---	780	
790	Dislocated Worker Assistance Nat'l Reserve	282,092	212,000	282,092	---	+70,092	790	
792	Less Community-based Job Training Grants (NA)	(-125,000)	---	(-125,000)	---	(-125,000)	792	
793	Dislocated Worker Assistance Nat'l Reserve	157,092	212,000	157,092	---	-54,908	793	
794	Total, Dislocated Worker Assistance	1,471,903	1,114,939	1,471,903	---	+356,964	794	
800	Native Americans	53,696	45,000	56,381	+2,685	+11,381	[illegible]	FF
850	Migrant and Seasonal Farmworkers	79,752	---	83,740	+3,988	+83,740	[illegible]	FF
855	Women in apprenticeship	1,000	---	1,000	---	+1,000	855	FF
875	YouthBuild	49,500	50,000	60,000	+10,500	+10,000	875	FF
900	Subtotal, Federally Administered Programs	466,040	307,000	483,213	+17,173	+176,213	900	
910	Current Year	(254,040)	(95,000)	(271,213)	(+17,173)	(+176,213)	910	
920	FY 2009	(212,000)	(212,000)	(212,000)	---	---	920	
1300	National Activities						1300	
1350	Pilots, Demonstrations and Research	14,700	13,000	28,140	+13,440	+15,140	1350	FF
1399	Responsible Reintegration of Youthful						1399	FF
1400	Offenders 4/	49,104	---	---	-49,104	---	1400	FF
1410	Prisoner Re-entry 4/	19,642	---	---	-19,642	---	1410	
1420	Reintegration of Ex-Offenders 4/	---	39,600	68,746	+68,746	+29,146	1420	FF
1450	Evaluation	4,921	7,000	4,921	---	-2,079	1450	FF
1515	Community-based Job Training Grants	---	150,000	---	---	-150,000	1515	
1516	Community-based Job Training Grants (NA)5/	(125,000)	---	(125,000)	---	(+125,000)	1516	
1517	Subtotal, program level	125,000	150,000	125,000	---	-25,000	1517	
1525	Denali Commission	6,875	---	---	-6,875	---	1525	
1550	Other	480	---	---	-480	---	1550	FF
1600	Subtotal, National activities	95,722	209,600	101,807	+6,085	-107,793	1600	
2100	Total, Training and Employment Services	3,556,272	2,972,039	3,579,530	+23,258	+607,491	2100	UA
2150	Current Year	(1,784,272)	(1,200,039)	(1,807,530)	(+23,258)	(+607,491)	2150	UA
2200	FY 2009	(1,772,000)	(1,772,000)	(1,772,000)	---	---	2200	UA

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request		
2300	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	483,611	350,000	530,900	+47,289	+180,900	2300	FF
2400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	837,600	888,700	888,700	+51,100	---	2400	M UA
2600	STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT						2600	
2650	SERVICE OPERATIONS						2650	
2700	Unemployment Compensation:						2700	
2750	State Operations	2,497,770	2,550,723	2,550,723	+52,953	---	2750	
2850	National Activities	9,900	10,500	10,500	+600	---	2850	
2950	Subtotal, Unemployment Compensation	2,507,670	2,561,223	2,561,223	+53,553	---	2950	
3100	Employment Service:						3100	
3150	Allotments to States						3150	
3200	Federal Funds	22,883	22,016	23,203	+320	+1,187	3200	
3250	Trust Funds	693,000	666,763	702,680	+9,680	+35,917	3250	
3300	Subtotal, Allotments to States	715,883	688,779	725,883	+10,000	+37,104	3300	
3350	ES National Activities	33,428	32,766	32,766	-662	---	3350	
3400	Subtotal, Employment Service	749,311	721,545	758,649	+9,338	+37,104	3400	
3450	Federal Funds	22,883	22,016	23,203	+320	+1,187	3450	
3500	Trust Funds	726,428	699,529	735,446	+9,018	+35,917	3500	
3550	One-Stop Career Centers/Labor Market Information	63,855	55,985	52,985	-10,870	-3,000	3550	
3600	Work Incentives Grants	19,514	---	9,757	-9,757	+9,757	3600	FF
3650	Total, State Unemployment & Employment Srvcs	3,340,350	3,338,753	3,382,614	+42,264	+43,861	3650	
3700	Federal Funds	106,252	78,001	85,945	-20,307	+7,944	3700	
3750	Trust Funds	(3,234,098)	(3,260,752)	(3,296,669)	(+62,571)	(+35,917)	3750	
3800	ADVANCES TO THE UI AND OTHER TRUST FUNDS 6/	465,000	437,000	437,000	-28,000	---	3800	M
3900	PROGRAM ADMINISTRATION						3900	
3950	Adult Employment and Training	43,442	45,593	43,442	---	-2,151	3950	
4000	Trust Funds	7,846	8,283	7,846	---	-437	4000	
4050	Youth Employment and Training 3/	39,354	40,311	10,981	-28,373	-29,330	4050	
4100	Employment Security	6,354	6,376	6,354	---	-22	4100	
4150	Trust Funds	72,113	84,436	72,113	---	-12,323	4150	
4200	Apprenticeship Services	21,542	21,725	21,542	---	-183	4200	
4250	Executive Direction 3/	6,967	7,250	6,132	-835	-1,118	4250	
4300	Trust Funds	2,090	2,188	2,090	---	-98	4300	
4400	Total, Program Administration	199,708	216,162	170,500	-29,208	-45,662	4400	
4450	Federal Funds	117,659	121,255	88,451	-29,208	-32,804	4450	
4500	Trust Funds	82,049	94,907	82,049	---	-12,858	4500	
4550	Total, Employment and Training Administration	8,882,541	8,202,654	8,989,244	+106,703	+786,590	4550	
4600	Federal Funds	5,566,394	4,846,995	5,610,526	+44,132	+763,531	4600	
4650	Current Year	(3,794,394)	(3,074,995)	(3,838,526)	(+44,132)	(+763,531)	4650	
4700	FY 2009	(1,772,000)	(1,772,000)	(1,772,000)	---	---	4700	
4750	Trust Funds	3,316,147	3,355,659	3,378,718	+62,571	+23,059	4750	
4800	EMPLOYEE BENEFITS SECURITY ADMINISTRATION						4800	
4805	SALARIES AND EXPENSES						4805	
4850	Enforcement and Participant Assistance	118,718	123,163	118,663	-55	-4,500	4850	
4900	Policy and Compliance Assistance	17,585	18,315	18,315	+730	---	4900	
4950	Executive Leadership, Program Oversight and Admin	5,270	5,947	5,947	+677	---	4950	
5000	Total, EBSA	141,573	147,425	142,925	+1,352	-4,500	5000	
5050	PENSION BENEFIT GUARANTY CORPORATION						5050	
5060	Pension insurance activities	(80,357)	(74,784)	(74,784)	(-5,573)	---	5060	
5070	Pension plan termination	(128,466)	(205,158)	(205,158)	(+76,692)	---	5070	
5080	Operational support	(196,567)	(131,209)	(131,209)	(-65,358)	---	5080	
5250	Total, PBGC (Program level)	(405,390)	(411,151)	(411,151)	(+5,761)	---	5250	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request	
5300	EMPLOYMENT STANDARDS ADMINISTRATION						5300
5350	SALARIES AND EXPENSES						5350
5400	Enforcement of Wage and Hour Standards	170,220	182,365	182,365	+12,145	---	5400
5450	Office of Labor-Management Standards	47,753	56,888	45,737	-2,016	-11,151	5450
5500	Federal Contractor EEO Standards Enforcement	82,441	84,182	84,182	+1,741	---	5500
5550	Federal Programs for Workers' Compensation	100,889	104,478	104,478	+3,589	---	5550
5650	Trust Funds	2,042	2,111	2,111	+69	---	5650
5700	Program Direction and Support	17,526	17,635	17,635	+109	---	5700
5750	Total, ESA salaries and expenses	420,871	447,659	436,508	+15,637	-11,151	5750
5800	Federal Funds	418,829	445,548	434,397	+15,568	-11,151	5800
5850	Trust Funds	2,042	2,111	2,111	+69	---	5850
5900	SPECIAL BENEFITS						5900
5950	Federal employees' compensation benefits	224,000	200,000	200,000	-24,000	---	5950 M
6000	Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---	6000 M
6050	Total, Special Benefits	227,000	203,000	203,000	-24,000	---	6050
6060	SPECIAL BENEFITS FOR DISABLED COAL MINERS						6060
6065	Benefit payments	298,000	271,000	271,000	-27,000	---	6065 M
6070	Administration	5,373	5,221	5,221	-152	---	6070 M
6075	Subtotal, FY 2008 program level	303,373	276,221	276,221	-27,152	---	6075
6080	Less funds advanced in prior year	-74,000	-68,000	-68,000	+6,000	---	6080 M
6085	Total, Current Year, FY 2008	229,373	208,221	208,221	-21,152	---	6085
6090	New advances, 1st quarter FY 2009	68,000	62,000	62,000	-6,000	---	6090 M
6095	Total, Special Benefits for Disabled Coal Miners	297,373	270,221	270,221	-27,152	---	6095
6200	ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION						6200
6250	FUND, Part B Administrative Expenses	102,307	104,745	104,745	+2,438	---	6250 M
6350	BLACK LUNG DISABILITY TRUST FUND						6350
6400	Benefit payments and interest on advances	1 010,011	1,009,763	1,009,763	-248	---	6400 M
6450	Employment Standards Admin., Salaries and expenses	33,578	32,761	32,761	-817	---	6450 M
6500	Departmental Management, Salaries and expenses	25,255	24,785	24,785	-470	---	6500 M
6550	Departmental Management, Inspector General	346	335	335	-11	---	6550 M
6600	Subtotal, Black Lung Disability	1,069,190	1,067,644	1,067,644	-1,546	---	6600
6650	Treasury Department Administrative Costs	356	356	356	---	---	6650 M
6700	Total, Black Lung Disability Trust Fund	1,069,546	1,068,000	1,068,000	-1,546	---	6700
6750	Total, Employment Standards Administration	2,117,097	2,093,625	2,082,474	-34,623	-11,151	6750
6800	Federal Funds	2,115,055	2,091,514	2,080,363	-34,692	-11,151	6800
6810	Current year	(2,047,055)	(2,029,514)	(2,018,363)	(-28,692)	(-11,151)	6810
6820	FY 2009	(68,000)	(62,000)	(62,000)	(-6,000)	---	6820
6850	Trust Funds	2,042	2,111	2,111	+69	---	6850
6900	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						6900
6950	SALARIES AND EXPENSES						6950
7000	Safety and Health Standards	16,892	16,851	16,933	+41	+82	7000
7050	Federal Enforcement	176,973	183,046	190,128	+13,155	+7,082	7050
7100	State Programs	91,093	91,093	91,093	---	---	7100
7150	Technical Support	22,392	22,066	22,066	-326	---	7150
7200	Compliance Assistance:						7200
7250	Federal Assistance	72,659	79,607	75,566	+2,907	-4,041	7250
7300	State Consultation Grants	53,357	54,531	54,531	+1,174	---	7300
7350	Training Grants	10,116	---	10,116	---	+10,116	7350
7400	Subtotal, Compliance Assistance	136,132	134,138	140,213	+4,081	+6,075	7400
7450	Safety and Health Statistics	32,274	32,082	32,082	-192	---	7450
7500	Executive Direction and Administration	11,169	11,001	11,001	-168	---	7500
7550	Total, OSHA	486,925	490,277	503,516	+16,591	+13,239	7550

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007	FY 2008		----- Recommended vs	-----		
		Comparable	Request	Recommended	Comparable	Request		
7600	MINE SAFETY AND HEALTH ADMINISTRATION						7600	
7650	SALARIES AND EXPENSES						7650	
7700	Coal Enforcement	120,398	140,620	140,620	+20,224	---	7700	
7750	Metal/Non-Metal Enforcement	72,506	72,290	72,290	-216	---	7750	
7800	Standards Development	2,727	2,737	2,737	+10	---	7800	
7850	Assessments	6,556	5,743	5,743	-813	---	7850	
7900	Educational Policy and Development	35,326	34,256	34,256	-1,070	---	7900	
7950	Technical Support	29,237	28,200	28,200	-1,037	---	7950	
7975	Program evaluation and information resources (PEIR)	21,185	16,219	16,219	-4,966	---	7975	
8000	Program Administration	13,637	13,413	13,413	-224	---	8000	
8050	Total, Mine Safety and Health Administration	301,570	313,478	313,478	+11,908	---	8050	
8100	BUREAU OF LABOR STATISTICS						8100	
8150	SALARIES AND EXPENSES						8150	
8200	Employment and Unemployment Statistics	169,722	175,320	175,320	+5,598	---	8200	
8250	Labor Market Information	77,067	78,264	78,264	+1,197	---	8250	
8300	Prices and Cost of Living	177,847	192,149	192,599	+14,752	+450	8300	
8350	Compensation and Working Conditions	81,658	84,859	86,084	+4,426	+1,225	8350	
8400	Productivity and Technology	11,063	11,332	11,332	+269	---	8400	
8450	Executive Direction and Staff Services	30,766	32,519	32,519	+1,753	---	8450	
8500	Total, Bureau of Labor Statistics	548,123	574,443	576,118	+27,995	+1,675	8500	
8550	Federal Funds	471,056	496,179	497,854	+26,798	+1,675	8550	
8600	Trust Funds	77,067	78,264	78,264	+1,197	---	8600	
8650	OFFICE OF DISABILITY EMPLOYMENT POLICY						8650	
8700	Salaries and expenses	27,712	18,602	27,712	---	+9,110	8700	
8850	DEPARTMENTAL MANAGEMENT						8850	
8900	SALARIES AND EXPENSES						8900	
8950	Executive Direction	28,189	28,680	23,237	-4,952	-5,443	8950	
9000	Departmental IT Crosscut	29,462	31,405	18,000	-11,462	-13,405	9000	
9050	Departmental Management Crosscut	1,108	750	500	-608	-250	9050	
9100	Legal Services	85,488	95,162	94,937	+9,449	-225	9100	
9150	Trust Funds	308	318	318	+10	---	9150	
9200	International Labor Affairs	72,516	14,097	72,516	---	+58,419	9200	
9250	Administration and Management	32,865	33,362	32,865	---	-497	9250	
9275	Frances Perkins building security enhancements	---	---	---	---	---	9275	
9300	Adjudication	27,537	28,289	28,289	+752	---	9300	
9350	Women's Bureau	9,666	9,832	10,500	+834	+668	9350	
9400	Civil Rights Activities	6,445	6,763	6,763	+318	---	9400	
9450	Chief Financial Officer	5,336	5,578	5,336	---	-242	9450	
9500	Total, Salaries and expenses	298,920	254,236	293,261	-5,659	+39,025	9500	
9550	Federal Funds	298,612	253,918	292,943	-5,669	+39,025	9550	
9560	Trust Funds	308	318	318	+10	---	9560	
9600	OFFICE OF JOB CORPS 2/						9600	
9610	Administration 3/	---	---	28,872	+28,872	+28,872	9610	
9620	Operations	879,357	831,372	916,684	+37,327	+85,312	9620	FF
9630	Advance from prior year	(591,000)	(591,000)	(591,000)	---	---	9630	
9640	FY 2009	591,000	591,000	591,000	---	---	9640	
9650	Construction and Renovation	7,920	---	12,920	+5,000	+12,920	9650	FF
9670	Advance from prior year	(100,000)	(100,000)	(100,000)	---	---	9670	
9680	FY 2009	100,000	100,000	100,000	---	---	9680	
9690	Total, Job Corps	1,578,277	1,522,372	1,649,476	+71,199	+127,104	9690	UA
9695	Current Year	(887,277)	(831,372)	(958,476)	(+71,199)	(+127,104)	9695	UA
9710	FY 2009	(691,000)	(691,000)	(691,000)	---	---	9710	UA
9880	VETERANS EMPLOYMENT AND TRAINING						9880	
9890	State administration, Grants	160,791	161,894	161,894	+1,103	---	9890	
9900	Federal Administration	31,187	33,282	33,282	+2,095	---	9900	
9925	National Veterans' Training Institute	1,967	1,949	1,967	---	+18	9925	
9950	Homeless Veterans Program	21,809	23,620	23,620	+1,811	---	9950	
10000	Veterans Workforce Investment Programs	7,435	7,351	7,435	---	+84	10000	UA FF
10050	Total, Veterans Employment and Training	223,189	228,096	228,198	+5,009	+102	10050	
10100	Federal Funds	29,244	30,971	31,055	+1,811	+84	10100	
10150	Trust Funds	193,945	197,125	197,143	+3,198	+18	10150	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request		
10200	OFFICE OF THE INSPECTOR GENERAL						10200	
10250	Program Activities	67.214	72,929	72,929	+5,715	---	10250	
10300	Trust Funds	5.552	5.729	5,729	+177	---	10300	
10400	Total, Office of the Inspector General	72.766	78,658	78,658	+5,892	---	10400	
10450	Federal funds	67.214	72,929	72,929	+5,715	---	10450	
10500	Trust funds	5.552	5.729	5.729	+177	---	10500	
10550	Total, Departmental Management	2.173.152	2.083.362	2.249,593	+76,441	+166,231	10550	
10600	Federal Funds	1,973,347	1,880,190	2,046,403	+73,056	+166,213	10600	
10610	Current Year	(1,482.152)	(1,392,362)	(1,558,593)	(+76.441)	(+166,231)	10610	
10620	FY 2009	(691,000)	(691,000)	(691,000)	---	---	10620	
10650	Trust Funds	199.805	203,172	203,190	+3,385	+18	10650	
10675	WORKING CAPITAL FUND						10675	
10680	Working capital fund	6.168	12,000	---	-6,168	-12,000	10680	
10700	Total, Title I, Department of Labor	14,684.861	13.935,866	14.885,060	+200.199	+949,194	10700	
10750	Federal Funds	11,089.800	10,296,660	11.222,777	+132,977	+926,117	10750	
10800	Current Year	(8,558,800)	(7,771,660)	(8,697,777)	(+138,977)	(+926,117)	10800	
10850	FY 2009	(2.531,000)	(2.525,000)	(2,525,000)	(-6,000)	---	10850	
10900	Trust Funds	3,595,061	3,639,206	3,662,283	+67,222	+23,077	10900	
10920	Title I Footnotes:						10920	
10922	1/ Includes FY 2006 rescission of $125M for						10922	
10923	Community College Initiative						10923	
10924	2/ In FY 2007, Job Corps was requested and funded in						10924	
10925	ETA; FY 2008 requested in ETA but funded in Dept Mgmt						10925	
10927	3/ Administration for Job Corps funding was						10927	
10928	transferred from ETA to DM in FY 2006 Act and FY 2008						10928	
10930	4/ In FY 2008, the Responsible Reintegration of						10930	
10931	Youthful Offenders and Prisoner Re-entry programs will						10931	
10932	be combined into Reintegration of Ex-Offenders program						10932	
10937	5/ Funding from the Dislocated Worker National Reserve						10937	
10938	6/ Two year availability						10938	
10950	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						10950	
11000	HEALTH RESOURCES AND SERVICES ADMINISTRATION						11000	
11050	HEALTH RESOURCES AND SERVICES						11050	
11060	BUREAU OF PRIMARY HEALTH CARE						11060	
11100	Community health centers	1,988,039	1,988,467	2,188,000	+199,961	+199,533	11100	UA
11115	State health access grants	---	---	75,000	+75,000	+75 000	11115	
11125	Free Clinics Medical Malpractice	41	100	40	-1	-60	11125	
11134	National Hansen's Disease Program	15,972	16,109	16,109	+137	---	11134	
11136	Buildings and Facilities	220	100	100	-120	---	11136	
11138	Payment to Hawaii, treatment of Hansen's	1,996	1,976	1,996	---	+20	11138	
11142	Subtotal Bureau of Primary Health Care	2,006,268	2,006,752	2,281,245	+274,977	+274 493	11142	
11149	BUREAU OF HEALTH PROFESSIONS						11149	
11150	National Health Service Corps:						11150	
11200	Field placements	40,443	30,729	40,443	---	+9,714	11200	
11250	Recruitment	85,230	85,230	91,057	+5,827	+5,827	11250	
11300	Subtotal, National Health Service Corps	125,673	115,959	131,500	+5,827	+15,541	11300	UA
11400	Health Professions, Training for Diversity:						11400	
11450	Centers of excellence	11,880	---	28,431	+16,551	+28,431	11450	
11500	Health careers opportunity program	3,960	---	28,440	+24,480	+28,440	11500	
11550	Faculty loan repayment	1,289	---	1,289	---	+1,289	11550	
11600	Scholarships for disadvantaged students	46,657	9.733	46,657	---	+36,924	11600	
11650	Subtotal, Training for Diversity	63,786	9,733	104,817	+41,031	+95,084	11650	
11700	Training in Primary Care Medicine and Dentistry	48,851	---	48,851	---	+48,851	11700	
11750	Interdisciplinary Community-Based Linkages:						11750	
11800	Area health education centers	28,681	---	31,200	+2,519	+31,200	11800	
11900	Allied health and other disciplines	3,960	---	3,960	---	+3,960	11900	
11950	Geriatric programs	31,548	---	31,548	---	+31,548	11950	
12050	Subtotal, Interdisciplinary Comm. Linkages	64,189	---	66,708	+2,519	+66,708	12050	
12200	Public health, preventive med. and dental programs	7.920	---	7.920	---	+7,920	12200	
12399	Nursing Programs:						12399	
12400	Advanced Education Nursing	57,061	---	57,061	---	+57,061	12400	
12450	Nurse education, practice and retention	37,291	37,291	37,291	---	---	12450	
12500	Nursing workforce diversity	16,107	16,107	16,107	---	---	12500	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. -----			
					Comparable	Request		
12505	Loan repayment and scholarship program............	31 055	43,744	44,000	+12,945	+256	12505	
12515	Comprehensive geriatric education.................	3.392	3,392	3,392	---	---	12515	
12520	Nursing faculty loan program	4 773	4,773	7,773	+3,000	+3,000	12520	
12525	Subtotal, Nursing programs..........	149,679	105,307	165,624	+15,945	+60,317	12525	
12550	Subtotal, Health Professions	334,425	115,040	393,920	+59,495	+278,880	12550	UA
12600	Children's Hospitals Graduate Medical Education......	297 009	110,018	307,009	+10,000	+196,991	12600	
12610	National Practitioner Data Bank.....	16,200	18,900	18,900	+2,700	---	12610	
12615	User Fees..	-16,200	-18,900	-18,900	-2,700	---	12615	
12620	Health Care Integrity and Protection Data Bank........	3,825	---	4,000	+175	+4 000	12620	
12625	User Fees..	-3,825	---	-4,000	-175	-4,000	12625	
12630	Subtotal, Bureau of Health Professions...	757 107	341,017	832,429	+75,322	+491,412	12630	
12745	MATERNAL AND CHILD HEALTH BUREAU						12745	
12750	Maternal and Child Health Block Grant.....	693,000	693,000	750,000	+57,000	+57,000	12750	
12775	Sickle cell anemia demonstration program..	2,180	2,184	2,184	+4	---	12775	
12800	Traumatic Brain Injury	8,910	---	8,910	---	+8,910	12800	UA
12950	Healthy Start..	101,518	100,503	120,000	+18,482	+19,497	12950	UA
13000	Universal Newborn Hearing.......................	9,804	---	11,000	+1,196	+11,000	13000	UA
13005	Emergency medical services for children..........	19,800	---	19,800	---	+19,800	13005	UA
13015	Subtotal, Maternal and Child Health Bureau.	835,212	795,687	911,894	+76,682	+116,207	13015	
13020	HIV/AIDS BUREAU						13020	
13025	Ryan White AIDS Programs:						13025	
13030	Emergency Assistance...........	603,993	603,993	636,300	+32,307	+32 307	13030	
13035	Comprehensive Care Programs.......	1,195,500	1,215,518	1,239,500	+44,000	+23,982	13035	
13040	AIDS Drug Assistance Program (ADAP) (NA)	(789,546)	(814,546)	(830,593)	(+41,047)	(+16,047)	13040	
13045	Early Intervention Program	193,721	199,821	216,700	+22,979	+16,879	13045	
13050	Children, Youth, Women, and Families	71,794	71,794	71,800	+6	+6	13050	
13055	AIDS Dental Services..............................	13,086	13,086	13,086	---	---	13055	
13060	Education and Training Centers...................	34,701	28,700	34,700	-1	+6,000	13060	
13065	Subtotal, Ryan White AIDS programs............	2,112,795	2,132,912	2,212,086	+99,291	+79,174	13065	
13070	Evaluation Tap Funding (NA).....	(25,000)	(25,000)	(25,000)	---	---	13070	
13075	Subtotal, Ryan White AIDs program level.	(2,137,795)	(2,157,912)	(2,237,086)	(+99,291)	(+79,174)	13075	
13110	Subtotal, HIV/AIDS Bureau	2,112,795	2,132,912	2,212,086	+99,291	+79,174	13110	
13200	HEALTHCARE SYSTEMS BUREAU						13200	
13205	Organ Transplantation................................	23,049	23,049	23,049	---	---	13205	UA
13210	National Cord Blood Inventory	3,963	1,968	3,963	---	+1,997	13210	
13215	Bone Marrow Program..	25,168	22,701	25,168	---	+2,467	13215	
13220	Office of Pharmacy Affairs..........................	---	2,940	2,940	+2,940	---	13220	
13225	Poison control	23,000	10,000	30,100	+7,100	+20,100	13225	
13230	Subtotal, Healthcare systems bureau..	75,180	60,656	85,220	+10,040	+24,564	13230	
13300	RURAL HEALTH PROGRAMS						13300	
13305	Rural outreach grants........	38,885	---	52,962	+14,077	+52,962	13305	UA
13310	Rural Health Research..............................	8,737	8,737	9,500	+763	+763	13310	
13315	Rural Hospital Flexibility Grants..........	63,538	---	63,538	---	+63,538	13315	
13317	Delta Health Initiative 1/...	---	---	---	---	---	13317	
13320	Rural and community access to emergency devices	1,487	---	2,000	+513	+2,000	13320	UA
13330	State Offices of Rural Health..............	8,141	8,141	9,000	+859	+859	13330	UA
13332	Black lung clinics 2/............................	5,891	5,886	5,891	---	+5	13332	
13333	Radiation Exposure Screening and Education Program 2/	1,919	1,904	1,917	-2	+13	13333	
13340	Subtotal, Rural health programs......	128,598	24,668	144,808	+16,210	+120,140	13340	
14290	Denali Commission	39,283	---	---	-39,283	---	14290	UA
14300	Family Planning.	283,146	283,103	310,910	+27,764	+27,807	14300	UA
14350	Health Care-related Facilities and activities........	---	---	127,926	+127,926	+127,926	14350	
14450	Telehealth..................	6,819	6,819	7,000	+181	+181	14450	UA
14850	Program Management................................	146,294	144,191	142,191	-4,103	-2,000	14850	
14900	Total, Health resources and services	6,390,702	5,795,805	7,055,709	+665,007	+1 259,904	14900	
14910	Total, Health resources & services program level	(6,415,702)	(5,820,805)	(7,080,709)	(+665,007)	(+1,259,904)	14910	
14915	Evaluation tap funding............	(25,000)	(25,000)	(25,000)	---	---	14915	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
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					----- Recommended vs. -----			
		FY 2007 Comparable	FY 2008 Request	Recommended	Comparable	Request		
15050	HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM						15050	
15100	Liquidating account	(4,000)	(1,000)	(1,000)	(-3,000)	---	15100	
15150	Program management	2,898	2,906	2,906	+8	---	15150	
15200	Total, HEAL	2,898	2,906	2,906	+8	---	15200	
15250	VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						15250	
15300	Post-FY 1988 claims	55,871	57,547	57,547	+1,676	---	15300	M
15350	HRSA administration	3,982	3,528	3,528	-454	---	15350	
15400	Total, Vaccine Injury Compensation Trust Fund	59,853	61,075	61,075	+1,222	---	15400	
15450	Total, Health Resources and Services Admin	6,453,453	5,859,786	7,119,690	+666,237	+1,259,904	15450	
15475	Total, HRSA program level	(6,482,453)	(5,885,786)	(7,145,690)	(+663,237)	(+1,259,904)	15475	
15500	CENTERS FOR DISEASE CONTROL AND PREVENTION						15500	
15590	Infectious Diseases	1,791,437	1,781,574	1,900,508	+109,071	+118,934	15590	UA
15601	Evaluation Tap Funding	(12,794)	(12,794)	(12,794)	---	---	15601	
15602	Subtotal, Program level	(1,804,231)	(1,794,368)	(1,913,302)	(+109,071)	(+118,934)	15602	
15650	Health Promotion	959,662	958,732	1,002,212	+42,550	+43,480	15650	UA
15700	Health Information and Service	88,418	108,361	70,104	-18,314	-38,257	15700	UA
15701	Evaluation Tap Funding	(134,235)	(135,135)	(183,924)	(+49,689)	(+48,789)	15701	
15702	Subtotal, Program level	(222,653)	(243,496)	(254,028)	(+31,375)	(+10,532)	15702	
15750	Environmental health and injury	288,104	287,674	305,151	+17,047	+17,477	15750	UA
15800	Occupational safety and health 4/	167,028	165,927	222,576	+55,548	+56,649	15800	
15805	Supplemental (P.L. 110-28) (emergency)	63,000	---	---	-63,000	---	15805	
15810	Evaluation Tap Funding	(87,071)	(87,071)	(88,361)	(+1,290)	(+1,290)	15810	
15815	Subtotal, Program level 4/	(317,099)	(252,998)	(310,937)	(-6,162)	(+57,939)	15815	
15850	Global health	334,038	379,719	381,337	+47,299	+1,618	15850	
15870	Terrorism preparedness and response 3/	1,541,300	1,504,375	1,598,751	+57,451	+94,376	15870	
15900	Public Health research						15900	
15910	Evaluation Tap Funding	(31,000)	(31,000)	(31,000)	---	---	15910	
15950	Public health improvement and leadership	189,808	190,412	199,237	+9,429	+8,825	15950	
16000	Preventive health and health services block grant	99,000	---	109,000	+10,000	+109,000	16000	UA
16030	Undistributed reduction	---	---	-2,000	-2,000	-2,000	16030	
16050	Buildings and Facilities	134,400	20,000	10,500	-123,900	-9,500	16050	
16150	Business services	344,377	319,877	344,377	---	+24,500	16150	
16395	Total, Centers for Disease Control	5,937,572	5,716,651	6,141,753	+204,181	+425,102	16395	
16420	Evaluation Tap Funding (NA)	(265,100)	(266,000)	(316,079)	(+50,979)	(+50,079)	16420	
16425	Total, Centers for Disease Control program level	(6,265,672)	(5,982,651)	(6,457,832)	(+192,160)	(+475,181)	16425	
16550	NATIONAL INSTITUTES OF HEALTH						16550	
16600	National Cancer Institute	4,797,639	4,782,114	4,870,382	+72,743	+88,268	16600	
16650	National Heart, Lung, and Blood Institute	2,922,929	2,925,413	2,965,775	+42,846	+40,362	16650	
16700	National Institute of Dental & Craniofacial Research	389,703	389,722	395,753	+6,050	+6,031	16700	
16740	National Institute of Diabetes and Digestive and						16740	
16750	Kidney Diseases	1,705,868	1,708,045	1,731,893	+26,025	+23,848	16750	
16775	Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	---	---	16775	M
16780	Subtotal, NIDDK	(1,855,868)	(1,858,045)	(1,881,893)	(+26,025)	(+23,848)	16780	
16800	National Institute of Neurological Disorders & Stroke	1,535,545	1,537,019	1,559,106	+23,561	+22,087	16800	
16850	National Institute of Allergy and Infectious Diseases	4,268,708	4,292,482	4,332,019	+63,311	+39,537	16850	
16900	Global HIV/AIDS Fund Transfer	99,000	300,000	300,000	+201,000	---	16900	
16950	Subtotal, NIAID	4,367,708	4,592,482	4,632,019	+264,311	+39,537	16950	
17000	National Institute of General Medical Sciences	1,935,808	1,941,462	1,966,019	+30,211	+24,557	17000	
17050	National Institute of Child Health & Human Development	1,254,707	1,264,946	1,273,863	+19,156	+8,917	17050	
17100	National Eye Institute	667,116	667,820	677,039	+9,923	+9,219	17100	
17150	National Institute of Environmental Health Sciences	642,002	637,406	652,303	+10,301	+14,897	17150	
17250	National Institute on Aging	1,047,260	1,047,148	1,062,833	+15,573	+15,685	17250	
17300	National Institute of Arthritis and Musculoskeletal						17300	
17350	and Skin Diseases	508,240	508,082	516,044	+7,804	+7,962	17350	
17400	National Institute on Deafness and Other Communication						17400	
17450	Disorders	393,668	393,682	400,305	+6,637	+6,623	17450	
17500	National Institute of Nursing Research	137,404	137,800	139,527	+2,123	+1,727	17500	
17550	National Institute on Alcohol Abuse and Alcoholism	436,259	436,505	442,870	+6,611	+6,365	17550	
17600	National Institute on Drug Abuse	1,000,621	1,000,365	1,015,559	+14,938	+15,194	17600	
17650	National Institute of Mental Health	1,404,494	1,405,421	1,425,531	+21,037	+20,110	17650	
17700	National Human Genome Research Institute	486,491	484,436	493,996	+7,505	+9,560	17700	
17750	National Institute of Biomedical Imaging and						17750	
17800	Bioengineering	296,887	300,463	303,318	+6,431	+2,855	17800	

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	FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs ----- Comparable	Request
National Center for Research Resources	1,133,240	1,112,498	1,171,095	+37,855	+58,597
National Center for Complementary and Alternative Medicine	121,576	121,699	123,380	+1,804	+1,681
National Center on Minority Health and Health Disparities	199,444	194,495	202,691	+3,247	+8,186
John E. Fogarty International Center	66,446	66,594	67,599	+1,153	+1,005
National Library of Medicine	320,850	312,562	325,484	+4,634	+12,922
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Subtotal, NLM	329,050	320,762	333,684	+4,634	+12,922
Office of the Director 3/	1,046,901	517,062	1,114,422	+67,521	+597,360
Common fund	(483,000)	(121,540)	(495,153)	(+12,153)	(+373,613)
Buildings and Facilities	81,081	136,000	121,081	+40,000	-14,919
Total, National Institutes of Health (NIH)	28,899,887	28,621,241	29,649,887	+750,000	+1,028,646
Global HIV/AIDS Fund Transfer	-99,000	-300,000	-300,000	-201,000	---
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Total, NIH, Program Level	(28,809,087)	(28,329,441)	(29,358,087)	(+549,000)	(+1,028,646)
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)					
Mental Health:					
Programs of Regional and National Significance	263,263	186,633	277,030	+13,767	+90,397
Mental Health block grant	406,843	406,843	419,843	+13,000	+13,000
Evaluation Tap Funding	(21,413)	(21,413)	(21,413)	---	---
Subtotal, Program level	(428,256)	(428,256)	(441,256)	(+13,000)	(+13,000)
Children's Mental Health	104,078	104,078	104,078	---	---
Grants to States for the Homeless (PATH)	54,261	54,261	54,261	---	---
Protection and Advocacy	34,000	34,000	34,000	---	---
Subtotal, Mental Health	862,445	785,815	889,212	+26,767	+103,397
Subtotal, Program level	(883,858)	(807,228)	(910,625)	(+26,767)	(+103,397)
Substance Abuse Treatment:					
Programs of Regional and National Significance	394,649	347,790	398,102	+3,453	+50,312
Evaluation Tap Funding	(4,300)	(4,300)	(4,300)	---	---
Subtotal, Program level	(398,949)	(352,090)	(402,402)	(+3,453)	(+50,312)
Substance Abuse block grant	1,679,391	1,679,391	1,714,391	+35,000	+35,000
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	---	---
Subtotal, Program level	(1,758,591)	(1,758,591)	(1,793,591)	(+35,000)	(+35,000)
Subtotal, Substance Abuse Treatment	2,074,040	2,027,181	2,112,493	+38,453	+85,312
Subtotal, Program level	(2,157,540)	(2,110,681)	(2,195,993)	(+38,453)	(+85,312)
Substance Abuse Prevention:					
Programs of Regional and National Significance	192,902	156,461	194,502	+1,600	+38,041
Program Management	76,721	76,969	76,721	---	-248
Evaluation Tap funding (NA)	(16,000)	(16,250)	(16,000)	---	(-250)
Subtotal, Program level	92,721	93,219	92,721	---	-498
Total, SAMHSA	3,206,108	3,046,426	3,272,928	+66,820	+226,502
Evaluation Tap funding	(120,913)	(121,163)	(120,913)	---	(-250)
Total, SAMHSA program level	(3,327,021)	(3,167,589)	(3,393,841)	(+66,820)	(+226,252)

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		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. -----			
					Comparable	Request		
19500	AGENCY FOR HEALTHCARE RESEARCH AND QUALITY						19500	
19550	Research on Health Costs, Quality, and Outcomes:						19550	
19600	Federal Funds	---	---	271,564	+271,564	+271,564	19600	
19650	Evaluation Tap funding (NA)	(260,986)	(271,564)	---	(-260,986)	(-271,564)	19650	
19700	Clinical effectiveness research (NA)	(15,000)	(15,000)	(30,000)	(+15,000)	(+15,000)	19700	
19750	Patient safety research (NA)	(84,000)	(93,934)	(78,934)	(-5,066)	(-15,000)	19750	
19800	Subtotal, Program level	(260,986)	(271,564)	(271,564)	(+10,578)	---	19800	
19850	Medical Expenditures Panel Surveys:						19850	
19900	Federal Funds	---	---	8,236	+8,236	+8,236	19900	
19950	Evaluation Tap funding (NA)	(55,300)	(55,300)	(47,064)	(-8,236)	(-8,236)	19950	
19960	Subtotal, Medical Expenditures Panel Surveys	(55,300)	(55,300)	(55,300)	---	---	19960	
20100	Program Support:						20100	
20125	Federal Funds	---	---	2,700	+2,700	+2,700	20125	
20150	Evaluation Tap funding (NA)	(2,700)	(2,700)	---	(-2,700)	(-2,700)	20150	
20160	Subtotal, Program support	(2,700)	(2,700)	(2,700)	---	---	20160	
20290	Total, AHRQ	---	---	282,500	+282,500	+282,500	20290	UA
20300	Evaluation Tap funding (NA)	(318,986)	(329,564)	(47,064)	(-271,922)	(-282,500)	20300	
20310	Total, AHRQ program level	(318,986)	(329,564)	(329,564)	(+10,578)	---	20310	
20350	Total, Public Health Service appropriation	44,560,020	43,244,104	46,466,758	+1,906,738	+3,222,654	20350	
20355	Total, Public Health Service program level	(45,203,219)	(43,695,331)	(46,685,014)	(+1,481,795)	(+2,989,983)	20355	
20500	CENTERS FOR MEDICARE AND MEDICAID SERVICES						20500	
20550	GRANTS TO STATES FOR MEDICAID						20550	
20600	Medicaid current law benefits	155,467,869	194,109,000	194,109,000	+38,641,131	---	20600	M
20650	State and local administration	9,881,583	10,014,716	10,014,716	+133,133	---	20650	M
20700	Vaccines for Children	2,905,330	2,761,957	2,763,957	-141,373	+2,000	20700	M
20750	Subtotal, Medicaid program level	168,254,782	206,885,673	206,887,673	+38,632,891	+2,000	20750	
20850	Less funds advanced in prior year	-62,783,825	-65,257,617	-65,257,617	-2,473,792	---	20850	M
20900	Total, Grants to States for medicaid	105,470,957	141,628,056	141,630,056	+36,159,099	+2,000	20900	
20950	New advance, 1st quarter	65,257,617	67,292,669	67,292,669	+2,035,052	---	20950	M
20990	State Children's Health Insurance program						20990	
20991	shortfall payment (SCHIP) (emergency)	396,000	---	--	-396,000	---	20991	
21000	PAYMENTS TO HEALTH CARE TRUST FUNDS						21000	
21050	Supplemental medical insurance	137,623,000	140,704,000	140,704,000	+3,081,000	---	21050	M
21100	Hospital insurance for the uninsured	239,000	269,000	269,000	+30,000	---	21100	M
21150	Federal uninsured payment	229,000	237,000	237,000	+8,000	---	21150	M
21200	Program management	175,000	192,000	192,000	+17,000	---	21200	M
21205	General revenue for Part D benefit	37,329,000	46,299,000	46,299,000	+8,970,000	---	21205	M
21210	General revenue for Part D administration	703,480	744,000	744,000	+40,520	---	21210	M
21220	HCFAC reimbursement	---	183,000	383,000	+383,000	+200,000	21220	M
21250	Subtotal, Payments to Trust Funds, current law	176,298,480	188,628,000	188,828,000	+12,529,520	+200,000	21250	
21260	Less funds advanced in prior year	---	---	---	---	---	21260	M
21280	Total, Payments to Trust Funds, current law	176,298,480	188,628,000	188,828,000	+12,529,520	+200,000	21280	
21300	PROGRAM MANAGEMENT 5/						21300	
21400	Research, Demonstration, Evaluation	57,420	33,700	23,070	-34,350	-10,630	21400	
21450	Medicare Operations 6/	2,159,242	2,303,615	2,221,215	+61,973	-82,400	21450	
21680	Revitalization plan	23,963	---	---	-23,963	---	21680	
21700	State Survey and Certification	258,128	293,524	293,524	+35,396	---	21700	
21750	High risk insurance pools	---	---	50,000	+50,000	+50,000	21750	
21800	Federal Administration 6/	642,354	643,187	642,354	---	-833	21800	
21950	Total, Program management, Limitation on new BA	3,141,107	3,274,026	3,230,163	+89,056	-43,863	21950	
21960	Survey and Certification user fee	---	(-35,000)	---	---	(+35,000)	21960	05
22000	Total, Program management, program level	(3,141,107)	(3,239,026)	(3,230,163)	(+89,056)	(-8,863)	22000	

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		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request		
22010	HEALTH CARE FRAUD AND ABUSE CONTROL						22010	
22015	Part D drug benefit/medicare advantage (MIP)..........	---	137,840	288,480	+288,480	+150,640	22015	
22017	HHS Office of Inspector General................	---	17,530	36,690	+36,690	+19,160	22017	
22019	Department of Justice...............................	---	17,530	36,690	+36,690	+19,160	22019	
22020	Medicaid and SCHIP financial management.	---	10,100	21,140	+21,140	+11,040	22020	
22025	Total, Health Care Fraud and Abuse Control......	---	183,000	383,000	+383,000	+200,000	22025	
22050	Total, Center for Medicare and Medicaid Services	350,564,161	401,005,751	401,363,888	+50,799,727	+358,137	22050	
22100	Federal funds......	347,423,054	397,548,725	397,750,725	+50,327,671	+202,000	22100	
22150	Current year................................	(282,165,437)	(330,256,056)	(330,458,056)	(+48,292,619)	(+202,000)	22150	
22200	New advance, FY 2009.......	(65,257,617)	(67,292,669)	(67,292,669)	(+2,035,052)	---	22200	
22250	Trust Funds....................	3,141,107	3,457,026	3,613,163	+472,056	+156,137	22250	
22300	ADMINISTRATION FOR CHILDREN AND FAMILIES						22300	
22350	FAMILY SUPPORT PAYMENTS TO STATES						22350	
22400	Payments to territories.....	38,000	38,000	38,000	---	---	22400	M
22450	Repatriation..	1,000	1,000	1,000	---	---	22450	M
22500	Subtotal, Welfare payments.......	39,000	39,000	39,000	---	---	22500	
22550	Child Support Enforcement:						22550	
22600	State and local administration.......	3,943,678	3,417,713	3,417,713	-525,965	---	22600	M
22650	Federal incentive payments..........	471,000	483,000	483,000	+12,000	---	22650	M
22750	Access and visitation........	10,000	10,000	10,000	---	---	22750	M
22800	Subtotal, Child Support Enforcement............	4,424,678	3,910,713	3,910,713	-513,965	---	22800	
22850	Total, Family support payments program level....	4,463,678	3,949,713	3,949,713	-513,965	---	22850	
22900	Less funds advanced in previous years.....	-1,200,000	-1,000,000	-1,000,000	+200,000	---	22900	M
22950	Total, Family support payments, current year....	3,263,678	2,949,713	2,949,713	-313,965	---	22950	
23000	New advance, 1st quarter, FY 2009......	1,000,000	1,000,000	1,000,000	---	---	23000	M
23020	LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)						23020	
23050	Formula grants.	1,980,000	1,500,000	1,980,000	---	+480,000	23050	
23055	Deficit Reduction Act (P. L. 109-171) (NA).........	---	---	---	---	---	23055	M
23080	Subtotal, Formula grants......................	1,980,000	1,500,000	1,980,000	---	+480,000	23080	UA
23150	Contingency fund..................	181,170	282,000	682,000	+500,830	+400,000	23150	
23152	Deficit Reduction Act (P.L. 109-171) (NA)... ..	---	---	---	---	---	23152	M
23153	Subtotal, Contingency fund....	181,170	282,000	682,000	+500,830	+400,000	23153	
23160	Total, LIHEAP...	2,161,170	1,782,000	2,662,000	+500,830	+880,000	23160	
23175	Total, LIHEAP, program level..................	2,161,170	1,782,000	2,662,000	+500,830	+880,000	23175	
23200	REFUGEE AND ENTRANT ASSISTANCE						23200	
23250	Transitional and Medical Services..........	265,546	294,021	294,021	+28,475	---	23250	UA
23300	Victims of Trafficking	9,823	14,816	9,814	-9	-5,002	23300	UA
23350	Social Services...........................	154,005	149,610	154,005	---	+4,395	23350	UA
23400	Preventive Health.............................. ...	4,748	4,700	4,748	---	+48	23400	UA
23450	Targeted Assistance..........	48,590	48,104	48,590	---	+486	23450	UA
23475	Unaccompanied minors........	95,318	134,662	129,635	+34,317	-5,027	23475	
23500	Victims of Torture.........................	9,817	9,717	9,817	---	+100	23500	UA
23540	Total, Refugee and entrant assistance..........	587,847	655,630	650,630	+62,783	-5,000	23540	
23550	Total, Refugee and entrant assistance	587,847	655,630	650,630	+62,783	-5,000	23550	
23650	CHILD CARE AND DEVELOPMENT BLOCK GRANT................	2,062,081	2,062,081	2,137,081	+75,000	+75,000	23650	UA
23700	SOCIAL SERVICES BLOCK GRANT (TITLE XX)................	1,700,000	1,700,000	1,700,000	---	---	23700	M
23750	CHILDREN AND FAMILIES SERVICES PROGRAMS						23750	
23800	Programs for Children, Youth and Families:						23800	
23850	Head Start, current funded	5,499,771	5,399,771	5,574,771	+75,000	+175,000	23850	
23900	Advance from prior year..................... ..	(1,388,800)	(1,388,800)	(1,388,800)	---	---	23900	
23950	FY 2009................................... ..	1,388,800	1,388,800	1,388,800	---	---	23950	
24000	Subtotal, Head Start, program level....... ..	6,888,571	6,788,571	6,963,571	+75,000	+175,000	24000	UA
24050	Consolidated Runaway, Homeless Youth Program...	87,837	87,837	97,837	+10,000	+10,000	24050	
24125	*Prevention grants to reduce abuse of runaway youth*	15,027	15,027	15,027	---	---	24125	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
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		FY 2007 Comparable	FY 2008 Request	Recommended	Recommended vs Comparable	Recommended vs Request		
24150	Child Abuse State Grants	27,007	27,007	27,007	---	---	24150	
24200	Child Abuse Discretionary Activities	25,780	36,138	36,833	+11,053	+695	24200	
24225	Community based child abuse prevention	42,430	42,430	42,430	---	---	24225	
24250	Abandoned Infants Assistance	11,835	11,835	11,835	---	---	24250	
24300	Child Welfare Services	286,754	286,754	286,754	---	---	24300	
24350	Child Welfare Training	7,335	7,335	7,335	---	---	24350	
24400	Adoption Opportunities	26,848	26,848	26,848	---	---	24400	
24500	Adoption Incentive	5,000	13,500	9,500	+4,500	-4,000	24500	
24550	Adoption Awareness	12,674	12,674	14,674	+2,000	+2,000	24550	UA
24575	Interstate Home Study for Adoption and Foster Care	---	10,000	---	---	-10,000	24575	
24600	Compassion Capital Fund	64,350	75,000	64,350	---	-10,650	24600	
24650	Social Services and Income Maintenance Research	5,868	---	8,635	+2,767	+8,635	24650	
24655	Evaluation tap funding	(6,000)	(5,880)	(6,000)	---	(+120)	24655	
24657	Subtotal, Program level	(11,868)	(5,880)	(14,635)	(+2,767)	(+8,755)	24657	
24750	Developmental Disabilities Programs:						24750	
24800	State Councils	71,771	71,771	76,771	+5,000	+5,000	24800	
24850	Protection and Advocacy	38,718	38,718	38,718	---	---	24850	
24875	Voting access for individuals with disabilities	15,720	15,720	15,720	---	---	24875	
24899	Developmental Disabilities Projects of National						24899	
24900	Significance	11,414	11,414	11,414	---	---	24900	
24949	University Centers for Excellence in Developmental						24949	
24950	Disabilities	33,212	33,213	33,213	+1	---	24950	
25000	Subtotal, Developmental disabilities programs	170,835	170,836	175,836	+5,001	+5,000	25000	UA
25050	Native American Programs	44,332	44,332	47,332	+3,000	+3,000	25050	UA
25100	Community Services:						25100	
25150	Grants to States for Community Services	630,425	---	660,425	+30,000	+660,425	25150	UA
25200	Community Initiative Program:						25200	
25250	Economic Development	27,022	---	32,700	+5,678	+32,700	25250	UA
25275	Job Opportunities for Low-Income Individuals	5,382	---	5,382	---	+5,382	25275	
25300	Individual Development Account Initiative	24,452	24,452	24,452	---	---	25300	UA
25350	Rural Community Facilities	7,293	---	8,000	+707	+8,000	25350	UA
25400	Subtotal, Community Initiative Program	64,149	24,452	70,534	+6,385	+46,082	25400	
25550	Subtotal, Community Services	694,574	24,452	730,959	+36,385	+706,507	25550	
25650	Domestic Violence Hotline	2,970	2,970	2,970	---	---	25650	
25700	Family Violence/Battered Women's Shelters	124,731	124,731	134,731	+10,000	+10,000	25700	
25900	Mentoring Children of Prisoners	49,493	50,000	49,493	---	-507	25900	
25950	Independent Living Training Vouchers	46,157	46,157	46,157	---	---	25950	
25980	Abstinence Education	108,900	136,664	136,664	+27,764	---	25980	
25990	Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	---	---	25990	
25995	Subtotal, Program level	(113,400)	(141,164)	(141,164)	(+27,764)	---	25995	
25997	Faith-Based Center	1,386	1,386	1,386	---	---	25997	
26000	Program Direction	187,776	197,225	187,776	---	-9,449	26000	
26050	Total, Children and Families Services Programs	8,938,470	8,239,709	9,125,940	+187,470	+886,231	26050	
26100	Current Year	(7,549,670)	(6,850,909)	(7,737,140)	(+187,470)	(+886,231)	26100	
26150	FY 2009	(1,388,800)	(1,388,800)	(1,388,800)	---	---	26150	
26160	Evaluation Tap funding	(10,500)	(10,380)	(10,500)	---	(+120)	26160	
26180	Total, Program level	8,948,970	8,250,089	9,136,440	+187,470	+886,351	26180	
26250	PROMOTING SAFE AND STABLE FAMILIES 7/	345,000	345,000	345,000	---	---	26250	M
26300	Discretionary Funds	89,100	89,100	89,100	---	---	26300	

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		FY 2007 Comparable	FY 2008 Request	Recommended	---- Recommended vs ----- Comparable	Request		
26350	PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION						26350	
26400	Foster Care	4,475,000	4,593,000	4,593,000	+118,000	---	26400	M
26450	Adoption Assistance	2,027,000	2,159,000	2,159,000	+132,000	---	26450	M
26500	Independent living	140,000	140,000	140,000	---	---	26500	M
26550	Total, Payments to States	6,642,000	6,892,000	6,892,000	+250,000	---	26550	
26600	Less Advances from Prior Year	-1,730,000	-1,810,000	-1,810,000	-80,000	---	26600	M
26650	Total, payments, current year	4,912,000	5,082,000	5,082,000	+170,000	---	26650	
26700	New Advance, 1st quarter	1,810,000	1,776,000	1,776,000	-34,000	---	26700	M
26750	Total, Administration for Children & Families	26,869,348	25,681,233	27,517,464	+648,116	+1,836,231	26750	
26800	Current year	(22,670,548)	(21,516,433)	(23,352,664)	(+682,116)	(+1,836,231)	26800	
26850	FY 2009	(4,198,800)	(4,164,800)	(4,164,800)	(-34,000)	---	26850	
26875	Evaluation Tap funding	(10,500)	(10,380)	(10,500)	---	(+120)	26875	
26880	Total, Administration for Children & Families	26,879,848	25,691,613	27,527,964	+648,116	+1,836,351	26880	
26900	ADMINISTRATION ON AGING						26900	
26950	Grants to States:						26950	
27000	Supportive Services and Centers	350,595	350,595	357,595	+7,000	+7,000	27000	
27050	Preventive Health	21,400	---	21,400	---	+21,400	27050	
27100	Protection of Vulnerable Older Americans-Title VII	20,156	19,166	20,156	---	+990	27100	
27150	Family Caregivers	156,167	154,187	156,167	---	+1,980	27150	
27200	Native American Caregivers Support	6,241	6,241	6,428	+187	+187	27200	
27250	Subtotal, Caregivers	162,408	160,428	162,595	+187	+2,167	27250	
27300	Nutrition:						27300	
27350	Congregate Meals	398,919	383,401	411,692	+12,773	+28,291	27350	
27400	Home Delivered Meals	188,305	180,998	194,337	+6,032	+13,339	27400	
27425	Nutrition Services Incentive Program	147,846	147,110	152,570	+4,724	+5,460	27425	
27430	Subtotal, Nutrition	735,070	711,509	758,599	+23,529	+47,090	27430	
27440	Subtotal, Grants to States	1,289,629	1,241,698	1,320,345	+30,716	+78,647	27440	
27450	Grants for Native Americans	26,134	26,134	26,918	+784	+784	27450	
27500	Program Innovations	24,058	35,485	10,240	-13,818	-25,245	27500	
27550	Aging Network Support Activities	13,133	13,133	29,633	+16,500	+16,500	27550	
27600	Alzheimer's Disease Demonstrations	11,668	---	11,668	---	+11,668	27600	UA
27650	Program Administration	18,385	18,696	18,385	---	-311	27650	
27700	Total, Administration on Aging	1,383,007	1,335,146	1,417,189	+34,182	+82,043	27700	
27750	OFFICE OF THE SECRETARY						27750	
27800	GENERAL DEPARTMENTAL MANAGEMENT:						27800	
27850	Federal Funds	179,175	225,442	195,021	+15,846	-30,421	27850	
27855	Rescission (P.L. 110-28)	-500	---	---	+500	---	27855	
27950	Trust Funds	5,792	5,851	5,851	+59	---	27950	
28050	Subtotal	184,467	231,293	200,872	+16,405	-30,421	28050	
28100	Adolescent Family Life (Title XX)	30,307	30,307	30,307	---	---	28100	UA
28200	Minority health	53,455	43,775	49,284	-4,171	+5,509	28200	
28250	Office of women's health	28,246	27,369	28,800	+554	+1,431	28250	

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		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request	
28500	Minority HIV/AIDS	51 891	51,891	51,891	---	---	28500
28530	Afghanistan	5 892	5,941	5,941	+49	---	28530
28540	Embryo adoption awareness campaign	1,980	1,980	1,980	---	---	28540
28560	Evaluation tap funding (ASPE) (NA)	(39,552)	(46,756)	(46,756)	(+7,204)	---	28560
28600	Total, General Departmental Management	356,238	392,556	369,075	+12,837	-23,481	28600
28650	Federal Funds	(350,946)	(386,705)	(363,224)	(+12,278)	(-23,481)	28650
28655	Rescissions	(-500)	---	---	(+500)	---	28655
28700	Trust Funds	5,792	5,851	5,851	+59	---	28700
28775	Evaluation tap funding	(39,552)	(46,756)	(46,756)	(+7,204)	---	28775
28777	OFFICE OF MEDICARE HEARINGS AND APPEALS	59,727	70,000	65,000	+5,273	-5,000	28777
28779	OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH						28779
28780	INFORMATION TECHNOLOGY 8/	42,402	89,872	13,302	-29,100	-76,570	28780
28782	Evaluation tap funding	(18,900)	(28,000)	(48,000)	(+29,100)	(+20,000)	28782
28783	Total, Health Information Tech. program level	(61,302)	(117,872)	(61,302)	---	(-56,570)	28783
28850	OFFICE OF THE INSPECTOR GENERAL:						28850
28900	Federal Funds	39,808	44,687	44,687	+4,879	---	28900
28950	HIPAA funding (NA)	(175,570)	(196,418)	(196,418)	(+20,848)	---	28950
28975	Medicaid integrity program						28975
28976	Deficit Reduction Act (P.L. 109-171) (NA)	---	(25,000)	(25,000)	(+25,000)	---	28976
29050	Total, Inspector General program level	(215,378)	(266,105)	(266,105)	(+50,727)	---	29050
29100	OFFICE FOR CIVIL RIGHTS:						29100
29150	Federal Funds	31,628	33,748	33,748	+2,120	---	29150
29200	Trust Funds	3,281	3,314	3,314	+33	---	29200
29250	Total, Office for Civil Rights	34,909	37,062	37,062	+2,153	---	29250
29450	MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						29450
29500	Retirement payments	292,249	317,967	317,967	+25,718	---	29500 M
29550	Survivors benefits	17,338	18,026	18,026	+688	---	29550 M
29600	Dependents' medical care	61,111	66,549	66,549	+5,438	---	29600 M
29605	Total, Medical benefits for Commissioned Officers	370,698	402,542	402,542	+31,844	---	29605
29750	PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND						29750
29790	Office of the Secretary activities	717,320	780,646	757,291	+39,971	-23,355	29790
29800	Other PHSSEF activities	---	25,000	---	---	-25,000	29800
29806	Pandemic influenza preparedness	---	948,091	948,091	+948,091	---	29806
29850	Total, PHSSEF	717,320	1,753,737	1,705,382	+988,062	-48,355	29850
29860	Covered countermeasure process fund	---	---	5,000	+5,000	+5,000	29860
29900	Total, Office of the Secretary	1,621,102	2,790,456	2,642,050	+1,020,948	-148,406	29900
29950	Federal Funds	1,552,302	2,711,291	2,567,885	+1,015,583	-143,406	29950
30000	Trust Funds	68,800	79,165	74,165	+5,365	-5,000	30000
30100	Total, Title II, Dept of Health & Human Services	424,997,636	474,056,690	479,407,349	+54,409,713	+5,350,659	30100
30150	Federal Funds	421,787,729	470,520,499	475,720,021	+53,932,292	+5,199,522	30150
30200	Current year	(352,331,312)	(399,063,030)	(404,262,552)	(+51,931,240)	(+5,199,522)	30200
30210	Emergency appropriations	(459,000)	---	---	(-459,000)	---	30210
30250	FY 2009	(69,456,417)	(71,457,469)	(71,457,469)	(+2,001,052)	---	30250
30300	Trust Funds	3,209,907	3,536,191	3,687,328	+477,421	+151,137	30300

30305 Title II Footnotes: 30305
30308 1/In FY 2006, the Delta Health initiative funded 30308
30309 through the Rural hospital flexibility grant program 30309
30310 2/ Depart. of Health & Human Services reorganization 30310
30311 (7/12/06) of the Office of Rural Health Policy 30311
30312 3/ Funds provided for biodefense activities are 30312
30313 reflected within CDC and NIH respectively. 30313
30315 4/ Includes Mine Safety and Health. 30315
30318 5/ The Deficit Reduction Act of 2005 provided $74M 30318
30321 for CMS Program Management. 30321
30324 6/ FY 2006 Appropriations Act included a $60M program 30324
30325 administrative reduction. 30325
30327 7/ The Deficit Reduction Act of 2005 provided $20M for 30327
30328 the Promoting Safe and Stable Entitlement Program. 30328
30330 8/ An additional $50 million for Health IT within AHRQ 30330
30331 in FY 2007; an additional $45 million in FY 2008. 30331

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		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request		
30350	TITLE III - DEPARTMENT OF EDUCATION						30350	
30400	*EDUCATION FOR THE DISADVANTAGED*						30400	
30450	Grants to Local Educational Agencies (LEAs)						30450	
30500	Basic Grants:						30500	
30550	Advance from prior year	(1,478,584)	(1,353,584)	(1,353,584)	(-125,000)	---	30550	
30600	Forward funded	5,451,387	5,325,824	5,451,387	---	+125,563	30600	FF
30650	Current funded	3,437	4,000	4,000	+563	---	30650	
30700	Subtotal, Basic grants current year approp.	5,454,824	5,329,824	5,455,387	+563	+125,563	30700	
30750	Subtotal, Basic grants total funds available	(6,933,408)	(6,683,408)	(6,808,971)	(-124,437)	(+125,563)	30750	
30800	Basic Grants FY 2009 Advance	1,353,584	1,478,584	1,353,584	---	-125,000	30800	
30850	Subtotal, Basic grants, program level	6,808,408	6,808,408	6,808,971	+563	+563	30850	
30900	Concentration Grants:						30900	
30950	Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---	30950	
31000	FY 2009 Advance	1,365,031	1,365,031	1,365,031	---	---	31000	
31050	Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---	31050	
31100	Targeted Grants:						31100	
31120	Forward funded	---	1,196,775	771,219	+771,219	-425,556	31120	FF
31150	Advance from prior year	(2,269,843)	(2,332,343)	(2,332,343)	(+62,500)	---	31150	
31200	FY 2009 Advance	2,332,343	2,269,843	2,323,343	-9,000	+53,500	31200	
31250	Subtotal, Targeted Grants program level	2,332,343	3,466,618	3,094,562	+762,219	-372,056	31250	
31300	Education Finance Incentive Grants:						31300	
31350	Advance from prior year	(2,269,843)	(2,332,343)	(2,332,343)	(+62,500)	---	31350	
31400	FY 2009 Advance	2,332,343	2,269,843	3,094,260	+761,917	+824,417	31400	
31450	Subtotal, Education Finance Incentive Grants	2,332,343	2,269,843	3,094,260	+761,917	+824,417	31450	
31500	Subtotal, Grants to LEAs, program level	12,838,125	13,909,900	14,362,824	+1,524,699	+452,924	31500	
31550	Even Start	82,283	---	99,000	+16,717	+99,000	31550	FF
31560	School improvement grants	125,000	500,000	500,000	+375,000	---	31560	FF
31600	Reading First:						31600	
31655	State Grants (forward funded)	1,029,234	1,018,692	400,000	-629,234	-618,692	31655	FF
31850	Subtotal, Reading First State Grants	1,029,234	1,018,692	400,000	-629,234	-618,692	31850	
31890	Early Reading First	117,666	117,666	114,550	-3,116	-3,116	31890	
31895	Striving readers 1/	31,870	100,000	31,870	---	-68,130	31895	FF
31897	Math Now for elementary school students	---	125,000	---	---	-125,000	31897	
31899	Math Now for middle school students	---	125,000	---	---	-125,000	31899	
31900	Literacy through School Libraries	19,485	19,486	19,486	+1	---	31900	
31915	Promise scholarships	---	250,000	---	---	-250,000	31915	
31920	America's opportunity scholarships for kids	---	50,000	---	---	-50,000	31920	
31950	State Agency Programs:						31950	
32000	Migrant	386,524	380,295	393,900	+7,376	+13,605	32000	FF
32050	Neglected and Delinquent/High Risk Youth	49,797	49,797	49,797	---	---	32050	FF
32060	Subtotal, State Agency programs	436,321	430,092	443,697	+7,376	+13,605	32060	
32100	Evaluation	9,330	9,327	9,330	---	+3	32100	
32150	Comprehensive School Reform Demonstration	2,352	---	1,634	-718	+1,634	32150	FF
32400	Migrant Education:						32400	
32450	High School Equivalency Program	18,550	18,550	18,550	---	---	32450	
32500	College Assistance Migrant Program	15,377	15,377	15,377	---	---	32500	
32550	Subtotal, Migrant Education	33,927	33,927	33,927	---	---	32550	UA
32600	Total, Education for the disadvantaged	14,725,593	16,689,090	16,016,318	+1,290,725	-672,772	32600	
32650	Current Year	(7,342,292)	(9,305,789)	(7,880,100)	(+537,808)	(-1,425,689)	32650	
32700	FY 2009	(7,383,301)	(7,383,301)	(8,136,218)	(+752,917)	(+752,917)	32700	
32750	Subtotal, forward funded	(7,158,447)	(8,571,383)	(7,698,807)	(+540,360)	(-872,576)	32750	
32800	IMPACT AID						32800	
32850	Basic Support Payments	1,091,867	1,091,867	1,140,517	+48,650	+48,650	32850	
32900	Payments for Children with Disabilities	49,466	49,466	49,466	---	---	32900	
32950	Facilities Maintenance (Sec. 8008)	4,950	4,597	4,950	---	+353	32950	

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		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. -----			
					Comparable	Request		
33000	Construction (Sec. 8007)	17,820	17,820	17,820	---	---	33000	
33050	Payments for Federal Property (Sec. 8002)	64,350	64,350	65,700	+1,350	+1,350	33050	
33100	Total, Impact aid	1,228,453	1,228,100	1,278,453	+50,000	+50,353	33100	
33150	SCHOOL IMPROVEMENT PROGRAMS						33150	
33200	State Grants for Improving Teacher Quality	1,452,439	1,352,488	1,752,439	+300,000	+399,951	33200	FF
33250	Advance from prior year	(1,435,000)	(1,435,000)	(1,435,000)	---	---	33250	
33300	FY 2009	1,435,000	1,435,000	1,435,000	---	---	33300	
33350	Subtotal, State Grants for Improving Teacher						33350	
33400	Quality, program level	2,887,439	2,787,488	3,187,439	+300,000	+399,951	33400	
33600	Early Childhood Educator Professional Development	14,560	---	---	-14,560	---	33600	
33700	Mathematics and Science Partnerships	182,160	182,124	182,160	---	+36	33700	FF
33890	State Grants for Innovative Education (Education Block						33890	
33900	Grant)	99,000	---	99,000	---	+99,000	33900	FF
34150	Educational Technology State Grants	272,250	---	272,250	---	+272,250	34150	FF
34200	Supplemental Education Grants	18,001	18,001	18,001	---	---	34200	
34325	21st Century Community Learning Centers	981,166	981,180	1,106,166	+125,000	+124,986	34325	FF
35050	State Assessments/Enhanced Assessment Instruments	407,563	411,630	411,630	+4,067	---	35050	FF
35060	Javits gifted and talented education	7,596	---	7,596	---	+7,596	35060	
35070	Foreign language assistance	23,780	23,755	26,780	+3,000	+3,025	35070	
35100	Education for Homeless Children and Youth	61,871	61,878	66,878	+5,007	+5,000	35100	FF
35150	Training and Advisory Services (Civil Rights)	7,113	7,113	7,113	---	---	35150	
35200	Education for Native Hawaiians	33,907	---	33,907	---	+33,907	35200	
35250	Alaska Native Education Equity	33,907	---	33,907	---	+33,907	35250	
35300	Rural Education	168,918	168,851	168,918	---	+67	35300	FF
35400	Comprehensive Centers	56,257	56,256	56,257	---	+1	35400	
35900	Total, School improvement programs	5,255,478	4,698,276	5,678,002	+422,524	+979,726	35900	
35950	Current Year	(3,820,478)	(3,263,276)	(4,243,002)	(+422,524)	(+979,726)	35950	
36000	FY 2009	(1,435,000)	(1,435,000)	(1,435,000)	---	---	36000	
36050	Subtotal, forward funded	(3,625,367)	(3,158,151)	(4,059,441)	(+434,074)	(+901,290)	36050	
36100	INDIAN EDUCATION						36100	
36110	Grants to Local Educational Agencies	95,331	95,331	100,057	+4,726	+4,726	36110	
36120	Federal Programs:						36120	
36130	Special Programs for Indian Children	19,399	19,399	19,884	+485	+485	36130	
36140	National Activities	3,960	3,953	4,059	+99	+106	36140	
36150	Subtotal, Federal Programs	23,359	23,352	23,943	+584	+591	36150	
36170	Total, Indian Education	118,690	118,683	124,000	+5,310	+5,317	36170	
36300	INNOVATION AND IMPROVEMENT						36300	
36310	Troops-to-Teachers	14,645	14,645	14,645	---	---	36310	
36320	Transition to Teaching	44,484	44,482	44,484	---	+2	36320	
36330	Writing instruction	21,533	---	23,533	+2,000	+23,533	36330	
36340	Teaching of Traditional American History	119,790	50,000	119,790	---	+69,790	36340	
36350	School Leadership	14,731	---	14,731	---	+14,731	36350	
36360	Advanced Credentialing	16,695	---	10,695	-6,000	+10,695	36360	
36365	Adjunct Teacher Corps	---	25,000	---	---	-25,000	36365	
36370	Charter Schools Grants	214,783	214,782	251,394	+36,611	+36,612	36370	
36380	Credit Enhancement for Charter School Facilities	36,611	36,611	---	-36,611	36,611	36380	UA
36390	Voluntary Public School Choice	26,278	26,275	26,278	---	+3	36390	
36400	Magnet Schools Assistance	106,693	106,685	106,693	---	+8	36400	
36425	Fund for the Improvement of Education (FIE)	158,508	58,108	205,402	+46,894	+147,294	36425	
36433	Teacher Incentive Fund, Current funded	200	199,000	99,000	+98,800	-100,000	36433	
36440	Ready-to-Learn television	24,255	24,255	24,255	---	---	36440	
36460	Congressional Fellowships	1,454	---	1,454	---	+1,454	36460	
36470	Advanced Placement	37,026	122,175	50,000	+12,974	-72,175	36470	
36480	Total, Innovation and Improvement	837,686	922,018	992,354	+154,668	+70,336	36480	
36500	SAFE SCHOOLS AND CITIZENSHIP EDUCATION						36500	
36510	Safe and Drug Free Schools and Communities:						36510	
36520	State Grants, forward funded	346,500	100,000	300,000	-46,500	+200,000	36520	FF
36570	National Programs	141,112	200,000	141,112	---	-58,888	36570	
36575	Supplemental (P.L. 110-28) (emergency)	8,594	---	---	-8,594	---	36575	
36590	Alcohol Abuse Reduction	32,409	---	32,409	---	+32,409	36590	

LABOR-HEALTH AND HUMAN SERVICES EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	Recommended vs. Comparable	Recommended vs. Request		
36600	Mentoring Programs	48,814	---	48,814	---	+48,814	36600	
36610	Character education	24,248	24,248	24,248	---	---	36610	
36620	Elementary and Secondary School Counseling	34,650	---	61,500	+26,850	+61,500	36620	
36630	Carol M. White Physical Education Program	72,674	---	72,674	---	+72,674	36630	
36640	Civic Education	29,111	---	33,318	+4,207	+33,318	36640	
36670	Total, Safe Schools and Citizenship Education	738,112	324,248	714,075	-24,037	+389,827	36670	
36681	Current Year	(738,112)	(324,248)	(714,075)	(-24,037)	(+389,827)	36681	
36695	Subtotal, Forward funded	(346,500)	(100,000)	(300,000)	(-46,500)	(+200,000)	36695	
36700	ENGLISH LANGUAGE ACQUISITION						36700	
36710	Current funded	43,485	43,603	50,350	+6,865	+6,747	36710	
36750	Forward funded	625,522	627,216	724,264	+98,742	+97,048	36750	FF
36800	Total, English Language Acquisition	669,007	670,819	774,614	+105,607	+103,795	36800	
36850	SPECIAL EDUCATION						36850	
36900	State Grants:						36900	
36950	Grants to States Part B current year	5,358,761	4,276,741	4,650,443	-708,318	+373,702	36950	FF
37000	Part B advance from prior year	(5,424,200)	(5,424,200)	(5,424,200)	---	---	37000	
37050	Grants to States Part B (FY 2009)	5,424,200	6,215,200	6,641,982	+1,217,782	+426,782	37050	
37100	Subtotal, Grants to States, program level	10,782,961	10,491,941	11,292,425	+509,464	+800,484	37100	
37150	Preschool Grants	380,751	380,751	380,751	---	---	37150	FF
37200	Grants for Infants and Families	436,400	423,067	436,400	---	+13,333	37200	FF
37250	Subtotal, State grants, program level	11,600,112	11,295,759	12,109,576	+509,464	+813,817	37250	
37300	IDEA National Activities (current funded):						37300	
37450	Technical Assistance and Dissemination	48,903	48,902	48,903	---	+1	37450	
37500	Personnel Preparation	89,720	89,719	89,720	---	+1	37500	
37550	Parent Information Centers	25,704	25,704	25,704	---	---	37550	
37600	Technology and Media Services	38,428	25,063	36,928	-1,500	+11,865	37600	
37700	Subtotal, IDEA special programs	202,755	189,388	201,255	-1,500	+11,867	37700	
37750	Total, Special education	11,802,867	11,485,147	12,310,831	+507,964	+825,684	37750	
37800	Current Year	(6,378,667)	(5,269,947)	(5,668,849)	(-709,818)	(+398,902)	37800	
37850	FY 2009	(5,424,200)	(6,215,200)	(6,641,982)	(+1,217,782)	(+426,782)	37850	
37900	Subtotal, Forward funded	(6,175,912)	(5,080,559)	(5,467,594)	(-708,318)	(+387,035)	37900	
37950	REHABILITATION SERVICES AND DISABILITY RESEARCH						37950	
38000	Vocational Rehabilitation State Grants	2,837,160	2,874,043	2,874,043	+36,883	---	38000	M
38100	Client Assistance State grants	11,782	11,782	11,782	---	---	38100	
38150	Training	38,438	38,438	38,438	---	---	38150	
38200	Demonstration and training programs	6,511	6,840	7,061	+550	+221	38200	
38250	Migrant and seasonal farmworkers	2,279	---	2,279	---	+2,279	38250	
38300	Recreational programs	2,518	---	2,518	---	+2,518	38300	
38350	Protection and advocacy of individual rights (PAIR)	16,489	16,489	16,489	---	---	38350	
38400	Projects with industry	19,538	---	19,538	---	+19,538	38400	
38450	Supported employment State grants	29,700	---	29,700	---	+29,700	38450	
38500	Independent living:						38500	
38550	State grants	22,588	22,588	22,588	---	---	38550	
38600	Centers	74,638	74,638	74,638	---	---	38600	
38650	Services for older blind individuals	32,895	32,895	32,895	---	---	38650	
38700	Subtotal, Independent living	130,121	130,121	130,121	---	---	38700	
38750	Program Improvement	835	633	633	-202	---	38750	
38800	Evaluation	1,473	1,973	1,473	---	-500	38800	
38849	Helen Keller National Center for Deaf/Blind Youth and						38849	
38850	Adults	8,511	8,011	8,511	---	+500	38850	
38900	National Inst. Disability and Rehab. Research (NIDRR)	106,705	106,705	106,705	---	---	38900	
38950	Assistive Technology	30,452	26,111	30,452	---	+4,341	38950	
39050	Subtotal, Discretionary programs	405,352	347,103	405,700	+348	+58,597	39050	
39100	Total, Rehabilitation services	3,242,512	3,221,146	3,279,743	+37,231	+58,597	39100	UA
39150	SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						39150	
39200	AMERICAN PRINTING HOUSE FOR THE BLIND	17,573	17,573	17,573	---	---	39200	
39250	NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):						39250	
39300	Operations	56,141	55,349	59,052	+2,911	+3,703	39300	
39400	Construction	---	913	1,705	+1,705	+792	39400	
39450	Total, NTID	56,141	56,262	60,757	+4,616	+4,495	39450	UA
39550	GALLAUDET UNIVERSITY:						39550	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. -----			
					Comparable	Request		
39555	Operations	106,998	106,398	109,952	+2,954	+3,554	39555	UA
39560	Evaluation	---	600	---	---	-600	39560	
39570	Total, Gallaudet	106,998	106,998	109,952	+2,954	+2,954	39570	
39699	Total, Special Institutions for Persons with						39699	
39700	Disabilities	180,712	180,833	188,282	+7,570	+7,449	39700	
39750	CAREER AND ADULT EDUCATION						39750	
39800	Career Education:						39800	
39850	Basic State Grants/Secondary & Technical Education						39850	
39875	State Grants, current funded	390,553	600,000	415,553	+25,000	-184,447	39875	FF
39900	Advance from prior year	(791,000)	(791,000)	(791,000)	---	---	39900	
39950	FY 2009	791,000	---	791,000	---	+791,000	39950	
40000	Subtotal, Basic State Grants, program level	1,181,553	600,000	1,206,553	+25,000	+606,553	40000	
40050	Tech-Prep Education State Grants	104,753	---	104,753	---	+104,753	40050	FF
40150	National Programs	10,000	10,000	8,000	-2,000	-2,000	40150	FF
40299	Tribally Controlled Postsec Voc/Tech Institutions	7,366	7,366	8,000	+634	+634	40299	UA
40300	Subtotal, Vocational Education	1,303,672	617,366	1,327,306	+23,634	+709,940	40300	
40350	Adult Education						40350	
40375	State Grants/Adult basic and literacy education:						40375	
40400	State Grants, current funded	563,975	564,074	588,975	+25,000	+24,901	40400	FF
40450	National Programs:						40450	
40500	National Leadership Activities	9,005	9,096	7,000	-2,005	-2,096	40500	FF
40550	National Institute for Literacy	6,583	6,638	6,638	+55	---	40550	FF
40600	Subtotal, National programs	15,588	15,734	13,638	-1,950	-2,096	40600	
40650	Subtotal, Adult education	579,563	579,808	602,613	+23,050	+22,805	40650	
40710	Smaller Learning Communities, current funded	4,677	---	---	-4,677	---	40710	
40720	Smaller Learning Communities, forward funded	88,854	---	93,531	+4,677	+93,531	40720	FF
40725	State Grants for Incarcerated Youth Offenders 2/	22,770	---	22,770	---	+22,770	40725	UA FF
40750	Total, Career and adult education	1,989,536	1,197,174	2,046,220	+46,684	+849,046	40750	UA
40800	Current Year	(1,208,536)	(1,197,174)	(1,255,220)	(+46,684)	(+58,046)	40800	
40850	FY 2009	(791,000)	---	(791,000)	---	(+791,000)	40850	
40900	Subtotal, forward funded	(1,196,493)	(1,189,808)	(1,247,220)	(+50,727)	(+57,412)	40900	
40950	STUDENT FINANCIAL ASSISTANCE						40950	
41000	Pell Grants -- maximum grant (NA)	(4,310)	(4,050)	(4,700)	(+390)	(+650)	41000	
41050	Pell Grants	13,660,711	13,414,000	15,583,000	+1,922,289	+2,169,000	41050	
41100	Federal Supplemental Educational Opportunity Grants	770,933	---	770,933	---	+770,933	41100	
41150	Federal Work Study	980,354	980,492	980,492	+138	---	41150	
41200	Federal Perkins loan cancellations	65,471	---	65,471	---	+65,471	41200	
41400	LEAP program	64,987	---	64,987	---	+64,987	41400	
41490	Subtotal, discretionary programs	15,542,456	14,394,492	17,464,883	+1,922,427	+3,070,391	41490	
41500	Total, Student Financial Assistance	15,542,456	14,394,492	17,464,883	+1,922,427	+3,070,391	41500	UA
41610	STUDENT AID ADMINISTRATION 3/	718,450	708,216	708,216	-10,234	---	41610	UA
41612	Rescission (P.L. 110-28)	-500	---	---	+500	---	41612	
41615	Total, Student aid administration	717,950	708,216	708,216	-9,734	---	41615	UA
41650	HIGHER EDUCATION						41650	
41700	Aid for Institutional Development:						41700	
41750	Strengthening Institutions	79,535	79,535	79,535	---	---	41750	
41800	Hispanic Serving Institutions	94,914	94,911	99,500	+4,586	+4,589	41800	
41850	Strengthening Historically Black Colleges (HBCUs)	238,095	238,095	249,500	+11,405	+11,405	41850	
41898	Strengthening Historically Black Graduate						41898	
41900	Institutions	57,915	57,915	57,915	---	---	41900	
41949	Strengthening Alaska Native and						41949	
41950	Native Hawaiian-Serving Institutions	11,785	---	11,785	---	+11,785	41950	
42000	Strengthening Tribal Colleges	23,570	18,570	24,475	+905	+5,905	42000	
42050	Subtotal, Aid for Institutional development	505,814	489,026	522,710	+16,896	+33,684	42050	UA

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. -----			
					Comparable	Request		
42100	International Education and Foreign Language:						42100	
42150	Domestic Programs	91,541	91,541	100,341	+8,800	+8,800	42150	UA
42200	Overseas Programs	12,610	12,610	13,610	+1,000	+1,000	42200	
42250	Institute for International Public Policy	1,600	1,600	1,700	+100	+100	42250	UA
42300	Subtotal, International Education & Foreign Lang	105,751	105,751	115,651	+9,900	+9,900	42300	
42375	Fund for the Improvement of Postsec. Ed. (FIPSE)	21,989	21,988	63,264	+41,275	+41,276	42375	UA
42400	Minority Science and Engineering Improvement	8,730	8,730	8,730	---	---	42400	UA
42500	Federal TRIO Programs	828,178	828,178	868,178	+40,000	+40,000	42500	UA
42550	GEAR UP	303,423	303,423	323,423	+20,000	+20,000	42550	UA
42600	Byrd Honors Scholarships	40,590	---	40,590	---	+40,590	42600	UA
42650	Javits Fellowships	9,699	9,797	9,699	---	-98	42650	UA
42700	Graduate Assistance in Areas of National Need	30,087	30,084	30,087	---	+3	42700	UA
42750	Teacher Quality Enhancement Grants	59,895	---	40,000	-19,895	+40,000	42750	UA
42800	Child Care Access Means Parents in School	15,810	15,810	17,810	+2,003	+2,000	42800	UA
42825	Advancing America thru foreign language partnerships	---	24,000	---	---	-24,000	42825	
42850	Demonstration in Disabilities / Higher Education	6,875	---	6,875	---	+6,875	42850	UA
42900	Underground Railroad Program	1,980	---	---	-1,980	---	42900	UA
42950	GPRA data/HEA program evaluation	970	970	620	-350	-350	42950	UA
43050	B J. Stupak Olympic Scholarships	970	-	970	---	+970	43050	UA
43075	Thurgood Marshall Legal education opportunities	2,946	---	2,946	---	+2,946	43075	
43100	Total, Higher education	1,943,887	1,837,737	2,051,533	+107,846	+213,798	43100	
43150	HOWARD UNIVERSITY						43150	
43200	Academic Program	204,405	204,405	204,405	---	---	43200	
43250	Endowment Program	3,526	---	3,526	---	+3,526	43250	UA
43300	Howard University Hospital	29,461	29,461	29,461	---	---	43300	
43350	Total, Howard University	237,392	233,866	237,392	---	+3,526	43350	
43400	COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS(CHAFL)	571	481	481	-90	---	43400	
43450	HBCU CAPITAL FINANCING PROGRAM -- Federal Admin	209	188	188	-21	---	43450	
43500	INSTITUTE OF EDUCATION SCIENCES						43500	
43600	Research, development and dissemination	162,552	162,535	157,552	-5,000	-4,983	43600	
43620	Statistics	90,022	119,022	96,022	+6,000	-23,000	43620	
43650	Regional Educational Laboratories	65,470	65,464	65,470	---	+6	43650	
43720	Research in special education	71,840	71,829	71,840	---	+11	43720	
43725	Special education studies and evaluations	9,900	9,628	9,900	---	+272	43725	
43730	Statewide data systems	24,552	49,152	37,508	+12,956	-11,644	43730	
43750	Assessment:						43750	
43800	National Assessment	88,095	110,595	91,095	+3,000	-19,500	43800	
43850	National Assessment Governing Board	5,054	6,037	5,716	+662	-321	43850	
43900	Subtotal, Assessment	93,149	116,632	96,811	+3,662	-19,821	43900	
44050	Total, IES	517,485	594,262	535,103	+17,618	-59,159	44050	
44100	DEPARTMENTAL MANAGEMENT						44100	
44150	PROGRAM ADMINISTRATION						44150	
44160	Salaries and Expenses	416,487	429,631	391,487	-25,000	-38,144	44160	
44170	Building Modernization	2,100	17,303	3,000	+900	-14,303	44170	
44181	Total, Program administration	418,587	446,934	394,487	-24,100	-52,447	44181	
44200	OFFICE FOR CIVIL RIGHTS	91,205	93,771	93,771	+2,566	---	44200	
44250	OFFICE OF THE INSPECTOR GENERAL	50,266	53,239	53,239	+2,973	---	44250	
44300	Total, Departmental management	560,058	593,944	541,497	-18,561	-52,447	44300	
44303	HURRICANE EDUCATION RECOVERY						44303	
44304	Aid for Elementary and Secondary Education:						44304	
44305	Supplemental (P.L. 110 28) (emergency):						44305	
44307	Recruitment, retention, and compensation						44307	
44308	of personnel	30,000	---	---	-30,000	---	44308	

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		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request		
44316	Aid for Institutions of Higher Education, Supplemental						44316	
44317	(P.L. 110-28) (emergency)	30,000	---	---	-30,000	---	44317	
44318							44319	
44321	Total, Hurricane Education Recovery	60,000	---	---	-60,000	---	44321	
44500	Total, Title III, Department of Education	60,378,454	59,098,720	64,942,185	+4,563,731	+5,843,465	44500	
44550	Current Year	(45,344,953)	(44,065,219)	(47,937,985)	(+2,593,032)	(+3,872,766)	44550	
44555	Emergency appropriations	(68,594)	---	---	(-68,594)	---	44555	
44560	FY 2009	(15,033,501)	(15,033,501)	(17,004,200)	(+1,970,699)	(+1,970,699)	44560	
44599	Title III Footnotes:						44599	
44600	1/ Funding for Striving readers was first forward						44600	
44601	funded in the FY 2006 conference agreement						44601	
44602	2/ Previously funded under Office of Safe and						44602	
44603	Drug Free Schools.						44603	
44604	3/ In prior years, $600M was included as mandatory.						44604	
44650	TITLE IV - RELATED AGENCIES						44650	
44885	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR						44885	
44890	SEVERELY DISABLED	4,652	4,994	4,994	+342	---	44890	
44900	CORPORATION FOR NATIONAL AND COMMUNITY SERVICE						44900	
44905	OPERATING EXPENSES						44905	
44910	Domestic Volunteer Service Programs:						44910	
44950	Volunteers in Service to America (VISTA)	95,468	89,734	95,468	---	+5,734	44950	
44955	VISTA cost-share revolving fund	3,500	---	---	-3,500	---	44955	
45050	National Senior Volunteer Corps:						45050	
45100	Foster Grandparents Program	110,937	97,550	110,937	---	+13,387	45100	
45150	Senior Companion Program	46,964	41,299	46,964	---	+5,665	45150	
45200	Retired Senior Volunteer Program	59,685	65,643	59,685	---	-5,958	45200	
45300	Subtotal, Senior Volunteers	217,586	204,492	217,586	---	+13,094	45300	
45400	Subtotal, Domestic Volunteer Service Programs	316,554	294,226	313,054	-3,500	+18,828	45400	
45415	National and Community Service Programs:						45415	
45425	National service trust	117,720	122,521	122,521	+4,801	---	45425	
45430	AmeriCorps grants	264,825	255,625	255,625	-9,200	---	45430	
45435	Innovation, assistance, and other activities	29,771	12,697	13,000	-16,771	+303	45435	
45440	Evaluation	3,960	3,960	3,960	---	---	45440	
45445	National Civilian Community Corps	26,789	11,620	11,620	-15,169	---	45445	
45450	Learn and Serve America: K-12 and Higher Ed.	37,125	32,099	37,125	---	+5,026	45450	
45455	State Commission Administrative Grants	12,516	12,000	12,000	-516	---	45455	
45460	Points of Light Foundation	---	8,900	---	---	-8,900	45460	
45470	Subtotal, National & Community Service Programs	492,706	459,422	455,851	-36,855	-3,571	45470	
45474	Total, Operating expenses	809,260	753,648	768,905	-40,355	+15,257	45474	
45475	National and Community Service, Salaries & expenses	70,324	69,520	68,964	-1,360	-556	45475	
45480	Office of the Inspector General	4,963	5,512	5,512	+549	--	45480	
45490	Total, Corp. for National and Community Service	884,547	828,680	843,381	-41,166	+14,701	45490	UA
45500	CORPORATION FOR PUBLIC BROADCASTING:						45500	
45550	FY 2010 (current) with FY 2009 comparable	400,000	---	420,000	+20,000	+420,000	45550	
45600	FY 2009 advance with FY 2008 comparable (NA)	(400,000)	(400,000)	(400,000)	---	---	45600	
45620	Subtotal, FY 2009 program level	400,000	400,000	400,000	---	---	45620	
45650	FY 2008 advance with FY 2007 comparable (NA)	(400,000)	(400,000)	(400,000)	---	---	45650	
45675	Rescission of FY 2008 funds (NA)	---	(-50,000)	---	---	(+50,000)	45675	
45680	Subtotal, FY 2008 program level	400,000	350,000	400,000	---	+50,000	45680	
45700	Digitalization program, current funded	29,700	---	29,700	---	+29,700	45700	
45710	Previous appropriated funds (NA)	---	(30,600)	---	---	(-30,600)	45710	
45725	Interconnection, current funded	34,650	---	26,750	-7,900	+26,750	45725	
45730	Previous appropriated funds (NA)	---	(26,750)	---	---	(-26,750)	45730	
45750	Subtotal, FY 2008 appropriation	64,350	---	56,450	-7,900	+56,450	45750	UA
45850	FEDERAL MEDIATION AND CONCILIATION SERVICE	42,849	43,800	44,450	+1,601	+650	45850	
45900	FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,778	8,096	8,096	+318	---	45900	
45950	INSTITUTE OF MUSEUM AND LIBRARY SERVICES	247,205	271,246	264,812	+17,607	-6,434	45950	
46000	MEDICARE PAYMENT ADVISORY COMMISSION	12,066	10,748	10,748	-1,318	---	46000	
46050	NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	989	---	---	-989	---	46050	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

	FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs -----			
				Comparable	Request		
46100 NATIONAL COUNCIL ON DISABILITY	3,426	3,113	3,113	-313	---	46100	UA
46200 NATIONAL LABOR RELATIONS BOARD	251,507	256,238	256,988	+5,481	+750	46200	
46250 NATIONAL MEDIATION BOARD	11,596	12,242	12,992	+1,396	+750	46250	
46300 OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	10,471	10,696	10,696	+225	---	46300	
46350 RAILROAD RETIREMENT BOARD						46350	
46400 Dual Benefits Payments Account	88,000	79,000	79,000	-9,000	---	46400	
46450 Less Income Tax Receipts on Dual Benefits	-6,000	-6,000	-6,000	---	---	46450	
46500 Subtotal, Dual Benefits	82,000	73,000	73,000	-9,000	---	46500	
46550 Federal Payment to the RR Retirement Account	150	150	150	---	---	46550	M
46600 Limitation on Administration	103,694	103,518	103,694	---	+176	46600	
46650 Inspector General	7,173	7,606	7,606	+433	---	46650	
46700 SOCIAL SECURITY ADMINISTRATION						46700	
46750 Payments to Social Security Trust Funds	20,470	28,140	28,140	+7,670	---	46750	M
47150 SUPPLEMENTAL SECURITY INCOME						47150	
47200 Federal benefit payments	37,204,000	40,675,000	40,675,000	+3,471,000	---	47200	M
47250 Beneficiary services	---	36,000	36,000	+36,000	---	47250	M
47300 Research and demonstration	27,000	27,000	27,000	---	---	47300	M
47350 Administration	2,950,169	2,983,000	3,020,525	+70,356	+37,525	47350	
47400 Subtotal, SSI program level	40,181,169	43,721,000	43,758,525	+3,577,356	+37,525	47400	
47450 Less funds advanced in prior year	-11,110,000	-16,810,000	-16,810,000	-5,700,000	---	47450	M
47500 Subtotal, regular SSI current year	29,071,169	26,911,000	26,948,525	-2,122,644	+37,525	47500	
47650 Total, SSI, current request	29,071,169	26,911,000	26,948,525	-2,122,644	+37,525	47650	
47700 New advance, 1st quarter, FY 2008	16,810,000	14,800,000	14,800,000	-2,010,000	---	47700	M
47710 Total, SSI program	45,881,169	41,711,000	41,748,525	4,132,644	+37,525	47710	
47750 LIMITATION ON ADMINISTRATIVE EXPENSES						47750	
47800 OASDI Trust Funds	4,598,834	4,698,292	4,760,767	+161,933	+62,475	47800	
47850 HI/SMI Trust Funds	1,626,570	1,679,661	1,679,661	+53,091	---	47850	
47900 Social Security Advisory Board	2,000	2,000	2,000	---	---	47900	
47950 SSI	2,950,169	2,868,000	2,905,525	-44,644	+37,525	47950	
48000 Subtotal, regular LAE	9,177,573	9,247,953	9,347,953	+170,380	+100,000	48000	
48002 Additional CDR Funding:						48002	
48003 OASDI Trust Funds	---	98,000	98,000	+98,000	---	48003	
48004 SSI	---	115,000	115,000	+115,000	---	48004	
48005 Subtotal, additional CDR funding	---	213,000	213,000	+213,000	---	48005	
48020 User Fees:						48020	
48040 SSI User Fee activities	117,000	135,000	135,000	+18,000	---	48040	
48050 SSPA User Fee Activities	1,000	1,000	1,000	---	---	48050	
48060 Subtotal, User fees	118,000	136,000	136,000	+18,000	---	48060	
48100 Total, Limitation on Administrative Expenses	9,295,573	9,596,953	9,696,953	+401,380	+100,000	48100	
48450 OFFICE OF THE INSPECTOR GENERAL						48450	
48500 Federal Funds	25,902	27,000	27,000	+1,098	---	48500	
48550 Trust Funds	66,149	68,047	68,047	+1,898	---	48550	
48600 Total, Office of the Inspector General	92,051	95,047	95,047	+2,996	---	48600	
48750 Adjustment: Trust fund transfers from general revenues	-2,950,169	-2,983,000	-3,020,525	-70,356	-37,525	48750	
48800 Total, Social Security Administration	52,339,094	48,448,140	48,548,140	-3,790,954	+100,000	48800	
48850 Federal funds	46,045,541	41,902,140	41,939,665	-4,105,876	+37,525	48850	
48900 Current year	(29,235,541)	(27,102,140)	(27,139,665)	(-2,095,876)	(+37,525)	48900	
48950 New advances, 1st quarter	(16,810,000)	(14,800,000)	(14,800,000)	(-2,010,000)	---	48950	
49000 Trust funds	6,293,553	6,546,000	6,608,475	+314,922	+62,475	49000	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2008
(Amounts in thousands)

		FY 2007 Comparable	FY 2008 Request	Recommended	----- Recommended vs. ----- Comparable	Request	
49100	Total, Title IV, Related Agencies	54,473,547	50,082,267	50,669,310	-3,804,237	+587,043	49100
49150	Federal Funds	48,057,061	43,414,395	43,938,787	-4,118,274	+524,392	49150
49200	Current Year	(30,847,061)	(28,614,395)	(28,718,787)	(-2,128,274)	(+104,392)	49200
49250	FY 2009 Advance	(16,810,000)	(14,800,000)	(14,800,000)	(-2,010,000)	---	49250
49300	FY 2010 Advance	(400,000)	---	(420,000)	(+20,000)	(+420,000)	49300
49350	Trust Funds	6,416,486	6,667,872	6,730,523	+314,037	+62,651	49350
49355	Title IV Footnotes:						49355
49371	1/ Carryover funding available from PL 108-173						49371
49640	RECAP						49640
49760	Mandatory, total in bill	409,271,907	455,463,526	455,665,526	+46,393,619	+202,000	49760
49780	Less advances for subsequent years	-84,945,617	-84,930,669	-84,930,669	+14,948	---	49780
49800	Plus advances provided in prior years	76,897,825	84,945,617	84,945,617	+8,047,792	---	49800
49820	Total, mandatory, current year	401,224,115	455,478,474	455,680,474	+54,456,359	+202,000	49820
49860	Discretionary, total in bill	145,262,591	141,710,017	154,238,378	+8,975,787	+12,528,361	49860
49880	Less advances for subsequent years	-19,285,301	-18,885,301	-21,276,000	-1,990,699	-2,390,699	49880
49900	Plus advances provided in prior years	19,285,301	19,285,301	19,285,301	---	---	49900
49920	Subtotal, Discretionary, current year	145,262,591	142,110,017	152,247,679	+6,985,088	+10,137,662	49920
49960	Scorekeeping adjustments:						49960
50100	SSI User Fee Collection	-117,000	-135,000	-135,000	-18,000	---	50100
50125	Adjustment to balance to CBO (technical)	2,000	---	---	-2,000	---	50125
50126	Adjustment to balance to CBO's ATB pay (technical)	6,401	---	---	-6,401	---	50126
50135	Vaccines for children amendment	---	---	2,000	+2,000	+2,000	50135
50138	Average Weekly Insured Unemployment (AWIU) Conting	---	45,000	---	---	-45,000	50138
50194	Health professions student loan (rescission)	---	-100,000	---	---	+100,000	50194
50198	Health Center Loan Guarantee Program (rescission)	---	-5,000	---	---	+5,000	50198
50200	Social services block grant reduction (rescission)	---	-500,000	---	---	+500,000	50200
50205	Voc rehabilitation reduction (rescission)	---	-36,883	---	---	+36,883	50205
50210	Excess H-1B Fee Revenue (rescission)	---	-50,000	-70,000	-70,000	-20,000	50210
50215	National skills standards board (rescission)	---	-44	-44	-44	---	50215
50220	TES prior year balances (rescission)	---	-335,000	-335,000	-335,000	---	50220
50237	Department of Labor (P.L. 110-28)						50237
50238	(Rescission of emergency funds)	-8,594	---	---	+8,594	---	50238
50239	EFAST2 filing system (DOL) (P.L. 110 28)	---	1,000	1,000	+1,000	---	50239
50241	2006 Bulk monovalent annual flu vaccine purchase						50241
50242	(rescission)	-29,680	-29,680	---	+29,680	+29,680	50242
50243	Medicare eligible accruals (permanent, indefinite)	36,288	37,365	37,365	+1,077	---	50243
50244	CMS Survey and Certification User Fee	---	-35,000	---	---	+35,000	50244
50245	CPB (FY 2008 Rescission)	---	-50,000	---	---	+50,000	50245
50249	Reallocation of FY02 carryover from PL107-117(HHS)	-16,120	---	---	+16,120	---	50249
50252	Training and employment services (leg. proposal)	---	745,000	---	---	-745,000	50252
50253	State unemployment insurance and employment						50253
50254	service operations (leg. proposal)	---	-61,000	---	---	+61,000	50254
50255	Unemployment trust fund (leg. proposal)	---	-685,000	---	---	+685,000	50255
50260	Less emergency appropriations	519,000	---	---	+519,000	---	50260
50280	Total, discretionary	144,616,886	140,915,775	151,748,000	+7,131,114	+10,832,225	50280
50285	Adjustment to balance with 2007 enacted	-92,138	---	---	+92,138	---	50285
50291	Total, discretionary (FY 2007 enacted)	144,524,748	140,915,775	151,748,000	+7,223,252	+10,832,225	50291
50320	Grand total, current year (incl FY 2007 comparable)	545,841,001	596,394,249	607,428,474	+61,587,473	+11,034,225	50320
50325	Grand total, current year (incl FY 2007 enacted)	545,748,863	596,394,249	607,428,474	+61,679,611	+11,034,225	50325

Madam Chairman, I reserve the balance of my time.

Mr. WALSH of New York. Madam Chairman, I yield myself such time as I may consume.

I'd like to begin my remarks by thanking Chairman OBEY for his willingness to accommodate many of the programmatic requests that we made. I appreciate his attention to the concerns important to my constituents and to my State.

As you know, this is a very complex and demanding bill, and Chairman OBEY's staff has done a fine job supporting him in this task. I also would like to recognize Steve Crane and Anne Marie Goldsmith from the minority office for their attention to detail in this legislation.

Let's make no mistake. This bill spends a great deal of money, approximately $6.5 billion more than last year in discretionary funding. But this bill addresses many of the most critical issues confronting our Nation—our families' health care, our children's education, our retirement security and our own workplace protection and job training needs.

If I were chairman, and I had this allocation, I'm not sure I would have written the bill a whole lot differently.

Specifically, this bill provides needed increases for community health centers. It advances my long-time efforts to advance funding for graduate medical education, of which my State, New York, trains 20 percent of the doctors in the Nation. So it is of critical importance to our teaching hospitals. And also the need for our Nation's poison control centers.

It funds important biomedical research, telemedicine and electronic medical records, which in the long run will dramatically reduce the cost of medical expenses.

□ 1615

It recognizes the need to provide seniors and those on fixed incomes with assistance paying high utility bills through the LIHEAP program. It continues Republican-led efforts to boost Federal funding for elementary and secondary education in support of the No Child Left Behind bill and also supporting programs for youth at risk. And thanks to my committee colleagues' support, the bill includes my amendment to boost funding for special education.

As most of you know, when the Individuals with Disabilities in Education Act passed in 1977, Congress authorized annual Federal expenditures of 40 percent to help cover the cost of education for children with special needs. But in 1995 the Federal Government paid only 7.8 percent of those costs for our children with disabilities. That puts an additional burden on our local school districts. If we are only paying about 8 percent of the cost, that means they are forced to cover the other 92 percent instead of the 60 percent that we had told them they would have to cover. With this increase, we will provide just under 18 percent of the cost in 2008, or about half of our commitment. At least it is progress in the right direction.

This increased Federal support is important. Back in my home State of New York, the instructional expense for regular education for a student in 2003 and 2004 was $8,177 per student. For a special education student that cost was about double, $17,600. This bill boosts the maximum Pell Grant award to make a college education more attainable for more Americans, and it supports initiatives for senior health and wellness.

I am grateful to Chairman OBEY for including funds to take care of the health needs of those who responded heroically, and in many cases putting their own health and lives at risk, to the September 11 terrorist attacks in New York City.

And I thank the chairman for responding to my request and attending to an issue of growing importance to more and more young American families: the emerging threat of food allergies. Food allergies more and more are affecting families across the country, and nobody really understands what is going on, why these allergies are occurring, but they do put these young people's lives at risk. This bill provides a new line of funding for research and outreach to parents of children with food allergies. While it is only a small amount of money that is necessary for the effort this year, the impact it will have is dramatic.

In addition, I have some concerns with the additional $2 billion in advance funding that was provided by the Budget Committee. My concern is that advance funding can cause serious problems if future allocations for this bill are not as robust.

With that said, again I would like to congratulate Chairman OBEY and his staff for what I think on the whole is a well-written bill. I want to reiterate my appreciation for his willingness to work with us.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield myself 1 minute.

I would also like to take this time to thank all of the staff people who worked on this bill, most especially Rob Nabors, Christina Hamilton, John Daniel, Lesley Turner, Kirstin Brost, Cheryl Smith, Sue Quantius, Nicole Kunko, Muftiah McCartin, Teri Bergman, Andria Oliver, Beth Chaney, Steve Crane, Anne Marie Goldsmith, Ron Anderson, and the associate staff as well. We certainly could not have put together the bill without them, and without them we would be making a whole lot more mistakes than we are likely to make today.

Madam Chairman, I reserve balance of my time.

Mr. WALSH of New York. Madam Chairman, at this time I yield such time as he may consume to my distinguished leader on the committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Chairman, I want to express my appreciation to both Chairman OBEY and my ranking member, the gentleman from New York, for the cooperative spirit in which they worked to produce this bill, a very difficult bill in the final analysis. With that, I would like to say to Mr. OBEY I very much appreciate his ongoing cooperation as we try to work on all the bills in the appropriations process this year to make some sense out of a very difficult year. I would also like to express my deep appreciation for the fabulous work done by the staff of this committee.

And having gone that far, Madam Chairman, let me say that the fiscal year 2008 Labor, Health and Human Services, and Education and Related Agencies bill, Labor-HHS, reflects a fundamental difference in opinion on the level of funding necessary to support the Federal Government's role in education, health and workforce programs. Regardless of that disagreement, House Republicans agree that many of the programs funded in this bill are vitally important. The majority party would have the public believe otherwise.

In fact, House Republicans have shown the American people over the past 12 years that we recognize the importance of these programs. With history as our witness, we have demonstrated our commitment not in words but in action.

It should not be forgotten that it was House Republicans who demonstrated a commitment to fundamental research by doubling the budget of National Institutes for Health. It was House Republicans who bolstered the discretionary budget for the Department of Education by 72 percent in inflation-adjusted dollars.

Even with our unquestionable dedication to the programs in this bill over the last 12 years, Republicans stand accused by the Democratic majority of shortchanging fundamental research, shortchanging education, and according to the rhetoric of the day, shortchanging our very future. This rhetoric diminishes all that we do as elected officials, and it does not serve the Congress or our country well.

The primary difference is that Republicans believe that we must balance the benefits of these worthwhile programs with the fact that the American taxpayer must pay for them.

I know that Chairman OBEY feels very strongly about the Labor-H bill. He is now working two full-time jobs as chairman of the full committee and chairman of this subcommittee. He has also devoted one-half of the $20 billion or so increase over the President's budget request, in the fiscal year 2008 302(b) allocation to the priorities contained in this bill.

The fiscal year 2008 Labor-H bill is $10.2 billion over the President's budget request and $6.6 billion over the fiscal year 2007 enacted level. Chairman OBEY has said repeatedly that it is necessary to increase the subcommittee allocation dramatically to make up for the past funding shortfalls. But I remind the chairman that these programs have grown by $85 billion over the last 13 years.

When Labor-HHS Chairman Neil Smith, a Democrat, presented his bill in 1994, total discretionary budget authority totaled $65 billion. If he had predicted in 1994 that this very same bill, which largely covers the same agencies today as it did then, would increase by $85 billion over the next 13 years, the chairman of the full committee, who happened to be DAVID OBEY, probably would not have believed it.

By any objective standard, whether you are JERRY LEWIS or DAVID OBEY, $85 billion is a healthy increase, and today the committee is poised to spend an additional $10.2 billion under the mistaken notion that throwing money at our Nation's problems will cause them to fade away.

While many of these programs are popular on both sides of the aisle, a $10.2 billion increase is not without consequence, particularly when this bill contains what can rightly be considered lower priority and duplicative programs. For example, the committee-reported bill provides $420 million in 2-year advance appropriations for the Corporation for Public Broadcasting. Most objective observers will agree that providing these resources may be nice to do, but it hardly measures up to providing health care services to the poorest of Americans in terms of its priority.

Furthermore, there are a host of programs in the bill that duplicate activities that are funded elsewhere, not just in this bill but in other appropriations bills as well. For example, this legislation continues three programs that deal with violence prevention; one in the Labor Department, another in the Department of Health and Human Services, the third in the Department of Education. There are additional programs within the jurisdiction of the Department of Justice that serve exactly the same purpose. Little real oversight was conducted to ferret out unnecessary and wasteful spending on these duplicative programs.

Yet another example is the funding the bill provides within the Administration for Children and Families for community economic development. According to this very committee report, these funds are intended to support employment, training, and business development opportunities for low-income residents in poor communities. Services that are already provided by the Department of Labor, the Department of Housing and Urban Development, and the Economic Development Administration.

Surely the majority party could have met the very highest priority needs in this bill such as community health care centers or programs providing funding to educate youngsters living in poverty by eliminating duplicative programs or curtailing spending on lower priorities. Instead of making the tough choices between high- and low-priority programs or eliminating the duplication, this bill takes the easy way out: just spend more money.

The budget resolution adopted by the Democrat majority earlier this year and the appropriations bills that we are now considering spend some $23 billion more than the President requested. As we move forward with consideration of the fiscal year 2008 appropriations bills, Members of Congress ought to be aware that the average additional burden on the individual taxpayer to finance the spending spree outlined in the majority's budget will amount to roughly $3,000 to the individual taxpayer, $3,000.

I know it is difficult for many Members to oppose substantial increases in these popular programs; however, I remind Chairman OBEY and our colleagues that these increases are not without consequence.

Make no mistake about it. Excessive spending will force the American taxpayer to shoulder the burden of this extra spending. And if past is prologue, we will continue to pass this debt along to future generations.

As we complete consideration of our work this week, the House will have approved an additional $20.4 billion in spending above the President's budget request for the next year. This level is $36.4 billion above the fiscal year 2007 enacted level.

So where is the Appropriations Committee in terms of getting its work done this year? It is July 17 and the House has five bills left to complete. The Senate has yet to take any of its bills to the floor and likely will not this month. Based on the present pace in both bodies, I have grave concern about our ability to complete our work this year through the regular order process.

Chairman OBEY is fond of pointing out that the process in the House this year has been delayed by having to complete action on the fiscal year 2007 bills. It is no surprise that he often fails to mention the role that the Senate played in this equation. The Senate failed to complete its work last year, and today history is repeating itself.

It is ironically unfortunate that the same type of legislative train wreck is likely to occur again this year. The scenario is becoming more and more apparent with each passing day. While it is only July, if past experience is any guide, a warning is in order. Once again the Senate is showing absolutely no inclination or ability towards moving appropriations bills, setting up the inevitable end-of-the-year omnibus strategy.

My colleagues, it has not yet been stated in so many words, but this is, or soon will become, the strategy to complete our work this year. And mark my words, not only will most of our appropriations bills end up in an omnibus, it will be a well-adorned Christmas tree filled with plenty of legislative goodies, perfectly timed to coincide with the holidays.

□ 1630

I want to be very clear about this, an omnibus is absolutely the wrong and fiscally reckless approach to completing this year's work. It would inflate the budget deficit, reward bad behavior, and negate any semblance of fiscal discipline demonstrated by this body in recent years.

Short of passing our conference reports individually, the best alternative would be to once again pass a clean year-long continuing resolution at the current rate of fiscal year 2007 levels, and without Member projects. That is, of course, an undesirable option. But if at the end of the process the House and the Senate cannot complete their work in a responsible fashion, passing a clean CR will be the best option remaining to complete this year's work.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Thank you to Chairman OBEY, Ranking Member WALSH, and their staff for their hard work in crafting this bill.

At the start of the year, Chairman OBEY asked us to consider not only the challenges of today, but those of the year ahead, and I believe the bill does just that. The bill addresses the appalling reality that 46 million people in this country lack health insurance by providing a $200 million increase for community health centers, $75 million for grants for States to develop plans to cover their uninsured, $75 million for States to create insurance pools for high-risk individuals. Furthermore, recognizing that one of the best ways to keep women healthy is to provide them with access to high-quality family planning services and other preventative health care, the bill provides a $27 million increase to the Title X family program for low-income women.

The bill acknowledges that millions of students are shut out of college for financial reasons or lack of preparation in the early years and increases the maximum Pell Grant award by $200, restores proposed cuts to supplemental education grants, and increases both GEAR UP and TRIO.

The bill provides desperately needed relief to after-school programs by increasing 21st Century Community Learning Centers by $125 million. As a result of the Republican-controlled Congress level funding this program for more than 5 years in a row, thousands of children, including more than 34,000 in New York could lose these programs if this increase isn't approved quickly.

At a time when we're on the cusp of finding cures for some of the world's most devastating diseases, this bill increases our investment in biomedical research, and the bill provides a $700 million increase for NIH which would allow for hundreds of new research grants.

However, I would be remiss if I didn't express my disappointment that the mark also includes an increase by the same amount for abstinence-only programs when there is mounting evidence questioning the accuracy of some of the curriculum taught in those programs.

We all agree that we must teach our children that abstinence is the best way to prevent pregnancy and STDs. We should all also agree that abstinence-until-marriage programs must provide children with the most medically accurate information available. Unfortunately, study after study has found that many of these programs teach inaccurate and even harmful information to our young people.

I also hope to work with Chairman OBEY as the bill moves through the legislative process to reverse the potential damage of the large Workforce Investment Act reduction that was passed during Committee markup. If these cuts are enacted, New York could lose approximately $28 million in worker training funds.

Despite these two concerns, this bill—for the first time in a number of years—takes big steps towards addressing some of our nation's most pressing challenges. I am proud to support it, and I encourage my colleagues to do the same.

Mr. WALSH of New York. Madam Chairman, I now yield 4 minutes to the distinguished gentleman from Ohio (Mr. REGULA), former chairman of the committee.

Mr. REGULA. I thank the gentleman for yielding.

Madam Chairman, I rise in support of the fiscal year 2008 appropriations bill for the Departments of Labor, Health and Human Services, Education, and related agencies.

As you know, I chaired the subcommittee responsible for providing the funding in this bill for the previous 6 years, and I am pleased to provide my support today. The bill provides Federal funds that touch every American. And it's important in serving as the backbone for our medical research, job training, and key education programs at all levels of learning.

I do want to compliment Chairman OBEY and Ranking Member WALSH on the excellent job they did in crafting this legislation. Within the bill's allocation, they have targeted increased dollars in key areas that I strongly support.

First, as we continue to ask for more in the performance of our teachers and students under the No Child Left Behind Act, we continue to maintain the vital role the classroom teacher plays in student achievement. I am extremely pleased that the bill funds the Teacher Incentive Fund, a program that awards teachers for student achievement at $99 million.

Next, our Nation's future economic success depends on an educated population. An education that ends at high school no longer suffices in our globally competitive world. Therefore, I strongly support the increase in the Pell Grant for students, which reaches a new high of $4,700 in this bill.

Our Nation's biomedical research effort has made great strides since we doubled the funding for the National Institutes of Health during my tenure and led by our previous speaker in years past.

I am pleased that the bill will build on NIH funding in our continued attempts as a Nation to seek treatments and cures for the debilitating diseases that strike us, our family and friends.

Next, I talked about our competitive global economy, and I support funding to assist our current workers in improving their skills through the Department of Labor's employment and job training programs that are passed through to our local communities for use directly in these communities and for Jobs Corps, which gives our young people a second chance to participate in the workforce in society.

I could go on highlighting the numerous programs in the bill that impact Americans. But let me close by expressing my support for the increase in funding for the administrative costs for the Social Security Administration.

While the benefits Americans receive for Social Security or disability support are provided through mandatory spending, without good people and a sufficient staff to process these claims, the program would not run. Therefore, I support the $400 million increase in funding for the SSA administrative cost. Americans deserve effective and efficient responses to their claim requests. And with that funding, I'm hopeful the SSA will continue to improve and shorten its response times.

Again, this is a very good bill. I congratulate my colleagues on the subcommittee for their work in bringing it before us today. I urge my colleagues in the House to support this bill.

Mr. WALSH of New York. Madam Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from New York has 10 minutes; the gentleman from Wisconsin has 17 minutes.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I want to thank the Chair for the time.

Madam Chairman, I rise to voice my strong support for H.R. 4033, the Labor-HHS bill. There is no bill that Congress produces on an annual basis that has such a profound impact on everyday people's lives like this bill.

I want to congratulate Chairman OBEY and the subcommittee staff on the product that is before us today. I also want to thank Ranking Member WALSH and the minority subcommittee staff working with us to produce this bill.

I think former Labor-HHS Chairman RALPH REGULA said it best when he described this bill as the "people's bill." And I want to commend the gentleman for his statement in support of this product.

This might seem obvious, but your view depends on where you stand. From where I stand, I see an America today where the overall unemployment rate is 4.5 percent. For African Americans it's 8.5 percent. The average life expectancy is 77.6 years. For African Americans it is 69.2. Sixty-three percent of white students graduate from college. For African Americans, it's 43 percent. These numbers represent real problems for real people that need real solutions, not tax cuts and amendments to cut 1 percent and .5 percent across the board. This bill is a solution that illustrates how Congress can solve real problems.

We've heard from the other side already language like "wrong," "fiscally and recklessly irresponsible." The entire debate about earmarks is to divert our attention away from these very real problems that this bill seeks to solve.

Specifically, this bill includes a $43 million nominal increase for Job Corps, projecting the administration's proposal to cut 4,310 student training slots. The administration's request for CDC would have reduced funding for our primary health activities by $159.4 million, cutting childhood immunizations, State and local public health emergency preparedness, and efforts to combat chronic diseases such as diabetes and heart disease and emerging infection.

Madam Chairman, I encourage Members to look at the facts around this bill and to be supportive.

Mr. WALSH of New York. Madam Chairman, I now yield 5 minutes to the gentleman from Florida, a member of the subcommittee, Dr. WELDON.

Mr. WELDON of Florida. I thank the gentleman for yielding.

I rise to speak about an amendment that was introduced by me in the committee, and overwhelmingly adopted by the committee by voice vote. And I rise mainly to address the concerns being raised by members of the American Academy of Pediatrics and other members sending letters to the Congress from the public health community.

Let me state from the outset, as a physician, I strongly support vaccinating children and adults. Indeed, I gave a lot of vaccines. Immunizing kids against the flu is a particularly good idea. It prevents the kids from getting the flu, but it also, because children have bad personal hygiene and they tend to spread the flu around if they get it, by vaccinating kids and preventing them from getting the flu you actually prevent adults from getting the flu.

Certainly I believe the American Academy of Pediatrics is a great organization, as are the public health officials who do the work in administering these vaccines, even though they are complaining about my amendment.

Let me just state from the outset, my amendment simply implements the policy that the American Academy of Pediatrics established in 1999, when they stated, The Public Health Service, the American Academy of Pediatrics and vaccine manufacturers agree that thimerosal-containing vaccines should be removed as soon as possible. My amendment does nothing more than implement that policy.

Thimerosal is a mercury-containing preservative that is toxic. If I brought some thimerosal to this Chamber, spilled it on that table, we would have to evacuate the Chamber. That is how toxic it is.

Now, in 1999, the manufacturers, in coordination with the AAP, the CDC and the drug industry, removed all of the mercury from all of the childhood vaccines in 18 months. They removed it from the DPT and the hepatitis B. Eighteen months after adopting that policy in 1999, all of the pediatric vaccines had been produced and manufactured without any mercury in them. And then in 2004, a decision was made to add flu vaccine to the vaccine scheduled for children. And since that time it has been very difficult for me to get the American Academy of Pediatrics and the CDC and the manufacturers to take this issue seriously and get the mercury out of the childhood vaccines.

And let me just also add, this is a bipartisan issue. I have a bill that I've introduced with Representative CAROLYN MALONEY from New York to get all this mercury out. There are many Democrats and many Republicans on this bill.

Now, some of the people who are opposing my amendment are actually claiming that children who were not vaccinated last year who got the flu died, and if there's not enough flu vaccine available, that more children may not get vaccinated and there may be more deaths. I would like to just simply point out that one of the issues here is public confidence in the vaccine program, and that many of these parents who didn't get their kids vaccinated maybe didn't get their kids vaccinated because they were concerned about the mercury in the flu vaccine. And, indeed, you might ask the question of the deaths that occurred last year, might some of them not have occurred if we had a mercury-free vaccine on the market?

Now, I want to refer to this chart briefly because I think this basically says it all.

In 2004, we were producing a little bit over 80 million doses of flu vaccine, and today we're producing over 130 million doses. But yet, officials have made no attempt to increase the amount of mercury-free vaccine that is being produced in this country. Mind you, the Europeans are producing more than enough mercury-free to vaccinate their kids. They have figured out how to do it. Mind you, I said earlier 18 months was all it took to get the mercury out of all of the other childhood vaccines. And why, after all these years, year after year, they say they want to get the mercury out of the childhood vaccines and they're not doing it. They're got getting it out of the flu vaccine. And they can do it and they will do it.

What this really boils down to, my colleagues, is an issue of leadership. CDC, AAP, the public health community has not exercised proper leadership on this issue, and it falls to us to do the right thing.

The language that I put in this bill is not covering this flu season, it's covering next flu season. They have more than a year to address this issue. I think they can. And that's why I put that language in the bill.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in support of this bill, and I commend Chairman OBEY and Ranking Member WALSH for their strong leadership in crafting this bipartisan legislation.

Our commitment to expand access to health care and other essential human services is reaffirmed in this bill by restoring funding to programs that put health care within the reach of an additional 2 million Americans.

For example, under the provisions of this bill, community health centers can provide an additional one million medically underserved Americans with primary and preventive care.

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Education funding levels in this bill also demonstrate our deep-seated commitment to investing in educational opportunity for all America's children. For example, this bill helps level the playing field for disadvantaged minority students by beginning, finally, to provide adequate resources for title I. The bill reinvests in the American workforce by restoring funding to critical education and job training programs that have been neglected in recent years. In particular, the bill provides a much needed increase to America's migrant and seasonal farmworkers who are the backbone of the agricultural industry.

Finally, on the issue I have worked on for many years, I am particularly gratified that the committee has provided funds for the STOP Underage Drinking programs. This recently enacted initiative will go a long way toward reducing the crises of underage drinking in our country and the tragic consequences it has on our youth and society as a whole.

I look forward to continuing to work with our Democratic leadership and my colleagues in the House to move our Nation closer to the goal of ensuring every American has access to quality health care, every student has a real chance to succeed, and every worker is given the tools to prosper.

Madam Chairman, in closing, I thank Chairman OBEY for his hard work and for his commitment to improving the lives of Americans. I extend my gratitude to Cheryl Smith and the rest of the subcommittee staff for their dedication and commitment as well.

Mr. WALSH of New York. Madam Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the former Governor.

Mr. CASTLE. I thank the gentleman for yielding.

Madam Chairman, I would just like to make two brief points, perhaps to Chairman OBEY, about this bill that concern me, although I think the bill is well done. I am basically supportive of it.

The first is something which the President has vetoed, the stem cell research legislation. Back in August of 2001, he signed an order which allowed 21 different stem cell lines to be developed. There was a lot of discussion that in this particular bill that we could have actually updated that date from 2001 until 2007.

There have been 400 private lines developed since that time; that is, without any Federal dollars whatsoever. They could have been used for research by anybody if indeed we could have had it approved in this legislation. As a result of that, I drafted an amendment to do just that. But I have been informed that it will not be in order if I were to present it, so I will not present it.

I think this is a missed opportunity. I say to the chairman, because he was supportive of the stem cell research, that my judgment is we should do everything in our power to be able to enhance and to further that research in America. This was an opportunity which is unfortunately lost.

The other point I would like to make also deals with health, which is a matter of great concern to all of us, obviously, and that is the increase in NIH research. Basically, when you boil it all down, the increase here is 1.9 percent. It has been widely discussed that it's 2.6 percent. But this includes $900 million to the global HIV/AIDS fund that will be transferred immediately to the Department of State. It will not go directly into research.

The amount which is left is 1.9 percent, which would be almost the smallest increase for NIH in 38 years. We will lose length and quality of life to disease and disability. New research opportunities will go unfunded. The number of new therapies will continue to decline. Flat funding may discourage, along with the embryonic stem cell research going by the boards, the best and brightest young scientists remaining in the United States. Another year of failure to provide sustained, strong growth and Federal support for medical research is a problem.

Madam Chairman, I would hope before it is all said and done that we can address these two issues.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chairman, I want to rise and congratulate the gentleman from Wisconsin, Chairman OBEY, as well as Ranking Member WALSH for their good work on this bill.

This bill, Madam Chairman, does a great deal in rejecting the President's cuts that would have provided $7.6 billion below last year's level in programs vital to protecting our Nation's health and education system.

This bill today, instead, provides a 3 percent increase over last year in areas such as family intervention, early learning, education and health care access. Let me tell you what that means. That means that we can help make a difference in averting the kinds of problems that will come later on, because now we will invest in prevention. Programs such as the SAMHSA, Substance Abuse and Mental Health Services Administration program, and Starting Early Starting Smart, which invests in family intervention, are so crucial. We know from the Adverse Childhood Experiences Study that the Kaiser Foundation did that families that are in crisis produce children that are at higher risk for not only delinquency but for drug abuse, for HIV, and for greater health care problems.

In this bill, we provide funds to go towards those families so that we can reach those parents. If we reach those parents, we reach those children. That, my friends, is what real family values are all about; it is reaching out to the families in this country in order to reach the children of this country. If we reach these children, they will be able to grow and prosper, and we as a Nation will be even stronger for it.

Madam Chairman, I thank the chairman for the work that he has done in helping to build a stronger safety net for the children of this country. It will make our country an even stronger place for all of us to live.

Mr. WALSH of New York. Madam Chairman, I reserve my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Chairman, let me thank the chairman and our ranking member and our staff for their very diligent and brilliant work, really, in crafting this bipartisan bill. As a new member of the committee and the subcommittee, it has been a true honor to work with the chairman and our staff and our ranking member on this bill.

I must tell you, we had our work cut out for us because of the deep draconian cuts that the President proposed and because of the President's priorities of tax cuts for the rich and the invasion and occupation of Iraq. I am pleased that this bill rejects most of those cuts and makes the kinds of investments that recognize that an educated and skilled workforce and a healthy population are the backbone of our national security.

Let me highlight a few of these investments.

First, in the area of education, this bill invests in strengthening our minority-serving institutions by providing a $249.5 million for our Historically Black Colleges and Universities, which is an $11.4 million increase over FY 2007 levels, and also we increased by $4.5 million above FY 2007 the President's request for our Hispanic-serving institutions.

With regard to helping our low-income students go to college, we have increased TRIO and GEAR UP, which really do provide first generation college students the resources to enter and complete college.

With several universities in my district, we have increased the maximum Pell Grant, which will benefit millions of students which I know my district truly will benefit from.

On the issue of economic opportunity and a trained, skilled workforce, this bill reverses deep cuts in workforce training and requires the Secretary of Labor to provide a plan to address the huge dramatic disparities in unemployment in the African American and other communities of color.

We have increased, actually, by $100 million the Ryan White CARE Act, which, of course, is our HIV and AIDS funding.

Mr. WALSH of New York. Madam Chairman, I reserve my time.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM), who is really not celebrating her birthday on the same day as the Baltimore Orioles.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise in strong support of this bill, which makes needed investments in our family security and therefore our national security. I want to congratulate Chairman OBEY and Ranking Member WALSH for bringing forward a good bill, a bill that makes critical investments in America's families and in our country's future. This is my first year on the Appropriations Committee, and I am honored to have an opportunity to be part of this subcommittee.

The investments in this bill will affect every family in America. Today, we ensure our children have an opportunity for quality education, help families and students afford college, and increase access to community health clinics.

As Mr. OBEY says, this bill is about the country we want to be, and that is the country we deserve to be.

For too long the Bush administration has been negligent in its underfunding of education and health care, putting enormous strains on local governments, on schools and on local taxpayers. Today we move in a new direction by investing in families, prioritizing what matters: the education of our students, health care research in diabetes, cancer and heart disease, job training for those who are affected by our changing economy and for our returning veterans, energy assistance for our elderly, and early childhood education.

When we make responsible and necessary investments in our children and in our communities, we strengthen our families and we strengthen our Nation by ensuring our global competitiveness.

Once again, I thank Chairman OBEY for his leadership on the committee, for his commitment to strengthening America and bettering the lives of Americans.

Mr. WALSH of New York. Madam Chairman, I continue to reserve my time.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Madam Chairman, I thank the gentleman and I thank Mr. WALSH, the ranking member, for putting such a terrific bill together that is going to allow our Nation to compete in the global economy of the 21st century.

This bill makes investments in our kids, this bill makes investments in our workers, and this bill makes investments in American families. If our kids and our workers are healthy and educated, then we will be able to compete in the global economy.

I think it is important, just with this bill, if we look at what is going to happen next year when these investments hit, when students and workers are going to get a Pell Grant and it is $500 or $600 or $700 more for them. Tack that on to the education bill last week, where interest rates will be cut in half. Tack that on to the Energy and Water appropriations bill, where we are investing in our scientists and alternative energy research and we are creating new sectors of the economy so that we can compete in a global economy.

The anxiety that has been felt across this country over the last couple of years has been profound, and this bill helps address the challenges that American families have had. By reducing the cost of education, by making sure that we have community health clinics for people to go and take their kids, with the SCHIP program, this bill will have more to do with us being a competitive country in the next couple of decades, I think, than anything else we could possibly do.

So I would like to thank the chairman and ranking member and say that this is a bipartisan bill. This came out of the committee with the unanimous support of Democrats and Republicans, who agree that these investments needed to be made.

Madam Chairman, I want to thank the gentleman again and thank the Republicans for their support.

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Mr. WALSH of New York. Madam Chairman, I continue to reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Madam Chairman, I rise in strong support of the fiscal year 2008 Labor, HHS and Education appropriations bill that is before us today.

I would like to express my admiration and gratitude to Chairman OBEY and the members of the committee for bringing forward a bill that reflects our values and our commitment to investing in education.

As the chairman of the Higher Education Lifelong Learning and Competitiveness Subcommittee, I am pleased to see the significant increases for student financial aid, for GEAR UP and TRIO programs. These investments make a real difference, and they have not come a moment too soon.

Recent reports estimate that by the year 2025, just to keep pace with our international competitors, the United States would need to produce an additional 15.6 million college graduates. That translates to another 781,000 degrees per year. GEAR UP and TRIO help close the college awareness and readiness gap.

Pell Grants and campus-based student aid programs close the affordability gap. This legislation coupled with the recently passed budget reconciliation bill signal that we are serious about ensuring that our students have the education and the skills they need to compete.

As chairman of the Education Task Force for the Congressional Hispanic Caucus, I am particularly heartened to see the commitment in this bill to increase educational opportunities for Hispanic students. This legislation reverses the trend of the past of eliminating, cutting or at best flat-lining the key programs that provide the pillars of educational support to the Hispanic community. They include migrant education programs for English language learners, developing Hispanic-serving institutions, Even Start Family Literacy, GEAR UP, TRIO and adult education. Together, we call them the Hispanic education action plan.

In 2006, every single program in the Hispanic education action plan was reduced. Elections do make a difference.

For 2008, on top of the $1.5 billion increase to the core title I program in No Child Left Behind, we have over $212 million increases to the other programs, including a long overdue investment program for English language learners.

Mr. WALSH of New York. Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I rise in strong support of this bill. And in particular, I want to sincerely and deeply thank Chairman OBEY and Ranking Member WALSH on behalf of all New Yorkers and this Nation for providing the leadership to include for the first time much-needed money for the health care needs of the heroes and heroines of 9/11.

These rescue, recovery and cleanup workers selflessly rushed into the flames of 9/11 to save the lives of others. We lost 3,000 people on 9/11, but many thousands more lost their health. This bill includes $50 million for their treatment. This is the first time it has been part of an appropriations bill, and I deeply thank Chairman OBEY for working so hard to make this happen. In the past it has been tacked onto emergency spending and to the Iraq spending bill, but it is the least we can do to provide health care to these men and women.

Very importantly, the bill includes detailed language requiring the administration to develop and submit a long-term comprehensive plan to address these critical health needs. This is a tremendous step forward. I thank Chairman OBEY.

Mr. WALSH of New York. Madam Chairman, I thank the chairman of the committee. I have no further comments other than to say I enjoyed working with the chairman on this bill and his staff. I think we have a good work product here.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I yield myself the balance of my time.

Frankly, Madam Chairman, I was filibustering in hopes that the majority leader would arrive, but he is in the middle of a meeting and can't make it. So let me simply second the comments of the gentleman from New York. I think this is a good bipartisan product. I think we can work with the Senate to produce a bill which people on both sides of the aisle and both sides of the Capitol can support with pride.

Mr. WAXMAN. Madam Chairman, I write today in opposition to the Weldon amendment to the Labor/HHS appropriations bill. This amendment would prohibit appropriated funds from being used to administer thimerosal-containing flu vaccine in the 2008–2009 flu season to children under 3.

This legislation is strongly opposed by a number of public health groups including the American Academy of Pediatrics, the American Public Health Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, the Association of Maternal and Child Health Programs, and the Centers for Disease Control and Prevention (CDC). According to public health officials, this language would pose real risks to public health, particularly to the youngest children who are most susceptible to the serious complications from flu, including death.

The American Academy of Pediatrics, in their letter opposing this amendment, assures us that there is scientific evidence that "the thimerosal in influenza vaccine is not a danger to health." The Institute of Medicine examined all of the available evidence on the association between thimerosal-containing vaccines and autism. In 2004 the IOM issued a report that concluded that the evidence was sufficient to say that thimerosal-containing vaccines do not cause autism.

Since that time there has been no new compelling evidence that would change the IOM's conclusion. In fact, because thimerosal has been removed from all other pediatric vaccines, children in the last 5 years have received much less thimerosal than they had in the 1990s, and yet autism rates continue to go up, not down.

The practical impact of the bill would be that the demand for thimerosal-free vaccine would exceed current production capacity. While technically the bill would prohibit only the youngest children who get Vaccines for Children vaccine from getting thimerosal-containing vaccine, the reality is that the message Congress would be sending to all parents is that the thimerosal-containing vaccine is less safe than the thimerosal-free vaccine. It is likely that most, if not all, parents would demand thimerosal-free vaccine for all of their children.

There are simply not enough doses of thimerosal-free vaccine to meet that kind of demand and it is unlikely that there would be for at least several years. Vaccine companies are moving to increase the production of thimerosal-free vaccines, but doing so requires building new facilities, or expanding existing facilities, and then going through a new FDA approval process.

Furthermore, there is currently only one company with a licensed thimerosal-free product for children under 3. If that company experienced production problems or delays in its thimerosal-free product, this would leave us without any vaccine for this population.

Even if there were sufficient vaccine to immunize all children under 3 with thimerosal-free vaccine, we have a private vaccine distribution system and there would be no way to ensure that each dose of thimerosal-free vaccine would be matched up with a child under 3. In recent years there have been shortages of flu vaccine. In order to make sure that those most susceptible to the flu get vaccinated, CDC has asked that vaccine be given first to priority groups, including very young children, the elderly, health care workers, and people with certain illnesses. Unfortunately, we have seen that this has not worked very well. There is no reason to believe that the system would work any better to make sure that the thimerosal-free vaccine goes first to children under 3.

In fact, there is nothing that would prevent one state from buying up all of the thimerosal-free vaccine for its population leaving the rest of the country without vaccine for the youngest children. That could cost lives. These are the children who are most susceptible to the serious complications from flu.

I urge Members to consider that this language could harm those very children the authors are trying to help. By restricting their access to flu vaccine, they will not prevent a single child from getting autism, but they may expose children to the very serious risks posed by influenza.

Mr. MARKEY. Madam Chairman, I rise today in support of the Labor, Health, Human Services and Education Appropriations bill for Fiscal Year 2008. Overall, this is a very good bill, and I will vote for it. In this difficult fiscal environment, it provides funding for critical programs that have been starved by the Administration and the Republican Congress.

This bill provides significant increases for Education programs including resources for teacher quality, early education and after school programs, and it provides more for Low Income Home Energy Assistance. It also provides important resources for preventive health care, for the title IIV and title IIIV Health professions training programs, and for the Ryan White program.

While I will support the bill, I am very disappointed that we were not able to provide more funding for the critical work conducted at the National Institutes of Health. The NIH embodies our country's hope for treating or curing debilitating diseases like heart disease, Alzheimer's, cystic fibrosis, diabetes, cancer and so many other illnesses that American families battle every day. But scientific advances don't just occur by accident. They are the result of sustained investments in research. Unfortunately, since 2003, Republicans flat-lined the NIH budget, and NIH has lost 13 percent of its research funding when adjusted for inflation.

I was hopeful that this year we would be able to end that devastating trend and get the NIH budget back on track by providing the NIH with significant increases over the rate of inflation.

Although I am disappointed that we were not able to provide more for NIH this year, I look forward to working with the distinguished chair and the members of the Appropriations committee in the future to ensure that we provide our country's premier medical research institution with the funding it needs to find treatments and cures to our country's most devastating diseases.

Mr. SIMPSON. Madam Chairman, in accordance with House earmark reforms, I would like to place into the record a listing of Congressionally-directed projects in my home state of Idaho that are contained within the report to the FY08 Labor, Health and Human Services, and Education Appropriations bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the nation and its taxpayers.

The report contains $300,000 for the Literacy Matters! Program administered by the Lee Pesky Learning Center in Boise. The Literacy Matters! Program is aimed at educating new mothers on the importance of early childhood literacy and math skills and providing them with resources for educating their children. The funding is used to provide every mother of a newborn in Idaho with a book created by the Lee Pesky Learning Center that helps them with teaching early literacy and math skills. The books are distributed through Idaho hospitals and the program has been highly successful. This is the second year of federal funding for the program.

This project was requested by the Lee Pesky Learning Center in Boise, Idaho.

The report contains $300,000 for the Idaho Caring Foundation's program to provide dental services to low-income, uninsured children who would otherwise have no access to such services. The program will provide access to needed dental care for 600 low-income, uninsured children throughout Idaho. Eligible children will be identified by working in partnership with Idaho schools, health departments, Head Start programs, and YMCA programs. Dental services will be provided by over 90 dentists who are Caring Foundation providers, providing oral health services for reduced fees. Federal funding is only a portion of the total costs of the program. As a dentist, I understand the importance of proper dental hygiene at a very young age. Serious health and self esteem problems can quickly evolve if dental hygiene is neglected early in a child's development. This is an outstanding program that enjoys my complete support. This is the second year of federal funding for the program.

This project was requested by the Idaho Caring Foundation in Boise, Idaho.

The report contains $250,000 for the Discovery Center of Idaho's new facility. The funding will assist with efforts initiated by the Discovery Center and the J.R. Simplot Foundation to build a new model of a "hands-on" science center to captivate the attention of and inspire tomorrow's leaders and innovators. The 70,000 square foot Center will be founded on three core strengths, inspiring stories of innovation including Mr. Simplot's story, iconic collection of working steam tractors and DCI's expertise in igniting curiosity, through interactive science exhibits and programs. The center will be a resource for the region, with particular interest in serving rural areas to help break the myth that innovation is a new urban phenomenon—that ingenuity is found wherever and whenever an observant creative human being has a problem to solve. This is a tremendous opportunity to create a new approach to bridging the gap in science and technology education. The $250,000 federal investment is a very small portion of what is expected to be a $40,000,000 project.

This project was requested by the Discovery Center of Idaho in Boise, Idaho.

The report contains $200,000 for the College of Southern Idaho's Pro-Tech Training Program which partners with local agencies and companies to identify training needs in the community and provide for those needs by training talented Idaho students. The College partners with other agencies to identify training needs and to identify potential candidates for employment. The most recent of these ventures are the training programs that were established for Dell Computers and its call center in Twin Falls. In addition, data provided by Region IV of the Idaho Economic Development Agency indicate that manufacturing will be a leading employment area in the Magic Valley with over 250 new jobs expected over the next two years.

This project was requested by the College of Southern Idaho in Twin Falls, Idaho.

The report contains $200,000 for St. Luke's Hospital's Children's Health Services Expansion. The Children's Health Services Expansion project provides essential growth in capacity for Pediatric Medical/Surgical, Pediatric Intensive Care, Neonatal Intensive Care, Pediatric Oncology, and Pediatric Surgical Suites and support areas, to meet the needs of the rapidly growing population in the hospital's service area. The hospital is spending millions on the expansion and federal funds will represent only a small portion of the project's total costs. This is the fourth year of federal funding for this program.

The project was requested by St. Luke's Regional Medical Center in Boise, Idaho.

The report contains $200,000 for Teton Valley Hospital and Surgicenter's Revitalization Project. Teton Valley Hospital & Surgicenter, a 13-bed Critical Access Hospital, provides an emergency room and a full scope of primary care services to the residents in and around Teton Valley, a rural community of just over 7,000 residents, nestled against the Teton Mountains in Southeast Idaho and Western Wyoming. Its population has grown by more than 99% over the past 15 years, ranking it in the top two fastest growing counties in Idaho for the last six years. This population growth has seriously strained the resources of the hospital and necessitated the revitalization project. Federal funds represent only a portion of the project's total costs.

This project was requested by Teton Valley Hospital & Surgicenter in Driggs, Idaho.

The report contains $200,000 for Madison County Memorial Hospital. Madison County Memorial Hospital services a growing area encompassing five counties and quite simply has outgrown its facilities. Increased capacity for obstetrics (Madison County Memorial Hospital has more births than any other hospital of its size in the State of Idaho and possibly the nation) and inpatient and outpatient surgeries are needed. The size of this project is 70,000 sq. feet of new construction and 85,000 sq. feet of remodeling, with an overall budget of $49 million and an equipment budget of over $7 million. Federal funding will be used for necessary medical equipment for the expanded and remodeled facility and represents a very small portion of the overall funding for this project.

This project was requested by Madison County Memorial Hospital in Rexburg, Idaho.

The report contains $400,000 for a Community Detox Center in Boise, Idaho. The need for a detox facility is both pressing and longstanding. According to a 2002 study by Boise State University's Center for Health Policy, rates of drug and alcohol abuse are worse in the Treasure Valley than in the rest of Idaho. Over 17,000 individuals in Ada and Canyon Counties were deemed at-risk for substance dependence in 2000, and the region severely lacks beds for detox patients, particularly those on limited incomes. To fill this void, hospital emergency rooms are acting as de facto drug and/ or alcohol detox centers which adds to rising health care costs. The proposed facility is a 24-hour medically monitored alcohol and drug sobering station and 36-bed detox center for indigent patients treated by a professional, qualified staff. Typical stays for sobering will be 12 hours and typical stays for detoxification will be 5-6 days; following sobering and/or detoxification, patients will be referred to appropriate education and treatment programs.

This project was requested by the United Way of Treasure Valley in Boise, Idaho.

The report contains $200,000 for the Advanced Clinical Simulation Laboratory at Idaho State University. This funding will be used to develop an Advanced Clinical Simulation Laboratory (ACSL) to strengthen nursing education, practice and research in Idaho. The ACLS will enable students, faculty, and practice partners to become actively involved in clinical simulation learning and conducting research related to student learning, effectiveness of clinical education models and improving patient care outcomes. The ACSL will also provide a research and practice laboratory for nurse faculty and clinical educators to learn and update knowledge about clinical educational models and teaching with technology.

This project was requested by Idaho State University in Pocatello, Idaho.

The report contains $200,000 for Idaho SySTEMic Solution: Plant Early for STEM Learning (science, technology, engineering, and math) at Boise State University. Idaho SySTEMic Solution is a nationally relevant, hands-on, project-based STEM learning system (science, technology, engineering, and math) designed to spur achievement and confidence among elementary-age learners and their teachers. Key project components will include: (1) a comprehensive teacher training model that includes a one-week summer institute and ongoing site-based follow-up training to boost the ability and confidence of elementary teachers; (2) implementation into demographically diverse schools (grades 1–5/6, urban to suburban to rural, multicultural) of curriculum-aligned learning lab systems that have been shown to improve student scores in math, science, and technology; and (3) research and evaluation of results in accordance with Idaho and national assessment standards to maximize the effectiveness of transplanting this solution to other U.S. states.

This project was requested by Boise State University in Boise, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them: (1) $300,000 for Early Literacy Matters, Lee Pesky Learning Center; (2) $300,000 for Idaho Caring Foundation Dental Project; (3) $200,000 for Children's Health Services Expansion; St. Luke's Regional Medical Center; (4) $400,000 for Community Detox Center, United Way of Treasure Valley; (5) $200,000 for Advanced Clinical Simulation Laboratory, Idaho State University; (6) $200,000 for Idaho SySTEMic Solution, Boise State University; (7) $200,000 for Madison County Memorial Hospital Revitalization Project; (8) $200,000 for College of Southern Idaho Pro-Tech Program, College of Southern Idaho; (9) $200,000 for Teton Valley Hospital Revitalization Project, Teton Valley Hospital; (10) $250,000 for the Discovery Center of Idaho Expansion, Discovery Center of Idaho.

Ms. LINDA T. SÁNCHEZ of California. Madam Chairman, I strongly support this bill to fund the departments of Labor, Health & Human Services, and Education.

I commend Chairman Obey and his staff on their hard work and dedication in putting together a bill that addresses the most pressing needs of American families, including their health and safety and the education of their children. I especially thank the Chairman for his efforts to increase funding for school counselors. This bill provides over $61 million for school counseling programs, a 77% increase over last year's funding. This historic investment will expand counseling in middle and high schools across the nation.

School counseling is a profession often treated as an afterthought in school improvement efforts. But counselors play a critical role, especially in high schools. High school is a transition period into adulthood and the world of work. As students make this transition, many lose their way and drop out. But a good counselor can help a student find the right path. No matter how many credits a student is behind or how many personal challenges she might face, counselors can help students at risk develop a plan, access the right help, and graduate on time.

Individual attention and follow-up from a counselor can help turn around students' lives. Additional counselors, particularly at the middle and high school levels, will be instrumental in helping schools improve their graduation rates and achieve other goals of No Child Left Behind.

Again, I thank the gentleman for his commitment to the education of our young people, and I encourage all my colleagues to support this bill.

Mr. HONDA. Madam Chairman, I rise today to express my support for this bill and my deep appreciation for the leadership of Chairman OBEY in the crafting of this bill, the work of the committee staff, and the spirit of bi-partisanship that has marked our subcommittee and full committee proceedings on this bill.

Since being elected to Congress, I have worked hard to become a member of this committee and I find it especially gratifying to have had the opportunity to work on this bill. As Mr. OBEY is fond of saying, this is the people's bill. It funds the programs which are critical to the health and welfare of millions of my fellow Americans and I feel honored to be a part of taking this country in a new direction.

By rejecting the President's request that we cut critical labor, health, and education programs by $7.5 billion, and instead investing in targeted, carefully considered increases, this bill shows the American people Congress is serious about preserving and improving the social fabric of our nation.

Although I am disappointed that we were unable to more significantly increase the federal commitment to IDEA, I am glad that the committee protected the program from the President's proposed $291 million cut. I am particularly proud of the increases the bill makes to Title I—education for the disadvantaged, Title VII—health professions diversity programs, and CDC's Division of Viral Hepatitis.

The more than $4 billion increase in education funding contained in this bill is desperately needed if we are to continue to lead the world in the decades to come. Our students must have solid educational grounding to succeed in college but just as importantly, they must have the means to afford college. The $2 billion increase in Pell grants will go a long way toward making college a reality for many students.

As many of my colleagues know, I have been deeply involved in the effort to bring awareness to the problem of healthcare disparities. Communities of color suffer disproportionately from disparities in healthcare coverage, quality, and outcomes. The investments being made by this bill in Title VII Health Professions programs, particularly the increase in the diversity programs, are vital to increasing the pipeline of minority health professionals in underserved communities.

Finally, I would like to highlight the funding crisis that faces CDC's Division of Viral Hepatitis. The budget for this Division has remained almost flat since fiscal year 2002 and this has resulted in a serious curtailment of the Division's programs. There are an estimated 30 million people in the United States affected by a liver or liver related disease. Asian Americans face a near epidemic, with 1 out of 10 Asian American and Pacific Islanders infected with chronic hepatitis B. Included in the bill's 7.8 percent increase to the Centers for Disease control, is a $1 million increase for the Division of Viral Hepatitis. This appropriation begins a long overdue reversal of the inadequate budgets given to this Division since fiscal year 2002 and I would like to thank Chairman OBEY for acknowledging the need to rectify this situation.

Again, I would like to thank Chairman OBEY, Ranking Member WALSH, and all my other colleagues on the committee for their hard work and urge my colleagues to support this legislation.

Mr. OBEY. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998 ("the Act"), and the Women in Apprenticeship and Nontraditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act, $3,579,530,000, plus reimbursements, is available. Of the amounts provided:

(1) For grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 is available for the period July 1, 2008, to June 30, 2009, and of which $712,000,000 is available for the period October 1, 2008, through June 30, 2009.

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008, through June 30, 2009.

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 is available for the period July 1, 2008, through June 30, 2009, and of which $848,000,000 is available for the period October 1, 2008, through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act (29 U.S.C. 2863(B)(4)), up to 30 percent of such funds may be transferred by a local board if approved by the Governor.

(2) For federally administered programs, $483,213,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $2,600,000 is available on October 1, 2007, of which $67,492,000 is available for the period July 1, 2008, through June 30, 2009, and of which $212,000,000 is available for the period October 1, 2008, through June 30, 2009: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the Act (29 U.S.C. 2862(A)(2)(a)) may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the Act (29 U.S.C. 2916 (d)) may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent' workers: *Provided further*, That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act.

(B) $56,381,000 for Native American programs, which shall be available for the period July 1, 2008, through June 30, 2009.

(C) $83,740,000 for migrant and seasonal farmworkers under section 167 of the Act (29 U.S.C. 2912), of which $78,740,000 is for formula grants (of which not less that 70 percent shall be for employment and training services) and $5,000,000 is for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), which shall be available for the period July 1, 2008, through June 30, 2009.

(D) $60,000,000 for YouthBuild activities under section 173A of the Act (29 U.S.C. 2918a), which shall be available for the period April 1, 2008, through June 30, 2009.

(E) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), which shall be available for the period July 1, 2008, through June 30, 2009.

(3) For national activities, $101,807,000, which shall be available for the period July 1, 2008, through July 30, 2009, as follows:

(A) $68,746,000 for ex-offender activities, under the authority of section 171 of the Act (29 U.S.C. 2916), notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of such section, of which not less than $48,000,000 shall be for youthful offender activities.

(B) $28,140,000 for Pilots, Demonstrations, and Research (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the Act (29 U.S.C. 2916(b)(2)(B) or (c)(4)(D)), of which $10,000,000 shall be for grants to address the employment and training needs of young parents.

(C) $4,921,000 for Evaluation under the authority of section 172 of the Act (29 U.S.C. 2917).

AMENDMENT OFFERED BY MR. MC KEON

Mr. McKEON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McKEON:

Page 2, line 13, after the dollar amount, insert "(reduced by $43,746,000)".

Page 5, line 18, after the dollar amount, insert "(reduced by $43,746,000)".

Page 5, line 21, after the dollar amount, insert "(reduced by $43,746,000)".

Page 6, line 1, after the dollar amount, insert "(reduced by $48,000,000)".

Page 63, line 4, after the first dollar amount, insert "(reduced by $8,484,000)".

Page 77, line 6, after the dollar amount, insert "(increased by $75,000,000)".

Page 77, line 7, after the dollar amount, insert "(increased by $75,000,000)".

Page 87, line 5, after the first dollar amount and after the second dollar amount, insert "(reduced by $22,770,000)".

Mr. McKEON (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Madam Chairman, my amendment would restore much-needed funding to the highly successful Reading First program.

In 2001, Members of both parties committed to implementing scientifically based reading instruction, through Reading First, as the foundation of an effort to provide a high-quality education in every school. Six years later, it is clear that the program is working, but not without some internal challenges.

Indeed, Reading First has received a great deal of attention over the last several months, and for good reason. An investigation into the program by the Department of Education's Inspector General uncovered real problems in the agency's implementation and management of the program. And the Education and Labor Committee has followed with appropriate, thorough, and bipartisan oversight to ensure that those problems are addressed.

In spite of this, we have heard from the majority that it intends to cut some $600 million from this program, roughly 60 percent of its overall annual budget, until problems identified by the Inspector General have been addressed. That's particularly interesting since these problems have been and are being addressed both by the Department of Education itself and through proposed legislation.

Since last September, the Department has responded to the investigation of its Inspector General and to our committee's oversight of Reading First by making a number of significant changes to improve the administration of the program. In fact, at the committee's oversight hearing of this program, the Inspector General acknowledged that the Department has accepted his recommendations and begun implementing them to reform the program.

Among the steps taken by the Department in the wake of this investigation include: Replacing the internal Reading First program management; reconstituting a key peer review panel used in the program to ensure fairness and more openness in its review processes; and providing additional guidance to contractors and subcontractors to enhance the objectivity and effectiveness of their services.

In order to codify many of these recommendations made by the Inspector General and reform steps taken by the Department earlier this year, I joined my committee colleague, Mr. CASTLE, in introducing the Reading First Improvement Act. Instead of slashing funding for this highly successful program, I call on my friends on the other side of the aisle to enact this legislation to ensure permanent and longstanding reform to Reading First.

To date, the bill has seen no action, not in subcommittee, not in full committee, and not on the floor. To think that we are cutting this program's budget by more than 60 percent when a measure to reform it is sitting right before us demonstrates how truly politically driven the majority's actions are on Reading First and continue to be.

Nonetheless, it is clear to any fair-minded person that the management problems of Reading First are in the past. What is equally clear is that Reading First, despite past problems, has been an unqualified success for the students it is intended to serve. Indeed, my friend, the distinguish chairman of our committee said during our oversight hearing of Reading First earlier this year, "The purpose of this hearing is not to evaluate the effectiveness or strengths or weaknesses of the Reading First program. I support the Reading First program, as do many of my colleagues on both sides of the aisle."

Statistics bear out the chairman's and my own continued support for Reading First. For example, data released earlier this year shows that in Reading First schools, the percentage of first graders meeting or exceeding proficiency on fluency outcome measures increased by 14 percentage points, from 43 to 57 percent, from 2004 to 2006, with the percentage of third graders increasing by 7 percent during the same period of time.

And a 2006 Center on Education Policy survey found that 97 percent of school districts which reported increases in student achievement indicated that Reading First was a key reason for this progress.

Madam Chairman, rather than taking into consideration this data and the improvements that the Department has made in its implementation of Reading First, the majority has decided it is better to make a political statement against the administration than to provide the critical resources needed to continue to address the needs of our most disadvantaged young students.

By finding some $75 million in savings through reducing administrative costs at the Department of Health and Human Services and implementing programs for prisoners that the President did not request funding for, while keeping intact his faith-based prisoner reentry initiative, my amendment restores some of these resources.

I urge my colleagues to join me in supporting this amendment.

Mr. OBEY. Madam Chairman, I rise to oppose the amendment.

Madam Chairman, I have a great deal of respect for the gentleman who just offered the amendment, but I have to say this is exactly the wrong thing for the Congress to do at this time.

The gentleman's amendment tries to restore $75 million to probably the most troubled program in this bill. As the gentleman has indicated, we have had six different audits by the Office of Inspector General. He has discovered that the Department of Education tried to steer billions of dollars in Reading First funds for the purchase of certain reading textbooks and assessments in order to benefit favored publishers and individuals. I don't think the Congress ought to stand for that.

I would also point out that the OIG found out that the Department of Education administrators improperly promoted commercial reading programs in potential violation of Federal law. And this did not just occur in my own State, as I mentioned earlier in my remarks, it occurred in Illinois, Kentucky, Maine, Massachusetts, New Jersey. States in districts with programs that were not on the Department's preferential list were either rejected for grants or pressured to change their methods, even though some argued, as did my own State, that their programs met the law's standard.

What is most ironic is this is supposed to be a peer reviewed program, and yet the programs that have demonstrably shown the best performance levels were frozen out of the program, including Bob Slaven's program at Johns Hopkins that has generally been reviewed as one of the best in the country. Yet, they were virtually invited out the door by the DOE.

In addition to the fact that we certainly should not be rewarding the administration for the way they have handled this program, the gentleman seeks to finance this program by taking $43 million out of job training for ex-offenders. We cannot afford to have criminals reentering society with inadequate job training that provides them with incentives to renew their lives of crime.

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We need to provide as much training as possible, and the gentleman scales that back dramatically.

And, lastly, I must confess I'm a bit confused. In the full committee, I accepted an amendment from Mr. PETERSON, a valued member of our subcommittee, who wanted to add $25 million for vocational education above my mark. I accepted it because I thought he made a good case. Now we're being asked to take out $23 million of the money that Mr. PETERSON successfully added in the subcommittee. I don't think that's a wise thing to do.

There will be plenty of time in conference to restore funding for Reading First, provided that the administration and provided that the agency demonstrates that it's shaped up and it's no longer following the same habits. But at this point, you have the same contractors still in place, you have the same conflicts still at large, and I don't think under these circumstances that this Congress wants to support the kind of shenanigans that we've seen in that Reading First program. And, on behalf of the integrity of the taxpayers' dollar, I would urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Of the amounts made available under this heading in Public Law 107-116 to carry out the activities of the National Skill Standards Board, $44,000 is rescinded.

Of the unexpended balances, including recaptures and carryover, remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2006 and prior years, $335,000,000 is rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008, through June 30, 2009.

Mr. MCKEON. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCKEON. Madam Chairman, I would like to engage the chairman of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies in a colloquy.

Mr. Chairman, I appreciate all your efforts in bringing this bill forward and thank you for your continued support of the Nation's chartered schools, which increase the academic achievement of our Nation's most low-income students. I wanted to clarify the committee's intent to fund the Credit Enhancement for Charter School Facilities program, which received $36.6 million last year. This year, the committee chose to increase funding to the Charter School Grant program and folded the Credit Enhancement for Charter School Facilities program into this larger program.

Charter schools are public schools created by teachers, parents and other community stakeholders to educate students of all backgrounds and educational abilities. In exchange for greater accountability for student achievement, these schools are free from many local and State regulations. This flexibility and accountability has allowed individuals with nontraditional backgrounds to create cultures that have made charter schools top academic performers, often in some of the Nation's largest urban centers. Because of this unique approach to education, demand for these schools has been remarkable over the last decade.

Unlike other local school districts, however, public charter schools cannot levy property or other taxes for building and infrastructure. Thus, public charter schools must pay for their facilities from their operating budgets, which are smaller than those received by their conventional K-12 peers. In fact, locating suitability facilities remains the greatest challenge faced by charter schools.

The Credit Enhancement for Charter School Facilities program provides vital assistance to help charter schools meet their local facility needs. Under this program, funds are provided on a competitive basis to public and nonprofit entities, and consortia of those entities, to leverage other funds and help charter schools obtain school facilities through such means as purchase, lease and donation. Grantees may also use grants to leverage funds to help charter schools construct and renovate school facilities.

Was it the intent of the chairman to continue funding for the Credit Enhancement for Charter School Facilities program, as part of the Charter School programs and at their fiscal year 2007 levels?

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding and for his question.

Yes, it was our intent to fund both the Credit Enhancement for Charter School Facilities program within the larger Charter School Grant program at their fiscal year 2007 levels, not to eliminate the credit enhancement program. We consolidated the programs for administrative efficiency and fully expect the Secretary of Education to continue funding for existing charter school programs from this single line item.

Mr. McKEON. Reclaiming my time, I thank the gentleman for his clarification and again appreciate his continued support for charter schools.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $85,945,000, together with not to exceed $3,256,669,000 which may be expended from the employment security administration account in the Unemployment Trust Fund ("the Trust Fund"), of which—

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8525 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008, shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $23,203,000, together with $702,680,000 from the Trust Fund, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008, through June 30, 2009;

(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $52,985,000 is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008, through June 30, 2009; and

(6) $9,757,000 is to provide for work incentive grants to the States and shall be available for the period July 1, 2008, through June 30, 2009:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated unemployment insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

Mr. HONDA. Madam Chairman, I would like to engage in a colloquy with both the chairman and ranking member on a recent CMS proposed national coverage decision on ESAs.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Madam Chairman, I'd like to thank the chairman and ranking member for this opportunity.

The Centers for Medicare and Medicaid Services, CMS, has proposed a national coverage decision memorandum for the use of erythropoiesis stimulating agents, ESAs, in cancer and related neoplastic conditions. Recent concerns have been raised by both CMS and the Food and Drug Administration about the use of ESAs in treating anemia that results from chemotherapy.

The FDA is currently conducting its own scientific review of the issues. These concerns may be valid for many patients treated with ESAs, but as the FDA noted, they do not apply to all individuals treated for chemotherapy-induced anemia or bone marrow failure diseases.

I would ask the chairman to work with me during conference to preserve the Senate language requesting that CMS delay finalizing the proposed decision memo for ESAs for non-renal disease indications until after the FDA has completed its current scientific review.

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Chairman, I understand the gentleman's concern, and I'm surprised that CMS would consider issuing a final decision when the FDA has not completed its scientific review. I would certainly be happy to work with the gentleman during conference on the issue.

Mr. WALSH of New York. Madam Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from New York.

Mr. WALSH of New York. Madam Chairman, I'm also concerned about the matter raised by the gentleman from California. I understand that the Senate Appropriations Committee has included some language dealing with this issue in its committee report. I can assure the gentleman that we'll continue to work on this matter as we conference the bill.

Mr. HONDA. Thank you. I thank the chairman and ranking member.

Madam Chairman, I yield back my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $40,000,000 from the employment security administration account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the fiscal year 2008, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of claimants assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,451,000, together with not to exceed $82,049,000, which may be expended from the employment security administration account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $142,925,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $434,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with section 3302 of title 31, United States Code, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

AMENDMENT OFFERED BY MR. KLINE OF MINNESOTA

Mr. KLINE of Minnesota. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLINE of Minnesota:

Page 13, line 23, after the dollar amount, insert "(increased by $2,016,000)".

Page 25, line 22, after each dollar amount, insert "(reduced by $3,000,000)".

Mr. KLINE of Minnesota. Madam Chairman, my amendment is very simple.

The committee bill cuts the Office of Labor Management Standards, known as OLMS, down to fiscal 2006 levels. My amendment would restore just over $2 million to get this enforcement agency back to its fiscal 2007 level. To offset the increase for OLMS, we have reduced the International Labor Organization earmark from the International Labor Affairs Bureau by the requisite amount.

What is OLMS and why I am taking to the floor of the House to make a $2 million adjustment in this small agency? That's a fair question.

Without this amendment, the OLMS will have to cut staff. OLMS is the agency within the Department of Labor's Employment Standards Administration that enforces the Labor Management Reporting Disclosure Act of 1959. This Federal statute was championed by then-Senator John F. Kennedy and enacted as an outcome of the McCollum hearing on labor racketeering.

Then-Senator Kennedy knew, as we affirm today, that rank-and-file union members deserve the right to know how their unions were spending and investing their members' dues money; that their unions' books were clean; and that elections for union officers would be fair and free of intimidation or scandal.

Do labor unions need a government watchdog? Apparently so. Since 2001, OLMS has helped obtain 750 convictions and restitution of over $70 million for union members in criminal cases of embezzlement and election irregularities.

Some of my colleagues may dismiss these monetary results as just small change compared to the billions of assets held by labor unions, but they miss the point. Stealing from your fellow union members is against the law, regardless of whether the theft is $10,000 or $100,000. And anywhere in the country but Washington, D.C., $10,000 is a lot of money.

OLMS functions like the Securities and Exchange Commission for labor unions. Why should rank-and-file union members not be protected in the same way as individual shareholders of corporations? Senator Paul Sarbanes agreed. During the debate on the Sarbanes-Oxley legislation in 2002, he argued that if union financial disclosure and accountability was already required by law and wasn't being funded, he suggested that the Department of Labor request the money from Congress.

Madam Chairman, DOL is not only being denied the increase it asked for; it is being cut to the bone. Federal law requires financial transparency and disclosure from corporations, pension plans, lobbyists and Members of Congress. Why would we not enforce the one law on the books that enables rank-and-file union members to review the financial expenditures of their unions?

I find it ironic, Madam Chairman, that the House Financial Services Appropriations Subcommittee provided $3.1 million over the administration's budget request for the SEC, while OLMS was being cut below fiscal year 2007 levels. Clearly, we put a high priority on corporate accountability. We need to put the same high priority on union accountability.

Although this is a modest amendment, it will enable this enforcement agency within the Department of Labor to maintain its audit program and other activities under the Labor Management Reporting Disclosure Act. I cannot believe that this House would say to union members throughout America that we do not support your right to know and your right to union integrity.

I urge all Members to vote for this amendment.

Mr. OBEY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Let me say simply say, Madam Chairman, that the fund that the gentleman seeks to increase has been increased by 33 percent in terms of resources just over the last 4 years, and staffing for that same agency has been increased by over 25 percent. That is hardly starving an agency.

I would also point out that at the same time you've had those large increases, the wage and hour division, which is supposed to enforce protection for workers on minimum wage, overtime and child labor laws, will have seen its staffing drop by over 12 percent since 2001, and the staff level at the Office of Federal Contract Compliance, which protects workers from unfair employment practices by Federal contractors, will have dropped by 23 percent.

So it seems to me that what the gentleman's amendment does is to enrich the one portion of the Labor Department which has been doing very well, thank you, and they have been doing very well while other portions of the Labor Department that are supposed to focus on protecting workers have, in fact, been starved.

The Department's own budget justifications for the large increase that they've requested states that the acceptability rate for unions in meeting labor management reporting and disclosure reporting requirements is at 96 percent.

□ 1730

The goal for fiscal 2008 is to raise this to 97 percent. I'd say if you are getting 96 percent, that's an A. At least it was when I went to school. Things may have changed since then.

Let me also say that the place that this funding was taken from, in order to finance this increase is especially pernicious. The administration itself has asked for an 81 percent reduction in the International Labor Account. That is the program that is used in order to protect workers from having to compete against slave labor and child labor.

I don't think that you help workers by weakening that program. We are simply trying to restore funding in that program that the President cut, and I urge a "no" vote on the amendment.

Mr. McKEON. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. McKEON. Madam Chairman, I rise in support of Mr. KLINE's amendment to restore funding for the Labor Department's Office of Labor Management Standards to its fiscal year 2007 level.

A column published in Wall Street Journal's Opinion Journal noted today that Congress has added $935 million to President Bush's fiscal year 2008 budget request for the Department of Labor. Within that budget increase are individual funding increases for every single enforcement agency within the agency; that is, except for one.

The appropriations measure before us cuts the Office of Labor Management Standards' budget $2 million below its fiscal 2007 funding level and more than $10 million below the President's budget request for the office this year.

Identifying OLMS as the only enforcement office at the Department of Labor to have its budget cut is significant. In fact, it was clearly singled out by design.

Why? Perhaps it's because the office has had such great success in protecting rank-and-file union members. Consider this, since 2001, OLMS has helped obtain over 750 convictions and restitution of over $70 million in criminal cases of embezzlement, election irregularities and violations of union members' rights.

Last week, for example, a union financial secretary in Michigan pleaded guilty to falsifying union reports. Earlier this year, a former union president in Texas was sentenced to 6½ years in prison for embezzling dues paid by hard-working union members. These are the types of results Congress expected when it passed the Labor Management Reporting and Disclosure Act of 1959.

This law makes clear that a union member must have access to union financial records and has the right to recover misappropriated union assets on behalf of the union when the union fails to do so itself.

Nearly 50 years later, and with more than 15 million American workers contributing a portion of every paycheck they earn to labor organizations, we should demand nothing less than what we demanded in 1959. Indeed, Congress expects the Securities and Exchange Commission to protect the interests of shareholders, and so too must we expect the OLMS to protect the interests of rank-and-file union members.

The amendment before us would restore $2 million to the OLMS budget, bringing it back to the fiscal year 2007 level and ensuring it has the resources its needs to safeguard union transparency and accountability. Indeed, if my colleagues believe, as I do, that transparency is the key protection against financial misconduct, then we should take OLMS off the political chopping block by restoring its funds.

I thank my Education and Labor Committee colleague, Mr. KLINE, for offering the amendment.

I urge my colleagues to join me in support of it.

Mr. KENNEDY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Madam Chairman, I find it very ironic from the other side that they are so outraged about these cuts. This is an account within the Department of Labor that has seen a 33 percent increase over the last several Congresses, a 33 percent increase within this specific account of the Department of Labor.

Now let's put that in perspective to what the Republicans put into other accounts within the Department of Labor. I seem to recall the International Child Labor Inspection in the last several Congresses was cut repeatedly over the last several Congresses, up to 87 percent.

This is the International Labor Organization's duty to oversee child labor standards to ensure that our competitors are not using children in the conduct of labor when competing with us and our manufacturing process. Yet it was good enough for us to cut 87 percent of the inspection for child labor, but good enough for us to increase the 33 percent.

Now we hear a complaint that somehow it's not good enough for us to just, since the account has done very well, to just keep it as it's going. Now there is a big outrage about this.

I might add, where was the outrage when the 12 percent cut was for the wage and hour department? Where was that? I didn't hear any outrage. Where was the outrage for the compliance for the contractors? I didn't hear any outrage for that.

It's just interesting, when we hear these complaints about where the cuts are, let's find out where the priorities really are. I think we are hearing them. They are not with the children and child labor. They are not with the workers and the wage and hour inspections, and they are not with the contractors and making sure that they are protected on the job.

They are here going after, once again, people who are trying to earn a living. I think that's a very clear set of priorities in this Department of Labor account.

Mr. PUTNAM. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. PUTNAM. Madam Chairman, I think the gentleman from Rhode Island must have misspoken when he said we were here to "go after the workers."

I want to commend the gentleman from Minnesota for sponsoring this amendment which, to the contrary, seeks to protect American union dues-paying workers.

We live in an era of instant information, almost universal access to information. We are in a period, a legislative period on the heels of Sarbanes-Oxley, which brought unprecedented new auditing requirements and penalties for noncompliance for publicly traded companies.

We live in a legislative era of McCain-Feingold, which brought unprecedented penalties, accountability, auditing to public office holders who accept campaign contributions to seek elective office, but then have to disclose to a greater detail than ever before, and subject to greater limits than ever before, for the sole purpose of having the public understand who was supporting that particular campaign.

So in this era, in this trend of greater openness, greater accountability, easier access for the public to be able to understand how their money is being spent, and who is the money behind individuals, behind candidates, behind corporations, enter the Democratic appropriations bill which guts the ability for America to understand who is behind the money in big labor and how are individual hard-working chemical workers', steelworkers', teachers', manufacturers' dues being spent by those public unions and private unions?

Here is an amendment that takes the level of this agency's funding. It doesn't freeze it, it doesn't cut it by single digits. It takes it all the way back to the 2006 level and is a 20 percent cut.

My friend and colleague from Minnesota seeks to correct that situation by replacing the money that otherwise would be going to a United Nations organization and puts it to help American workers. American taxpayers understand how American union dues are being spent.

This agency has a proven track record. It gets results. This amendment allows it to continue on that path of auditing and getting results so that they can do better than the 4½ percent audit rate, which was all they were able to muster under the existing funding levels that they had been enjoying.

Union members have a right to know how their dollars are being spent. Union Members have a right to know how their dollars are being spent, and clearly the curiosity is there. There is a proven track record of them seeking to know how their dollars are being spent.

In fact, there were over 760,000 hits on the OLMS Web site just for that purpose, an average of over 2,100 hits per day for people seeking the information that will not be available at the desired rate and at the desired accuracy if this amendment is not adopted. It is critical that we adopt the Kline amendment so that hard-working men and women across America can see how their hard-earned dollars are being spent.

Why, in this era of greater openness, for political candidates, for executives, for publicly traded companies, why in this era of ever more complicated regulations, ever more detailed tax returns, are we letting unions off the hook? There is a trend here.

It began on this House floor over great resistance on this side of the aisle, rolled back fundamental privacy, the fundamental right to a secret ballot that hard-working union members had been enjoying, that hard-working Americans had been enjoying when they decided they want to unionize. Here we find ourselves today taking an additional step, and it's wrong.

Adopt the Kline amendment.

Mr. RYAN of Ohio. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. RYAN of Ohio. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. Let me just say to the gentleman from Florida, I find it curious that he says he is standing up for workers, because he must not recall his party gutting workers' overtime pay. I don't know whether he recalls that his party was for flex time.

Make sure every worker out there understands the Republican Party passed flex time. That means that your overtime pay, America, is gone. They passed it. They are not for working people. They said, if you work overtime, that it wasn't counting as overtime pay, and that that overtime pay towards your pension didn't get calculated to your overtime pension. So don't say you are on the side of workers.

I suppose that when you were for OSHA reform, that you are for workers, right? Reform in your view meant inspection was voluntary. That's really standing up for workers, making it so that the employer, all they had to do is, you know, check their own book to say whether they were protecting workers' heads or not from scaffolding or for those chemical plants that you mentioned, whether they were safe or not.

They didn't have to worry about covering their tracks. They didn't have any tracks to cover any more under your bill for OSHA reform. As far as other bills, NLRB, forget it. You guys threw that out the window with the TEAM Act. There is no negotiating for unions.

So don't stand up here and talk about how you guys like to protect workers under this phony premise that you want to see more transparency and compliance. That's just a lot of hogwash.

In terms of international labor standards, if you don't understand the connection between slave labor abroad and workers here at home, I am sorry, you don't understand globalization.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members to direct all comments to the Chair, please.

Mr. KENNEDY. If the gentleman doesn't understand, through the Chairman, doesn't understand the comparison between children working overseas, fighting, working to try to manufacture products that are going to compete against our unionized workers here at home or our manufacturer workers, whether they are unionized or not, if he doesn't understand that they are competing against one another, I can't explain it to them.

If he can't understand and grasp that it's in our interest to make sure that our competitors don't use children that are being paid pennies on the dollar while our moms and pops are having to compete against them with minimum wage standards, I can't explain it to him. If he doesn't understand that, it's hard for me to give him an economics lesson that they are competing in a global economy that has transparency of products thanks to these trade agreements.

□ 1745

Mr. RYAN of Ohio. I thank the gentleman from Rhode Island. And I also find it a bit peculiar that our friend from Florida, being from Ohio, we disagree on our favorite college basketball team, we disagree on our favorite college football team, so it is not a real surprise that we are going to disagree here. But I find it peculiar that he was saying that he was trying to support the workers. And I wish he would remember the vote on the minimum wage when he and the leadership of his party were consistently trying to prevent us from passing the minimum wage to help the American worker.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. I thank my friend from Minnesota for bringing this issue forward. Madam Chairman, this is an extremely important issue, and I think it is important that we bring the debate back to the actual amendment.

The amendment addresses the issue of funding for the Office of Labor Management Statistics, and that agency is the only agency of the government that is devoted to protecting the interests of dues-paying union members, the only one.

The funding in last year, fiscal year 2007, was about $47 million. Funding proposed for this year is about $45 million. It is a cut of about $2 million. That is a cut. Not the cut that we have heard explained in other bills that were reductions in the increase; it is a cut. The President felt so strongly about this and felt so strongly about the success of this agency that he recommended an increase to $56 million. So this proposal by the majority party is a decrease of $11.1 million from the President's request.

Now, it is curious the arguments that we are hearing on the other side. They have increased spending virtually across the board for every single agency except for this one, and this is the one that provides the enforcement for the Department of Labor. I have supported many appropriate reductions, there is no doubt about it, as we have moved through these appropriations bills, but I believe strongly that there is a message that is being sent in this cut that is being proposed by the majority party, and that message is that it is imperative that the debt that they owe to union bosses be paid.

And why do I say that? This is an agency that has significant results. Since 2001, the indictments resulting from investigations by this agency have increased by 20 percent. Now, why would we want to decrease funding to an agency that is showing success in protecting dues-paying workers? Convictions have increased by 26 percent and the courts have ordered restitution of over $70 million in union members' dues that were stolen, stolen by union officials. That sounds like a project that would merit support by the majority party, but, as my good friend from Florida just said, it is clear that this is a trend that we are seeing by this new majority party, and that is that the protection of the rank-and-file worker is not what they have an interest in. And that was demonstrated clearly with the card check issue which, as he mentioned, took away the sacrosanct right of a secret ballot in union formation in this Nation. The majority party said, no, that wasn't important, that individuals ought to be exposed to the kind of intimidation that we see on both sides, both the employer and the union side.

So, Madam Chairman, I guess it ought not be surprising that we see this included in the current bill, but it is disappointing. There is no doubt that it is disappointing. Because, again, we have an agency of the Federal Government, the Office of Labor Management Statistics, which is getting results, which is fulfilling its mission, which is fulfilling its charge, which is fulfilling its responsibility to the American people and to this Federal Government, and this new majority proposes to significantly cut the amount of funding to the agency. I think it exposes a flaw in the thinking of the majority party and, hence, this general statement that we are the only individuals for working people. In fact, tax cuts are for working people. In fact, decreasing spending at the level of the Federal Government is for working people. In fact, not passing the largest tax increase in the history of our Nation is for working people.

So we stand proudly and honorably before the American people and say that the party that stands in favor of working people is the party that is most responsible with Federal spending. It is the party that holds to account Federal agencies. This Federal agency, this office is accomplishing its goal, it is accomplishing its mission, and so it ought not be one that we cut. There are certainly others that are available to be decreased. I urge support of the Kline amendment and ask all my colleagues to support it.

Mr. MARCHANT. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. MARCHANT. I yield to the gentleman from Minnesota.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

There are a couple of points I would like to address. It has been an interesting debate, as these things often turn in to be. We have heard the gentleman from Rhode Island say that this base bill just keeps it going presumably at the current level. And, as we have already heard established, this is in fact a $2 million cut, $11 million below the President's request.

The gentleman from Rhode Island is right, though, when he talked about this being about people checking their own books and covering their tracks. That is exactly what this is about. He was talking about perhaps corporations, and we have already talked about increasing the money to provide oversight and law enforcement for corporations. But this is about unions. This is about American workers.

We have looked at the money percentage cut/percentage increase. We have already confirmed that this is a $2 million cut, as my colleague from Georgia says. And I just find it interesting, looking at the figures here, we have added $935 million to President Bush's fiscal year 2008 budget request for the Department of Labor, and within that budget increase are individual funding increases for every single enforcement office within the agency except this one, this one whose job it is to make sure that union leaders who are misbehaving are not able to just check their own books and cover their tracks. Somebody else has got to hold them accountable.

And this embezzlement is not restricted to one or two people in one or two States. We have examples over the last 3 or 4 years of misconduct by union leaders in 48, at least, of the 50 States. A couple of examples here might be relevant.

Looking at the neighboring State of Wisconsin, on September 21, 2006, in the United States District Court for the Eastern District of Wisconsin, Felix A. Robinson, former president of the Industrial Division of the Communication Workers of America, Local 84101, pled guilty to one count of embezzling union funds. The guilty plea followed investigation by the OLMS Milwaukee district office.

Sad to say it happens in my own State. On February 22 of this year, 2007, in the United States District Court for the District of Minnesota, Catherine Bronson, former business representative for Hotel and Restaurant Employees Local 21 in Rochester, Minnesota, was sentenced to 180 days of home confinement.

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. MARCHANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Could the gentleman tell me, have there been any more labor leaders indicted lately than Members of Congress?

Mr. MARCHANT. Reclaiming my time, Madam Chairman, I yield to the gentleman from Minnesota.

Mr. KLINE of Minnesota. We have pages and pages of examples. Let me just give another one so that my colleagues and the workers of America understand that we are talking about misbehavior, illegal behavior on the part of people who have the responsibility for taking care of their union dues.

November 7, 2006, in the United States District Court for the District of Minnesota, Timothy J. Pulvermacher, former financial secretary for USWA Local 9444 pled guilty to embezzling union funds.

January 8, 2007, Kathryn Stark, former office manager for IBEW Local 31 was sentenced to a 6-month confinement.

Why? Because they are abusing their union members. They are stealing from them. And this is the only office that has the responsibility and authority for holding them accountable.

So we can debate for all day, I suppose, who is for the worker and who is not for the worker and whether the tax cuts are good for the worker. We certainly believe they are on this side of the aisle. But that is not what my amendment is about. My amendment is about making sure that the office who has the responsibility for holding union leaders accountable for their workers' funds has the staff it needs to do the job.

The base bill, cutting $2 million would force that office to cut staff members, the very people who conduct the investigations and bring these people to justice.

Again, I encourage all of my colleagues to support this amendment which supports the union workers of America and holds those who misbehave accountable. And I thank the gentleman for yielding.

Mr. WILSON of South Carolina. Madam Chairman, I rise today in support of the amendment introduced by my friend Mr. KLINE of Minnesota, a dedicated U.S. Marine veteran, which restores much needed funding to the Office of Labor Management Standards (OLMS). I applaud Representative KLINE's continued efforts to draw attention and support to this very important issue, and I appreciate his dedicated leadership in this area.

This straightforward amendment would add $2 million to the current legislation and restore funding for OLMS to its fiscal year 2007 levels. This addition would also enable the agency to hire 13 full-time employees.

The Office of Labor Management Standards plays a vital role in administering and enforcing provisions of the Labor-Management Reporting and Disclosure Act of 1959, LMRDA. This bipartisan law was enacted by Congress to ensure standards of democracy and fiscal responsibility in labor organizations representing employees in private industry.

When enacting the LMRDA, Congress expressed that union members and the general public would benefit by having access to information about labor unions. As a result, each union subject to LMRDA is required to submit annual financial reports to OLMS. This public accountability is achieved through the filing of LM–2 forms. Millions of working Americans have a portion of their paychecks given to labor organizations, and they deserve to know where their hard-earned money is going.

According to a September 2006 Wall Street Journal article, up to 60 percent of labor organizations' budgets are going to PAC contributions and lobbying activities. In one instance, only 36 percent of the funds actually went to representing union members in labor negotiations.

There is a high level of demand for this information. In fact, between May 2006 and May 2007, there were 767,908 hits on OLMS's website. That's an average of about 64,000 per month and over 2,100 per day.

Again, I am pleased to recognize the important work of the Office of Labor Management Standards, and I urge members to support this amendment.

Mr. MARCHANT. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KLINE of Minnesota. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

The Clerk will read.

The Clerk read as follows:

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 is rescinded.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

Ms. ROYBAL-ALLARD. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Chairman, during the full committee markup of this bill, an amendment was added that would prohibit the use of Federal funds for administering thimerosal-containing influenza vaccines to children under 3 years of age. While I respect the good intentions of the author of this amendment and my colleagues who supported it, this provision creates significant public health concerns for the protection of our youngest children from both seasonal and pandemic influenza.

This past week, I have heard from numerous public health and scientific groups with expertise in immunizations. They all agree that there is no credible scientific or medical evidence that vaccination of young children with vaccines containing the preservative thimerosal causes autism or other neurodevelopmental disorders.

Madam Chairman, our national immunization policies must be based on science. I strongly believe that the United States Congress should not substitute its judgment about which vaccines are safe for our children for that of the major vaccine and public health experts.

Perhaps the most convincing statements against the amendment are in a communication from Dr. Julie Gerberding, the Director of the Centers For Disease Control and Prevention, dated July 16, 2007. Her opposition to the thimerosal amendment is as follows:

"There is no scientific basis to support a prohibition of use of thimerosal-containing vaccine. In particular, science does not support a causal association between thimerosal and autism. In fact, the Institute of Medicine concluded that, 'the evidence favors rejection of a causal relationship between thimerosal-containing vaccines and autism.'

□ 1800

"CDC respects this IOM conclusion."

The Advisory Committee on Immunization Practices, a diverse group of expert advisers on vaccine use, has made its position explicitly clear. "The benefits of influenza vaccination for all recommended groups including pregnant women and young children, outweigh the unproven risk from thimerosal exposure through vaccination."

Instead, ACIP recommends that children and adults who need vaccination may receive any available vaccine preparation licensed for use in the person's age and risk factor group with or without thimerosal.

The supply of thimerosal-free vaccine is increasing, but we do not know precisely how many doses of vaccine licensed for use in children 6–35 months of age will be available in 2008–2009. Based on information from the manufacturers, the supply is not likely to be large enough to vaccinate all the children whose parents want this protection for them.

Even if the supply increases more than we expect, the realities of vaccine distribution make it impossible to precisely align supplies with vaccine demand in every practice or community.

Passage of the proposed amendment would mean that some children would not have access to influenza vaccine because the supply would be reduced. Tragically, some of these unvaccinated children would suffer the more severe consequences of influenza, even though vaccination would otherwise have helped protect them. For this reason, CDC strongly opposes the proposed amendment.

Madam Chairman, these are Dr. Gerberding's compelling arguments against this provision. I will not be offering an amendment today to strike it from the bill. However, considering the overwhelming outcry from the public health community against this amendment, I hope we will continue this discussion, and I look forward for a way to address these concerns in conference.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under such Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed. *Provided further*, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health (NIOSH) for the administration of the Energy Employees Occupational Illness Compensation Program (EEOICPA), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health (the Board) to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954 and interest on advances, as authorized by section 9501(c)(2) of such Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5) 'of such Act: $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; $335,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $503,516,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("the Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding section 3302 of title 31, United States Code, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That, notwithstanding section 3302 of title 31, United States Code, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of section 2 of the Act of April 13, 1934 (29 U.S.C. 9a), to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act (29 U.S.C. 673), except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded no less than 30 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $313,478,000 including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding section 3302 of title 31, United States Code; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS
SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $497,854,000, together with not to exceed $78,264,000, which may be expended from the employment security administration account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2): *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

AMENDMENT OFFERED BY MR. PLATTS

Mr. PLATTS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PLATTS:

Page 24, line 22, after the dollar amount, insert the following: "(reduced by $27,995,000)".

Page 25, line 22, after the first dollar amount, insert the following: "(reduced by $10,163,000)".

Page 63, line 4, after the first dollar amount, insert the following: "(reduced by $10,942,000)".

Page 77, line 6, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 77, line 7, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 92, line 17, after the dollar amount, insert the following: "(reduced by $900,000)".

Mr. PLATTS. Madam Chairman, before I address my amendment I certainly want to commend Chairman OBEY and the ranking member, Mr. WALSH, and their staffs for their dedicated work on this very important appropriations bill. I sincerely appreciate their efforts.

Madam Chairman, literacy skills are the cornerstone of our education system. I think that we can all agree that students who struggle with reading face challenges in all subject areas in school.

Unfortunately, children of parents who themselves have difficulty reading English are even more likely to perform at low literacy levels. For this reason, my predecessor, the Honorable Bill Goodling, former Republican chairman of the Education and Workforce Committee, established the Even Start Family Literacy Program.

Even Start is the only Federal education program that teaches literacy skills to both parents and their children. Through this program parents receive the necessary skills to become a teacher to their children and to improve their lives.

Even Start serves the most economically and educationally disadvantaged population in the country. According to a Department of Education report, 84 percent of Even Start's families are at or below the Federal poverty level. Nearly half of Even Start families have an annual household income of under $6,000, and 84 percent of Even Start adults do not have a high school diploma or GED.

Even Start is a program that provides disadvantaged families with an opportunity to provide a better life for their children. Parents enroll in Even Start to become better parents, to further their education, and to improve their children's chance of success in school.

At the Even Start centers in my hometown of York, Pennsylvania, I've witnessed firsthand the positive and significant impact that this program is having on parents and children alike.

The Even Start program has yielded successful results. A 2005 Texas A&M study has found that, on average, employment rates rise from 17 percent to 51 percent after program completion. In addition, wages increased by more than 25 percent.

Despite these positive results, and even with the Appropriations Committee's approximately $17 million proposed increase over the fiscal year 2007 funding level, the underlying bill's proposed funding level for the Even Start program is 60 percent less than the amount provided in 2002. Even Start centers struggled this past year to keep their doors open, and many had to close their doors permanently because of this drastic funding cut.

For these reasons, I've introduced this amendment to H.R. 3043. My amendment would increase the appropriations for the William F. Goodling Even Start Family Literacy Program by $50 million, bringing its total appropriation to $149 million. While this increase may seem significant, it's important to put the proposed level of $149 million into perspective. Even with the increased proposed in this amendment, the total level of funding for Even Start will still be 40 percent less than the funding levels provided in fiscal years 2001, 2002, 2003 and 2004 respectively. In fact, the underlying bill's funding level is less than what was provided even 13 fiscal years back, in 1995.

I certainly thank Chairman OBEY for his support and advocacy of the Even Start program throughout many years. The Even Start program helps our most disadvantaged parents better their lives for themselves and their children.

I hope all Members will join me in supporting the Even Start program. I urge a "yes" vote.

Madam Chairman, I yield back my time.

Mr. OBEY. Madam Chairman, I rise to oppose the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I don't really enjoy opposing this amendment because I think this is a good program that the gentleman seeks to expand. But let me put his amendment in context.

The President of the United States tried to eliminate this program in his budget. The committee has provided $99 million for it, and for that the administration is criticizing us.

I would also point out that in the last year, when the other party controlled the House of Representatives, the committee cut Even Start by $29 million. We've done none of that. We've restored the funding, and I have a great deal of confidence in the program. But I cannot support the idea of adding the additional money the gentleman proposes because he takes it from a very damaging place.

Now, I know that there is no political constituency for the Bureau of Labor Statistics. No one is going to get excited if they hear that we are cutting back funding for that agency. But, in fact, the Bureau of Labor Statistics, which produces the Consumer Price Index, puts together the numbers that determine the way hundreds of billions of dollars flow in this budget and flow in this economy.

We are operating on the basis of an ancient Consumer Price Index. The housing component of that index, which makes up almost 30 percent of it, is some 17 years out of date, and we know there's been a lot of change in housing stock over the last 17 years.

And it just seems to me that while the gentleman is citing a worthy program for adding funds, I would suggest that it would do tremendous long-term damage to this country in terms of equity if we do not update and modernize the data being produced by the Bureau of Labor Statistics. Republicans can have their set of facts, Democrats can have their set of facts, but in the end we need to disregard both sets and we need to have statistics which underlie all of the economic decisions that we make. And it makes no sense to be proceeding on the basis of 17-year old statistics.

So, much as I regret having to oppose the gentleman's amendment and much as I regret having to call Bill Goodling, who is the original sponsor of the program, to tell Bill that I couldn't support the increase in this instance, I do think that the responsible thing to do in this instance is to vote "no."

I forgot to mention, and far be it for me to defend the administration's Cabinet appointees. But the gentleman, as I understand it, would take a significant amount of this funding from the Department of Labor administration accounts.

I would point out the administration is also complaining about the cuts we've made in the Labor Secretary's budget. Their Information and Technology Account has already been cut by 39 percent. The Office of the Secretary has already been cut by 17 percent. And we did not provide the requested funds for a core accounting system, and the administration specifically brings attention to their concerns about this. And I honestly do not think it's advisable to cut the agency even more deeply.

And let me assure the gentleman that I would actually prefer that he withdraw the amendment and I'd be happy to try to work, as I'm sure the gentleman from New York would, to try to improve the Even Start position in conference.

But if he has to rely on these kinds of offsets, I regret it, but I simply cannot see my way clear to support it.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PLATTS. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $292,943,000, of which $72,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $18,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the employment security administration account in the Unemployment Trust Fund.

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REICHERT:

Page 25, line 22, after the first dollar amount, insert "(reduced by $2,500,000)".

Page 33, line 25, after the dollar amount, insert "(increased by $2,500,000)".

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment. We don't have a copy of it.

The CHAIRMAN. A point of order is reserved.

The gentleman from Washington is recognized for 5 minutes.

Mr. REICHERT. Madam Chairman, as the former sheriff of King County in Seattle, Washington, and the cochairman of the Congressional Children's Health Care Caucus, I am proud to offer this amendment supporting emergency medical services for children.

I am pleased to be joined in offering this amendment by Congressman MATHESON, and to have the support of Congressman KING from New York, both of whom have been outstanding leaders on this issue.

Our amendment will provide $2.5 million in additional resources for emergency medical services for children's programs offset from the Department of Labor's General Administrative Account. This vital program provides grants to States and medical institutions, to expand and improve emergency care for children who need treatment for life-threatening illnesses or injuries.

This modest funding increase will help a program that has been nearly level funded for the past 6 years. It will better serve those who provide emergency care for our children.

Children, as everyone knows, are not small adults. The illnesses and injuries that bring them into emergency rooms vary significantly, and they often need equipment that is smaller than what is used for adults, and medication in much more carefully calculated doses.

□ 1815

Although children account for 30 million annual visits to the emergency rooms, many hospitals and emergency management agencies are not well equipped to handle these patients. According to the Centers for Disease Control, only 6 percent of the United States emergency departments have all the supplies they need to handle pediatric emergencies.

Emergency Medical Services grants have been awarded to all 50 States, the District of Columbia and five territories. They have been used to train first responders to buy pediatric equipment for hospitals and to establish and improve standards for emergency care for children. Other grants have been used to create pediatric treatment guides for school nurses to test best practices and to incorporate pediatric care into State disaster plans.

Madam Chairman, this is a simple amendment with a significant impact on emergency care for our children. I urge all my colleagues to join in supporting this important measure.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin continue to reserve his point of order?

Mr. OBEY. I withdraw the point of order and move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, let me simply point out that the administration has sent us a statement of administration policy, or SAP as it is known in the trade, and they indicate that the President intends to veto this bill. And one of the reasons they intend to veto the bill is because they say this bill spends too much money. I would simply point out that virtually every Republican amendment that has been offered so far is an amendment to increase funding for a specific program.

On this program the President zeroed out this very worthy program. The committee fully restored the funding at the previous year's level of $19.8 million, and now this amendment seeks to add a small amount in addition by taking it out of departmental management.

As the Chair of the committee, I think it is my obligation to the administration to try to be somewhat objective about the funding level that they need in order to fund their agency activities. But if we are going to continue to get amendments from the administration's own side of the aisle that further reduce Cabinet Secretaries' operating budgets, who am I to object? So if the administration can't save itself from its friends, far be it from me to intercede, and so I would simply say that on this I will accept the amendment.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I won't take the full 5 minutes. I would just like to say I am also prepared to accept the amendment. But I would make the note that this is not an increase in spending. There is an offset. We are moving money from one place to another. It does not increase overall spending. It is cost neutral.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARCHANT

Mr. MARCHANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARCHANT:

Page 25, line 22, after each dollar amount, insert "(reduced by $58,419,000)".

Mr. MARCHANT. Madam Chairman, my amendment would reduce funding in the bill for the International Labor Affairs Bureau to the President's requested level of $14 million. This would save $58.4 million in this category.

The underlying bill provides $72.5 million for this account. This amendment would reduce funding for the

International Labor Affairs Bureau by $58.4 million to match the President's request.

The bureau was originally responsible for the Department of Labor's overseas research projects and international labor workers' rights, primarily research and advocacy. However, in recent years the bureau has taken on grant-making activities. The bureau's grant assistance is already provided for by the Department of State, and this amendment would restructure the bureau's activities to advocacy and research only.

I urge my colleagues to support this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, this amendment is very simple. It seeks to reinstate the President's 81-percent cut in the International Labor Organization appropriation in the bill.

Madam Chairman, I cannot walk into a union hall in my District, I cannot walk into a restaurant, I cannot walk into a barber shop without having someone say to me, OBEY, what are you guys going to do to protect workers from unfair competition? What are you going to do to protect us from slave labor in China? What are you going to do to protect us from countries that pretend that they are free market countries when, in fact, they are centrally directed Marxist countries? When are you going to protect us from goods being produced by child labor around the world?

The purpose of this International Labor Organization is to serve as the one agency that serves as a red flag when our workers' wages are being undercut unfairly.

So I think the issue is very simple, and I don't intend to take the full 5 minutes. If you really are comfortable with the idea of just letting the wonders of the world market determine what wages are for American workers, if you are really comfortable with the idea of letting substandard wages and substandard working conditions undercut legitimate American workers' interests, then by all means vote for the gentleman's amendment. If you think that the American worker deserves a square deal in the midst of this globalization rampage, then I would suggest you vote against the amendment. And, I do think that workers and the organizations who represent them will be watching.

Madam Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I come to the floor tonight to rise in support of the gentleman's amendment. I come to the floor also to indicate my support for what we can do on this floor for labor here in America. And I think that is the optimum word, "here" in America.

This amendment will do just that. It will protect laborers in this country, and that should be the first priority of this U.S. Congress. We do that first and foremost by protecting the fruits of their labor. Their wages, their income, what they work for, 9 to 5 and longer, Monday through Friday or longer during the course of the week. We do that by ensuring that the money that we spend, their hard-earned tax dollars, is appropriately spent and appropriately prioritized. And I commend the gentleman for doing just that with this amendment.

There are many things that we would like to spend our dollars on. But when we are elected to public office, we are to come here and make sure that first and foremost the American citizen, and in this case, the American worker, is protected.

As I come to the floor tonight, as I have said in the past, we have now marked about 6 months into Democrat control of this U.S. Congress. And what has it wrought during those 6 months? The largest tax increase in U.S. history. The attempts to change historic rules of this House and in operations. And, finally, attempts to create slush funds in which dollars can be misspent on other inappropriate items, dollars that are earned from the backs and sweat of American labor. And that is why I come strongly to support this amendment by the gentleman from Texas, to make sure that their hard-earned dollars are not misspent.

How often have we gone back to our districts and heard the complaint of jobs in this country going overseas? Well, it is one thing to say the jobs are going overseas; it is another thing to ask the laborers in this country to support those jobs overseas. It is one thing to see our jobs flee from this country to go to foreign shores; it is another thing to ask the workers of this country, through their tax dollars, to in essence support the organizations' structure of those jobs overseas.

We are elected to public office to protect the workers of this country. This gentleman's proposal does just that, by making sure that their tax dollars are focused first and foremost on workers and their quality of life and their standards here in this country. We will protect American workers. We will protect American jobs. And with this amendment, we will protect the budget of the workers of America as well.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Chairman, I am somewhat amused by the posture of the Appropriations Chair in the last two amendments, and I appreciate the difficult position he finds himself in. But on the one hand, the amendment before this one attempting to support the President's recommendation and then on this one lambasting the President's recommendation. So a case of whiplash, I understand, may be in order.

But it is important to talk about exactly what this amendment does. And I want to commend my good friend from Texas for proposing this amendment.

The Department of Labor proposes in the President's budget that $14 million go to the International Labor Affairs Bureau, which would move the agency closer to its core mission of research and policy analysis. Remember this is the Department of Labor, not the Department of State. In 2008 the International Labor Affairs Bureau will continue to focus on administering over $530 million, $530 million, in projects that were launched in previous years, including in the field of child labor, as the chairman mentioned.

The Department of Labor seeks to restore the International Labor Affairs Bureau to its original mission of research and advocacy by eliminating its grant-making activities. We have all sorts of duplication and redundancies in the Federal Government, and this certainly is one of them. As an example of that, between 1996 and 2001, the International Labor Affairs Bureau's funding rose by 1,500 percent over a 5-year period of time when the agency embarked on an expansive grant-making mission intended to combat international child labor, develop and disseminate AIDS prevention information in the international workplace, support core labor standards development, and provide bilateral technical assistance.

Madam Chairman, grant-making activities are appropriately funded through the Department of State and through the USAID, the U.S. Agency for International Development, and other agencies. For example, the 2008 budget includes $3 billion to continue international assistance activities in developing countries through the Millennium Challenge Account. The administration created the Millennium Challenge Account to provide targeted and accountable international development assistance to poor countries with a demonstrative commitment to ruling justly, investing in people, and encouraging economic growth. So there are more appropriate places to fund these kinds of grant activities.

I would suggest, Madam Chairman, that the gentleman from Texas has proposed an appropriate amendment to return the level of funding in this appropriations bill to a level that would allow the International Labor Affairs Bureau to return to its core mission, its core mission of research and policy analysis and I believe better serve this Congress and the American people.

□ 1830

So I commend the gentleman for his amendment, and I encourage my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MARCHANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARCHANT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. MCCAUL OF TEXAS

Mr. McCAUL of Texas. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCAUL of Texas:

Page 25, line 22, after the first dollar amount, insert "(reduced by $2,000,000)".

Page 84, line 24, after the dollar amount, insert "(increased by $2,000,000)".

Page 84, line 25, after the dollar amount, insert "(increased by $2,000,000".

Mr. McCAUL of Texas. Madam Chairman, I rise today to offer an amendment in support of teacher training for deaf and blind children.

Madam Chair, the Department of Education has provided funding from within its special education national activities account aimed at children who are both deaf and blind, commonly referred to as "deafblindness." This money trains teachers who have such children in their classes on how to educate and include them in daily classroom activities. This modest $12 million program has not received an increase in nearly 2 decades.

Today over 110,000 people rely on this important program. Expanding this program will allow us to identify more children in need and increase the number of on-site technical assistance personnel.

This amendment simply increases the Special Education National Activities Account to provide the DeafBlindness program with a modest but necessary increase.

I urge my colleagues to support the amendment.

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. McCAUL of Texas. I yield to the gentleman from Wisconsin.

Mr. OBEY. If the gentleman would be willing to constrain his remarks, we would be willing to accept the amendment.

Mr. McCAUL of Texas. That's an offer I would be remiss to refuse, and I will accept the offer.

Mr. OBEY. I thank the gentleman.

Mr. McCAUL of Texas. I thank the chairman.

Mr. WALSH of New York. Madam Chair, I rise in support of the amendment.

Mr. McCAUL of Texas. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. McCAUL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAYS:

Page 25, line 22, after the first dollar amount, insert "(reduced by $500,000)".

Page 107, line 14, after the dollar amount, insert "(increased by $500,000)".

Mr. SHAYS. Madam Chairman, this amendment would increase the funding for the National Labor Relations Board by $500,000 and is offset by a decrease to the Department of Labor departmental management salaries and expenses. It is to allow the NLRB to start to reduce its cases. It's at 2 years now, and we're looking to reduce it. This is an amendment offered by MARK UDALL and myself and FRANK LOBIONDO.

The NLRB takes an extraordinary amount of time to review and render a decision on employment disputes.

According to the NLRB, the median mount of time it takes from the filing of a charge to the issuance of the NLRB'S decision is over 2 years.

The funding in the Shays-Udall-LoBiondo amendment will allow the NLRB to retain some of its full-time staff, which they otherwise would have to let go due to the pay increase for Government employees.

It will also be used to train supervisors and new employees to ensure they are handling the cases efficiently and effectively, without sacrificing quality.

Funding, however, is not the only answer to the NLRB's problems.

We need to create deadlines to ensure the NLRB renders decisions in an expedient manner.

MARK UDALL, FRANK LOBIONDO, and I have been working on legislation to require the NLRB to issue their decisions promptly.

The bill will require the NLRB to issue a decision not later than 9 months after the date on which the initial complaint was served.

Should the Board not reach a decision within 9 months, it must transmit a report to Congress provide the reason or reasons the deadline was not met and what steps it is taking to reach a decision.

One high-profile NLRB decision found the Smithfield Packing Company guilty of illegally assaulting, intimidating, and harassing its workers in Tar Heel, North Carolina, when they attempted to form a union in 1994 and 1997. However, the NLRB's decision that the employer used unfair labor practices did not come down until 2005.

Taking this amount of time is an absurdity.

Mr. OBEY. Will the gentleman yield?

Mr. SHAYS. Absolutely.

Mr. OBEY. Again, same deal; if the gentleman will constrain his remarks, we would be happy to accept the amendment.

Mr. SHAYS. I would be happy to. Could I just recognize MARK UDALL?

Mr. UDALL of Colorado. I thank the gentleman for his generous offer.

I rise in support of the amendment.

I'd like to thank Chairman OBEY and Ranking Member WALSH and the Appropriations Committee for their leadership on this vital legislation that will help to provide quality healthcare, enhance education opportunities, and increase worker safety.

This is a good bill, but I think this amendment would make it better.

The amendment will increase the funding for the National Labor Relations Board (NLRB) by $500,000, and is offset by a decrease to the Department of Labor Departmental Management Salaries and expenses.

As we all know the NLRB plays a vital role in labor-management relations.

It hears appeals of unfair labor practices and resolves questions about the composition of bargaining units.

We need to maintain its ability to do its job.

But without the additional funding this amendment will provide, there is a danger that they will have to lay off some of their staff in order to pay for their required overhead, including salaries.

The amendment would prevent that, and would also enable the NLRB's staff to handle cases efficiently and effectively, without sacrificing quality.

Funding is not the only problem that faces the National Labor Relations Board but congress should make it easier not harder for the National Labor Relations Board to administer decisions.

I urge the House to adopt the Shays-Udall amendment.

Mr. SHAYS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 25, line 22, after the first dollar amount insert "(reduced by $50,000,000)".

Page 38, line 18, after the aggregate dollar amount insert "(increased by $50,000,000)".

Mr. JINDAL. Madam Chairman, the Labor-HHS Subcommittee has funded the Center for Disease Control's Division of Tuberculosis Elimination at $150 million in this bill. Over the past 15 years, funding for this program has been level. There has been no increase in funding for this program since 1993.

Madam Chairman, every State and most major cities have TB control programs. Approximately 75 percent of the funds appropriated for this program are used in the States.

Funding for this program is critically important because just last year, in 2006, more than 20 of the 50 States had increases in TB cases. My home State of Louisiana, as well as most other

States, have a large number of workers who travel the globe to share their expertise. Unlike tourists who stay in hotels in environments where TB exposure does not normally occur, Louisiana's oil and gas workers spend months working and living in environments among the local population where exposure can and does occur. TB exposure in these communities can result in many fatalities.

Another key issue for States and cities is the huge number of foreign-born students attending universities in the United States. More than half of the TB cases in the United States stem from foreign-born students who come here on student visas and often return home for summers and holidays, risking exposure in their home country. While risk of exposure is high for these students, their return to universities in the United States with the possibility of a latent TB infection creates the same problem seen in oil and gas workers.

If the disease is activated, the number of people exposed is tremendous. The last such case at a Louisiana university exposed 120 contacts in classes as well as in the dorms.

At present, there is no mandatory screening of this group, and no vaccine to prevent disease. The Georgia man whose case recently made headlines was exposed while volunteering overseas. As in his case, volunteers or overseas workers can return to the United States with a latent TB infection and activate the spread of this disease in the United States, later exposing family, friends and coworkers. No routine screening is performed, and no effective vaccine is available to prevent the spread of this disease.

My amendment is supported by the American Lung Association, American Thoracic Society, National Coalition for the Elimination of Tuberculosis, and the National TB Controllers Association.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I don't like to have to oppose this amendment, but the fact is where some of the previous amendments were merely troublesome, this amendment is irresponsible.

Now, let us point out what's happened so far. What we have going on here is a "let's pretend" game. We have the administration telling us that this bill is runaway spending, and they threaten to veto the bill when in fact this bill in real terms is only a little over a 2 percent increase over last year. It is a large difference with the President's budget, but that's because he tried to cut $7.5 billion of it. In real terms, this bill goes up by less than $5 billion.

By now we have a number of people in this House who are trying to escape from the consequences of the President's budget. So we have pretended in one amendment that we can add money to AmeriCorps by taking money out of administrative management accounts for the Labor Department.

Then we are pretending that we can take out, yes, just a small amount, $500,000, out of that same account in order to deal with National Labor Relations Board. Then we are having another effort to escape the squeeze on behalf of another very worthy cause, deaf and blind children. And those have been accepted.

But now this amendment comes in, and it proposes to increase funding for a very worthy cause, Center for Disease Control TB Elimination Program. That is funded in the bill at $150.7 million, an increase of $13.7 million over fiscal 2007 and $13.9 million over the President's request. The funding included in this bill is a 10 percent increase over fiscal 2007.

Now, everybody knows that we would like to be providing more money for that program and a dozen others in this bill. But we are trying, evidently, to give some credence to the administration's complaints about dollar levels in spending.

So what does this amendment do? It savages the ability of the Secretary of Labor to run any programs at all, because what it does is to require a 25 percent cut in the ability of the Secretary of Labor to manage all of the programs within their jurisdiction. So that means that you have to chop the living guts out of the Secretary's own office; you have to chop the guts out of the Solicitor's office. And that is the office that deals with enforcement for mine safety, for OSHA, or even the OLMS union violations that were the subject of a previous amendment just a couple minutes ago.

And what this all is is a giant "let's pretend" operation. It's a game that pretends that we are doing something real by adding money for these accounts, when you know that if you're going to be responsible, when we go to conference we're going to have to restore most of these management accounts or else we will have a government agency, admittedly one run by a very conservative Republican, but still a government agency which will be crippled in its ability to provide its functions.

I have in my office two signs. And whenever anybody comes to me asking for money, I make them read those signs out loud. This is what one of them says: "What do you want us to do for someone besides yourself that's more important than whatever it is you want us to do for you?" And I think that's the basic question we always ought to be asking in a Judeo-Christian society.

My problem with this amendment is, while it seeks funds for a very worthy cause, in the process it takes away crucial funds for many other worthy causes. And sooner or later, even in the Congress of the United States, we need to think about the needs of the whole. We need to think about all of the needs that the government has to deal with, not just one concern of one Member or one concern of another.

So in the interest of responsibility, I would urge a, very regretfully, defeat of the gentleman's amendment.

Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I couldn't agree more with my colleague, the chairman of the subcommittee. It's difficult to oppose an amendment that increases funding for treating and dealing with tuberculosis. It's a very serious disease all across the Third World. And there is the potential for it coming into our society and creating real problems.

Having said that, there is an increase in the budget, it's $14 million above what the President requested, a pretty substantial increase, a 10 percent increase in the budget. And while I respect the gentleman's desire to strengthen our country against the disease, it's not proper to take that amount of the budget of the Department of Labor for this purpose. That would hamstring the Department of Labor. It would not cut the fat, it would cut the muscle, it would cut the arms out. It would cut the eyes out of the Department of Labor, and I don't think anybody wants that.

So, I strongly urge a "no" vote on this amendment.

Mr. JINDAL. Will the gentleman yield?

Mr. WALSH of New York. I would be happy to yield.

Mr. JINDAL. I won't take a lot of time. I just want to make one point.

I do thank the gentleman and the chairman for recognizing the good intent behind the amendment. I do want to point out that the offset still leaves in that account more money than what the President requested in his budget. The rationale for offsetting from that account is that, according to the administration there is a duplication of effort between the Bureau of International Labor Affairs, the State Department, USAID, and other agencies. So, even with the offset, we still leave more money in those accounts than the administration itself requested.

I thank the gentleman for yielding.

Mr. WALSH of New York. I thank the gentleman.

Reclaiming my time, there have been a number of amendments that have cut into this salaries and expenses administrative account. I suspect there will be more. We need to be very careful about further deep cuts.

And this is an especially large cut, $50 million. So I would, again, urge a "no" vote.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Chairman, I will be relatively brief on this.

I want to commend my friend from Louisiana for offering the amendment. As a physician in my former life, I appreciate the remarkable increase in the incidence of tuberculosis and the need for surveillance as well as detection and treatment. So I commend my friend from Louisiana for offering this amendment. We all watched with some curiosity and some significant concern within the last couple of months as we tracked the travels of one individual from my City of Atlanta around the world who was felt to have a case of tuberculosis that needed to be treated urgently. So I commend my good friend for the amendment.

I do want to say in the larger context, however, that I'm a little perplexed, for the Chair of the Appropriations Committee talks about "pretending" to support AmeriCorps in previous amendments dealing with this section of the bill, "pretending" to support NLRB, "pretending" to support deaf and blind children, and yet those are the amendments that he accepted.

☐ 1845

So I am a little perplexed as to why this amendment isn't being given the same, at least the same pretending of, support from the Chair of the committee.

I would also point out that the appropriately decreased reductions in the proposal from the administration in this area of the budget aren't taken in isolation. They are part of the entire, larger budget, which gets to the issue of the entire, larger budget that this new majority has passed, and that, as you well know, Madam Chairman, includes the largest tax increase in the history of our Nation. So I understand that somehow you have to pay for all these things, but I believe strongly that it is not the American people who desire to have the largest tax increase in the history of our Nation.

So I rise to commend my good friend from Louisiana for proposing this sound amendment. I would encourage its adoption. I understand the concerns that others have regarding the underlying section in this area of the bill, but I encourage my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JINDAL. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAYS:

Page 25, line 22, after the first dollar amount, insert "(reduced by $6,800,000)".

Page 92, line 17, after the first dollar amount, insert "(reduced by $1,500,000)".

Page 97, line 16, after the first dollar amount, insert "(increased by $8,300,000)".

Page 97, line 17, after the dollar amount, insert "(increased by $8,300,000)".

Page 98, line 8, after the dollar amount, insert "(increased by $1,500,000)".

Mr. SHAYS. Madam Chairman, this amendment transfers $6.8 million from the Department of Labor Departmental Management Salaries and Expenses and $1.5 million from the Department of Education Departmental Management Account to fund a $6.8 million increase in the AmeriCorps State and National program. The additional $1.5 million is needed to fund corresponding increases to the National Service trust fund for reimbursement of student loans.

This amendment will provide adequate funding to ensure that AmeriCorps State and National program will maintain the 34,000 full-time volunteer positions. Based upon the funding level in the legislation, the corporation will have to reduce its full-time enrollment by 600 positions and replace them with reduced, part-time positions.

There is a great deal of support for increasing Pell Grants in this Congress, something with which I agree. It seems to me, however, that with Pell Grants, the government and our society get no direct return, whereas with AmeriCorps, recipients of this aid are required to perform service to their community and Nation. There is a stipend for education, but they have earned it through serving their country.

To me, national service is one of the smartest investments our government can make. Not only is it a smart financial investment, but national service energizes our youth, empowers our volunteers and helps citizens make a very real, tangible impact on our communities.

Madam Chairman, I concur that we are taking from an account that the chairman has some concern about. I would hope that where it is going would outweigh that.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,649,476,000, as follows:

(1) $1,507,684,000 for Job Corps operations, of which $916,684,000 is available for the period July 1, 2008, through June 30, 2009, and of which $591,000,000 is available for the period October 1, 2008, through June 30, 2009;

(2) $112,920,000 for construction, rehabilitation, and acquisition of Job Corps centers, of which $12,920,000 is available from July 1, 2008, through June 30, 2011; and $100,000,000 is available for the period October 1, 2008, through June 30, 2011; and

(3) $28,872,000 for necessary expenses of the Office of Job Corps, which shall be available for the period October 1, 2007, through September 30, 2008:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds appropriated in this title for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I: *Provided further*, That a total student training slot level of not less than 44,791 shall be achieved by the end of program year 2008.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $197,143,000 may be derived from the employment security administration account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 (38 U.S.C. 2021) and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act (29 U.S.C. 2913), $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $72,929,000, together with not to exceed $5,729,000, which may be expended from the employment security administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 102. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 103. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $110) that each of its employees of the National Capital Region is eligible to receive.

SEC. 104. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 105. The Secretary of Labor shall award the following grants on a competitive basis: (1) Community-Based Job Training Grants awarded from amounts provided for such purpose under this title; and (2) grants during fiscal or program year 2008 under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916 note), as amended by section 428 of the Consolidated Appropriations Act, 2005 (Public Law 108–447).

SEC. 106. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916 note) may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.

SEC. 107. Out of funds available to the Department of Labor under section 414(c) the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916 note), as amended by section 428 of the Consolidated Appropriations Act, 2005 (Public Law 108–447), up to $20,000,000 is available (in addition to dislocated worker assistance national reserve funds) for the purposes of grants to States to address the gap in health care coverage faced by trade adjustment assistance ("TAA") participants and dislocated workers awaiting TAA certification, to assure that these dislocated workers can benefit from the tax credit for health insurance costs authorized in section 35 of the Internal Revenue Code of 1986.

SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of the Act (including applying the standards specified in section 116(a)(3)(B) of such Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of such Act (29 U.S.C. 2831), until such time as legislation reauthorizing such Act is enacted.

SEC. 109. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 110. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 FR 15402).

(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 FR 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.

SEC. 111. None of the funds appropriated in this title may be used to carry out a public-private competition or direct conversion under OMB Circular A–76 or any successor administrative regulation, directive, or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. SESSIONS: Strike section 111.

Mr. SESSIONS. Madam Chairman, my amendment would strike section 111 of this legislation, which, as drafted, would have the same effect as language already included in a number of the Democrat majority's other appropriations bills which prevents funds from being spent to conduct public-private competitions.

While this policy may be good for increasing dues payments to private sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to use competition away from them.

In 2006, Federal agencies "competed" only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over 10 years by closing performance gaps and improving efficiencies.

Competitions competed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every $1 spent on competition, with annualized expected savings of more than $1 billion.

Specifically at the Department of Labor, since May 2004, 27 public-private partnerships have competed, involving over 1,000 positions. And thanks to a 10 percent protection clause, 24 of these competitions have been won by the government. This overwhelming track record of government success in competing with private sector begs the question, why would the Democrat leadership insist upon preventing Federal agencies from running their operations in the most efficient manner when they have been successful in the past?

I think the answer is clear, Madam Chairman, that when this appropriations bill cuts the budget for the Office of Labor Management Standards, which monitors union compliance with Federal law, and prevents competitive sourcing from taking place, that the Democrat leadership is clearly hearing from labor bosses that this bill represents a good opportunity to increase the power of labor bosses at the expense of taxpayers and good government.

In this time of stretched budgets and bloated spending, Congress should be looking to use all of the tools it can to find taxpayer savings and reduce the cost of services that are already being provided by thousands of hardworking companies nationwide.

I urge my colleagues to support this commonsense taxpayer-first amendment to oppose the underlying provision to benefit private sector union bosses by keeping cost-saving competition available to the government.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, this bill contains a provision that freezes public-private competitions at the Department of Labor under OMB circular A–76. That process is used to compete out jobs now performed by Federal employees. Significant resources have been spent by the Department over the last several years on contracting out government jobs, and the committee believes it is time to take a step back and examine how the process is working.

Government-wide statistics cast doubt, frankly, on the overall effectiveness of this process. OMB reports in fiscal year 2006 that government employees won the competition in more than 85 percent of the cases where competitive sourcing was used. At DOL, the results have been similar. Since the process has begun, DOL employees have won 22 of the 25 competitions.

Now, aside from questions about the lack of compelling evidence of cost savings or increased efficiency, there is concern about the fact that the Department is not taking proper care to assure that functions that ought to be considered inherently governmental or are otherwise unsuitable for contracting performance are excluded from these competitions.

We have seen some competitions where regulatory and policy functions are included and believe that an independent look at the Department of Labor's use of this authority is warranted.

The gentleman says that it is labor bosses who are concerned about this. The last time I looked, this was having a disproportionate impact on women and on minority workers, and we are asking the GAO to assess the impact on them.

☐ 1900

The bill language freezes the A–76 process at the Department of Labor until the committee has the benefit of a GAO review of that process. What is wrong with that?

The Comptroller General chaired a panel that submitted a report to Congress in 2002 and the request to GAO will be to ask for an assessment of the extent to which the sourcing principle adopted by the panel, including the recognition of inherently governmental functions, are being followed by the Department. This department is frankly not known to be a friend of the worker, certainly not under the present regime. It certainly is not known to be a friend to Federal workers, and it seems to me that we have seen in Iraq what happens when we contract out everything in sight. We have seen what happens in the Labor Department when 90 percent of one of their most important manpower programs, when 90 percent of the money in that program is farmed out on a noncompetitive basis. Frankly, we have sincere doubt about the balance with which the Department is approaching this issue.

Therefore, we asked the GAO to review the process. What on earth is wrong with that? I urge opposition to the gentleman's amendment.

Mr. MORAN of Virginia. Madam Chairman, the moratorium on A–76 public-private competition at the Department of Labor is the right provision, in the right bill at the right time.

The moratorium is included in this Appropriations bill because the Department of Labor has made indications that the agency is trying to reach numerical privatization targets—quotas—for its outsourcing.

The use of outsourcing quotas was first addressed by Congress when the Office of Management and Budget under the Bush Administration introduced its effort to outsource at least 15 percent of each agency to the private sector, with a goal of outsourcing up to half of the agency workforce.

The problem with outsourcing quotas is that they are a "one-size-fits-all" arbitrary privatization effort. Quotas never consider the unique needs of different Federal agencies, and they often lead to widespread cuts that harm the ability of Federal agencies to effectively carry out their mission.

I offered an amendment to the Transportation-Treasury Appropriations Act in 2003 that shed light onto the administration's effort, and outlawed the outsourcing quota.

Now it appears that the Department of Labor is taking the same approach.

In the next two years, over 2,000 jobs are expected to be competed, many of which appear to be both inherently governmental and even discriminatory.

These jobs include technical writers reviewing OSHA enforcement action, senior instructor for safety specialist responsibilities, and physical scientists that analyze toxic materials in working environments. It is vital that these positions provide sound, objective services that Federal employees can.

Furthermore, the majority of employees impacted by the recent round of A–76 competitions were older African-American women. The GAO report will analyze whether the scheduled outsourcings are discriminatory.

The DOL has won 21 out of 23 competitions conducted in the past 3 fiscal years. Millions of dollars have been spent over the last several years on these initiatives; 90 percent of the cases are won by Government.

The GAO report would give Congress an objective analysis of the outsourcing program at the Department of Labor from which to base further decisions.

Competitive sourcing is not inherently a bad thing if it can save money for the Federal Government, but arbitrary quotas, numerical targets, are a bad thing.

Mr. OBEY. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Labor Appropriations Act, 2008".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act (42 U.S.C. 1320a–7e, 912, and 1395i–4), the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, construction and renovation (including equipment) of health care and other facilities, and section 712(c) of the American Jobs Creation Act of 2004 (42 U.S.C. 300b–1 note), $7,055,709,000, of which $63,538,000 from general revenues, notwithstanding subsection (j) of section 1820 of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, $100,000 shall be available until expended for facilities renovations at the National Hansen's Disease Programs Center (as described in section 320 of the Public Health Service Act (42 U.S.C. 247e)): *Provided further*, That in addition to fees authorized by section 427(b)(4) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137(b)(4)), fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank authorized under such Act, and shall remain available until expended to carry out such Act: *Provided further*, That fees authorized under subsection (d)(2) of section 1128E of the Social Security Act (42 U.S.C. 1320a–7e) to be collected for the full disclosure of information under the national health care fraud and abuse data collection program established under such section, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that program: *Provided further*, That $35,000,000 of the funding provided for community health centers shall be used for base grant adjustments for existing centers: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of section 224(o)(6) of the Public Health Service Act (42 U.S.C. 233(o)(6)) including associated administrative expenses: *Provided further*, That $3,963,000 is available until expended for the National Cord Blood Stem Cell Program: *Provided further*, That no more than $45,000,000 is available until expended for carrying out the amendments to section 224 of the Public Health Service Act (42 U.S.C. 233) made by the Federally Supported Health Centers Assistance Act of 1995 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made pursuant to such amendments: *Provided further*, That of the funds made available under this heading, $310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to such projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $1,865,800,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: *Provided further*, That within the amounts provided for part A of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), funds are included to ensure that the amount of any funding provided under such part to a metropolitan area for the program year beginning in 2007 is not reduced by an amount that is more than 8.4 percent, and the amount of any funding provided under subpart II of such part to a transitional area is not reduced by an amount that is more than 13.4 percent, relative to the amount of the total funding provided under such part to the metropolitan area or transitional area, respectively, for the program year beginning in fiscal year 2006: *Provided further*, That $830,593,000 shall be for State AIDS Drug Assistance Programs authorized under section 2616 of such Act (42 U.S.C. 300ff-26): *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act (42 U.S.C. 238j) to carry out parts A, B, C, and D of title XXVI of such Act to fund the special projects of national significance under section 2691 of the Public Health Service Act (42 U.S.C. 300ff-101): *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act (42 U.S.C. 702(a)(1)), not to exceed $170,991,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act (42 U.S.C. 701(a)(2)).

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

Page 33, line 25, after the aggregate dollar figure insert "(increased by $12,500,000)".

Page 90, line 7, after the first dollar amount insert "(increased by $12,500,000)".

Page 97, line 16, after the aggregate dollar amount insert "(reduced by $25,000,000)".

Mr. STEARNS. Madam Chairman, my amendment is very simple. My amendment transfers 10 percent or $25.5 million from AmeriCorp to the TRIO educational programs and the geriatric program. I have one of these programs in my congressional district, and I have a large university, two community colleges, so I thought it would be appropriate considering lots of time we talk about the loan process for the students, and particularly for low income, first generation college students, I thought it might be appropriate to take a very small portion of AmeriCorp and give it to these two programs.

I think we all know that AmeriCorp has done some good work. When we talk about volunteerism, we talk about people who go out and help people after natural disasters. We have a lot of that in Florida. We recently had a tornado in Lake County. A lot of the people in the district donated blood. They helped mentor schoolchildren. We teach English to new Americans, we teach illiterate adults how to read. We also have volunteers who go in and clean up rivers and forests.

AmeriCorp is a little bit different. It does have volunteers, but these volunteers, obviously, are paid. Remuneration in exchange for choosing to contribute one's time, energy and/or money clearly undermines the word "volunteer." This is a different type of volunteerism. We have had a discussion whether it is necessary to pay volunteers. Paying people to volunteer sort of almost contradicts the spirit of the word, but we have sort of accepted that and the program has continued to flourish.

There has been some question that Members on both sides have sought to legislate whether AmeriCorp members could spend time with political activities, campaigns, faith-based initiatives or unions. That got us into some controversy and some rhetoric. If the Federal Government were not involved in what should be a personal preference in the first place, we wouldn't have to have these conversations discussing whether we should allow these AmeriCorp members be involved with political activities, campaigns, faith-based initiatives, or unions.

So I think when you look at the overall spectrum, I think the modest amount I am taking from AmeriCorp and putting into these two programs, I hope Members agree with me, it is worthwhile.

Take a little money, give to TRIO programs. They are aimed, as I mentioned, at low-income, first generation college students. Currently there are 2,700 TRIO programs serving nearly 900,000 low-income students across the United States. TRIO is critical to our Nation's commitment to advance educational opportunities at our colleges and universities and, as a result, obviously our Nation's economic future.

I have had the privilege of visiting several TRIO programs at schools in my district and had the privilege of hearing some of the wonderful success stories from these students. For that reason, I would like to give them a little more money.

Also across many districts like mine there are geriatric programs. So I am taking part of this money from AmeriCorp and putting it into geriatric programs, roughly $12 million. These programs are currently funded at the same level as the previous fiscal year. Included in these programs are educational centers which provide crucial physician, dental and mental health training programs for the care of our seniors. Current Federal funding will continue the support of about 50 geriatric education centers and the training of over 50,000 health care providers. This funding should be increased to provide more education and training for more health care professionals so we can meet our aging population's future health care demands. This is particularly true in Florida.

I ask my colleagues to consider putting part of the money from AmeriCorp into the geriatric educational centers. They have done a great job.

In my district we have three of these geriatric centers. At the University of Florida, where one center is located, it was established in 1987 to provide educational services for faculty and practitioners in the State of Florida. Their goal is to provide better care for older Americans.

I close, Madam Chairman, and urge support for my amendment so we can create better educational opportunities for underprivileged youth through the TRIO programs, and better ensure adequate and quality care for our seniors.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, once again we demonstrate the strangeness of the administration's statement of policy on this bill.

This amendment would add $40 million to TRIO. We have already added $40 million above the amount that the President asked for for that program. It is a worthy program.

The President also eliminated the funding for the other account that the gentleman wants to increase in this amendment. The President zeroed out the geriatrics program. The committee restored $32 million. So in both of these accounts, we are significantly above the President's budget; and yet we get another amendment from the other side of the aisle seeking to raise a worthy program.

Now he seeks to pay for it by cutting, among other sources, AmeriCorp. I am a little confused by that because just a few minutes ago the distinguished gentleman from Connecticut had an amendment to try to add money for AmeriCorp. The House turned that down. Frankly, had I realized that the gentleman's amendment was going to be offered, in this instance I probably would have accepted the gentleman's amendment from Connecticut because I don't think it makes sense to reduce AmeriCorp, which has already been cut $9.2 million below last year, although I admit they do have carryover funds of $8 million.

I guess what I am saying is I don't intend to stand in the way of this amendment, but it once again illustrates that when the administration claims that this bill is profligate, it is in fact far off the mark. Virtually every single amendment being offered today is being offered for the purpose of increasing funding for what is described as a worthy program.

Now, yes, in order to pretend that we are all equally focused on the same things, they say that they have an offset. But it is clear that the offset is a secondary motivation and the primary motivation is to raise funding for these programs, and I think it indicates that the committee has been far from profligate when it has set the funding levels that we have set in this bill.

I yield back the balance of my time.

Mr. SHAYS. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SHAYS. I rise to oppose this amendment not because of where the money is spent but where it is taken from. That is what I want to address.

I had an amendment to try to restore funds for AmeriCorp programs to bring it back to the level of 34,000 AmeriCorp workers. We can call them volunteers; we can call them workers.

I was a Peace Corps volunteer. Peace Corps volunteers are given whatever the minimum wage is in the countries where we serve. We are given a stipend when we return, a modest stipend. We are called a "volunteer" but we don't work for nothing. We have to have shelter provided as a Peace Corps volunteer, and we have to be paid something to buy food.

AmeriCorp workers, "volunteers," are given a minimum wage in order for them to buy food and to pay their minimum expenses like rent. They may have a 1-year assignment or a 2-year assignment. Most of these people are young kids out of high school who may never have even had a job before, and now they have a job as an AmeriCorp volunteer with this wonderful hope that they can use the 2 years, the stipend that they receive of about $4,600 a year, for college expenses, for educational expenses.

Why would we increase a Pell Grant and not require anything of our young people, but we have an opportunity with AmeriCorp to have someone provide a service to their community, learn a skill and put aside money for education? They can't spend the stipend for anything other than educational needs.

So I just really would encourage my colleague to reconsider doing this. It is destructive, I think, to the program. It is, I think, foolish to think that we would not want these young people gainfully employed in society.

And I make this point particularly to my Republican colleagues. We helped write this bill. The Clinton administration was going to have a one-size-fits-all, and they said we will have a competitive model. We will run these programs State by State by State. We will have them be local programs so you have not the one-size-fits-all. The States then decide what programs competing on the State and local level should be funded. And the program really works well.

I think, if anything, we should be adding more money to AmeriCorp, not less.

Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I reluctantly rise to oppose my friend and colleague's amendment. I certainly support the intent to provide more money for TRIO, and I also championed additional funds for the geriatric programs in the 2007 continuing resolution. But I can't support this cut to AmeriCorp.

Like my colleague from Connecticut who just spoke, I was a Peace Corps volunteer. The point was made you are not a volunteer if you get paid. Well, nobody gets rich at these jobs. You have to have some money to live, to pay the rent, to buy your food, and to call home on occasion.

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So you still can be a volunteer and receive a small portion of income to maintain your livelihood while you're providing this service, but this program gives young Americans the opportunity to express their idealism, to give something back and to learn and to round themselves out and to broaden their horizons.

In fact, since AmeriCorps was established back in 1993, it has demonstrated some pretty remarkable results. Eighty-one percent of former members have volunteered. Additionally, after leaving AmeriCorps service in other areas, 89 percent of former members became employed in the public sector, and Lord knows we need good people working in the public sector. Ninety percent of organizations said AmeriCorps members helped their involvement with other organizations in the community.

Young people are idealistic. They want to do something positive in their lives. This is one of the few programs that we have in the Federal Government that gives them that opportunity. So I would again reluctantly oppose the gentleman's amendment.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. I'm pleased to yield to my friend from Florida.

Mr. STEARNS. I thank my distinguished colleague from Georgia.

Madam Chairman, I am just going to briefly respond to my two distinguished Peace Corps representatives. I know both of them have had ample experience understanding what the Peace Corps is all about.

When they came to Congress, we didn't have the AmeriCorps. In fact, the AmeriCorps is only a recent program here in Congress, and it's been funded continually every year.

I think this is a question not of the Peace Corps merits, but this is a question of priorities. And I think both of them would realize that the TRIO, which helps low-income students in college, is probably just as deserving, as well as geriatric education programs that are part of the amendment here which would get more funding. So it's only in terms of priority, and I think when you look at the two programs, I think they trump the AmeriCorps.

I just would conclude by giving you an example, perhaps highlight two outstanding participants in the TRIO programs that are from my congressional district.

A sophomore at Loften High School in Gainesville, Florida, Juliun Kinsey was one of only 30 students nationwide selected as a Young Entrepreneur of 2007 by the National Foundation for Teaching Entrepreneurship for his unique and high-quality business plan. As a result, he received an all-expense paid trip to an awards banquet in New York City and a cash award.

Another example is Brooke Bostic, a TRIO program participant and a sophomore at Buchholz High School, which is also in Gainesville. He was one of only six students from Florida whose paper on global issues was selected for entry in the United Nations Association Student Paper Competition in New York City this spring.

So both these students benefited from the TRIO program. I think it has ample accommodation for us to say it has a higher priority when we take just a small portion from the AmeriCorps to use for this TRIO program.

So with that, Madam Chairman, I yield back to my distinguished colleague and thank him for the opportunity.

Mr. PRICE of Georgia. I thank my friend for his comments, and I would just like to underscore one point that he made, and that is, that all appropriations bills are bills that relate to priorities.

And we oftentimes hear from our good friends on the other side that we're quibbling or pretending or all sorts of descriptions about what's going on here tonight, but Madam Chairman, what's going on here tonight is the work of our democracy and the work of representatives in Congress to best represent their constituents.

And to scoff at ordering priorities for spending at the Federal level, I don't believe it's an appropriate message to send to the American people. This is important work. This is hard-earned taxpayer money, and it behooves us to spend as much time as any Member in this House so desires to determine the best way in which that money ought to be spent.

So I commend my friend for standing up for the priorities that he believes are most appropriate in this bill.

Ms. MATSUI. Madam Chairman, I rise in opposition of the Stearns Amendment to the FY 2008 Labor-HHS-Education and Related Agencies Appropriations Act. This amendment would cut vital funding from the Corporation for National and Community Service. I am proud to be a part of those standing up in support of the corporation. I believe strongly that the programs supported by the Corporation embody the spirit of the American people, and it is important for Members of Congress to continue to support these programs.

As a Co-Chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved at every level and in every program of the corporation. As a part of the corporation, AmeriCorps is a national service program that engages Americans of all ages and backgrounds in service. Since AmeriCorps was established in 1994, AmeriCorps members have performed over 637 million hours of service that help in each of our communities.

Through programs such as AmeriCorps State and National, Volunteers in Service to America (VISTA), and National Civilian Community Corps (NCCC), AmeriCorps volunteers address critical needs in our communities.

These generous men and women help supplement opportunities and programs in the areas of education, public safety, disaster response and recovery, and environment preservation.

As a result of the great work of AmeriCorps members, extraordinary things are happening all around America. The Corporation supports such important non-profit organizations as Habitat for Humanity, City Year, Red Cross and Teach for America. AmeriCorps volunteers have built homes, healed wounds, and taught elementary school kids. These volunteers are part of the backbone of America.

With very little funding, AmeriCorps members leverage millions of dollars and perform crucial work in classrooms, in national parks, and in areas of our nation hit by disaster. As a result, I hope that my colleagues will support AmeriCorps programs and vote against this amendment. The spirit of service that is so important to all of our communities is one that should be encouraged, not stripped of federal support.

Madam Chairman, I want to extend my greatest appreciation to those who have served our country through AmeriCorps programs. These volunteers have embraced the American spirit of volunteerism, and they are to be applauded for their service.

I strongly urge my colleagues to reject this misguided amendment.

Mr. PRICE of Georgia. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WASSERMAN SCHULTZ:

Page 33, line 25, after the dollar amount, insert the following: "(increased by $3,500,000)".

Page 38, line 18, after the dollar amount, insert the following: "(reduced by $3,500,000)".

Page 39, line 17, after the dollar amount, insert the following: "(increased by $3,500,000)".

Ms. WASSERMAN SCHULTZ. Madam Chairman, I congratulate the chairman and ranking member on a very well-crafted and bipartisan bill. I'd like to particularly thank the chairman for including a nearly $100 million increase to the Ryan White CARE Act.

My amendment would add a $3.5 million increase to Ryan White title IV funding.

Title IV's unique model of coordinated, family-centered care has proven successful at promoting better health. HIV-positive children treated by title IV have reduced hospitalizations, fewer symptoms, and fewer opportunistic infections, resulting in overall improved health and longer life. Babies are more likely to be born HIV-free if their HIV-positive mothers receive prenatal care through a title IV program.

Nearly 90 percent of the people cared for by title IV live below the poverty level, and 88 percent are African American or Latino.

As HIV infections in women and young people continue to rise, disproportionately impacting low-income women and youth of color, title IV programs have needed additional resources in recent years.

A $3.5 million increase to title IV will prevent cuts to HIV services for women, children, youth and families living with HIV. Even this modest increase can help bring more pregnant women and young people into care and keep them in care.

Madam Chairman, I thank the chairman of the committee and the ranking member as well, and I want to acknowledge the advocacy and support of Congressman HANK JOHNSON from the State of Georgia as well.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 33, line 25, after the aggregate dollar amount insert "(reduced by $37,200,000) (increased by $37,200,000)".

Mr. JINDAL. Madam Chairman, the current bill provides $37.2 million for nurse education and retention at level funding from the last fiscal year.

Nursing is the Nation's largest health care profession, with an estimated 2.9 million active, licensed registered nurses. However, only 212,927 of these RNs received their licenses after 2000.

The Bureau of Labor Statistics projects there will be approximately 1 million new job openings for registered nurses by 2010.

In 1980, 26 percent of RNs were under the age of 30. Today, less than 9 percent of RNs are under the age of 30, with the average nurse being 46.8 years of age.

In 2004, the highest level of educational preparation for nurses was 17.5 with a diploma, 33.7 percent had an associate degree, 34 percent had a baccalaureate degree, and 13 percent with a master's or doctoral degree.

The number of full-time nursing faculty required to fill this nursing gap is approximately 40,000. Currently, however, there are less than 17,000 full-time nursing faculty in the system.

The average age of a nursing professor is 52, and the average age of an associate professor is 49. Retirement accounts for about 25 percent of the decline in nurse faculty.

In 2005, 81 percent of accredited nursing schools stated they needed additional faculty. Only 350 to 400 nursing students receive doctoral degrees each year. Given that 52 percent of nursing schools require doctorate degrees as a criterion for professorship, it is imperative to increase the number of student nurses receiving doctoral degrees.

Because of the faculty shortage of those both willing and skilled to teach, nursing schools turned away over 30,000 qualified applicants in 2005 and 16,000 in 2004 to entry-level BA nursing programs.

Madam Chairman, my amendment directs an additional $37.2 million for nurse education retention, which would double funding from fiscal year 2007 levels. This account targets the education, practice and retention in response to the growing nursing shortage.

And in anticipating a potential objection that the amendment doesn't specify this, it will be possible to fund this amount from other accounts while still providing increased funding for other accounts, for example, like Job Corps' construction and renovation or Job Corps administration. In other words, within the underlying bill, it is possible to fund this amount while still providing increases to other accounts. Other accounts have been increased. I simply would like to make sure that we provide additional funding to address the critical nursing shortage that we are facing in our country, to both improve access, improve quality and decrease the cost of our health care.

Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, if I could, I'd like to enter into a colloquy with the gentleman who's offered the amendment.

I'd like to ask the gentleman from Louisiana what is the offset that he's proposed to pay for this additional expense.

Mr. JINDAL. Madam Chairman, will the gentleman yield?

Mr. WALSH of New York. I yield to the gentleman from Louisiana.

Mr. JINDAL. The amendment actually increases and reduces funding, so it's more to indicate an intent. But as an example, what I offered as an example was it would be possible to fund this amendment from accounts, for example, from the increase in the Job Corps construction and renovation account, from the Job Corps administration account, from other accounts that have been increased, while still leaving increases in those accounts.

So, even though this amendment does not take money from those accounts, it could be funded in that way.

Mr. WALSH of New York. Just a further inquiry to the gentleman. In order to add funds at a certain point in the bill, you have to derive those funds from another point in the bill. Would you please, for the record, identify where these $37 million come from.

Mr. JINDAL. If the gentleman would yield, again the amendment increases and then reduces by $37.2 million. But, for example, the money could come from the Job Corps construction and renovation fund, which is currently funded at $12.9 million above the President's request, from the Job Corps administration fund, which is funded at $28 million above last year's.

Mr. WALSH of New York. Would the gentleman care to identify which of those two funds he will provide this offset from?

Mr. JINDAL. Absolutely. The amendment doesn't do this. But, for example, $7.9 million could be taken from the Job Corps construction and renovation fund. From the Job Corps administration fund, $14 million could be taken. From the community service employment fund, the remaining funds could be taken. In all three cases, it would actually leave more funding than was there in fiscal year 2007.

So, again, the amendment doesn't actually reduce those accounts by those three amounts, but the funding could be provided in that way, still leaving increased funding in those three accounts.

Mr. WALSH of New York. Reclaiming my time, Madam Chairman, my understanding is that these funds, the offset would have to be provided from within the HRSA account, and while the amendment may be in order, I don't believe the offset is correct procedure.

Madam Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

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Mr. GARRETT of New Jersey. Madam Chairman, I rise to support the gentleman's amendment, leaving aside the underlying question of the funding issue of where the dollars come from. I appreciate the ranking member's point with regard to that.

I want to go to the point the gentleman raises as far as the necessity and the importance of making sure that we have appropriate dollars spent on nurse education and retention and to have a level of funding for 2007. I come from the great State of New Jersey, and within the Fifth Congressional District, which I represent, I represent several, over five good hospitals and also long-term health care facilities as well.

As I travel about the Fifth Congressional District, and I meet with the various hospitals and the administrators from such, and I also meet with the people from the long-term health facilities as well, when I travel down to Trenton, our State capital, to meet with our State hospital associations as well, one of the first issues that always comes up in our discussion is the issue of the availability and quality of nurses in the State of New Jersey, I should say the availability of quality nurses in the State of New Jersey. Every nurse that we have is a quality nurse. We just need more of them in the State.

To that end, on a positive note I should add, we have initiated for some facilities in our State where we are providing more nurse training than we ever had before. One of the things, I will just say from a parochial interest, is once we do have that training for the nurses, we are going to do everything we possibly can to make sure that they stay after being trained in the State of New Jersey, but we will, of course, if need be, maybe allow them to go out to some other States as well down South, where I believe they probably have a need as well.

But this is a bill from a national perspective. I know the gentleman can speak to this more eloquently than I. This is not simply an issue up in the Northeast, and this is not an issue down South as well. I am sure that I can speak to any Member of this body from any portion of this country, and they will tell me similar stories that I am recounting here right now, that we have a lack of quality, skilled nurses in this country.

Maybe there are other underlying reasons for this. One that comes to mind, of course, is the rate of compensation for nurses. When you talk to nurses, when you consider the number of hours they put in as far as the training they have to go through initially, and then the net length of the time they have to get the other skills necessary to become a nurse, and then the amount of pay that they get, it is certainly not commensurate to what they provide to this community and to this country. On top of that, of course, is the long hours that they must struggle with in their jobs, and the conditions that they have to work with and under in certain circumstances as well.

So I take my hat off to the nursing establishment, the nurses, the young people, men and women that decide to go into this career. If there is anything we can do as a national body to facilitate that and encourage and foster this, I will support it.

So I commend the gentleman for coming up with the idea to make an amendment to the Labor-HHS appropriation bill to double funding for nurse education and retention, as they said, from the $37.2 million that's currently in the bill.

I commend his work. If I can work with him on this initiative or other initiatives in the future to address the issue of nurse retention, I am more than happy to do so.

Madam Chair, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chair, this is another one of those "let's pretend" devices that I guess we are going to be afflicted with the next 2 days.

This amendment doesn't do nothing to nobody, and it doesn't do nothing for somebody. The fact is that it pretends to move $37 million out of this account, and then it puts $37 million back into this account and pretends that something has been accomplished.

There is no congressional direction that I know of that's being accomplished by this amendment. There is no consensus about what it does. It makes no changes in either the bill or the report. As a practical matter, it doesn't do anything except let somebody pretend that they have just done something for nurses' education.

If it makes you feel good to play a "let's pretend" game, go ahead and vote for it. But let's not kid ourselves. This amendment is not a real amendment. It has no real impact. It pretends to have an increase. It has, in fact, no offset. It's simply a shell game.

Madam Chair, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JINDAL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Page 35, line 6, after the dollar amount insert "(increased by $11,037,000)".

Mr. SMITH of New Jersey. Madam Chair, 2 years ago the President signed the Stem Cell Research and Therapeutic Act into law.

This bipartisan legislation is designed to turn medical waste to medical miracles by deriving stem cells from umbilical cords and placentas after the birth of a child.

Cord blood transplantation is saving lives and is doing so today. It is one of the most promising and exciting fields in the area of regenerative medicine. The bipartisan legislation, Madam Chair, establishes a nationwide integrated bone marrow core blood stem cell transplantation program.

The good news, according to a July 13 technical assistance briefing memo by HRSA, is that six major grant recipients, Duke, New York Blood, Puget Sound Blood Center, Stem Cyte, the University of Colorado and the Anderson Cancer Center at the University of Texas have received funds for state-of-the-art programs that are now part of the newly created National Cord Blood Inventory.

With significant infrastructure now in place, and more blood grant centers imminent, and single point of access to facilitate the delivery of those units, more than 4,600 units of lifesaving cord blood has already been collected.

HRSA reports that approximately $22 million from fiscal years 2004 and 2007 appropriations will make collection of some 17,000 cord blood units possible by the end of fiscal year 2007.

"The question is—then what?

According to HRSA—in FY08—the new Cord Blood Program, just coming into it's own, will have to rely entirely on new appropriations.

So the bad news, it seems to me, is that if funded at about $4 million for FY08, the amount in the bill, the current grant recipients will have to dramatically scale back in their cord blood banking initiatives just as they're ramping up; just as breakout is occurring.

At $4 million, only about 3,000 units will be available in FY08 for medical realization of the goal of 150,000 units the experts tell us is needed to provide genetic matches for over 90 percent of Americans who can be aided by cord blood transplant.

We've come so far—the network is in place. And that money buys more cord blood which means more people cured and more research to save even more lives.

The $15 million that my colleague from Alabama and I are asking Members to support comports with the authorized level and is derived from within the HRSA allocation, which in the underlying bill is being increased by $69 million over last year and $1.3 billion over the President's request. Our shift represents less than ¼ of 1 percent of HRSA's $7 billion.

Surely, we can accommodate an $11 million shift—the net effect of the amendment—to a proven regenerative medical treatment that will mitigate—even cure—a myriad of diseases including leukemia and sickle cell anemia.

Mr. OBEY. Would the gentleman yield?

Mr. SMITH of New Jersey. I would be happy to yield.

Mr. OBEY. Same deal as we have offered several times earlier today. If the gentleman is willing to shorten his remarks, we are willing to accept the amendment.

Mr. SMITH of New Jersey. I certainly appreciate that very generous offer.

Mr. WALSH of New York. Madam Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I will be very brief.

Cord blood has proven to be very effective for many lifesaving purposes. We need to support this research.

I would urge a "yes" vote on the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman offered by New Jersey (Mr. SMITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas:

Page 36, beginning at line 5, strike "*Provided further*, That within" and all that follows through the end of the proviso.

Mr. BARTON of Texas (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Madam Chairman, I am willing to not speak at all if Mr. OBEY is willing to take my amendment without me talking about it.

I was chairman of the Energy and Commerce Committee in the last Congress, and one of the things that I am most proud of was that in the late stages of that Congress we passed the Ryan White CARE Reauthorization Act of 2006. It's a 3-year reauthorization act. It was a bipartisan, bicameral compromise.

Some of the House Members that worked on it included Congresswoman MARY BONO on the Republican side, Congresswoman ANNA ESHOO on the Democrat side, Senator ENZI, Senator KENNEDY, Senator BOXER, Senator FEINSTEIN, Congressman DINGELL, of course myself, and many, many others.

One of the cornerstones of that reauthorization was a formula change in the dispensation of HIV/AIDS funding to more reflect where the epidemic is actually still in play in this country. Under the old formula you had one-half of funds based on a formula based on population, things like this, and then you had one-half of the funds based on a discretionary fund.

Under the reauthorization we changed that to two-thirds formula and one-third discretionary. But because we were changing the formula, we did put in a hold-harmless provision for the formula funding.

What we were trying to do was make more funds available to those areas of the country where the epidemic was still prevalent and growing, and less funds on a discretionary basis where the epidemic had once been centered but was now thankfully not as prevalent. The pending bill before us changes that formula.

Now, normally, that would be considered legislation on an appropriations act, and a point of order would have been reserved by Chairman DINGELL of the committee, and all we would have to do is make a point of order, and it would be sustained. Chairman DINGELL did not reserve that point of order, so I have to rise to try to strike it.

My amendment does not change the amount of funding for HIV/AIDS. It does prevent this reversion of the formula so that we would keep the bipartisan, bicameral agreement, that we would have two-thirds of funds based on a traditional formula and one-third of the funding based on discretionary.

Now, the effect of the pending legislation that I am attempting to strike, if we don't strike it, two cities will benefit, Newark, New Jersey, and San Francisco, California. Every other city that currently receives AIDS funding and HIV funding will be disproportionately disadvantaged.

So I hope that the House will accept my amendment, and we will keep the formula that was agreed to after intense negotiations where we have a two-thirds and one-third split based on formula and discretionary, and a hold-harmless on the formula side but not a hold-harmless on the discretionary side.

Madam Chairman, I yield back the balance of my time.

Mr. JACKSON of Illinois. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JACKSON of Illinois. I wanted to ask the gentleman from Texas (Mr. BARTON) a question if it's appropriate.

I wanted to ask the gentleman a question specifically about his amendment and the hold-harmless clause and its impact possibly on Ryan White.

I yield to the gentleman from Texas.

Mr. BARTON of Texas. In the reauthorization bill that was carefully negotiated on both sides of the aisle and the Senate, we maintained a hold-harmless provision for the formula funding under the bill, but we did not put that hold-harmless provision to the discretionary funding in the bill.

Discretionary funds are based on actual active case counts, how many HIV/AIDS patients you have. There is a methodology to determine how many of those individuals there are, and then the discretionary funds are distributed based on need.

In the legislation that's pending in the appropriations bill, the hold-harmless provision, which in the authorization bill we had on the formula side, is also applied to the discretionary side. The effect of that would be that an area that at one time had a large number of HIV/AIDS patients, but those patients had either passed away or been cured or moved out of the area, they wouldn't get to use the old patient count for their discretionary request. They could only count for discretionary purposes the number of active cases that they currently had in their area.

Mr. JACKSON of Illinois. Reclaiming my time, what the chairman, I believe, and the committee sought to do by adding this language was to create a stop loss that does not prevent cuts, but rather reduces losses to a level that the jurisdiction can absorb in one fiscal year.

For example, the San Francisco EMA, which includes San Mateo and Marin Counties, for example, will still receive about a $2.3 million cut. The language caps losses for eligible metropolitan areas like San Francisco at 8.4 percent, misrepresents the 5 percent hold-harmless loss that was agreed to in last year's reauthorization, plus the average loss for all title I jurisdiction, which was 3.4 percent.

□ 1945

But I think it is important to note, and then I would be happy to yield if the gentleman would like to respond, here are some of the other jurisdictions that will benefit from the stop loss language which included in the chairman's mark: Hartford, Connecticut, 892,000; New Haven, Connecticut, 712,000; Nassau-Suffolk, New York, 432,000; Puerto Rico, 310,000; Caguas, 286,000; Sacramento, 195,000. And it goes on and on and on.

So what we are trying to understand here is how the chairman's language, which seeks to remedy a particular problem, is fundamentally changed by the gentleman's amendment.

I would be happy to yield for his response.

Mr. BARTON of Texas. Under the old law, the funding was based one-half on a formula and one-half on discretionary, and the discretionary counted active cases and also cumulatively, I believe, cases of individuals who had expired because of the infection. Under the new formula that we passed in the reauthorization bill, we changed the formula to two-thirds instead of one-half, and we reduced the discretionary from one-half to one-third.

We did put a hold harmless provision in on the formula side, but we did not apply that hold harmless to the discretionary side. So we also had a specific hold harmless for the first year of the new authorization which we are currently in.

The effect of the language that is in the pending bill basically puts hold harmless not only on the formula funding, which we increase from one-half to two-thirds, but it also puts it on the discretionary side, the effect of which would be areas which don't have as large a patient count as they once did would get more discretionary funding; conversely, those areas that 5 or 6 years ago, perhaps, didn't have much of an HIV/AIDS epidemic would be shortchanged.

Mr. JACKSON of Illinois. Reclaiming my time, I know my time is just about expired; I know the chairman may have some concluding remarks, but this has been very difficult from the beginning, and the chairman's language in the mark seeks to remedy ongoing problems, and I would encourage my colleagues to vote "no."

Ms. WOOLSEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Madam Chairman, over 20,000 people have died from AIDS in the San Francisco-Bay Area, and AIDS continues to be the second leading cause of premature death in our area. In addition, and it is because of improved treatments, because of programs like the Ryan White AIDS program, nearly 23,000 individuals are currently living with HIV/AIDS, more than at any point in the history of the epidemic. Therefore, it is not the right time for the people in the San Francisco-Bay Area to have any cuts in their AIDS/HIV programs, because it is starting to work but it isn't working well enough, including my own county of Marin County north of San Francisco and the county of San Mateo south of San Francisco. Our communities have the third largest cumulative number of AIDS cases in the entire country.

This amendment will recklessly and irresponsibly put the lives of many of our constituents at risk. The very idea truly astounds me, the very idea that these lifesaving programs would be cut, that there would even be an offer to cut them while we are spending $10 billion a month to occupy Iraq just is beyond my comprehension. I have to wonder, what are some people thinking about? What are their priorities? I can tell you my priorities are with the health and the well-being of our constituents.

Treatments and support programs and systems for HIV/AIDS have come a long way. Now is not the time to pull the rug out from under the programs that are working and to stop supporting those who are living with AIDS and HIV, particularly in the most affected areas such as San Francisco and Newark, New Jersey. Therefore, I urge my colleagues, please oppose this misguided amendment.

Madam Chairman, I yield back the balance of my time.

Ms. LEE. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Madam Chairman, I rise in strong opposition to the Barton amendment. This issue of HIV and AIDS, first of all, is a matter of life and death, and I don't want to see us tamper around with the language which we have in this bill.

Despite the inclusion of language in the Ryan White Reauthorization Act to protect against these drastic cuts that would destabilize existing systems of HIV and AIDS, one jurisdiction's award was cut by 31 percent, or $8.6 million. Several other jurisdictions also received larger than anticipated cuts. So the language that we have creates just really a stop loss effort that doesn't prevent further cuts but just reduces losses to a level that a jurisdiction can absorb in one fiscal year, which still to me is just not acceptable, but it is the best we can do in this bill. For instance, as we said earlier, the San Francisco EMA will still receive a $2.3 million cut.

The language also caps losses for eligible metropolitan areas like San Francisco at 8.4 percent, which represents the 5 percent hold harmless loss that was agreed to in last year's reauthorization plus the average loss for all title I jurisdictions, which was 3.4 percent. Also, the losses for transitional grant areas which were not protected by the hold harmless in the reauthorization will be capped at 13.4 percent.

We heard earlier some of the jurisdictions that were included in the chairman's mark, but in addition there is Jersey City, New Jersey; Dutchess County, New York; and others.

My colleague from California just mentioned over 20,000 people have died from AIDS in the San Francisco EMA, and AIDS continues to be the second leading cause of premature death in the city and county of San Francisco. Also, nearly 23,000 people are currently living with HIV and AIDS, more than at any point in the history of the epidemic. San Francisco also has the third largest cumulative number of AIDS cases in the country. In fiscal 2006, San Francisco's EMA received about $27 million. In fiscal year 2007, it is only $18 million. This represents again, what I said earlier, a 31.4 percent reduction.

Provisions were included in last year's reauthorization to prevent drastic cuts of this sort, and we don't believe HRSA properly interpreted these provisions.

I hope that we oppose the Barton amendment. We do not need any more destabilizing initiatives that would affect people's lives. This is a matter of life and death. We need to look at how we can begin to move forward to make sure that all of those that need the HIV/AIDS services receive those services in terms of care, treatment, and prevention, and start looking at how to do that rather than do the things that the Barton amendment does. So I urge us to oppose this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. BILBRAY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. Madam Chairman, I had the privilege to serve 10 years as a county supervisor in the County of San Diego serving a community that desperately needed help with the HIV/AIDS epidemic, and I also happened to have been privileged enough to serve on Interstate and Commerce on the Health Committee that reauthorized the Ryan White Act.

The biggest issue here that is being discussed by the Member from Texas (Mr. BARTON) is the fact that the need should follow the patient. I am sure the gentleman from Chicago recognizes that all of these agencies and all of this money is supposed to be to service the people, not to groups, not to cities. It is human beings we are talking about in need. His motion is a compromise. It doesn't say don't strike the need on everything, but it says let's take half of it or take a portion and give priority to those who need it.

Madam Chairman, this would be like somebody thinking that it would be appropriate to send as much money to an empty hospital that used to serve patients as it is to send it to the new hospital that is full of patients. All he is saying is, let's take a portion of this and commit it totally to need. Not all of it, but a portion of it. How can we go back to our districts and say the agency in a certain city was more important than the patients and the people who are sick who just happen not to be sick in that same area?

The fact is having a formula that puts weight to those who used to be served is an inappropriate formula, and we all agreed in the 1990s that we were going to phase that out. The gentleman's motion only moves forward that agreement we have always had when we talked about Ryan White, that Ryan White was a young man, not an agency. Ryan White was a human being who had AIDS.

This grant, this program was never meant to serve groups, cities, or agencies except if they were the victims of this hideous disease called AIDS/HIV.

And so I think, let's stop a second. These groups and people that want us to send them money because they used to serve a large number of patients and realize that they may have to move or they might have to change their employment, that is not what this fund is for. It is for serving patients. And so all the gentleman is saying is, please, let's follow the need, and let's not say that it is for treating those who are sick if we are going to send it to agencies that are not serving. Let's send it to those agencies that are serving. At least let's start moving towards the total amount of this fund. And the honor of Ryan White is to make these funds totally committed to serving patients that are ill today, the patients that need the service today, not patients of the past. We can't solve the problems of the past, but we can solve the problems that face us today, this year, and in the future, and that is by making sure funds are committed to those who are actually sick today.

And I would support all of the funds going to only those based on a formula of today's service, because we are talking about this year that these funds are supposed to be sent. The gentleman has accepted a compromise; I am willing to accept that compromise. We should be able to go this far, and common decency says the gentleman should get a chance to be able to have this compromise worked out.

I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Chairman, I want to point out in the brief time that the gentleman from California still has, the Barton amendment doesn't lessen funding for this; it doesn't change the total amount of dollars at all. It simply protects the agreed-upon compromise that the stakeholders, the House, and the Senate on both sides of the aisle agreed to in the last Congress. And what the compromise was is, we moved more to a formula funding mechanism, two-thirds, and one-third for discretionary. And on the discretionary side, that is totally based on active HIV/AIDS case counts. It does not include people who have passed away from AIDS.

And the gentlelady that spoke earlier about the number of people in San Francisco that have contracted the disease and have passed away is totally right that those people, unfortunately, are no longer here. They should not be counted for the discretionary funding because you can't help them now.

□ 2000

We want the funding from the discretionary side to go to those that actually still have the infection.

The CHAIRMAN. The gentleman's time has expired.

Mr. JACKSON of Illinois. Madam Chairman, I would like to respond to the gentleman from California, but I think it's appropriate to recognize the gentlelady from California because I have struck the last word already. And if she will give me 15 seconds, I would be more than grateful.

Ms. ESHOO. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Madam Chairman, we agree that this is about people and not about cities, and that's why the committee has an overall increase in the Ryan White funding.

San Francisco has more people living, not dying of AIDS, but living AIDS, than any other point in the history of the epidemic. The need is not going down in any of the 11 jurisdictions protected by this language and, therefore, the committee is correct in opposing the Barton amendment.

Ms. ESHOO. Madam Chairman, I rise in opposition to Mr. BARTON's amendment. I believe that it will perpetuate a system of winners and losers in the allocation of Federal resources for AIDS.

When Congress reauthorized the Ryan White AIDS program last year, we included language to allow the historic epicenters of the disease to continue providing care to those in need. The language was specifically intended to protect against drastic cuts that would destabilize the existing infrastructure for HIV/AIDS care.

Now, my friend from Texas has been absolutely consistent, and so have I. He's always been opposed to what I've just described, and I have supported it. So it's gone back and forth. But we've both been consistent in terms of our positions. I obviously respectfully disagree with his amendment, because I think it's important to understand, number one, A, that you have to protect the infrastructure. This isn't simply, when we say the care of people, you have to have infrastructure for it. And I think, underlying the gentleman's amendment is the notion that dead people are being funded, and that simply is not the case. We are both on the Energy and Commerce Committee. We've debated it there, and that's why I'm bringing some of the flavor of what we've debated there.

Over 20,000 people have died from AIDS in San Francisco's EMA. That's the eligible metropolitan area.

Now, the gentleman from California that spoke just a few moments ago talked about his time on the Board of Supervisors. That's where I came from in San Mateo County. And San Mateo and the City and County of San Francisco have been partners in this. And it's what has really held up and helped to build the infrastructure to take very good care of people. We take it seriously. Every dollar in this, every dollar in this has an effect on human beings. So this is not some tidy formula that somehow is not going to affect the infrastructure. So that's another reason why I oppose this.

San Francisco's award for fiscal 2007 was cut by 31.4 percent, or $8.6 million. Now, in Federal money, $8.6 million, unfortunately, is not considered serious money. This is devastating in this EMA. I know of what I speak. I've been there on the ground. I see where the dollars go and what people get.

Now, several other jurisdictions also have received larger than anticipated cuts. So I don't believe that the HRSA properly interpreted these provisions and that this bill, very importantly, corrects that error.

The stop loss language does not prevent cuts. Instead, it reduces losses to levels that can be reasonably absorbed in one fiscal year. And that's really a very important operational phrase, "reasonably absorbed in one fiscal year."

Any Member of Congress want to take a 31.4 cut in what their income is to help them take care of what they have to take care of their responsibilities and obligations? It's absurd. It's absurd. So that's why we are rising in opposition to the amendment.

So the language caps losses for the EMAs at 8.4 percent. And I think that this represents the 5 percent hold-harmless loss that was agreed to in last year's reauthorization.

I think the Barton amendment would prevent us from responding to the real needs of people that suffer from HIV and AIDS, and I urge my colleagues to oppose it.

The CHAIRMAN. The gentlewoman's time has expired.

Mr. BURGESS. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BURGESS. Madam Chairman, I rise tonight in support of the Barton amendment. I hadn't intended to speak about this, but I was listening over in my office, and I am extremely concerned about the structure of this provision that has been added to the bill.

By increasing the percentage of the "hold-harmless aspect" the concern has to be about where are those dollars going to come from to pay for those increases?

My understanding is that other communities where authorized identified need may now be placed at risk. And yes, that would include my home district in north Texas. That would include the City of Fort Worth, Texas, where there are great numbers of people who, where unfortunately, the rate of acquisition of AIDS is increasing.

Madam Chairman, this was a carefully negotiated compromise on our committee, appropriately so. It was an authorizing committee. At best, this activity tonight is authorizing on an appropriations bill. At worst, it is a thinly disguised earmark for the Speaker of the House. I urge my colleagues to vote for the Barton amendment.

I yield to the ranking member of the committee.

Mr. BARTON of Texas. Madam Chairman, I don't want to belabor this, but I do want people to understand what the compromise was. Those that represent, as has been characterized, the epicenter of the original contagion on AIDS/HIV, are protected in the compromise.

Two-thirds of the funding is based on a formula that advantages those areas where the epidemic started. And we hold that formula harmless. You can't have, on the formula funding, more than a 5 percent cut the first year. That's this year. Then next year you get 100 percent of what you got this year, and the third year you get 100 percent of what you got the second year. So there's no drastic, there are some reductions because on the discretionary side the population centers are changing. And on the discretionary side, the compromise was not to have a hold-harmless, but to base those on actual active HIV/AIDS counts.

Now, if you accept the base bill and reject the Barton amendment, you're going to have two areas, primarily, I'm told San Francisco and Newark, that get more funding, and every other area in the country gets less.

And since all the AIDS groups supported the bipartisan compromise, and both Chambers did, I don't think it's fair to change that by putting something in a base text that there were no hearings on, there were no amendments on, it wasn't debated in the subcommittee or the full committee, the appropriations, it was just put in, and our only opportunity is to try to amend that bill right now.

And again, if a point of order had been raised against it, all we'd have to do is make the point of order, but it wasn't reserved. So I think what the compromise was in the last Congress is eminently fair, and was carefully crafted and, as Mr. BURGESS has pointed out, worked out with everybody having input, and that the Barton amendment, which just reverts it back to that base compromise should be supported.

I thank the gentleman for yielding.

Mr. BURGESS. I'll be happy to yield to my friend from California.

Mr. BILBRAY. Madam Chairman, many people in this country would think the compromise being proposed doesn't go far enough. I think most people would say that the money for AIDS should follow the patient, not a bureaucracy. But it's equal protection.

Does somebody with AIDS in Fort Worth have any more or less of a right to Federal funds to take care of AIDS than somebody who lives in San Francisco? How about equal protection here?

Does an AIDS patient in Fort Worth have equal rights with an AIDS patient in San Francisco? That's the question here.

The compromise gives 75 percent preference to San Francisco. How much more preference do you want? And let's not talk about equal protection any more if you want to do this.

He has bent over backwards to try to cooperate and meet the people from San Francisco halfway at phasing this out. All we're asking for is stick to the compromise rather than continue to go. And I don't think that anybody that believes in equal protection can honestly say that an AIDS patient who happens to be in Fort Worth doesn't have the same rights and shouldn't be given the same protection and just as much money per capita as somebody in San Francisco.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out subpart 1 of part A of title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program under such subpart, including section 709 of such Act, $2,906,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,528,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act (42 U.S.C. 201 et seq.) ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811, 812, 813, 841, 842, 843, 861, and 951), sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669, 670, and 671), title IV of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,141,753,000, of which $10,500,000 shall remain available until expended for equipment, construction, and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act (42 U.S.C. 247d–6b); of which $50,000,000 shall be available until expended to provide screening and treatment for first response emergency services personnel related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009: *Provided*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act (42 U.S.C. 238j): (1) $12,794,000 to carry out the National Immunization Surveys; (2) $120,000,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $39,173,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $88,361,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of section 3 of the Vaccine and Immunization Amendments of 1990 (Public Law 101–502) to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the PHS Act (42 U.S.C. 300n–4a) to not more than 15 States, tribes, or tribal organizations: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That none of the funds appropriated may be used to implement section 2625 of the PHS Act (42 U.S.C. 300ff–33): *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act (42 U.S.C. 215), shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to cancer, $4,870,382,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI–Frederick Federally Funded Research and Development Center in Frederick, Maryland.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

OFFERED BY MR. GARRETT OF NEW JERSEY

Page 80, line 2, after the first dollar amount, insert "(reduced by $10,000,000)".

Page 41, line 7, after the dollar amount, insert "(increased by $10,000,000)".

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, the amendment that I'm offering tonight is a very simple, straightforward one. As was just read, it would remove $10 million from a program that was in fact zeroed out in the Bush administration's budget request, and then use those dollars, that money to increase the level of funding currently appropriated to the National Cancer Institute at the National Institutes of Health.

Madam Chairman, some time ago President Nixon unofficially declared a war on cancer in his State of the Union Address back in 1971. Since then much progress has been made in the area of cancer research, thankfully. And over the last 3½ decades, science and research has continued to break down barriers in the fight against this dreadful disease.

Today, cancer is no longer the mystery disease that it once was, and researchers know infinitely more now today about the prevention, the detection and the treatment of the disease than ever before in history.

□ 2015

The results from all of this research is now beginning to bear fruit on people's lives every day. Fewer people are dying from cancer in 2004 than they were in 2003, according to the studies. An American public is witnessing declining rates for most major cases, including breast cancer, prostate cancer, and colorectal cancer as well.

So, Madam Chairman, I think that the chairman of the Appropriations Committee has done a good job for increasing the budget of the National Cancer Institute this year in the bill, and Republicans supported a doubling of the budget at the National Institutes of Health in past sessions. I supported that. But I think we can do just a little bit more.

The account that this amendment would take from is the Alaska Native Education Equity program. That is a program, like we hear so often on this floor, that is basically a redundant program that the President has eliminated in his budget request. According to the administration, the Alaska Native students already receive benefits from the department in Indian education programs, which provide more than $118 million in formula grants to school districts and competitive grants for demonstration and professional development programs.

Now, Madam Chairman, when we consider how the Federal Government is prioritizing its spending, which really is what it is all about when we come to the floor on each and every one of these amendments, I submit that funding cancer research is more important than spending additional redundant money on a redundant Federal program.

Madam Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. OBEY. Madam Chairman, I make a point of order against the gentleman's amendment.

The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the gentleman's point of order?

Mr. PRICE of Georgia. Madam Chairman, we have had a number of amendments that have dealt with line items at one point in the bill and then at a point later in the bill that has not been read yet, so I would respectfully suggest that the point of order is not appropriate as it has not been utilized on other amendments that have been offered and that all Members ought to be treated with equity in the offering of their amendments.

Mr. OBEY. Madam Chairman, if I may be heard further, that is a very quaint interpretation of the House rules. And, nonetheless, it does not at all address the fact that the amendment proposes to increase the level of outlays in the bill, which I assume as a good conservative, the gentleman would be opposed to.

Mr. GARRETT of New Jersey. I would like to be heard on the objection.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. GARRETT of New Jersey. The objection, if I understand it correctly, is that the assertion is that this increases the total of number of outlays for the bill. That would be the case if we are simply asking for an increase of $10 million for the Cancer Research Institute, but that is not what we are asking to be done. We are simply asking that $10 million in one line, Page 41, line 7, be increased by the $10 million but another line, page 80 line 2, after the first dollar amount insert, "would be reduced by $10 million." So in point of fact, this amendment does not increase the total net dollar output of the underlying bill. It is a balanced amount. No increase, no decrease.

Mr. OBEY. Madam Chairman, if I might point out to the gentleman, just because it is neutral in budget authority does not mean it is neutral in outlays. It is not neutral in outlays, and, therefore, it is out of order.

The CHAIRMAN. The Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from New Jersey proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,965,775,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to dental disease, $395,753,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to diabetes and digestive and kidney disease, $1,731,893,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to neurological disorders and stroke, $1,559,106,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to allergy and infectious diseases, $4,632,019,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MUSGRAVE:

Page 42, line 13, after the dollar amount, insert "(reduced by $175,000)".

Mrs. MUSGRAVE. Madam Chairman, the bill we are debating today will direct $300 million to the Global Fund to Fight HIV/AIDS, tuberculosis and malaria. This is an organization that was founded to fight deadly diseases in the world's poorest countries.

Madam Chairman, I have learned that the Global Fund's former executive director was spending money on activities well outside of its intended mission. According to a Boston Globe article which broke a story last February, the former executive director of the Global Fund frequently used Global Fund dollars in ways most of us, especially the American taxpayers, would find reckless.

Global Fund documents say he spent between $91 and $930 per day for limousines in London, Paris, Rome, Washington and San Francisco, averaging $376 a day. He spent $1,695 for a dinner for 12 at the United States Senate dining room here in Washington, D.C.; $225.86 to rent a suit; $8,780 for a boat cruise on Lake Geneva in Switzerland; $8,436 for a dinner in Switzerland for 63 people; $5,150 for a meal and drinks for 74 staff members at a retreat in Switzerland. The Global Fund documents cited other spending that included buying flowers for staff members and champagne at a retreat.

Madam Chairman, this sounds like American tax dollars being spent to improve the lifestyle of Global Fund employees. If you add up all the lavish spending just listed in the Boston Globe article, it comes to $24,512.72. At a dollar a dose, that money could have saved the lives of 24,514 infants from dying from malaria. That money could have protected almost 5,000 families from being infected with malaria for a year at the cost of about $5 to spray a house with the cheapest insecticide.

Madam Chairman, the United States has contributed almost $3 billion to the Global Fund since 2001. I want to make sure that the Global Fund knows that the American people are watching the way they are spending their hard-earned dollars, and I want the director of the Global Fund to know that he is accountable to the United States taxpayers. And that is why my amendment reduces his salary from $320,000 a year to $145,000 a year, which is equal to the salary of the United States Global Fund AIDS coordinator.

I ask for support for my amendment. This is a shot over the bow to let the Global Fund know that we want American tax dollars spent to save lives, not to give lavish lifestyles to the Global Fund employees.

Madam Chairman, I yield back the balance of my time.

Ms. LEE. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. LEE. Madam Chairman, I rise to strongly oppose the amendment proposed by the gentlewoman from Colorado.

First of all, as one who wrote the initial legislation that established the framework for the Global Fund, I want the gentlewoman to know that the Global Fund is the only international organization multilateral that is providing for care, prevention and treatment of those living with HIV/AIDS, malaria and tuberculosis. It is a very successful effort. We have major international partners. We are the largest contributor to the fund. And I believe, and she can correct me if I am wrong, that the cut that she is talking about references a prior director of the fund who is no longer there. And, in fact, the fund has reorganized, is moving forward, and is doing quite well. And we discussed this in the subcommittee and we had testimony. We met with the officers and directors, the new executive director of the funds, and I would hate to see us cut a nickel from the Global Fund because we need every dime we can get to make sure that we address this global pandemic that is killing so many, especially those in sub-Saharan Africa and the Caribbean.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, could I inquire of the gentleman from New York, is the gentleman from New York intending to accept the amendment on his side?

Mr. WALSH of New York. I do, Madam Chairman.

Mr. OBEY. Then I would suggest accepting the amendment on this side. This is an amendment that does nothing, Madam Chairman, except, in my view, it is an effort to put people on the hook by ratifying some unacceptable conduct by someone who is no longer associated with the program. I don't intend to be associated with that kind of a problem, and so I think this is one of those nuisance amendments that is meant to enable someone to pose for political holy pictures without much effect.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The amendment was agreed to.

☐ 2030

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. KLINE of Minnesota.

An amendment by Mr. PLATTS of Pennsylvania.

An amendment by Mr. MARCHANT of Texas.

An amendment by Mr. JINDAL of Louisiana.

Amendment No. 5 by Mr. SESSIONS of Texas.

Remaining postponed votes will be taken at a later time.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KLINE OF MINNESOTA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KLINE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 237, not voting 13, as follows:

[Roll No. 642]

AYES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—237

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Bordallo
Brown, Corrine
Culberson
Davis, Jo Ann
Edwards
Feeney
Hastert
Kucinich
Marchant
McMorris Rodgers
Rangel
Tancredo
Young (AK)

□ 2051

Messrs. WELCH of Vermont, PALLONE and PERLMUTTER and Mrs. BIGGERT changed their vote from "aye" to "no."

Messrs. HOBSON, GILCHREST and PICKERING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PLATTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 12, as follows:

[Roll No. 643]

AYES—174

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Cleaver
Coble
Cole (OK)
Conaway
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Lincoln
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hobson
Holt
Hulshof
Hunter
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (NY)
Kingston
Knollenberg
Kuhl (NY)
Langevin
LaTourette

Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mahoney (FL)
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McNerney
Moran (KS)
Murphy, Patrick
Murphy, Tim
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Sali
Sensenbrenner
Shays
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh (NY)
Wamp
Watt
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—250

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrett (SC)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Klein (FL)
Kline (MN)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Poe
Pomeroy
Price (GA)
Price (NC)
Rahall
Reyes
Rodriguez
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Bordallo
Brown, Corrine
Culberson
Davis, Jo Ann
Edwards
Hastert
Kucinich
McMorris Rodgers
Mica
Rangel
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2057

Mr. POE changed his vote from "aye" to "no."

Mr. FORBES and Mr. McHUGH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARCHANT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MARCHANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 277, not voting 10, as follows:

[Roll No. 644]

AYES—149

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—277

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell

Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Regula
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Bordallo
Brown, Corrine
Culberson
Davis, Jo Ann
Edwards
Hastert
Kucinich
Rangel
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2105

Mr. MITCHELL changed his vote from "aye" to "no."

Mr. BRADY of Texas changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. JINDAL

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. JINDAL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 243, not voting 10, as follows:

[Roll No. 645]

AYES—183

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Cuellar
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—243

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Regula
Rehberg
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bordallo
Brown, Corrine
Culberson
Davis, Jo Ann
Edwards
Hastert
Kucinich
Rangel
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in the vote.

□ 2109

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 251, not voting 12, as follows:

[Roll No. 646]

AYES—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny

Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—251

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Bordallo
Brown, Corrine
Culberson
Davis, Jo Ann
Edwards
Hastert
Kucinich
McCaul (TX)
Rangel
Tancredo
Waters
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in the vote.

□ 2114

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALZ of Minnesota) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

□ 2115

PERSONAL EXPLANATION

Ms. HOOLEY. Mr. Speaker, on July 12, 2007, during consideration of H.R. 1851, the Section 8 Voucher Reform Act, my vote on final passage was not recorded. I respectfully request that the RECORD reflect that had my vote been recorded properly on rollcall 629, it would have been registered as an "aye."

APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS OF THE VIETNAM EDUCATION FOUNDATION

The SPEAKER pro tempore. Pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (P.L. 106–554), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Directors of the Vietnam Education Foundation:

Upon the recommendation of the majority leader:

Mr. BLUMENAUER, Oregon.

Upon the recommendation of the minority leader:

Mr. PITTS, Pennsylvania.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RAMOS/COMPEAN CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, a long awaited Senate judiciary hearing on the prosecution of border agents Ramos and Compean occurred today. I was impressed with the Chair, Senator DIANE FEINSTEIN from California, and the questioning of Senator JOHN CORNYN of Texas at the hearing.

The hearing brought to light the overzealous, overreacting and overreaching prosecution of these two Border Patrol agents, Ramos and Compean. It also showed us and the American public the difficulty our border protectors have on the U.S.-Mexico border.

Chief Aguilar of the Border Patrol said today that violence against border agents has increased. In just the first 4 days of last week, 11 assaults occurred against border agents. Over 2,000 assaults have occurred in the last 2½ years, and 12 officers have been killed in the last few years.

Not only is the border violent because of drug cartels, but violence occurs against these border agents. The border is not Disneyland, but the U.S. Attorney's Office showed they are living in Never Neverland by their relentless determination to see that these agents went to prison for 11 and 12 years a piece for just doing their job on the U.S.-Mexico border.

Much was said today, but I want to concentrate on the U.S. Government's main witness, the drug dealer who appears to have been a bought-and-paid-for witness that received immunity from prosecution. He received a get-out-of-jail-free card, received free medical attention for his wounds at the taxpayers' expense, and blanket amnesty to cross and recross the Texas-Mexico border whenever he wished. All this so he would testify against the two border agents, Ramos and Compean.

Mr. Speaker, as a former judge, it has been my experience that when prosecutors make deals with criminals in return for testimony, they usually get the testimony they want from the criminal, and the same is to be said in this case here.

These agents were sent to prison because one of them shot a drug dealer bringing in $1 million worth of drugs into the United States. The agents probably violated some Homeland Security policies, and maybe they should have been sanctioned or even fired, but to let the drug dealer go free because the agents violated a policy was an error in judgment on the part of our own government.

And the U.S. Attorney's Office had two choices, Mr. Speaker. They had the choice to prosecute a drug dealer bringing in $1 million worth of drugs, or they had the choice to prosecute two border agents that violated some policy, and our government chose poorly.

Of course, the Mexican Government got involved in this case and wrote an arrogant letter demanding prosecution by our government. It seems to me this may be the basis for the prosecution.

Let me tell you a little bit about this drug dealer. He received immunity from prosecution, but part of his deal was that he would cooperate with the U.S. Border Patrol and Federal prosecutors. The cooperation? Well, he never would tell who he was working for. He named no names of the drug cartels. He did not cooperate at all. And while he was waiting to testify in this case, he criss-crossed the Texas-Mexico border and brought in another load of drugs worth almost $1 million, and the Feds kept that from the jury.

Why wasn't it important to know about this second case? Because the entire prosecution was based on the testimony of the government's star witness, and the jury had the right to know that this drug dealer brought in another load of drugs while waiting to testify. So to judge his credibility as a witness, the jury had the right to know that, and that evidence was kept out at the insistence of the U.S. prosecutors.

The U.S. prosecutor made this drug dealer Aldrede to be some poor mule from Mexico that brought in a load of drugs for a little money for his sick mother down in Mexico, and that was not the case. He was an operative that moved back and forth across the Texas-Mexico border, and we know he brought in at least two loads of drugs just in a short period of time in this case.

This second load of drugs should have been brought to the attention of the jury. The prosecutors never prosecuted this Aldrede for that. They even had a DEA report that recommended prosecution. I've seen that DEA report, and based on my experience, a third-year law student could have prosecuted that case even though the U.S. Attorney's Office says, oh, there's not enough evidence. The jury should have known about this so as to have judged the credibility of this star witness.

So the government chose between border agents to be prosecuted doing their job or a drug dealer testifying and then bringing in drugs into the United States. Our government should be embarrassed about this case.

And that's just the way it is.

THE ADMINISTRATION'S CASE FOR WAR AGAINST IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, for years the administration has been rigging its case for war against Iran with posturing, finger-wagging and name calling. Those are not my words. One of my hometown daily newspapers, the Seattle Post Intelligencer, authored those words as the first sentence of an editorial they published this morning entitled: "Iran: No, not again." I will insert the Seattle PI editorial into the RECORD at this point.

> [From the Seattle Post-Intelligener Editorial Board, July 17, 2007]
>
> IRAN: NO, NOT AGAIN
>
> For years, this administration has been rigging its case for war against Iran, with posturing, finger wagging and name-calling.
>
> And now, just as Iran has struck an agreement with the International Atomic Energy Agency for inspection of its nuclear plants, and just as the IAEA chief, Mohamed ElBaradei, has said that country is slowing progress on one of those facilities, the United Kingdom's Guardian newspaper reports that Vice President Dick Cheney is pushing for a military "solution" in Iran. Naturally, President Bush is backing him, going against Secretary of State Condoleezza Rice and Defense Secretary Robert Gates, both of whom favor diplomacy over military action (heck, it worked with North Korea).
>
> In May, Cheney paid a visit to the USS John C. Stennis in the Persian Gulf, 150 miles off Iran's coast, for no other reason than to deliver threats. The New York Times reported that while Cheney said nothing new, he "stitched all of those warnings together, and the symbolism of sending the administration's most famous hawk to deliver the speech so close to Iran's coast was unmistakable."
>
> The U.S. rode roughshod over ElBaradei's insistence that Iraq didn't have weapons of mass destruction (he was right). And look where we are now. More than 3,000 American troops and tens of thousands of Iraqis dead in war that defies reason and sees no end. We fear the same might happen in Iran.

The fact is, the mainstream newspapers at home and around the world are expressing grave concerns over what they fear may be the sequel to Iraq, namely, a military strike against Iran.

One of the sources used by the PI editorial is the Guardian newspaper of the United Kingdom which published a story yesterday with this headline: "Cheney Pushes Bush to Act on Iran."

The Guardian reports that: "The balance in the internal White House debate over Iran has shifted back in favor of military action before President George Bush leaves office in 18 months."

Ominously, the story adds: "Although the Bush administration is in deep trouble over Iraq, it remains focused on Iran. A well-placed source in Washington said, 'Bush is not going to leave office with Iran still in limbo.'"

Thoughtful newspapers and other worldwide people believe the Vice President is pushing for a military strike against Iran. The Vice President's presence and speech aboard an aircraft carrier near Iran in mid-May sent an unmistakable message, says the New York Times.

As the Guardian reports, The Vice President is winning the war for war inside the administration, and now the American people have to be brought along. That means the administration and its surrogates will make the data say what they need it to say.

We're already beginning to see how a new national intelligence assessment released just today will be manipulated. The report makes a persuasive and fact-driven case for getting our soldiers out of Iraq, because the President shifted away from the real war against terrorism to pursue his own agenda in Iraq.

But instead of a sober assessment of what's gone wrong in Iraq, we're hearing that terrorists have reconstituted their operations inside Iran. And the insinuation for military action is clear.

Like many, I would like to know what's really going on in Iran and what Iranian leaders are thinking and doing. Well, where can we turn for an assessment we can trust? We know the Vice President wants to use deadly force in Iran. We know that there are credible media reports that say the Vice President is winning the war to go to war with Iran. So how are we going to get accurate and reliable information from this administration or anyone associated with it?

Today, the State Department announced it wants a new meeting directly with Iran to talk face-to-face, government-to-government. Ordinarily, I would see this as a welcome, even positive, sign that the administration has finally begun to see the wisdom in diplomacy.

Is that the case, or is an announcement that comes on the same day as the New Intelligence Estimate a sign that the Vice President is about to declare mission accomplished? We don't know the answer, and we don't know what happened in Iraq.

But we do know what happened in Iraq. The PI editorial board reminds us how the administration ran over the International Atomic Energy Agency, its chief, to make a war in Iraq, quoting the PI. Look where we are now, more than 3,000 American troops and tens of thousands of Iraqis dead in a war that defies reason and sees no end. We fear the same may happen in Iran. So do I.

Tell the President not to go after Iran.

□ 2130

OIL INDUSTRY WILL BE UNABLE TO MEET WORLD DEMAND OVER NEXT 25 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the oil industry admitted this week that it will be unable to meet world demand over the next 25 years. In case anyone still needed a wake-up call about the importance of energy independence, surely, that is that call.

Yesterday's Wall Street Journal reported on page 2 that a U.S. government-commissioned study, a study conducted by the oil industry itself, reveals that oil and gas supplies will not keep pace with worldwide demand through the year 2030.

According to the oil industry study, demand is expected to increase between 50 and 60 percent due to mounting consumption in the developed world, plus the growing economies of China and India.

According to the Journal, the finding suggests that far from being temporary, high energy prices are likely for decades to come. The study's conclusions appear to be the first explicit concession by the petroleum industry itself that it cannot meet the burgeoning global demand for oil, which may rise as much as 120 million barrels a day by 2030 up from 84 million barrels a day currently.

These findings are consistent with what the United States Government already reported in February through the Energy Information Administration of the U.S. Department of Energy. They projected world liquids demand to increase to 117 million barrels per day in 2030.

They also projected the real price of crude oil in 2030 to be about $95 in nominal terms, which would be over $59 a barrel in this year's dollars, and the price of natural gas to be $9.50 per 1,000 cubic feet. In other words, the U.S. Government itself, through the Energy Information Administration, an arm of our Department of Energy, acknowledges we will become more dependent on foreign energy in coming years. Not less dependent, but more dependent. Not more independent, but more dependent. To me, that is not acceptable.

For the consumer, it means higher and higher gasoline prices. For the economy, it means higher trade deficits and slower growth. For our Government, for our Nation, it means less independence, greater entanglements and likely more wars.

President Bush has talked about energy independence. But what has he really done? In his most recent State of the Union, he talked about ending our addiction to oil and everybody dutifully applauded, but we are more dependent on foreign energy sources today than we were 6 years ago when he mouthed the words, indeed. Under his administration, this country is importing 1 billion more barrels of oil since he first took office. Today, we are importing three-quarters of the petroleum it takes to drive this economy.

Now, the Presidential candidates are criss-crossing our country, and each candidate has a piece in their stump speech that mentions the words, "energy independence." But will any of them deliver anything significant on these promises?

I have introduced a number of bills which will move America toward real energy independence. My Biofuels Energy Independence Act of 2007, H.R. 2218, protects our feedstocks from commodity price distortions, and we see what's happening in the ethanol market and the biodiesel market today. We ought to have broad ownership of that industry and not allow the cartelized structure that characterizes today's oil and gas industry to be repeated in this new biofuels sector.

I am proud to be part of a coalition here supporting H.R. 969, a bill to expand the renewable energy standard and the renewable energy portfolio to spawn new energy production in this country and new business and new jobs related to it, to capture all those dollars that we are siphoning up and sending to other countries, to turn those around and bring them back home.

I have a bill to supplement the Strategic Petroleum Reserve, H.R. 682, with domestically produced biofuels. Soon I will be introducing the Energy Smart Communities Act that encourages and aids local jurisdiction undertaking energy efficiency initiatives, including solar roofs and wind turbines across our country.

My goal has always been simple, to devote the resources it will take to reinvent our economy and transform our energy portfolio in this century, in the first decade of this century. Our Nation is, indeed, at a crossroads, and the stakes are in plain sight. Do we travel the road of independence, creating jobs here at home, making affordable energy available to our consumers and businesses, or do we remain in the grip of the petrol kingdoms of the Middle East?

Do we issue a new declaration of energy and independence from foreign control, or do we allow our foreign policy to be perverted by our addiction to oil? Do we get serious about climate change and move aggressively to develop cleaner, safer, alternative fuels, or do we leave our future in the hands of the world oil oligarchy? The choice is ours.

RECOGNIZING THE 33RD ANNIVERSARY OF TURKEY'S ILLEGAL INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tonight I join some of my colleagues on the House floor to remember a horrific act taken by Turkey against the citizens of Cyprus 30 years ago. On July 20, 1974, the nation of Turkey violated international law when it brutally invaded the sovereign Republic of Cyprus. Following the Turkish invasion, 200,000 people were forcibly displaced from their homes, and a large number of Cypriots, who were captured during the invasion, are still missing today.

Until 3 years ago, both Democratic and Republican administrations here in the U.S. consistently condemned the Turkish government for its illegal occupation and pressured the government to come to the negotiating table in an attempt to finally reunify Cyprus.

Past administrations understood that the invading nation of Turkey was to blame for the division and should therefore be punished accordingly. As a result, past administration specifically forbid trade with the illegal government of the occupied north. Our government also prohibited direct flights into the occupied north. As long as Turkey continued its intransigence and refused to leave Cyprus, U.S. administrations correctly believed they should not be rewarded.

While this has been consistent U.S. policy, I have grown increasingly concerned that over the past 3 years we have witnessed a blatant shift in Cypriot policy from the Bush administration, specifically from Secretary of

State Condoleezza Rice. The Bush administration is punishing Cyprus for overwhelmingly voting in a democratic election against the United Nations Annan Plan.

The U.S. State Department and Secretary Rice seem more interested in rewarding those who illegally occupied the northern third of the nation back in 1974, than in actually reunifying the island. Over the past 2 years, our State Department decided to allow Americans to fly into the occupied north in direct violation of international law and the law of the Republic of Cyprus.

I joined many of my colleagues from the Congressional Hellenic Caucus in objecting to this action. The State Department responded by saying that it was interested in encouraging the elimination of unnecessary restrictions and barriers that isolate and impede the economic development of the Turkish Cypriot community.

Unfortunately, it didn't end there. The State Department pursued the option of resuming trade with the occupied north, a direct violation of both domestic law in Cyprus and international law.

I am deeply concerned that the State Department's drastic policy reversal towards the government, and the people of the occupied north, will only delay reunification of the entire island. If the U.S. allows direct trade through routes in the north, what incentives do the illegal occupiers have to make any concessions? It's as if the State Department has completely forgotten who is responsible for the invasion of Cyprus in the first place.

Mr. Speaker, the Annan Plan was unfair to the Cypriots in many ways, but the issues of property were the ones of most concern to many of the Cypriot Americans that I have talked to. Cypriot Americans are among the refugees that are being denied access to their property by Turkey.

Since these Americans cannot return to their illegally seized property, I believe these Cypriot Americans should be allowed to seek financial remedies with either the current inhabitants of the land or the Turkish government itself.

Earlier this year I introduced the bipartisan American Owned Property in Occupied Cyprus Claims Act. This legislation authorizes the President to initiate a claims program under which the claims of U.S. nationals, who Turkey has excluded from their property, can be judged before the Foreign Claims Settlement Commission.

If this commission determined that Cypriot Americans should be compensated for their property, negotiations would then take place between the U.S. and Turkey to determine the proper compensation. My legislation would also empower U.S. district courts to hear causes of action against either the individuals who now occupy those properties or the Turkish government.

For 35 years now the people of Cyprus have been denied their independence and freedom because of a foreign aggressor. I urge all of my colleagues to join me in remembering what the Cypriot people have suffered and continue to suffer at the hands of the Turks.

I also urge my colleagues to join me in pressuring the Bush administration to return to a policy that once again takes into consideration that entire 33-year history of this conflict. The people of Cyprus deserve nothing less.

□ 2145

ENERGY SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Nebraska (Mr. TERRY) is recognized for 60 minutes as the designee of the minority leader.

Mr. TERRY. Mr. Speaker, I am here tonight to talk about energy security. We have talked about energy independence, and I think that is a subset of energy security.

We have to look at the world in total, and we have to realize that we need to secure our own energy sources if we are going to secure the future of our country. Even as I look at probably the most immediate issue, the war with terrorists, their actions against us, but if we take that and look at the world in total, when I see the lowest common denominator, it's energy. It is a fight or a battle for energy.

Those who are going to be able to power themselves without relying on others will not only have more options and purer choices in foreign policy matters, but the reality is in this new emerging global economy, those that cannot be economically hijacked by foreign countries are going to be the winners. I want to make sure that we have a policy in place that recognizes the need for independence so that we can secure our future.

Now this means that we have to do some things. I don't know how many of you out there remember high school economics. I remember Mr. Croft's lessons at Northwest High School, and basic supply and demand.

When we look at resolving our energy issues, and, by the way, a barrel of oil hit over $75 today, we have to look at both sides of the equation. That's what we tried to do in 2005, the energy bill that was signed by the President. We tried to increase the amount of supply of energy and, at the same time, looking at how to conserve or reduce the demand for energy in our country.

Now, overlaying this discussion about energy, supply and demand, is a new discussion amongst us about global warming. This is driving our discussions on energy today. I fear that we have become, how do I say this, but so spooked by global warming that we are willing to go to the extreme and hurt ourselves.

And I really believe that part of my role and the role of the minority party here is maybe to swing back to a more practical level as we talk about energy and global warming.

Now, what a lot of people don't know when we talk about global warming or the CO_2 emissions, that is the gas that is depleting our ozone, the vast majority of that is created naturally, not by humans. Yes, human activity that I am going to talk about in a minute does contribute to that.

Now, as I understand, the major contributor and the most significant contributor to CO_2 emissions is livestock. So, of course, some have joined hands with PETA to make sure that we eliminate all the cattle, pigs, chickens, and we should just become vegetarians.

The next is humans. Not by our activity of burning coal and the coal-generated electrical plant, but just ourselves and our existence, our exhaling. And, therefore, we should have mandated policies to control population, i.e., abortion, and reduce the number of people on Earth. That is one of the policies out there.

Now, the discussion that we are going to have here in the House in the next 2 weeks is going to be on what energy policies do we implement here to lower CO_2 emissions and become energy independent. Well, the reality of it is, the policies that we are going to hear from the majority party will help to some small degree on the demand side and absolutely drive up or put more pressures, increased pressures, on supply, because they are going to eliminate some of our sources that we use for energy, make it more difficult and more costly to use and, therefore, create bigger demand. What happens when there is bigger demand? Prices go up.

So any of you out there that want to turn on a light, use your computer, heat or cool your homes, drive to work, under the policies that we are looking at adopting in this House over the next couple weeks, expect to pay more.

Now, this is why I think it is becoming so important here. I want to get back to our supply-and-demand lesson here. In this chart, the United States, because of our economic engine, our ingenuity, our intellectual properties that are being put into action, we are the largest consuming Nation. Now, look down here, we also rank number one in oil importation. We have to import to drive our economy, literally drive our economy, about 65 percent of our energy needs. Now, that is 12 billion barrels that we have to import.

When I think of energy, I have to separate it into two different issues. One is driving. About two-thirds of the oil that we import goes to refining into gasoline, to use in jet fuel and trucks to move goods from one place to another, as well as cars to get us to the grocery store, to get us back to work. If we are going to become independent, we have to look at a full array of fuels that we can generate here. That means biofuels to some extent. That means that we adopt policies on hybrid type of cars or other experimental cars that are out there. And, by the way, that does lower emissions. But remember, car emissions are pretty far down the list of what actually contributes to CO_2 emissions and the ozone. We can then look at a lot of other technologies. I am a proponent of hydrogen, for example.

Now, let's look at the other side of generating electricity that powers our economy and is part of the equation. Most of our electrical generation, about 52 percent nationally, is from coal. In the policies adopted by various committees of this House and that are going to be brought to the floor in some capacity either in the next 2 weeks or maybe even September, they make it much more difficult to use coal. I mentioned, 52 percent of the electricity in this Nation is generated from coal. In my district, it is over 70 percent. It is the cheapest way to generate electricity. It is plentiful. We have something like a 500-year supply of coal to generate electricity in this country.

So I feel that instead of doing what the majority party wants to do and shut down coal-fired plants, crippling our ability to generate electricity; and, by the way, nuclear is bad, too. Remember that, no nuclear power? Let's make it as difficult. Let's not find ways to deal with the waste. And so if we shut down coal, make it more costly at least to do it, no nuclear, that means you have one area to really rely on in generating electricity, and that is natural gas. Oh, and by the way, our policies don't allow for any more domestic supply of natural gas and oil, so we are going to shift everything to natural gas to generate. We barely allow it to be imported. We can't drill any more for it within our own 48 continental United States or offshore any more than we are doing today.

I don't understand this energy policy that is going to be brought to us. It seems to me to be a negative energy policy. In fact, I think the only energy that is involved in this bill is perhaps if we burn the darn thing we could generate some power. But, as was just mentioned to me, that would result in CO_2 emission, so we can't even do that.

Mr. Speaker and the American public, we need to become more engaged in this. We are on a path to cripple our economy. China is adding at least one new power plant a week based on coal. They have no problems using coal. I saw a statistic that was 2 years old, so it is probably much more significant now, but the Chinese were adding 120,000 cars per day. That is not even talking about India, whose economy is expanding at near double digits as well, and they are adding power in their cars.

The competition is extreme for oil. We need to recognize that. We need to expand it. That doesn't mean that we shut down our domestic fossil fuels. That means we add to it so that we become independent and secure our Nation's future.

At this time, I yield to my friend from Texas.

Mr. CONAWAY. I thank my friend from Nebraska hosting this hour tonight. We listened earlier tonight to one of our colleagues from Ohio who recited some of the same statistics that you and I work off of, and that is, most reputable projections of energy usage in this country by 2025 and 2030 shows that, no matter what, even the rosiest predictions show that we still will be importing millions of barrels of crude oil and refined products every single day. And I don't know of any of us who thinks that America is better off by importing crude oil and refined products. Most of us would agree that that is a bad thing. Our balance of payments is out of whack.

As you mentioned earlier, our foreign policy options are different. Our risks and threats to this country are exacerbated by that dependence. And then you begin to talk about the solutions. We agree on those facts. It is kind of looking at the glass half full or half empty. The amount of water in the glass is the same; it is just how do we look at it. And the proposals that she began to tout and promote seem to cost American taxpayers an awful lot of money. They also seem to involve some sort of price-control scheme that would not allow the natural market forces to work and operate as we begin to export these ideas.

We will hear, as you said, over the next 2 weeks a lot of policies, and I think we ought to look at those polices through a lens that has four pieces. One lens would say does this policy help or hurt domestic production of crude oil and natural gas.

I am a CPA by trade and I operate pretty often just by straight logic, and the logic is that if we increase domestic production of crude oil and natural gas, it means we are less dependent on foreign sources of crude oil and natural gas. I have yet to have anybody refute that argument in any way that makes sense. So, promoting production of crude oil and natural gas I think is a positive. So as you look at their policies, challenge them.

If their policy continues to close off areas of domestic production and domestic exploration like ANWR, like the Inner Continental Shelf, then that policy does not make sense for America today. And many of the policies they have in place or want to continue in place have that result.

If their policies retard or restrict the construction of new refineries in this country, the ability to process our domestic crude into refined products, gasoline, jet fuels and other kind of things, and force us to import refined products, it seems to me that that is a policy we ought to challenge.

We in the minority spend a lot of time being against stuff, and I guess that is pretty much our role, but part of that is to be responsible devil's advocates. And if a policy curtails domestic production of crude oil and natural gas, that seems to be on its face something that you and I can challenge pretty easily.

The second lens would be does it increase our reliance on foreign sources of crude oil. And in this category, it would be things like does it promote or inhibit personal responsibility for conservation.

Republicans get beat up about not being wanting to conserve and wanting to use less fuel, but at the heart of that is the personal responsibility to use a little less gasoline than you used last week. The idea is that if all of us would use just 1 gallon of gasoline next week, if we did that, you would see an immediate increase of inventories. You would see a drop in the prices because the folks holding those inventories are wanting to sell them and sell them at a profit.

So policies that either encourage personal responsibility for conservation or discourage personal responsibility for conservation, I think we have got to be for and against. If it encourages that and those policies come forward in the next couple of weeks, I think we ought to back those policies and help us do a better job making good choices ourselves, goofy little thing like keeping the tires in our car aired up properly, taking all the extra weight out of the trunk. Doing those kinds of things, you would probably pick up 3, 4, 5 percent efficiencies in the use of gasoline and see a dramatic impact. Just using less, that helps reduce our imported refined products. So policies that they bring forward that increase our reliance on foreign sources of crude oil and natural gas, I think we have to challenge those.

The third would be does it encourage private investment in all sources of domestic energy, and that includes oil and natural gas. It includes coal, nuclear, wind and solar, and all those kinds of things that are out there.

Mr. TERRY. Your vision would include wind energy, solar energy?

Mr. CONAWAY. Yes. Let me say this: Even if the occasional turbine helped a bird commit suicide, yes, I would encourage wind turbines.

Mr. TERRY. So in one of the bills in one of our committees, it specifically makes it a criminal act to have a turbine that would contribute to the death of a migrating bird. Does that help or hinder the rollout of that alternative energy?

Mr. CONAWAY. Well, that folds into this exact policy, because things of uncertain public policies contribute to a decrease in private investment solutions.

Mr. TERRY. You mean, if an investor might go to jail because a bird flies into a turbine under one of the bills that may come to this floor in the next couple of weeks, that would hinder investment?

Mr. CONAWAY. You would think it would.

Uncertainties about tax policies. How is a particular investment taxed and treated under our code over an extended period of time or changes in that policy contribute to a reduction in the private investment in these various sources. Other government initiatives, like things like the government picking winners and losers in a particular area as opposed to looking to the market to do that, to give incentives to the markets to create the most efficient kinds of policies that are in place. But, nevertheless, anything that comes in front of this body that retards or discourages or puts in question the private investment into all domestic sources of energy, I think we have to challenge those, and respectfully.

And the fourth lens I would look at is what does this do to the consumers. At the end of the day, you and I and the people who pay the light bills when we turn the switch on, who buy the gasoline at the pump have to pay those costs.

□ 2200

And if we do things as a part of these policy initiatives that come forward over the next couple of weeks that arbitrarily and capriciously increase costs to consumers, then we need to challenge those. There has to be a pay the fiddler at some point in time. I mean, we have to pay for whatever sources of energy that we've had. We've enjoyed low gasoline prices for a long, long time, and we're coming to the end of those lower prices just because crude oil and natural gas are finite resources.

You've already mentioned the increase in demand from around the world that we're in competition with those. And it's not likely that we'll see a significant decrease in the price of gasoline.

On the one hand, high gasoline prices help us to look at doing things a different way. They help make other alternatives more viable for the consumer, because at the end of the day, the consumer across this country has to be willing to pay the cost for whatever it is you're talking about. You can't subsidize. You can't use government programs to overcome lack of a consumer participation.

So any of these now policies that cause cost to consumers to go up arbitrarily and too quickly I think we have to challenge.

Let me make one final point that you talked about, and that is converting either coal or nuclear plants to natural gas fired plants. Natural gas does not transport across oceans well. We've got to liquefy it. We've got to put it into tankers. We've got to have facilities for regasification and all those kinds things, and so importing natural gas is very difficult in comparison to how easy it is to import crude oil.

So as we increase on natural gas, our local domestic cost for natural gas will go up. They're already the highest cost for natural gas in the world and because we are relying on it so much.

The other point is that if all 38 nuclear permits that are currently in some form of approval are approved and those plants are built in the next 20 years, nuclear power will still represent only 20 percent of our demand. So if we're going to have nuclear that's going to actually help lessen the load on natural gas, then we've got to have a nuclear plant increase from where just the current system, the current new plants and new facilities and existing plants are in process.

So as we look at these policies that come at us over the next couple of weeks, let's use common sense. Let's look at things that can be rolled out in a scope that makes sense. It's one thing to be able to do something on a very tiny, microscopic scale. But unless you can convert that into a significant portion of the demand or the supply of energy, whether it's electricity or gasoline or other sorts, other forms of energy that we use day in and day out, then you're barking up a tree and you're not helping the circumstance.

So we've got some work to do, being in the minority, over the next couple of weeks to help point out the areas where we think these policies that are coming forward fail the American consumer.

Mr. TERRY. I appreciate your comments and putting more meat onto the bones here. And I'll mention that in my district, again, it's about 70 percent, almost 70 percent coal. We do have nuclear. We use natural gas only as a peaking, which is basically this time of year. It was 99 degrees at home today, and I'll guarantee you Omaha Public Power is running their peaking plant during the day so that people can run their air conditioners. And there's a lot of things that we could do on the conservation side, as you said, and we need to push those.

But at the same time, we seem to be adopting policies that restrict the supply. And I think even though the policies that are going to be proposed here don't necessarily further restrict than already have been natural gas, what they do is move more energy, or force more energy to electrical generation by natural gas without doing anything to increase the supply of that natural gas.

And the gentleman from Pennsylvania has come to the floor many times. He is one of the leaders in the House in discussion of what we need to do to increase supplies of natural gas, and how ridiculous it is that our prices in the United States are probably five times more than anywhere else in the rest of the world.

So I yield to my friend from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I want to thank my friend from Nebraska for his leadership here tonight and for his sharing time with us.

I personally believe that energy is the Number 1 issue facing America's economic future. I don't think, I think that available, affordable energy is a greater threat to the American economy than terrorism is. That's my personal view.

Before we talk about natural gas, I want to look at what we're using. Now, these are 2004 figures, but they've changed very little. It takes the Energy Department several years to compile them. These are the figures that we made the last chart out of a few months ago.

Currently 40 percent of our energy is petroleum. Just about 22.9 or 23 percent is natural gas, and a similar figure is coal. Now that's 86 percent.

Then you get down here to nuclear, 8.2, and now you're up to 94 percent. So renewables are those figures on the left. And the largest, which surprises a lot of people, is biomass, which was 2.8, hydroelectric, 2.7, geothermal, 0.3, solar, 0.06, and wind, 0.01. Now, I think we need to look at that.

And then we look at the next chart, which is the Energy Department's estimates. Now, these are the people that deal with us every day. In 13 years, in 2020, these figures don't change much, according to their statistics. Now, I hope they're wrong because the energy bills that are coming at us do not deal with petroleum, do not deal with natural gas, certainly do not deal with coal and do not deal with nuclear, which provides 94 percent. And I don't believe they deal with hydroelectric. That's another 3 percent. And so we have about 4 percent that's in play.

And I think what we have to be concerned about, if we focus on that 4 percent, woody biomass, solar, wind, geothermal and hydrogen, can we take care of the needs of this country, because when you don't have emphasis on these, and you don't continue to drill new wells, and you don't continue to promote coal to liquids or coal to gas to furnish our mass amounts of energy needs, then these volumes go down, and that's where we've been at as a country.

We've had a policy not to produce American energy, oil, gas or coal. We are gaining 2 percent foreign dependence every year, so we're at 64 percent. We've been gaining. Since I have been in Congress it's been 2 percent a year, every year. And that's a trend that nobody thinks is appropriate or positive for America because it's foreign, unstable, often unfriendly countries with unstable governments.

Some new statistics that I'll just add to this that are a little concerning; 80-some percent of the oil and gas in the world is owned by countries that do not have democracies, unstable countries. They own the energy of the world. In fact, Exxon, our largest oil company, is 14th in the world in ownership of energy. There are 13 countries that own, starting with Saudi Arabia and Russia and Iran and Iraq, and you can tell that's not exactly our friends, on down the road, all of those types of countries that own the energy of the world, and we are totally dependent.

Now, I'm pleased that the House and the Senate are both going to be dealing with an energy bill, but I think it's important that we have some energy production in those bills.

Now, the natural gas issue is one that has, I think, is really driving us economically in the wrong direction. We use 20 some percent of our natural gas now to make electricity. The gentleman from Nebraska just mentioned that his State doesn't do that, but the country does that. The States of California and Florida, the big users of energy in this country, consume huge amounts of electricity produced by natural gas, and that's an increasing figure daily.

About 12 or 13 years ago we took away the moratorium. It used to be just used for peaking plants in the morning and the evening because people felt natural gas was to precious to use to make electricity.

Natural gas is the feedstock for hydrogen, which the Representative from Nebraska talked about is one of our future fuels. We currently make it out of natural gas. Ethanol, the big push on ethanol consumes huge amounts of natural gas in the production of ethanol, so we don't make ethanol without consuming huge amounts of natural gas. The same with biodiesel. It's the feedstock.

Now, here's where the rubber meets the road in America. Natural gas is an ingredient in almost everything that's manufactured, or it's used in large amounts to heat, treat and bend products.

Petrochemicals, all the petrochemical companies, 55 percent of their cost of producing their chemicals because they use natural gas as an ingredient, they use it as a fuel is natural gas.

Polymers and plastics, 45 to 50 percent of their cost is natural gas because they use it as an ingredient and they use it as a fuel.

Fertilizer, from 50 to 70 percent of the cost of making fertilizer to grow the corn to make the ethanol is made by natural gas. In the last 2 years, 50 percent of our fertilizer production has gone offshore.

Petrochemicals, polymers and plastics are moving offshore. Why? Because America has the highest natural gas prices in the world, and have had for 6 years. That was not true 6 years ago. South America, a buck and a quarter. Our average retail price last year was between 12 and $13. Like I said, we have consistently, for 6 years, had the very highest natural gas prices in the world.

To show you, Dow Chemical uses huge amounts of natural gas. In 2002, they spent $8 billion to buy natural gas. In 2006, they spent $22 billion, and of course those numbers just keep rising.

If we don't deal with the natural gas issue, America will not compete as a nation, because we use natural gas in producing almost all of our products, whether it's melting steel, melting aluminum.

Mr. TERRY. Will the gentleman yield on that?

Mr. PETERSON of Pennsylvania. Certainly.

Mr. TERRY. Dow Chemical has thousands of employees. They're just one of many petrochemicals that rely on natural gas. If the price of natural gas remains high or goes higher, where do they go? I yield back to you.

Mr. PETERSON of Pennsylvania. They just committed $32 billion to build new plants in Saudi Arabia, Kuwait and Libya.

Mr. TERRY. And all of those jobs go to those countries now.

Mr. PETERSON of Pennsylvania. That's right.

Mr. TERRY. Because of our natural gas policy.

Mr. PETERSON of Pennsylvania. There's about 100 chemical plants in the world under construction, none in the United States. And that's a tragedy because those are some of the best working man jobs. When you bend steel, when you bend aluminum, when you heat treat products, when you dry grain, you use natural gas. I mean, natural gas heats 60 percent of our homes, heats about 70 percent of our businesses.

Now, if natural gas was affordable, it would be the natural next fuel for vehicles, because we could fuel, if it was affordable, we could fuel a third of our auto fleet and that would be much quicker than CAFE. And I'm not opposed to CAFE. But it would be much quicker than all the things they're talking about because it could displace 2.5 million barrels a day, just for short haul vehicles who don't go long distances. One of the problems with natural gas as a vehicle fuel is distance because you can't store, you can't have a big enough gas tank to run long distances on a tank of natural gas.

But we have, on the Outer Continental Shelf, that's from 3 miles to 200 miles offshore, every country in the world produces both gas and oil there. Now, they may have 20-mile distance out or 30-mile distance out. But they produce, after you pass 11 to 12-mile it's out of sight. And countries around the world, when I tell them we don't produce there, just look at us and they say, why? Norway, Sweden, Great Britain, Canada, New Zealand, Australia, all environmentally sensitive countries, they all produce there. We're the only known modern society that does not produce oil and gas.

Now, I have a proposal that opens it up for gas because we have not been able to pass it. I would support oil, but natural gas is more important to us because how it fuels our industry, how it heats our schools, how it heats our homes, how it heats our hospitals, how it plays such a role in our economy, how it's an ingredient in so many of our products, in fertilizers and petrochemicals and plastics. So we need natural gas.

So I put the priority, and we have a bill that says the first 20 miles remains locked up. The second 25 miles State option, State control, and the next 50 miles is open unless the States pass a bill to lock it up. They can do that. The second hundred miles is just open. That's the bill that I have proposed. And I think it's vital to the future of this country, because if we opened up the Outer Continental Shelf on the East and West Coast and the rest of the gulf we would have ample supply of natural gas for many, many years.

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Now, we need to produce other kinds of fuel. I mean, what I think a lot of people are not aware of is there is an energy shortage in the world. In fact, right now OPEC controls the price. I believe the price ends the day at somewhere between $75, $76 for oil. Gas is about 7 bucks, which is the cheapest it has been, but this is the slowest time of year in the use of gas. This is gas that is going into storage that you add a couple, 3 bucks to, and then there are distribution costs, and it comes back out on a next year's average price. And this year the price of gas is higher than last year so far in storage.

So we are going to have a 25 to 30 percent increase in gas prices, and it appears we are going to have, because here we are with not one storm in the gulf, which always disrupts supply. Right at the moment, we don't have a large sending country in trouble with their government. So things are kind of calm, and we have $75 oil, and we are at the high usage time, right in the mid-summer. So now all we have to do is have a storm or two in the gulf, like we did 2 years ago, and have a country have some sort of disturbance or a government overthrown, and we have $85 or $90 oil, and we know what that is going to do to the American economy.

In fact, I am not sure we are really sure what $3 gasoline, which is prevalent today, is going to do to the economy long term because we have had spikes for short periods of time. But now, in my view, $3 is the base price, and it is going up from there. It is just a matter of how much it goes up.

I think what is important for Americans and Members of Congress to understand is that we have to really get serious about energy policy for this country. I am for wind and I am for solar and I am for geothermal and I was part of the Hydrogen Caucus when I first came. I am for all of those.

But they are tiny fractions when you look at the amounts they produce. And we also know that wind has its opponents and solar has just had trouble getting off the ground. I mean, it just has trouble growing. I read an article today that said ethanol, the new fuel, we spent $5.1 billion last year, subsidizing that by paying the tax on it. So it doesn't come free. And it seems foolish to me that we as a country now want to buy our natural gas from foreign countries and bring it in ships and be once again dependent.

I have had that argument with a lot of leaders in the last few years that LNG could be part of the solution, but it is not the solution. And that has turned out true because countries like Spain and Japan outbid us because they will pay more for a tanker load of natural gas than we can afford to. So we don't often get it because it becomes a commodity once a ship is loaded. But I want to get across to Members of Congress and to the American people is that we want to be for the clean and green fuels, but I think natural gas is one of those.

Natural gas is one of the cleanest fuels we have. And if we had ample supply of it, we could be expanding the use of it, not just detracting the use of it. It could be our bridge until we figure out how to make cellulosic ethanol, until we figure out how to get hydrogen vehicles, until we figure out how to charge our cars up at night with electric and have batteries that will last and all these things we are working on, we need a bridge to get to them because what is going to happen if we allow ourselves to have $100 oil from foreign countries, unstable governments, who are totally going to own this country?

The major balance of payment, and I will just show you that in conclusion, is the last chart here. This is one on manufacturing decline as natural gas prices have risen. But here is the one on the balance of payment. The major portion of the balance of payment, a huge portion, is energy prices. And as energy prices go up and we continue to import, that figure is going to grow. We could almost cut our balance of payment in half if we stopped importing energy.

Now, we are not going to be able to do that but we could move a long ways. But we need cola liquids. We need to develop the hydrogens and the winds and solars and all of those. We need to do more nuclear. We need all of those because China is increasing their energy usage 15 to 20 percent a year, and they are just drying up the marketplace. They are just sucking it dry because they are, and many other countries, are developing a strong energy portfolio; so they have energy. The United States has done little to secure its economic future with clean, green, affordable energy.

And I hope when we finally pass bills here that we have some energy in them that will secure our economic future with clean, green, affordable energy and specifically natural gas.

Mr. TERRY. I really appreciate your tutorial there. What is our supply in the United States of natural gas? We had the gentlewoman from Ohio that was down here that was talking about petroleum and how limited we may be at our peak here within the next 30 years. How about natural gas?

Mr. PETERSON of Pennsylvania. We have anywhere from a 50- to 100-year supply. There are huge amounts in the Midwest, but the Outer Continental Shelf has actually not been measured. But we had old seismographic 40 years ago. Actually this Congress has prevented, and I see the Senate right now is preventing, seismographic from being done in the portion of the gulf that has not been produced.

Mr. TERRY. You mean we won't even be able to measure how much?

Mr. PETERSON of Pennsylvania. Not only do we prohibit usage but we prohibit the measurement.

Now, there was a lot of drilling off the coast of Florida a few years ago. We bought those leases back. That was very fertile gas. There is very fertile gas up in Georgia, the Carolinas, Virginia, New Jersey. The east coast is loaded with gas, and it is very rich, and it is where the population is. And when you produce in the ocean, it is out of sight. It is beyond the site line. The habitat for fisheries improve. They love to be around the rigs. They love to be around the platforms. And, of course, the underground piping comes in the ground under the water. It is not even seen. It is clean, green fuel. And they talk about it harming a beach. I don't know how gas harms a beach. I have never seen dirty natural gas. It's clean. It doesn't stain anything. It isn't colorful. It's just a gas. So it has been somewhat amazing. We have lots of natural gas.

Mr. TERRY. So just what we know, 50 to 100 years, and, by the way, I understand one of our largest pockets of natural gas that is in Wyoming was made into a Federal monument or a park, making it federally illegal to even drill there. So that is what happens when we find new pockets. We rule them off limits. That just astounds me that we have got that much. And when we are talking about securing our future, wanting to become independent, the other side and us are worried about global warming. And this is a clean fuel. You have stressed it. It is a clean fuel, which is why the policies that we are seeing are moving electrical generations towards natural gas. It makes no sense to me that we won't increase supply at the same time.

Mr. PETERSON of Pennsylvania. When we started down that road, natural gas was less than $2 a thousand. And it has hit as high as $14 and $15 in peak periods. But Daniel Yergen, who wrote the book "The Prize," spoke in the Senate shortly after that process started, and I happened to be there with Steve Largent. And he said if we don't open up supply, we are going to make natural gases so high that Americans will struggle to heat their homes, struggle to run their businesses, struggle to heat their hospitals. We are not going to make products in this country much longer that consume a lot of natural gas.

I predict if we don't deal with the natural gas issue, simple things like glass and bricks will be made in Trinidad, where gas is about a buck a thousand. That is not very far from here. Trinidad is in northern South America, probably a boat, a ship, a day away. It wouldn't take long to get to the east coast with a ship of bricks and glass. And that is a tragedy if we start importing those kinds of things that the American working man has made.

This is about jobs for working people. It is about the economy for the working people of this country. Energy punishes the poor and the middle class. The rich will go right along. The rich environmentalists who are against will live right on. They won't change their life-style. They will live in their huge homes and fancy cars and they will do their thing because money is not a problem. But the middle-class working people will not have a middle-class job anymore. They will have a poor man's job. And the poverty rate in this country will skyrocket.

Mr. TERRY. We talked about jobs, that we are losing our manufacturing, our middle class. And what a lot of people don't understand is it is our energy policy that is driving those jobs offshore. Yes, there are some that are offshoring, taking maybe telephone answering jobs over to India. But our policies are driving a lot of our good manufacturing jobs away.

Mr. PETERSON of Pennsylvania. Some of the best jobs in America are producing energy. When you buy Luke Oil gasoline down here, that is produced in Russia, and only the person selling it makes money in America.

Mr. PEARCE can tell you how many people make money because he knows that business in the production of energy. He will give you some great information.

Mr. TERRY. Then let's bring him up. At this time, Mr. Speaker, I would like to yield to my friend from New Mexico.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his discussion on energy security.

And for my discussion tonight, I would like to begin at the same point that my friend from Ohio from the other side of the aisle began. She was quoting accurately an oil industry study which says that supply cannot keep up with demand, that prices are going to be high, that supply is going to be tight, and that is for the foreseeable future through the next decades.

Now, the response that we had in the Energy Policy Act of 2005 was literally to, number one, recognize that it is not possible to convert overnight; so we had incentives there for the very hard-to-get oil and gas. That is the deep, the very deep, ultra-deep, and then offshore.

Now, the offshore platforms are extraordinarily expensive. They maybe look something like this. Our friends from Louisiana would recognize many of these, and California. These units cost over $1 billion to $1.5 billion. We don't invest in them easily, but they produce a tremendous amount of energy. It is the belief of those who are concerned about the energy business, concerned about the fact that prices are high, that supply is low, they really only have two choices if prices are high and supply is tight. You can lower demand, which Americans have not seen to want to do, or you can increase supply.

So these units here, we had great incentives for those, and we felt like that would bridge us during the years to where consumers would begin to consume differently.

But I would ask our average listener, how many people do you know who actually put biodiesel in their car or their truck? How many are using any fuel other than straight gasoline? We have got some of it augmented by ethanol. But how many cars really do significantly reduce the consumption?

If the answer is not many, then you would be concerned about the time to convert. And we have had testimony in our Resources Committee where both sides of the aisle say we are probably on a 20- to 40-year conversion that you and your family probably will not drive a different car for 20 to 40 years that has a different power source than what it has got right now. So we either recognize the truth in the matter and we encourage supply while we are converting to those renewables, and the Energy Policy Act of 2005 had great stimulation. I think the difference, though, is that when we are confronted, as business-supporting conservatives, with the idea that the oil industry study says the supply is limited,. it cannot keep up with demand, that we probably should increase supply.

Our friends on the other side of the aisle, and I would quote, said that we are going to reinvent our economy in the first decade of this century.

Now, it is not possible to reinvent an economy in 2½ years because we are already at year 6½. It is just not possible to reinvent an economy in 2½ years, and that becomes the great disconnect on the discussion.

I would like to spend the rest of my time talking about the energy suggestions that our current majority has. We have recently marked up H.R. 2337. We have recently passed that out of the Resources Committee. And I will tell you that we need to make one point perfectly clear, that H.R. 2337, the Rahall energy bill, which is intended to be a piece of the package that is brought to this floor, will cost Americans jobs. It will increase the cost of natural gas and gasoline. And it is going to stunt the growth of the alternative and renewable energy industry.

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H.R. 2337 is called the Energy Policy Reform and Revitalization Act. It could be called the "American Job Outsourcing Act," it could be the "Chinese Full Employment Act," or it could be the "Funding Mechanism for Hugo Chavez," but to declare that it is the "Energy Industry of America Revitalization" is intended to be a stretch of the facts.

During congressional hearings in Congress, we've heard a lot of testimony from witnesses talking about the impact of our actions on the cost of energy. So I would refer to another chart which simply talks about the cost of our energy is going to be increasing dramatically. We have received this testimony that the cost of energy probably will go up to a 23 percent increase in some areas, 29 percent on the California coast, 32 percent in the Texas region, 21 percent in the South, and in the Southeast, 19 percent; 20 percent in New York. So you see significant energy increases because of the increasing consumption of natural gas.

One witness, Paul Cicio, testified that America has lost 3 million manufacturing jobs to overseas competition due to this kind of energy increases. It is an important point because we need good jobs in America. High-tech industries and high-tech manufacturing are the future of our economy, yet they're tremendously energy dependent. You can't put a server farm in Washington or San Jose unless you have the energy to power it. You can, however, put it in Beijing because the Chinese are committed, like one of my friends said, building 544 coal-powered plants over the next 10 years to ensure they have enough cheap power. Cheap power is the key to keep their economy moving forward.

At the hearing we talked about, a couple of months ago, how Dow Chemical was going to build a $22 billion facility in Saudi Arabia because of the price of energy here in the U.S. And yet, what we're doing is restricting our access to energy here in the U.S. while we're not restricting the overseas, ensuring that we're going to import more energy, ensuring that jobs are going to continue moving to those cheap sources of energy.

American prices are simply too high, and we're doing nothing about it. And the renewables, though they have promised, the renewables are far, far into the future, decades into the future, where they begin to affect us.

We can see that energy prices are already high and headed higher. The projections show that they're going to be 20 to 30 percent increases, which drive these billion dollar projects overseas.

I would comment that the Dow Chemical plants in both China and Saudi Arabia are going to take 10,000 jobs, those are 10,000 jobs which would be in the hundred thousand dollars range if they're here in America, and yet because of the low energy prices overseas compared to here, we're going to export those jobs. And it simply does not make sense.

Since 2000, our offshore gas production has dropped 40 percent. Our next chart will show that production decrease. It's very difficult to see, the yellow line is on the top, moves along here. And we see the energy decreasing as it moves across the chart.

We would recognize that onshore gas is actually a flat stable line, but the offshore is decreasing rapidly. And yet the Outer Continental Shelf, where we have great potential large, large resources, we're restricting access to those areas. Meanwhile, in the Rocky Mountains, where we restrict access there, those are fields which already have been drilled, so it's not as if they're pristine. We just are limiting our access to our own resources, which then compounds the problem that Ms. KAPTUR started out with initially. Prices are high, supply is tight. And we're seeing that supply gets tighter, and we're going to then increase the price.

Another thing that H.R. 2337, the Rahall energy bill, is doing is limiting shale completely. We're restricting the regulatory framework that was supposed to be out already and saying that it won't come forward. And without regulation, the industry is simply going to die. Now, that's important because in the long term, the 20 to 50 year term, shale causes America to be the Saudi Arabia of energy. If we consider just oil, Saudi Arabia has the dominant amount of energy in the world. But when we consider shale, the

U.S. then becomes the dominant energy producer, and yet we're killing that industry completely.

We're in the shape that we're in today because of our decisions over the past 30 years. We chose not to build new refineries. We have chosen not to have nuclear energy. We have chosen not to drill more in this country, but instead, to restrict access on Federal lands, and so we simply have a problem of tight supplies and high prices. And those are going to continue for the foreseeable future.

Now, what does 2337 do regarding renewable energy? We hear our friends on the other side of the aisle talk about the need for renewables, but this bill begins to hurt the renewables. It begins to restrict the renewable energy development, also. It just doesn't make sense.

But we heard from four Democratic witnesses at one hearing that coal cannot be a part of America's energy future if we're to combat global warming, but according to the bill H.R. 2337, it's about the only energy source left because of restricting oil and gas in 2337. We also give deep restrictions onto the wind industry so that the Wind Energy Association came out opposed to the bill saying it cripples our industry.

The bill places new costs and restrictions on the solar industry, requiring new labor provisions, per acre fees, and purchasing restrictions. So this bill harms domestic oil and gas production, reducing domestic production, increasing our reliance on foreign oil, but it also begins to limit our development of the alternative energy sources, but even worse, the most restrictive thing for alternatives is that there were corridors that were implemented in the Energy Policy Act of 2005. Those corridors recognize that places where renewables are created are not where the population is generally. New Mexico is one of the few States that would be self-sufficient on wind, yet we can't consume all of the wind energy that we would produce there. And so there were corridors that were lined up to take the renewables from where they're produced maybe in New Mexico to Los Angeles or New York, wherever, and yet those energy corridors receive a death blow in this bill, H.R. 2337, which again is passed out on pretty well party lines and is coming to the floor of the House as a part of Ms. PELOSI's energy package. And yet you have to ask, where is the energy in the bill? Because I see where the limitations on oil and gas are; I see where the limitations on shale are; I see where the limitations on wind and solar are. Exactly where is the energy production going to come from?

I guess with the carbon sequestration that is in the bill, to the dismay of our friends on the other side of the aisle, it's going to ensure that coal is our only source of fuel for the future. But they're also trying to limit its use.

Finally, regarding royalties. This bill attempts to capture royalties owed to the American Federal Government. Like the chairman, I strongly believe that American taxpayers should receive the royalties that are due. Nevertheless, we differ when it comes to the method of collection.

I support a Royalty in Kind program where we simply declare the number of barrels produced. We can meter that, it's very easy. We don't have to calculate the price because the price changes every day. And so the take to the Federal Government changes every day if we're contemplating dollars, but Royalty in Kind is very simple, but it also puts a lot of accountants out of business, puts a lot of tax lawyers out of business. And so we could call the provisions here where we kill the Royalty in Kind program in 2337, the "Tax Lawyer Full Employment Act." Because that's what it's going to do, it's going to put people in the courts saying, now exactly what was the price on November 7 of 2001 when you sold that gas? It would be so much easier just to take the meter reading, take the government's percent, and put it into the government's coffers.

In our legislative hearing on this bill, leading Members on the other side of the aisle chastised our royalty regime saying it parallels countries whose corrupt governments are blowing up the rigs. That was a quote. Then they're moving to this country to exploit our low rates. But how ironic is that? You wish for the U.S. to set an example for the world on climate change, but want to follow the lead of Venezuela and Nigeria on royalties.

I support increasing production that will bring good, safe jobs and energy to America. I support efforts to keep the "American take" as a portion of energy development to a reasonable level that ensures companies have the money to provide safe working conditions, keep their facilities up to date, and reinvest in development and exploration.

Finally, we had comments all through the time that the royalties received by the U.S. Government are so much lower than Russia, so much lower than Venezuela. Yet I would like to share a final chart with you that shows some of the problems.

This picture is in Russia. And I will guarantee you that you will see no oil field in America like this. The opponents on the other side of the aisle of the level of royalties that we take currently simply want to make a moral equivalency between the kind of government and regulations that allow this, and the government and regulations in this country which have produced one of the strongest energy economies in the world, which have produced the most dramatic economy of American exceptionalism in the world, and yet they're trying to unravel that and undo that.

I would hope that we all would look at the energy suggestions from our friends on the other side of the aisle, that we would carefully evaluate the fact that the supply cannot keep up with the demand, that prices are going to be high, and the supply is going to continue to be tight unless we do something about it.

I thank the gentleman for yielding tonight and appreciate the discussion on both what we've done in the past, and what we're looking for in the future according to 2337.

Mr. TERRY. Well, I thank you for your input.

I just fear that the policies that we're looking at to adopt in this Nation are going to jeopardize our security, jeopardize our future. We need to look at a balance.

I appreciate you being here, and all of the others that came to speak.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. MATHESON) is recognized for 60 minutes as the designee of the majority leader.

Mr. MATHESON. Mr. Speaker, I come to the House floor on Tuesday nights, as often the Blue Dog Coalition does. And tonight the Blue Dog Coalition wanted to come to the floor of the House of Representatives to have a discussion about energy policy in this country. I think that energy policy is an issue that is so important on so many levels, in terms of the integrity of our economy, in terms of our national security, in terms of the affordability for those who are underserved.

It touches so many different issues. And that's why I think it's important for the Blue Dog Coalition to make its voice heard, to take on this very complicated issue that has so many different components, and to try to address it in a pragmatic and practical way. Because like so many issues in Washington, this is one that's not going to be solved by those on the extreme ends of the ideological spectrum, it is going to be solved by people who want to sit down and roll up their sleeves and come up with practical solutions on how we can provide an affordable and secure energy supply for this country.

Now, I am joined by two other Blue Dogs this evening, my colleague, Mr. SCOTT from Georgia, and my colleague, Mr. MELANCON from Louisiana. We look forward to having a discussion tonight about this issue. And the Blue Dog Coalition energy principles is a document, the Blue Dog Coalition has endorsed that identifies certain principles that we think ought to be the basis of how we go about formulating energy policy in this country.

And by way of introduction, I wanted to yield as much time as he might consume right now to my colleague, Mr. SCOTT from Georgia.

Mr. SCOTT of Georgia. Thank you very much. It is certainly a pleasure to be with both the gentleman from Louisiana, and for you as well, Mr. MELANCON.

This is definitely a major, major priority as far as the future of this country is concerned. Our energy policy is interwoven directly into our vital national security. There is no question about it.

We have, for the past 50 years, progressively gotten more and more dependent on oil from the Middle East. There is a reason why Iraq, Iran, Saudi Arabia, those Middle Eastern countries are so vital.

It is so important for us to try to hopefully find a way in which we can get peace in that region. We don't know the answer to all of this; it is largely going to be up to those Middle Eastern countries. But we are so directly tied to the future stability of that region, largely because of one thing, that is, our energy. And that has been a mistake, that we are tied to our future energy needs to the most unstable region in the world. And we now need to move very rapidly to excise ourselves from that.

The other reason why our energy policy is so vital and so important, and again, part and parcel of our national security, is because of global warming. Make no mistake about it, there may be differing opinions about global warming, there may be differing opinions about climate change, but one thing is certain, the facts do not lie. This Earth is getting warmer by the day, by the year.

Scientists have pointed out that the Earth's climate is increasing in warmth at a rate of one-tenth of a degree in each of the previous decades.

□ 2245

That may sound like a little. But when you look at just 2 degrees since the turn of the century, that is a major, major fact; the fact of dependency on oil in the Middle East, the most unstable region, the fact that we are experiencing the damage of global warming. The reason for the global warming is the excretion of carbon dioxides into the air, and that gives us the greenhouse effect.

So on those two points, we have no choice but to proceed directly ahead and provide the kind of sterling leadership this Nation deserves, as you so aptly pointed out, Mr. MATHESON, in a very responsible way, in which both sides of the aisle can come together. Everybody can come together and understand that this is not a Republican issue. This is not a Democratic issue. This is an issue for the future of the American people and the people of the world.

Mr. MELANCON. Mr. Speaker, I thank my friend for his comments. Being from an oil-producing State such as Louisiana, we have for decades been producing America's energy needs. To this day, approximately 30 percent of all the energy supply is domestically produced in our coastal areas in Louisiana. The same areas that produce all that oil and gas are also home to what we refer to as America's wetlands. The coastal marshes of south Louisiana are predominately the ones we are losing the most.

Ironically, in my district they provide roughly 30 percent of the seafood to this country. Now, people say, how can the oil industry and the seafood industry coexist side by side? Well, for a number of years, back at the beginning of time, so to speak, when the oil and gas industry began offshore drilling and wetlands drilling, there weren't the environmental standards and all the other standards that are put forth now. There wasn't the technology that is there today. So, yes, there were mistakes made.

We have learned from our mistakes. Our Government has recognized it. The States have recognized it. They have addressed those issues. If you look back after the storms, after Hurricanes Katrina and Rita, if you look at the devastation that occurred across the Gulf Coast, did you hear of oil spills? The worst spills that you had actually were the gas tanks that were leaking fuel and oil on land at the oil refineries and from the service stations throughout the flooded areas.

There's a misconception. There's a fear by people that's more the fear of fear itself that people seem to concern themselves with. We have in this country, as was mentioned by some of the previous speakers in the first hour, an industry that may be misunderstood. It is called "big oil". But if you look who is producing the oil and gas in the United States, for the most part it is small, the independent. It may be a company such as Devon out of Oklahoma. Yes, it is on the stock market, but it was a company started in 1971 by a father and son. They took that gamble. They got out there.

It has, in fact, by the numbers I have seen, been determined that for the major oil companies to drill in the United States, whether onshore or offshore, whether deep water or shallow water, it is more expensive an investment and proposition than it is to drill in other parts of the world. Of course, there are some security problems going on in other parts of the world.

As we look at what we believe in in this country and what we should believe in in this Congress, we talk about energy independence. And energy independence, as mentioned, is not about Republicans and Democrats. It is about the old folks. It is about the young starting families. It is about the working people. It is about everybody that pumps gas in that car. It is about everybody that goes to a job.

When you look at natural gas, as Mr. PETERSON talked about, it is a clean fuel and we have ample supplies throughout this country and we ought to be producing those fuels. However, our own policies have seemed to stymie us.

The Blue Dogs have put together a package that we are proposing that is a principle, not a package, a principle that we feel we ought to be looking at and having guide us as we go through the process of developing energy legislation.

We are not going to get this country moving forward unless we encourage development of oil and gas, alternative fuels, green fuels, whatever. It all has to be part of the mix. This is not about one fuel being better than the other. This is not one fuel seeing if it can "out politic" another fuel. This is about trying to bring together the country to devise an energy policy, and we as the Blue Dogs felt that it was time for us to try and take the lead and to give some guidance and leadership in this matter.

With that, I turn the floor back over to my friend, Mr. MATHESON.

Mr. MATHESON. Mr. Speaker, I think the comments from the gentleman from Louisiana are spot on in the context of we need it all. We need to look at a very diverse portfolio of energy supplies in terms of where we are today and where we want to be in the future. We want to, of course, develop as many different types of energy and diversify our portfolio, because, at the end of the day, having an affordable and secure source of energy is what makes the most sense for this country and for our economy.

While all of us would like to see a bunch of new technologies put in place immediately, the reality of this situation is it is going to take a commitment in the public policy arena and the private sector to bring a lot these technologies along.

These energy principles that the Blue Dogs have published represent a set of guidelines. I don't think the Blue Dogs come to the table saying we have all the answers. These are complicated issues that are going to require a lot of thought and a lot of work. But I do think that these principles help articulate a zone of reasonableness, if you will, within which this debate ought to take place.

Since we have kind of led into it, one of the key principles is that of fuel diversity, where the Blue Dogs think we should not be picking winners and losers, as Mr. MELANCON said. We think you have to have a diverse energy supply portfolio to have future success in this country. So we encourage any policy that is going to add to fuel diversity, that is going to add to energy infrastructure in this country.

In the long term, if we are going to have energy independence, there is no question that a whole basket of opportunities are going to help create that. It is going to include issues of conservation and energy efficiency. It is going to include new fuels. It may be cellulosic ethanol, it may be biofuels. There may be other sources that are alternative sources compared to what we use today. And it is also going to include conventional sources of energy that we have today as well.

We have to take the longer view on this, and the longer view is at some point we may have a whole different set of energy options that don't exist today. How we get from here to there is going to take a commitment to develop those technologies and a commitment to make sure we access conventional supplies we have today to keep this economy moving in the right direction so that we can all have the economic growth and opportunity that is going to allow these technologies to develop.

So, we as Blue Dogs believe in it all, whether it is oil, or gas, or biofuels, or coal, or nuclear, or hydroelectric, or geothermal, or other technologies that I may not have even mentioned. You really need to put all of that on the table, all that on the table, to give this country the opportunity to make progress and to move forward and to have a responsible, diverse energy supply.

That is one of the key principles that the Blue Dogs have tried to articulate, and I think it is one that everyone in this Congress ought to be able to get their arms around in some form and see if they can recognize the value to this country if we do that.

Mr. SCOTT, I am happy to yield to you.

Mr. SCOTT of Georgia. Mr. MATHESON, I would like to maybe pick up on a point you made on the diversity and alternative sources of energy. Let's just take one for a few moments and put this one on the table, because I truly believe that this is one of the major directions we are going to have to go in.

As you know, one of the problems with our dependence on oil and petroleum, aside from the Middle East and the political volatility there and the unstableness that is there, even if we had and were able to produce some of this oil on our own here, we have a refining problem. We are very short in our refining capacity.

It has been almost a quarter of a century since we even built a new refinery. There are reasons for that, environmental, people don't want them around, but they are not there. But that is another reason.

So, one of my interesting visits not long ago was to go down to South America, to Brazil, to visit Brazil. One of the reasons I wanted to go to Brazil was because I wanted to find out what they were doing and how they were doing it with their energy problem.

Here is one salient fact: Brazil and Argentina both are not dependent upon the Middle East for oil. They have moved very rapidly and are setting the curve for ethanol production.

Now, 85 percent of their automobiles are "flex" automobiles, in other words, running on a combination of mostly ethanol made from sugar cane.

If Brazil can do those two things, get clean energy, get ethanol, make it from a grown product that continually renews itself, and at the same time not be dependent on oil from the Middle East, surely we can learn something from what is going on in Brazil. And I did. A group of us went down to Brazil. We spent a lot of time down there. We talked to people and we found out some things there.

I believe, quite honestly, a major feature, not all of it, but a major feature of our way out and our way forward in becoming energy independent rests in the production in this country of ethanol.

Again, we have got to be very responsible as we move forward with ethanol production. We have got to have a level of moderation with it and we can't go overboard with it. It is very interesting that President Bush in his State of the Union, if you recall when he was talking about energy, mentioned it. He said we can solve our problem with ethanol made from corn, and he put some large figure out there.

But if we even just went with that, it would put such downward pressure on our food stock, on our cost of beef and poultry and chicken and pork, who feed off of corn. Corn cannot do it alone. So it has to be a dual approach with cellulosic, which is made out of pine straw and pine trees and wood chips and switch grass, which we have plenty of.

The point that I am making is we can move rapidly here, and we are. As a part of our farm bill that we will be marking up this week, that we are in the process of marking up, we and the Democrats and Blue Dogs, who make up a large part of the Agriculture Committee, are in the leadership on this, and it is one of the areas in which all of us can be very proud. But certainly within our Blue Dog Coalition, we are providing the leadership on finding a way out of our energy dependence, and we are doing it through our farm bill.

Just think, that we can grow our way out of dependence on oil in the Middle East. We have got all of it right here in this country, and I think getting the ethanol plants moving, using corn where we can, but there is a certain limit we have to have there, but use these other means of cellulosity, the wood chips, and putting the incentives in this package, as we have in the farm bill to explore and develop ethanol plants and plants of operation.

□ 2300

Also, we have to do it near the points of distribution. And in the process of creating this new industry, we create jobs when we create a clean energy source and that is one of the major steps I believe for us as we move towards energy independence.

Mr. MELANCON. I think about the technology as it was brought up a second ago. One of the concerns that we have to have here as a Congress is there is a lot of technology out there. But there is a lot of perception that there is more technology than is factually out there. What we can't do with Federal policy is put demands and time slots, et cetera, production, that far exceeds what the technology provides for.

We need to make sure that we put a bill out there that is going to be reasonable. We don't want to run off our good-paying jobs. As discussed by Mr. PETERSON earlier, natural gas is a basis for everything from fertilizer to foods to plastic, heating our homes, you name it, it is there. We need to make sure as the government, that we provide in the policy sections of these bills not only the financial support mechanism through tax breaks and other mechanisms to encourage the development of alternative fuels and to encourage the research and development of these new concepts, these new technologies, we as a government need to put that carrot out there so as to get industry to participate and to get involved in it and not discourage it.

Some of what we have seen in some of the legislation is a concern to us because it is going to be difficult to become energy independent if you are delaying the time frames for providing drilling permits to drilling companies, if you are having longer review periods for whether and when you can drill. We don't want to walk over the environmental issue. We want that to be taken under full consideration.

But right now the International Energy Agency is telling us that by the year 2030 if not sooner, this world will be short on oil and natural gas and the fossil fuels that we need to drive all of our economies worldwide. Now when you start looking at who holds the key to all the energy in the world, it is not the United States. It is in fact not the oil companies. It is the foreign countries most of whom are not necessarily our best friends.

So as a country, we need to start thinking about energy independence if we are going to stay strong. I have told people that being a strong country means when times get tough, as they did back in World War II, my parents and others, they manufactured airplanes and boats. The Higgins Crafts were made right in New Orleans. The wives went to work at the plants. The husbands went to war. And wives went to war, too, I'm being discriminatory, but everybody played a part. We were producing all of the food we needed in this country at that time and more. We were producing the energy that we needed and more. We could manufacture everything that we needed and more. And now, we as a country have come to a position where we need to import most of our energy.

According to the U.S. Energy Information Administration, the United States imported 36 percent of domestically consumed crude oil and petroleum products and 4.3 percent of our natural gas supply in 1973. In 2005, we imported 66 percent of our crude oil and 16 percent of our natural gas from foreign sources. Morever, EIA projections indicate that the United States will consume 21 percent more oil and 19 percent more natural gas by 2030. Those numbers are dramatic, and that is just one country in this world who has been and should continue to be one of the strongest and mightiest and most independent countries in the world.

But what fuels the farms, is the energy that we need. What fuels the ability to get the energy, is the farms that feed the people. So it is part of a cycle. We need to make sure that if we are going to stay a strong, independent, viable country that can defend itself should it need to, then have to have an energy policy and we as Blue Dogs believe we need to provide and help guide this Congress in a way that brings us good energy policy for the long term, not for the next week, not for the next month, not to the next Congress, but for years to come.

We are drilling in areas and there are questions amongst our friends and colleagues. When you look at the gulf coast area, Mississippi, Louisiana, Texas and Alabama who front on the gulf, are producing oil and gas for this country. Florida has ample supplies, but there are some restrictions off the coast, and if you come up the entire East Coast and West Coast. Now I don't fault my friends from those States not wanting to drill off their shores. But at the same time, we can't sit and talk about bringing oil and gas prices down if we are not all into this national effort. That is another issue. That is not going to be part of this bill, but that is something that CHARLIE MELANCON concerns himself with.

Mr. MATHESON. The gentleman mentioned that up to 16 percent of our natural gas is now being imported.

When we throw out the term energy, there are all different forms of energy, and it is dangerous to look at simple policy solutions when oil policy has its own implications. We know about dependence on foreign oil, but I don't think a lot of people realize we are increasing, although not yet to the same degree, but we are increasing our dependence on foreign supplies of natural gas as well. We have seen a lot of price increases over the past 5 to 7 years in the United States, and natural gas is such a key component of our economic model in this country. Those price increases can have such damaging effects on the integrity of our economy, let alone reaching each individual, particularly those on fixed incomes.

I think it is important to note, and that is the statistic that my colleague from Louisiana mentioned, we are importing natural gas into this country. I don't think a lot of people know that we are importing a lot of natural gas into this country. I want to piggyback on one other thing, short term and long term.

We have talked about how in the long run we hope technology takes us into some new places. But how do we get there. We can invest in developing those technologies, but traditional energy sources that we are using in the country today, be it oil or natural gas or coal or nuclear power, those are key components of the portfolio today. And as we move ahead in the long run and look for alternative fuels, I am sure they will provide a significant piece of that portfolio as well. But in that period before that takes place, this Congress ought to enact policies that help encourage a reliable supply of those conventional fuels that we are utilizing today. It is going to be important for our economy, it is going to be important for making process as an economy, and I think that is consistent, in fact I know that is consistent with where Blue Dog energy policy recommendations have gone.

I want to mention a second principle that is in this document, and that is the concept, because we are so concerned about maintaining energy security. We certainly don't want to go in the wrong direction. So we have taken our term PAYGO which is usually in the Congress in the context that if there is a new program that you want to spend money on, you have to find a way to pay for it. We have used that term in terms of Blue Dogs believe in energy PAYGO. That is we don't think that we should be enacting policies in this country that reduce existing domestic production. We are concerned because there are some policies out there by some of our colleagues in this Congress that we are concerned may do just that. That doesn't match up with the notion of trying to make sure that we have a secure, reliable, affordable energy supply. And the statistics that my colleague from Louisiana mentioned about the projected growth demand in the future in this country, you don't want to go backwards and be cut back on our existing domestic capabilities and in that context increasing even more so our reliance on foreign supplies.

Another critical part of the Blue Dog principles is the notion that when you find yourself in a hole, stop digging. We don't want to create a greater reliance in terms of our reliance on foreign supply. And it is not just with oils. You have to put natural gas into that discussion as well because we are importing more natural gas than we have in the past, and we have to be very careful about if we reduce our natural gas production capabilities in this country, what that means in terms of prices and putting us in an even less secure, less dependent position than we are today.

I yield to my colleague from Georgia.

Mr. SCOTT of Georgia. I think you made a significant statement there, Mr. MATHESON, that when you are in a deep hole, the first thing you do is stop digging.

I want to very, very briefly share, and I am sure there are some American people who are watching our discussion this evening, on just how serious a situation we are in. I talked about instability in the Middle East and our dependence upon oil.

Clearly there are two known facts. Right now, 42 percent of all of the known oil reserves rest under the basin in the Middle East, in Iraq, Iran, and Saudi Arabia. That is nearly half of all of the available oil supplies that we know of in the Earth. And it is not renewable. It doesn't renew itself. Eventually at some point oil is going to run out.

When I was at NATO, and we had a meeting over in Paris this past winter, our winter NATO meetings, a question was put to a noted economist, John Malone, and he made a profound statement. He said we didn't leave the stone age because we ran out of stone; nor will we leave the oil age because we have run out of oil. What he said was that civilization as we know it could very well run out before the oil runs out with the rapid rate we are going with the damage that oil-driven energy sources around the world are causing with the greenhouse effects.

I thought it would be very interesting to share with the American people just how serious this is given the fact that oil is not a renewable source of energy, given the fact that almost half of it is in a very unstable region, and much of the world is still depending upon. But according to the Energy Information Administration, here are some startling facts. They say that world daily oil consumption is projected to grow by 1.4 million barrels this year in 2007 and by 1.6 million barrels in 2008. That is daily oil consumption. You talk about running out with that rapid rate, and each year it goes up. In addition, the EIA projects a steady increase in natural gas and electric use in the United States which will create upward pressure on prices. This doesn't paint a very good picture.

And then it goes on to say that almost all scientists agree that the Earth's climate is rapidly changing and getting warmer, having increased by 2.6 degrees Fahrenheit since the turn of the century. Now as I mentioned earlier, on the surface of it, 2.6 doesn't seem like much, but it is major. The Earth's global average temperature is now approaching or possibly has passed, according to this report, the warmest experience since human civilization began over 12,000 years ago. Now it is approaching the warmest it has ever been in the history of mankind. Global warming is a fact. Climate change is a fact.

And it goes on to say that over the past 150 years, measured carbon dioxide concentrations have risen by more than one-third. The question is not whether greenhouse gases will result in climate change, but rather the magnitude, the speed, and the geographic details and the likelihood of impacts stemming from this trend.

I am not painting a gloom and doom picture here. We are talking about facts so we can get a sense, a greater sense of urgency in this Congress and in the world. So many places over in the world we are fighting and killing one another over what could very well be in the scheme of things very trivial. We are all in the same bucket as human beings.

□ 2315

This earth of ours is precious, and for no other reason more important than saving this earth for our future generations, the air we breathe all rests in the decisions that we make in this Congress today.

I know and I share the same feeling with you all that we feel very honored and very privileged to be elected and serving in Congress at a time when this is our challenge. And when they write the history books and perhaps our grandchildren and children will look and say, well, what did grand-daddy or my daddy do at that time, the history books will reflect very proudly that we provided the leadership at a very crucial time to move this Nation forward in getting away from oil dependency and getting into clean energies.

We have the means to do it. We know we need to do it, and we have the direction to do it.

Mr. MELANCON. I'd like to expound on what Mr. SCOTT just had to say. I've talked about that since the storms that devastated south Louisiana. I've seen the marshes of south Louisiana that I grew up hunting and fishing in, where my son and I have spent many, many weekends and weekdays and just out there enjoying the land and the water. And I've got a new grandson, and of course, after these storms, seeing the damage to these wetlands, these estuaries, seeing and hearing the facts that I'm hearing on climate change and the concern with, as I tell people, there will always be a planet called earth. The question is will there be an earth with life or with quality of life.

And we are in the generation, we are in a time in this Congress where I believe, as you, we have an opportunity to do it, but we have to do it right because I don't think we're going to get multiple chances at it. We've got to try and make those decisions as wisely as we can so that, whatever it is that we do, it is for the next generation and those that succeed them.

Hopefully, when they read the history books, the three of us and the other Blue Dogs and the other Members of this Congress, both Republican and Democrat, will go down well in history as saying they had the foresight.

Think about the people that put together and wrote the Constitution of the United States, and look at how we've lived with that Constitution for well over 200 years, and you think about it. It should be possible that people of our times and our capabilities can come together and work and come up with a policy that gets this country, gets this world and makes it work for us so that we can all live in harmony and peace.

And one of the things that I can remember a number of years back in one of the presidential elections, one of the presidential candidates went to the grocery store and didn't know what the checkout scanner was. Well, you know, there are kids in this world, I hope there's no Members of Congress that still believe that milk comes from the dairy department at the grocery store and not from the cow on the farm.

And the same with gas from the gas pump. There's many people out there that don't realize that you have to go and drill for oil in order to put that gasoline in that automobile to run those kids to baseball or basketball or cheerleading or whatever.

And so we need to understand what it is that drives the country. It is not a mechanical pump at the convenience store at the corner. It is an industry that needs to have a return on investment, and it is the government that needs to set policy that makes it so that the industry wants to produce it and produce it in volumes.

Yes, we have not done what we should be doing to encourage investment not only in the refining capacity. We're starting to see that. We did some of that about 2 years ago. There is some on-line. In my district alone, there's at least two refineries that are expanding. One of them will be a huge expansion project.

And the problem that I've always said is it's not that we can't produce the oil and gas or buy it from some other country, but you still have to have the capability of processing it through. But you still have, because you are not producing it fast enough in this country, dependence upon foreign oil coming in.

Ironically, this past week, speaking of climate change, there was a scientist that decided to swim in the Arctic Ocean and dove in and swam 6/10ths of a mile in 29-degree water in the Arctic Ocean. The symbolism there was we have a problem. He is the first man in history to swim for any length in the Arctic Ocean in a swimming suit. He might need other testing, but at the same time I think he's proved his point to me.

For those people that don't think that there's such a thing as global warming and/or climate change, the scientific community has documented it. It's there. We've talked about it. You don't have to believe everything that's said by a Member of Congress. Sometimes I doubt some of the things I hear, but the things that I see, the horrific hurricanes, the tornado activity throughout the country in areas that have never been affected, the floods that are occurring consistently, the droughts that are occurring throughout the United States, some people say, well, you just know more about them because the news is there. No, they're there. They're being documented. They are more frequent, more severe than we've ever seen.

So we need to move fast. We need to move together. We need to come together as a country, as a Congress, and put together policy that our kids and our grandkids and the future generations will have hope that the world will be as good as it was for us.

Mr. MATHESON. Well, I thank my colleague and I want to follow up with two more of the principles. There are eight in total by the way. We've already talked about a couple.

But one of the Blue Dog energy principles does have to do with climate change, and my two colleagues really have described mostly the thinking behind these principles, but to put in summary, the Blue Dog principles say, look, there's broad scientific consensus that climate change is happening.

Blue Dogs also believe it's taken place over a significant period of time. We need to make sure we get this right with a methodical approach, and it may very well be a long-term approach to try to change the direction we're going, but we want to make sure we get it right. There are some folks who want to act very quickly and in a radical way, and that may not be the best solution.

We also wanted to make sure we had a global approach. If we simply enact policies in this country, we may be exporting jobs and pollution overseas, and that doesn't get us to where we need to be because this is a global issue. So the Blue Dogs want to have an approach that tries to encourage global participation, an approach that does not disproportionately affect one industry or one sector. It needs to be an economy-wide approach in how we look at this issue and how we try to reduce our carbon footprint in affecting the climate change issue.

So I think the Blue Dogs have laid out a framework that makes a lot of sense. Again, as I said before, we don't claim to have the answer to every single aspect of this issue. We think we've established a framework that makes a lot of sense for people making good, sound decisions.

A second principle, and it really follows up on what my colleague from Louisiana said a little earlier, he was talking about how people sometimes don't know what it takes to get energy to the point where you use it. People just pull the pump at the gas station. They don't have any real appreciation for the complex process it takes to get it to that point. And that applies to all forms of energy.

I think people take for granted when they flip a switch and the light goes on, that the light just goes on, and they don't have a full appreciation for what it takes to generate that electricity and get it delivered to that building or that house where the light switch exists.

And so another one of the Blue Dog energy principles recognizes we need to invest in the energy infrastructure in this country. It doesn't just happen without investment. It costs money, and whether it's a refinery expansion or whether it's an ethanol plant that my colleague from Georgia was talking about that we want to develop in this country or whether it's finding renewable sources, let's say, wind energy that makes electricity, that costs money. It doesn't happen without that type of investment.

It's going to take significant commitment from both the public and private sector in this country to ensure we have an energy infrastructure that can deliver reliable sources of supply and affordable sources of supply.

So we need to look for those. Again, the Congress we need to look for those public policy options, public policy decisions that create the environment for that to happen. It's not going to be done all by the government, nor should it be by the way. We want the marketplace to evolve and pursue the most efficient technologies and efficient delivery systems, the most efficient ways to make this happen, but we can help set the table, if you will, to make sure we have the right incentives in our economic model to encourage that to happen.

So that's another one of the Blue Dog energy principles that I think is very important, and we specifically point out within the electorate sector that we need to make sure we have investment in the transmission grid, investment in making sure it's efficient distributed generation.

During the previous hour, one of our colleagues on the other side of the aisle had their Special Order here just before us. I think one of my colleagues mentioned the notion that you may have a significant wind resource where you can put up a number of windmills, but it's going to go be in a remote area, and you have got to get that product, that electricity created by those wind turbines, from that remote area to where the load factor is, and that's going to be let's say in urban area that may be hundreds of miles away, and you have got to invest in a transmission system that allows that to happen.

So, as I said at the start of my comments at the start of this hour, it's a complicated issue. You can mention with energy and everyone kind of nods their head, but if you really start looking at all the sub-issues below that, there are a lot of issues out there. And the Blue Dogs are trying to articulate a pragmatic, practical approach to try to capture all those issues and have a good discussion with Members of both parties and try to create those good public policy decisions to help us get to where we want to be as a country.

So I wanted to again follow up on those two comments that my colleague from Louisiana mentioned, and with that I'm happy to turn over time again to Mr. SCOTT.

Mr. SCOTT of Georgia. Thank you very much. I think in addition to the plans and the points that we have offered here, there's the other side of this that we have got to face, and that is human behavior. We've got to provide leadership to change human behavior when it comes basically to the one instrument that is causing so much of the pollution, that is causing the earth to get warmer. That is the automobile, and we have to move on both fronts. We have to move on the front of getting the American people to do, and we can do this if we use our policy right, if we use our incentives right.

One is that we need to provide encouragement and incentives for individuals to get out of their automobiles, to use other means of transportation, especially in our large urban areas.

Let me tell you about my region of the country that I represent which is Atlanta. The Atlanta area has one of the highest carbon dioxide emissions area in this country, and with that is traffic congestion, which is about to choke the great promise of our city, not only in our region, not only in terms of the traffic but the air we breathe.

So we have got to move and provide the leadership to get alternative means of transportation moving people from place to place without such great dependency on the automobile. Just think about the time and productivity and hours that's a waste in the human productivity of sitting in traffic jams, let alone the waste of energy and the idling of the motors just in the traffic jams alone. We can't continue that way. We've got to do things.

Commuter rail is one of the areas that we are working. That's hard. It's hard to get people out of their automobiles, but it might be good policy for us to move to an area of good Federal tax dollars being used as incentives to be able to give people opportunities to get on these commuter rails. Perhaps we ride for free. Perhaps they're down in a subsidized cost. We've got to do something.

In Europe and in France and throughout Europe and in Japan, they have got trains now that are zipping people along at 100. They have got one over in Asia and Japan somewhere that's going about 150, 160 miles an hour. Where would we be without the rapid commuter rail systems we have in the northeast? Can you imagine if we didn't have it? You think traffic is bad between New York, Boston and Washington, DC. Just think it what it would be like if we didn't have those systems.

So there are ways in which we've got to do that.

□ 2330

The other thing is; and I am not saying, I know how hard it is, I love my car. We are a society in a culture in America that has just grown up with the automobile. It's a part of us from the drive-ins to all the things that we associate with the good life. Get a home, get a car. You are in America.

But maybe, in addition to getting them out of those cars with incentives and the commuter rail and other means, maybe we can do something with the car itself. They are doing some things, American ingenuity is already at work in New York. The Ford Motor Company is now putting together an electric car. They are already out there. We have moved, and I think we are moving with the proposal in this Congress, to give an incentive, to give a tax write-off, tax benefit, some help, for people who will buy cars that run on the batteries and electricity. They have this.

I think there is a lot more we can do, in changing the habits of the American people, changing to get them out of the automobiles, and then changing the nature of the automobiles themselves, and then, of course, getting the clean sort of renewable energy we can to put them in. These are the kinds of proposals and approaches that I think this issue calls for, and I think it's the way forward in the future.

Mr. MELANCON. I think about Americans, myself as an American, and how spoiled we are with just being able to get in our car and go where we want, when we want. I like to tell people, and it's not that I should be bragging on it, because I'm not, but I think I'm probably a typical American family man. I have got a Suburban and a Tahoe, I mean, that's not good, but I have got a boat. My son has a boat. We like to hunt, and we like to fish.

We have lifestyles that we have been fortunate enough that we can live. But now we're coming to a point in time where instead of maybe having a Suburban and a Tahoe, I could do with just having one and have a more efficient vehicle that got better mileage.

Part of what we are talking about in the energy efficiency system CAFE limits. Now, you can get to the limits drastically, as Mr. MATHESON expressed, by just saying, by year 2015 or 2018, you have got to reach a certain limit for automobiles and trucks, and, you know, just damn everybody else, doesn't matter about the jobs, let's just get there.

Or you can take it as a curve that takes you to that point, maybe not as acutely as a straight line, and says that you got to get there by 2022, and you have got to achieve some goals on the way up there, that doesn't provide that we lose the manufacturing jobs and the manufacturers. I mean, after World War II, there were 33 vehicle types in America, our labels, as they call it. There are 335 now, different vehicle labels out there in the United States.

We are spoiled, and we still want to have those luxuries and be able to live those lives, the lifestyle. But we all have to start, first of all, all of us, are going to have to start pinching ourselves and come to the realization that we are going to have to make some changes in our lifestyles if we want to keep this world and this country vibrant in more ways than just fuel economy.

So the CAFE limits, we are going to have to choose, choose something that works, choose something that is not drastic, so that America can make that transition, so that America doesn't have to just drop everything and start all over again.

When we talked about infrastructure, we need to provide incentives so that you see some of the problems you have with providing electricity. In the northeast, you saw a lot of it over the last several years. Some of our transmission capacities and the grids Mr. MATHESON talked about. Yes, it's great to go produce solar power or wind energy, but you have still got to get it somewhere.

If you are going to do ethanol, they are saying there is a problem with putting it in the pipeline, so you will have to build special pipelines just for ethanol. But somebody has got to have incentive to go build those pipelines.

We talk about having fuel-efficient cars. They are all over the place, flex fuel. You can walk out of here. There are thousands and thousands and thousands of them. But you can't find a station to find E-85. It's not available.

So to do one thing that sounds good, it's part of a whole package, and that's what the Blue Dogs are trying to make sure that we keep focused. There was a guy that I knew once, he says, just remember, keep your eye on the ball, and the ball here is getting America moved forward, but getting America's energy policy done right.

That's what we have got to stay focused on as a country, as a Congress, and this administration, to help us make sure that we provide good, sound energy policy.

Mr. MATHESON. I think there are two broad issues out here. Our hour is drawing to a close, but there are two broad issues out here in the energy debate. One is energy independence and security, and the other is climate change challenge.

Now those issues are not mutually exclusive. In fact, a number of the provisions to pursue each of those issues are complementary, and we should look at it in that context. But I do think that the Blue Dogs have come up with a set of principles, we haven't been able to talk about every one of them tonight, and we will come back again on the floor to do that.

As I said, this is a complicated issue. There are a lot of layers to this issue, and this Congress needs to first recognize that level of complexity to make sure we make good decisions. You have to recognize the magnitude of the issue before you can make good decisions.

But I do want to touch on just one other area that is a principle the Blue Dogs feel is very important, and that's the notion that we need to have an aggressive effort at technology development. We talked a little bit about technology development tonight, but let's put it in perspective to where if we really want to get to a point where we have greater energy independence, and if we make progress on the carbon emission issue as well.

The technologies aren't there today that need to be there. First of all, is the technology called carbon capture and sequestration. More than half of all the electricity we make in this country is coal. You know what, this country has a lot of coal. In fact, one-fourth of the world's coal is right here in the United States. It's cheap, it's plentiful.

The way we burn it now we put CO_2 in the atmosphere. The hope is that we can develop the technology to capture that carbon and sequester it. But that technology isn't there yet today.

So, when Blue Dogs talk about we need to make a significant and aggressive commitment to technology development, that's one of the technologies. It's real straightforward. We will have coal as part of our energy mix. I think most people think that in terms for the long run in terms of our electric production. But we have got to solve that carbon issue, and we have got to invest in technology.

Second, we have had discussions about cellulosic ethanol. We can't rely on corn as our source of ethanol in this country. There has to be a better way to do it. We have got to move technology in that direction. A third one, just to throw an example, battery technology. We want to get to the point where we have the car you can go home and plug in at night and run on electricity. A lot of people have spent a lot of time and money trying to develop that battery technology. We are still not there yet.

That's an appropriate Federal role to invest and move ahead with that research and development. I just want to make sure, that's the other principle I get out tonight that the Blue Dogs believe in, that that's the right role for the Federal Government to do, to push the development of these technologies.

One of the greatest American strengths is innovation. That's what this country is all about. It's why we are a superpower. We have got to unleash that again and again. The government can't drive all that, but we can sure encourage it. That is what we ought to do.

Mr. SCOTT of Georgia. The one area we did not mention, because we need to, because it's going to play a very important role in the future, that's nuclear, nuclear energy. I know when you mention the words nuclear energy, folks get a little shaky, but that's an education job, that's a leadership job. But nuclear energy is reliable, it's low cost, everywhere we have the safety necessary, there's a licensing process that we go through, there are all kinds of features there. But nuclear energy is very, very important, it's going to play a very important role, and we have got to invest in it.

Finally, I have got to say, I think in reminding a great historian once said, on the bleached bones of many past civilizations are written those pathetic words, too late. Let us hope and let us know for sure with the action we are taking in this Congress that they will not be able to say that about our civilization on this energy and global warming. We are not going to move too late.

Mr. MELANCON. I agree with that, and in one closing remark, just a thought, as people in public life, you have times where constituents are there wanting things, and, of course, as there is the old expression, what have you done for me today? I hope when this energy policy debate is over, and we have come to a consensus and passed a bill, that it's a good bill, and that we can say to you, I worked to secure your energy future, and I hope that it's going to be one that carries you for generations.

Mr. SCOTT of Georgia. Well stated.

Mr. MATHESON. I want to thank both of my colleagues for joining us. As I said, the Blue Dog coalition stands ready to work with people on both sides of the aisle. We approach these issues through a very, practical, pragmatic way. We want to do what's right for this country.

We are going to come back and talk about energy more and more. By the way, I think this is one of the great domestic policy issues. By that way, that's foreign policy implications, as my colleague pointed out in his comments earlier. It's one of the great issues we face as a country, and it's helpful to help drive forward that debate.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for the time remaining before midnight.

Mr. BURGESS. Mr. Speaker, I do have a lot of material to cover in the time that is available.

I thought it was appropriate, as we end this legislative day here in the United States House of Representatives, that we talk a little bit about health care, because health care will be one of the central arguments, one of the central themes that consumes this country over the next 16 months as we lead up to the presidential election. Indeed, you are already hearing presidential candidates talk about their various visions for health care.

One of the things that concerns me greatly is the issue of the issue of the state of our physician workforce. In my home State of Texas, the Texas Medical Association puts out a periodical every month. In March the title of the magazine they put out was "Running out of Doctors," a great concern of mine.

A year and a half ago Alan Greenspan came and talked to a group of us right before he left as Chairman of the Federal Reserve board. And someone asked him about Medicare and about how we are going to pay for Medicare in the future. He acknowledged that it was going to be difficult, but at the appropriate time he felt that Congress would be able to step up to the job of doing what was going to be necessary to pay for Medicare. He paused, and he said, well, what concerns me greatly is will there be anyone there to provide the services that you need?

That's what I would like to address this evening. I think if I could, I am going to confine my remarks to the limited time I have to four areas. I want to talk a little bit about medical liability, I want to talk a little bit about the status of the physician workforce in regards to the developing physician, the person who may be in college or high school considering a career in health care, I want to talk about the physician in training, and I want to concentrate greatly on what I call the mature physician, the physician who is in practice, and some of the effects of current governmental policy where we reduce payments to physicians year over year and the pernicious effect that is having on the physician workforce.

First, just touching on liable, my home State of Texas had a significant problem with he had some call liability. In 2003, the State legislature passed a medical liability reform based off of a prior California law, the Medical Injury Compensation Reform Act of 1975, which was passed by California, but we updated it for the 21st Century.

Indeed, the law passed by the Texas Legislature in 2003, was based off the California law, that had as its basis caps on noneconomic damages, but in California, that was a fixed $250,000 cap for all noneconomic damages. As you can see from the visual aid, Texas trifurcated the cap. We have a $250,000 cap on physicians for noneconomic damages, $250,000 cap on a hospital for noneconomic damages and a $250,000 cap on a second hospital or nursing home, if one has been involved.

□ 2345

Well, this was passed back in 2003. How has the Texas plan fared? The year I first ran for Congress, 2002, we had dropped from 17 insurers down to two. It was almost impossible to get medical liability insurance at any price because of the effects of the legislation passed. There are now 14 insurers back in the State, and most of those have come back in without an increase in premiums.

Three years after passage, the Medical Protective Company had a 10 percent rate cut which was their fourth since April of 2005. Texas Medical Liability Trust, my last insurer of record, declared an aggregate cut over the past 4 years of 22 percent. Another company called Advocate MD filed a 19.9 percent rate decrease. And another company called Doctors Company announced a 13 percent rate cut, real numbers that affect real people and affect real access to care.

Probably one of the most significant unintended beneficiaries of this legislation that was passed in 2003 in my home State of Texas was the smaller not-for-profit community hospitals. These were hospitals that were self-insured and had to put large amounts of cash up as a cash reserve against a potential lawsuit. What has happened since this law has past is these hospitals have found they have been able to take more of that cash and invest it in capital, invest it in nurses' salaries, exactly the kinds of things you want your smaller, not-for-profit community hospital to be doing in your community.

Mr. Speaker, I took the language of the Texas plan and modified it so it would work within the constructs of our language here in the House of Representatives and actually offered this language to the ranking member of our House Budget Committee, who had the bill scored by the Congressional Budget Office. And the Texas plan, as applied to the House of Representatives to the entire 50 States, would have yielded a $3.8 billion savings over 5 years. Now, not a mammoth amount of money in Congress speak; but when you talk about a $2.99999 trillion budget, any savings that you could manage is in fact significant. And this is money that could have gone for a pay-for for many of the other things that we talk about doing for health care in this body.

Mr. Speaker, a lot of people ask me: Well, if Texas has solved the problem, so why are we even concerned about it on the national level? One is the savings that was demonstrated by the Congressional Budget Office. Another is this, Mr. Speaker: consider the cost of defensive medicine.

A 1996 study, 11 years ago, done by Stanford University revealed that in the Medicare system alone, just Medicare, not Medicaid, not the Federal prison system, but in the Medicare system alone the cost of defensive medicine was approximately $28 billion to $30 billion a year. Ten or 11 years ago it was at that expense, and I submit that that number is significantly higher today if anyone would rework those numbers.

Another consideration is young people getting out of school. They look at the cost of professional liability insurance and say, you know what, I am going to stay out of those higher risk specialties because it is just not worth it to me.

Now, I do want to draw my colleagues' attention to a bill, H.R. 2583. This bill addresses graduate medical education. It is an enhancement for graduate medical education, and would develop a program that would permit hospitals, hospitals that do not traditionally operate a residency program, the opportunity to start a residency program to help again build physician the workforce of the future. On average, it costs $100,000 a year to train a resident, and that cost for a smaller hospital can actually be an impossible barrier to entry. But because of this bill, that would create a loan fund available to hospitals to create residency programs where none has operated in the past; and it would require full accreditation and be generally focused in rural suburban or inner urban communities.

Another bill that I would direct my colleagues' attention to, H.R. 2584, this bill is designed to help medical students and those who have just recently graduated from medical school with a mix of scholarship, loan repayment funds, tax incentives to entice more students into medical school and create incentives for those students and newly minted doctors. The program will have an established repayment plan for students who agree to go into family practice, internal medicine, emergency medicine, general surgery, OB/GYN, and practice in an underserved area. It is a 5-year authorization. It is fairly modest at $5 million a year and would provide additional educational scholarships in exchange for a commitment to serve in a public or private nonprofit health facility determined to have a critical shortage of primary care physicians.

Mr. Speaker, in whatever time I have left, I do want to address again the group that I call the "mature physician," and I want to address that from the perspective of the formula that is called the "sustainable growth rate formula." That is the formula under which Medicare reimburses physicians.

Why is that important? Let me show you this. If we look at how Medicare pays for the administration of care in this country, we have a situation where doctors are paid under a different formula from hospitals, from insurance plans, from drug companies, from nursing homes.

And look at this graph, Mr. Speaker. What you see is that physicians receive cuts year over year, unless Congress steps in at the last minute and does something, which we did for several years here right after I first got to Congress. But compare that with Medicare advantaged hospitals and nursing homes where every year there is a cost-of-living update, the Medicare economic index, if you will, that adjusts payments upward. But year over year there is a reduction in reimbursement, and the Center for Medicare and Medicaid Services for Physicians provides this cut for physicians who take care of the patients.

It is not a question of doctors wanting to make more money; it is about a stabilized repayment system for services that have already been rendered. And it is not just affecting doctors; it affects patients. Not a week goes by that I don't get a letter or a fax from some doctor, usually in my home State of Texas, oftentimes in my district but sometimes it is someplace far afield. But they say, You know what? I have just had enough of what Medicare is doing to my reimbursement schedule and I am going to retire early. I am no longer going to see Medicare patients in my practice, or I am going to restrict the procedures that I offer to Medicare patients.

In fact, I had a young woman come up to me that I trained with at Parkland Hospital and tell me what Medicare was doing to her wasn't right and, as a consequence, she was not going to be offering a certain set of high-risk procedures to her patients any longer.

And the question is, where will those patients go for that treatment? I saw it in the hospital environment before I left practice to come to Congress and, again, I hear it in virtually every town hall that I hold back in my district. Someone will come up to me, either as a question in the formal part of the meeting or afterwards, and say, how come in this country you turn 65 and you have got to change doctors? And the answer is, because the doctor they were seeing found it no longer economically viable to continue to see Medicare patients because this was happening to them, and year over year they weren't able to pay the cost of delivering the care, never mind taking a paycheck home to support their family.

Medicare payments to physicians are modified annually under this SGR formula. The process is flawed, it needs to be repealed, because it mandates physician fee cuts that have gone on in recent years be continued indefinitely, and they become quite substantial over time.

Now, the quandary that you always hear quoted is that simple repeal of the SGR is cost prohibitive. But we could, Mr. Speaker, consider doing that over time. We could consider setting a date in the future by which the SGR would be repealed and perhaps bring that cost down to an attainable level.

The bill that I have recently introduced, H.R. 2585, would repeal the SGR in 2010. Now, in the new physician payment stabilization bill, 2 years from now the SGR formula goes away. But there are incentives provided to physicians in the year 2008 and the year 2009 based on some quality reporting and technology improvements.

More importantly, by resetting the baseline of the SGR formula, the CBO estimates that the practical effect of my bill would bring a 1.5 percent update in 2008 and a 1 percent update in 2009, and a complete elimination of the SGR by 2010. The CBO score calculates a savings of $40 billion off the total price tag of an SGR elimination.

Again, there are also in addition to essentially what is a Medicare economic index update for 2008, a little less than that for 2009, and then elimination of the formula and a full MEI update starting in 2010, which would be a significant change from where we are now. In addition to that, bonus payments for physicians who are willing to voluntarily do some quality reporting and bonus payments for physicians who are willing to voluntarily participate in some health information technology upgrades, computerization of their practice, if you will.

One of the main thrusts of this bill, Mr. Speaker, is to require the Center for Medicare and Medicaid Services to look up, to ascertain the top 10 conditions that drive the highest percentage of payments, and then require CMS to adopt reporting measures relating to those conditions. In fact, those have already been developed. We are not going to reinvent the wheel here. The American Medical Association Physician Consortium has already developed those reporting measures that are driving spending so high.

Mr. Speaker, the old bank robber Willie Sutton, when he was asked, Why do you rob the bank? He said, Because that's where the money is. Mr. Speaker, let's go where the money is. Let's go to those top 10 things where the greatest amount of money is spent, those top 10 diagnostic codes or top 10 diseases where the major amount of money is spent in Medicare, and it amounts to about 70 percent of the savings in Medicare, because that is where the greatest amount of savings is going to occur.

If we can deliver more care in a timely fashion and we can improve outcomes, you are actually going to spend less. And, again, that is the thrust of this bill. That is why you postpone the repeal of the SGR by 2 years, to get that savings that is going to happen by doing things better, quicker, smarter, the same types of things we saw when we began to provide a prescription drug benefit under the part D part of Medicare. Those costs that were originally projected by CBO and the Office of the Management of the Budget of the White House, actually, those scores were way too high.

The actual figures for the first year of the operation of the Medicare prescription drug program came in lower. Why did it come in lower? Partly because of competition and partly because the cost-effective thing also turns out to be the right thing to do oftentimes in the practice of medicine. A lot of savings are in fact available in this system if we only again have the courage to do that.

Let me just speak briefly about health information technology, because it does receive a lot of attention. Here in the House of Representatives we worked on several bills last year. We will probably have an opportunity to have several bills this year. Indeed, a reform in health information technology is part of the bill that I introduced, H.R. 2585, to repeal the sustainable growth rate formula.

But let me just point out a couple of things. I don't know that I was a big believer in electronic medical records when I left the practice of medicine and came to Congress. They are expensive, a big cost for a small practice to set it up. They slow you down. When you are in practice, it adds minutes to each patient; and if you are seeing 30 patients a day and you add 2 minutes to each patient, that is an extra hour. How are you going to be compensated for that extra hour that you spend?

Mr. Speaker, this is a picture of the medical records room at Charity Hospital in New Orleans. It was taken in January of 2006, 5 months after Hurricane Katrina hit there. And this had been completely under water, of course, when the city was flooded. When the Corps of Engineers got the water out, this is what was left. And you see a typical medical records room with all of these paper charts. But this black discoloration is not from smoke or soot; that is black mold that has grown on these charts. It is not safe to let anyone go in there and try to retrieve data from those charts because of what has happened with the mold contamination.

All of those records are lost, tens of thousands of patients. A patient who might have been waiting for a bone marrow transplant or a kidney transplant, a patient who is in the middle of their cancer therapy, All of that was lost in those records.

Mr. Speaker, in January of this year we heard a lot of stories about Walter Reed Hospital, and I went out to Walter Reed to look for myself about what was happening with the treatment of our soldiers who are on medical hold. And Sergeant Blades took me around the complex and showed me the things that had been in all of the newspapers. And then he said, You know what bugs me even more than anything else. I could live with all of the other stuff, but here is the real problem I have. He was trying to assemble his medical records so he could make his case to the VA about a disability claim he had.

He had been in the service for a number of years, he had suffered some injuries during his time in the service, and he wanted to be able to make his case for disability payments. He said he will spend probably 20 to 24 man hours on his medical records making the case, going through it with a yellow highlighter. And then he said, It goes and sits on someone's desk for 2 week's time and then it is lost. And the reason for that is there is not an electronic medical records system that the Department of Veterans Affairs and the Department of Defense can communicate with each other. So he has to go back and reconstruct the paper trail of his 20 years in the service and document all of the problems that he has had with his injuries over time in order to make his case for a disability claim.

And that is what was concerning him more than anything else that day, was that it took so much time to get these things assembled and he was at the mercy of someone misplacing that record off their desk, and he would have to go back to square one. His medical hold would be either extended or denied, and he would have to start all over again with assembling his medical record. He advised his men to make two or three copies of their medical records before they submitted it to the appropriate person in the infirmary.

Mr. Speaker, I know our time is about up. I appreciate the indulgence of the time this evening. Again, health care is an important topic. We are going to spend a lot of time on it in the weeks and months to come. And, again, it will be part of the central theme of Presidential elections on both sides of the political spectrum. And to be sure, I will be back here on several occasions talking about some of the things that I think are most important. But when you look at the problem with losing physicians, when you look at the problem with how we treat our Medicare physicians, the problems they have in getting their payment rates straightened out, what happens if you don't take care of that? You lose doctors. Patients don't have the physicians to see.

What will Congress do in that event? I don't know. Parliament over in Great Britain decided it was in their best interest to bring physicians in from overseas on visas and give them waivers. Someone else paid for their education and they worked cheap. But we also saw in Scotland over the 4th of July weekend, that didn't turn out to be a good idea.

HEALTH CARE

Introduction

This evening I will address my concerns about the delivery of health care services in this country. The future of medical care in this country will be hotly debated in Congress and especially over the next 18 months as we approach the 2008 Presidential elections and the 111th Congress that convenes in 2009.

We will be deciding the avenue through which our system will be based—on the table exists two choices. First is to expand the government or public sector's involvement in the delivery of services—popularly referred to as "universal health care" or termed in the early 90s as "Hillary Care." Or second, whether we encourage and continue the private sector involvement in the delivery of health care. These two options bring about a plethora of questions and concerns, and I am hopeful that my explanations tonight will shed light on the direction we should be taking to have the United States remain as the best health care system in the world.

Now some people may feel that is an overstatement. They will cite uninsured numbers of the cost of prescription drugs. But while these issues abound, they are statistics and the old adage remains, "there is truth, there are lies, and then there are statistics." You can make the numbers say whatever you like or the outcome of polls can be manipulated just by massaging how you ask the question. So I will dispense with these avenues and simply explain the situation at hand and the solutions currently available.

I'll be discussing different principles guiding the debate about private versus public delivery of health care services, but let me give you a background on how we got to the system we have today. The idea that we must solve this problem is not new. Secretary Leavitt has even remarked the necessity tackling the decision between these two philosophies. As he said in an op-ed recently, "Should the government own the system or should we organize the system."

History

Coming out of World War II, the United States had a flourishing economy and an upsurge in the birthrate clearly coining the phrase "Baby Boom" generation. The U.S., unlike many of our allies coming out of the war was able to benefit from the economic prosperity by developing a hybrid system for the delivery of health care including both a public and private involvement. Europe, in contrast, was suffering from depleted resources and fatigue after World War II. It was clear from the outset that their economies, in particular that of Great Britain, were unable, from the private sector, to uphold the delivery of health care. The government had to run the health care system.

Next we fast forward roughly 20 years to the mid-60s and the Presidency of Lyndon Baines Johnson, a fellow Texan from across the aisle. During his tenure, both Medicare and Medicaid programs were signed into law. These large, government-run programs were created to focus on hospital care for the elderly and basic health care services for the poverty-stricken respectively.

Decades later, it was evident that the government-run Medicare program was slow to change, a behemoth to operate and extraordinarily expensive. By 2003, Congress recognized that the outdated model of providing largely hospital-only care to the elderly was insufficient. The government system needed to catch-up to the robust private system that was already focused on prevention and disease management. Finally, Congress passed the Medicare Prescription Drug Plan that gave seniors coverage for the medications. While the program has been successful, and has provided greater benefits for seniors, it did not come without considerable discussions and a massive push by the success of the private sector. And here is our crossroads today.

Currently the government pays for nearly half of all health care administered in this country. With a current GDP of roughly $11 trillion, the U.S. Department of Health and Human Services states that Medicare and Medicaid Services alone cost $600 billion. The other half of health care is broken down with primary weight being carried by the private industry, and charitable and self-pay accounting for the rest.

As these numbers increase, and the Federal Government continues to funnel the American taxpayer's dollars into its coffers, we must ask if this is the best use of taxpayer dollars? Is the government doing an excellent job of managing your money? Do you think the government is better suited to care for your health care needs? Who is better to handle the growing health care crisis in this country?

I argue that the government-only, or universal health care system, is unsustainable in America and will hamper our innovation and delivery of the most modern health care services available.

I can site 2 specific examples that support my premise that a private-based system is better equipped, more flexible, and less expensive (being driven by the market) than a government-based system. First we can look to our northern border at Canada. Canada boasts a universal health care system but what it fails to highlight is the tremendous wait list for treatment that patients must endure. Their access to care is limited. Now this is not a significant problem if you are a wealthy Canadian because you can take your money, cross the southern border in the U.S. and receive care immediately. If you were waiting for bypass surgery, would you prefer to get into the hospital as quickly as possible or be placed on a waiting list that could take months? Is your health, or the health of your loved ones something that you can take a gamble with?

My second example stems from the British Isles where they suffer so of the same fate. The British National Health Service is a 2-tier system that faces continued allegations of ageism. The system can simply no longer treat patients over 80 because the system recognizes that the patients at this age will simply not survive their wait time. It is a sad reality, but it is true.

So I return to my premise that the private sector is more nimble and financially a more stable arena from which to build our future health care system. Noting this complex relationship, how should Congress do its job to ensure we have the best health care system possible? Congress must promote policies that keep the private sector leading the way with some interaction by the well-run government programs.

Uninsured

One issue that springs to mind concerns the uninsured population, which the U.S. Census Bureau estimated at some 46 million back in 2005. Now I want to be specific . . . access to health care is not the issue. Those individuals classified as "uninsured" means they are not covered by a specific plan; it does not mean they cannot seek health care services. In fact, no one is denied health care services in this country. Two specific examples of where access is available through the State Children's Health Insurance Program and Federally Qualified Health Centers.

SCHIP

In 1997, the Republicans introduced a new program designed to help provide medical coverage to every vulnerable child. The program, commonly referred to as SCHIP, operates a joint Federal-State partnership. It provides flexibility for States to determine standards for providing health care funding for those children who are not eligible for Medicaid but whose parents cannot truly afford health care insurance. The program has been very successful across the board.

As SCHIP is being reauthorized this year and heavily debated on both sides of the Capitol, I continue to push for clarification on two issues. First, the intent of SCHIP is clear—the acronym said CHILDREN. However, some States have opted to spend funds on others instead of children. To stop this process, I introduced H.R. 1013, making certain that SCHIP funds are spent exclusively on children and pregnant women—not on any other group.

Second, it is imperative, as we move forward in this debate, that individuals have the flexibility to use SCHIP funds to procure health care coverage that works best for them. Some legislation I've seen would carve people out of the private insurance market; this was never the intent of SCHIP nor should it be an outcome from this debate.

SCHIP is an example where children and pregnant women can receive medical coverage. This eliminates a large number of those classified as "uninsured." As the differing bills appear from both House and Senate committees of jurisdiction, and I hope that this language is included.

FQHC

For those others that are not children or pregnant women, they too have access options, namely, Federally Qualified Health Centers. This patient access to health care even without "insurance" serves an estimated 15 million "uninsured." So what are FQHCs? An FQHC provides comprehensive primary health, oral, and mental health/substance abuse services to persons in all stages of the life cycle.

Both SCHIP and FQHCs are designed to help the poorest, youngest and underserved communities. But what about those individuals that can afford to pay some of their health care services? There are two programs available that assist individuals and companies in receiving health care coverage: Health Savings Accounts and Association Health Plans.

Health Savings Accounts

Health Savings Accounts (HSA) are a tax-advantaged medical savings account available to taxpayers who are enrolled in a high deductible health plan—a health insurance plan with lower premiums and higher deductibles than a traditional health plan. It is sometimes referred to as a catastrophic health insurance plan.

For an HSA, the funds contributed to the account are not subject to income tax, but can only be used to pay for qualified medical expenses. But perhaps one of the best parts of having an HSA is that all deposits to an HSA become the property of the policyholder, regardless of the source of the deposit. Patients actually have a say in how and where they spend their health care dollars. Additionally, any funds deposited, but not withdrawn each year, will carry over into the next year.

The popularity of HSAs has grown considerably since its inception. Although numbers are only verified from 2005, by December of that year, some 3.2 million individuals had coverage. Of that number, 42% of individuals or families with income below $50,000 were purchasing HSA-type insurance. This fact notes that HSAs are an affordable option. In addition, the number of previously uninsured HSA plan purchasers over the age of 60 nearly doubled, proving that the plans are also accessible to people of all ages.

Association Health Plans

Of the roughly 46 million Americans who are uninsured, nearly 60% of them are employed by small business. And some of these individuals prefer a more traditional health plan but their small business employers find offering a health benefit simply too expensive. To unburden small business owners, Congress devised the concept of association health plans.

AHPs allow small businesses to arrange their health benefits alongside other like-minded organizations there by spreading risk among a much larger group, lowering the administrative costs, and providing better benefit options to employees.

Physician Workforce Issues

But are we putting the cart before the horse? In a conversation with Alan Greenspan, before he stepped down as Chairman of the Federal Reserve, he was concerned about whether there would be an adequate labor supply to meet the demand for medical services in the future. The truth is our country faces an oncoming physician shortage. We need to ensure that doctors in practice today, those at the peak of their clinical abilities remain in practice and provide services to those with the most complex issues. So what steps do we need to take to ensure physicians remain in practice?

Medical Liability

First we must tackle an issue that continues to plague the medical community: medical liability. We need common-sense medical liability reform to protect patients, to stop the skyrocketing costs associated with frivolous lawsuits, to make health care more affordable and accessible for all Americans, and to keep necessary services in communities that need them most.

We need a national solution. Currently, our state-to-state coverage leaves us in jeopardy and tangles up the court system. Amazingly, we have an excellent example of the direction we should be taking on the Federal level by modeling legislation after what the State of Texas already has in place, which is getting ready to celebrate its 4th anniversary as law.

Texas brought together the major stakeholders in the discussion, including doctors, hospitals and nursing homes. Now some might point out that manufacturers were not present, but the State was clear to leave open the option for their participation at a later date.

My home State of Texas had a significant problem as far as medical liability was concerned. We had lost most of our medical liability insurers from the State. They had simply closed shop and left because they could not see a future in providing medical liability insurance in Texas. We went from 17 insurers down to 2 by the end of 2002. Rates were increasing year over year. My personal situation, running my own practice, was that rates were increasing by 30 percent to 50 percent a year.

In 2003, Texas State legislature passed a medical liability reform based off the California law, but updated for the 21st Century. Instead of a single $250,000 cap, there was a $250,000 cap on noneconomic damages as it pertained to physicians, hospitals and to second hospitals or nursing homes—an aggregate cap of $750,000.

So how has the Texas plan faired? Remember that I stated we dropped from 17 insurers down to 2 because of the medical liability crisis in the State? Now, we are back up to 14 or 15 carriers; and, most importantly, those carriers have returned to the State of Texas without an increase in premium.

In 2006, only three years after passage, Medical Protective had a 10% rate cut which was its 4th reduction since April of 2005. Texas Medical Liability Trust declared an aggregate of 22% cuts. Advocate MD filed a 19.9% rate decrease and Doctors Company announced a 13% rate cut. These are real numbers. That is a significant reversal. More options mean better prices and a more secure setting for medical professionals to remain in practice.

Probably one of the most important unintended beneficiaries of this was the small community not-for-profit hospital, who was self-insured for medical liability. They have been able to take money out of those escrow accounts and put it back to work for those hospitals capitalize improvements, paying nurse's salaries, the kinds of things you want your small not-for-profit community-based hospitals to be doing, not holding money in escrow against that inevitable liability suit that might occur.

I took the language of the Texas plan, worked it so it would fit within our constructs here in the House of Representatives and offered it to the ranking member of the Budget Committee. He had scored by the Congressional Budget Office, and the Texas plan, as applied through the House of Representatives to the entire 50 States, would yield a savings of $3.8 billion over 5 years. Not a mammoth amount of money when you are talking about a $2.999 trillion budget, but savings nonetheless, monies that we will leave on the table in this budgetary cycle that could have gone to some of the other spending priorities that we hear so much about. You can look to me for legislative action on this issue in the coming months.

Consider this—a 1996 study done by Stanford University revealed that in the Medicare system alone, the cost of defensive medicine was approximately $28 to $30 billion a year. That was 10 years ago. I suspect that number is higher today. That's why we can scarcely afford to continue the trajectory we are on with the medical liability issue in this country.

Another consideration is those young people getting out of college who are considering medical school. The current system keeps young people out of the practice of a health care for their livelihood because of the burden that we put upon them. This is the thing that we have to consider. We have to focus on how we are affecting our physician workforce for the future, how we are affecting the health care that you are our children and our children's children will receive.

Physician Workforce and Graduate Medical Education Enhancement Act of 2007

Part of ensuring this future workforce includes helping the younger doctors with residency programs. The funny thing about doctors is we to have a lot of inertia. A lot of us tend to practice very close to where we did our training. The bill I propose is designed to get more training programs in areas that are underserved, like rural or inner cities. We must get young doctors training in locations where they are actually needed.

The "GME," or Graduate Medical Education, Enhancement Act of 2007 would develop a program that would permit hospitals that do not traditionally operate a residency training program the opportunity to start a residency training program to build the physician workforce of the future.

On average, it costs $100,000 a year to train a resident and that cost for a smaller hospital can be prohibitive. Because of this cost consideration, my bill would create a loan fund available to hospitals to create residency training programs where none has operated in the past. The programs would require full accreditation and generally be focused in rural, suburban, inner urban or frontier community hospitals.

A diverse group, including the American College of Emergency Physicians and American Osteopathic Association, supports my GME legislation.

High-Need Physician Specialty Workforce Incentive Act of 2007

Locating young doctors where they are needed is part of solving the impending physician shortage crisis that will affect the entire health care system. Another aspect that must be considered is training doctors for high-need specialties.

My High-Need Physician Specialty Act of 2007 will establish a mix of scholarships, loan repayment funds, and tax incentives to entice more students to medical school and create incentives for those students and newly minted doctors. This program will have an established repayment program for students who agree to go into family practice, internal medicine, emergency medicine, general surgery, or OB/GYN, and practice in underserved areas. It will be a 5-year authorization at $5 million per year.

This bill would provide additional educational scholarships in exchange for a commitment to serve in a public or private nonprofit health facility determined to have a critical shortage of primary care physicians.

Prominent groups such as AARP, the American College of Physicians, and the ERISA Industry Committee, support my High-Need Specialty legislation.

Physician Stabilization

So far we in addressing the Physician Workforce crisis we have discuss medical liability, the placement of doctors in locations of greatest need and the financial concerns of encouraging doctors to remain in high-need specialties. The next portion of my remarks is related to perhaps the largest group of doctors in this country and certainly, the largest and still-growing group of patients—our "Baby Boom" generation and the Medicare program.

As the baby boomers age and retire, the demand for services is going to go nowhere but up. And if the physician workforce trends continue as they are today, we may be not talking about funding a Medicare program, we may be talking about there is no one there to take care of the seniors.

Year-after-year there is a reduction in reimbursement payments from the Center for Medicare and Medicaid Services to physicians for the services they provide their Medicare patients. This is not a question of doctors wanting to make more money; it is about stabilized repayment for services already rendered. And it isn't affecting just doctors—this problem affects patients. It becomes a real crisis of access.

Not a week goes by that I don't get a letter or fax from some physician who says, "You know what, I have just had enough and I am going to retire early. I am no longer going to see Medicare patients in my practice, or I am going to restrict the procedures that I offer Medicare patients."

Unfortunately, I know that is happening because I saw it in the hospital environment before I left the practice of medicine to come to Congress. But I also hear it in virtually every town hall that I do back in my district. Someone will raise their hand and say, "How come on Medicare, you turn 65 and you have got to change doctors?"

And the answer is because their doctor found it no longer economically viable to continue to see Medicare patients because they weren't able to pay the cost of delivering the care. They weren't able to cover the cost of providing the care.

Medicare payments to physicians are modified annually using the sustainable growth rate (SGR) formula. Because of flaws in the process, the SGR mandated physician fee cuts in recent years have been only moderately averted by last minute fixes. If no long-term congressional action is implemented, the SGR will continue to mandate fee cuts.

Unlike hospital reimbursement rates, which follow closely the Medicare Economic Index (MEI), which measures the increasing costs of providing care, physicians reimbursements do not. In fact, Medicare payments to physicians cover only about 65% of the actual cost of providing patient services. Can you imagine any industry or company that would continue in business if they received only 65% of what they spent.

But the simple repeal of the SGR is simply too cost prohibitive. But if we do that over time, perhaps we can bring that cost down to a level where it is manageable.

Paying physicians fairly will extend the careers of many physicians who are now in practice who would otherwise opt out of the Medicare program, seek early retirement, or restrict those procedures that they offer to their Medicare patients.

It also has the effect of insuring an adequate network of doctors available to older Americans as this country makes the transition to the physician workforce of the future.

In my new physician payment stabilization bill, the SGR formula would be repealed in 2010, 2 years from now, but would also provide incentive payments based on quality reporting and technology improvements.

Recently, CBO estimated that the practical payment effect from my bill would bring a 1.5% update in 2008, a 1.0% update in 2009, and a complete elimination by 2010. The CBO score calculates a savings of $40 billion off the total price tag of an SGR elimination.

These incentive payments would be installed to protect the practicing physician against that 5% cut that will likely occur in 2008 and 2009. That would be voluntary. No one would be required to participate in the quality program or the technology improvement, but it would be available to those doctors or practices who wanted to offset the proposed cuts that will occur in physician reimbursement in the 2 years until the formal repeal of the SGR happens.

Now I know this is perhaps a frightening thought to some physicians—I'm sure I would have been wary at first when I ran my own practice. But step back and view the long-term solution. This is the only logical, economically viable and I reiterate long-term solution.

Now, why do it that way? Why not just bite the bullet and let's go ahead and get the SGR out of the way and get it repealed? Remember, it costs a tremendous amount of money to do that. Another problem that we have in Congress is we are required to submit all legislation to the Congressional Budget Office to find out how much it costs. If we are going to be spending the taxpayers' money, how much are we going to spend? Over what time will we spend it?

Because of the constraints of the Congressional Budget Office, we are not allowed to do dynamic scoring. Unfortunately, we can't do look-ahead and say, "You know, I think if we do this, we are going to save some money."

But, by postponing the repeal of the SGR by 2 years' time; taking the savings that occurs during that time and applying it to the SGR formula; we may actually get a number that is doable as far as releasing the SGR and replacing it with the Medicare Economic Index similar to the way hospitals are reimbursed.

One of the main thrusts of this bill is to require the Center for Medicare and Medicare Services to look at their top 10 conditions that drive the highest percentage of payments. The bill would require CMS to adopt reporting measures relating to these conditions that have already been developed. It is not reinventing the wheel. The American Medical Association Physician Consortium has already developed those reporting measures that drive that spending so high.

You know, the old famous bank robber Willie Sutton, when he was asked why do you rob the bank, he said that is because that is where the money is. Let's go to those top 10 things where the greatest amount of money is spent, because that is where the greatest amount of savings can occur. If we can deliver care in a more timely fashion and if we can improve outcomes, we are actually going to spend less. And by focusing on those top 10 programs, at least initially, that will be the greatest return on investment for CMS and ultimately will be the greatest return on investment for retiring the SGR.

The same considerations may apply to the Medicaid program as well, so it will be a very useful exercise to go through that and identify those top 10 conditions. And where cost savings may be most easily gathered, not only will it have an improving effect on Medicare, but I suspect on Medicaid as well.

This will also include a report back to doctors on what their volume and intensity is. This information will not be made generally public, but it will be made available to the individual physician so they can see how they are doing; how they are doing relative to other doctors in their practice, other doctors in their community, and other doctors around the country. Physicians are a competitive group; I assure you these reports will be read.

Health Information Technology

There is also going to be a provision in the bill to help physicians' offices bring their information technology, their infrastructure, hardware and software, up to a standard where it will begin to derive benefit not only the patient and the practice but also to the Medicare system in general.

The provision will also create a safe harbor that will allow clinics, physicians' offices, and hospitals to share health information technology platforms. These standards will be established and available to physicians' practices so they will understand how they need to comply. The standards must be established no later than January 1, 2008.

Back in the day, I wasn't always a big proponent of things like electronic records. I wasn't sure if it would deliver the payoff that people said it would. But here is a picture of the medical records department in Charity Hospital in New Orleans. This picture was made in January 2006, about 4 or 5 months after Hurricane Katrina and the downtown flooding that occurred. It is the medical records room. These records are ruined. You can see this is not smoke or soot damage; this is black mold that is growing on the records. You look there and it almost goes on to infinity, tens of thousands, hundred of thousands of records that were active, ongoing charts of people's medical conditions absolutely now unavailable. No one is going to get into that medical records department and risk inhaling the spores from the mold that is covering those charts.

This is the kind of problem that you can get into with a paper medical record. Of course the youngsters of today, the college students of today, the young physicians of today, they understand this very well. They are all connected and wired in. They would no more imagine turning in or doing a paper for one of their classes where they just had a single copy, a single paper copy, the old adage "the dog ate my homework," most students will have a paper on a CD or on a flash drive readily accessible and retrievable in many forms. We should do no less with our medical records.

But it costs money to do this. It is going to require a push from the private sector. I prefer to think of a bonus payment as being an inducement, an enticement for physicians' offices to participate in this type of program. But it is also just good medicine. It is good patient care.

We all heard about the troubles at Walter Reed Hospital a few months ago. I went out to Walter Reed probably the week after the story broke in the Washington Post and talked to this young man who took me around Building 18. Yes, there was some concern. It was a crummy building. But his biggest concern was spending hours and hours with his medical record, his service record, going through the various parts and highlighting things. He had a yellow marker, a highlighter, highlighting parts of his medical record because this is how he was going to establish the benefits that he was going to receive in the VA system for his disability.

He said "I can spend 20 man-hours putting this medical record together and it ends up on someone's desk and it doesn't get picked up, and then no one can find it and I have to start all over again." That was his main message to me that day.

Now the VA system has been indeed very forward-thinking in its embrace of electronic medical records and its investment in information technology. The problem is the medical records from the Department of Defense and the Department of Veterans Affairs do not possess the interoperability necessary to make this type of activity unnecessary.

Delivering value to the patient is of paramount importance. And it is my contention that if we do make the bonus payment generally available to physicians, this will be something that they will embrace. There is a learning curve, to be sure. It is going to slow people down a little bit initially. But ultimately, the rapidity of the system will be impressive. And even in a smaller physician's office the ability to never have to wait while they find your medical records would be amazing. Once physicians and medical offices become used to this technology, they will embrace it.

Another unintended benefit to providing incentives for health information technology is the rapidity with which the health care system itself can learn. When I say the health care system, I specifically address the possibility that treatments and the delivery of quality health care services can be faster, cost less and simply be better. Wouldn't it be great to have that information and know what treatments were effective and what treatments were only marginal? That information can be literally at a physician's fingertips with the right type of computer architecture and technology environment. I believe the time has come that we do need to embrace that.

So the physician payment stabilization bill will include a federal incentive to implement health information technology along with provisions providing safe harbors for the sharing of software, technical assistance and hardware, as well as the creation of consortiums.

Health Care Price Transparency

Once you have established measures that will allow for a medical workforce in the future—through a nation medical liability law, ensuring a medical workforce in areas that you need and in locations that need them, and by stabilizing physician reimbursements, you can refine other health care projects.

Perhaps the foundation of understanding health care is to understand its costs. The average consumer has little understanding about how much any service or prescription drug costs because they are supplemented by the government and often their employer. This must change.

In August 2006, President Bush issued an executive order calling for increased transparency within the federal government's health care agencies. The legislation I have proposed in the past is an extension of that executive order, giving States the tools to become part of a necessary solution for health care consumers.

The bill would require states establish health care transparency requirements for hospitals and health plans, as well as conduct a study on what information is most useful to consumers.

For example, the Texas Hospital Association has created a web-based tool that allows consumers to compare hospital-to-hospital cost called Texas PricePoint. This website assists consumers that are considering non-emergency procedures at area hospitals. Texas health care consumers now can view and compare charge data on inpatient hospital services. Couple this data with hospital quality information and consumers will be able to truly shop for health services based on quality and cost. What a remarkably simply idea that is literally educating and engaging the consumer in making his or her health care choices. Knowledge is an essential tool for making informed decisions.

This type of planning tool should be made available to all patients, across the country, at any time. Think of it like a "Travelocity" or "Priceline" for health care services. Wouldn't that be terrific? The long and the short of it is that this is possible. And Congress can make this happen if we commit ourselves to the process.

Conclusion

I recognize that all of this information is technically complex, sometimes even boring to listen to, but it nonetheless tells an incredibly important story. It is the story of how the most advanced, most innovative and most appreciated health care system in the world needs help. The end of the story should read "happily ever after." So how do we reach that conclusion? The last chapter should read, "A Private Industry Leads to a Healthy Ending."

As I stated in the beginning of this hour, we are in a debate that will forever change our health care system. We must understand what is working in our system and what is not. We cannot delay making changes and bringing health care into the 21st Century.

I believe that the only way this can work is if we allow the private sector to lay the foundation for improvements. The pillars of the amazing health system we have now must be rooted in the bedrock of a thriving private sector, not on the shaky ground of a public system that has proven costly and inefficient in other countries.

We must devote our work in Congress to building a stronger private sector in health care. History has proven this is a tried and true method. We can bring down the number of uninsured, increase patient access, stabilize the physician workforce, modernize through technology and bring transparency to the system. Each of these goals is within our grasp. We must only have the foresight and determination to achieve each goal.

There is a reason why people come from around the world to the United States for health care treatments—we are the best, but we must make adjustments to remain at the top of the game.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for July 16 and the balance of the week on account of a death in the family.

Ms. BORDALLO (at the request of Mr. HOYER) for today and the balance of the week on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 24.

Mr. JONES of North Carolina, for 5 minutes, July 24.

Mr. WELDON of Florida, for 5 minutes, today.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 27. Concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

S. Con. Res. 41. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom; to the Committee on Armed Services.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, July 18, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2543. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Home Dispute Resolution Program [Docket No. FR-4813-F-03] (RIN: 2502-AH98) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2544. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of proposed legislation to update the National Housing Act and modernize the Federal Housing Administration (FHA) mortgage insurance program to ensure that the FHA continues to play a key role in serving low- and moderate-income homebuyers; to the Committee on Financial Services.

2545. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of proposed legislation to reauthorize the American Dream Downpayment Act, Section 271 of the Cranston-Gonzalez National Affordable Housing Act; to the Committee on Financial Services.

2546. A letter from the Senior Vice President for Resource Management, Export-Import Bank, transmitting the Bank's Buy American Act reporting for fiscal year 2006, pursuant to section 837 of Division A of the fiscal year 2006 Departments of Transportation, Housing and Urban Development Appropriations Act, Pub. L. 109-115; to the Committee on Financial Services.

2547. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Republic of Panama pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2548. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Alachlor, Chlorothalonil, Metribuzin; Denial of Objections [EPA-HQ-OPP-2005-0050; FRL-8135-3] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2006-0772; FRL-8439-7] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2550. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2006-0772; FRL-8439-8] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2551. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Clark and Floyd Counties 8-hour Ozone Nonattainment Area to Attainment [EPA-R05-OAR-2006-0715; FRL-8440-2] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2552. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of LaPorte County To Attainment for Ozone [EPA-R05-OAR-2006-0459; FRL-8440-4] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2553. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the South Bend-Elkhart 8-hour Ozone Nonattainment Area to Attainment [EPA-R05-OAR-2006-0305; FRL-8440-3] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2554. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Public Hearings and Submission of Plans [EPA-HQ-OAR-2006-0903; FRL-8439-6] received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2555. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 07-07 informing of an intent to sign the Joint U.S./U.K. Weapon and Sensor Resource Management Algorithm Development and Evaluation Project Arrangement between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2556. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of Singapore (Transmittal No. 02-07); to the Committee on Foreign Affairs.

2557. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 to March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2558. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year ending September 30, 2006, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

2559. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 1995-2000," pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Natural Resources.

2560. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C; Nonrural Determinations (RIN: 1018-AT99) received July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2561. A letter from the Assistant Director, Fisheries & Habitat Conservation U.S. Fish & Wildlife Service, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Silver Carp (Hypophthalmichthys molitrix) and Largescale Silver Carp (Hypophthalmichthys harmandi) (RIN: 1018-AT29) received July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2562. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Peck's Cave Amphipod, Comal Springs Dryopid Beetle, and Comal Springs Riffle Beetle (RIN: 1018-AU75) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2563. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removing the Bald Eagle in the Lower 48 States From the List of Endangered and Threatened Wildlife (RIN: 1018-AF21) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2564. A letter from the Deputy Secretary, Department of the Interior, transmitting a copy of draft legislation entitled, "Cooperative Conservation Enhancement Act"; to the Committee on Natural Resources.

2565. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting the Department's report on the Minerals Management Service Royalty-in-Kind Operation for Fiscal Year 2006, as required by Section 342 of the Energy Policy Act of 2005; to the Committee on Natural Resources.

2566. A letter from the Executive Director, Department of the Interior, transmitting the 2005 annual report of the National Center for Preservation Technology and Training (National Center), pursuant to 16 U.S.C. 470 et seq.; to the Committee on Natural Resources.

2567. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting a copy of a draft bill entitled, "The Fiscally Responsible Energy Amendments Act of 2007"; to the Committee on Natural Resources.

2568. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's 2006 report to Congress on the "The Status of U.S. Fisheries"; to the Committee on Natural Resources.

2569. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial report regarding the administration of the Endangered Species Act from October 1, 2004 to September 30, 2006; to the Committee on Natural Resources.

2570. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the Annual Report to Congress on the Refugee Resettlement Program for the period October 1, 2004 through September 30, 2005 as required by section 413(a) of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

2571. A letter from the Assistant Secretary for Civil Works, Department of the Army, Department of Defense, transmitting the Administration's position on the budgeting for the Cedar Bayou, Texas Navigation Improvement Project; to the Committee on Transportation and Infrastructure.

2572. A letter from the Assistant Secretary for Civil Works, Department of the Army, Department of Defense, transmitting the Administration's position on the budgeting for the Unalaska, Alaska Navigation Improvement Project; to the Committee on Transportation and Infrastructure.

2573. A letter from the Secretary, Department of Labor, transmitting the 2005 Annual Report of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor, pursuant to 38 U.S.C. 4107(c); to the Committee on Veterans' Affairs.

2574. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, "To amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes"; to the Committee on Veterans' Affairs.

2575. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States — Jordan Free Trade Agreement [USCBP-2007-0001 CBP Dec. 07-50] (RIN: 1505-AB75) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2576. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted through ACE Truck Manifest as Ports in the States of Maine and Minnesota [CBP Dec. 07-53] received July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2577. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States-Morocco Free Trade Agreement [USCBP-2007-0056 CBP Dec. 07-51] (RIN: 1505-AB76) received June 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2578. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON PRE-CLASSICAL AND CLASSICAL ARCHAEOLOGICAL OBJECTS AND BYZANTINE PERIOD ECCLESIASTICAL AND RITUAL ETHNOLOGICAL MATERIAL FROM CYPRUS [CBP Dec. 07-52] (RIN: 1505-AB80) received July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2579. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Subpart F Relating to Partnerships [TD 9326] (RIN: 1545-BE34) received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2580. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Withholding Exemptions [TD 9337] (RIN: 1545-BE21) received July 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–236). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. POMEROY, and Mr. CROWLEY):

H.R. 3056. A bill to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. LARSON of Connecticut, and Mr. ENGLISH of Pennsylvania):

H.R. 3057. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare Program; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. RAHALL, Mr. THOMPSON of California, Mr. BAIRD, Ms. HOOLEY, Mr. MATHESON, and Mr. BLUMENAUER):

H.R. 3058. A bill to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. HASTERT, Mr. BLUNT, Mr. PUTNAM, Mr. STEARNS, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. SHADEGG, Mr. BUYER, Mr. RADANOVICH, Mr. WALDEN of Oregon, Mr. SULLIVAN, Mr. BURGESS, Mr. GILLMOR, Mr. SESSIONS, Mr. WHITFIELD, Mr. PITTS, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. HALL of Texas, Mr. SMITH of Texas, Mr. CONAWAY, Mr. GOHMERT, and Mr. McCAUL of Texas):

H.R. 3059. A bill to increase the corporate average fuel economy standards for automobiles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOREN (for himself and Mr. HALL of Texas):

H.R. 3060. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require that group and individual health insurance coverage and group health plans and Federal employees health benefit plans provide coverage of colorectal cancer screening; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ALLEN, Mr. DAVIS of Illinois, Mr. EMANUEL, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. HINCHEY, Ms. KAPTUR, Mr. LARSON of Connecticut, Ms. McCOLLUM of Minnesota, Mr. McDERMOTT, and Mr. STARK):

H.R. 3061. A bill to amend title XVIII of the Social Security Act to require that Medicare prescription drug plans using formularies cover all drugs included in 6 specified therapeutic categories, to establish protective requirements for coverage determinations, reconsiderations, and appeals related to such drugs, and to require annual reports on such determinations, reconsiderations, and appeals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 3062. A bill to authorize appropriations to provide for South Pacific exchanges, provide technical and other assistance to countries in the Pacific region through the United States Agency for International Development, and authorize appropriations to provide Fulbright Scholarships for Pacific Island students; to the Committee on Foreign Affairs.

By Mrs. GILLIBRAND:

H.R. 3063. A bill to revise the boundary of Martin Van Buren National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAVES:

H.R. 3064. A bill to suspend certain nonessential visas, in order to provide temporary workload relief critical to the successful reorganization of the immigration and naturalization functions of the Department of Homeland Security, to ensure that the screening and monitoring of arriving immigrants and nonimmigrants, and the deterrence of entry and settlement by illegal or unauthorized aliens, is sufficient to maintain the integrity of the sovereign borders of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL of New York:

H.R. 3065. A bill to amend title 38 United States Code, to modify the rate of reimbursement of State and local agencies administering veterans education benefits; to the Committee on Veterans' Affairs.

By Mr. HARE (for himself and Mr. JOHNSON of Illinois):

H.R. 3066. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties", and for on-call and standby costs for such services; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 3067. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 3068. A bill to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; to the Committee on Transportation and Infrastructure.

By Mr. NUNES (for himself and Mr. COSTA):

H.R. 3069. A bill to reaffirm and clarify the Federal relationship of the Dunlap Band of Mono Indians as a distinct federally recognized Indian Tribe; to the Committee on Natural Resources.

By Mr. PETERSON of Minnesota:

H.R. 3070. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself, Mr. MURTHA, Mr. GEORGE MILLER of California, and Ms. MATSUI):

H.R. 3071. A bill to require the immediate redeployment of United States Armed Forces from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Ms. DeGETTE, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. SALAZAR, Mr. PERLMUTTER, and Mr. LAMBORN):

H.R. 3072. A bill to reduce the risks to Colorado communities and water supplies from severe wildfires, especially in areas affected by insect infestations, to provide model legislation that may be applied to other States experiencing similar insect infestations or other forest-related problems, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Ways and Means, Transportation and Infrastructure, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL (for himself, Mr. ROSKAM, Mr. FRANK of Massachusetts, and Mr. BACHUS):

H. Res. 552. A resolution calling on the Government of the People's Republic of China to remove barriers to United States financial services firms doing business in China; to the Committee on Financial Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HALL of Texas, Mr. ORTIZ, Mr. BARTON of Texas, Ms. PELOSI, Mr. HOYER, Mr. REYES, Mr. CARTER, Mr. EDWARDS, Mr. SMITH of Texas, Mr. LAMPSON, Mr. POE, Mr. GONZALEZ, Mr. GOHMERT, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Mr. HINOJOSA, Mr. SESSIONS, Mr. DOGGETT, Mr. McCAUL of Texas, Mr. RODRIGUEZ, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. CUELLAR, Ms. GRANGER, Mr. THORNBERRY, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Ms. DeLAURO, Mr. DICKS, Mrs. CAPPS, Ms. McCOLLUM of Minnesota, Mr. CONAWAY, Mrs. MALONEY of New York, Mr. McCOTTER, Mr. SCHIFF, Mr. SERRANO, Mr. KIND, Ms. KAPTUR, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. CUMMINGS, Mr. KILDEE, Ms. BORDALLO, Mr. UDALL of New Mexico, Mr. McNULTY, Ms. LEE, Mr. VAN HOLLEN, Mr. JEFFERSON, Mr. HOLT, Mr. McHUGH, Mrs. McCARTHY of New York, Mr. FARR, and Mr. ALTMIRE):

H. Res. 553. A resolution mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States; to the Committee on Oversight and Government Reform.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. McCOLLUM of Minnesota, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. JONES of Ohio, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. RUSH, Mr. McDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. HINCHEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. LARSON of Connecticut, Mr. BACA, Mrs. NAPOLITANO, Mr. LOEBSACK, Mr. NADLER, Mr. HONDA, Mr. CUMMINGS, Mr. ELLISON, Mrs. TAUSCHER, Mr. CARDOZA, Mr. HILL, Ms. WATSON, Ms. SOLIS, Mr. MORAN of Virginia, Mr. SCHIFF, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. DICKS, Mr. FATTAH, Mr. MCGOVERN, Mr. MCNULTY, Mr. PAYNE, Mr. CLEAVER, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. SERRANO, Mr. ARCURI, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, and Ms. WATERS):

H. Res. 554. A resolution supporting the goals and ideals of National Passport Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. TANCREDO, Ms. MOORE of Wisconsin, Mr. MCHUGH, Mrs. EMERSON, and Mr. MEEK of Florida.

H.R. 25: Mr. BISHOP of Utah.

H.R. 135: Ms. LORETTA SANCHEZ of California.

H.R. 136: Mr. BAIRD.

H.R. 154: Mrs. NAPOLITANO, Mr. CHANDLER, and Mr. CLAY.

H.R. 171: Mr. WEXLER.

H.R. 406: Ms. ZOE LOFGREN of California and Mr. WU.

H.R. 436: Mrs. BLACKBURN.

H.R. 462: Mr. STUPAK.

H.R. 507: Mr. HOLT, Ms. KILPATRICK, Ms. WATERS, and Ms. SOLIS.

H.R. 592: Mr. LEWIS of Georgia.

H.R. 601: Mr. PLATTS and Mr. FORTUÑO.

H.R. 642: Mrs. CHRISTENSEN and Mr. MOORE of Kansas.

H.R. 643: Mrs. EMERSON, Mr. HALL of Texas, Mr. HERGER, Mr. WYNN, Mrs. CAPITO, and Mr. MICA.

H.R. 687: Mr. CHANDLER and Mr. DAVIS of Illinois.

H.R. 694: Mrs. CHRISTENSEN.

H.R. 726: Mr. WEXLER and Ms. JACKSON-LEE of Texas.

H.R. 729: Mr. KUCINICH.

H.R. 741: Ms. ESHOO.

H.R. 743: Mrs. BONO, Mr. BOREN, Ms. CLARKE, and Mr. ROTHMAN.

H.R. 760: Mr. WAXMAN and Mr. SALAZAR.

H.R. 779: Mr. JONES of North Carolina.

H.R. 784: Mr. PUTNAM, Mr. MCINTYRE, and Mr. HILL.

H.R. 790: Mr. KUCINICH.

H.R. 864: Mr. SMITH of Washington.

H.R. 867: Mr. WEXLER.

H.R. 871: Ms. WOOLSEY.

H.R. 895: Mr. GERLACH.

H.R. 920: Mr. CRAMER, Mr. BERRY, Mr. PATRICK MURPHY of Pennsylvania, Mr. COOPER, and Mr. PICKERING.

H.R. 946: Mr. CAPUANO, Mr. DAVIS of Illinois, and Mr. GRIJALVA.

H.R. 969: Mr. THOMPSON of California, Mr. BACA, and Mrs. LOWEY.

H.R. 1014: Mr. HOLDEN and Mr. RUPPERSBERGER.

H.R. 1023: Ms. HARMAN, Mr. BUCHANAN, Mr. MANZULLO, and Mr. DAVIS of Alabama.

H.R. 1040: Mr. BISHOP of Utah.

H.R. 1046: Mr. BOOZMAN.

H.R. 1061: Mr. HINCHEY.

H.R. 1064: Mr. PASCRELL, Mr. SNYDER, Mr. BARROW, Mrs. GILLIBRAND, Mrs. BIGGERT, and Ms. WATSON.

H.R. 1078: Mr. WYNN and Mr. FILNER.

H.R. 1091: Mr. ALLEN.

H.R. 1125: Mr. MCHENRY, Mr. FALEOMAVAEGA, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Mr. VAN HOLLEN, and Mr. BERMAN.

H.R. 1142: Mr. DENT, Mr. HARE, and Mr. GARRETT of New Jersey.

H.R. 1232: Mr. LAHOOD, Mr. BARROW, Mrs. TAUSCHER, Mr. MCGOVERN, Ms. HOOLEY, Mr. INSLEE, Mr. BLUMENAUER, Mr. JINDAL, Mr. DEAL of Georgia, and Mr. LUCAS.

H.R. 1233: Mr. WAMP.

H.R. 1279: Mr. HOLDEN, Mr. FATTAH, Mr. LANGEVIN, Mr. CAPUANO, and Mr. BERMAN.

H.R. 1299: Mr. PAUL.

H.R. 1302: Mr. HINOJOSA.

H.R. 1304: Mr. SPACE, Mr. DAVIS of Alabama, Mr. STEARNS, Mr. KANJORSKI, and Mr. BURTON of Indiana.

H.R. 1308: Ms. MATSUI and Mrs. MALONEY of New York.

H.R. 1320: Ms. JACKSON-LEE of Texas.

H.R. 1343: Mr. YOUNG of Alaska and Mr. LUCAS.

H.R. 1389: Mr. FOSSELLA, Mr. KUHL of New York, and Mr. WALSH of New York.

H.R. 1400: Mr. WALZ of Minnesota and Mr. REYNOLDS.

H.R. 1416: Mr. BAIRD.

H.R. 1456: Mr. GARRETT of New Jersey.

H.R. 1466: Mr. HASTINGS of Washington.

H.R. 1479: Mr. KUCINICH.

H.R. 1498: Mr. KUCINICH.

H.R. 1506: Ms. CORRINE BROWN of Florida and Mr. KUCINICH.

H.R. 1512: Mr. ABERCROMBIE, Mr. BILBRAY, and Mr. HILL.

H.R. 1518: Mr. BOREN.

H.R. 1532: Mr. ORTIZ.

H.R. 1533: Mr. KUCINICH.

H.R. 1534: Ms. SCHAKOWSKY.

H.R. 1542: Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, and Mr. MICHAUD.

H.R. 1553: Mr. DAVIS of Kentucky, Ms. GRANGER, and Ms. SOLIS.

H.R. 1609: Mr. VAN HOLLEN, Mr. DAVIS of Illinois, and Mr. SIRES.

H.R. 1620: Mr. KUCINICH.

H.R. 1671: Mr. MOORE of Kansas.

H.R. 1709: Ms. SHEA-PORTER.

H.R. 1779: Mrs. BOYDA of Kansas.

H.R. 1814: Mr. WALDEN of Oregon.

H.R. 1818: Mr. CUMMINGS.

H.R. 1869: Mr. MCCAUL of Texas, Mr. BURTON of Indiana, and Mr. ROGERS of Kentucky.

H.R. 1871: Mr. EMANUEL.

H.R. 1878: Mr. NADLER and Mr. BERMAN.

H.R. 1909: Mr. DAVIS of Illinois and Mr. SESSIONS.

H.R. 1911: Mr. PAUL.

H.R. 1932: Ms. SOLIS and Mr. LATHAM.

H.R. 1952: Mr. LATHAM.

H.R. 1956: Mr. MORAN of Virginia.

H.R. 2003: Mr. SMITH of Washington and Mr. COSTA.

H.R. 2015: Mr. MILLER of North Carolina, Ms. WATSON, Mr. JEFFERSON, Mr. SALAZAR, and Mr. BACA.

H.R. 2016: Mr. SCHIFF and Mr. SERRANO.

H.R. 2017: Mr. MOORE of Kansas.

H.R. 2035: Mr. SPACE.

H.R. 2036: Mr. WEXLER.

H.R. 2045: Mr. BISHOP of Georgia and Mr. GONZALEZ.

H.R. 2060: Mr. BISHOP of Georgia, Mr. UDALL of New Mexico, and Mr. WELCH of Vermont.

H.R. 2065: Mr. WEXLER.

H.R. 2070: Mr. CONYERS and Mr. BARTLETT of Maryland.

H.R. 2095: Mr. OBEY and Mr. KUCINICH.

H.R. 2111: Mr. MOORE of Kansas.

H.R. 2116: Mr. PETERSON of Minnesota, Mr. BUCHANAN, Mr. AKIN, Mr. SMITH of Nebraska, Mr. TERRY, and Ms. CORRINE BROWN of Florida.

H.R. 2122: Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Mr. MORAN of Virginia, Ms. DELAURO, Mr. DICKS, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2126: Mr. ROTHMAN and Mr. MOORE of Kansas.

H.R. 2164: Mr. BOOZMAN.

H.R. 2183: Mr. PUTNAM and Mr. FORBES.

H.R. 2188: Mr. DAVIS of Alabama.

H.R. 2244: Mr. FRANK of Massachusetts.

H.R. 2248: Mr. DAVIS of Illinois.

H.R. 2265: Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, and Mr. HINCHEY.

H.R. 2268: Mr. RUPPERSBERGER, Mr. PLATTS, Mr. TERRY, Mr. NEUGEBAUER, Mr. SMITH of Nebraska, Mr. ROGERS of Alabama, Mr. HASTERT, Mr. BUYER, Mr. REYNOLDS, Mr. TIBERI, Mr. YOUNG of Florida, Mr. HOBSON, Mr. BUCHANAN, Mr. BOEHNER, Mr. BILBRAY, Mr. REHBERG, Mr. BAKER, Ms. SLAUGHTER, and Mrs. MCMORRIS RODGERS.

H.R. 2287: Mr. MEEK of Florida.

H.R. 2295: Mr. RODRIGUEZ.

H.R. 2298: Mr. TERRY.

H.R. 2325: Mr. MCCOTTER.

H.R. 2343: Mrs. MCCARTHY of New York and Ms. CORRINE BROWN of Florida.

H.R. 2353: Mr. LAHOOD, Mr. REYES, and Mrs. NAPOLITANO.

H.R. 2371: Ms. SHEA-PORTER, Mr. HINOJOSA, and Mr. FATTAH.

H.R. 2395: Mr. BAIRD.

H.R. 2421: Mr. WATT and Mr. BECERRA.

H.R. 2464: Mr. MCNULTY and Mr. REICHERT.

H.R. 2470: Mr. MCCOTTER and Mr. SPACE.

H.R. 2484: Mr. MCHUGH.

H.R. 2490: Mr. GINGREY.

H.R. 2505: Ms. ZOE LOFGREN of California and Mr. HILL.

H.R. 2568: Ms. GINNY BROWN-WAITE of Florida and Mr. ISSA.

H.R. 2605: Mr. KUCINICH and Mr. HALL of New York.

H.R. 2606: Ms. SHEA-PORTER.

H.R. 2610: Mr. WEINER, Mr. CAPUANO, Mr. MORAN of Virginia, and Mr. COHEN.

H.R. 2623: Mr. MARSHALL.

H.R. 2677: Mr. HASTINGS of Florida.

H.R. 2715: Mr. KUCINICH and Ms. MATSUI.

H.R. 2716: Ms. HERSETH SANDLIN.

H.R. 2743: Mr. BRADY of Pennsylvania.

H.R. 2744: Ms. CORRINE BROWN of Florida, Ms. WATERS, Mr. MCNULTY, and Mr. WEINER.

H.R. 2787: Ms. HARMAN and Mr. LAMPSON.

H.R. 2802: Mr. PETERSON of Minnesota, Mr. CAPUANO, Mr. CUMMINGS, Mr. PRICE of North Carolina, Mr. GRIJALVA, Mr. CLAY, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. DAVID DAVIS of Tennessee, Mr. TIM MURPHY of Pennsylvania, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. BRADY of Pennsylvania, and Mr. FATTAH.

H.R. 2809: Mr. MCNERNEY.

H.R. 2821: Mr. SALAZAR.

H.R. 2831: Mr. BRADY of Pennsylvania, Mr. SPRATT, Ms. WATSON, Mr. ROTHMAN, Mr. BARROW, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mr. BAIRD, and Mr. ALTMIRE.

H.R. 2840: Mr. BISHOP of New York.

H.R. 2842: Mr. BECERRA, Mr. BERMAN, Mr. BISHOP of New York, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. CARDOZA, Ms. CLARKE, Mr. CLEAVER,. Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. DEFAZIO, Ms. DELAURO, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Ms. HOOLEY, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. RYAN of Ohio, Ms. LINDA T. SÃNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SNYDER, Mr. STARK, Mr. THOMPSON of California, Ms. VELÂZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, and Ms. WATSON.

H.R. 2905: Mr. MCHUGH, Mr. PICKERING, Mr. TURNER, Mr. ROSKAM, Mr. BUCHANAN, Mr. ROGERS of Alabama, Mr. MCCAUL of Texas, Mr. SHIMKUS, Mrs. MILLER of Michigan, Mr. TIBERI, Mr. RAMSTAD, and Mr. JOHNSON of Illinois.

H.R. 2925: Mr. ENGLISH of Pennsylvania.

H.R. 2927: Mr. SESSIONS, Mr. SHUSTER, Mr. DAVIS of Alabama, Mr. GRAVES, Mr. DAVIS of Kentucky, Mrs. EMERSON, Mr. BOSWELL, Mr. LEWIS of Kentucky, Mr. NEUGEBAUER, Mr. MORAN of Kansas, Mr. DONNELLY, Mr. LAMPSON, Mr. LEVIN, Mrs. MILLER of Michigan, Mr. LINCOLN DAVIS of Tennessee, Mr. KILDEE, Mr. WAMP, Mr. MANZULLO, Mr. WILSON of Ohio, Mr. BISHOP of Georgia, Mr. MELANCON, Mrs. GILLIBRAND, Mr. INGLIS of South Carolina, Mr. CRAMER, Mr. CALVERT, Mr. ELLSWORTH, Mr. ROGERS of Kentucky, Mr. MCKEON, Mr. GARRETT of New Jersey, Mr. MCCARTHY of California, Mr. MARSHALL, Mrs. MYRICK, Ms. FOXX, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOREN, Mr. MARIO DIAZ-BALART of Florida, Mr. CARNEY, Mr. HOLDEN, Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, Mr. CAMPBELL of California, Mr. REGULA, Mr. MICA, Mr. DINGELL, and Mr. BOUCHER.

H.R. 2929: Mr. DOGGETT, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. CLARKE, Mr. MEEKS of New York, Mr. FILNER, and Mrs. CHRISTENSEN.

H.R. 2941: Mr. TIM MURPHY of Pennsylvania, Mr. CONYERS, and Mr. MCNULTY.

H.R. 2943: Mr. BILIRAKIS, Mr. MARSHALL, and Mr. PASTOR.

H.R. 2966: Mr. GRIJALVA, Ms. WOOLSEY, and Mr. ELLISON.

H.R. 2991: Ms. LORETTA SANCHEZ of California.

H.R. 3007: Mr. BUYER.

H.R. 3012: Mrs. CAPITO, Mr. EHLERS, Mr. UPTON, and Mr. REGULA.

H.R. 3030: Mr. BLUMENAUER, Ms. HERSETH SANDLIN, and Ms. MATSUI.

H.R. 3031: Mr. BLUMENAUER.

H.R. 3037: Mr. GRIJALVA.

H.R. 3042: Mr. AL GREEN of Texas.

H.R. 3046: Mr. DAVIS of Illinois, Mr. MILLER of Florida, Mr. SAXTON, and Mr. SULLIVAN.

H.J. Res. 44: Mr. CAPUANO and Mr. WELCH of Vermont.

H.J. Res. 45: Mr. LAMPSON.

H.J. Res. 46: Mr. WAMP.

H. Con. Res. 19: Mr. COHEN.

H. Con. Res. 22: Mr. LOBIONDO.

H. Con. Res. 28: Mr. BURTON of Indiana, Mr. MCNULTY, and Mr. UPTON.

H. Con. Res. 108: Ms. LEE.

H. Con. Res. 120: Mr. CARNAHAN.

H. Con. Res. 138: Mr. MOORE of Kansas, Ms. CLARKE, Mr. LINCOLN DAVIS of Tennessee, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 160: Mr. WELLER of Illinois and Mr. GORDON of Tennessee.

H. Res. 95: Mr. MOORE of Kansas and Mr. ETHERIDGE.

H. Res. 235: Ms. JACKSON-LEE of Texas and Mr. DAVIS of Illinois.

H. Res. 258: Mr. HONDA, Mr. WAXMAN, and Mr. LATHAM.

H. Res. 282: Ms. GIFFORDS.

H. Res. 303: Mr. WELCH of Vermont, Mr. BUTTERFIELD, Ms. HERSETH SANDLIN, and Mr. SALAZAR.

H. Res. 433: Mr. WALZ of Minnesota.

H. Res. 484: Mr. CRAMER, Mr. DONNELLY, and Mr. LAMPSON.

H. Res. 508: Mrs. TAUSCHER, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. TANCREDO, and Mr. BURTON of Indiana.

H. Res. 509: Ms. SCHAKOWSKY and Mr. MCINTYRE.

H. Res. 515: Mr. WILSON of Ohio, Mr. HARE, Mr. SIRES, Ms. SLAUGHTER, Mr. THOMPSON of California, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. SALAZAR, Mr. BOSWELL, Ms. DEGETTE, Mr. ROSS, Mr. SNYDER, Mr. PERLMUTTER, Ms. SHEA-PORTER, Ms. HIRONO, Mrs. DAVIS of California, Mr. CRAMER, Mr. BOREN, Mr. TANNER, Mr. MATHESON, Mr. BOYD of Florida, Mr. MCDERMOTT, and Mr. BERRY.

H. Res. 528: Mr. CARNEY, Mr. WELCH of Vermont, Mr. WALZ of Minnesota, Mr. ALTMIRE, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. HODES, Ms. LINDA T. SÁNCHEZ of California, Mr. LYNCH, Mr. BRALEY of Iowa, Mrs. GILLIBRAND, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. PERLMUTTER, and Mr. SARBANES.

H. Res. 530: Ms. BALDWIN, Mr. FILNER, and Mr. CLYBURN.

H. Res. 535: Ms. ZOE LOFGREN of California and Ms. BERKLEY.

H. Res. 536: Ms. KILPATRICK.

H. Res. 539: Mr. COHEN, Mr. TERRY, Mr. GORDON, and Ms. ZOE LOFGREN of California.

H. Res. 541: Mr. MCHUGH, Mr. DAVIS of Kentucky, Mr. MILLER of Florida, Mr. ISSA, Mr. YOUNG of Florida, Ms. GRANGER, Mr. BRADY of Pennsylvania, Mr. MEEK of Florida, Mr. SNYDER, and Ms. BORDALLO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3043

OFFERED BY MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.25 percent.

H.R. 3043

OFFERED BY MR. EHLERS OF MICHIGAN

AMENDMENT NO. 8: Page 125, after line 2, insert the following:

SEC. 522. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF LABOR—Departmental Management—Salaries and Expenses", and increasing the amount made available for "DEPARTMENT OF EDUCATION—School Improvement Programs" (for activities authorized by part B of title II of the Elementary and Secondary Education Act of 1965), by $15,665,760.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Burpee Museum, Rockford, Illinois, for educational programming and exhibits.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $150,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the South Carolina Aquarium, Charleston, South Carolina, for exhibits and curriculum.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $150,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Corporation for Jefferson's Poplar Forest, Forest, Virginia, for expansion of exhibits and outreach.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $200,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Kansas Regional Prisons Museum, Lansing, Kansas, for educational and outreach programs.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $100,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Shedd Aquarium, Chicago, Illinois, for exhibits and community outreach.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $150,000.

H.R 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for Rhode Island College, Providence, Rhode Island, for development of a Portuguese and Lusophone Studies Program.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Higher Education" is hereby reduced by $100,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the American Ballet Theatre, New York, New York, for educational activities.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Innovation and Improvement" is hereby reduced by $150,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the American Jazz Museum in Kansas City, Missouri, for exhibits, education programs, and an archival project.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $200,000.

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 17: Page 97, line 16, after the first dollar amount, insert "(reduced by $255,625,000)".

Page 97, line 17, after the dollar amount, insert "(reduced by $255,625,000)".

Page 98, line 20, after the dollar amount, insert "(reduced by $55,000,000)".

H.R. 3043

OFFERED BY: MR. FLAKE

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for Missouri State University, Springfield, Missouri, for a college preparatory pilot program .

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Innovation and Improvement" is hereby reduced by $100,000.

H.R. 3043

OFFERED BY: MR FLAKE

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Exploratorium, San Francisco, California, for its Bay Area Science Teacher Recruitment, Retention, and Improvement Initiative.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Innovation and Improvement" is hereby reduced by $300,000.

H.R. 3043

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

The amount otherwise provided in this Act for "The Office for Civil Rights" of the Department of Education is hereby decreased by $2,000,000 and increased by $2,000,000.

H.R. 3043

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 21: Page 25, line 22, after the first dollar amount, insert "(reduced by $2,000,000)".

Page 84, line 24, after the dollar amount, insert "(increased by $2,000,000)".

Page 84, line 25, after the dollar amount, insert "(increased by $2,000,000)".

H.R. 3043

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT NO. 22: At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

H.R. 3043

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 3043

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 24: Page 42, line 13, after the dollar amount, insert "(reduced by $175,000)".

H.R. 3043

OFFERED BY: MR. PLATTS

AMENDMENT NO. 25: Page 24, line 22, after the dollar amount, insert the following: "(reduced by $27,995,000)".

Page 25, line 22, after the first dollar amount, insert the following: "(reduced by $10,163,000)".

Page 63, line 4, after the first dollar amount, insert the following: "(reduced by $10,942,000)".

Page 77, line 6, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 77, line 7, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 92, line 17, after the dollar amount, insert the following: "(reduced by $900,000)".

H.R. 3043

OFFERED BY: MR. RYAN OF WISCONSIN

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available in this Act may be used to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention.

(b) None of the funds made available in this Act may be used for the Ombudsman Program of the Centers for Disease Control and Prevention.

(c) None of the funds made available in this Act may be used by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

H.R. 3043

OFFERED BY: MR. SHAYS

AMENDMENT NO. 27: Page 25, line 22, after the first dollar amount, insert "(reduced by $500,000)".

Page 107, line 14, after the dollar amount, insert "(increased by $500,000)".

H.R. 3043

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 28: Page 48, line 26, after the aggregate dollar amount insert "(increased by $10,000,000)".

Page 63, line 4, after the first dollar amount insert "(reduced by $10,000,000)".

H.R. 3043

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 29: Page 49, line 25, before the period insert "*Provided further*, That, of the funds made available under this heading, $10,000,000 is for carrying out section 399O of the Public Health Service Act (42 U.S.C. 280g-4)".

H.R. 3043

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 30: At the end of bill (before the short title), insert the following:

SEC. ___. The amount otherwise provided in this Act for "DEPARTMENT OF EDUCATION—DEPARTMENTAL MANAGEMENT—Office of Civil Rights" is hereby decreased by $2,000,000 and increased by $2,000,000.

H.R. 3043

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: At the end of bill (before the short title), insert the following:

SEC. ___. The amount otherwise provided in this Act for "DEPARTMENT OF EDUCATION—EDUCATION FOR THE DISADVANTAGED" is hereby decreased by $2,000,000 and increased by $2,000,000.

H.R. 3043

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used, directly or indirectly, to provide, subsidize, advertise, teach, or advocate, any form of attachment therapy.

(b) In this section, the term "attachment therapy" means any therapeutic or parenting technique or method used on a child which involves physical coercion, non-emergency physical restraint, age regression, recapitulation of a developmental stage, deprivation of physical needs, isolation or close confinement, or any other intervention fitting a category of child abuse as determined by the Secretary of Health and Human Services, acting through the Administration for Children and Families.

H.R. 3043

OFFERED BY: MR. HOLT

AMENDMENT NO. 33: Page 96, after line 22, insert the following:

SEC. 307. The amounts otherwise provided by this title are revised by reducing the amount made available for "Departmental Management—Program Administration", and increasing the amount made available for "School Improvement Programs" (for carrying out activities authorized by part B of title II of the Elementary and Secondary Education Act of 1965), by $25,000,000.

H.R. 3043

OFFERED BY: MR. HOLT

AMENDMENT NO. 34: Page 58, line 21, insert after the dollar amount the following: "(increased by $21,000,000)".

Page 60, line 12, insert after the dollar amount the following: "(increased by $21,000,000)".

Page 60, line 13, insert after the dollar amount the following: "(increased by $15,00,000)".

Page 60, line 15, insert after the dollar amount the following: "(increased by $6,000,000)".

Page 63, line 4, insert after the first dollar amount the following: "(reduced by $21,000,000)".

H.R. 3043

OFFERED BY: MR. HOLT

AMENDMENT NO. 35: Page 58, line 21, insert after the dollar amount the following: "(increased by $42,450,000)".

Page 60, line 12, insert after the dollar amount the following: "(increased by $42,450,000)".

Page 60, line 13, insert after the dollar amount the following: "(increased by $29,280,000)".

Page 60, line 15, insert after the dollar amount the following: "(increased by $13,170,000)".

Page 63, line 4, insert after the first dollar amount the following: "(reduced by $42,450,000)".

H.R. 3043

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 36: Page 77, line 6, after the dollar amount, insert "(reduced by $46,500,000)".

Page 77, line 7, after the dollar amount, insert "(reduced by $46,500,000)".

Page 83, line 14, after the dollar amount, insert "(increased by $46,500,000)".

Page 83, line 15, after the dollar amount, insert "(increased by $46,500,000)".

Page 83, line 17, after the dollar amount, insert "(increased by $46,500,000)".

H.R. 3043

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 37: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Public Broadcasting Service to sponsor events at the Filmmaker Lodge at the Sundance Film Festival.

H.R. 3043

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 38: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

H.R. 3043

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 39: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 4.8 percent.

H.R. 3043

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 40: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the following:

Children Uniting Nations, Los Angeles, CA;

Crisis Nursery of the Ozarks, Springfield, MO;

Jefferson County, Golden, CO for child abuse prevention and treatment programs;

New York Center for Children, New York, NY;

Shelter for Abused Women, Winchester, VA;

Arrowhead Economic Opportunity Agency, Virginia, MN;

Beth El House, Alexandria, VA;

Children's Home Society of South Dakota, Sioux Falls, SD;

Christian Outreach of Lutherans, Waukegan, IL;

Individual Development Account, City of Detroit, MI;

Early childhood resource centers, City of Fort Worth, TX;

Services for New Americans program, City of San Jose, CA;

Cliff Hagan Boys and Girls Club—Mike Horn Unit, Owensboro, KY;

Communities In Schools, Bell-Coryell Counties, Inc., Killeen, TX;

Covenant House Florida, Ft. Lauderdale, FL;

Eisner Pediatric and Family Medical Center, Los Angeles, CA;

Every Citizen Has Opportunities, Inc., Leesburg, VA;

Family Center of Washington County, Montpelier, VT;

First 5, Alameda County, San Leandro, CA;

Friendship Circle of the South Bay, Redondo Beach, CA;

Greater New Britain Teen Pregnancy Prevention, Inc., New-Britain, CT;

Hamilton-Madison House, New York, NY;

Healthy Learners Dillon, Columbia, SC;

Helping Children Worldwide, Herndon, VA;

Hennepin County Human Services and Public Health Department, Minneapolis, MN;

Hillside Family of Agencies, Rochester, NY;

Hope Village for Children, Meridian, MS;

Horizons for Homeless Children, Boston, MA;

New American's Center, Kingsborough Community College, Brooklyn, NY;

L.I.F.T. Women's Resource Center, Detroit, MI;

Lawrence County Social Services, New Castle, PA;

Lutheran Social Services, Duluth, MN;

Marcus Institute, Atlanta, GA;

Mary's Family, Orlean, VA;

Mecklenburg County, Charlotte, NC;

Missouri Bootheel Regional Consortium, Portageville, MO;

Monterey County Probation Department, Salinas, CA;

Nashua Adult learning Center, Nashua, NH;

National Energy Assistance Directors' Association, Washington, DC;

Network for Instructional TV, Inc., Reston, VA;

Nurses for Newborns Foundation, St. Louis, MO;

Organization of the NorthEast, Chicago, IL;

Pediatric Interim Care Center, Kent, WA;

Public Health Department, Solano County, Fairfield, CA;

Sephardic Bikur Holim of Monmouth County, Deal, NJ;

Stephen F. Austin State University, Nacogdoches, TX, Southern Illinois University, Carbondale, IL;

Susan Wesley Family Learning Center, East Prairie, MO;

TLC for Children and Families, Inc., Olathe, KS;

United Way Southeastern Michigan, Detroit, MN;

Midwest Clinic for Autism Spectrum Disorders, University of Central Missouri, Warrensburg, MO;

Visitation Home, Inc., Yardville, NJ;

Allied Jewish Federation of Colorado, Denver, CO;

Amalgamated Warbasse Houses, Inc., Brooklyn, NY;

California Senior Legal Hotline, Sacramento, CA;

Durham-Chapel Hill Jewish Federation, Durham, NC;

Howard Brown Health Center, Chicago, IL;

Jewish Community Services of South Florida, North Miami, FL;

Jewish Family and Children's Service of Minneapolis, Minnetonka, MN;

Jewish Family Service of New Mexico, Albuquerque, NM;

Jewish Family Service, Los Angeles, CA;

Jewish Family Services of Delaware, Inc., Wilmington, DE;

Jewish Federation of Central New Jersey, Scotch Plains, NJ;

Jewish Federation of Greater Monmouth County, NJ;

Jewish Federation of Greater New Haven, Woodbridge, CT;

Jewish Federation of Middlesex County, South River, NJ;

Jewish Social Service Agency, Fairfax, VA;

Shenandoah Area Agency on Aging, Front Royal, VA;

United Jewish Communities of Metro West, NJ, Parsippany, NJ;

National Center on Smart Technology, University of Florida, Gainesville, FL;

Adler Aphasia Center, Maywood, NJ;

Advocate Good Shepard Hospital, Barrington, IL;

Alameda County Public Health Department, Office of AIDS Administration, Oakland, CA;

Vannie E. Cook Jr. Cancer Foundation, Baylor College of Medicine, Houston, TX;

Bayside Community Center, San Diego, CA;

Berean Community & Family Life Center, Brooklyn, NY;

Bienestar Human Services, Inc., Los Angeles, CA;

Boys and Girls Club of Delaware County, Jay, OK;

Center for Prevention of Childhood Obesity, California State University-Fullerton, Fullerton, CA;

Charles R. Drew Wellness Center, Columbia, SC;

Charter County of Wayne, Michigan, Detroit, MI;

Chez Panisse Foundation, Berkeley, CA;

Children's Hunger Alliance, Columbus, OH;

Center for Injury Research and Policy, Columbus Children's Research Institute, Columbus, OH;

Marin Breast County Research, County of Marin, San Rafael, CA;

CREATE Foundation, Tupelo, MS;

County-wide Physical Fitness Assessment Pilot Project, DuPage County, Wheaton, IL;

East Carolina University, Brody School of Medicine, Greenville, NC;

El Puente, Brooklyn, NY;

Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY;

Haitian American Association Against Cancer, Inc., Miami, FL;

Healthy Eating Lifestyle Principles, Monterey, CA;

Home Instruction Program for Preschool Youngsters—Florida, Coral Gables, FL;

Ingalls Development Foundation, Harvey, IL;

International Rett Syndrome Association, Clinton, MD;

Kips Bay Boys and Girls Club, Bronx, NY;

Asthma Education Center, Long Island University, Brooklyn, NY;

Louisville Department of Public Health and Wellness, Louisville, KY;

Center for Physical Activity, Middle Tennessee State University;

Murfreesboro, TN;

Myositis Association, Washington, DC;

Natividad Medical Center, Salinas, CA;

Nevada Cancer Institute, Las Vegas, NV;

North Shore Health Project, Gloucester, MA;

Partners Enabling Active Rural Living Institute, Plymouth State University, Plymouth, NH;

Providence Cancer Center, Portland, OR;

Pulmonary Hypertension Association, Silver Spring, MD;

San Antonio Metropolitan Health District, San Antonio, TX;

SHAREing and CAREing, Astoria, NY;
Silent Spring Institute, Newton, MA;
Southeastern Center for Emerging Biologic Threats, Atlanta, GA;
St. Elizabeth's Medical Center, Wabasha, MN;
St. Francis Medical Center Foundation, Lynwood, CA;
St. John's Regional Medical Center, Oxnard, CA;
St. John's Well Child and Family Center, Los Angeles, CA;
Interdisciplinary Diabetes Prevention and Management Consortium, University of Arizona College of Medicine, Tucson, AZ;
University of Findlay Center for Public Health Preparedness, Findlay, OH;
Center for Minority Health, Education, Research and Outreach, University of North Texas Health Science Center, Fort Worth, TX;
Initiative to Combat Obesity in Early Childhood, University of South Florida, Tampa, FL;
South Texas Border Health Disparities Center, University of Texas Pan American, Edinburg, TX;
Texas Health Science Center-Houston, School of Public Health, University of Texas, Brownsville, TX;
Virgin Islands Perinatal Inc., Christiansted, VI;
Diabetes Research Initiative, Voorhees College, Denmark, SC;
Wayne County Department of Public Health, Detroit, MI;
WestCare Foundation, Las Vegas, NV
Yale New Haven Hospital, New Haven, CT;
YBH Project, Inc., Albany, GA;
Access Health, Inc., Muskegon, MI,;
Bedford Ride, Bedford, VA;
Bi-State Primary Care Association, Concord, NH;
City and County of San Francisco Department of Public Health, San Francisco, CA;
Detroit Primary Care Access Project, Coleman A. Young Muncipal Center, City of Detroit, MI;
Waterbury Hospital, City of Waterbury, CT;
Gadsden County, FL Quincy, FL;
Jefferson Area Board for Aging, Charlottesville, VA;
Orange County's Primary Care Access Network, Orlando, FL;
Piedmont Hospital, Atlanta, GA;
Thurston-Mason County Medical Society, Olympia, WA;
Valley Hospice, Inc., Steubenville, OH;
ABC Unified School District, Cerritos, CA;
Chicago Academy and Chicago Academy High School, Academy for Urban School leadership, Chicago, IL;
Action for Bridgeport Community Development, Inc., Bridgeport, CT;
African-American Male Achievers Network, Inc., Inglewood, CA;
Akron Public Schools, OH for a Math, Science, and Technology Community;
Alamance-Burlington School District, Burlington, NC;
All Kinds of Minds, Chapel Hill, NC;
American Ballet Theatre, New York, NY;
Amistad America, New Haven, CT;
An Achievable Dream, Inc., Newport News, VA;
Center for Mathematics Education and Innovation, Angelo State University, San Angelo, TX;
Apache County Schools, St. Johns, AZ;
Arab City Schools, Arab, AL;
AVANCE, Inc, El Paso, TX;
AVANCE, Inc., Del Rio, TX;
AVANCE, Inc., Waco, TX;
Barat Education Foundation, Lake Forest, IL;
Bay Haven Charter Academy Middle School, Lynn Haven, FL;
Language and Literacy Center, Baylor University, Waco, TX;
Best Buddies International, Miami, FL;
Best Buddies Maryland, Baltimore, MD;
Big Top Chautauqua, WI;
Idaho SySTEMic Solution, Boise State University, Boise, ID;
Principal's Institute, Bowie State University, Bowie, MD;
Boys & Girls Club of Hawaii, Honolulu, HI;
Boys & Girls Town of Missouri, Columbia, MO;
Boys and Girls Club of San Bernardino, CA;
Automotive Technology Program, Bradford Area School District, Bradford, PA;
Student Success Center, Brookdale Community College, Lincroft, NJ;
Bushnell Center for the Performing Arts, Hartford, CT;
Cal State Northridge Assessment and Accountability, California State University Northridge, CA;
At-Risk Youth Development Program, California State University, San Bernardino, CA;
Canton Symphony Orchestra Association, Canton, OH;
National Music Education Program, Carnegie Hall, New York, NY;
Central County Occupational Center, San Jose, CA;
Central Pennsylvania Institute of Science and Technology, State College, PA;
Centro de Salud Familiar Le Fe, El Paso, TX;
District Wide Instruction Using Technology, Charlotte County School District, Port Charlotte, FL;
Andre Agassi College Preparatory Academy, Charter School Development Foundation, Las Vegas, NY;
Place to Be After Three Middle School Program, City of Fairfield, CA;
City Schools, City of Gadsden, AL;
Burbank Elementary School, City of Hayward, Hayward, CA;
Indianapolis Center for Education Entrepreneurship, City of Indianapolis, Indianapolis, IN;
Newark Elementary School, City of Newark, Newark, CA for after-school programs;
Jacqueline Walsh School of the Performing and Visual Arts, City of Pawtucket School Department, Pawtucket, RI;
Pembroke Pines—Florida State University Charter School, City of Pembroke Pines, FL;
Early Start/Great Start School Readiness Initiative, City of San Jose, CA;
City of Springfield, MO for the Ready to Learn Program;
City of Whittier, Whittier, CA for after-school programs, which may include equipment;
City School District of New Rochelle, New Rochelle, NY for after-school learning centers;
Clark County School District, Las Vegas, NY for the Education Executive Leadership Program;
Newcomer Academy, Clark County School District, Las Vegas, NV;
Clovis Unified School District, Center for Advanced Research Technology, Clovis, CA;
College Summit, Inc., Washington, DC;
Communities in Schools—Northeast Texas, Mount Pleasant, TX;
Communities in Schools of Cochran and Bleckley County, Cochran, GA;
Communities in Schools of Coweta, Inc., Newnan, GA;
Communities in Schools of Fitzgerald—Ben Hill County, Fitzgerald, GA;
Communities in Schools of Tacoma, Tacoma, WA;
Communities in Schools, Austin, TX;
Communities in Schools, San Fernando Valley, Inc., North Hills, CA;
Community Development Commission of the County of Los Angeles, Monterey Park, CA;
Community Service Society, New York, NY;
Connecticut Technical High School System, Middletown, CT;
Contra Costa College, Bridges to the Future Program, San Pablo, CA;
Cooperative Educational Service Agency No. 11;
Cooperative Educational Service Agency No. 12, Ashland, WI;
Cooperative Educational Service Agency No. 5, Portage, WI;
Cooperative Educational Service Agency No. 9, Tomahawk, WI;
County of San Diego, San Pasqual Academy, Escondido, CA;
Cuyahoga County Board of County Commissioners, Cleveland, OH;
Starting Stronger Early Learning Initiative, Delaware Department of Education, Dover, DE;
Detroit Youth Foundation, Detroit, MI;
DNA EpiCenter, Inc., New London, CT;
Duval County Public Schools, Instructional Technology Program, Jacksonville, FL;
Edgar School District, Computer Technology center, Edgar, WI;
Edison and Ford Winter Estates Education Foundation;
Education Partnership, Providence, RI;
Education Service Center, Region 12, Hillsboro, TX;
Ennis Independent School District, Advanced Via Individual Determination (AVID) Program, Ennis, TX;
Metropolitan Arts and Technology High School, Envision Schools, San Francisco, CA;
Erskine College, Fine Arts Network for Assisting Rural Education, Due West, SC;
Exploratorium, San Francisco, CA;
Franklin Sherman Elementary School, Chesterbrook Elementary School Fairfax County Public Schools, Fairfax, VA;
Fairfax County Public Schools, Falls Church, emergency medical services (EMS) Academy, Fairfax, VA;
Fairhope Center for the Arts, Bay Minette, AL;
Families In Schools, Los Angeles, CA;
Fayetteville Technical Community College, Congressional Scholars Program, Fayetteville, NC;
Forward in the Fifth, Somerset, KY;
Friends of the Children National, Portland, OR;
George B. Thomas, Sr. Learning Academy, Inc., Bethesda, MD;
Girl Scouts of the USA, Fair Play Initiative, New York, NY;
Graham County Schools, Safford, AZ.;
Guam Public School System, Chamorro language instruction program, Hagatna, GU;
Hamilton Wings, Elgin, IL;
Harris County Department of Education, Cooperative for After-School Enrichment, Houston, TX;
Harvey Public School District 152, Harvey, IL;
Hawaii Department of Education, Honolulu, Assistance to Low-Performing Schools, HI;
Hawk Mountain Sanctuary Association, Kempton, PA;

Helen Keller International, New York, NY;

High Plains Regional Education Cooperative, Raton, NM;

Work-Scholarship Connection Youth Employment Training Academy, Hillside Family of Agencies, Rochester, NY;

Hoke County Schools, technology equipment, Raeford, NC;

Houston Independent School District, Houston, TX;

I KNOW I CAN, Columbus, OH;

In Tune Foundation Group, Washington, DC;

Independent School District 181, Brainerd Teacher Support System, Brainerd, MN;

Wyandanch High School, Institute for Student Achievement, Lake Success, NY;

Institute for Student Achievement, Lake Success, NY;

Iowa City Community School District, ICCDS Technology Based Early Literacy Program, Iowa City, IA;

Ivy Tech Community College of Indiana—Southeast, Madison, IN;

Jacob Burns Film Center, Pleasantville, NY;

Jazz at Lincoln Center, New York, NY;

Jefferson County Public Schools, Technology Instruction, Golden, CO;

Jersey Shore Area School District, Jersey Shore, PA;

JFYNetWorks, Boston, MA;

Malden, Revere, and Framingham, MA;

Joplin School District, Joplin, MO;

Jumpstart for Young Children, Inc., Boston, MA;

Jumpstart for Young Children, San Francisco, CA;

Kelberman Center, Utica, NY;

KIPP Foundation, San Francisco, CA;

KIPP Delta College Preparatory School, Helena, AR;

21st Century Community Learning Center, Logan Middle School, La Crosse School District, La Crosse, WI;

Learning Point Associates/North Central Regional Education laboratory, Naperville, IL;

Lee Pesky Learning Center, Boise, ID;

Lemay Child & Family Center, St. Louis, MO;

Los Angeles Conservation Corps, Los Angeles, CA;

Louisiana Arts and Sciences Museum, Baton Rouge, LA;

Louisiana Tech University, IDEA Place and SciTEC Classroom, Ruston, LA;

Lower East Side Conservancy, New York, NY;

Madison County Schools, Computer Lab, Richmond, KY;

Mesa Unified School District, Making Every Student Accountable (MESA), Mesa, AZ;

Military Heritage Center Foundation, Carlisle, PA;

Miller County Development Authority, Colquit, GA;

Milton S. Eisenhower Foundation, Washington, DC;

Milwaukee Public Schools, Community Learning Centers, Milwaukee, WI;

Minnesota Humanities Commission, St. Paul, MN;

Mississippi University for Women, Columbus, MS;

Missouri State University, Springfield, MO;

Monroe County School District, Technology Plan, Key West, FL;

Montgomery County Public Schools, Transition of Scientists from the Laboratory to the Classroom Project, Rockville, MD;

Mote Marine Laboratory, Sarasota, FL;

Mount Hood Community College, Child Development Center, Gresham, OR;

National Center for Electronically Mediated Learning, Inc., Milford, CT;

National Council on Crime and Delinquency, Oakland, CA;

National Cued Speech Association, Bethesda, MD;

National Flight Academy, Naval Air Station Pensacola, FL;

National Resource Center for Deafblindness, East Greenville, PA;

National Teacher's Hall of Fame, Emporia, KS;

Neighborhood Youth Association, Venice, CA;

New Mexico Public Education Department, Summer Reading and Math Institutes, Santa Fe, NM;

Newton Public Schools, Improvement of Education Program, Newton, KS;

North Carolina Agricultural and Technical University, Suspension Intervention Program, Greensboro, NC;

North Carolina Central University, Academic Enrichment Saturday Academy, Durham, NC;

North Carolina Symphony, Raleigh, NC;

North Carolina Technology Association Education Foundation, Raleigh, NC;

North Philadelphia Youth Association, Philadelphia, PA;

Northeast Louisiana Family Literacy Interagency Consortium;

Northern Tier Industry & Education Consortium, Dimock, PA;

Norwich Public School System, limited English proficiency, Norwich, CT;

Oakland Unified School District, Technology Integration Project, Oakland, CA;

O'Neill Sea Odyssey, Santa Cruz, CA;

OneWorld Now!, Seattle, WA;

Ossining Union Free School District, Ossining, NY;

Parent Institute for Quality Education, San Diego, CA;

PE4life, Kansas City, MO for physical education programs in Titusville;

People for People, Philadelphia, PA;

Peru State College, Peru, Adopt-a-High School Program, NE;

Philadelphia Academies, Inc., Philadelphia, PA;

Pinal County Education Service Agency, Florence, AZ;

Polk County Public Schools, Augmentative and Assistive Technology Support Project, Bartow, FL;

Port Chester—Rye Union Free School District, Port Chester, NY;

Project GRAD USA, Philadelphia, PA;

Purdue University Calumet, Urban Academy, Hammond, IN;

Queens Theatre in the Park, Flushing, NY;

Renwick Public Schools, Technology Program, Andale, KS;

Rio Rancho Public Schools, Cyber Academy, Rio Ranch, NM;

Riverside Community College, School of Nursing/Middle College, Riverside, CA;

Riverside County Office of Education, Riverside, CA;

Rockdale County Public Schools, Conyers, GA;

Rose-Hulman Institute of Technology, Terre Haute, IN;

Salesian Boys and Girls Club of Los Angeles, CA;

San Bernardino City Unified School District, English and Academic Skills for English Learners program, San Bernardino, CA;

San Bernardino County Superintendent of Schools, San Bernardino, CA;

San Joaquin County, Stockton, CA for its San Joaquin A Plus tutoring program;

San Mateo County, Redwood City, CA;

School Board of Broward County, Fort Lauderdale, FL;

Schultz Center for Teaching and Leadership, Jacksonville, FL;

Selden/Centereach Youth Association, Selden, NY;

Silver Crescent Foundation, Charleston, SC;

Sociedad Latina, Roxbury, MA;

Southwestern University, Center for Hispanic Studies, Georgetown, TX;

Springboard for Improving Schools, San Francisco, CA;

Academy of Arts and Academics, Springfield Public School District No. 19, Springfield, OR;

St. Mary's County Public Schools, Science and Technology Academies, Leonardtown, MD;

Elko, Nye, Douglas, Lyon and Churchill school districts, State of Nevada Department of Education;

Summit Educational Resources, Getzville, NY;

Susannah Wesley Community Center, Honolulu, HI;

Tampa Metropolitan YMCA, Tampa, FL;

TSU Lab School, Texas Southern University, Houston, TX;

Tomas Rivera Policy Institute, Los Angeles, CA;

Mayor's Office of Children and Learning, Town of Cumberland, Cumberland, RI;

Towson University, Towson, MD for an education partnership with the City of Baltimore, Baltimore City Public School System and the Cherry Hill community;

Tracy Joint Unified School District, Tracy, CA;

Tri-County Educational Service, Wooster, OH;

Trumbull County Educational Service Center, Niles, OH;

Tulsa Public Schools, Academic Center, Tulsa, OK;

Union County Public Schools, classrooms and labs, Monroe, NC;

Union Free School District of the Tarrytowns, after-school and professional development programs, Sleepy Hollow, NY;

University of Akron, Akron, STEM2 Education and Career Pathways, OH;

University of Alabama, Tuscaloosa, Manufacturing Engineering Education, AL;

USD 259, Wichita Public Schools, Wichita, KS;

Valle Undo School District, Critical Math Technology, South El Monte, CA;

Venango Technology Center, Oil City, PA;

Vision Therapy Project, Casper, WY;

Visually Impaired Preschool Services, Louisville, KY;

Washington College, Chestertown, MD;

Center for Community Education, Enrichment and Urban Studies, Washington State University, Tacoma, WA;

WE CARE San Jacinto Valley, Inc., San Jacinto, CA;

West Contra Costa Unified School District, John F. Kennedy High School Mary Gaddis;

Architecture Construction and Engineering Academy, Richmond, CA;

White-Williams Scholars, Philadelphia, PA;

Widener University, school readiness programs, Chester, PA;

Wildlife Information Center, Inc., Slatington, PA;

Williamsburg County First Steps, Kingstree, SC;

Yonkers Public Schools, Yonkers, after school and summer academic enrichment programs, NY;

Youngstown City School District, pre-apprenticeship program, OH;

Youngstown State University, Rich Center for Autism Technology, Youngstown, OH;

YWCA of Gary, Gary, IN;

Adelante Development Center, Albuquerque. NM;

Agudath Israel of America Community Services. Inc., Brooklyn, NY;

Arc of Blackstone Valley, Pawtucket, RI;

Bellingham Technical College, Bellingham, WA;

Bismarck State College, Instrumentation and Control Program, Bismarck, ND;

Center for Excellence in Technology, Telecommunications and Economic Development,

Brookdale Community College, Center for Excellence in Technology, Telecommunitcationa and Economic Development, Lincroft, NJ;

Center for Employment Training, San Jose, CA;

Central Carolina Tech College, Central Allied Health Sciences Center, Sumter, SC;

Central Maine Community College, Precision Manufacturing Advantage, Auburn, ME;

Chinese-American Planning Council, New York, NY;

City College of San Francisco, Welcome Back Center, CA;

City of Alexandria, automotive industry workforce development and training initiative, VA;

City of Baltimore, MD for the Park Heights Partnership for Jobs;

City of Milwaukee, WI for a project to train youth in construction trades;

City of Palmdale, Palmdale, CA for a business resource network to enhance worker skills development;

Suffolk Workforce Development Center, City of Suffolk, VA;

Clarian Health Partners, Indianapolis, IN;

College of Southern Maryland, La Plata, MD;

Community Learning Center, Fort Worth, TX;

Des Moines Area Community College, Arkeny, IA;

Dillard University, New Orleans Workers Initiative, New Orleans, LA;

East Los Angeles Community Union, Los Angeles, CA;

Easter Seals Arc of Northeast Indiana, Inc., Fort Wayne, IN;

Edgar Campbell Foundation, Philadelphia, PA;

Employment & Economic Development Department of San Joaquin County, Stockton, CA;

Essex County Community Organization, Lynn, MA;

Foundation of the Delaware County Chamber, Media, PA;

Goodwill of Southern Nevada, North Las Vegas, NV;

Greater Akron Chamber, Akron, OH;

Groden Center, Providence, RI;

Guam Community College, Mangilao, Guam;

Hamilton County Government, Chattanooga, TN;

Home of Life Community Development Corp., Chicago, IL;

Homecare Workers Training Center, Los Angeles, CA;

International Fellowship of Chaplains, Inc., Saginaw, MI;

Iowa Valley Community College, Education and Training Center, Marshalltown, IA;

Center for Cybersecurity, Ivy Tech Community College of Indiana—Columbus Region, Indianapolis, IN;

Center for Health Information Technology, Ivy Tech Community College of Indiana Lafayette, Indianapolis, IN;

Kansas City Kansas Community College, Workforce Investment demonstration program, Kansas City, KS;

Northeast Ohio Advanced Manufacturing Institute, Kent State University Trumbuli County, Warren, OH;

Louisiana Delta Community College, Monroe, LA;

Louisiana National Guard, Carville, LA;

Manufacturing Association of Central New York, Syracuse, NY;

Massachusetts College of Pharmacy and Health Sciences, Healthcare Professional Training Initiative, Manchester, NH;

McHenry County Community College, F.A.S.T. Solutions, Woodstock, IL;

Minot State University, Job Corp Fellowship Training Program, Minot, ND;

Neighborhood First Program, Inc., Bristol, PA;

Newlife Academy of Information Technology, East Liverpool, OH;

North West Pasadena Development Corp., Pasadena, CA;

Northcott Neighborhood House, Milwaukee, WI;

Oakland Community College, Emerging Sectors Educational Consortium, Bloomfield Hills, MI;

Opportunity, Inc., Highland Park, IL;

Our Piece of the Pie, Hartford, CT;

Parish of Rapides Career Solutions Center, Alexandria, LA;

Philadelphia Shipyard Development Corporation, Philadelphia, PA;

Residential Construction Academy, Piedmont Virginia Community College, Charlottesville, VA;

Poder Learning Center, Chicago, IL;

Precision Manufacturing Institute, Meadville, PA;

Project One Inc., Louisville, KY;

Project QUEST, Inc., San Antonio, TX;

PRONTO of Long Island, Inc., Bayshore, NY;

Schoenbaum Family Enrichment Center, Charleston, WV;

Schuylkill Intermediate Unit 29, Marlin, PA;

South Bay Workforce Investment Board, Hawthorne, CA;

Southeast Missouri State University, Economic Workforce Development Program, Cape Girardeau, MO;

Southern University at Shreveport, Allied Health Program, Shreveport, LA;

Southside Virginia Community College, Heavy Equipment training Center, Alberta, VA;

Southwestern Oklahoma State University, Western Oklahoma Business Commercialization Center, Weatherford, OK;

St. Louis Agency on Training and Employment, SI. Louis, MO;

Towson University, Towson, MD;

United Mine Workers of America, Career Center, Washington, PA;

University of West Florida, Hometown Heroes Teach Program, Pensacola. FL;

Veteran Community Initiatives. Inc., Johnstown, PA;

Vincennes University, Heavy Equipment Training program, Vincennes, IN;

Wayne County, NY Planning Department, Lyons, NY;

West Los Angeles College, Culver City, CA;

Women Work and Community, Augusta, ME;

A.O. Fox Memorial Hospital, Oneonta, NY;

Access Community Health Network, Chicago, IL;

Adirondack Medical Center, Saranac Lake, NY;

Adrian College, Nursing Program, Adrian, MI;

Adventist GlenOaks Hospital, Glendale Heights, FL;

Adventist Health, Roseville, CA;

Alamo Community College System, San Antonio, TX;

Alaska Addictions Rehabilitation Services, Inc., Wasilla, AK;

Alderson-Broaddus College, Philippi, WV;

Alice Hyde Medical Center, Malone, NY;

Alleghany Memorial Hospital, Sparta, NC;

Alle-Kiski Medical Center, Natrona Heights, PA;

Alliance for NanoHealth, Houston, TX;

AltaMed Health Services Corp., Los Angeles, CA;

American Oncologic Hospital, Fox Chase Cancer Center, Philadelphia, PA;

LBJ Medical Center, American Samoa, Pago Pago, AQ;

Amite County Medical Services, Liberty, MS;

Arnold Palmer Hospital, Orlando, FL;

Ashland County Oral Health Services, Ashland, OH;

Asian Americans for Community Involvement, San Jose, CA;

Association for Utah Community Health, Salt Lake City, UT;

Atlantic Health Systems, Florham Park, NJ;

Avis Goodwin Community Health Center, Dover, NH;

Avista Adventist Hospital, Louisville, CO;

Bad River Tribe of Lake Superior Chippewa, Odanah, WI;

Ball Memorial Hospital, Muncie, IN;

Baltimore City Health Department, Baltimore, MD;

Baltimore Medical System, Baltimore, MD;

Baptist Health Medical Center—Heber Springs, Heber Springs, AR;

Barnert Hospital, Paterson, NJ;

Barnes-Kasson County Hospital, Susquehanna, PA;

Barre Family Health Center, Barre, MA;

Bay Area Medical Clinic, Marinette, WI;

BayCare Health System, Clearwater, FL;

Baylor Research Institute, Dallas, TX;

Bayonne Medical Center, Bayonne, NJ;

Baystate Health Systems, Springfield, MA;

Beaumont Hospital, Royal Oak, MI;

Health Science Center, Belmont University, Nashville, TN;

Bemidji State University, nurse training program, Bemidji, MN;

Benedictine Hospital, Kingston, NY;

Benefis Healthcare, Great Falls, MT;

Berea Health Ministry Rural Health Clinic, Inc., Berea, KY;

Bloomington Hospital Foundation, Bloomington IN;

Bloomsburg Hospital, Bloomsburg, PA;

Blount Memorial Hospital, Maryville, TN;

Boone Hospital Center, Columbia, MO;

Boriken-Neighborhood Health Center, New York, NY;

Boscobel Area Health Care Boscobel, WI;

Boston Medical Center, Boston, MA;

Boston University Medical School, amyloidosis treatment, Boston, MA;

Bridge Community Health Clinic, Wausau, WI;

Bridgeport Hospital, Bridgeport, CT;

Brockton Neighborhood Health Center, Brockton, MA;

Brookside Community Health Center, San Pablo, CA;

Brunswick County, Bolivia, NC;

Bryan W. Whitfield Hospital, Demopolis, AL;

Bureau County Health Clinic, Princeton, IL;

Cactus Health Services, Inc., Sanderson, TX;

California Hospital Medical Center, Los Angeles, CA;

California State University, Department of Nursing, Bakersfield, CA;

Camillus House, Inc, Miami, FL;

Canonsburg General Hospital, Canonsburg, PA;

Cape Cod Free Clinic and Community Health Center, Mashpee, MA;

Capital Park Family Health Center, Columbus, OH;

Cardinal Stritch University, Agape Community Center, Milwaukee, WI;

Carolinas HealthCare System, Charlotte, NC;

Carroll County Regional Medical Center, Carrollton, KY;

Outpatient Mental Health Clinic, Carroll County Youth Service Bureau, Westminster, MD;

Center for Health Equity, Louisville, KY;

Virtual Medical Skills Center, Central Wyoming College, Riverton, WY;

CentroMed, San Antonio, TX;

Champlain Valley Physician's Hospital, Plattsburgh, NY;

Charles A. Dean Memorial Hospital, Greenville, ME;

Chatham County Safety Net Collaborative, Savannah, GA;

Cherry Street Health Services, Grand Rapids, MI;

Children's Friend and Family Services, Salem, MA;

Children's Home of Pittsburgh, Pittsburgh, PA;

Children's Hospital and Clinics of Minnesota, Minneapolis, MN;

Children's Hospital and Health System, Milwaukee, WI;

Children's Hospital at Albany Medical Center, Albany, NY;

Children's Hospital Medical Center of Akron, Akron, OH;

Children's Hospital of Orange County, Mission Viejo, CA;

Children's Hospital of the King's Daughters, Norfolk, VA;

Children's Hospital, Denver, CO;

Mobile Pediatric Health Simulation Center, Children's Hospitals and Clinics of Minnesota, Minneapolis, MN;

Children's Medical Center, Dayton, OH;

Children's Memorial Hospital, Chicago, IL;

Children's National Medical Center, Washington, DC;

Children's Specialized Hospital, Mountainside, NJ;

Chippewa Valley Hospital, Durand, WI;

Chiricaua Community Health Centers, Inc., Elfrida, AZ;

Christian Health Care Center of New Jersey, Wyckoff, NJ;

Christian Sarkine Autism Treatment Center, Indianapolis, IN;

Christus Santa Rosa's Children's Hospital, San Antonio, TX;

Cincinnati Children's Hospital Medical Center, Cincinnati, OH;

Citrus County Board of County Commissioners, Inverness, FL;

Travis County Hospital District, City of Austin, TX;

City of Chesapeake, Pilot Project Use of Technology for Targeted Public Health Intervention, VA;

Senior Citizens' Center, City of Hueytown, AL;

City of Oakland, Oakland Youth Center, CA;

City of Stockton, Community & Health Center/Airport Way, CA;

City of Stonewall, Stonewall Primary Care Clinic, OK;

Clarion Health Center, Clarion, PA;

Cleveland Clinic Huron Hospital, East Cleveland, OH;

Cobb County Government, Marietta Senior Health Center, GA;

Coffeyville Regional Medical Center, Coffeyville, KS;

Coles County Council on Aging, Mattoon, IL;

College Misericordia, Dallas, PA;

Collier County, Health Care Access for the Uninsured, Naples, FL;

Colorado State University, Fort Collins, CO;

Columbia Memorial Hospital, Hudson, NY;

Columbus Children's Hospital, Columbus, OH;

Communi Care, Inc., Columbia, SC;

Community College of Aurora, Combined Position Emission Tomography (PET) and Computer Tomography (CT) Scanner, Aurora, CO;

Community Dental Services, Albuquerque, NM;

Community Health Care, Tacoma, WA;

Community Health Center of Franklin County, Turners Falls, MA;

Community Health Works, Forsyth, GA;

Community Hospital of Bremen, Bremen, IN;

Community Hospital TeleHealth Consortium, Lake Charles, LA;

Gleason House, Community Medical Centers, Stockton, CA;

Comprehensive Community Action Program (CCAP), Cranston, RI;

Connecticut Hospice, Inc., Branford, CT;

Cook Children's Medical Center, Fort Worth, TX;

Cooperative Education Service Agency 11 Rural Health Dental Clinic, Turtle Lake, WI;

County of Modoc, Modoc Medical Center, Alturas, CA;

County of Peoria, Bel-Wood Nursing Home, Peoria, FL;

County of San Diego, Public Health Services, CA;

Crousee Hospital, Syracuse, NY;

Moss Higher Education Center, Crowder College—Nevada Campus, Nevada, MO;

Crozer-Chester Medical Center, Upland, PA;

Cumberland Medical Center, Crossville, TN;

Dartmouth-Hitchcock Medical Center, Lebanon, NH;

Delaware Technical and Community College, Shaping the Future of Delaware Citizens program, Dover, DE;

Denver Health and Hospital Authority, Denver, CO;

Des Moines University and Broadlawns Medical Center, Des Moines, IA;

Detroit Primary Care Access, Detroit, MI;

Dixie County primary care facility, Cross City, FL;

Dodge County Hospital, Eastman, GA;

Drew County Memorial Hospital, Monticello, AR;

DuBois Regional Medical Center, DuBois, PA;

Metabolic Institute, East Carolina University, Greenville, NC;

East Tennessee Children's Hospital, Knoxville, TN;

East Tennessee State University College of Pharmacy, Johnson City, TN;

Easter Seals of Mahoning, Trumbull, and Columbiana Counties, Youngstown, OH;

Eddy County, Regional Substance Abuse Rehabilitation Center, Carlsbad, NM;

Edgemoor Hospital, Santee, CA;

Eisenhower Medical Center, Rancho Mirage, CA;

Azusa Health Center, El Proyecto del Barrio, Arleta, CA;

El Proyecto del Barrio, Winnetka, CA;

Elizabeth City State University, School of Mathematics, Elizabeth City, NC;

Emerson Hospital, Concord, MA;

Englewood Hospital and Medical Center, Englewood, NJ;

Excela Health, Mt. Pleasant, PA;

Fairfield Medical Center, Lancaster, OH;

Fairview Southdale Hospital, Edina, MN;

Harmony Center, Family and Children's Aid, Danbury, CT;

Family Behavioral Resources, Greensburg, PA;

Family Center of the Northern Neck, Inc; White Stone, VA;

Family Health Center of Southern Oklahoma, Tishomingo, OK;

Family HealthCare Network, Visalia, CA;

Family Medicine Spokane, Spokane, WA;

Florida Hospital College of Health Sciences, Orlando, FL;

Autism Research and Treatment Center, Florida Institute of Technology, Melbourne, FL;

Floyd Valley Hospital, Le Mars, IA;

Freeman Health System, Joplin, MO;

Fulton County Medical Center, McConnellsburg, PA;

Gardner Family Health Network, Inc., San Jose, CA;

Gaston College, Health Education Institute, Dallas, NC;

Gateway to Care, Houston, TX;

Autism Early Identification Diagnostic and Treatment Center, Gertrude A. Barber Center, Erie, PA;

Glen Rose Medical Center, Glen Rose, TX;

Glendale Adventist Medical Center, Glendale, CA;

Glens Falls Hospital, Glens Falls, NY;

Grady Health Systems, Atlanta, GA;

Grandview Hospital, Dayton, OH;

Greater Hudson Valley Family Health Center, Inc., Newburgh, NY;

Greater New Bedford Community Health Center, New Bedford, MA;

Griffin Hospital, Derby, CT;

Gritman Medical Center, Moscow, ID;

Gundersen Lutheran Health System, West Union, IA;

Gunderson Lutheran, Decorah, IA;

Halifax Regional Health System, South Boston, VA;

Hamilton Community Health Network, Flint, MI;

Hampton University, Cancer Treatment Initiative, Hampton, VA;

Harris County Hospital District, Houston, TX;

Harris Methodist Erath County Hospital, Stephenville, TX;

Hatzoloh EMS, Inc., Monsey, NY;

Hawkeye Community College, Health and Fitness Center, Waterloo, IA;

Healing Tree Addiction Treatment Solutions, Inc., Sterling, CO;

HEALS Dental Clinic, Huntsville, AL;

HealthCare Connection, Cincinnati, OH;

HealthEast Care System, St. Paul, MN;

Heartland Community Health Clinic, Peoria, IL;

Hekloen Institute for Medical Research Beloved Community Wellness Program, Chicago, IL;

Helen DeVos Children's Hospital, Grand Rapids, MI;

Henry Mayo Newhall Memorial Hospital, Valencia, CA;

Highland Community Hospital, Picayune, MS;

Highlands County, Veteran Services Building, Sebring, FL;

Holy Name Hospital, Teaneck, NJ;

Home Nursing Agency, Altoona, PA;

Hormel Foundation, Austin, MN;

Hospice of Northwest Ohio Toledo Center, Toledo, OH;

Hospice of the Western Reserve, Cleveland, OH;

Houston County Hospital District, Crockett, TX;

Howard Community College, Radiologic Technology Program, Columbia, MD;

Hudson Alpha Institute for Biotechnology, Huntsville, AL;

Hudson Headwaters Health Network, Inc., Glens Falls, NY;

Humility of Mary Health Partners, Youngstown, OH;

Humphreys County Memorial Hospital, Belzoni, MS;

Hunterdon Medical Center, Flemington, NJ;

Hunter's Hope Foundation, Orchard Park, NY;

Huntsville Hospital, Huntsville, AL;

Hurley Medical Center, Flint, MI;

Idaho Caring Foundation, Inc., Boise, ID;

Advanced Clinical Simulation Laboratory, Idaho State University, Pocatello, ID;

Illinois Masonic Medical Center, Chicago, IL;

Illinois Primary Health Care Association, Springfield, IL;

India Community Center, Milpitas, CA;

School of Nursing, Indiana University Bloomington, IN;

Northwest Indiana Health Research Institute, Indiana University School of Medicine, Gary, IN;

Indiana University School of Medicine, Indianapolis, IN;

School of Nursing, Indiana University Southeast, New Albany, IN;

Inland Behavioral Health Services, Inc., San Bernardino, CA;

Institute for Family Health, New Paltz, NY;

Institute for Research and Rehabilitation, Houston, TX;

INTEGRIS Health, Oklahoma City, OK;

Intermountain Healthcare, Salt Lake City, UT;

Jameson Hospital, New Castle, PA;

Jasper Memorial Hospital, Monticello, GA;

Jefferson Regional Medical Center Nursing School, Pine Bluff, AR;

Jenkins County GA;

Hospital, Millen, GA;

Bell Gardens Health Center, John Wesley Community Health Institute, Bell Gardens, CA;

Johnson Memorial Hospital, Stafford Springs, CT;

Johnston Memorial Hospital, Smithfield, NC;

Kalamazoo Valley Community College, Kalamazoo, MI;

International Center for Spinal Cord Injury facility, Kennedy Krieger Institute, Baltimore, MD;

Kent State University Stark Campus, Health Building, North Canton, OH;

Kent State University, Health and Science Building, Ashtabula, OH;

Kilmichael Hospital, Kilmichael, MS;

Kirkwood Community College, Advanced Medical Simulation Instructional Center, Cedar Rapids, IA;

Knox Community Hospital, Mount Vernon, OH;

San Antonio Neighborhood Health Center, La Clinic de la Raza, Oakland, CA;

La Rabida Children's Hospital, Chicago, IL;

Lakeland Community College, Regional Healthcare Workforce Development Project, Kirtland, OH;

Community and University Partnership Service, Lamar University, Beaumont, TX;

Lanai Women's Center, Lanai City, HI;

Laurens County Health Care System, Clinton, SC;

Lawrence Hospital Center, Bronxville, NY;

League Against Cancer, Miami, FL;

Liberty County, medical offices, FL;

Bristol, FL;

Liberty Regional Medical Center, Hinesville, GA;

Limestone Community Care, Inc. Medical Clinic, Elkmont, AL;

Lincoln Community Health Center, Durham, NC;

Lincoln Medical and Mental Health Center, Bronx, NY;

Lodi Memorial Hospital, Lodi, CA;

Loretto in Syracuse, elderly health care facilities, Syracuse, NY;

Los Angeles Orthopaedic Hospital, Los Angeles, CA;

Louisville Metro Department of Public Works, Louisville, KY;

Lourdes Medical Center of Burlington County, Willingboro, NJ;

Loyola University Health System, Maywood, IL;

Lucile Packard Children's Hospital, Palo Alto, CA;

Madison Center, South Bend, IN;

Madison County Memorial Hospital, Rexburg, ID;

Madison County, Nursing Homes, Virginia City, MT;

Madison St. Joseph Health Center, Madisonville, TX;

Maine Center for Marine Biotechnology, Gulf of Maine Research Institute, Portland, ME;

Maine Primary Care Association, Augusta, ME;

Manchester Memorial Hospital, Manchester, CT;

Marana Health Center, Marana, AZ;

Marias Medical Center, Shelby, MT;

Marquette General Hospital, Marquette, MI;

Marshalltown Medical and Surgical Center, Marshalltown, IA;

Mary Scott Nursing Center, Dayton, OH;

Maryland State Dental Association, Columbia, MD;

Center for Science and Health Professions, Maryville University, St. Louis, MO;

Mason County Board of Health, Maysville, KY;

Massachusetts College of Pharmacy and Health Sciences, Worcester, MA;

Maury Regional Hospital, Columbia, TN;

Meharry Medical College, Nashville, TN;

Memorial Hermann Baptist Beaumont Hospital, Beaumont, TX;

Memorial Hermann Healthcare System, Houston, TX;

Memorial Hermann Southwest Hospital, Houston, TX;

Mendocino Coast District Hospital, Fort Bragg, CA;

Family Wellness Center, Menominee Indian Tribe of Wisconsin, Keshena, WI;

Mercy College of Northwest Ohio, Professional Education Division, Toledo, OH;

Mercy Health Foundation, Durango, CO;

Mercy Hospital Grayling, Grayting, MI;

Mercy Hospital, Buffalo, NY;

Mercy Medical Center, Redding, CA;

Mercy Medical Center—House of Mercy, Des Moines, IA;

Mercy Memorial Hospital, Monroe, MI;

Mercy Ministries Health Center, Laredo, TX;

Mercy Suburban Hospital, Norristown, PA;

Methodist Hospital of Southern California, Arcadia, CA;

Methodist Hospital, Houston, TX;

Metropolitan Hospital, New York, NY;

Metro West Medical Center Framingham Union Hospital, Framingham, MA;

Miami Beach Community Health Center, Miami Beach, FL;

Middle Tennessee State University, Center for Physical Activity, Murfreesboro, TN;

Middlesex Community College, Health Education Programs, Lowell, MA;

Middletown Regional Hospital, Middletown, OH;

Mid-Ohio FoodBank, Columbus, OH;

Miles Community College, Pathways to Careers in Healthcare, Miles City, MT;

Mission Hospitals, Asheville, NC;

Missouri Delta Medical Center, Sikeston, MO;

Monroe Clinic, Monroe, WI;

Monroe County Hospital, Forsyth, GA;

Montefiore Medical Center, Bronx, NY;

Montgomery Area Nontraditional Equestrians, Pike Road, AL;

Morehead State University, Healthy Communities Outreach and Demonstration, Morehead, KY;

Morris Heights Health Center, Inc., Bronx, NY;

Morton Hospital and Medical Center, Taunton, MA;

Mount Nittany Medical Center, State College, PA;

Mount Vernon Hospital, Mount Vernon, NY;

Mount Wachusett Community College, Northern Tier Healthcare Simulated Instructional Mannequin System (SIMS), Gardner, MA;

Muhlenberg Community Hospital, Greenville, KY;

Naugatuck Valley Community College, Nursing Program, Waterbury, CT;

Nebraska Hospital Association Research and Education Foundation, Lincoln, NE;

New York College of Osteopathic Medicine, Old Westbury, NY;

New York Presbyterian Hospital, New York, NY;

Newark Beth Israel Medical Center, Newark, NJ;

Newark-Wayne Community Hospital, Newark, NY;

Newport Hospital Newport, RI;

Newton Memorial Hospital, Newton, NJ;

Niagara Falls Memorial Medical Center, Niagara Falls, NY;

Norman Regional Health System, Norman, OK;

NorthEast Ohio Neighborhood Health Services, Inc., Cleveland, OH;

Northeast Wisconsin Technical College, Green Bay, WI;

Northern Dutchess Hospital Rhinebeck, NY;

Northern Westchester Hospital, Mount Kisco, NY;

Northland Medical Center, Princeton, MN;

Northwest Community Health Care, Pascoag, RI;

Northwest Hospital Intermediate Care Unit, Randallstown, MD;

Northwest Kidney Centers, Seattle, WA;

Northwest Nazarene University, Nursing Facility, Nampa, ID;

Northwestern Memorial Hospital, Chicago, IL;

Oakland University School of Nursing, Rochester, MI;

Oaklawn Adult Group Home, Goshen, IN;

Oakwood Healthcare System Foundation, Dearborn, MI;

Ocean Beach Hospital, Ilwaco, WA;
James Cancer Survivorship Center, Ohio State University Comprehensive Cancer Center, Columbus, OH;
Ohio State University Medical Center, Columbus, OH;
Oklahoma University College of Medicine—Tulsa, Tulsa, OK;
Olympic Community Action Program, Port Angeles, WA;
Oregon Coast Community College, Nursing Program, Newport, OR;
Osceola County Health Department, Poinciana, FL;
Osceola Medical Center, Osceola, WI;
Our Lady of Lourdes Memorial Hospital, Binghamton, NY;
Palisades Medical Center, North Bergen, NJ;
Palmetto Health Foundation, Columbia, SC;
Parkland Health Center, Farmington, MO;
Passavant Area Hospital, Jacksonville, IL;
Pattie A. Clay Regional Medical Center, Richmond, KY;
Pee Dee Healthy Start, Florence, SC;
Peninsula Hospital Center, New York, NY;
People, Inc., Williamsville, NY;
Highland Hospital, Peralta Community College, Oakland, CA;
Person Memorial Hospital, Roxboro, NC;
Phoenix Children's Hospital, Phoenix, AZ;
Children's Health Center/Emergency Shelter, Placer County, Auburn, CA;
Pointe Coupee Better Access Community Health, New Roads, LA;
Ponce Center of Autism, Municipality of Ponce, PR;
Powell County Medical Center, Deer Lodge, MT;
Powell Valley Health Care, Powell, WY;
Prairie Star Health Center, Hutchinson, KS;
Preston Memorial Hospital, Kingwood, WV;
Project Access Spokane, Spokane, WA;
ProMedica Continuing Care Service Corporation, Adrian, MI;
Provena Saint Joseph Hospital, Elgin, IL;
Providence Health System, Anchorage, AK;
Putnam Hospital Center, Carmel, NY;
Quebrada Health Center, Municipality of Camuy, PR;
Quincy Valley Medical Center, Quincy, WA;
Rancho Santiago Community College District, Public-Private Medical Education Complex, Santa Ana, CA;
Reading Hospital School of Nursing, West Reading, PA;
Reformed Presbyterian Women's Association, Pittsburgh, PA;
Regional Children's Hospital, Johnson City, TN;
Rhode Island Quality Institute, Providence, RI;
Health Commons, Rio Arriba County, Espanola, NM;
Riverside County Regional Medical Center, Moreno Valley, CA;
Riverside Health System, Newport News, VA;
Roosevelt Hospital, New York, NY;
Rosebud Sioux Tribe, Rosebud, SD;
Roswell Park Cancer Institute, Buffalo, NY;
Rural Health Technology Consortium;
Rush University Medical Center, Chicago, IL;
Saginaw Valley State University, University Center, MI;
Saint Mary's Health Care, Grand Rapids, MI;
Sam Rogers Health Clinic, Kansas City, MO;
San Antonio Hospital Foundation, Upland, CA;
San Francisco Medical Center Outpatient Improvement Programs, Inc., San Francisco, CA;
San Mateo Medical Center Emergency Department, San Mateo County, Redwood City, CA;
San Ysidro Health Center, San Ysidro, CA;
Sandoval County, Telemedicine Project, Bernalillo, NM;
Santa Rosa Memorial Hospital, Orange, CA;
Schneck Medical Center, Seymour, IN;
Scotland Memorial Hospital, Laurinburg, NC;
Seattle Cancer Care Alliance, Seattle, WA;
Sharp Rehabilitation Services, San Diego, CA;
Shasta Community Health Center, Redding, CA;
Shawano County Rural Health Initiative, Shawano, WI;
Sidney Health Center, Sidney, MT;
Sierra Nevada Memorial Foundation, Grass Valley, CA;
Sistersville General Hospital, Sisterville, WV;
Skagit Valley Hospital Cancer Care Center, Mount Vernon, WA;
Soldiers and Sailors Memorial Hospital, Wellsboro, PA;
Somerset Medical Center, Somerville, NJ;
South Broward Hospital District, Hollywood, FL;
South Carolina HIV/AIDS Council, Columbia, SC;
South Nassau Communities Hospital, Oceanside, NY;
South Shore Hospital, South Weymouth, MA;
Southampton Hospital, Southampton, NY;
Southeast Alabama Medical Center, Dothan, AL;
Southeast Community College, Allied health training center, Cumberland, KY;
Southeast Missouri State University, Economic Workforce and Development program, Cape Girardeau, MO;
Southern Methodist University, Southwestern Consortium for Anti-Infective and Virological Research, Dallas, TX;
Southern Vermont Recreation Center Foundation, Springfield, VT;
Southwest Tennessee Community College, Nursing and Biotechnology Program, Memphis, TN;
St James Hospital and Health Centers, Chicago Heights, IL;
St. Agnes Hospital, Fresno, CA;
St. Ambrose University, Davenport, IA;
St. Anthony Community Hospital, Warwick, NY;
St. Anthony Hospital, Chicago, IL;
St. Anthony Memorial Health Centers, Hammond, IN;
St. Bernard Health Center, Inc., Chalmette, LA;
St. Bernardine Medical Center, San Bernardino, CA;
St. Camillus Health and Rehabilitation Center, Syracuse, NY;
St. Catharine College, Allied Health and Sciences Education Project, St. Catharine, KY;
St. Charles Parish, LaPlace, LA;
St. Clair Hospital, Pittsburgh, PA;
St. Claire Regional Medical Center, Morehead, KY;
St. Elizabeth Medical Center, Utica, NY;
St. Francis Hospital, Escanaba, MI;
St. Francis Medical Center, Trenton, NJ;
St. James Parish Hospital, Lutcher, LA;
St. John's North Shore Hospital, Harrison Township, MI;
St. Joseph of the Pines, Southern Pines, NC;
St. Joseph Regional Medical Center, South Bend, IN;
St. Joseph's Hospital Mercy Care Services, Atlanta, GA;
St. Joseph's Hospital, Buckhannon, WV;
St. Joseph's Hospital, Savannah, GA;
St. Joseph's Regional Medical Center, Paterson, NJ;
St. Joseph's/Candler Health System, Savannah, GA;
St. Luke's Quakertown Hospital, Quakertown, PA;
St. Luke's Regional Medical Center, Ltd., Boise, ID;
St. Mary Medical Center Foundation, Langhorne, PA;
St. Mary Medical Center, Apple Valley, CA;
St. Mary's Hospital Foundation, Grand Junction, CO;
St. Mary's Hospital, Madison, WI;
St. Mary's Medical Center, Huntington, WV;
St. Mary's Regional Medical Center, Reno, NY;
St. Patrick Hospital and Health Sciences Center, Missoula, MT;
St. Peter's Hospital Foundation, Albany, NY;
St. Petersburg College, Orthotics and Prosthetics building, St. Petersburg, FL;
St. Vincent Hospital, Billings, MT;
St. Vincent's Charity Hospital, Cleveland, OH;
St. Vincent's Medical Center, Bridgeport, CT;
St. Xavier University, Chicago, IL;
Stamford Hospital, Stamford, CT;
Stark Prescription Assistance Network, Canton, OH;
State Fair Community College, Science and Allied Health Center, Sedalia, MO;
Stewart-Marchman Center, Inc., Daytona Beach, FL;
Stony Point Ambulance Corps, Stony Point, NY;
Appalachian Regional Healthcare Hospital, Summers County Commission, Hinton, WV;
Swedish Covenant Hospital, Chicago, IL;
Sylvan Grove Hospital, Jackson, MS;
Tangipahoa Parish, Loranger, LA;
Rural Nursing Education Program, Tarleton State University, Stephenville, TX;
Tarrant County Infant Mortality Task Force, Ft. Worth, TX;
Taylor Regional Hospital, Hawkinsville, GA;
Temple Health and Bioscience Economic Development District, Temple, TX;
Teton Valley Hospital and Surgicenter, Driggs, ID;
Texas A&M University—Kingsville, Animal Research Facility, Kingsville, TX;
Texas Institute for Genomic Medicine, College Station, TX;
Texas Tech University Health Sciences Center, El Paso and Lubbock, TX;
Thomas Jefferson University Breast Cancer Center, Philadelphia, PA;
Thomason General Hospital, El Paso, TX;
Thundermist Health Center, Woonsocket, RI;
Tohono O'odham Nation, Sells, AZ;
Toledo Children's Hospital, Toledo, OH;
Tomorrow's Child/Michigan SIDS, Lansing, MI;
Senior Citizens' Center for Health and Wellness, Town of Argo, AL;
Translational Genomics Research Institute, Phoenix, AZ;

Transylvania Community Hospital, Inc., Brevard, NC;

Tulare District Hospital, Tulare, CA;

Tuomey Healthcare System, Sumter, SC;

Twin City Hospital, Dennison, OH;

Union Hospital, Terre Haute, IN;

Uniontown Hospital, Uniontown, PA;

Unity Health Care, Washington, DC;

University Community Hospital/Pepin Heart Hospital, Tampa, FL;

University Health System, San Antonio, TX;

University of Alabama, Tuscaloosa, AL;

University of Arizona Medical Center, Tucson, AZ;

University of Arkansas for Medical Sciences, Little Rock, AR;

Antenatal and Neonatal Guidelines, Education, and Learning System, University of Arkansas for Medical Sciences, Little Rock, AR;

University of Arkansas Medical School Cancer Research Center, Little Rock, AR;

Center for Education, University of California, Davis Health System, Sacramento, CA;

University of Chicago Hospitals, Chicago, IL;

University of Illinois College of Medicine, Peoria, IL;

Public health research and education building, University of Iowa, Iowa City, IA;

Advanced biomedical research institute, University of Iowa, Iowa City, IA;

University of Kansas Research Center, Lawrence, KS;

University of Massachusetts Memorial Medical Center, Worcester, MA;

University of Memphis, Health Building, Memphis, TN;

Center for Research in Medical Education, University of Miami, Miami, FL;

C.S. Mott Children's and Women's Hospitals, University of Michigan Health System, Ann Arbor, MI;

University of North Alabama, Science and Health Facility, Florence, AL;

Center for Computational Epidemiology, University of North Texas, Denton, TX;

National Center for Nursing Education, University of Northern Colorado, Greeley, CO;

University of South Florida, Cancer Clinical Trials Project, Tampa, FL;

University of Tennessee of Chattanooga, Chattanooga, Low Birth Weight Study Project, TN;

University of Texas Southwestern Medical Center, Dallas, TX;

University of Texas Southwestern Medical Center, Dallas, TX;

University of Virginia Health System, Charlottesville, VA;

University of Wisconsin-Oshkosh, Living Healthy Community Clinic, Oshkosh, WI;

Utah Navajo Health System, Inc., Montezuma Creek, UT;

Valley Cooperative Health Care, Hudson, WI;

Vanguard University Nursing Center, Costa Mesa, CA;

Village Network Boys' Village Campus, Wooster, OH;

Virtua Memorial Hospital Burlington County, Mount Holly, NJ;

Visiting Nurse Association Healthcare Partners of Ohio, Cleveland, OH;

Wadsworth Rittman Hospital Foundation, Wadsworth, OH;

Holly Hill Hospital, Wake County, Raleigh, NC;

Washington County, GA Regional Medical Center, Sandersville, GA;

Washington Hospital Center, Washington, DC;

Washington Parish, Bogalusa, LA;

Wayne Memorial Hospital, Jesup, GA;

West Jefferson Medical Center, Marrero, LA;

West Shore Medical Center, Manistee, MI;

West Side Community Health Services, St. Paul, MN;

West Virginia University Hospital, Morgantown, WV;

Western North Carolina Health System, Asheville, NC;

Whidden Memorial Hospital, Everett, MA;

White County Memorial Hospital, Monticello, IN;

White Memorial Medical Center, Los Angeles, CA;

White Plains Hospital Center, White Plains, NY;

Whiteside County Department of Health, Rock Falls, IL;

Whittemore Peterson Institute for Neuro-Immune Disease, Sparks, NV;

Wind River Community Health Center, Riverton, WY;

Wing Memorial Hospital, Palmer, MA Winneshiek Medical Center, Decorah, IA;

Wolfson Children's Hospital, Jacksonville, FL;

Woodhull Medical and Mental Health Center, Brooklyn, NY;

Woodruff County Nursing Home, McCrory, AR;

Wyoming County Community Hospital, Warsaw, NY;

YMCA of Central Stark County, Canton, OH;

York Memorial Hospital, York, PA;

Youth Crisis Center, Jacksonville, FL;

Zucker Hillside Hospital, Glen Oaks, NY;

Alma Family Services, Monterey Park, CA;

Bronx-Lebanon Hospital, New York, NY;

Community Health Partnership, Santa Clara, CA;

Hunterdon Medical Center, Flemington, NJ;

Louisiana State University Health Sciences Center, Shreveport, LA;

Marymount University, Nurse Managed Health Center, Arlington, VA;

Nassau University Medical Centers, East Meadow, NY;

National Hispanic Medical Association, Washington, DC;

Prince George's County, Health Insurance Media Campaign, Upper Marlboro, MD;

St. Luke's Community Free Clinic, Front Royal, VA;

Thurston-Mason County Medical Society, Olympia, WA;

Alabama Institute of the Deaf and Blind, Talladega, AL;

Albany State University, African American Male Initiative, Albany, GA;

American Speech-Language-Hearing Foundation, Rockville, MD;

Anne Arundel Community College, Center for Health, Science, and Homeland Security, Arnold, MD;

Armstrong Atlantic State University, Cyber Security Research Initiative, Savannah, GA;

Asnuntuck Community College, Manufacturing Technology Center, Enfield, CT;

Azusa Pacific University, School of Nursing, San Bernardino, CA;

Bellevue Community College, Building Safer Information Technology project, Bellevue, WA;

Beloit College, Science Building, Beloit, WI;

Engineering technology center, Bemidji State University, Bemidji, MN;

Bennett College for Women, Suspension Intervention Program, Greensboro, NC;

Berkshire Community College, Access to Education Initiative, Pittsfield, MA;

Bluegrass Community and Technical College, Technology Equipment, Winchester, KY;

Broward Community College, Minority Center for Preparedness and Prevention, Broward County, FL;

Bucknell University, Environmental Initiative, Lewisburg, PA;

Buena Vista University, post secondary education online curriculum, Storm Lake, IA;

Butler Community College, technological worker training program, Andover, KS;

Caldwell Community College and Technical Institute, County Teaching Center, Hudson, NC;

California Baptist University, School of Engineering, Riverside, CA;

California Polytechnic State University, Animal Research, San Luis Obispo, CA;

California State University—Channel Islands, Regional Clinical Simulation Technology Laboratory, Camarillo, CA;

Ruby Gerontology Center, California State University—Fullerton, Fullerton, CA;

Campbell University, Advancement for Underrepresented Minority Pharmacists and Pharmaceutical Scientists Program, Buies Creek, NC;

Central Arizona College, Bilingual Nursing Program, Coolidge, AZ;

Central Florida Community College, Equine Studies Curriculum, Ocala, FL;

Central Methodist University, Novel Partnership, Fayette, MO;

Center for Integrated Emergency Response Training, Central Piedmont Community College, Charlotte, NC;

Central Washington University, Wine Quality Testing and Education Initiative, Ellensburg, WA;

Chemeketa Community College, Health Sciences Education Center, Salem, OR;

Charles B. Rangel Center for Public Service, City College of New York, NY;

Clark State Community College, Green County Campus, Springfield, OH;

Clayton College and State University, archival graduate program, Morrow, GA;

Institute for Environmental Sustainability in the Workforce, Clover Park Technical College, Lakewood, WA;

College of Lake County, Family English as a Second Language Program, Grayslake, IL;

College of Southern Idaho, Pro-Tech Program, Twin Falls, ID;

College of Southern Maryland, Construction and Transportation Training, LaPlata, MD;

College of the Canyons, Medical Lab Technician Degree Program, Santa Clarita, CA;

College Success Foundation, Issaquah, WA;

Community College of Allegheny County, Technical Education, Pittsburgh, PA;

Community College of Beaver County, Aviation Sciences Center, Monaca, PA;

Consensus Organizing Center, San Diego, CA;

Coppin State University, School of Nursing, Baltimore, MD;

Darton College, Biomedical Technology Education, Albany, GA;

Delaware County Community College, Science, Engineering, and Technology Complex, Media, PA;

Jasper County Career Academy, Des Moines Area Community College, Des Moines, ID;

Digital Campus Initiative, DeSales University, Center Valley, PA;

Eastern Illinois University, Nursing Program, Charleston, IL;

Eastern Shore Community College Industrial Maintenance Program, Melfa, VA;

Eckerd College, educational technology initiative, St. Petersburg, FL;

Edison College, Nursing Program, Charlotte County Campus, Punta Gorda, FL;

El Camino College, Nursing Program, Torrance, CA;

Teacher Education Enhancement Program, Elmira College, Elmira, NY;

Florida Campus Compact, Tallahassee, FL;

Coastal Watershed Institute, Florida Gulf Coast University, Ft. Myers, FL;

Focus: HOPE, Detroit, MI;

Franklin Pierce College, Bachelor of Science Degree in Nursing Program Development, Rindge, NH;

Frontier Community College, utility lineman training program, Fairfield, IL;

Ft. Valley State University, Teacher Preparation and Research Center, Ft. Valley, GA;

Gadsden State Community College, fiber optic planning and development, Gadsden, AL;

Center for Advanced Manufacturing Competitiveness, Gateway Community and Technical College, Ft. Mitchell, KY;

Gateway Community College, advanced manufacturing center, New Haven, CT;

Gila County Community College, registered nurses program, Globe, AZ;

Grace College, Access to Education for All Program, Winona Lake, IN;

Greenfield Community College, art training and education, Greenfield, MA;

Harcum College, laboratory and teaching facilities, Bryn Mawr, PA;

Harrisburg Area Community College, health department equipment, Harrisburg, PA;

Harrisburg University of Science and Technology, Academic Development and Equipment, Harrisburg, PA;

Herkimer County Community College, Renovation of Science Laboratory, Herkimer, NY;

Hiwassee College, dental hygiene program, Madisonville, TN;

Holy Family University, Teaching with Technology for Nurses Initiative, Philadelphia, PA;

Huntington Junior College, Closed Captioning program, WV;

Huston-Tillotson University, math and science education initiative, Austin, TX;

Institute for Advanced Learning and Research, Danville, VA;

Ivy Tech Community College, equipment and curriculum, Evansville, IN;

Jackson State University, Osteopathic Medical School, Jackson, MS;

James Rumsey Technical Institute, Automotive Technology Martinsburg, WV;

Tuscarawas County campus, Kent State University, New Philadelphia, OH;

King's College, civic engagement and service learning, Wilkes-Barre, PA;

La Sierra University, Science Building, Riverside, CA;

Extension center, Susquehanna County, Lackawanna College, Scranton, PA;

Lake City Community College, Math Initiative, Lake City, FL;

Latino Institute, Inc., Newark, NJ;

National Great Rivers Research and Education Center, Lewis and Clark Community College, Godfrey, IL;

Lincoln College, training equipment and material, Lincoln, IL;

Lincoln Memorial University College of Osteopathic Medicine, Curriculum Development, Harrogate, TN;

Linn-Benton Community College, Science and Health Equipment, Albany, OR;

Lorain County Community College, Library and Community Resource Center, Elyria, OH;

Los Angeles Valley College, Solving the Math Achievement Gap Program, Valley Glen, CA;

Lyon College, emergency equipment, Batesville, AR;

MacMurray College, Technology Upgrades, Jacksonville, IL;

Madonna University, Curriculum Development and Disaster Relief, Livonia, MI;

Gateway Community College, Maricopa County Community College, Tempe, AZ;

Marymount Manhattan College, Minority Teacher Preparation, New York, NY;

Louisiana Academy for Innovative Teaching and Learning, McNeese State University, Lake Charles, LA;

Mesa Community College, Online Registered Nurses Recertification Program, Mesa, AZ;

Metropolitan State University, nursing education programs, St. Paul, MN;

Advanced Technology Center Midland College, Midland, TX;

Midwestern University Chicago College of Pharmacy, Downers Grove, IL;

Institute for Civic Leadership, Mills College, Oakland, CA;

Minnesota State Colleges and Universities, Office of the Chancellor, St. Paul, MN;

Mira Costa Community College District, Nursing Education, Oceanside, CA;

Marine technology center and estuarine education center, Mississippi Gulf Coast Community College, Gautier, MS;

Academic Support Center, Missouri State University-West Plains, West Plains, MO;

Monroe Community College, special needs preparedness training program, Rochester, NY;

Montgomery County Community College, Advanced Technologies Initiative, Blue Bell, PA;

Mount Ida College, Veterinary Technology Program, Newton, MA;

Veterinary Center, Murray State University, Hopkinsville, KY;

Nevada State College, Accelerated Nursing Program, Henderson, NY;

Jane Bancroft Cook Library, New College of Florida, Sarasota, FL;

Public Archaeology Laboratory, New College of Florida, Sarasota, FL;

Strategic Languages Resource Center, New College of Florida, Sarasota, FL;

New Hampshire Community Technical College-Manchester, Manchester, NH;

Niagara County Community College, Nursing Equipment, Sanborn, NY;

North Arkansas College, Center Campus (including the L.E. "Gene" Durand Conference and Workforce Development Center), Harrison, AR;

Center for Engineering Technologies, North Carolina Center for Engineering Technologies, Hickory, NC;

Center for Nanoscience Technology Training, North Dakota State College of Science, Wahpeton, ND;

College of Engineering and Engineering Technology, Northern Illinois University, DeKalb, IL;

METS Center, Northern Kentucky University Research Foundation, Highland Heights, KY;

Northwest Shoals Community College, technology upgrades, Phil Campbell, AL;

Norwich University, Nursing Equipment and Technology, Northfield, VT;

Oakland Community College, International Education Programs, Bloomfield Hills, MI;

Oklahoma Panhandle State University, Water Testing Facility, Goodwell, OK;

Onondaga Community College, equipment and infrastructure upgrades, Syracuse, NY;

OGI School of Science and Engineering, Oregon Health and Science University, Portland, OR;

Owens Community College, First Responder Training Initiative, Toledo, OH;

Palm Beach Community College, technology enhancements, Lake Worth, FL;

Paula and Anthony Rich Center for the Study and Treatment of Autism, Youngstown, OH;

Philadelphia School District, CORE Philly Scholarship Program, Philadelphia, PA;

Center of Excellence for Homeland Security, Pierce College, Tacoma, WA;

Kansas Technology Center, Pittsburg State University, Pittsburg, KS;

Polk Community College, manufacturing and training programs, Winter Haven, FL;

Portland State University, Science Research Teaching, Portland, OR;

Prince George's Community College, Management Information Upgrade, Largo, MD;

Purchase College, State University of New York, Math and Science Programs, Purchase, NY;

Radford University, Medical Graduate School Feasibility Study, Radford, VA;

Rhode Island College, Portuguese and Lusophone Studies Program, Providence, RI;

Richard Stockton College of New Jersey, Curriculum Development, Pomona, NJ;

Richland Community College, Industrial Training Center, Decatur, IL;

Industrial Training Center, Richmond Community College, Hamlet, NC;

Rockford College, technology and telecommunications equipment, Rockford, IL;

Round Rock Higher Education Center, Round Rock, TX;

Rutgers University School of Law-Camden, NJ;

San Jacinto College, Healthcare Education and Training Initiative, Pasadena, TX;

Santa Clara University, Learning Commons and Library, Santa Clara, CA;

Seton Hall University, Life Science and Technology Center, South Orange, NJ;

Siena Heights University, Nursing Program, Adrian, MI;

Silver Lake College, Nursing Program, Manitowoc, WI;

Simpson College, Blank Performing Arts Center, Indianola, IA;

Sparks College, Close Captioning Program, Shelbyville, IL;

St. Bonaventure University, Science Equipment Program, St. Bonaventure, NY;

St. Clair County Community College, Water Quality Technology Program, Port Huron, MI;

St. Francis College, Science, Technology, Engineering and Math Initiative, Brooklyn, NY;

St. Petersburg College, Long Distance Learning Program, St. Petersburg, FL;

State University of New York at Potsdam, Teacher Training Initiative, Potsdam, NY;

Sweetwater Education Foundation, Chula Vista, CA;

Texas Chiropractic College, Pasadena, TX;

Texas State Technical College, Manufacturing Workforce Training, Waco, TX;

Center for the Study of Addiction and Recovery, Texas Tech University, Lubbock, TX;

Tohono O'odham Community College, math and science equipment and instruction materials, Sells, AZ;

Tri-County Community College, Cherokee Center for Applied Technology, Murphy, NC;

Trident Technical College, Nursing Curriculum, Charleston, SC;

Trinity University, Educator's Technology Teaching Laboratories, San Antonio, TX;

University of Arizona, Tucson, AZ;

Matsui Center for Politics and Public Service, University of California at Berkeley, Berkeley, CA;

University of Central Arkansas, technology training initiative, Conway, AR;

Lou Frey Institute of Politics, University of Central Florida, Orlando, FL;

College of Education, University of Florida, Gainesville, FL;

College of Pharmacy, University of Louisiana at Monroe, Monroe, LA;

University of Michigan Depression Center, Ann Arbor, MI;

Teacher Leadership Initiative for School Improvement, University of Montevallo, Montevallo, AL;

American Indian Language Policy Research and Teacher Training Center, University of New Mexico, Albuquerque, NM;

Assistive technology center, University of North Carolina at Wilmington, Wilmington, NC;

University of North Florida, Virtual School Readiness Incubator, Jacksonville, FL;

University of Texas at Tyler, Keeping American Competitive: Consortium for Science, Technology, Engineering, and Math (STEM), Tyler, TX;

University of Texas Medical Branch at Galveston, Galveston, TX;

University of Virginia Center for Politics, Charlottesville, VA;

University of Wisconsin-Marshfield, Marshfield, WI;

Utah Valley State College, Center for the Study of Ethics, Orem, UT;

Vanguard University Nursing Center, Costa Mesa, CA;

Waldorf College, science equipment and library resources, Forest City, IA;

Weber State University, Teaching Assistant Pathway to Teaching (TAPT) Program, Ogden, UT;

West Central Technical College, workforce development and technical training, Waco, GA;

West Chester University, Nursing Program Development, West Chester, PA;

Wisconsin Association of Independent Colleges and Universities, Madison, WI;

Wittenberg University, Teacher Training Initiative, Springfield OH;

York College City University of New York, York College Aviation Institute, Jamaica, NY;

Aerospace Museum of California Foundation, McClellan, CA;

Alabama School of Math and Science, Mobile, AL;

America's Black Holocaust Museum, Milwaukee, WI;

American Airpower Museum, Farmingdale, NY;

American Jazz Museum, Kansas City, MO;

American West Heritage Center, Wellsville, UT;

Anne Arundel County Trust for Preservation, Inc., Annapolis, MD;

Armory Center for the Arts, Pasadena, CA;

Bandera County, Bandera, TX;

Bellevue Arts Museum, Bellevue, WA;

Boyle County Public library, Danville, KY;

Burpee Museum, Rockford, IL;

Charlotte County, FL, Archival System, Port Charlotte, FL;

Children's Museum of Indianapolis, Indianapolis, IN;

Children's Museum of Los Angeles, Van Nuys, CA;

Cincinnati Museum Center, Cincinnati, OH;

City of Chino Hills, Chino Hills, CA;

College Park Aviation Museum, College Park, MD;

Connecticut Historical Society Museum, Hartford, CT;

Juvenile Hall Library, Contra Costa County, Martinez, CA;

Corporation for Jefferson's Poplar Forest, Forest, VA;

County of San Bernardino, San Bernardino, CA;

Discovery Center of Idaho, Boise, ID;

Everson Museum of Art of Syracuse, Syracuse, NY;

Florida Holocaust Museum, St. Petersburg, FL;

Florida Southern College, Frank Lloyd Wright Preservation Achieve Wing, Lakeland, FL;

George and Eleanor McGovern Library, Dakota Wesleyan University, Mitchell, SD;

George C. Marshall Foundation, Lexington, VA;

George Washington University, Eleanor Roosevelt Papers Project, Washington, DC;

Heard Museum, Phoenix, AZ;

Heckscher Museum of Art, Huntington, NY;

Historic Hudson Valley, Tarrytown, NY;

History Museum of East Ottertail County, Perham, MN;

Impression 5 Science Center, Lansing, MI;

Lola Public Library, Lola, KS;

James A. Michener Art Museum, Doylestown, PA;

Jefferson Barracks Heritage Foundation Museum St. Louis, MO;

Kansas Regional Prisons Museum, Lansing, KS;

Massie Heritage Center, Savannah, GA;

Metropolitan Library System, Chicago, IL;

Monterey Bay Aquarium, Monterey, CA;

Morris Museum, Morristown, NJ;

Museum of Aviation Foundation, Warner Robins, GA;

Museum of Science and Technology, Syracuse, NY;

Onondaga County Public Library, Syracuse, NY;

Overton County Library, Livingston, TN;

Pennsylvania State Police Historical, Educational and Memorial Museum, Hershey, PA;

Pico Rivera Library, Pico Rivera, CA;

Portfolio Gallery and Education Center, St. Louis, MO;

Ralph Mark Gilbert Civil Rights Museum, Savannah, GA;

Rust College, Archival Equipment, Holly Springs, MS;

Samuel Dorsky Museum of Art, State University of New York at New Paltz, NY;

San Gabriel Library, San Gabriel, CA;

Shedd Aquarium, Chicago, IL;

South Carolina Aquarium, Charleston, SC;

South Florida Science Museum, West Palm Beach, FL;

Texas Tech University, Virtual Vietnam Achieve, Lubbock, TX;

Tubman African American Museum, Macon, GA;

Twin Cities Public Television, St. Paul, MN;

James R. Slater Museum of Natural History, University of Puget Sound, Tacoma, WA;

Yolo County Library, Woodland, CA;

Young At Art Children's Museum, Davie, FL;

Advocating Change Together, Inc. St. Paul, MN;

City of North Miami Beach, FL, North Miami Beach, FL;

Jewish Vocational and Career Counseling Service, San Francisco, CA;

Vocational Guidance Services, Cleveland, OH;

Access Community Health Center, Bloomingdale, IL;

Advocate Health Care, Oak Brook, IL;

Alfred University, Powell Institute for Children and Families, Alfred, NY;

American Red Cross, Lower Bucks County Chapter, Levittown, PA;

City and County of San Francisco Department of Public Health, San Francisco, CA;

City of Los Angeles, supportive housing services, CA;

Community Rehabilitation Center, Inc., Jacksonville, FL;

Family Services of Greater Waterbury, Waterbury, CT;

Family Support Systems Unlimited, Inc., Bronx, NY;

Fulton County Department of Mental Health, Atlanta, GA;

Heartland Health Outreach, Inc., Chicago, IL;

Helen Wheeler Center for Community Mental Health, Kankakee, IL;

Holy Spirit Hospital, Camp Hill, PA;

Institute of Training in Addiction Studies, Indiana Wesleyan University, Marion, IN;

Jewish Association for Residential Care, Farmington Hills, MI;

Kids Hope United, Waukegan, IL;

New Image Homeless Shelter, Los Angeles, CA;

Pacific Clinics, Arcadia, CA;

Prime Time House, Inc., Torrington, CT;

Ruth Rales Jewish Family Service, Boca Raton, FL;

Ventura County Probation Office, Ventura, CA;

Ventura County Sheriffs Department, Thousand Oaks, CA;

Adoption and trauma resource center, Youthville, Wichita, KS;

Community Foundation for Greater New Haven, New Haven, CT;

Fighting Back Partnership, Vallejo, CA;

Institute for the Advanced Study of Black Families, Oakland, CA;

Operation Safe House, Riverside, CA;

Partnership for a Drug-Free America, New York, NY;

Shiloh Economic Development Center, Bryan, TX;

South Boston Community Health Center, South Boston, MA;

YMCA of the East Bay, Richmond, CA;

City of Las Vegas, EVOLVE program, NV;

City of Oxford, Oxford, substance abuse treatment program, MS;

Fulton County government, Atlanta, Project Excell, CA;

Gavin Foundation, South Boston. MA;

Glide Foundation, San Francisco, CA;

Metro Homeless Youth Services of Los Angeles, Los Angeles, CA;

Minnesota Indian Women's Resource Center, Minneapolis, MN;

Nassau University Medical Center, East Meadow, NY;

Sandhills Teen Challenge, Carthage, NC;

Sheriffs Youth Program of Minnesota, Inver Grove Heights, MN;

Talbert House, Cincinnati, OH;

Trumbull County Lifelines, Warren, OH;

Union Station Foundation, Pasadena, CA;

United Way of Treasure Valley, Boise, ID;

Wayne County Academy, Alpha, KY;

WestCare Kentucky, Ashcamp, KY;

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 41: Page 58, line 21, after the dollar amount, insert "(reduced by $8,000,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 42: Page 58, line 21, after the dollar amount, insert "(reduced by $5,000,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 43: Page 58, line 21, after the dollar amount, insert "(reduced by $32,700,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 44: Page 62, line 20, after the dollar amount, insert "(reduced by $21,400,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 45: Page 77, lines 6 and 7, after each dollar amount, insert "(reduced by $99,000,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 46: Page 80, line 2, after each dollar amount, insert "(reduced by $272,250,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 47: Page 80, line 2, after each dollar amount, insert "(reduced by $33,907,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 48: Page 80, line 2, after each dollar amount, insert "(reduced by $7,596,000)".

Page 80, lines 17, after each dollar amount, insert "(reduced by $7,596,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 49: Page 82, line 6 after the first dollar amount, insert "(reduced by $10,695,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 50: Page 82, line 6 after the first dollar amount, insert "(reduced by $23,533,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 51: Page 82, line 6 after the first dollar amount, insert "(reduced by $14,731,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 52: Page 83, lines 14 and 15, after each dollar amount, insert "(reduced by $72,674,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 53: Page 90, line 7, after the first dollar amount, insert "(reduced by $11,785,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 54: Page 90, line 7, after the first dollar amount, insert "(reduced by $40,590,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 55: Page 97, line 16, after the first dollar amount, insert "(reduced by $255,625,000)".

Page 97, line 17, after the dollar amount, insert "(reduced by $255,625,000)".

Page 98, line 20, after the dollar amount, insert "(reduced by $55,000,000)".

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 56: Page 103, strike line 7 and all that follows through the comma on page 104, line 12.

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 57: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for Twin Cities Public Television, St. Paul, MN.

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 58: At the end of the bill (before the short title), insert the following:

None of funds made available in this Act for the Centers for Disease Control and Prevention may be used for the Entertainment Education Program.

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 59: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the On Location Entertainment Industry Craft and Technician Training project, West Los Angeles College, Culver city, CA.

H.R. 3043

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 60: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the Read with Me/Lea Conmigo family literacy program, Families In Schools, Los Angeles, CA.

H.R. 3043

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 61: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for Andre Agassi College Preparatory Academy.

H.R. 3043

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 62: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the Charles B. Rangel Center for Public Service, City College of New York, NY.

H.R. 3043

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 63: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.25 percent.

H.R. 3043

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 64: Page 87, line 1, strike the comma and insert "and".

Page 87, line 3, strike "and" and all that follows through the first comma on line 5.

Page 87, line 5, after each dollar amount, insert "(reduced by $93,531,000)".

Page 88, line 13, strike the colon and all that follows through page 89, line 3, and insert a period.

H.R. 3043

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 65: Page 89, line 7, after the dollar amount, insert "(reduced by $64,987,000)".

SENATE—*Tuesday, July 17, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our Creator, Preserver, Redeemer, and Judge, deliver the Members of this body from the pressures of daily duties, the tension of our times, and the confusion of many voices filled with certainty. Help our Senators to pause and reflect, enabling them to hear again Your "still, small voice" summoning them to profound thoughts and high endeavors. May they discipline themselves to follow truth wherever it leads, to stand for justice, even though they might stand alone; to champion the right, even when it appears unpopular. Give them courage to engage in an introspection that will strip their soul to its bare essence, leaving them only with the desire to do Your will.

With respect for other faiths, I pray in Jesus's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY WHIP

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, this morning after morning business, we will resume consideration of the Defense authorization bill. This is an annual bill that comes before us relating to the Department of Defense and the conduct of America's national defense. It is an important bill made more important this year because the focus of debate at this moment is on the war in Iraq.

We understand this is an issue that is on the minds of most Americans. We also understand that this is a body, the Senate, where we represent the people of this country. I believe the debate should be an open debate, one that gives opportunity for both points of view to be expressed. I also believe that at the end of the debate on the central issue of the war in Iraq, we should take a majority vote and decide what the Senate stands for when it comes to our policy.

Those who stand for the President's position can oppose the Levin-Reed amendment, which is pending and is going to be considered soon. It is an amendment which establishes a timetable for American troops to start coming home. It is a timetable for ending this war responsibly, ending our combat role by the spring of next year. It is the only amendment pending which is specific and will change the policy and direction in Iraq.

Unfortunately, the procedural issues ahead of us are very complicated. The Senate Republican leader, Mr. McCONNELL of Kentucky, has insisted that instead of a majority vote on the war in Iraq, it will be necessary to have 60 votes. I think that is unfortunate.

Last year, during the course of debating the Defense authorization bill, there were two major amendments related to the war in Iraq. Both of those amendments were considered and held to a majority vote standard. Earlier this year, on the supplemental appropriations bill for the war in Iraq, another question came up about change in policy—again, a majority vote. But things have changed. Since that time, at least three Republican Senators have stepped forward and said they disagree with the President's policy and will vote to change the direction of this war. Because of that, it is clear we have a majority supporting this change in direction.

Now the Republican leader insists on 60 votes, insists on filibustering the amendment that is before the Senate. He is trying to stop the debate on whether we will change direction in Iraq. As a result, we are going to have an unusual session of this Senate which will commence shortly and run around the clock until tomorrow morning, when we will face a cloture vote. A cloture vote is an opportunity for Senators to step forward and say whether they truly want a change in the policy of this war. The Republican minority has insisted on this 60-vote threshold, knowing it is more difficult to reach, but we haven't given up. We believe that with the three Republican Senators who have already expressed their dissatisfaction with the President's policy, others may join. We know that Republican Senators back in their home States have said publicly and repeatedly they want to vote to change policy. They will have that chance on the Levin-Reed amendment, which will be brought up for a cloture vote tomorrow morning.

This session, which we will now commence, is not likely to end during the next 24 hours. During that period of time, it is an opportunity and an invitation for Members of the Senate to come to the floor and express their feelings about this war in Iraq. For those who support the President's position and want to continue along this present course, they have their chance. For those on both sides of the aisle who believe we ought to bring this war to an end, they also have their opportunity.

It is unfortunate the Republican minority has insisted on this procedural obstacle, has insisted on filibustering this amendment, and is trying to stop us from getting to the heart of the issue about changing this policy in Iraq. But the American people know this, and they know that those who are doing their best to protect the President, protect him politically, protect his position, are going to be well known across this country at the end of this debate.

I hope those who agree with us on the Democratic side and the three Republicans who join us will come together with us and dramatically change this policy, change this war in Iraq, and bring it to an end responsibly.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEBATE TIME ON IRAQ WAR POLICY

Mr. McCONNELL. Mr. President, listening to my good friend from Illinois, the majority whip, discussing the 60-vote threshold reminds me of what the majority leader said back on January 30, 2007:

> Sixty votes are required for just about everything. I have talked with Senator McCONNELL about this. You know we have to come up with a number of resolutions that require 60 votes because, as you know in the Senate, a lot of times 60 votes are required for just about everything.

Now, that is life in the Senate. On the Defense authorization bill, we had two amendments last year, the Kennedy and Enzi amendments, and both required 60 votes. We are happy to have this debate tonight. It is my understanding the other side last evening agreed to accept the Cornyn amendment to the Defense authorization bill. As we indicated, we have a request for a rollcall vote on that amendment. However, we will be happy to schedule that vote at a reasonable time today. I am told—and we heard again—that we plan to be here this evening leading up to the cloture vote on the Levin amendment, and we would be happy to have that vote today. There is no particular reason to have the Levin-Reed vote tomorrow; we could have it today.

But look, it is perfectly fine with us to stay here today and this evening to discuss this very important issue. I couldn't agree with my friend from Illinois more that it is the significant issue in the country at this particular juncture. We will be prepared to work with the majority whip and the majority leader to work out a floor schedule that allows us to rotate back and forth on a regular basis throughout the afternoon and the evening, and we look forward to working that out in a way that is fair to both sides and gives us ample opportunity for a vigorous debate about this extremely important issue.

I yield the floor.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, pursuant to the statement made by the Republican leader, I ask unanimous consent that the Cornyn amendment be scheduled for a vote at 2:15 and that it be a majority vote and that Senator McCONNELL can withdraw his amendment, which is currently pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, Senator CORNYN is in a hearing this morning, so we would want to provide a little bit of time for him this afternoon, but I think we should be able to work this out shortly. We would pursue a discussion with the floor staff and see if we can't lock this in. There is no particular reason why we couldn't work this out. For the moment, I object. Maybe the vote could occur at 2:45. Would that be acceptable?

Mr. DURBIN. Mr. President, I amend my unanimous consent request to 2:45, with the time equally divided between 2:15 and 2:45, and that the Cornyn amendment will then be called for a vote, with the standard of the majority as to whether it passes or fails.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. And no second-degree amendments, I might add, and the McConnell amendment withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Reserving the right to object, could we state the consent request again?

Mr. DURBIN. I can try. It is that the debate will commence at 2:15 on the Cornyn amendment, with the time equally divided for 30 minutes; at 2:45 the Cornyn amendment will be called for consideration—for a vote—with no second-degree amendments; that the vote standard for passage of the Cornyn amendment will be a majority vote; and that Senator McCONNELL will withdraw his pending amendment. I think that is the sum and substance of it. The McConnell cloture motion would be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ALL-NIGHT SESSION

Mr. DURBIN. Mr. President, I would like to say in response to the Republican minority leader, he found two amendments where we required a 60-vote margin on the last Defense authorization bill. Those two amendments did not relate to the Defense authorization bill. They were minimum-wage amendments. They required budget points of order. The Senator from Kentucky has been unable to find an Iraq amendment raised in the Defense authorization bill nor in the supplemental appropriations bill which required this extraordinary majority.

Now the Republican leader has agreed to a majority vote on the Cornyn amendment, something we offered yesterday. Now we are asking that during the course of this debate, I hope he will reconsider his position on the Levin-Reed amendment. This too should be a majority vote, an up-or-down vote. What is so frightening on the Republican side of the aisle to face a majority vote?

We know an overwhelming majority of the American people want to change this policy in Iraq. Yet the Republicans have insisted that when it comes to the key amendment—the Levin-Reed amendment, which will actually bring our troops home and end this war responsibly—in that situation, they want an exceptional majority, 60 votes, to be considered. Well, we are going to debate that and we are going to debate it long and hard between now and 24 hours from now. The Senate will be in a rare all-night session. Some of the critics of this all-night session have said that it is an effort to get some publicity. Well, if they are arguing that it is an effort to get the attention of the American people, they are right because the American people want us to debate this honestly and openly.

I happen to believe as well that the Senate spending a sleepless night is no great sacrifice. Soldiers and the families who pray for them spend many sleepless nights. It is time for the Senate to do the same. It is time for us to come to the floor and express what is in our hearts about this war—a war that has claimed over 3,611 American lives; a war which has cost us 30,000 injuries, 10,000 of them severe injuries, including amputations, traumatic brain injuries, and severe burns; a war that has cost this Nation over $500 billion and costs us more than $12 billion a month. Is it worth one night of lost sleep to discuss and debate that? You bet it is. That is why we are here. That is what the Senate is all about.

I hope the Republican minority leader, Mr. McCONNELL of Kentucky, having agreed to a majority vote on the Cornyn amendment—a Republican amendment—will now give us a majority vote, an up-or-down vote, on the Levin-Reed amendment. I don't understand why he would agree to one standard for one Iraq amendment and then insist on a higher standard for a Democratic Iraq amendment. I think most Americans can see through that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the Republicans and the second half under the control of the majority.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

BROADCAST FREEDOM ACT

Mr. DEMINT. Mr. President, I rise to speak in support of the Broadcast Freedom Act, which I offered along with my friends from Minnesota and South Dakota, Senators COLEMAN and THUNE. Some would say that the fairness doctrine is the perfect example of a regulation whose time has past. Others would say it is a regulation that was never necessary to begin with. In any event, it is certainly not a regulation that we need today. I think it is worth a brief recap of history of American mass media to show how utterly silly this doctrine would be if reinstated in today's environment.

In 1949, the year the fairness doctrine was created, there were 51 television stations in the United States. In 1985, when the doctrine was repealed by the FCC, there were 1,200. Today, there are nearly 1,800 television stations. The radio industry tells a similar story. In 1949, there were about 2,500 radio stations in the United States. In 1985, the number had grown to 9,800. Today, there are almost 14,000. There was significant growth of these numbers between 1985 and today. We need to understand why it is happening.

You see, it was in 1985 that the FCC said the following when it repealed the fairness doctrine:

> We believe that the interest of the public and viewpoint diversity is fully served by the multiplicity of voices in the marketplace today.

That was when we had far fewer radio and television stations. That statement was made over 20 years ago. The number of voices in the market was plentiful then. In the last two decades, those numbers have grown even larger—by 50 percent in television and over 40 percent in radio.

Keep in mind, too, that there was no Internet in 1985, and there was no satellite radio offering hundreds of channels nationwide. There was no digital television or radio allowing for multicasting. There were not even wireless phones, much less ones that could go on line and even carry video. Of course, nobody had yet heard of the podcast, blogging, or YouTube. All of this has now changed. It is easy to see that if the fairness doctrine was unnecessary in 1985 because of the multiplicity of voices, it is downright laughable today.

I also wish to speak to the fact that this doctrine, if reinstated, would have the opposite effect that its opponents tell us they seek. They say they want both sides of important issues presented with equal time. Well, what happens if nobody is available or willing to offer an opposing viewpoint? The answer, clearly, is that the discussion will not take place at all. And all the bureaucracy that is required to keep track of what someone said and what has to be responded to would cause most of these stations not to deal with important issues at all.

Commercial radio and television are businesses. They are on the air only as long as someone is willing to pay for advertising. Advertising is only attractive when someone is watching or listening. People watch or listen to things they find worth their time. If a radio or television station is prevented from airing programming on public issues or is forced to carry programming that may not suit their audience, they will have a very difficult time retaining listeners, advertisers, and ultimately their businesses. It is not in the public interest for the Government to force content on or prevent content from reaching the American people. The FCC recognized that in 1985, and we should all recognize it today.

Mr. President, I ask my colleagues to support the Broadcast Freedom Act, which prevents the FCC, now or in the future, from reinstating the arcane and damaging so-called fairness doctrine.

EARMARK TRANSPARENCY

Mr. DEMINT. Mr. President, I would like to speak now about the ongoing efforts in the Senate to block the earmark transparency rules.

It has now been 180 days since they were unanimously adopted by the Senate. Yet they still have not been formally enacted. Even worse, the majority wants to take them behind closed doors, where a conference committee can kill them in secret. They tried to kill these reforms on the Senate floor but failed. Now they are falling back to their plan B, which is to gut them in conference.

That is not how we should write a bill about openness, honesty, and transparency. I hope my friends on the other side will change their minds. These are Senate rules I am talking about, and there is no reason why we need to negotiate with the House. The House already has their earmark transparency rules. My friends on the other side should stop blocking earmark reform and stop trying to change these rules in secret so we can move on.

Americans have seen the ethical problems associated with earmarks. They have watched what happened to Duke Cunningham, and they have seen a number of Members of Congress forfeit their seats on appropriations committees due to conflicts of interest. Americans understand that lobbying and ethics reform will not be complete—in fact, it would be meaningless—if we don't do something to shine the light on earmarks. Let me repeat this because I think it is very important. Americans do understand that ethics reform is not complete without meaningful earmark reform.

Many of the reforms in the ethics bill address what people outside of Congress can do, but earmark reform addresses what we here in Congress can do. That is the difference. Americans want, more than anything else, Congress to be restrained and open about what we do. They want us to reform the way we spend their money and shut down the secret congressional favor factory. Nothing would do more to restore America's faith in their Government than enacting reforms that ensure their elected officials are not going to use their ability to spend Federal dollars to enrich their friends and supporters.

Mr. President, I wish to draw the Senate's attention to an article that ran this morning in The Hill newspaper about earmarks—earmarks that have not been properly disclosed. The majority likes to say they are complying with the rules, but that doesn't appear to be the case. This story says:

> As a proposal to require full disclosure of all Senate earmarks languishes, Senators have not claimed responsibility for at least $7.5 billion worth of projects approved by the Appropriations Committee, according to an analysis by a budget watchdog group.

Obviously, the piecemeal approach being used by the Democrats is not working. We cannot allow appropriators and other committees to police themselves. They are not doing it now, and they never will. We need a single enforcement rule for the whole Senate that doesn't keep loopholes for secret earmarking. Let me repeat: $7.5 billion in earmarks already this year are undisclosed. This is business as usual in the Senate.

I wish to point out that the Defense authorization bill we are debating now violates the rules. It discloses the earmark sponsors, but the committee failed to post on the Internet the letters from these sponsors certifying that they do not have a financial interest in the earmark they have requested.

Before I conclude, I want to update the Senate on some progress we are making on earmark reform.

First, we have added several cosponsors to S. Res. 123, which is the earmark disclosure rule. They are Senators ENSIGN, ENZI, MARTINEZ, COBURN, MCCASKILL, and CORNYN. I thank them for their support. Some of these Senators request earmarks, while others do not. But they all support earmark disclosure, and they all support this rule as it is written right now.

We have also added a couple cosponsors to S. Res. 260, the rule that would stop the adding of earmarks in secret conference committees. They are Senators ALLARD and CORNYN. I thank them for their support. A select few Members of Congress and their staffs should not be adding hidden earmarks to bills in the middle of the night when no one has the opportunity to review them and debate their merits. That is very bad practice, and it must end.

There was also an important editorial last Tuesday in the Roll Call newspaper that supports our efforts to protect earmark reform. I will read a couple of excerpts:

> Senate Democratic leaders are resisting [Senator DEMINT's] move and are insisting on going to conference on the ethics bill, although they have yet to explain why already agreed-upon earmark rules can't be adopted immediately.
>
> We don't oppose earmarks in principle. . . . But as events last year amply demonstrated, earmarks can be a source of rotten corruption. Full disclosure is crucial, and the Senate ought to institute it forthwith.

> We think that on the merits Senate leaders should accede to DeMint so disclosure of spending requests is not delayed until President Bush signs an ethics reform measure that still has not even gone to a House-Senate conference.

Mr. President, the blogging community is watching what we are doing here. Countless bloggers, including The Corner on National Review Online, Instapundit.com, MichelleMalkin.com, the Sunlight Foundation, Porkbusters.com, RedState.com, and many others, have weighed in on the need for the Senate to implement these earmark transparency rules now. I thank them for paying attention to this debate and working to hold us all accountable.

Finally, we have received letters of support from several important taxpayer watchdog groups, including Americans for Prosperity and Citizens Against Government Waste. These groups know how important earmark reform is, and they believe it should be implemented immediately.

These rules need to be adopted immediately. They should not be allowed to go to conference with the House where they can be changed at will. They need to be enacted now before a single appropriations bill comes to the Senate floor.

It has been 180 days since they were unanimously adopted by the Senate. I have asked consent to enact these rules four times, but the other side has blocked them each and every time. Today needs to be the day that this obstruction stops. Today needs to be the day we end the earmark business as usual in the Senate.

UNANIMOUS-CONSENT REQUEST—S. RES. 123, S. RES. 260, AND H.R. 2316

Mr. DEMINT. With that, I will now propound a unanimous-consent request that would enact the earmark transparency rules and request that we go to conference with the House on the total ethics bill.

I ask unanimous consent that the Rules Committee be discharged from further consideration and the Senate now proceed to S. Res. 123 and S. Res. 260, the earmark disclosure resolutions, all en bloc; that the resolutions be agreed to and the motions to reconsider be laid upon the table.

I further ask that the Senate then proceed to the immediate consideration of H.R. 2316, the House-passed ethics and lobbying reform bill; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate, be inserted in lieu thereof; that the bill be read the third time, passed, and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 4 to 3.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Mr. President, on behalf of the leadership, I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DEMINT. Mr. President, obviously, I am very disappointed that we continue to obstruct ethics reform and earmark reform.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

UNANIMOUS-CONSENT REQUEST—S. 163

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 139, S. 163; that the committee-reported amendment be withdrawn, and I have a substitute amendment at the desk; that the Bond amendment to the substitute amendment be considered and agreed to, the substitute amendment, as amended, be agreed to, the motions to reconsider be laid upon the table, and that the bill, as amended, be read the third time; that the Senate then proceed to the consideration of H.R. 1361, the House companion, which is at the desk; that all after the enacting clause be stricken and the text of S. 163, as amended, be inserted in lieu thereof; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees, with the Committee on Small Business and Entrepreneurship appointed as conferees; that S. 163 be returned to the calendar, and the above occurring without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. On behalf of the Senator from Oklahoma, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me speak for a minute about this legislation. I understand Senator DEMINT's need to object on behalf of the Senator from Oklahoma. This is legislation that has broad—I do mean broad—bipartisan support. It was passed out of the Small Business and Entrepreneurship Committee on a unanimous vote. It now represents a very broad compromise worked on with the administration and with all of the members of the committee, both Republican and Democrat.

I will review very quickly what this bill does. As everybody knows, when Katrina hit, we had a terrible time getting small business assistance to the countless thousands of small businesses that were impacted, not only in New Orleans but in Baton Rouge and across into Mississippi, Alabama, and elsewhere, where there were many services being provided by other folks. A lot of small businesses were impacted.

We learned there was not an adequate capacity within the Small Business Administration to deliver this kind of assistance in a rapid way. So we have worked now, after a series of hearings and over the course of 2 years, to pull together the Small Business Disaster Response and Loan Improvement Act. It does a number of things.

It creates a new elevated level of disaster declaration, referred to as catastrophic national disaster. That triggers nationwide economic injury disaster loans for adversely affected small businesses.

In addition, it requires the SBA to create an expedited disaster assistance business loan program to provide businesses with expedited access to short-term money.

A lot of the businesses in New Orleans could have survived and might have survived or chosen to try to if there had been some bridge money or available working capital. But the absence of it forced a lot of them to close their doors. If we can provide assistance in a timely fashion, obviously subject to the administration's approval—and there is discretion in the bill—we would have the ability to do a better job.

In addition, there are improvements to the existing loan program which have been written in the bill. There is improved agency coordination and marketing. It directs the SBA to coordinate with FEMA in a more effective way. It directs the SBA to create a proactive marketing plan to make the public aware of the disaster response services.

In addition, it provides improved planning and oversight and directs the SBA to update the hurricane response plan to address all future disasters.

This is, as I say, with bipartisan support. I have a letter from the Administrator of the SBA, Steve Preston. He writes saying:

> I am writing to express my thanks for the efforts you and your colleagues have made to work with the Small Business Administration and to address the administration's concerns with some of the provisions in S. 163, the Small Business Disaster Response and Loan Improvement Act of 2007. At this point, if amended by the Bond amendment—

And that is what we just sought to do—

> the administration has no objections to Senate passage of S. 163. However, the administration would consider a longer extension of the authorization language in section 3 to avoid the need for concern over unintended expiration of programs and activities.

We would obviously love to do that. It appears there is one person in the Senate, the Senator from Oklahoma, who is opposed to moving forward with this legislation. As I say, there was a unanimous vote by our committee, which wants to see if we could achieve this disaster assistance. Nobody understands how critical this is more than the Senator from Louisiana, Ms. LANDRIEU, who has been fighting from the moment Katrina hit to try to get this kind of disaster assistance.

I wish to ask the Senator if she would share with us her observations as to why this legislation is so critical and what specifically we have done to address some of the concerns of those who had previously expressed those concerns in order now to have a consensus about this legislation. I ask the Senator from Louisiana if she would explain the situation in New Orleans, not just then but now, and why this legislation is so critical.

Ms. LANDRIEU. Mr. President, I thank the Senator from Massachusetts. I begin by saying that his leadership has been on point and so focused for the last 2 years in trying to help lead his committee, with the support and cooperation of his ranking member, the Senator from Maine, Ms. SNOWE, to move Congress to adopt this important legislation.

The Senator is absolutely correct that the SBA was one of several important Federal agencies that was caught flatfooted when Katrina and Rita hit the gulf coast and subsequently when the Federal levee system failed in multiple places, as the Senator from Massachusetts knows because he has walked through neighborhood after neighborhood, mile after mile, having visited with business owners and homeowners who lost everything they had, that took them generations to build. The Senator knows very well that this particular administration was anemic and very slow in its response. In fact, the gentleman leading it at the time was not the appropriate leader. To the President's credit, they have nominated and we have confirmed a new leader for the SBA.

I think the Senator from Massachusetts will agree with me that the Director, Steve Preston, is making some very good and fundamental changes. But there is just so much this administrator can do without Congress doing its job to give him the tools he needs to get the job done.

Why this legislation is being held up by the Republican side I am not sure. It is very disappointing, not just to me but to the millions of people who are affected and are still struggling, having lost everything or having at risk everything they own because we cannot seem to get legislation passed because of obstructionist tactics.

I repeat, this bill is supported not only by the Chair but by the ranking member. In addition, both Senators from Louisiana are cosponsoring this bill, Senator BILL NELSON from Florida, who has experienced the disasters of hurricanes in Florida, and Senator JOHNNY ISAKSON from Georgia, who also has experienced disasters. This is not a Democratic bill being rammed down the Republican side of the aisle. This is a good Government efficiency, effective measure to try to reform the SBA. But because of bureaucratic delays, because of the inadequacy of the current law, we were not able to help the 18,000 businesses that were destroyed, many of them—I would say 97 percent of them—small businesses.

The Senator from Massachusetts and I together visited a cleaning business for hospital bedding and other items that was—I cannot think of the name of the business, but the Senator from Massachusetts and I walked throughout New Orleans East. This is one of hundreds of businesses that not only found themselves flooded, but when the waters receded, the hospitals they had serviced had closed. So basically through no fault of their own, they were struggling as well. This legislation will help them.

This is not only important to the gulf coast and to the 18,000 businesses, many of them small businesses, that need help and assistance, but it is for the future. The Senator from Massachusetts is saying let this Federal Government do better. If we believe business is important, and we do, and if we believe small business is important, and it is, then let's at least have our response honed and tuned to the point where if, God forbid, another huge disaster happens, we will be much more prepared than we were last time.

Our constituents depend on us to be responsive. I say to the Senator from Massachusetts, that is exactly what this bill does. I again thank him for his leadership and express truly my outrage that this is being held up for no apparent good reason at the expense of thousands of business owners who are looking to us for help and support.

Mr. KERRY. Mr. President, I thank the Senator from Louisiana. She has been not only a terrific member of the committee but has represented to the whole Senate countless numbers of times on the floor the plight of those folks down in New Orleans and in the immediate surrounding area.

I wish to emphasize what she has said and what I said previously, and that is this has been worked on now for 2 years in a bipartisan way. Senator SNOWE, the ranking member, who was, incidentally, the Chair when we first began working on this legislation, has supported the efforts to try to make certain that we address these concerns. Other Republican members of the committee have contributed significantly to this effort. Senator BOND had concerns about the energy program. We have addressed those concerns.

I hope we can move forward. We tried actually to reach out to whatever opposition there is with respect to this bill. We are happy to sit down and address any legitimate concerns. But at this point, this is long overdue. We are into the hurricane season now, about a month and a half into it. Our predictors have been pretty accurate in these past years, and they are suggesting we are going to have a very significant number of named storms and maybe as many as 10 projected full-blown hurricanes this year, with 13 to 17 named storms.

Last year, they hit the number of named storms and hurricanes, but we were very lucky; they didn't blow into the shore and we didn't get hit. Obviously, we cannot sit around and be lucky all the time. We cannot afford another Katrina-like response. There are specific actions this legislation empowers the SBA to do to take steps proactively, to be in a position to address the concerns of small businesses rapidly. In addition, this bill helps private lenders get in early on and be immediately on the scene and assist in the process of providing those loans. So it streamlines that process.

I wish to comment on Senator LANDRIEU's reference to that cleaning place we visited in East New Orleans. We made arrangements to go down and see that place because we knew it needed help. We had talked with the CEO before going there. About a week and a half later, when we got there, we went into this cleaning facility, which had been completely flooded, as the Senator said. They cleaned it out themselves. They worked diligently to get the equipment up and working, what they could. Much of it was ruined and was going to have to be disposed of. But these folks were working this place.

Since they were dependent on the services of hotels and others for the work they did, they were at the time mostly doing the hospitals that had reopened, and that was it. But the CEO was so despairing in the span of that week and a half or so between our making the appointment and getting there that when we arrived, the CEO had left with his family, taken off; that was it, he had enough, and left in charge was one of the workers who was the "acting CEO" who was desperately trying to hold onto this business.

When people are working like that and run into that kind of desperation, we have to be able to look them in the eye and say we have done everything possible. We put in place the mechanisms they pay for and that they have a right to expect will be there to assist in that kind of an emergency. That is what we are trying to do here, in a bipartisan way, to make certain we don't lose CEOs, lose jobs, lose workers, and lose hope as a consequence of our inaction in the Senate. So I hope we are going to be able to come back to this in short order. As I say, I think we have worked in good faith with every legitimate question that has been raised with respect to this legislation. We will happily sit down if another Senator still has a concern, but we certainly will not tolerate—and at some point I hope the leader will allow us to take the time in the Senate to continue on the floor with this legislation. There is one Senator who is opposing it, without any rationale whatsoever.

Ms. LANDRIEU. May I add something, if the Senator will yield?

Mr. KERRY. I will yield to the Senator.

Ms. LANDRIEU. We have all learned many things since this disaster happened, and one of the things we have learned, I guess rather painfully, is that it is not only the geographic area that is struck by the high wind, the high waters or the flood waters that is impacted by a catastrophic disaster, but it is also the perimeter of the area, the towns that absorb people fleeing to higher ground and trying to settle where they can find work and schools for their children, and businesses that might not have been directly impacted but have lost half or 75 percent of their customer base.

Right now, without Senator KERRY's bill, there is virtually no authorization on the Federal books to allow loans to be made to these kinds of businesses. So because we don't have that authorization, we are, right now, basically making the disaster worse. I hope people can understand this. We, by our inaction, by our hardheadedness—and it is not me, although I can be hardheaded but not on this issue—because of some leadership decision on the Republican side, we are literally, right now, making this matter worse. Businesses are continuing to go out of business; businesses that didn't have a drop of water, businesses that didn't have one shingle let loose from the high wind continue to file bankruptcy and put up out-of-business signs because there is no provision to allow low-interest loans to them if they weren't directly impacted. Unfortunately, they are directly impacted in terms of loss of customers, et cetera.

In addition, it is going to bring in the private sector. We heard a lot from the other side about Government can't do everything; let the private sector be engaged. Well, your bill allows for more private-sector involvement; does it not? It allows the banks that know these small businesses to be a part of helping them. This is what the business community wants, this is what the banks want, and this is what we recognized was a problem initially.

Yet we are being blocked, I understand, by the Senator from Oklahoma, who has not made his specific objections clear to us. So I hope they can be made clear, and if we can fix it, fine. If not, then the leadership on the Republican side, I would say to the Senator from Massachusetts, has a decision: Do they want to be part of the nonsensical opposition by a Senator who is in Oklahoma, who is never going to have a hurricane or do they want to stand with the people in America from New York to Texas who are threatened every 9 months with a hurricane season.

That is the decision the Republican leader from Kentucky is going to have to answer. Is he going to support a bipartisan piece of legislation that aids businesses that are literally threatened from New York to Texas or is he going to stand with some nonsensical opposition coming from the middle of the country that will never be hit by a hurricane.

I hate to be so pointed about it, but that is basically where it is. This is 2 years after the storm. This isn't 2 months or 6 months after. This is a bill that Senator SNOWE herself started and Senator KERRY is finishing, and the people of the gulf coast are still waiting. So this is a real leadership question, and I hope that as the day goes by and the week goes by, we can make some progress, and I thank the Senator for his leadership.

Mr. KERRY. Mr. President, I thank the Senator from Louisiana. As I said previously, she has been tireless on this. Louisiana has been lucky to have her intervention every step of the way. The billions of dollars that have gone down there is a consequence of the hard work she has done.

Let me summarize what is being obstructed. First, expedited assistance from the SBA to small businesses injured by a disaster; second, private disaster loans. Private disaster loans. The ability of private-sector lenders to become involved in the process quickly, extending credit to the folks who need it as a consequence of that disaster, which, incidentally, can only occur when the President of the United States has legitimately declared a disaster; third, improvements to the existing program; why we wouldn't want to improve the existing program after we saw how it was incapable of meeting the problems of Katrina is beyond me. That is what we are doing here in a complete and total bipartisan, unanimous committee vote that suggests these improvements are important and will make a difference; improved agency coordination in marketing. These are the things that make a difference. When you can get the bureaucracy out of the way, when you can streamline, you are getting better production for the taxpayers' dollars, and that is exactly what we are doing; improved planning and oversight and disaster assistance staffing, necessary to be able to deliver the services because we didn't have sufficient personnel to be able to process the loan requests that came in.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Small Business Administrator, Steve Preston.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, June 29, 2007.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my thanks for the efforts you and your colleagues have made to work with the U.S. Small Business Administration and to address the Administration's concerns with some of the provisions in S. 163, "The Small Business Disaster Response and Loan Improvements Act of 2007".

At this point, if amended by the Bond Amendment, the Administration has no objections to Senate passage of S. 163. However, the Administration would request a longer extension of the authorization language in section 3 to avoid the need for concern over unintended expiration of programs and activities. We would also recommend clarifying that the Administrator would have flexibility under section 205 to designate portions of a declared catastrophic national disaster area as a HUBZone area, without extending this designation to an entire disaster area.

We look forward to working with you when the bill goes into conference discussions with the U.S. House of Representatives. If you have any questions or comments, please contact me directly.

Sincerely yours,
STEVEN C. PRESTON.

Mr. KERRY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to speak for 20 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I further ask unanimous consent that the next Democratic Speaker be Senator KENNEDY of Massachusetts; with the understanding that if a Republican Member wishes to speak, they would be permitted to do so between any majority speakers.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. I object. My understanding is that at 11 a.m., we were supposed to go to the bill. We are now, at 11:15, going to go to the bill, and then we want the regular procedure as we consider legislation, which would be whoever has the right of recognition and any unanimous consent agreements.

So I object to the second unanimous consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Connecticut.

IRAQ WITHDRAWAL AMENDMENT

Mr. DODD. Mr. President, I had hoped to offer an amendment today to this year's Defense authorization bill regarding Iraq. I understand the leadership has decided to act on the Levin-Reed amendment before considering other amendments to this legislation. Given the existing parliamentary situation, I am not confident there will be an opportunity to get an up-or-down vote on my amendment or, for that matter, any other amendments that meaningfully mandates a change of course with respect to the administration's policy in Iraq.

It is deeply troubling and it saddens me that in the Senate, on the most critical issue of our day, we cannot consider, debate or vote on amendments affecting the lives and well-being of our servicemen and women and the conduct of U.S. foreign policy in the most troubled spot in the world today. I believe those who refuse to allow this Senate to vote on this critical issue do a grave disservice to the American people by enabling the President to continue with his failed strategy in Iraq.

Every additional day we "stay the course" in Iraq, our Nation is less safe and the people of Iraq get further away from coming together to fashion a political and diplomatic solution to their civil conflict. Our men and women in uniform have served this Nation valiantly in Iraq and Afghanistan, and they will continue to do so, I am confident, until our political leaders see the error of their judgment in this case and begin the process of drawing down U.S. troops in Iraq.

It is imperative, I believe, we change course in Iraq immediately. I think this is vitally important for our country and the well-being of that part of the world. Sadly, the President and his allies stand in the way of that goal. Support for the President's policy erodes as each passing day unfolds with more violence and chaos in Iraq.

I predict the day will come when Congress will have the courage to say enough is enough, but, sadly, it would not be before more American lives are lost or more wanton destruction occurs in the beleaguered nation of Iraq.

Let me speak briefly about the amendment I had hoped to offer—still hope to offer—and which I would like to offer at the earliest opportunity if, in fact, this logjam breaks. My amendment seeks to accomplish two critical tasks. First, to bring the Iraq war to a close by ending the financing of combat operations, mandating a phased redeployment of combat forces from Iraq, and ensuring the administration actually carries out that redeployment.

Second, the amendment proposes to redirect any savings realized from a reduced military presence in Iraq, to restore the readiness of our very war-battered National Guard and armed services. I strongly believe we must not wait any longer to achieve either task.

Now is the time for us to make difficult choices. Now is the time for the Senate to enact legislation that, I believe, will hold this administration accountable to this policy.

I support the Levin-Reed amendment, and I thank both our colleagues, the authors of that amendment, for demonstrating leadership in trying to move this body one step closer to bringing this disastrous war to a close. It is my hope that their amendment will do that, but I remain concerned about some aspects of that amendment—the extended delay in commencing redeployment and the absence of any funding linkage to redeployment. Based on past experiences with this administration, my concern is the President will simply ignore the legislation proposed by the chairman of the Armed Services Committee and the senior Senator from Rhode Island.

It has been quite difficult to track the ever-changing justifications for continuing our combat operations in Iraq, including the surge, and there appears to be no end in sight.

First, the administration simply refused to admit there was no military solution in Iraq or that Iraq was in a State of civil war.

Then, instead of acting upon a unique chance to implement the bipartisan Baker-Hamilton Commission, which Congress supported, Secretary Rice explained that the administration was implementing a surge tactic, but assured us that it was an Iraqi plan. "Most importantly," she claimed, "the Iraqis have devised their own strategy, and our efforts will support theirs."

Our country was told that despite the catastrophic policy failures of this administration up until that point, that the surge would take time to work and that we couldn't judge its success until U.S. forces had "surged" to their maximum levels—and that would take up to 6 months.

But that the surge is at full force, and we are told yet again that the time isn't right to make a judgment about the success or failure of the administration's policy. Now we are told we must wait until September to determine the success of the surge. I strongly suspect, as I stand here in July, that as September draws near the administration will once again come up with some additional arguments to delay the day of reckoning on the policy in Iraq.

I do not need any more time, or any more reports and briefings to confirm what most of us already know. The American people and the Iraqi people don't need any more time to realize that the administration's Iraq policy, including the surge, has been a failure. With the exception of a handful in this body, I have not said anything that most of my colleagues do not believe themselves. Why, then, are we waiting? As we wait yet another 2 or 3 months to decide what most of us here have already concluded, while disagreeing about how best to achieve this result, there is a consensus that has emerged that I think is probably more than a supermajority. After all the time waiting here, our servicemen and women and the beleaguered people of Iraq will pay an awful price indeed, as we fool around and dicker while deciding to come to the conclusion we have all basically reached already.

The highly respected International Crisis Group recently released a report on Iraq which examined the complex reasons for the current political violence in Iraq, and concluded that any surge based on a purely military operation with a simplistic view of the bloodshed's origins was destined for failure.

We mustn't sacrifice any more lives, we shouldn't countenance any more bloodshed, and we shouldn't support the continuation of the failed escalation of a disastrous policy. The April–May American death toll is a new 2-month record. The civilian casualty rate in Iraq is at an all-time high. Overall violence in Iraq is up and, according to the Iraqi Red Crescent, the number of internally displaced Iraqis has quadrupled since January. In fact, the Iraqi Red Crescent warns that there is currently a human tragedy unprecedented in Iraq's history."

As recent GAO reports have highlighted what we all intuitively have concluded—that there has been little progress on the key detailed provisions of Iraq's hydrocarbon law, let alone on reforming the Iraqi constitution, on debaathification, or on a host of other essential political components to a functioning Iraqi government, focused on reconciliation. In fact, Foreign Policy magazine recently released their "failed state index" and Iraq rose to No. 2 on that index, closely behind Sudan.

The President told the American people that the surge of troops into key cities in Iraq was being executed in order to provide the Iraqis with some political breathing space to start the reconciliation process. Secretary Rice explained that "the most urgent task now is to help the Iraqi government establish the confidence that it can and will protect all of its citizens, regardless of their sectarian identity, and that it will reinforce security with political reconciliation and economic support."

But none of that has happened—and falsely claiming that it has, won't make us safer, won't secure Iraq, won't secure our interests in the region, and won't rebuild our military.

As my friend Senator LUGAR, the ranking member of the Senate Foreign Relations Committee said recently

> In my judgment, the current surge strategy is not an effective means of protecting these interests. Its prospects for success are too dependent on the actions of others who do not share our agenda. It relies on military power to achieve goals that it cannot achieve. It distances allies that we will need for any regional diplomatic effort. Its failure, without a careful transition to a backup policy would intensify our loss of credibility. It uses tremendous amounts of resources that cannot be employed in other ways to secure our objectives.

I fully agree with my friend and colleague from Indiana.

That is why my amendment also calls on the administration to appoint a high-level special envoy to Iraq to engage in a new diplomatic offensive—exactly what the Baker Hamilton Commission called for over 6 months ago. It is imperative that we engage Iraqi leaders, regional leaders and international organizations such as the United Nations and the Arab League to promote reconciliation and stability in Iraq. I know of no other way this is likely to occur.

This administration has long neglected the key diplomatic and political aspects of the conflict in Iraq, despite the calls of many of us, including my good friend Senator HAGEL, who recently outlined a plan to "internationalize" our efforts to help Iraqis reach political reconciliation, including appointing a U.N. Security Council-backed international mediator.

The amendment offered by Senators LEVIN and REED also calls for such a mediator, which I fully support.

But, despite the fact that there is no military solution to this conflict, which we have said for now almost 3½ years, this administration and too many in the Congress are still wedded to only military solutions. In fact, these defenders of the Iraq war continue claim that we are in Iraq to fight al-Qaida, just like they continue to falsely claim that al-Qaida had links to Saddam Hussein.

But according to a recent article by Michael Gordon, the coauthor of Cobra II:

> al-Qaida in Mesopotamia [the action of al-Qaida currently in Iraq] did not exist before the Sept. 11 attacks. This Sunni group has thrived as a magnet for recruiting and a force for violence largely because of the American invasion of Iraq in 2003, which brought an American occupying force of more than 100,000 troops to the heart of the Middle East, and led to a Shiite-dominated government in Baghdad.

Moreover, according to recent media accounts, it is the Mahdi Army, a Shiite militia led by the radical cleric Moqtada al-Sadr, not al-Qaida in Mesopotamia that poses the greatest risk to American troops in Baghdad. Yesterday, the Washington Post reported that the Mahdi Army's frequent and brazen attacks on U.S. soldiers also appear to challenge the idea that the Mahdi Army has been lying low to avoid confrontations with Americans.

Perhaps most frustrating of all, while feverishly attempting to find linkages between Osama bin Laden and Iraqi insurgents, the administration has taken its eye off the ball of the bigger threats posed by looming terrorists having little or nothing to do with Iraq.

The GAO recently slammed the administration's anti-terrorism efforts in a report entitled "Law Enforcement Agencies Lack Directives to Assist Foreign Nations to Identify, Disrupt and Prosecute Terrorists." The report found that there is a tremendous deficit of communication and coordination among key U.S. agencies, which in turn severely hampers our efforts at fighting international terrorism and aiding foreign governments in doing so.

Six years after 9/11, this administration has singularly focused on Iraq, while failing to effectively fight international terrorism. It may be true that for the Bush administration that Iraq is the central front in their "war on terror", but this misplaced focus has made America less secure as a result.

Simply put, we must stop the downward spiral in Iraq, and refocus our efforts at effectively and robustly combating extremism and terrorism around the world—and my amendment would begin to do just that. Why is that the case?

Because my amendment sets clear timelines for the phased redeployment of our troops out of Iraq, with three specific exceptions for activities that are critical to our national security interests and the interests of Iraq: First, conducting counterrorism operations in Iraq, targeted at al-Qaida in Mesopotamia; second, training and equipping Iraqi forces; and third, force protection for U.S. personnel and infrastructure.

This amendment also provides a specific timeline for all combat forces to redeploy out of Iraq, aside from the three exceptions I just mentioned, by April 30, 2008.

To ensure that this process gets underway without any stonewalling by the administration or anyone in his administration, my amendment sets an interim deadline of December 31, 2007, at which point at least 50,000 troops must have been redeployed out of Iraq.

Failure to meet this initial milestone will result in a funding penalty. The amendment would withhold 25 percent of the fiscal year 2008 military budget for Iraq-related activities until the President certifies that he can meet the overall April 30, 2008, deadline.

Ultimately, this amendment calls for the redeployment of approximately 90,000 combat troops within the next 9 months, leaving about 70,000 to complete the three non-combat missions that I have already outlined.

The redeployed forces would be comprised of a majority of the deployed Army brigade combat teams and the Marine Expeditionary Force currently in theater.

Now, some may say that such redeployment is not logistically achievable within the timeframes laid out in the amendment.

However, I want to remind my colleagues that in the ramp up to the first gulf war, the Department of Defense coordinated the movement of over 500,000 troops and 10 million tons of cargo and fuel in the same timeframe that this amendment grants to redeploy a force one-fifth the size.

In January 1991, alone, the Transportation Command moved approximately 132,000 troops, 1 million tons of cargo, and over 1 million tons of fuel. If it is possible to coordinate the logistics to go to war, it is certainly possible, in my view, to get our troops out of harm's way and bring our military involvement in this civil war to a close.

Of course, there is always a concern about the cost of conducting a redeployment. Senator CONRAD, now chairman of the Budget Committee, asked this very question to the Congressional Budget Office in 2002, requesting an assessment of the costs of the Iraq war; including the eventual redeployment of our forces. The CBO concluded that the redeployment of our forces to their home bases would cost approximately $7 billion, less than the cost of 1 month of ongoing operations in Iraq.

Can we trust this figure? The very same report notes that monthly costs for the war would run between $6 billion and $9 billion per month—that was in 2002; which is exactly what we saw until the incursion of additional surge related costs.

Up until now, the cost of the war in Iraq has been mainly measured in the number of lives lost and U.S. Treasury spent—and rightly so. Mr. President, 3,600 brave American servicemembers have been killed, tens of thousands of Iraqis have lost their lives, and Congress has approved approximately $450 billion.

But there is yet another cost of war—our military's readiness.

While long, arduous deployments to Iraq and Afghanistan are testing the morale of our troops in the field and their families, they are also taxing critical stocks of aircraft, vehicles and equipment that our military needs to prepare for other challenges in the 21st century.

According to recent military reports, two-thirds of the U.S. Army is unable to report for combat duty, and the Army's top generals have said that if the administration continues to fail to meet these needs, the situation could further deteriorate.

The situation for our National Guard is even worse. According to National Guard Bureau Chief, LTG Steven Blum, "88 percent of the force that are back here in the United States are very poorly equipped today in the Army National Guard." Such a statistic is unconscionable to me—and it affects the National Guard units in every State of every last Senator in this Chamber.

My amendment will take steps to remedy this dire situation and begin to rebuild our military. This debate is about priorities. Will we continue to fund a failed strategy, in my view, in Iraq that is leaving us less secure and that is hollowing out our military?

Or will we meet our commitments to our service members and our Nation, by restoring the readiness of our forces which have been severely damaged by this administration's policies?

In my view, the answer is simple. Our military's top generals and admirals have submitted to Congress lists of critical military priorities that would not be funded under the President's fiscal year 2008 budget proposal.

Billions of dollars a week are being squandered in Iraq, while our Nation's military is calling out for additional resources to repair the damage caused by the administration's policies.

My amendment therefore reprioritizes our defense budget to rebuild our military. It stops financing combat missions in Iraq and redirects funding to meeting priorities for the armed services.

Savings made available by downsizing our force in Iraq would be invested in items identified by each of our military's Service Chiefs. Funding levels for these items would not exceed the amounts specified in their official fiscal year 2008 unfunded requirements lists submitted to Congress earlier this year.

The Army Chief of Staff has found over $10 billion in critical shortfalls, including funding for specially armored trucks known as MRAPs or mine resistant ambush protected vehicles; night vision goggles, and bomb disposal gear.

The Marine Corps' "unfunded requirement list" submitted by the Commandant includes over $3 billion for similar priorities as well as new helicopters; communications gear and training equipment.

The Navy's list totals over $5.6 billion, including helicopters, sailor housing, and aircraft maintenance.

The Air Force's unfunded priorities, totaling over $16 billion, includes much needed resources to modernize radar systems and restore our fleet of cargo aircraft to help redeploy our troops and their equipment.

The National Guard Bureau Chief has identified over a billion dollars needed to begin rebuilding Guard forces across the United States—to replace and repair vehicles, aircraft, and personal gear, necessary for homeland security missions.

The amendment I would like to offer would allow for funding to restore National Guard equipment readiness. Due to the administration's mismanagement, the National Guard is facing a $38 billion equipment shortfall, according to General Blum.

A recent report by the U.S. Commission on the National Guard and Reserves disclosed that the administration's policies have actually endangered the Guard's abilities to perform both their overseas and homeland defense missions. Under orders by the administration, the National Guard troops have been forced to leave their State's equipment in Iraq and Afghanistan for our troops rotating into combat theaters. Many of their military vehicles and aircraft are being worn down or destroyed in battle, but any critical equipment that may have survived is simply being transferred to other units coming into Iraq and Afghanistan.

In my home State of Connecticut, the adjutant general, MG Thaddeus Martin, recently reported that equipment shortages exceed $200 million in my State. This includes more than 200 humvees, 21 large support vehicles and tankers and heavy-cargo vehicles, over 600 personnel and crew-served weapons systems, over 1,500 night-vision devices, and even one medium-lift helicopter.

What does all of this mean? It means that we are short of equipment to respond to natural or manmade disasters here at home, short of equipment for training, short of equipment to maintain the standard of maintenance rotation for equipment currently in the field, short of equipment for units deploying into harm's way—short of equipment to protect the American people themselves.

The Government Accountability Office highlighted this very important point in testimony released on October 20, 2005, and I quote it. It stated:

> The cumulative effect of these personnel and equipment transfers has been a decline in the readiness of Army National Guard forces for future missions, both overseas and at home.

This data alone should demonstrate to everyone unequivocally that each of us has to fulfill our obligations to our warfighters. Now is the time to begin the rebuilding process. In my view, the sooner we redeploy out of Iraq, get our military out of that situation, the sooner we can redirect these vital funds to rebuild our forces here at home.

None of our choices are easy. I don't suggest by my remarks here that they are. But they are clear choices. It is about time we made them. To govern is to choose the policy that is best for our Nation, even in the face of extreme difficulty. So I call on my colleagues here today to make those choices which experience, commonsense, and overwhelming data compel; that is, to force the President to redeploy, to rebuild our Armed Forces, and to end this disastrous involvement in the civil war.

The last several months have been a story of squandered chances. We have paid for them in American lives. Again, to delay another 2 or 3 months to arrive at a conclusion most of us have already arrived at is something I think is unacceptable. And that lives which may be lost or damaged because we waited 2 or 3 months to arrive at a conclusion that most here already believe to be the case, is certainly a sad day for this body. We cannot even have votes, we cannot even consider the various ideas we bring to the Chamber that might bring this war and our involvement in it to a close.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 1585) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

McConnell amendment No. 2241 (to the language proposed to be stricken by amendment No. 2011), relative to a sense of the Senate on the consequences of a failed state in Iraq.

Durbin amendment No. 2252 (to amendment No. 2241), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

AMENDMENT NO. 2274 TO AMENDMENT NO. 2011

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2274 to amendment No. 2011.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of Untied States forces in Iraq)

At the end of the bill, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

AMENDMENT NO. 2275 TO AMENDMENT NO. 2274

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2275 to amendment No. 2274.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

In lieu of the language to be inserted, insert the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

This Section shall take effect one day after the date of this bill's enactment.

Mr. LEVIN. Mr. President, I understand that the Senator from Arizona is now going to be making some remarks. I ask unanimous consent that after the Senator from Arizona finishes his remarks, Senator KENNEDY be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, I would ask Senator LEVIN, for the benefit of all, what our plans for the day are and what we can expect. I understand that the Senate intends to stay in throughout the evening and debate this issue. I will not object, but I reserve the right to object. Perhaps the Senator from Michigan would illuminate me and the other Members as to what we can expect throughout the day and the evening.

Mr. LEVIN. Well, I think on our side there will be many speeches supporting this amendment, perhaps some opposing the amendment.

Mr. McCAIN. We will be debating the Reed-Levin amendment throughout the day?

Mr. LEVIN. I hope so. And I hope people will want to speak, will come and speak on the amendment, because hopefully we can get to enough votes tomorrow so that we can actually have a vote on Levin-Reed, that we can get to 60 votes, to achieve cloture. We would then be able to have a vote on the pending amendment. Other than that, we would be thwarted. There would be a procedural roadblock in reaching a vote on Levin-Reed.

So that is the goal, if everyone is given a chance to speak on Levin-Reed, whatever side they are on, so that we can then, hopefully, end the debate on Levin-Reed and actually get to a vote on it.

Mr. McCAIN. Mr. President, I do not object, but I ask unanimous consent to engage in a colloquy with the Senator from Michigan about our plans for the day. For example, I understand there is a Cornyn amendment which may be voted on as well?

Mr. LEVIN. Mr. President, there is indeed, as I understand it, a consent which has been already reached that there be a vote on the Cornyn amendment at 2:45. There was an offer yesterday, as a matter of fact, to, I believe, simply accept that amendment, but someone wanted to have a rollcall vote on it. That is their right.

Mr. McCAIN. If I could ask my colleague further, I understand we also have well over 100 pending amendments on the bill as well. I would hope that at some point, Senator LEVIN and I can sit down and maybe start sorting through those if we have any hope whatsoever of completing this bill.

I would remind all of my colleagues that this body has passed—and has been signed into law—a Defense authorization bill for the last 45 years. There are aspects of this bill, as the Senator well knows as the distinguished chairman, that we worked very hard on, such as pay raises and other authorizations for much needed equipment, training, et cetera. I would hope the Senator from Michigan and I can start working on those aspects of the bill, if we have any hopes of passing an authorization bill this year.

Mr. LEVIN. If the Senator would yield, it is my fervent hope that we have a bill this year. It is not only my intent to try to work out amendments, it has been our intent for many days to work out those amendments. I understand there is some kind of a procedure that some Members on your side have insisted upon which has slowed down that process significantly. So our staffs and I, and I know the Senator from Arizona, the ranking member on the committee, are more than ready to work out these amendments, as many as possible. Usually, we can work out as many as 100 on an authorization bill. I think there are 190 amendments filed. We are up to the task. Our staffs are up to the task. We have to be allowed to proceed. I understand there is some kind of roadblock that perhaps the Senator from Arizona could identify and help to remove.

Mr. McCAIN. I thank Senator LEVIN. As I understand it, we will be debating the amendment of the chairman and the Senator from Rhode Island throughout the day and through tonight, and perhaps a cloture vote sometime tomorrow. Is that your understanding?

Mr. LEVIN. I believe it is set for 1 hour after the Senate convenes.

Mr. McCAIN. What is the parliamentary procedure, I would ask?

Mr. LEVIN. There is no time for that yet, for the Senate to come in tomorrow. We have to await that.

Mr. McCAIN. I thank Senator LEVIN.

This is the second week, as we know, we are on this bill. We have not gotten to many of the amendments that have anything to do with other aspects of defending this Nation besides the issue of Iraq. I look forward to working with him as we can try to not break a 45-year custom here that we provide the much needed authorization for the men and women in our defense establishment and provide for our Nation's security, which I think we all agree is our highest priority.

So, if I may continue the colloquy for just one moment, I know that there are—now we will be beginning, and I will give a statement after the chairman, if it is his desire, and then we will have speakers coming all day long on either side of this issue. I know many want to speak, and I hope they will be prepared to do so.

Mr. LEVIN. If the Senator would yield further, last week, we did accomplish a major achievement in terms of the wounded warrior legislation, which is now on this bill, and I believe, on Friday, there were speakers on the Iraq issue, on Levin-Reed and other amendments, and there were yesterday as well. So the debate on the Iraq amendments has taken place, and it is now going to continue today and into the night. Hopefully, we can get to a vote on Levin-Reed and not be thwarted by this 60-vote procedural roadblock.

Again, I want to say something that has been the case before. We had a number of votes on Iraq in the last authorization bill, and those were 50-vote votes. There was not a threat of a filibuster that deprived the Senate of voting on those amendments in the last authorization bill. For instance, there was a Levin-Reed amendment in the last authorization bill which I believe received 39 or 40 votes. There was also a Kerry amendment on Iraq which was voted up or down without that procedural roadblock.

I would hope that on this bill, given the absolute importance of this issue and the expression of opinion of the American people last November about this issue, that we would be allowed to vote up or down and to remove that 60-vote filibuster threat, the roadblock that has now been put in the way, and will determine tomorrow whether cloture will be invoked and that roadblock can be removed. But the Senator is correct, there is ample opportunity for people to come down today to continue the debate on the Iraq amendment should they choose.

Mr. McCAIN. Finally, I thank Senator LEVIN for all the great work we have been able to do together and the wounded warrior legislation, which Senator LEVIN, under his leadership, we have now adopted as part of the bill.

There is another compelling argument to complete the bill. If we are going to take care of our wounded veterans and we are going to take care of the men and women who have served, I think it is a compelling argument that we get this legislation passed.

Finally, we have been back and forth on this issue. I do not like to get into the process and go back and forth. But 60 votes was not invented on this side, nor was it invented on the other side. The 60-vote procedure has been employed by the minority in recent years—in my view, all too often. But the fact is, to somehow say it was invented here on this side of the aisle obviously is not the case. There were many times, when the Democratic Party was in the minority in this body, where I saw 60 votes invoked, the procedure invoked, because it was felt, appropriately, because that is the way the Senate works, as the criteria for moving forward because of the urgency or the importance of the pending legislation.

So what is missing here, I would say to my friend from Michigan—and I think he agrees with me—is what we have seen is the erosion, over the past 20 years I have been here, of an ability to sit down and discuss and agree and move forward. That is what is the missing ingredient here, and it has been missing for some years.

I regret it. I may be a little optimistic, but I think if it were only between the Senator from Michigan and me, we could dispose of most of these issues rather readily and establish a procedure for moving forward. We are now at the point—let's have some straight talk—that this entire bill is in jeopardy because of the imbroglio of the war in Iraq being added to an authorization bill which was not intended to be a national security piece of legislation. It was intended to be a bill to authorize the necessary funding, training, and equipping of the men and women in the military, and care for our wounded veterans has been added. I regret the situation as it is, but that is the way it is. We will spend today debating this issue and discussing it. I hope at some point we will realize the war is going to be going on. This bill, if it is passed with the Reed-Levin amendment on it, would be vetoed by the President. That would be a bad thing to happen. The war will be discussed in September again—we all know that—when General Petraeus is ready to report to the Senate. At some point I would hope we could move forward on the authorization bill and do the things that are necessary to help equip and train and ready the men and women serving in the military and preserving our national security.

Again, I appreciate the efforts the Senator from Michigan, distinguished chairman of the committee, is making in this direction.

Mr. LEVIN. I thank my friend for his willingness to always sit down and try to work things out. The roadblock here to our proceeding will be either kept in place or removed tomorrow with the vote on whether to allow Levin-Reed to come to a vote. The Senator is right that there have been times when people have filibustered matters. There have been times when they have decided not to. On the Iraq issue, on the last authorization bill, there were votes up or down without a 60-vote procedural roadblock being put in place to the then Levin-Reed and Kerry amendments. So that is the precedent we established last year that I would hope the Republican leader would allow to be followed, because—one other comment—I can't think of a more appropriate place to be debating Iraq policy, frankly, than on an authorization bill. Whether I am right or wrong, that is what happened last year. I hope it will again be followed this year.

I thank my good friend. My remarks will be coming this afternoon.

Senator KENNEDY will be following the Senator from Arizona.

The PRESIDING OFFICER (Mr. CASEY). Without objection, the foregoing request to have the Senator from Massachusetts follow the Senator from Arizona is agreed to.

Mr. McCAIN. Mr. President, I oppose the amendment offered by the chairman and the Senator from Rhode Island. Let's be very clear what this amendment would do. It would mandate a withdrawal of U.S. forces from Iraq. The debate that has taken place on this floor for some months now comes down to a simple choice. The sponsors of this amendment would have us legislate a withdrawal of U.S. combat forces from Iraq within 120 days of enactment, leaving in place only forces authorized to carry out specific, narrow missions. That is one choice, to force an end to the war in Iraq and accept thereby all the terrible consequences that follow. The other is to defeat this amendment, to give General Petraeus and the troops under his command the time and support they have requested to carry out their mission, to allow them to safeguard vital American interests and an Iraqi population at risk of genocide. That is the choice.

Though politics and popular opinion may be pushing us in one direction, to take the easy course, we, as elected leaders, have a greater responsibility. A measure of courage is required, not the great courage exhibited by the brave men and women fighting today in Iraq and Afghanistan, but a smaller measure, the courage necessary to put our country's interests before every personal or political consideration.

I wish to spend a few moments reviewing the state of affairs in Iraq today. The final reinforcements needed to implement General Petraeus's new counterinsurgency strategy arrived several weeks ago. From what I saw and heard on my recent trips and from briefings and reports since then, I believe our military, in cooperation with Iraqi security forces, is making progress in a number of areas. The areas where they are operating have not suddenly become safe, but they do illustrate the progress that our military has achieved under General Petraeus's new strategy. The most dramatic advances have been made in Anbar Province, a region that last year was widely believed to be lost to al-Qaida. After an offensive by U.S. and Iraqi troops cleaned al-Qaida fighters off of Ramadi and other areas of western Anbar Province, tribal sheikhs broke formally with the terrorists and joined the coalition side.

Ramadi, which just months ago stood as Iraq's most dangerous city, is now one of its safest. In February, attacks in Ramadi averaged between 30 and 35. Now many days see no attacks at all—no gunfire, no IEDs, and no suicide bombings.

In Fallujah, Iraqi police have established numerous stations and have divided the city into gated districts, leading to a decline in violence. Local intelligence tips have proliferated in the province. Thousands of men are signing up for the police and the army, and the locals are taking the fight to al-Qaida. U.S. commanders in Anbar attest that all 18 major tribes in the province are now on board with the security plan. They expect that a year from now, the Iraqi Army and police could have total control of security in Ramadi. At that point, they project, we could safely draw down American forces in the area.

The Anbar model is one our military is attempting to replicate in other parts of Iraq with some real successes. A brigade of the 10th Mountain Division, is operating in areas south of Baghdad, the belts around the capital which have been havens for al-Qaida and other insurgents. All soldiers in I brigades are living forward and commanders report that local sheikhs are increasingly siding with the coalition against al-Qaida, the main enemy in that area of operations.

Southeast of Baghdad the military is targeting al-Qaida in safe havens they maintain along the Tigris River, and MG Rick Lynch, commander of operations there, recently reported that attacks on civilians in his area of operations were down 20 percent since April and civilian deaths have declined by 55 percent. These and other efforts are part of Operation Phantom Thunder, a military operation intended to stop insurgents present in the Baghdad belts from originating attacks in the capital itself.

In Baghdad, the military, in cooperation with Iraqi security forces, continues to establish joint security stations and deploy throughout the city in order to get violence under control. These efforts have produced positive results. Sectarian violence has fallen since January. The total number of car bombings and suicide attacks declined in May and June, and the number of locals coming forward with intelligence tips has risen. Make no mistake: Violence in Baghdad remains at unacceptably high levels. Suicide bombers and other threats pose formidable challenges, and other difficulties abound. Nevertheless, there appears to be overall movement in the right direction.

North of Baghdad, Iraqi and American troops have surged into Diyala Province and are fighting to deny al-Qaida sanctuary in the city of Baquba. For the first time since the war began, Americans showed up in force and did not quickly withdraw from the area. In response, locals have formed a new alliance with the coalition to counter al-Qaida. Diyala, which was the center of Abu Musab al-Zarqawi's Islamic caliphate finally has a chance to turn aside the forces of extremism.

I offer these observations not in order to present a rosy scenario of the challenges we continue to face in Iraq. As the horrific bombing in Salah ad-Din Province illustrates so graphically, the threats to Iraqi stability have not gone away, nor are they likely to go away in the near future. Our brave men and women in Iraq will continue to face great challenges. What I do believe, however, is that while the mission to bring a degree of security to Iraq and Baghdad and its environs in particular, in order to establish the necessary precondition for political and economic process, is still in its early stages, the progress our military has made should encourage all of us.

It is also clear that the overall strategy General Petraeus has put into place, a traditional counterinsurgency strategy that emphasizes protecting the population and gets our troops off of bases and into the areas they are trying to protect, is the correct one.

Some of my colleagues argue we should return troops to forward operating bases and confine their activities to training in targeted counterterrorism operations. That is precisely what we did for 3½ years, which I, time after time, said was doomed to failure. The situation in Iraq only got worse. I am, frankly, surprised that my colleagues would advocate a return to the failed Rumsfeld-Casey strategy. No one can be certain whether this new strategy, which remains in the early stages, can bring about ever greater stability. We can be sure, however, that should the Senate seek to legislate an end to the strategy as it is just commencing, then we will fail for certain.

Now that the military effort in Iraq is showing some signs of progress, space is opening for political progress. Yet rather than seizing the opportunity, the government of Prime Minister Maliki is not functioning as it must. We see little evidence of reconciliation, and none of the 18 benchmarks has yet been met. Progress is not enough. We need to see results. Today. I am sorry to report the results are not there. The Iraqi Government can function. The question is whether it will. If there is to be hope of a sustainable end to the violence that so plagues that country, Iraqi political leaders must seize this opportunity. It will not come around again.

To encourage political progress, I believe we can find wisdom in several suggestions put forward recently by Henry Kissinger. An intensified negotiation among the Iraqi parties could limit violence, promote reconciliation, and put the political system on a more stable footing. At the same time we should promote a dialog between the Iraqi Government and its Sunni Arab neighbors, specifically Egypt, Jordan, and Saudi Arabia, in order to build broader international acceptance for the Iraqi central Government in exchange for that Government meeting specific obligations with respect to the protection and political participation of the Sunni minority. These countries should cease their efforts to handpick new Iraqi leaders and instead contribute to stabilizing Iraq, an effort that would directly serve their national interests.

Finally, we should begin a broader effort to establish a basis for aid and even peacekeeping efforts by the international community key to political progress in Iraq. In taking such steps, we must recognize that no lasting political settlement can grow out of a U.S. withdrawal. On the contrary, a withdrawal must grow out of a political solution, a solution made possible by the imposition of security by coalition and Iraqi forces.

Secretary Kissinger is absolutely correct when he states "precipitate withdrawal would produce a disaster" and one that "would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia," produce greater violence among Iraqi factions, and embolden radical Islamists around the world.

Let us keep in the front of our minds the likely consequences of premature withdrawal from Iraq. Many of my colleagues would like to believe that should the withdrawal amendment we are currently debating become law, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous, and more arduous effort to contain the forces unleashed by our disengagement.

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Already, the terrorists are emboldened, excited that America is talking about not winning in Iraq but is, rather, debating when we should lose. Last week, Ayman al-Zawahiri, al-Qaida's deputy chief, said the United States is merely delaying our inevitable defeat in Iraq and that the Mujahedin of Islam in Iraq of the caliphate and Jihad are advancing with steady steps toward victory. He called on Muslims to travel to Iraq to fight Americans and appealed for Muslims to support the Islamic State in Iraq, a group established by al-Qaida.

General Petraeus has called al-Qaida "the principal short-term threat to Iraq." What do the supporters of this amendment believe to be the consequences of our leaving the battlefield with al-Qaida in place? If we leave Iraq prematurely, jihadists around the world will interpret the withdrawal as their great victory against our great power. Their movement thrives in an atmosphere of perceived victory. We saw this in the surge of men and money flowing to al-Qaida following the Soviet Union withdrawal from Afghanistan. If they defeat the United States in Iraq, they will believe that anything is possible, that history is on their side, that they can bring their terrible rule to lands the world over. Recall the plan laid out in a letter from Zawahiri to Abu Mus'ab al-Zarqawi before his death. That plan is to take shape in four stages: Establish a caliphate in Iraq, extend the "jihad wave" to the secular countries neighboring Iraq, clash with Israel—none of which will commence until the completion of stage one: Expel the Americans from Iraq. The terrorists are in this war to win it. The question is, Are we?

The supporters of this amendment respond that they do not, by any means, intend to cede the battlefield to al-Qaida. On the contrary, the legislation would allow U.S. forces, presumably holed up in forward-operating bases, to carry out targeted counterterrorism operations. But our own military commanders say this approach will not succeed and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed strategy of the last 3½ years.

MG Rick Lynch, who is directing a major part of the Baghdad offensive, said over the weekend that an early American withdrawal would clear the way for the enemy to come back to areas now being cleared of insurgents. "When we go out there," he said, "the first question they ask is: 'Are you staying?' And the second is: 'How can we help?' "

General Lynch added that should U.S. forces pull back before the job is complete, we risk "an environment where the enemy could come back and fill the void."

On Monday, last Monday, Lieutenant General Odierno, the No. 2 commander in Iraq said:

> My assessment right now is I need more time. I'm seeing some progress now here in Iraq. We have really just started what the Iraqis term "liberating" them from al-Qaida.

Withdrawing before there is a stable and legitimate Iraqi authority would turn Iraq into a failed State and a terrorist sanctuary in the heart of the Middle East. We have seen a failed State emerge after U.S. disengagement once before, and it cost us terribly. In pre-9/11 Afghanistan, terrorists found sanctuary to train and plan attacks with impunity. We know that today there are terrorists in Iraq who are planning attacks against Americans. We cannot make this fatal mistake twice.

As my friend, GEN Brent Scowcroft, has said recently, one of the men I respect more than most any in America:

> The costs of staying are visible. The costs of getting out are almost never discussed. If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.

Natan Sharansky has recently written:

> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison.

Should we leave Iraq before there is a basic level of stability, we will invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. Iran will comfortably step into the power vacuum left by a U.S. withdrawal, and such an aggrandizement of fundamentalist power has great potential to spark greater Sunni-Shia conflicts across the region.

Leaving prematurely would induce Iraq's neighbors, including Saudi Arabia and Jordan, Egypt to Israel, Turkey and others, to feel their own security eroding and may well induce them to act in ways that prompt wider instability. The potential for genocide, wider war, spiraling oil prices, and the perception of strategic American defeat is real, and no vote on this floor will change that.

Don't take my word for it. Consult, perhaps, the Iraq Study Group, which says:

> A chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally. Al-Qaida will portray any failure by the United States in Iraq as a sinificant victory that will be featured prominently as they recruit for their cause in the region and in the world.

The report goes on to say that:

> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaida would depict our withdrawal as a historic victory.

Or perhaps ask the Iraqis. BG Qassim Attam, the chief Iraqi spokesman for the Baghdad security plan, said last Sunday the Iraqi military and police force need more time before they are capable of assuming control of the country's security.

Or maybe our intelligence agencies which in the January National Intelligence Estimate concluded:

> If coalition forces were withdrawn rapidly during the term of this estimate, we judge this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi government, and have adverse consequences for national reconciliation. The ISF would be unlikely to survive as a nonsectarian national institution; neighboring countries might intervene openly in the conflict; massive civilian casualties and forced population displacement would be probable; AQI outside Iraq would attempt to use parts of the country to plan increased attacks in and out of Iraq, and spiraling violence and political disarray in Iraq, along with Kurdish moves to control Kirkuk and strengthen autonomy, could prompt Turkey to launch a military incursion.

These are the likely consequences of a precipitous withdrawal. I hope the supporters of such a move will tell us what they believe to be the likely consequences of this course of action. Should their amendment become law and U.S. troops begin withdrawing, do they believe that Iraq will become more or less stable? That al-Qaida will find it easier to gather, plan, and carry out attacks from Iraqi soil or that our withdrawal will somehow make this less likely? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or ever likelier?

This fight is about Iraq but not about Iraq alone. It is greater than that and, more important still, about whether America still has the political courage to fight for victory or whether we will settle for defeat with all the terrible things that accompany it. We cannot walk away gracefully from defeat in this war.

How we leave Iraq is very important. As the Iraq Study Group found:

> If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

General Petraeus and his commanders believe they have a strategy that can, over time, lead to success in Iraq. General Petraeus and Ambassador Ryan Crocker will come to Washington in September to report on the status of their efforts and those of the Iraqis. They request two things of us: the time necessary to see whether their efforts can succeed and the political courage to support them in their work. I believe we must give them both.

Right now, as we continue our debate on the war in Iraq, American soldiers, marines, sailors, and airmen are fighting bravely and tenaciously in battles that are as dangerous, difficult, and consequential as the great battles of our armed forces' storied past. Americans who fought in France's hedgerow country; those who bled in the sands and jungles of the Pacific Islands, who braved the onslaught of the Chinese Army in the frozen terrain of Korea and who fought a desperate battle to retake Hue from the enemy during the Tet Offensive and against numerically superior forces in an isolated Marine base at Khe San, will recognize and honor the sacrifice of Americans who now fight with such valor, determination, and skill to defend the security interests and the honor of our country in desperate battles in Iraq.

The hour is indeed late in Iraq. How we have arrived at this critical and desperate moment has been well chronicled, and history's judgment about the long catalog of mistakes in the prosecution of this war will be stern and unforgiving. But history will revere the honor and the sacrifice of those Americans who, despite the mistakes and the failures of both civilian and military leaders, shouldered a rifle and risked everything—everything—so the country they love so well might not suffer the many dangerous consequences of defeat.

We read in our leading newspapers about those veterans of the Iraq war who have organized to oppose its continuation. They have fought for America's freedom, and they have every right to exercise their freedom, to oppose their Government's policies. I wish, though, that the press would pay at least equal attention to the many veterans—many more veterans, many more veterans—who have fought, suffered, and witnessed the ultimate sacrifice, the loss of their dearest friends, and yet are still committed to America's success in Iraq, and to those who have served multiple tours in this terrible war and yet reenlist because they remain steadfast in the belief that they can achieve the mission they have already risked so much to achieve. The American public, those who still support our effort in Iraq and those who desire a quick end to it, should be daily reminded that although our country is deeply divided about this war, most of the many thousands of Americans who have suffered its worst miseries are still resolved—still resolved—that it not end in an American defeat.

Our new counterinsurgency strategy is succeeding where our previous tactics failed us. We are taking from the enemy and holding territory that was once given up for lost. Those who have falsely described General Petraeus's efforts as "staying the course" are the real advocates of continuing on the course of failure. Many of those who decry the way we got into this war and the way we fought it are now advocating a way out of it that suffers from more willful refusal to face facts than they accuse the administration of exhibiting. Although we all seem to be united in recognizing the mistakes and failures of the past, the proponents of reducing our forces in Iraq and keeping them in secure bases from which they could occasionally launch search and destroy missions are proposing to return to the very tactics that have brought us to the point of trying to salvage from the wreckage of those mistakes a last best hope for success.

That is what General Petraeus and the Americans he has the honor to command are trying to do—to fight smarter and better, in a way that addresses and doesn't strengthen the tactics of the enemy and to give the Iraqis the security and opportunity to make the necessary political decisions to save their country from the abyss of genocide and a permanent and spreading war. So far, the Maliki Government has not risen to that challenge, and it must do so. It is obvious that America is losing our resolve to continue sacrificing its sons and daughters, while the Iraqi Government will not take the political risks to do what is plainly in the best interests of the Iraqi people.

But we do not fight only for the interest of Iraqis, Mr. President, we fight for ours as well.

We, too, we Members of Congress, must face our responsibilities honestly and bravely. What is asked of us is so less onerous than what we have asked from our servicemen and women, but no less consequential. We need not risk our lives, nor our health, but only our political advantages so that General Petraeus has the time and resources he has asked for to follow up on his recent successes and help save Iraq and America from the catastrophe that would be an American defeat. That is not much to risk compared to the sacrifices made by Americans fighting in Iraq or the terrible consequences of our defeat. For if we withdraw from Iraq, if we choose to lose there, there is no doubt in my mind, no doubt at all, that we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

Little is asked of us to help prevent this catastrophe, but so much depends on our willingness to do so, on the sincerity of our pledge to serve America's interests before our own. The Americans who must make the greatest sacrifices have earned the right to insist that we do our duty, as best as we can see it, and accept willingly and graciously whatever small sacrifice we must make with our own personal and partisan ambitions. Ours is a noisy, restive, and contentious profession. It has always been thus, and it always will be. But in this moment of serious peril for America, we must all of us remember to whom and what we owe our first allegiance—to the security of the American people and to the ideals upon which we our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. The history of this country, after all, is not merely a chronicle of political winners and losers, it is a judgment of who has and who has not contributed to the continued success of America, the greatest political experiment in human history.

It is my sincere wish that all of us, Republicans and Democrats, should know in our hearts whatever mistakes we have made in our lives, personally or politically, whatever acclaim we have achieved or disappointment we have suffered, that we have, in the end, earned history's favor. I hope we might all have good reason to expect a kinder judgment of our flaws and follies because when it mattered most we chose to put the interests of this great and good Nation before our own, and helped, in our own small way, preserve for all humanity the magnificent and inspiring example of an assured, successful and ever advancing America and the ideals that make us still the greatest Nation on Earth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, these are very difficult days in our history, and I welcome the comments of my friend and colleague from Arizona and his views about the position of the United States and its policy with regard to Iraq. He reminds us that we ought to free ourselves from these political considerations. This situation is too demanding. The value of our involvement in terms of American service men and women is too dear. The resources of this country are too important to squander them.

A number of us had serious reservations about involving the United States in military engagement, a war with Iraq. A number of us still remember being on the Armed Services Committee and listening to the combat commanders—the first panel in the Armed Services Committee on that particular day. We listened to General Hoar, from Hyde Park, MA, a highly decorated marine. We saw a number of decorations for bravery and courage in Vietnam. We listened to General Nash, who had been in the first gulf war and had been our Commander in Bosnia. We read through General Zinni's comments at that time. We listened to General Clark as well. They are a group of combat commanders, and all urged that the United States keep its focus and attention on those who brought the tragedy to the United States on 9/11.

Osama bin Laden and al-Qaida were the real danger and threat to the United States. They were located in Afghanistan. They said that is where our focus and attention should be and that involvement in Iraq would be clearly not in our interest. I remember those extraordinary words of General Hoar, who said if we become involved in Iraq, the battle in Baghdad that he foresaw would make the first fifteen minutes of "Private Ryan" look like a church picnic. "Private Ryan" was that extraordinary film by Steven Spielberg. That made a very profound impression upon me. That impression was enhanced when we listened to the statements that were made by Defense Secretary Rumsfeld when they talked about the weapons of mass destruction being on the north, south, east, and west of Baghdad.

The ranking member of our committee, the chairman of the Armed Services Committee, Carl Levin, had suggested that we give information to the inspectors. The response was that we cannot give it to the inspectors because Saddam Hussein will move them. Senator LEVIN said: Well, why don't we then watch where they are being moved to, to be able to convince the world community about these weapons of mass destruction?

At least it was assumed by the response that was given at that time that we were going to make available to the inspection teams the locations of those weapons of mass destruction. We found out, historically, that never happened because there weren't any. So there was important debate and discussion within the administration.

Should we follow the precedent of President Bush 1, which said this is a very important issue about going to war in Iraq, and rather than attaining it in the course of an election, let's have an election and then have the Congress make a judgment and decision. The decision said public opinion at that time was overwhelmingly to go to war, and we were going to have that vote just prior to the election. I hope we are going to spare ourselves this idea that those of us who are supporting the Levin-Reed amendment are looking at the politics of it. We saw the realities of it when we made the mistake in going to war.

Secondly, we are very mindful that Iraq is a country with 26 million or 27 million people. It basically has an extraordinary history and incredible culture, amazing oil reserves, many different kinds of assets. But it was defeated 10 years ago by the United States of America in a war—defeated. We had the air space, controlling that over Iraq. We have the best fighting force in the world over there now for in excess of 4 years fighting.

As many of us have said, the military has done everything they were called to do. Does anybody doubt the finest military force which swept through western Europe and Africa and Italy, went through the Pacific in less time in World War II? We have had them over there bogged down in this country of 27 million people. Has anybody doubted that we need more than a military resolution and solution, and the fact that we continue to keep the American service men and women in harm's way, that we are somehow protecting them? Is that what we are being asked to believe after they have been over there for 4 years, when they are able and capable of doing everything which they have done, and done so bravely, I say it is time to bring them home. I say it is time to support the Levin amendment.

I hope during this debate we are not going to have the continued references on the issues of patriotism. We have worn out that argument, and we heard it all. It didn't work in the last election, where many of us who were strongly opposed to the war faced those kinds of drum beats.

Secondly, our Founding Fathers had a very important view about what the Senate of the United States should be and the importance of protecting minority views in this body. This was going to be the institution that was going to be able to permit individuals who represented minority views, differing views, to be able to express themselves. As we have learned historically so often, those expressed by a small group often become the majority accepted views in future years. The Founding Fathers understood that. They wanted to make sure those ideas and concepts were going to be protected.

What the Founding Fathers never anticipated was that rules were going to be used to abuse the American people's right to be able to express themselves, particularly on issues of war and peace. That is what we are seeing now—delay for delay's sake, not delay so that we can have greater information about what is happening over in Iraq. That is not the issue. It is delay for delay's sake, a refusal to permit the Senate to express itself.

The House has expressed itself. Permit the Senate to express itself. Let's have a debate and discussion. The American people have made up their minds on this issue. We don't have to doubt that. The American people have made up their minds. They want their elected representatives to speak. I understand why the Republicans don't want their name on that rollcall as supporting this President, this war, at this time. I understand it. That, my colleagues, is really what this is about. People just refuse, don't want it.

Let's have some process or procedure, some way to avoid calling the roll and taking a stand on an issue of war and peace. That is what this debate, at least for the next several hours, is going to be about.

Are we going to be able to permit this institution to function in the way it was intended to function; that is, at a time when the American people have made a judgment and a decision on a particular issue, to be able to call the roll and have accountability, or whether we are going to be denied that. After all of the rhetoric about the role in history and the importance of this issue, that is where it comes down.

So, Mr. President, this is an extremely important debate. What is so important to understand is this is not an issue that is going away. Those of us who were opposed to the war continue to be opposed to it. Listen to the argument about what the consequences are going to be. What are the consequences going to be now, what are they going to be in 3 years, what are they going to be in 5 years, what are they going to be in 7 years? Many of us are sufficiently uncertain about this issue that we voted "no" in terms of giving to this President the authority to move this country and commit it in a way we have done so.

America is paying an enormous cost for a war we never should have fought, and it is time to bring it to an end. The war has divided us at home. It has made us more isolated in the world. Never before, even in the Vietnam war, has America taken such massive military action with so little international support.

As the intelligence community confirmed yet again today, the war has become a significant recruitment tool for al-Qaida. What was the surge intended to accomplish? The surge was meant to reduce violence; it has not. To permit reconstruction; it has not. To promote reconciliation; it has not. All we have to do is read the Administration's own reports.

As the intelligence community confirmed yet again today, the war has become a significant recruitment tool for al-Qaida. The NIE says:

> We assess that Al Qaeda's association with Al Qaeda Iraq helps Al Qaeda to energize the broader Sunni extremist community, raise resources, and recruit and indoctrinate operatives, including for homeland attacks.

This has obviously made the war on terrorism harder, not easier, to win. Nevertheless, the administration still continues to turn a deaf ear to all the voices calling for change. It continues to plead for more and more time to pursue its failed course in Iraq. Republicans in the Senate continue to filibuster any effort to outline a clear timetable for the withdrawal of American troops.

The disastrous consequences of our policy could have been avoided if the President and his advisers had asked the right questions before rushing headlong into an unnecessary and unjust war.

In my church, there are six principles which guide the determination of just war. They were developed by Saint Augustine in the 5th century and expanded by Saint Thomas Aquinas in the 13th century. To be just, a war must have a just cause, confronting a danger that is beyond question. It must be declared by a legitimate authority acting on behalf of the people. It must be driven by the right intention, not ulterior, self-interested motives. It must be a last resort. It must be proportional so that the harm inflicted does not outweigh the good achieved. And it must have a reasonable chance of success.

These are the sound criteria by which the President should have judged our war in Iraq, but he failed our men and women in uniform by refusing to seek honest answers to these important questions before recklessly plunging the Nation into war.

We now know with crystal clarity that the war in Iraq did not meet these criteria. Saddam did not pose the kind of threat that justified this war, but we went to war anyway without legitimate support from the international community. The administration was wrong to allow the anti-Iraq zealots in its ranks to exploit the 9/11 tragedy to make war against Iraq a higher priority than the war against terrorism in Afghanistan.

War with Iraq was most certainly not the last resort. All options were not pursued. We should have given inspectors more time to reveal that there were, in fact, no weapons of mass destruction.

The human cost of this war has been unacceptable. More than 3,600 Americans have been killed and nearly 27,000 wounded. Tens of thousands of Iraqis have been killed and Iraq has descended into civil war.

The administration's incompetence in waging this misguided war has left no reasonable chance for success. Americans have spoken clearly and urgently about the need to end the war, and it is time for the President to listen to their pleas. We should end this war with a scaled-back mission for our troops and a clear timetable for withdrawal specified in the Levin-Reed amendment.

America has been sadly diminished in the world because of this colossal blunder. Anti-Americanism is on the rise. We have seemed to have lost our way, our vision, and our confidence in the future.

In his farewell address to the Nation in January 1989, Ronald Reagan described one of the singular triumphs of his Presidency: the recovery of America's standing and morale. I believe he was right when he said:

> America is respected again in the world and looked to for leadership.

Other nations understood that the best guarantee of peace and stability was for the United States to live up to its ideals as a beacon of hope for the rest of the planet. We were admired for our democracy and respected for our economic strength.

Today, others have stopped listening to us the way they once did. At the end of June, the Pew Global Attitudes Project reported that since 2002, the image of the United States has plummeted throughout the world. Our image is abysmal in most Muslim countries and continues to decline among the people of many of America's oldest allies. We have strained the extraordinary alliances that advance our ideals, as well as our interests.

At the root of much of the anti-Americanism that has surfaced in recent years is the perception of American unilateralism in international affairs. I am astonished when some say it does not matter that so many in the world no longer respect the United States. Of course, it matters. It matters to our security, as it has mattered since the first days of our Republic.

The opening paragraph of the Declaration of Independence acknowledges the importance of a decent respect for the opinions of mankind. That respect is as important today as it was when our Founders signed the Declaration, affirming it on the first Fourth of July.

To restore America's standing and strength, we must end the war in Iraq and recapture that combination of realism and idealism that has inspired Americans for generations. Ending this unacceptable war is essential to our security and to regaining our respect in the world.

The great challenges facing our fragile planet require an abundance of hope that only a united and a determined America can provide. America has to lead. America has to inspire. But we cannot do so if we remain bogged down in Iraq's civil war. Might alone cannot make America right. By prescribing our own rules for the modern world, we have deprived our great Nation of the moral claim that is the basis of our being, the purpose of our power, and we are paying an exorbitant price.

We can and sometimes must defend democracy by force, but we cannot impose it by force. Democratic principles are universal, but democracy must find its champions within each country's culture and traditions. We need to end the war and regain a time when America is able to seek common ground with our friends. We need to renew the alliances that kept the world safe for human rights and human survival when the threat for nuclear war was a clear and present danger.

We will always defend our interests, but we put them at grave risk when we act unilaterally in an independent world. We live in a time of enormous possibility and enormous risk. No nation is guaranteed a limitless future of prosperity or security. We have to work for it. We have to sacrifice for it. The sacrifices we are making in Iraq are no longer worth the immense cost in human lives or the immense cost to our national prestige and interest.

President Bush has squandered every opportunity to stabilize Iraq. Any honest assessment can realistically lead to only one conclusion: America's interest will best be served when our military disengages from Iraq. Certainly, there will be violence when our combat troops leave, but there will be far more violence if we continue to police Iraq's civil war indefinitely, as the President proposes.

Last week President Bush said, "There is war fatigue in America. It's affecting our psychology." For once the President is right. There is fatigue in America. Americans are tired of an administration whose ill-conceived notion of a preventive war plunged this Nation into Iraq's bloody civil war. Americans are tired of an administration that told us the mission was accomplished when the tally of American dead was only beginning to mount. Americans are tired of an administration that continues to promise that hope is just around the corner and begs for time for a policy that stands no chance of succeeding now, in September, or ever.

Years ago, one of the giants of the Senate said:

> Partisanship should stop at the water's edge.

Arthur Vandenberg, a Republican from Michigan, who was chairman of the Foreign Relations Committee, worked closely with President Truman to lay the foundation for the foreign policy of the United States that could guide us through the Cold War. Senator Vandenberg set the bar high for us in the Senate. We can aspire to that idea, but it is hard to achieve it in this Congress, as it has been in other Congresses.

Over the past few weeks, a shift has begun to take place, not as quickly as many of us feel is necessary, but nonetheless a change. Two weeks ago, in a speech on this floor, one of the successors of Arthur Vandenberg as chairman of the Foreign Relations Committee, our distinguished colleague from Indiana who was himself chairman of the Foreign Relations Committee, reminded us that we do not owe the President our unquestioning agreement, but we do owe him and the American people our constructive engagement.

Last Friday, Senator LUGAR was joined by the senior Senator from Virginia, Mr. WARNER, in offering an amendment that would require the administration to review our Iraq strategy and outline plans for an orderly redeployment of our troops.

Two weeks ago in a statement on this floor, Senator LUGAR said:

> The United States has violated some basic national security precepts during our military engagement in Iraq. We have overestimated what the military can achieve, we have set goals that are unrealistic, and we have inadequately factored in the broader regional consequences of our actions. Perhaps more critically, our focus on Iraq has diverted us from opportunities to change the world in directions that strengthen our national security.

I agree with that judgment, although I believe the Warner-Lugar amendment does not go far enough in bringing this war to an end. It is undeniable that the American people have turned against this war, and it is imperative for the President to understand and accept that basic fact. We call for the President to end the war, not as Democrats or Republicans, but as Americans who are deeply concerned about the perilous path on which the Nation is moving.

The American people understand there are no easy options, but they also understand that the President's strategy simply does not protect U.S. interests. They understand it is wrong to buy time, to hand off the mess in Iraq to the next President, and to keep our troops in harm's way with a policy that is not worthy of their sacrifice.

The overarching question is not whether we leave Iraq but how we leave Iraq. Disastrous choices and disastrous leadership have brought us to this dangerous point. We need to redefine our strategic goal in Iraq and the region and have a realistic policy that supports that objective. Whatever we do, it is going to be difficult, but we need to move forward and begin the process, and soon.

We need to work with Iraq's neighbors to mitigate the damage the President's policies have created and minimize outside intervention, but we cannot allow the fear of instability to put the brakes on the process of military disengagement.

Majorities in free countries bordering Iraq—Turkey, Jordan, and Kuwait—say our troops should be removed. In Turkey, one of our most important allies in the region bordering Iraq, only 9 percent support our position. Even in Iraq, just a few months ago, tens of thousands marched demanding an end to what they call the "American occupation."

Each country in the region has an interest in Iraq's stability, and we need to work with them diplomatically to find common ground and mitigate the damage caused by the President's failed policy. They need to come forward and work with our Nation and play a constructive role. Part of that effort needs to address the growing needs of the millions who have fled the violence in Iraq.

More than 2 million Iraqis have fled to neighboring Jordan and Syria, and they are a destabilizing force in the region. The toll of suffering is immense. The danger these tragic circumstances pose for our national security and the countries in the region hosting these vulnerable people is real. The anger, the desperation, the hopelessness that envelope these refugees is a breeding ground for terrorists and will undoubtedly be exploited by our enemies.

America has a fundamental moral obligation to help, especially those who have supported America in Iraq. There is no doubt that Iraqis who have worked in positions in direct support of the United States have been killed or injured in reprisals for that support. Many more Iraqis associated with the United States have fled in fear and lost all they had. We must keep faith with those who now have a bull's-eye on their back because of their ties with our country.

At a hearing by the Senate Judiciary Committee earlier this year, Iraqis offered chilling testimony about the dangers they face because of their association with America. A translator for U.S. and coalition forces told of seeing his name posted on death lists and said his friends turned on him because they believed he was a traitor. An Iraqi truck driver who delivered water to American forces said that terrorist groups had targeted him, his wife, and their six children because of his support for our soldiers.

Not only do we have an obligation to help those who have helped us, we have a precedent for action. As the war in Vietnam drew to a close, President Ford emphasized America's duty to rescue those who had helped and assisted us. He called our response to that refugee crisis a reaffirmation of America's awareness of the roots and ideals of our society, and he personally greeted Vietnamese refugees on their arrival here.

But, sadly, there are many Iraqis working with our Armed Forces, our diplomatic mission, and our reconstruction teams in Iraq who have performed valiantly but have been abandoned by our Government in their hour of need. Because of this support, insurgents have threatened and attacked their family members. Many have lost their lives, and many more have lost their houses, property, and livelihood. For some, it will be too dangerous to ever return.

America cannot resettle all of Iraq's refugees, but we must show leadership by accepting far greater numbers of refugees closely associated with our military operation. Keeping our troops in Iraq indefinitely, as the President proposes, is simply not the solution to the humanitarian and refugee crisis.

The consequences of the decisions we make here in Congress profoundly affect our military, their families, and the communities they have left. We have an obligation to our soldiers to make sensible decisions that will not place them needlessly in harm's way. In February, I spoke about the 65 soldiers from Massachusetts who had died in Iraq. Since then, Massachusetts has lost 10 more. We in Massachusetts feel especially deeply the loss of these sons and daughters killed in Iraq:

PVT John Landry, SGT Adam Kennedy, CPT Anthony Palermo, SSG William Callahan, 1LT Ryan P. Jones, SPC Kyl Little, LCpl Walter O'Haire, LT Andrew Bacevich, SGT Daniel Newsome, and SSG Robb Rolfing.

We salute them, we pray for their families, we honor their sacrifice today and every day. We must insist on a policy worthy of their sacrifice.

The choice is clear: We can continue on the same failed course as those who are leading this filibuster in the Senate are proposing or we can adopt the Levin-Reed amendment and begin to bring our troops home to the hero's welcome they have earned and so obviously deserve.

For the sake of our men and women in uniform and our national security, I hope we will change course and approve the Levin-Reed amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will respond very briefly to the comments of the Senator from Massachusetts on several points in his thoughtful statement.

He talks about indefinite—indefinitely the United States Armed Forces in Iraq. I think that is a far cry from what we are seeking here. What we are seeking here is an opportunity for the surge strategy to have a chance to succeed, the last part of which was put in place a few weeks ago. In fact, as the Washington Post points out:

> Generals have devised a new strategy, believing they are making fitful progress in calming Baghdad, training the Iraqi army, and encouraging anti-al-Qaeda coalitions. Before Congress begins managing rotation schedules and ordering withdrawals, it should at least give those generals the months they asked for to see whether their strategy can offer some new hope.

It is not about indefinite presence, it is about giving a new strategy a chance to succeed. I find it ironic, in a way, that I was one of the greatest critics of the Rumsfeld-Casey strategy—which was doomed to failure—which was a replica of the old search and destroy, where we went in and tried to kill people and left. This new strategy, this new general, I think, is showing some signs of success, and—not leaving our forces there "indefinitely"—allowing this strategy a chance to succeed is important.

There are very few people in the world I admire more than Natan Sharansky, a man who knows the meaning of oppression, imprisonment, and suffering, and he lives in the region. Natan Sharansky says:

> A precipitous withdrawal—

Which is what we are talking about here, Mr. President, not an indefinite U.S. presence.

> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison. Without U.S. troops in place to quell some of the violence, Iranian-backed Shiite militias would dramatically increase their attacks on Sunnis. Sunni militias backed by the Saudis or others would retaliate in kind, drawing Iraq more and more into a vicious cycle of violence. If Iraq descended into a full-blown civil war, the chaos could trigger similar clashes throughout the region as Sunni-Shiite tensions spill across Iraq's borders. The death toll and displacement of civilians could climb exponentially.

I am quoting from a piece Natan Sharansky wrote entitled "Leave Iraq and Brace for a Bigger Bloodbath."

We are not seeking an indefinite presence of the United States of America in Iraq. We are seeking the opportunity for this surge to have a chance to succeed. As General Lynch was quoted as saying:

> Surge forces are giving us the capability we have now to take the fight to the enemy. The enemy only responds to force, and we now have that force. We can conduct detailed kinetic strikes, we can do coordinate searches, and deny the enemy sanctuaries. If those surge forces go away, that capability goes away, and the security forces aren't ready yet to do that mission.

I am not asking us to blindly follow the lead of our military leaders, but I am asking us to give the person whom we unanimously voted to confirm as our military commander in Iraq, knowing full well what his strategy and surge was, a chance to succeed.

Time after time we hear General Lynch, the 3rd ID commander, say:

> Pulling out before the mission was accomplished would be a mess. You would find the enemy regularly gaining ground, reestablishing sanctuaries, building more IEDs, and the violence would escalate.

I share the frustration that all Americans do. This war has been mishandled. We have paid an enormous sacrifice, both the sacrifice of American blood and treasure, but I believe, as the Washington Post said:

> Before Congress begins managing rotation schedules and ordering withdrawals, it should at least give these generals the months they asked for to see whether their strategy can offer some new hope.

I hope we understand what this debate is about, whether we will set a timetable for troop withdrawals within 120 days or whether we will give General Petraeus and his able commanders and the brave young men and women who are serving an opportunity to see if this new strategy can succeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had made arrangements with the managers to speak between 12 and 12:30 on another matter, the pending nomination of Judge Leslie Southwick for the Fifth Circuit. Others have spoken longer, so I would ask unanimous consent that at this time I be permitted to speak for up to 15 minutes. I will try to make it a little shorter.

Mr. WEBB. Mr. President, I ask unanimous consent that Senators SPECTER, KLOBUCHAR, and HARKIN, in that order, each be recognized for up to 10 minutes as in morning business, and that at the conclusion of those remarks the Senate stand in recess, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I need a little more time than that. I will try to be shorter, but I would like the leeway of up to 15 minutes, as I had asked a few moments ago.

The PRESIDING OFFICER. Is there objection?

Mr. WEBB. I so modify my request, unless there is objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

NOMINATION OF JUDGE LESLIE H. SOUTHWICK

Mr. SPECTER. Mr. President, as stated a moment ago, I have sought recognition to speak about the nomination of a Mississippi appellate court judge, Leslie H. Southwick, to be a Federal judge on the Fifth Circuit Court of Appeals. I have asked for this time because Judge Southwick has been before the Judiciary Committee on several occasions and, because there is not much known about his record, there have been certain objections raised. I have talked to our colleagues on both sides of the aisle, and when they hear about his record, they are surprised that he is not moving through expeditiously. I thought it would be important to take a few moments to acquaint Senators with his record and, beyond that, to acquaint the public with the pending nomination.

This Chamber has seen some very contentious moments, going back over the past two decades, of partisanship on judicial nominations and extensive filibusters in 2004. Judges of both sides have been held up, with Republican Presidential nominees held up by a Democratic-controlled Senate, and the same thing with President Clinton's nominees being held up by a Republican Senate. I moved and supported President Clinton's nominees when they were qualified, and broke ranks. It seems to me that we ought to be looking at the merits of these nominees and not engaging in partisanship to block nominations when courts such as the Fifth Circuit are urgently in need of additional judicial manpower.

Judge Southwick has a very outstanding record, which I will detail briefly. I also want to deal with the objections which have been raised against him, which I do not think are substantial—not disqualifiers by any sense. Judge Southwick is 57 years old—a perfect age to come to the court of appeals, considering his background. He is a cum laude graduate of Rice University in 1972 and has a law degree from the University of Texas. He served as a law clerk on the Texas Court of Criminal Appeals, and then he was a law clerk to Judge Charles Clark on the Fifth Circuit. So he has had experience in a clerk's capacity on the court to which he has now been nominated. He practiced law for 12 years, with a distinguished practice first as an associate and then as a partner at a respected Mississippi law firm. He was Deputy Assistant Attorney General for the United States Department of Justice for 4 years between 1989 and 1993.

He is an adjunct professor at the Mississippi School of Law. He has been a volunteer for Habitat for Humanity doing community service. He was the recipient of the Judicial Excellence Award from the Mississippi State Bar and was rated by the American Bar Association as unanimously well qualified.

When he was 42 years old, in 1992, he obtained an age waiver in order to join the Army Reserve. Then, in 2002, he volunteered, at the age of 53, to transfer to a line combat unit, and he served on forward-operating bases near Najaf in Iraq.

Major General Harold Cross characterized Judge Southwick's volunteering for duty in Iraq as follows:

> This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duties in the near future.

He is a man with an outstanding background and a courageous man who stepped forward at an advanced age to volunteer for service in Iraq, something that doesn't happen very often. It is a very rare occurrence.

On the Mississippi Court of Appeals, Judge Southwick has participated in between 6,000 and 7,000 cases—it is hard to be precise because many of them are unreported. He has written 985 opinions himself in the course of some 12 years.

The objections to Judge Southwick have focused on two cases. I wish to discuss very briefly these cases because I think, on their face, they show there is not any reason this man should not be confirmed. I discussed these cases with him. I met with him at length and talked with him about his judicial career and his service in Iraq. He is a mild-mannered professional who is a confident man—not flamboyant and not overstated. We talked about legal issues. He is a solid lawyer and has been a solid judge.

But the objections to him have focused on two cases. In one, a case captioned Richmond v. Mississippi Department of Human Services, the case involved a State social worker, Ms. Bonnie Richmond, who used, admittedly, an outrageous racial slur. The administrative board reviewing the matter to determine whether she should be dismissed or censured made the determination that she should not be dismissed based on the evidence before it: the racial slur was an isolated comment made outside the target's presence, it was followed by an apology which was accepted, and it did not result in significant disruption of the workplace. Under these circumstances, the review board concluded the dismissal of a public employee was not warranted.

Under Mississippi law, the board's ruling could be reversed only if it was arbitrary and capricious. That is the general standard for reversing an administrative decision. The Mississippi Court of Appeals applied that standard, which is deferential to the fact finder, to determine if there was sufficient evidence to support it, and the court decided that there was sufficient evidence.

This is a case where Judge Southwick did not write the opinion, only concurred in the opinion. The Mississippi Supreme Court, while finding that the administrative board needed to give more detailed reasons for its conclusions, nonetheless concluded that dismissal was not warranted—agreeing with the appellate court on which Judge Southwick sat.

In the hearing before the Judiciary Committee, Judge Southwick was asked about the case, and he said the slur was "always offensive," "inherently and highly derogatory," and said there was "no worse word."

In the face of his overwhelmingly good record, how can a man be denied confirmation on the basis of that situation?

There was another case about which Judge Southwick has been questioned, S.B. v. L.W., a custody case where the chancellor awarded the father custody of a child instead of the child's bisexual mother.

There were numerous factors leading to the award for the father, all of which were considered and weighed in favor of the father—steady job, higher income, owner of a large residence, and roots in the community.

The objection came because the majority and concurring opinions—again, not Judge Southwick's opinions, but ones that he joined—made reference to "homosexual lifestyle." But, that is the same phrase used in Mississippi Supreme Court precedent. It is also a phrase which was used by the majority in the Lawrence case, Lawrence v. Texas, and has been used by many people, including President Clinton. So, there is hardly a basis for objecting to that kind of a reference, it seems to me.

My record on civil rights and on rights for people regardless of lifestyle is well accepted. I can't see how this man can be pilloried on this basis. Moreover, he wrote an opinion, in a case called Hughey v. State of Mississippi, where he affirmed the trial court's decision to disallowed cross-examination as to the victim's sexual preference, saying he recognized the victim was homosexual, but that was not relevant to the defense and that such a line of inquiry would produce undue prejudice.

If there is a case where lifestyle is not involved, the trial court would not allow a party to try to smear someone with a reference to his or her being a homosexual. Judge Southwick affirmed it, as anybody would. But it shows his own sensitivity on this matter.

There are a couple of comments by some individuals who are very supportive—one a woman named La'Verne Edney, a distinguished African-American lawyer who is a partner in a prominent Jackson, Mississippi firm. She had some very complimentary things to say about Judge Southwick. He hired her as a clerk at a time when few others would hire a young African-American woman. Similarly, a practicing attorney named Patrick Beasley, also African American, wrote about Judge Southwick's sensitivity on racial matters. Because of limited time, I ask unanimous consent their statements be printed in the RECORD without my going into them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 2007.

Re letter of Endorsement for Leslie Southwick's appointment to the United States Court of Appeals.

Hon. ARLEN SPECTER,
Judiciary Committee, U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Judge Leslie Southwick has received a nomination to the United States Court of Appeals for the Fifth Circuit. I feel Judge Southwick would make an outstanding addition to the Court of Appeals. I write to support his application. My name is Patrick Earl Beasley. I am a licensed attorney in Mississippi and Georgia and have had the pleasure of knowing Judge Southwick for nearly a decade; I was also employed as his law clerk while he served as Presiding Judge on the Mississippi Court of Appeals. Additionally, we have both served as members of the Mississippi Army National Guard. From these contacts, I believe I can comment knowledgeably about his intelligence, his character, and his commitment to excellence at large.

During my tenure as Judge Southwick's law clerk, I was impressed by the constraint Judge Southwick exhibited as a jurist on the appellate court. His most notable quality was his commitment to following established precedent. This often required him to put aside his personal convictions to uphold his role on the Court. In my opinion, this is a quality more jurists should emulate. His intellect is unsurpassed and be approached his job as a public servant with the same vigor and dedication that one would expect from a partner at a major law firm.

Lastly, on the issue of fairness to minorities, I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family "pedigrees" to match. Yet, despite all of typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit Court of Appeals.

I would be pleased to provide any additional information in support of Judge Leslie Southwick's appointment to the Fifth Circuit Court of Appeals. If you need any additional information, please contact me at your convenience.

Very truly yours,
PATRICK E. BEASLEY.

BRUNINI, GRANTHAM, GROWER &
HEWES, PLLC,
Jackson, Mississippi, June 5, 2007.

Re Judge Leslie Southwick Nomination.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am an African-American partner at the law firm of Brunini, Grantham, Grower & Hewes, PLLC, where Judge Southwick was once a member. I believe in fairness for all people and salute our leaders for giving their lives to assure that fairness. While I share the sentiments of other African-Americans that the federal judiciary needs to be more diverse, I believe that Judge Southwick is imminently qualified for the United States Fifth Circuit Court of Appeals and write in support of his nomination.

I met Judge Southwick during my third year of law school when I interned with the Court of Appeals of Mississippi. That internship allowed me an opportunity to work with most of the Judges on the bench at that time. I was most impressed with Judge Southwick because of his work ethic and his serene personality. When I finished law school in 1996. I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals (which was fairly new) who had ever hired African-American law clerks. In spite of the odds, I applied for a clerkship. Judge Southwick granted me an interview and hired me that same day. While

Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

During my tenure as clerk with the Court, Judge Southwick thought through every issue and took every case seriously. He earned a reputation for his well thought out opinions and his ability to produce the highest number of opinions in a term. It did not matter the parties' affiliation, color, or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for decision. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

In addition to serving our State, Judge Southwick has also honorably served our country. During his mission to Iraq in 2005, Southwick found the time to write me often to let me know about his experiences there. Upon his return to the United States, Judge Southwick shared with others his humbling experience serving our country. It is clear from his writings and speaking that he served with pride and dignity.

Over the years, Judge Southwick has earned the reputation of being a person of high morals, dignity, and fairness. It is unfortunate that there are some who have made him the chosen sacrifice to promote agendas and have set out to taint all that Judge Southwick has worked so hard to accomplish. I am prayerful that those efforts will not preclude Judge Southwick from serving as our next Judge on the United States Court of Appeals for the Fifth Circuit.

If additional information is needed, please feel free to contact me.

Yours truly,

A. LA'VERNE EDNEY.

Mr. SPECTER. I also ask unanimous consent that the following statement highlighting praise for Judge Southwick be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR LESLIE SOUTHWICK

Simply listening to those who know Judge Southwick best makes it easy to understand why the American Bar Association unanimously concluded that he is "Well Qualified" to serve on the Circuit Court. Judge Southwick is free from bias and committed to equal justice under the law.

La'Verne Edney, a distinguished African-American woman who is a partner at a prominent Jackson, Mississippi law firm, a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association and a member of the Mississippi Task Force for Gender Fairness, has shared her compelling story of Judge Southwick giving her an opportunity when few would:

"When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . . While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity."

As a clerk, Ms. Edney observed, "It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for discussion. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit."

Patrick E. Beasley, a practicing attorney in Jackson, Mississippi, who also happens to be African American, endorsed Judge Southwick for, among other qualities, his fairness to minorities. Beasley wrote, "I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family 'pedigrees' to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit Court of Appeals."

Jose Alberto Cantu, a self-described lifelong Democrat, expressed outrage over what he considered to be the unfair characterization of his friend from Edinburg, Texas. After reading an article in the Houston Chronicle, he wrote, "I was shocked to read about the opposition to his nomination on this basis [race]. I was a classmate of Judge Southwick in high school and knew him very well. I always found him to be extremely polite and absolutely fair with everyone. What the paper and the political activist referenced in the article imply is that Judge Southwick is a racist because of the ruling on the Court. This is absolutely ridiculous and totally unfair. The Valley has a large Hispanic population, and Leslie never showed the type of discriminatory attitudes that were implied in the article. To the contrary, I remember him as treating everyone fairly and with respect."

John C. Hengan, a lifelong Democrat and former Chief of Staff to a Democratic Governor of Mississippi strongly refutes the mischaracterizations of Judge Southwick's character. "I cannot disagree more strongly with the personal attacks that are being made against his character, integrity, or fitness for office, or about his commitment to civil rights for all people regardless of their race, color, sex, creed, religion, or national origin. It is an abomination that he should have to experience these unfair and unjust personal attacks because they are quite simply untrue and cannot be made by anyone who has had the opportunity to meet, work, or be around Leslie for even an abbreviated period of time."

Former Mississippi Supreme Court Justice James L. Robertson, who has known Judge Southwick for 20 years, attests to the judge's commitment to fairness. He observed, "Importantly, there is not a hint of racism in Judge Southwick's being. I am certain that Chief Judge Leslie D. King, and Judge Tyree Irving, his two African-American colleagues on the Court of Appeals with whom Judge Southwick served for many years, would be the first to tell you this, were they not prohibited [by judicial ethics canons] from such endorsements. . . . It is common knowledge in this area that I do not support President Bush on very many of his policy initiatives. I voted for Vice President Gore in 2000, and I voted for Senator Kerry in 2004. But even a blind hog will root up an acorn every once in a while. Judge Leslie Southwick just might turn out to be a golden nugget."

Phillip L. McIntosh, Associate Dean at the Mississippi College School of Law, noted that Judge Southwick was unanimously approved for a faculty position by "a politically and racially diverse faculty" and that "not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded."

Robert H Canizaro, a self-described "Liberal Democrat," expressed his "strong[ ] support" for Judge Southwick as "an intelligent, dedicated, hard working, moderate judge who respects the rights of all." Canizaro stated that the New York Times's suggestion to the contrary is "ludicrous."

Judge Southwick's temperament is what we hope for in a federal judge.

Justice Kay B. Cobb, former Presiding Justice of the Supreme Court of Mississippi, has written, "Judge Southwick's scholarship and character are stellar. The opinions he wrote during his ten years on the Mississippi Court of Appeals reflect his thoroughness and fairness as well as the depth of his knowledge and the quality and clarity of his reasoning and writing. . . . His awareness and attention to promoting fairness and equality with regard to race and gender are exemplary. Our country needs conscientious and independent judges of impeccable integrity and I cannot think of anyone who better qualifies for this appointment!"

Jim Rosenblatt, Dean of the Mississippi College of Law, wrote, "In all my dealings with Leslie Southwick he has shown himself to be respectful of others no matter their station in life, their religious convictions, or their ethnic background. He takes a genuine interest in people and spends a great deal of time listening to others and little time talking about himself. He is modest and self-effacing . . ."

Bronson E. Newburger, who worked with Judge Southwick on the Board of the Jackson Servant Leadership Corps, an organization that places recent college graduates in a communal home where they can devote themselves full time to serving the underprivileged in the inner city, came to know Judge Southwick well. "I found him to be levelheaded, sensitive, and compassionate . . . He is a decent, fair, and compassionate public servant dedicated to equal rights and protections for all.

David J. Anderson, a retired career civil servant who worked with Judge Southwick at the Justice Department, was similarly impressed with Judge Southwick's character. Mr. Anderson, who describes himself as "a Democrat" who is "moderate to liberal" in his politics, wrote "I have to say that Leslie Southwick was an outstanding public servant, head and shoulders above most political appointees I served with during my 35 years in government. He was intelligent, thoughtful, fair minded, and devoted to the rule of law. He was no ideologue. I never saw him make a decision on any basis other than the merits of a particular issue or problem."

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. A little more than 3 minutes.

Mr. SPECTER. In conclusion, in the last 3½ minutes I have, I wish to point out what has happened in this matter.

Chairman LEAHY advised me this nomination would go through the Judiciary Committee on a voice vote. Then, when that effort was made, Senator FEINGOLD objected and any member of the Judiciary Committee has the right to hold over a nominee for 1 week. So, it did not go through on a voice vote, notwithstanding the fact that Senator LEAHY, the chairman, said that was his plan.

Senator MCCONNELL has advised that the majority leader, Senator REID, had said the nomination would be confirmed before the Memorial Day recess, which is some time ago now. So, this nomination was on the brink of confirmation, according to the chairman's statement that it would go through committee on a voice vote. He didn't expect someone to raise an objection, and he was powerless to move it on a voice vote once an objection was raised, but that was his expectation and mine.

And, as I said, the majority leader told the Republican leader there would be a confirmation before the Memorial Day recess.

It is my hope we will not allow partisanship to once again grip this body. This Senate, under Republican control, wouldn't give hearings to President Clinton's nominees and wouldn't bring them up for floor votes. I objected to that, bucking my party, crossing party lines, and voting for Clinton nominees. We had protracted filibusters in 2004 and threats of the Constitutional—or "nuclear"—option. I hope we do not go back to that. This body, as we all know, works on unanimous consent. Any Senator can raise an objection to dispensing with a reading of an amendment or a reading of the record, as we saw during the immigration debate, and can tie up this Senate endlessly if someone wants to impede the work of the Senate. It is my hope we will not descend to that.

We have very important matters to take up—Iraq, the Department of Defense reauthorization bill, the override of the President's veto on stem cells, and many appropriations bills. This man, Judge Southwick—I have gone through his record in detail. My own record on the Judiciary Committee is one of nonpartisanship. If I have found nominees submitted by Republican Presidents to be objectionable, I have not hesitated to say so. But this man has an impeccable record, an outstanding record, with 985 authored opinions. The two opinions that have been called into question are opinions which he didn't write, but merely joined, on matters which—while they might have been articulated differently, might have been more sensitive—certainly are not disqualifiers. This man ought to be confirmed. I have taken the time to go into some detail on his record because I have told my colleagues about his record and many people have been surprised there is controversy.

I thank the distinguished Senator from Pennsylvania for sitting overtime and my colleague from Minnesota for her patience—I think she has been patient—and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, the Senate is in its second week of debate on the future of U.S. military engagement in Iraq. It is a very timely and momentous debate which reflects the American people's concerns with events in Iraq, and I am hopeful more of my colleagues will join those of us who have voted over and over again to limit the U.S. engagement in Iraq.

I opposed this war from the start, and I have long advocated for responsible change of course in the administration's policy. I believe the best that we can do for our troops, for our national interests, and for the Iraqis themselves is to begin transitioning to Iraqi authority and to begin bringing our troops home in a responsible way, to remove the bulk of U.S. combat forces by the spring of next year.

I remember being at the funeral for one of our brave, fallen soldiers in Minnesota and hearing a priest say—he noted that this young man was a strong, strapping boy. He was over 6 feet tall. He said the kids we are sending over there may be over 6 feet tall, but they are still our children. If they are over 6 feet tall, then our leaders must be 8 feet tall in making these difficult decisions. I hope this week this Congress stands tall, this Senate stands tall and makes the right decision.

POOL SAFETY

Ms. KLOBUCHAR. Mr. President, I am here today to talk about another subject, and that is an accident that happened in Minnesota over the Fourth of July break. It brought home to me and many people in my State that there are many ways that Government must act to protect its citizens. Some of them are larger than life—the debate over the strategy in Iraq. Others are smaller and quieter, a little girl lying maimed in a hospital bed after an accident that a simple law could have prevented.

We are in the midst of the summer swimming season in our State and all over the country, a time when children of all ages take to the swimming pools—as they should. Today, I wish to speak about the terrible injury suffered by a young girl in my State only weeks ago. That is why I feel such a sense of urgency about moving the legislation that is currently pending in the Senate—it is going to be considered by the Commerce Committee this week—which would help prevent serious injury or death for other children in the future.

Abigail Taylor, known as Abby, is a 6-year-old girl from suburban Minnesota, a girl with big brown eyes and a dazzling smile who loved to swim. Last month Abby went swimming at a local pool. She was in the shallow wading pool when she sat over an open drain hole and had most of her intestines torn out by the drain's powerful suction.

Somehow this little 6-year-old girl managed to stand up and take a few steps before collapsing along the side of the wading pool. Now, nearly 3 weeks later, she remains hospitalized after undergoing several surgeries. She will survive, thanks to a miracle, her parents believe, but it is expected that she will need a feeding tube for the rest of her life. All of this, simply because she spent a sunny summer day at a pool.

What happened to this little 6-year-old girl is horrific. My own daughter's name is Abigail, and hearing about this incident brings chills to any parent. When I first saw this story about this in our local newspaper, I had to stop reading because the details of it were so disturbing. They would be for any parent.

I look at this first as a mother. Your daughter is enjoying a beautiful summer day having fun playing at the local pool. It is not even a deep pool. It is just a kiddy pool. But suddenly something terrible happens, and your life is changed forever.

When it was first reported, like everyone else, I thought this was some kind of freak, one-of-a-kind incident. I never thought I would be spending time talking about it on the Senate floor. But then I learned that, unfortunately, this is not the first time this has happened. As it turns out, although most pools are safe and well maintained, this type of incident has happened too many times before, resulting in the deaths of several dozen children over the past 15 years.

It even has a name: pool entrapment. It occurs when a child becomes stuck on a drain and is unable to escape due to the high velocity and pressure of the water being sucked into the drain.

Another scenario occurs when hair or jewelry gets sucked into the drain, making it difficult for a child to pull free. According to the Consumer Product Safety Commission, the pressure on some pool drains can be as strong as 300 pounds per inch. In fact, several years ago, the Commission produced an educational video on this danger.

It showed a muscular man trying to pull an inflatable ball off a swimming pool drain. Using both arms and all of his might, he couldn't do it; the suction force was just too powerful.

Two years ago the Consumer Product Safety Commission issued a report saying it was aware of at least 27 deaths and many more emergency room visits and hospitalizations due to this entrapment. Most of these victims were children. It is unclear how many actual entrapment incidents have not resulted in death but severe injury because entrapment is a little-known risk. It is possible that many swimming pool drowning deaths or other injuries have not been classified as caused by entrapment.

I think it is curious that I know of three of these incidents: the one in Minnesota, the one I am about to talk about involving Jim Baker's granddaughter, and another one in which former Senator Edwards represented a family with the tragic incident involving a pool drain.

You know, it never even crosses a parent's mind that at the bottom of the kiddy pool is something that has enough force and will cause death or severe injury as it did to Abby Taylor. But it should never have happened, and we must do everything we can to make sure it never happens again to any child because it is preventable.

There are several simple ways, as we will discuss in the Commerce Committee hearing this week, for manufacturers to reduce entrapment risk at pools: installing antientanglement and antientrapment drain covers; installing multiple drains, reducing suction force for each drain; installing a gravity flow or a safety vacuum release system, that prevents entrapment by automatically shutting off the pool pump.

These antientrapment measures are simple and inexpensive, and they can literally save children's lives. I saw a drain today that costs 50 bucks. That, plus adequate monthly inspection, can save lives.

There are also reasonable measures that Congress can take to help strengthen pool safety standards and prevent this kind of terrible incident from ever happening again to another child. The Commerce Committee has jurisdiction over product safety. It is led by two of my colleagues, Senators INOUYE and STEVENS, who have been leaders on this issue. I am pleased to be a cosponsor of the legislation introduced last week by Senators PRYOR, STEVENS, DODD, and myself, which would strengthen the safety standards for America's swimming pools and spas so we can prevent the kind of incident that happened to 6-year-old Abby Taylor.

As chairman of the Consumer Subcommittee, Senator PRYOR has pushed to have this legislation included on the agenda for this week's committee markup. This legislation is called the Virginia Graeme Baker Pool and Safety Act, named in memory of the 7-year-old granddaughter of former Secretary of State James Baker.

It was an honor to meet this morning with Graeme's mother. She was here in her daughter's memory talking to Members of Congress. Several years ago, Graeme died as a result of suction entrapment in a spa. Her body was held underwater by the force of the suction, and it took two adults to help pry her free from the drain. But it was too late. She had already drowned.

This tragedy occurred at a graduation party that was well supervised by scores of adults. The purpose of this legislation is to reduce the likelihood that any other child will end up like Graeme Baker or Abby Taylor.

This same bill was introduced last year. The Senate passed it by unanimous consent. But in the closing days of the last Congress, it failed to pass the House of Representatives by a narrow margin. Now, what do you say when you talk, as I did, to the father of this little girl, Abby Taylor, who is lying maimed in a hospital bed losing her intestines? You tell them that: Well, we got it through the Senate, but the House just did not have the votes to do it.

These parents are so courageous that they have moved on from that. They want her severe injuries to be discussed today. They are not afraid to have us talking about what happened to their little daughter because they want it never to happen to another child.

This year this legislation must pass. The legislation has several important provisions. It would take Consumer Product Safety Commission standards for pool drains, which are now voluntary, and make them mandatory.

It would prohibit the manufacture, sale, or distribution of drain covers that do not meet the standards established by the Commission. It is important to strengthen the legislation to make sure that not only new pools but all public pools meet the same standard.

The legislation also provides incentives for States to adopt their own comprehensive pool safety laws regarding certain water safety devices, that they be installed to protect children. It also would contain grants to create these incentives.

There is a saying that when an accident happens that could reasonably have been prevented, then it is not accurate to call it an accident; it is actually a failure.

In the case of injuries and deaths caused by pool entrapment, it is not a failure by children or by their parents, it is a failure of our product safety laws. This means it is also a failure that it is within our power to correct, a problem that can be fixed through reasonable measures contained in this legislation.

We deal with issues larger than life, as we will today as we debate the war in Iraq. But sometimes a simple, small change in a law will save the life of a small child. Let's never forget what happened to innocent children such as Abby Taylor and Graeme Baker. For the health and safety of all of our children, I urge the Senate to take quick action to approve this legislation.

The PRESIDING OFFICER. The Senator from Iowa.

DR. NORMAN BORLAUG'S RECEIPT OF THE CONGRESSIONAL GOLD MEDAL

Mr. HARKIN. Mr. President, in a very beautiful ceremony in the Rotunda of the Capitol this morning, Dr. Norman Borlaug was presented with the Congressional Gold Medal, America's highest civilian award.

Dr. Borlaug, of course, as we know, is the father of the Green Revolution and the winner of the Nobel Peace Price in 1970. In 1986 he established a World Food Prize, which is headquartered in my home State of Iowa, to recognize individuals who have improved the quality, quantity, and availability of food around the globe.

Dr. Borlaug was born and raised in Iowa, earned his Ph.D. in plant pathology and genetics at the University of Minnesota in 1942. After graduation he went to work in Mexico where he developed high-yield, disease-resistant varieties of wheat, which dramatically increased food production.

He then went on to introduce these and other high-yield wheat varieties in Pakistan and India, which had the effect of nearly doubling production in those countries, saving countless lives.

It was pointed out this morning that in the previous 4,000 years, rice production in those countries had leveled off, but in the 4 years after Dr. Borlaug introduced his new strains of rice, they actually doubled that production. Yields that had been basically unchanged for 4,000 years, they doubled in 4 years with new genetics and practices.

Iowans are a humble people. But we are very proud of the long line of Iowans who have been extraordinary leaders in bringing food to a hungry world, people such as Herbert Hoover, Henry C. Wallace, Henry A. Wallace, and first and foremost, Dr. Norman Borlaug.

When I think of Dr. Borlaug's achievements, I am reminded of those famous words in the Book of Proverbs:

> Where there is no vision, the people perish.
>
> More than half a century ago, Dr. Borlaug surveyed a world where starvation and malnourishment were rampant. And he had a vision of a Green Revolution. Because of that vision, upwards of 1 billion lives were saved across the globe, which is an accomplishment of staggering proportions.

Well, that's not bad for a kid who began his education in a one-room rural schoolhouse near Cresco, IA.

Norman Borlaug has been called a great scientist, a great agronomist, and a great humanitarian. Of course, he is all of those things. He is also a great persuader, a man who time and again overcame political and cultural challenges in order to spread his revolution, first in Mexico, then in Asia, and now Africa.

The good news is that at the age of 93, Dr. Borlaug is still going strong, still curious and creative, still full of dreams for changing the world. As I said, he started the World Food Prize and has devoted a great deal of time and energy to strengthen and elevate that initiative with crucial help from John Ruan of Des Moines. There is, for example, the World Food Prize Borlaug-Ruan Internship Program, in which young people, about 100 every year, take part. They present papers on research in different parts of the world, and then a number are chosen and are sent as interns to places around the world to learn and begin the process, as Norman Borlaug did, of working with people to expand food production.

Let me just read from one paragraph of Norman Borlaug's statement on the occasion of the Congressional Gold Medal ceremony this morning on July 17.

He ended his remarks by saying:

> My plea today to the members of Congress and to the Administration is to re-commit the United States to more dynamic and generous programs of official development assistance in agriculture for Third World nations, as was done in the 1960s and 1970s. Ever-shrinking foreign aid budgets in support of smallholder agriculture, and especially to multilateral research and development organizations such as the International Maize and Wheat Improvement Center (CIMMYT) where I have worked for 40 years, as well as its sister research institutes under the Consultative Group for International Agricultural Research (CGIAR), are not in our nation's best interest, nor do they represent our finest traditions.

In other words, he is saying cuts to these programs that we are making are not in our Nation's best interests and do not represent our finest traditions.

> As you chart the course of this great nation

Dr. Borlaug tells us—

> for the future benefit of our children, grandchildren, and great-grandchildren, I ask you to think more boldly and humanely about the Third World and develop a new version of the Marshall plan, this time not to rescue a war-torn Europe, but now to help the nearly one billion, mostly rural poor people still trapped in hunger and misery. It is within America's technical and financial power to help end this human tragedy and injustice, if we set our hearts and minds to the task.

One more thing that Norman Borlaug said this morning, is this: When people are in misery and they are hungry and they do not have enough to eat, all kinds of "isms" begin to flourish, including terrorism.

He said, if we really want to get at the root cause of terrorism and the recruitment of terrorists, feed a hungry world. Make sure everyone has enough to eat.

I ask unanimous consent to print in the RECORD the full statement of Norman E. Borlaug on the occasion of his receiving the Congressional Gold Medal this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORMAN E. BORLAUG—STATEMENT ON THE OCCASION OF THE CONGRESSIONAL GOLD MEDAL CEREMONY, UNITED STATES CAPITOL, JULY 17, 2007

It is a great honor to be awarded the Congressional Gold Medal, in recognition of my work to feed a hungry world. I thank members of Congress for giving me an opportunity to comment on the challenges and complexities of feeding a world of 10 billion people who I expect will be living on the planet Earth sometime this century.

When I was born—in 1914—there were only 1.6 billion people on Earth. Today, we are 6.5 billion and growing by 80 million per year. The task of feeding this growing population has been made more complex, since agriculture is now being asked not only to produce food, feed and fiber, but also raw materials for bio-fuels. Thus, there is no room for complacency for those of us working on the food front.

I am now in my 63rd year of continuous involvement in agricultural research and production in low-income, food-deficit developing countries. I have worked with many scientists, political leaders, and farmers to transform food production systems. Any achievements I have made have been possible through my participation in this army of hunger fighters. There are too many to name, but you know who you are. I thank you for your dedication and assistance all of these years. I also thank my family, and my late wife Margaret, for the understanding and unselfish support you have given me

The Green Revolution was a great historic success. In 1960, perhaps 60 percent of the world's people felt hunger during some portion of the year. By the year 2000, the proportion of hungry in the world had dropped to 14 percent of the total population. Still, this figure translated to 850 million men, women and children who lacked sufficient calories and protein to grow strong and healthy bodies. Thus, despite the successes of the Green Revolution, the battle to ensure food security for hundreds of millions of miserably poor people is far from won.

The Green revolution

The breakthroughs in wheat and rice production in Asia in the mid-1960s, which came to be known as the Green Revolution, symbolized the beginning of a process of using agricultural science to develop modern techniques for the Third World. It began in Mexico with the "quiet" wheat revolution in the late 1950s. During the 1960s and 1970s, India, Pakistan, and the Philippines received world attention for their agricultural progress. In the 1980s and 1990s, China, home to one fifth of the world's people, has been the greatest success story. China today is the world's biggest food producer and its crop yields are approaching those of the United States with every successive year. However, it is almost certain, that China and India—home to one third of the world's people—will become the largest agricultural importers in the coming decades, as their economies shift from being agrarian to industrial.

Critics of modern agricultural technology invariably turn a blind eye on what the world would have been like without the technological advances that have occurred, largely during the past 50 years. For those whose main concern is protecting the "environment," let's look at the positive impact that the application of science-based technology has had on land use. If the global cereal yields of 1950 still prevailed in 2000 we would have needed nearly 1.2 billion ha of additional land of the same quality—instead of the 660 million ha that was used—to achieve the global harvest of that year. Obviously, such a surplus of land was not available, and certainly not in populous Asia, where the population had increased from 1.2 to 3.8 billion over this period. Moreover, if more environmentally fragile land had been brought into agricultural production, the impact on soil erosion, loss of forests and grasslands, biodiversity and extinction of wildlife species would have been enormous and disastrous.

At least in the foreseeable future, plants—and especially the cereals—will continue to supply much of our increased food demand, both for direct human consumption and as livestock feed to satisfy the rapidly growing demand for meat in the newly industrializing countries. It is likely that an additional 1 billion metric tons of grain will be needed annually by 2025, just to feed the world, let alone fuel its vehicles. Most of this increase must come from lands already in production through yield improvements. Fortunately, such productivity improvements in crop management can be made all along the line—in plant breeding, crop management, tillage, water use, fertilization, weed and pest control, and harvesting.

Africa's food production challenges

More than any other region of the world, African food production is in crisis. High rates of population growth and little application of improved production technology during the last two decades resulted in declining per capita food production, escalating food deficits, deteriorating nutritional levels, especially among the rural poor, and devastating environmental degradation. While there are more signs since 2000 that smallholder food production is beginning to turn around, this recovery is still very fragile.

Sub-Saharan Africa's extreme poverty, poor soils, uncertain rainfall, increasing population pressures, changing ownership patterns for land and cattle, political and social turmoil, shortages of trained agriculturalists, and weaknesses in research and technology delivery systems all make the task of agricultural development more difficult. But we should also realize that to a considerable extent, the present food crisis is the result of the long-time neglect of agriculture by political leaders. Even though agriculture provides livelihoods to 70–85 percent of the people in most countries, agricultural and rural development has been given low priority. Investments in food distribution and marketing systems and in agricultural research and education are woefully inadequate. Furthermore, many governments pursued and continue to pursue a policy of providing cheap food for the politically volatile urban dwellers at the expense of production incentives for farmers.

In 1986 I became involved in food crop technology transfer projects in sub-Saharan Africa, sponsored by the Nippon Foundation and its Chairman, the late Ryoichi Sasakawa, and enthusiastically supported by former U.S. President Jimmy Carter. Our joint program is known as Sasakawa-Global 2000, and has operated in 14 sub-Saharan African countries the past 20 years. We have assisted several million small-scale farmers to grow extension demonstration plots for basic food crops: maize, rice, sorghum, millet, wheat, cassava, and grain legumes.

The recommended production technologies come from national and international agricultural research organizations, and include: (1) the use of the best available commercial varieties or hybrids (2) proper land preparation and seeding to achieve good stand establishment, (3) proper application of the appropriate fertilizers and, when needed, crop protection chemicals, (4) timely weed control, and (5) moisture conservation and/or better water use if under irrigation. We also work with participating farm families to improve on-farm storage of agricultural production, both to reduce grain losses due to spoilage and infestation and to allow farmers to hold stocks longer to exploit periods when prices in the marketplace are more favorable. Virtually without exception, farmers obtain grain yields that are two to three times higher on their demonstration plots than has been traditionally the case. Farmers' enthusiasm is high and political leaders are taking much interest in the program.

Despite the formidable challenges in Africa, the elements that worked in Latin America and Asia will also work there. With more effective seed, fertilizer supply and marketing systems, hundreds of millions of smallholder farmers in Africa can make great strides in improving the nutritional and economic well being of their populations. The biggest bottleneck that must be overcome is lack of infrastructure, especially roads and transport, but also potable water and electricity. In particular, improved transport systems would greatly accelerate agricultural production, break down tribal animosities, and help establish rural schools and clinics in areas where teachers and health practitioners are heretofore unwilling to venture.

Crop research challenges

Crop productivity depends both on the yield potential of the varieties and the crop management employed to enhance input and output efficiency. Agricultural researchers and farmers worldwide face the challenge during the next 25 years of developing and applying technology that can increase the global cereal yields by 50–75 percent, and to do so in ways that are economically and environmentally sustainable. Much of the yield gains will come from applying technology "already on the shelf" but yet to be fully utilized. But there will also be new research breakthroughs, especially in plant breeding to improve yield stability and, hopefully, maximum genetic yield potential.

While we must continue to push the frontiers of science forward, we also must be mindful of the need to protect the gains already made. Agriculture is a continuing struggle against mutating pathogens and insects. A clear example is the new race of stem rust that has emerged in East Africa, which is capable of devastating most of the world's commercial bread wheat varieties. Ironically, I began my career in agricultural science combating stem rust some 60 years ago and I am now in the twilight of my life, once again facing my old nemesis. There hasn't been a major stem rust epidemic for more than 50 years, since the virulent race called 15B devastated much of the North America wheat crop during 1950–54. Out of that crisis came new forms of international cooperation in plant breeding, which led to accelerated development around the world of high-yielding, disease-resistant, broadly adapted wheat varieties. However, in the ensuing years, complacency, increasing barriers to international exchange of plant breeding materials, declining budgets, staff retirements and discontinuity in training programs, has resulted in a much weakened system. This has been evident in the slow international response to a very serious new stem rust race, called Ug99, first spotted in Uganda and Kenya in the late 1990s. Ug99 has now escaped from Africa and begun its migration to North Africa and the Middle East. It won't be long before it reaches South Asia and later China, North America and the rest of the wheat-growing world. Wheat scientists are now scrambling to control this disease before it gains a foothold and causes catastrophic losses to the livelihoods of several hundred million wheat farmers and widespread global wheat shortages that will affect prices and the welfare of several billion consumers. Since 2005, excellent collaboration has been forthcoming from the USDA, key land grant universities, and USAID. A far-reaching research program is being considered by a major U.S. foundation located in Seattle that if approved could solidify and accelerate the progress to date. As part of this research effort we also hope to identify why rice, alone among the cereals, is immune to the rust fungi, and then use biotechnology to transfer this genetic immunity from rice to wheat and other cereals. If we are successful in this quest, the scourge of rust, mentioned in the bible, could finally be banished from the Earth.

What can we expect from biotechnology?

During the 20th Century, conventional plant breeding has produced—and continues to produce—modern crop varieties and hybrids that have contributed immensely to grain yield potential, disease and insect resistance, stability of harvests and farm incomes, while sparing vast tracts of land for other uses, such as wildlife habitats, forests, and outdoor recreation.

The majority of agricultural scientists including myself anticipate great benefits from biotechnology in the coming decades to help meet our future needs for food, feed, fiber, and bio-fuels. Promising work, now utilizing the powerful new tools of biotechnology, is also under way to develop greater tolerance of climatic extremes, such as drought, heat, and cold. Such research is likely to become more important in the future as the world experiences the effects of climate change. We must also persist in scientific efforts to raise maximum genetic yield potential to increase food production on lands currently in use while protecting against serious negative environmental impacts.

Seventy percent of global water withdrawals are used for irrigating agricultural lands, which account for 17 percent of total cultivated land yet contribute 40 percent of our global food harvest. Expanding the area under irrigation is critical to meeting future food demand. However, competing urban demands for water will require much great efficiencies in agricultural water use. Through biotechnology we will be able to achieve "more crop per drop" by designing plants with reduced water requirements and adoption of improved crop/water management systems.

Developing country governments need to be prepared to work with—and benefit from—the new breakthroughs in biotechnology. Regulatory frameworks are needed to guide the testing and use of genetically modified crops, which protect public welfare and the environment against undue risk. They must be cost effective to implement yet not be so restrictive that science cannot advance.

Since the private sector patents its life science inventions, agricultural policy makers must be vigilant in guarding against too much concentration of ownership and also be concerned about equity of access issues, especially for poor farmers. These are legitimate matters for debate by national, regional and global governmental organizations.

Even with private sector leadership in biotechnology research I believe that governments should also fund significant public research programs. This is not only important as a complement and balance to private sector proprietary research, but is also needed to ensure the proper training of new generations of scientists, both for private and public sector research institutions.

U.S. agriculture is being asked to produce more food, feed, fiber and now biofuels, while protecting the environment and not greatly increasing land use. Science is ready for the task, but science will not succeed without wise and adequate support from the U.S. Department of Agriculture (USDA) and its congressional committees. Traditional programs of research and education at USDA and in the land grant universities must continue. Congress must also invest more generously in fundamental research to learn more about the cellular and molecular events that determine how plants and animals reproduce, grow and fight off stresses such as drought, cold and disease. Most of these major innovations will start first with acquiring deeper fundamental understanding.

Getting the most from fundamental research will require changes in the culture of decision making in public agricultural institutions. Leading scientists must be involved in deciding which programs have scientific merit and in setting realistic scientific priorities. There should be a council, like those of the National Institutes of Health, where scientists and stakeholders can pool their wisdom in recommending research priorities. Building such changes into the current farm bill is a high priority.

Educating urbanites about agriculture

The current backlash against agricultural science and technology evident in some industrialized countries is hard for me to comprehend. How quickly humankind becomes detached from the soil and agricultural production! Less than 4 percent of the population in the industrialized countries (less than 2 percent in the USA) is directly engaged in agriculture. With low-cost food supplies and urban bias, is it any wonder that consumers don't understand the complexities of re-producing the world food supply each year in its entirety, and expanding it further for the nearly 80 million new mouths that are born into this world annually? I believe we can help address this "educational gap" by making it compulsory in secondary schools and universities for students to take courses on agriculture, biology, and science and technology policy.

One exciting high school program, in which I am personally involved, is the World Food Prize Youth Institute program originated by Des Moines philanthropist Juan Ruan and led by the World Food Prize Foundation. Each year, more than a 100 high school students, mainly from Iowa but now expanding to other states and countries, convene at the George Washington Carver auditorium at Pioneer Hybrid Company headquarters in Johnston, Iowa, with teachers and parents, to present their well-researched essays on about how to increase the quantity, quality, and availability of food around the world. They make these presentations in front of past and present World Food Prize laureates and other experts, and lively discussions ensue. Each year, a select few graduating seniors win travel fellowships to go to a developing country where they live and work at an agricultural research institute, and learn first hand about hunger and poverty, and the role that science and technology can play to alleviate these calamities. It is especially gratifying to see the growth and development of these young, mostly female, summer interns. It literally is a life-changing experience for them, and it shows in their performance at university and in career selections. More programs like this are needed, so that future generations of Americans have a better sense about the complexities and challenges of feeding a growing world.

Agriculture and the environment

As the pace of technological change has accelerated the past 50 years, the fear of science has grown. Certainly, the breaking of the atom and the prospects of a nuclear holocaust added to people's fear, and drove a bigger wedge between the scientist and the layman. Rachel Carson's book Silent Spring, published in 1962, which reported that poisons were everywhere, also struck a very sensitive nerve. Of course, this perception was not totally unfounded. By the mid 20th century air and water quality had been seriously damaged through wasteful industrial production systems that pushed effluents often literally into "our own backyards."

We all owe a debt of gratitude to environmental movement in the industrialized nations, which has led to legislation over the past 40 years to improve air and water quality, protect wildlife, control the disposal of toxic wastes, protect the soils, and reduce the loss of biodiversity. However, these positive environmental trends are not found in the developing countries, where environmental degradation, especially in Africa, threatens ecological stability if not reversed.

There is often a deadlock between agriculturalists and environmentalists over what constitutes "sustainable agriculture" in the Third World. This debate has confused—if not paralyzed—many in the international donor community who, afraid of antagonizing powerful environmental lobbying groups, have turned away from supporting science-based agricultural modernization projects still needed in much of smallholder Asia, sub-Saharan Africa, and Latin America. This deadlock must be broken.

We cannot lose sight of the enormous job before us to feed 10 billion people, 90 percent of whom will begin life in a developing country, and many in poverty. Only through dynamic agricultural development will there be any hope to alleviate poverty and improve human health and productivity, and reducing political instability.

Closing comments

Thirty-seven years ago, in my acceptance speech for the Nobel Peace Prize, I said that the Green Revolution had won a temporary success in man's war against hunger, which if fully implemented, could provide sufficient food for humankind through the end of the 20th century. But I warned that unless the frightening power of human reproduction was curbed, the success of the Green Revolution would only be ephemeral.

It took some 10,000 years to expand food production to the current level of about 5 billion tons per year. By 2050, we will likely need to nearly double current production again. This cannot be done unless farmers across the world have access to high-yielding crop production methods as well as new biotechnological breakthroughs that can increase the crop yields, dependability, and nutritional quality. Indeed, it is higher farm incomes that will permit small-scale farmers in the Third World to make desperately needed investments to protect their natural resources. As Kenyan archeologist Richard Leakey likes to reminds us, "you have to be well-fed to be a conservationist." We have to bring common sense into the debate on agricultural science and technology and the sooner the better!

The United States is the greatest agricultural success story of the 20th Century. Through science and technology and farmer ingenuity, American agriculture has achieved levels of productivity second to none. We also have a great tradition, especially in earlier decades, of helping low-income; food-deficit nations to get their own agricultural systems moving. Our private agri-businesses have invested heavily in the development of productivity-enhancing technology, not only to the benefit of this country but also around the world. American public institutions—the land-grant universities and colleges, the USDA, and the U.S. Department of State—have played key roles in the transformation of subsistence agriculture, especially in Asia and Latin America. This has been good for the American people and the world. Lest we forget, world peace will not be built on empty stomachs or human misery.

I would be remiss if I did not thank the Administration for establishing the USDA Borlaug Fellows program in 2004, in my honor, at the time of my 90th birthday. This is an international program that actively engages universities like my own Texas A & M University, my alma mater, the University of Minnesota, and many other of our fine land grant universities and colleges. The Borlaug fellows program also has links to the international agricultural research centers located abroad and to private agro-industry. The aim is to provide relatively young scientists from developing countries with opportunities to travel to the USA to gain practical experience and upgrade their technical skills at advanced agricultural laboratories. So far, USDA has been able, with the assistance of USAID, to piece together funding for about 150 Borlaug fellows to come to the United States each year. With more permanent funding, along the lines of the Fulbright program, USDA and the partner universities could implement a more substantial range of learning and personal development opportunities for young scientists and agricultural leaders from developing countries. This would be good for the individual recipients, their sponsoring institutions and countries, and also, I believe, for America. Texas A&M University and Ohio State University have been working through the National Association of State Universities and Land Grant Colleges (NASULGC) to prepare a more substantial proposal for consideration by Congress.

My plea today to the members of Congress and to the Administration is to re-commit the United States to more dynamic and generous programs of official development assistance in agriculture for Third World nations, as was done in the 1960s and 1970s. Ever-shrinking foreign aid budgets in support of smallholder agriculture, and especially to multilateral research and development organizations such as the International Maize and Wheat Improvement Center (CIMMYT) where I have worked for 40 years, as well as its sister research institutes under the Consultative Group for International Agricultural Research (CGIAR), are not in our nation's best interest, nor do they represent our finest traditions.

As you chart the course of this great nation for the future benefit of our children, grand-children, and great-grandchildren, I ask you to think more boldly and humanely about the Third World and develop a new version of the Marshall plan, this time not to rescue a war-torn Europe, but now to help the nearly one billion, mostly rural poor people still trapped in hunger and misery. It is within America's technical and financial power to help end this human tragedy and injustice, if we set our hearts and minds to the task.

Mr. HARKIN. I yield the floor.

Mr. GRASSLEY. Mr. President, earlier today in the Capitol Rotunda we honored Dr. Norman Borlaug with the Congressional Gold Medal. This is the highest expression of national appreciation.

At least two-thirds of Federal lawmakers must sign on to support a nominee before his or her nomination is allowed to advance through Committees in the House and Senate. Previous recipients include distinguished public servants, military heroes, humanitarians, entertainers, musicians, authors, athletes, religious leaders and pioneers in the fields of medicine, science, and aeronautics including our Nation's first President, George Washington.

Many of you know that I farm in Iowa with my son Robin.

Those of us farming take satisfaction in feeding people through our labors.

Through his labors, Dr. Borlaug has been able to feed many more people that Robin and I will ever be able to, even if we worked day and night.

He has spared more people from the sharp hunger pains that strike an empty stomach than anyone of us could ever dream of doing.

He has saved more lives than any other person in history.

An extraordinary man, with a brilliant vision, and the common sense to turn his dreams into a reality—that's Norm Borlaug.

I am grateful, but not surprised, that it didn't take long for Congress to advance the legislation giving Dr. Borlaug this award.

A few years ago, I spoke with Dr. Borlaug just outside the Senate Chamber.

It was overwhelming just how many Senators came off the Senate floor to shake hands with him.

I was glad to be able to claim Dr. Borlaug as a native Iowan who has become a true citizen of the world—from a boyhood on a farm in northeast Iowa—a one-room schoolhouse—to a PhD in plant pathology, to decades in the poorest areas of rural Mexico, and a life of scientific breakthroughs to ease malnutrition and famine all over the world. His work in biotechnology has vastly improved food security for countries including India, Pakistan, and Mexico. This humanitarian hero has been instrumental in seeking social justice and promoting peace around the world.

Far from resting on his laurels, Dr. Borlaug continues to inspire future generations of scientists and farmers to innovate and lift those mired in poverty.

As a fellow Iowan said, "If you never stick your neck out, you'll never get your head above the crowd."

Dr. Borlaug stuck his neck out and became a hero and a legend.

He deserves every bit of recognition and gratitude we can find to offer him.

Mr. CORNYN. Mr. President, I ask my colleagues to join me today in honoring Dr. Norman Borlaug of Dallas, TX.

Today, Dr. Borlaug receives the Congressional Gold Medal—the Nation's highest civilian decoration.

Dr. Borlaug's service to the world's hungry was cultivated on his boyhood farm in Iowa where he learned the value of hard work. He sharpened his knowledge of agriculture and science at the University of Minnesota and later applied his farm and classroom experiences to researching and developing high-yield wheat varieties in Mexico that thrived in arid conditions. Under his leadership, these innovative crops were introduced into India, Pakistan, and later Africa, having since fed the hungry in astonishing numbers.

Never allowing himself to become satisfied with the status quo, Dr. Borlaug continued his humanitarian efforts, paving the way for other scientists to fight hunger and to feed the world's increasing population. Dr. Borlaug created the annual World Food Prize to recognize and reward those who advance human development by improving the quality, quantity, and availability of food in the world.

Each fall semester, Dr. Borlaug returns to Texas A&M University to teach those who would follow in his footsteps and continue to innovate. In his role as distinguished professor of international agriculture in the Department of Soil & Crop Sciences, aspiring Aggie students have the opportunity to witness hard-working benevolence and learn from one of mankind's greatest and most humble benefactors.

There are many lessons we can learn from Dr. Borlaug's service. This man saw a need and applied his education to the realities of poverty and hunger. He chose to put his hands in the soil and work to make a vision become reality.

Dr. Borlaug reminds us that a single individual with the knowledge and courage to make a difference can indeed change the world.

The Congressional Gold Medal is the most recent addition to a long list of accolades that Dr. Borlaug has earned throughout his lifetime, including the 1970 Nobel Peace Prize for his innovative work in agriculture. It has been suggested that Dr. Borlaug's humanitarian efforts have saved the lives of perhaps one billion of the world's hungry, and through his ongoing legacy of leadership his work will feed many more.

We join in gratitude for his consistent dedication in applying the agricultural sciences to benefit so many. I am honored to have been able to cosponsor this award for Dr. Borlaug.

RECESS

The PRESIDING OFFICER. The Senate stands in recess under the previous order.

Thereupon, at 1:15 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CASEY).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

AMENDMENT NO. 2100

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided on amendment No. 2100 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I yield myself 10 minutes.

I rise to discuss my amendment which lays out the consequences of a failed state in Iraq. As every parent of a teenager knows, one of the things you have to impress upon your teenager is the consequences of their actions. I think we need to have an adult conversation and talk about the consequences of our actions in Iraq.

The one thing we all agree on is that we want to bring our troops home. We want to bring them home as soon as we can. The line of division between us seems to be between those who want to do so based upon an arbitrary political timetable and those who want to do so based on conditions on the ground. So I think it is important to have—as any adult would say to their child—a conversation about the consequences of your actions because I think these are the birds that are going to come home to roost should the Levin amendment be adopted.

As we know from the Iraq Study Group as well as the National Intelligence Estimate, the consequences of a failed state in Iraq are numerous, but they are significant and highly dangerous to the United States.

First of all, Iraq would become a safe haven for Islamic radicals, including al-Qaida and Hezbollah, who are determined to attack the United States and U.S. allies. The Iraq Study Group found that a chaotic Iraq would provide a still stronger base of operation for terrorists who seek to act regionally or even globally. That is not me talking; that is the Iraq Study Group. The Iraq Study Group also noted that al-Qaida will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world.

The National Intelligence Estimate presented by the intelligence community, which consists of the best and the brightest America has to offer, concluded that the consequences of a premature withdrawal from Iraq would be that al-Qaida would attempt to use Anbar Province for further attacks outside of Iraq, neighboring countries would consider actively intervening in Iraq, and sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement. The Iraq Study Group found that a premature American withdrawal from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaida would depict our withdrawal as a historic victory, much as they did when the Soviet Union was run out of Afghanistan.

A failed state in Iraq could lead to a broader regional conflict involving Syria, Iran, Saudi Arabia, and Turkey. The Iraq Study Group noted that Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence. The Iraq Study Group noted that Iran could send troops to restore stability to southern Iraq and perhaps gain control of oilfields. The regional influence of Iran could arise at a time when that country is on a path to producing a nuclear weapon, as we know they are all about.

A failed state in Iraq would lead to massive humanitarian suffering. I know we are all concerned about what we see as the genocide in the Darfur region of Sudan, but those of us who are concerned about that huge humanitarian crisis there must also be concerned about the humanitarian crisis in Iraq should we prematurely withdrawal our troops and that country descend into massive ethnic cleansing and genocide and massive dislocation of refugees to other areas of the Middle East.

A recent editorial in the New York Times said Americans must be clear that Iraq and the region around it could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who work with American forces, further ethnic cleansing, and even genocide. Potentially destabilizing refugee flows could hit Jordan, Syria, and Iran and Turkey could be tempted to make a power grab. The Iraq Study Group found that if we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

My amendment commits the Senate to take no action that would lead to a failed state in Iraq that would invariably, in the opinion of the Iraq Study Group, a bipartisan group of experts, as well as the National Intelligence Estimate, lead to consequences that would not only be devastating for the Iraqis, it would be destabilizing in that region and would lead to greater loss of life and greater insecurity in the United States.

So I hope all of my colleagues will vote in favor of this amendment at 2:45 when that vote is scheduled. I can't imagine any possible objection to this sense of the Senate on the consequences of a failed state in Iraq.

Finally, I would say this is an important part of the overall debate where we talk about not only what our preferred policy is but what the consequences of a failure would be. I think part of a responsible adult debate is talking about what the consequences would be as we commit ourselves to take no action that would lend an increased likelihood to that failed state.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask that the Chair notify me when I have spoken for 5 minutes.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. DURBIN. Mr. President, I thank the Senator from Texas for explaining his amendment. But when I hear him describe the Levin-Reed amendment, I am afraid I don't recognize it because, unfortunately, the Senator from Texas has failed to include some of the most important elements of this Levin-Reed amendment.

This is the only amendment the Senate will consider during debate on this bill which will change the policy of the war in Iraq. It is the only amendment which establishes a timetable to bring this war to a responsible end. It is the only amendment which in law will require American troops to start to come home, the Levin-Reed amendment.

The amendment offered by the Senator from Texas is a sense-of-the-Senate resolution. A sense-of-the-Senate resolution is done on a regular basis on the floor of the Senate. It does not have the power and impact of law. It is an observation made by the Senate. That is all. It is not binding on the President. It won't change the policy. There is no suggestion that it even could.

What the Senator from Texas brings to us is the possibility that things could get worse in Iraq than they are today, and that is a possibility. But let's be very honest about the state of Iraq today. It is a nation in chaos. It is a nation that is engulfed by its own civil war. It is struggling to decide which faction within its nation will govern. Frankkly, some question whether it will be a nation. I think the Kurds, for example, given their way, would be independent of Iraq as we know it today. This struggle to define Iraq is part of the chaos and consternation we find in that country.

Finally, of course, this civil war is driven by so many elements—criminal elements, al-Qaida elements, Ba'athist elements, Iranian elements, and, yes, a civil war generated by a division within Islam that has gone on for more than 14 centuries. It is into this crucible of hate and killing that we have sent 170,000 American troops who each morning get up, strap on their armor, and go out and pray to God they will live for another day. Is that what we bargained for when President Bush said we had to rid ourselves of Saddam Hussein and weapons of mass destruction?

The Senator from Texas makes the argument that if we leave, things could get worse. It is possible. But I will tell you this: Stabilization will occur on Iraqi terms whenever the American military departs, and it is likely to be chaotic. We have to acknowledge that. Whether we leave in 10 months or 10 years, the Iraqis have to decide their own future.

The elements of the Levin-Reed amendment which the Senator from Texas does not acknowledge are absolutely essential. He will find, when he reads the Levin-Reed amendment, on page 3, paragraph 3, we will still have troops engaged in targeted counterterrorism operations against al-Qaida and al-Qaida-affiliated organizations and other international terrorist organizations.

The Senator from Texas suggests that we will leave and walk away from the scene and hope for the best. That is not true. Under Levin-Reed, we will continue to fight al-Qaida, the fight which we should have been dedicated to from 9/11 forward and a fight which by this time should have brought us Osama bin Laden and his major lieutenants.

Secondly, the argument made by the Senator from Texas is that the Levin-Reed amendment is going to lead to a broader regional conflict as American troops start to come home. I recommend for reading by the Senator from Texas page 2 of the amendment, which goes into graphic detail about our hope that as we start to withdraw, as our troops start to withdraw from Iraq, we will initiate a comprehensive, diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for working out collective stability in that country.

I would say to my friend from Texas, what he has suggested as part and parcel of the result of Levin-Reed is already taken care of. We want to start bringing American troops home. Losing 100 American soldiers every month, 1,000 seriously wounded, $12 billion in taxpayers' money, put into a situation which is nothing short of a civil war, is unacceptable.

The future of Iraq is in the hands of the Iraqis. They have to stand up and defend their own country. They have to decide their own future. Is it likely to be smooth sailing as we leave? No. But it is a process which will take place whether we leave within a few months or a year or wait much longer.

I encourage my colleagues to look honestly at this Cornyn amendment. As I reflect on it, I don't think it offers any serious challenge. None of us want to see a failed Iraq. But let's remember that the bottom line is the only amendment which will change the policy in Iraq is the amendment by Senators LEVIN and REED which we will vote on, after an all-night session, first thing tomorrow morning.

I yield the floor.

Mr. CORNYN. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. CORNYN. I yield myself 4 minutes.

Mr. President, I appreciate the comments of the distinguished majority whip, the Senator from Illinois, but I do see things a little differently.

First of all, when he talks about a civil war in Iraq, he seems to overlook the fact that al-Qaida is present in Iraq and is the precipitating cause for the sectarian strife we are all concerned about. What would he do to deal with al-Qaida in Iraq, which they regard as the central front in their war against the West?

When my friend from Illinois says we need a limited presence of our American troops in Iraq, I am not sure what that means, but I sure would rather have the four star Army GEN David Petraeus determining the appropriate tactics to deal with the threat on the ground rather than politicians, armchair generals here in Washington, DC.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CORNYN. I will yield for a question.

Mr. DURBIN. I will make this very brief. Isn't it a fact that over the weekend, the Prime Minister of Iraq invited us to leave at any time?

Mr. CORNYN. Mr. President, to my knowledge, we are of one mind that we do want to leave Iraq. The question is, Under what conditions? I don't believe Prime Minister Maliki certainly is on record as saying he wants us to leave at a time when his government would be rent asunder and Iraq would descend into sectarian war and perhaps a regional conflict. But the fact is, GEN David Petraeus, the general whom we confirmed unanimously just a short time ago, has recommended to the Commander in Chief a new strategy known as the surge, which was completed just last month, a few short weeks ago. Now he has said to give that surge an opportunity to do its job and he will come back and report to us in September. I think we ought to give that a reasonable chance.

While the distinguished majority whip wants to talk about the Levin amendment, I think we will have plenty of time to talk about that during the course of the evening.

The irony is, we are ready to vote on the Levin amendment at almost any time. But we are going to have a big political theater tonight. We will have a lot of fun having a Senate slumber party for the benefit of organizations such as moveon.org, which is having a press conference at 8:30 tonight. We ought to be having a serious debate and voting on these amendments, which we are happy to do at virtually anytime.

I worry when I hear my friend say stabilization will take place on Iraqi terms, as if the only consequences of a failure in Iraq would be borne by the Iraqis. The fact is, according to the National Intelligence Estimate, the intelligence community, the Iraq Study Group, and others, it will make America less safe by creating a safe haven for organizations such as al-Qaida to plot, plan, train, and to export future terrorist attacks against the United States.

If we think they are modest in their goals, I think we need to think again. Rather than a crude instrument like an airplane flying into the Pentagon and the World Trade Center, this terrorist organization in Iraq, which considers Iraq the central front in their war against the West, is trying to get biological, chemical, and even nuclear weapons. Woe be the day that they get their hands on those and use them against America or its allies.

So I think we should be of one mind with this sense of the Senate that says we would take no action that would make it more likely that Iraq would descend into a failed state to create that haven for terrorists.

I yield the floor and reserve my time.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 9½ minutes.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, I think everybody in this body would like to leave Iraq better than we found it. That is not the current situation. The current situation is chaos and violence in Iraq. It is an Iraq that is torn apart by sectarian violence. When you have group slaughtering group in a civil war, a sectarian type of war, it requires that the Iraqi political leaders take action to end the violence. The only way to end the violence is if the Iraqi political leaders will reach a political settlement. I think almost everybody agrees with that. I think our uniformed military agrees with that, our civilian leaders agree, and almost everybody agrees that there is no military solution in Iraq, and that the only solution, the only way to end this violence is if the Iraqi political leaders accept the responsibility to work out political agreements on a number of disagreements they have identified for themselves.

We talk a lot about benchmarks, and the President said the other day that on eight benchmarks we are making progress, and on eight we are not—to make it sound like we have a glass that is half full. But that is not what the facts sustain or support. The facts are that we have a glass called Iraq which has a hole in the bottom. Whatever we pour into Iraq goes right through that hole. It is going to continue to do that until one thing happens, and that is that the Iraqi political leaders decide they are going to work out a political settlement. There is a consensus about that, I believe, among almost all of us.

The Iraqi Prime Minister made the following statement, and every one of us, when we vote on Levin-Reed, ought to keep this one statement in mind, I believe, first and foremost. This is what Prime Minister Maliki said:

> The crisis is political, and the ones who can stop the cycle of bloodletting of innocents are the politicians.

Well, it is long overdue that the politicians in Iraq step up to their responsibility. The amendment before us, it seems to me, states something which is clear. I believe it is obvious that it is in everyone's interest that Iraq not be a failed state. I agree with my friend from Texas. That should be a goal of everybody. The problem is that Iraq is the No. 2 most unstable state in the world right now. That is the status quo. That is what we have to end. The only way to end it is with a political settlement by the Iraqis.

There was an article a few days ago in Foreign Policy magazine called "The States That Fail Us." It is about failed states. It has a list of about 60 states, and they give all of the indicators of instability. Iraq is No. 2 on the list, right after Sudan. That is the status quo. That is what we are trying to end—the failure of a policy in Iraq which has led the Iraqi leaders to believe that there is an open-ended commitment on the part of the United States to give them protection in that green zone to the extent that it exists. It is that open-ended commitment of the United States that must end—if we are going to prod the Iraqi leaders to finally step up, look into the abyss and make a decision, do they want a civil war or do they want a nation?

Mr. President, we cannot save them from themselves. To say that we don't want a failed state in Iraq is to say we don't want the status quo to continue, that the course must change in Iraq.

So I will vote for the Cornyn amendment because I think it states, in general terms at least, what I hope Members of the Senate would all agree on—that a failed state in Iraq is not in the interest of this Nation.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. The Senator from Michigan controls 4 minutes. The Senator from Texas controls 5 minutes. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I am grateful for the statement of the distinguished chairman of the Senate Armed Services Committee, the Senator from Michigan, in support of this amendment. I believe it is noncontroversial. If there is one thing we ought to be able to agree upon in this debate, it is that it is not in our self-interest to leave Iraq as a failed state.

Where we diverge is where the Senator says we have to put more pressure on the politicians. I think we need to do that, but not so much pressure that they simply collapse, which is my concern. That is why I believe what General Petraeus has said, which is that the situation in Iraq is hard but not hopeless. That gives me some hope that we can provide them the space they need in order to make those hard political decisions, which are extraordinarily difficult. If you think about it, the kind of decisions they are being called upon to make—for example, the sharing of oil revenue—I might suggest that is equivalent to the U.S. Congress trying to solve the Social Security insolvency problem. It is not easy for to us do. We have not done it yet. How in the world can we expect this new democracy, particularly under such stressful and difficult circumstances, to do things that we ourselves would find extraordinarily difficult to do? Talking about debaathification and things like that—the Baathist Party, under Saddam Hussein, was guilty of the most heinous sorts of crimes against the Shiite majority. This is a country traumatized from years of a police state under the boot heel of a terrible, blood-thirsty dictator like Saddam Hussein, where hundreds of thousands of people were killed by Saddam Hussein.

So it is not surprising that this traumatized nation is having challenges coming back from that and that they are slow to make decisions that we think they should be making. But the basic minimum is that they need the security in order to have the space in order to make those difficult decisions. That is what this new plan is, which is only in the early stages of being implemented by General Petraeus, designed to do.

What are the early reports? We are beginning to see some progress, particularly in Anbar Province in dealing with al-Qaida that up until recently basically had the run of the place. The tribal sheiks and others are coming forward and volunteering for the police and security forces. So I guess we are seeing the most hard-bitten cynics, but there are some signs that things are getting a little bit better in terms of the security context. It seems obvious that basic security has to prevail in order for the Iraqis, in exercising their new democratic government, to try to reconcile some of these terrible and difficult decisions.

I am delighted that the distinguished chairman of the Senate Armed Services Committee has said he will support this amendment. My hope is that this is one thing in the course of all of this fractious debate that we can unify behind.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I would like to address two comments made earlier by the Senator from Texas. He referred to the possibility of an all-night session in the Senate as a so-called Senate slumber party. Trust me, that is not what this is about. What we are facing on the Republican side of the aisle is an objection to an up-or-down vote, a majority vote, on the Levin-Reed amendment. That amendment is the only amendment which establishes a time line and a timetable for ending this war responsibly and beginning to bring our troops home within 120 days. It is the only amendment before us that will achieve that. Other amendments are interesting. None of them have the power of law.

The Levin-Reed amendment has the power of law. The President will have to follow it or veto it. Those are his choices. That is why it is so serious. That is why the Republican leadership has opposed our having a majority vote on this in the Senate. They are filibustering it, trying to stop us from getting to a vote on that amendment.

Ordinarily, when you filibuster something, it is so sanitized and civilized, you don't even know it is happening. Members of the Senate file a cloture motion and go out for dinner and say: We'll see you in the morning for the vote. Tonight they will stick around. If they want to filibuster this amendment that will change the policy in Iraq, they will have to stay and debate it. It will be a real filibuster. If they believe this is still right, we will see if they feel that way at 4 a.m. tomorrow morning. That is what this is about. It is not a slumber party.

The Senator from Texas said, "We are ready to vote." Therefore, I ask unanimous consent to vote on the Levin-Reed amendment No. 2087 at 6 p.m., with the time between 3:05 and then equally divided in the usual form.

Mr. McCAIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, if this were the first time that a 60-vote requirement were made, I would have some sympathy for the Senator from Illinois. I am having staff compile the number of times when the other side of the aisle was in the minority, they demanded 60 votes as well. You cannot do it with a straight face.

You cannot say that all we are going to do here in the Senate is have us govern by 51 votes; otherwise, we may as well be unicameral because we would have the Senate and the House exactly the same.

So, of course, I will object, Mr. President. I wish we would get off this horse of saying that somehow the other side never employed the 60-vote requirement in the Senate, because they did. It is a tradition in the Senate, and it is within the rules of the Senate. It may be frustrating. It certainly was to us when we were in the majority and the Democrats were in the minority and they employed it. But to somehow act as if what is being done is unprecedented—I will tell you what is unprecedented; it is taking a Defense authorization bill that is there for the training and equipping and pay raises and necessities of life for the men and women serving in the military, when we should be passing this—we all know it is going to come up in September. We should be passing this so the men and women can get what they need and deserve in order to defend the security of this Nation. Instead, Mr. President, what we are doing is having, again, for the eighth or ninth time, without having passed one appropriations bill, including the Military Construction appropriations bill, which is ready to be passed—instead, we will have this "argument" against the filibuster.

Mr. President, it doesn't pass the smell test. I object.

The PRESIDING OFFICER. Objection is heard. The time in opposition has expired.

The Senator from Texas has 1 minute.

Mr. CORNYN. I have 1 minute remaining?

Mr. President, I agree with the Senator from Arizona, of course. My belief would be that if our friends on the other side of the aisle wanted to move up the cloture vote on the Levin amendment to 6 p.m. tonight, we could expedite things and get right to the vote that perhaps the distinguished majority whip wishes to have. I think there is no objection on this side to providing a vote on that cloture vote. We could do that sooner rather than later. I certainly would support that action. I will have to consult with the leaders on this side of the aisle, but that certainly might help us get to the bottom of things that much sooner.

I urge all my colleagues to vote in support of the amendment before us that would be a vote against any action that would enhance the likelihood of a failed state in Iraq, which is not in America's best security interests.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I have a unanimous consent request. I need Senator McCAIN to listen. Apparently, the time the Senator from Arizona took on his reservation came out of our time, and I am wondering if he would give us a minute.

Mr. McCAIN. Mr. President, I am pleased to give that to the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, on the question of the 60 votes, there is a procedural roadblock which is being placed here. It is not the first time in history, of course, but a decision has to be made here whether the verdict of the American people last November that there be a change in policy is going to be thwarted by that procedural roadblock, and the Republican leader has apparently decided it will be.

In terms of precedent, last year on the Defense authorization bill, there were at least two votes on Iraq, both majority votes. That is the precedent. Last year, there was a Levin-Reed amendment that received 39 votes and a Kerry amendment, both on Iraq on the Defense authorization bill, the most recent experience. This issue is so vital. It is so much in the minds of the American people that we should not throw up procedural roadblocks to allowing the Senate to vote. That is why we have asked that we be allowed to vote up or down on this amendment, and that apparently has now been objected to.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2100. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint

Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

. NAYS—3

Byrd
Feingold
Harkin

NOT VOTING—3

Biden
Inouye
Johnson

The amendment (No. 2100) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, late this morning, I sent a letter to the distinguished minority leader, Senator MITCH MCCONNELL. I addressed the letter "Dear Mitch," and I will read the letter.

There are no more solemn decisions facing Members of Congress than the conduct of the war and the placing of our troops in harm's way. As you know, more than 3,600 brave Americans have lost their lives and more than $400 billion has been expended on the war in Iraq, which has now moved into its fifth year, with no end in sight. Yet Senate Republicans have chosen to prevent an honest debate, an action on legislation to provide an Iraq strategy that will allow us to responsibly redeploy our troops and refocus our attention on the very real threat posed by al-Qaida. This is partisan obstruction that I fear will make us less, not more, secure, and I urge you to reconsider your course.

Today's headlines confirm the importance of allowing the Senate to consider amendments to change the course in Iraq and refocus our resources so we can more effectively wage the war on terror. The news reports indicate that the violence in northern Iraq has escalated at the same time the Director of National Intelligence released a new assessment that al-Qaida has regenerated key elements of its homeland capability. As long as our troops are mired in policing an Iraq civil war, they cannot focus on the enemy that attacked us nearly 6 years ago, an enemy that, regrettably, has regenerated its attack capacity since 9/11.

Furthermore, contrary to your previous assertions, there is a long, bipartisan tradition of allowing Senators to offer defense-related amendments on the Defense authorization bill without the obstruction Senate Republicans are employing today. The record also clearly shows that both Senate Democrats and Republicans have recently foregone the opportunity to block action on important Iraq-related amendments.

For example, just last year the Senate voted up or down on two Iraq-related amendments on the Defense authorization bill. Additionally, Senate Democrats did not place a 60-vote hurdle in front of Republican amendments to strike Iraq policy language in the Iraq supplemental spending bill, nor did votes on final passage of the Iraq supplemental require 60 votes.

Therefore, I renew the proposal I offered to you recently to permit the Senate to act on a series of amendments pertaining to Iraq. Under my proposal, the Senate would hold up-or-down votes on the bipartisan amendments offered by Senators Levin and Reed, Lugar and Warner, Salazar and Alexander, and Nelson and Collins. There are other amendments Republican and Democratic Senators wish to offer related to Iraq, and I would be willing to work with you to ensure these amendments also receive up-or-down votes.

For the sake of our troops and the American people, I hope you reconsider your decision to obstruct Senate action on critical amendments that would change the course of the war in Iraq.

We have completed a vote, yet another example of an Iraq-related amendment with a majority vote. We didn't demand a 60-vote margin on Cornyn. It is another example of how amendments should be handled; that is, with a simple majority vote.

The American people deserve up-or-down votes, yes or no: Vote on the amendment. The Levin-Reed amendment is a bipartisan amendment. For me, one of the most significant paragraphs in that legislation was authored by Senator HAGEL of Nebraska. It basically says we need to have the United Nations involved in this intractable civil war. It is a wonderfully written paragraph that strengthens this bipartisan amendment.

We have three Republican cosponsors of this amendment.

A vote on this bipartisan amendment will be a vote to change course. A "no" vote would be a vote to stay the course, to continue the President's failed strategy indefinitely.

President Bush's term of office is winding down. We should not have to wait until he completes his term of office before we change course on this war in Iraq. A "yes" vote on this bipartisan amendment would finally bind President Bush to responsibly reduce combat operations and return our focus on the real and growing threats we face. That is why I, once again, request unanimous consent to move to an up-or-down vote on Levin-Reed, along with the amendments my Republican colleagues wish to offer and other Democrats who wish to offer amendments.

I ask unanimous consent that amendment No. 2088 be withdrawn and at 6:30 p.m. today the Senate vote on the Levin-Reed amendment, No. 2087, with the time between now and then equally divided in the usual form, with no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, either yes or no on this?

Mr. LOTT. Mr. President, reserving the right to object. I believe I do have the right to at least explain my reservation.

Mr. REID. Regular order.

The PRESIDING OFFICER. The majority leader has asked for the regular order. The Senator has to object or not.

Mr. LOTT. Mr. President, I do object. I would like to ask if the distinguished majority leader will give me an opportunity to at least respond to some of the things he had to say. I think that would be the way we usually do business around here.

Mr. REID. I will be complete in a matter of minutes. We will have a filibuster. He can speak for as many hours as he wants or minutes he wants. We are now at the time when the time for speeches has ended. It is time for voting. We want a vote on the Levin-Reed amendment. That is what we want. We have had a lot of good words from the other side of the aisle. We want some votes, and that is what this is all about. This is not the time for reserving. Voting—that is what we want.

Mr. LOTT. If the majority leader yielded the floor, I seek recognition.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Yes, once again what we have seen with my friend from Mississippi, and he is my friend—we have seen Republican leadership resort to technical maneuvers to block progress on this crucial amendment. It would be one thing for Republicans to vote against this amendment. It is their right to do so. If they honestly believe stay the course is the right strategy, they have the right to vote no. But now Republicans are using a filibuster to block us from even voting on an amendment that could bring this war to a responsible end. They are protecting the President rather than protecting our troops. They are denying us an up-or-down vote, yes or no, a vote on the most important issue our country faces today.

I am speaking today for the American people; 67 percent of the American people think the surge has been a failure—Democrats; not even a majority of Republicans favor the surge. Of course, a significant majority of Independents recognize that the surge has not been good. We are speaking for the American people on this bipartisan amendment.

We have no choice, as I have indicated earlier, but to stay in session. The Republicans have a right to talk. Let them talk. It is their filibuster. But we will continue to speak in spite of that. When they finish their filibuster, we will still be speaking, continue speaking out on behalf of our troops and all Americans—all Americans: Democrats, a majority of the Republicans, and the Independents—to continue requesting consent for an up-

or-down vote on our amendment to end this war.

I don't want to make any more calls to the families in Nevada who have lost a loved one. Tens of thousands of our bold, brave Americans have been injured, wounded—a third of them grievously. When we hear that there was an improvised explosive device and two soldiers were killed, it doesn't talk about the maiming of other soldiers. Thousands—thousands of American troops have lost multiple limbs. We have heard from the experts about the head trauma. I can't get out of my mind my trip to Walter Reed, where a woman said: I have been in the military—I have been in the Army for 22 years. I have a master's degree. My specialty was numbers. I worked in the Pentagon with numbers. She said: I don't even know my own phone number. She said: I have never had my skin pierced, but I have been knocked down; I have been in these explosions numerous times. I have no mind anymore.

That is what this amendment is all about—to change course. Is it necessary we wait 60 more days until this magic day in September to change course? How many more Americans soldiers are going to be killed? How many are going to be maimed, wounded, lose their arms, lose their minds? So we have no choice but to stay in session and continue speaking out on behalf of our troops and all Americans, to continue requesting consent for an up-or-down vote on this amendment.

Our troops in Baghdad are 8 hours ahead of us here on the east coast. As we begin our debate in earnest tonight, our troops are going to be waking up. They will be waking up to the 1,582nd day of this war. They will wake up, and it is very hot in Iraq this time of the year. They are a long ways away in some foreign land we call Iraq, far from their families, and facing, every minute of the day, danger.

This is not a war where the troops gather and face each other. This is a war in an urban setting, most of the time, where people are blown up driving vehicles up streets buying groceries in a marketplace. What happened yesterday? In a place that there had been no violence, more than 100 were killed and more than 200 injured. The picture in the paper—there is a hole where that bomb went off as big and deep as this Chamber we are in today.

The violence is escalating. The new report is out. It was leaked last week; it is out today. "Al-Qaida stronger," so says the report. The President disagrees, but that is what the report says. Can't have it both ways.

So our valiant troops are going to wake up with this war facing them—more than any one of us can understand, with the exception of maybe Senator WEBB, Senator KERRY, maybe JOHN MCCAIN—I am sorry if I missed others—Senator INOUYE, Senator STEVENS. Senator HAGEL, of course—with his brother—fought in Vietnam. They are going to wake up, as I said, far from their families, facing constant danger, for what? For what? Mr. President, 69 percent of the Iraqi people don't want us there. They are saying we are doing more harm than good. Al Maliki said a couple of days ago he can do without us. We can leave whatever time we want. They can handle the situation with the billions and billions of dollars we have spent training Iraqi troops.

We as Senators owe it to each of our men and women in Iraq to debate the war openly and honestly, and we owe it to all Americans to finally vote for a responsible end to the war that has been so long in coming. I hope by the time this night is through and dawn has broken that we will have the opportunity to vote.

We are willing to vote before that. Whenever we have an opportunity, we are going to ask reasonably that we have a vote on the bipartisan amendment. It is the right thing to do. It is what the American people deserve.

We are spending, now, $12 billion a month. Is that enough to get our attention? We are trying to do other things. What are we trying to do? Get health care for kids. The President is very concerned about these appropriations bills which we are going to try to pass. Where is the money to pass them, giving the American people what they deserve? It has been taken in the sands of Iraq, to the tune of more than a half a trillion dollars.

I yield the floor.

Mr. LEAHY. Will the Senator yield for a question without the Senator yielding his right to the floor?

Mr. LOTT. Does the majority leader yield the floor?

Mr. REID. I will not do that. I am happy to yield for a question.

Mr. LEAHY. I ask the distinguished majority leader if he has not had experiences similar to mine. I was in Vermont over the weekend, as I am most weekends. I get stopped by people in the grocery store or putting gas in the car—we are a small State, and you tend to know everybody; they are Republicans and they are Democrats—and I get asked the constant question, if the President will not listen to us about getting out, can you people in Congress vote on something? Can you vote? Can you either vote to keep us there or vote to get us out, but stand up? My answer to them is we are prepared to vote on our side of the aisle. Senator REID and those following him are prepared to vote, but we are stopped from voting.

I am wondering whether the distinguished majority leader, when he goes home to Nevada, whether he doesn't hear similar sentiments about: Let us vote. Let us vote.

Mr. REID. I say to my friend, the distinguished chair of the Judiciary Committee, I don't have to go home. People call me. I talk to my brothers. They tell me what they think is wrong. I talk to my friends. I have tried every weekend when I have some time and I am here—I try to reach some people in Nevada I haven't talked to in a while. They say exactly what my friend from Vermont says: Get us out of there. Get us out of there.

That is what this Levin-Reed amendment is all about, to change course in Iraq. The American people deserve that.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. LOTT. Will the Senator yield for a question?

Mr. DURBIN. I ask the majority leader, first, he has focused on the most important part of this debate, the war that is claiming American lives. But, unfortunately, this debate also focuses on the rules of the Senate. I ask the Senate majority leader if he is aware of the fact that in the last 7 years that the Defense authorization bill has been brought to the floor, every amendment which has been offered was subject to a majority vote, simple majority vote, except in five instances which required a budget waiver, a specific provision in our Senate rules when there were budget waivers required as with the minimum wage and so forth, 60 votes. But is the majority leader aware of the fact that in every authorization bill, Defense authorization bill, in the years 2001, 2002, 2003, 2004, 2005, 2006, and 2007, that every amendment has been judged by a majority vote and that the decision by the Republicans to obstruct the majority vote on this is the first time in this long period of time that we have ever done this on a Defense authorization bill?

Mr. REID. I say to my friend, during the years you have mentioned, there have been democratically controlled Senates, Republican controlled Senates, but it doesn't matter who is controlling the Senate, we have always done these bills with simple majority votes.

For example, I can remember last year we had one vote, as I recall, on minimum wage because it required 60 votes to waive a budget point of order. So this new thing about 60 votes on everything is something that has been ginned up in the minds of people who want to avoid votes to change the course in Iraq.

That is what it is all about. The war is not going well. We all know that. We need to sit back and understand that it needs to change course. There is a column written today, I read it, op-ed about President Bush being stubborn. And he is. We all know that. That is not all together always a bad trait.

But, boy, I will tell you, he is sure showing his streak of stubbornness on this. He was unwilling to listen to anyone who disagreed with him, and there are a number of people who have been dumped from the administration as a result. Someone who suggested the war would cost $150 to $200 billion, Lindsey, he was gone quick.

We had one of our good generals who suggested we needed a lot more troops there. Out the door he went. We could go through a list of people who disagreed with the President who hit the road.

I would hope that on this issue, when so many people all across this country, on a bipartisan basis, agree that something needs to change in Iraq, my friends, the Republicans, recognize that they also have responsibility to the American people more so than the President.

Now, I would say this. My friend, Senator LOTT, is still here. I am going to yield the floor and whoever grabs the floor can have it. I say to my friend, Senator LOTT, who has always been a gentleman to me in the many areas we have worked together here: This was a time that I wanted a "yes" or "no" response. He is a real pro in here. He knows that he can get the floor again to explain whatever his position was. This was in the middle of my speech. That is why I followed the rules.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Arizona.

Mr. MCCAIN. The Senator from Nevada, the distinguished majority leader and my friend for many years, points out that in previous years, the Defense authorization bill was passed without requirements for a 60-vote majority. There is a simple answer to that. We never took up an issue such as this on the Defense authorization bill.

In fact, our focus and our attention was, for 45 years, providing men and women who are serving in the military with what they needed to defend this Nation. Instead—instead, of doing what is necessary, including the 3.5-percent pay raise, including the Wounded Warriors legislation on it to take care of our veterans—we are now gridlocked in the Senate because the Senator from Nevada knows he is not going to pass a withdrawal from Iraq on this bill. If he did, the President would veto the bill, because the President has said it. We all know that in September this issue is going to come to a head, whether I happen to favor that or not.

Most people believe that September is a time where we could make the kinds of judgments necessary to see whether we are making the kind of progress that will justify continued effort in this new strategy, which I, of course, would remind my colleagues again, the last part of which was put in place a few weeks ago.

Of course, we did not have requirements for 60-vote majorities in the past few years because no one had the temerity to put an issue such as this on the .very vital needs of the men and women in the military to do their job. So, of course, there was not a controversial necessity for a 60-vote majority.

I am happy to tell my friend from Mississippi that Senator LEVIN and I are moving forward with clearing amendments so we can, we hope, wrap up this bill by the end of this week. I hope that once this display that is going to take place tonight, all night, is concluded, and there is not sufficient votes in order to get the Levin-Reed amendment passed, at some point we can go back to the Defense authorization bill and get them the 3.5 percent pay raise they have earned; get them that MRAP equipment that they need; get this Wounded Warrior legislation through the Senate and to the desk of the President of the United States.

We never grow tired, nor should we, of praising the men and women in the military, particularly those who have sacrificed so much. All of us are embarrassed and ashamed at what happened at Walter Reed. Well, let's pass this Wounded Warrior legislation on this bill and get it done.

Who is holding up passage of the Defense authorization bill? Who is requiring us to stay up all night to discuss it? My friends, this is not necessary. We all know that General Petraeus was affirmed in his position by the Senate by an overwhelming vote. General Petraeus, at the time of his hearings, said we were going to have a new strategy—that strategy is called surge—and that it would require additional troops.

He also said at that time it would take time, that it would take a period of time before we would know whether it succeeded. Here we are, literally weeks after the last part of this new strategy is in place, the last detachment of an increase in troops, and we are telling them to set a date for withdrawal.

Now, you know, I share the frustration that my friend from Nevada stated about a failed policy. It was a failed policy. The Rumsfeld-Casey policy strategy was doomed to failure, and some of us recognized that and stated that at the time. We said we had to have a new strategy. It has to be the classic counterinsurgency strategy if we are going to succeed in Iraq.

Well, we got a new general. We got a new strategy. There are signs of success. There are clearly some signs of progress, and those are readily apparent. Now, is the Maliki Government acting in the way we want them to? No, they are not. Is it disappointing that they are not? Absolutely, it is disappointing.

But as far as Anbar Province is concerned, as far as some parts of Baghdad are concerned, yes, there is some progress which has been purchased at great and tragic cost, the sacrifice of young American's lives.

I would like to again assure my friend of many years, from Nevada, I understand the frustration that he shows is shared by many Americans. Our failure and our employment of a failed strategy for more than 3 years is well articulated. But I also would plead with my colleagues to at least know that we are not going to stop this now. We are not going stop it now. Even if the majority leader got the 60 votes and got this included in the bill in some way, the President of the United States would veto it. We do not want that to happen. We do not want that to happen.

We know that in September, whether I happen to like it or not—I would like to personally give it more time than September—we know that in September this whole issue is going to come to a head. Here we are in the middle of July. Can't we sit down and work out the amendments in a way that Senator LEVIN and I and Senator WARNER and previous chairmen and ranking members have for the last 20 years, get this bill done, get it out and get it to the President's desk? Then we go into recess. We come back in September. I think that that is not an unreasonable path to follow.

So, my friends, we will continue to debate this issue all night tonight. I understand that. Hopefully, when the majority sees that, the leader sees there is not the votes, maybe we could then get down to the nuts and bolts of the Defense authorization bill of which at last count there are over 100 amendments pending that Members have on both sides of the aisle, they want to be considered and voted on.

I fear—I fear—that the majority leader, because of a lack of time, may feel it necessary to pull the bill from the floor. I think that would not be in any way helpful to our Nation's national security interests.

My friends, if we could lower the rhetoric around here a bit, let us sit down and talk about the best way to proceed, recognizing that September will be a very important point, and pass this authorization bill and not for the first time in 45 years have us not do what we need to do for our Nation's security and the men and women who are serving.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Madam President, I have the greatest respect for the Senator from Arizona. We disagree on a number of issues. We have worked together on many others. I would like to respond to several things he said. Senator MCCAIN asked us who is holding up this bill? Well, those who followed the debate know that a few minutes ago the majority leader, Senator REID of Nevada, asked to move to vote on the amendment by Senators LEVIN and REED. He asked for unanimous consent to move to a vote within a matter of hours.

Where did the objection come from? From the Republican side of the aisle. So in answering Senator McCAIN's question, who is holding up this bill, it is your side of the aisle, and specifically the Senator sitting next to you who objected to moving to a vote. That is what is holding up this bill.

The second question asked by the Senator from Arizona: Why are we debating the war on this bill? This bill happens to be the authorization for appropriations for fiscal year 2007 for military activities of the Department of Defense. If you do not debate the war in Iraq on the bill authorizing appropriations for the Department of Defense, where would you turn, the agriculture bill? I don't think so. This is the appropriate bill.

The Senator from Arizona has made that point. Included within the amendments to this bill are provision for our warriors who are coming home wounded. I have been part of putting that together. I thank Senator LEVIN, I thank Senator McCAIN. It is an important provision. But let's be very honest. The reason they are coming home wounded is because there is a war. It is fit and proper for us to ask whether that war is being waged effectively and whether our policy should be changed in this bill? If not on this bill, what bill would we use? I think, frankly, that many would rather we did not debate this at all; give permission to the President to wage the war as he wants as long as he wants: step out of the way, Congress, the President is in charge.

I don't accept that. Each of us represents our own State, represents people who expect us to articulate their point of view and speak for them. We do not cede all power in this Government to one branch, not to the executive branch. We have our own responsibility.

Let me say a word about waiting until September. Waiting until September, what difference would it make if we wait until September? What could it possibly cost us if we wait until September? Well, it is likely to cost us 200 American lives. We are losing 100 Americans, on average, every single month of this war. It is likely to cost us 2,000 more injured soldiers; that is what 2 months means.

It is likely to cost us $24 billion from America's Treasury. It is not a matter of waiting for a convenient moment chosen by some to make this decision. Many of us believe this decision should be made now and it should be made here, and it should be made with the Levin-Reed amendment which is a reasonable bipartisan amendment.

The Republican side objects. They are filibustering. We have said this will not be the most modern form of filibuster. This goes back to the roots of the Senate. We will stay in business during the period of time when we are supposed to be debating. Whether we go to this amendment, we will invite members from both said of the aisle to express their point of view. I will tell you this, the people I represent in my State, the ones whom I meet, as Senator LEAHY said of his voters in Vermont, want us to change this policy in this war. They want us to bring this war to an end. They understand, as we must understand, we never bargained for where we are today. America was misled into this war. We were told there were weapons of mass destruction, nuclear weapons, they threatened the Middle East, they threatened America. Not a single one has been found.

We were told that this dictator, Saddam Hussein, was the reason for this invasion. He is long gone—dug out of a hole in the ground, put on trial, and executed by his own people. Yet we still stay in this war, a war that has changed so drastically to the point that it is now a civil war and our soldiers, as good as they are, are caught in the crossfire of sectarian violence, now victims of al-Qaida terrorism that did not exist when we invaded Iraq, not in that country.

They are the ones who are the victims of bad planning and bad decisions. It is interesting to me how many Republican Senators see how poorly executed this war has been.

We all know our military is the best. But when it comes to the Commander in Chief and the generals, so many bad decisions have been made at the expense of our troops. It is interesting to me, they concede that point and yet want to continue: Let's just wait a few more months, maybe another year, maybe a year and a half, and then see what happens.

I was one of 23 Senators who voted against this authorization to go to war.

Mr. BYRD. So was I.

Mr. DURBIN. Senator BYRD, I remember your leadership on this issue as well. I can tell you it was not the most popular position to be in at the time.

Mr. BYRD. No.

Mr. DURBIN. The overwhelming majority of the American people heard their President say weapons of mass destruction, ruthless and bloodthirsty dictator, and said: Yes, maybe we should invade. But it didn't add up. It didn't add up in terms of the threat or in terms of whether we were prepared to accept the reality that it is far easier to get into a war than it is to get out of one. Here we are in the fifth year of a war that has lasted longer than World War II, a war with no end in sight. This President's response: Send more American soldiers into harm's way in Iraq.

That is unacceptable. It is time for the Iraqis to stand and defend their own nation. They will not do that until American soldiers start coming home. That is what the Levin-Reed amendment is about.

I am sorry the Republican side has initiated this filibuster to block a vote on this important amendment. I am sorry they are insisting on a 60-vote margin which was rarely, if ever, used on a Defense authorization bill over the last 7 years. Those are the facts. They have done it because their ranks are starting to change. Three Republican Senators have now stepped out and said they will join us in this effort to change the policy of the war. Many more back home have said they have decided we need a new policy in Iraq. We want to give them a chance for a vote that is significant.

Will the President veto it if we pass it? Probably. But does that mean we shouldn't try? Don't we owe it to these soldiers and their families and to our Nation to change this failed policy before it claims more American lives, sends more American warriors back wounded from battle and costs Americans the treasure we have gathered in the taxes of our citizens?

I say to my friend from Arizona, we see this war differently, but I think it is clear who is holding up this bill: the Republican minority with their filibuster. Why this bill? Because if you didn't debate a war on a Defense authorization bill, where would you debate it? Should we wait until September? The cost is too high.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I was just given information by my staff. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISPOSITION OF MEASURES UNDERGOING ROLLCALL VOTES IN THE SENATE, 109TH CONGRESS

109TH CONGRESS, 1ST SESSION (2005)

Number of measures on which there were rollcall votes in 2005: 40

Passed without a vote on cloture or another 60-vote requirement: 29

(1) London Terrorist Attacks (S. Res. 193; passed 76–0)

(2) Homeland Security Appropriations (H.R. 2360; 96–1)

(3) Burma Sanctions Extension (H.J. Res. 52; 97–1)

(4) Americans With Disabilities Act Commemoration (S. Res. 207; 87–0)

(5) CAFTA (S. 1307: 54–45; H.R. 3045: 55–45)

(6) Budget Resolution (S. Con. Res. 18: passed 51–49; Conference Report, H. Con. Res. 95: passed 52–47)

(7) Legislative Branch Appropriations (H.R. 2985 Conference Report; 96–4)

(8) Hurricane Katrina Resolution (S. Res. 233; 94–0)

(9) Katrina Emergency Supplemental (H.R. 3673; 97–0)

(10) Commerce-Justice-State Appropriations (H.R. 2862; bill passed 91–4; Conference Report passed 94–5)

(11) Agriculture Appropriations (H.R. 2744; bill passed 97-2, Conference Report passed 81-18)

(12) Military Construction Appropriations (H.R. 2528; 98-0)

(13) Customs Treaty (Treaty Doc. 108-6; 87-0)

(14) Transportation-Treasury-HUD Appropriations (H.R. 3058; 93-1)

(15) Foreign Operations Appropriations (H.R. 3057; bill passed 98-1; Conference Report passed 91-0)

(16) Energy and Water Appropriations (H.R. 2419; bill passed 92-3; Conference Report passed 84-4)

(17) Pension Reform (S. 1783; 97-2)

(18) Tax Relief Act (S. 2020; 64-33)

(19) Iraqi Election (S. Res. 38; passed 93-0)

(20) Class Action Reform (S. 5; 72-26)

(21) Genetic Nondiscrimination (S. 306; 98-0)

(22) Disapproval of Canadian Beef Rule (S.J. Res. 4; 52-46)

(23) Vocational Education Reauthorization (S. 250; 99-0)

(24) Mourning the Death of Pope John Paul II (S. Res. 95; 98-0)

(25) Airbus Subsidies Resolutions (S. Con. Res. 25; 96-0)

(26) Interior Appropriations (H.R. 2361; 94-0)

(27) Continuing Resolution (H.J. Res. 68; passed by voice vote after a vote on an amendment)

(28) 2nd Continuing Resolution (H.J. Res 72; passed by voice vote after a vote on an amendment)

(29) Deficit Reduction Omnibus Reconciliation (S. 1932; bill passed 52-47; the Conference Report passed 50-50 with Vice President Cheney voting aye)

Passed after a cloture vote and/or other 60-vote requirement: 7

(1) Firearm Liability Reform (S. 397; cloture on the motion to proceed invoked 66-32; bill passed 65-31)

(2) Defense Appropriations (H.R. 2863; cloture invoked 94-4; bill passed 97-0; cloture on the Conference Report failed 56-44; after ANWR provisions removed, Conference Report passed 93-0)

(3) Labor-HHS Appropriations (H.R. 3010; cloture invoked 97-0; bill passed 94-3)

(4) Bankruptcy Reform (cloture invoked 69-31; bill passed 74-25)

(5) Highway Bill (H.R. 3; cloture on the motion to proceed invoked 94-6; cloture on the Inhofe substitute invoked 92-7; motion to waive the Budget Act on the Inhofe substitute agreed to 76-22; bill passed 89-11; Conference Report passed 91-4)

(6) Emergency Supplemental (H.R. 1268; cloture invoked 100-0; bill passed 99-0; Conference Report passed 100-0)

(7) Energy Bill (H.R. 6; cloture invoked 92-4; bill passed 85-12; motion to waive the Budget Act for consideration of the Conference Report agreed to 71-29; Conference Report passed 74-26)

Passed after failure of cloture: 1

(1) Defense Authorization (S. 1042; cloture failed 50-48 on July 26; the bill later passed 98-0 November 15)

Defeated by cloture: 1

(1) Patriot Act Conference Report (H.R. 3199; cloture failed 52-47; the bill was passed in 2006)

Defeated on an up-down vote: 1

(1) Mercury Regulation Resolution of Disapproval (47-51)

Amendments voted on but no final action taken on the bill: 1

(1) Foreign Affairs Authorization (S. 600)

109TH CONGRESS, 2ND SESSION (2006)

Number of measures on which there were rollcall votes in 2006: 38

Passed without a vote on cloture or another 60-vote requirement: 16

(1) Tax Hike Prevention (H.R. 4297; bill passed 66-31; Conference Report passed 54-44)

(2) Patriot Act Short-Term Extension (H.R. 4659; 95-1)

(3) Debt Limit (H.J. Res. 47; 52-48)

(4) U.S.-Oman FTA (S. 3569: 60-34; H.R. 5684: 62-32)

(5) Homeland Security Appropriations (H.R. 5441; 100-0)

(6) Human Fetus Farming Prohibition (S. 3504; 100-0)

(7) Nondestructive Stem Cell Research (S. 2754; 100-0)

(8) Stem Cell Research (H.R. 810; 63-37)

(9) Water Resources (H.R. 5117; passed by voice vote after votes on amendments)

(10) Voting Rights Act (H.R. 9; 98-0)

(11) Pension Reform (H.R. 4; 93-5)

(12) Defense Appropriations (H.R. 5631; bill passed 98-0; Conference Report passed 98-0)

(13) Budget Resolution (S. Con. Res. 83; 51-49)

(14) Interrogation and Trial of Terrorists (S. 3930; 65-34)

(15) India Nuclear Energy (S. 3709; 85-12)

(16) Military Construction (H.R. 5385; passed by voice vote after a vote on a motion to request the attendance of absent Senators)

Passed after a cloture vote and/or other 60-vote requirement: 10

(1) Patriot Act Additional Amendments (S. 2271; cloture on the motion to proceed invoked 96-3; cloture on the bill invoked 69-30; bill passed 95-4)

(2) Patriot Act Conference Report (H.R. 3199; cloture invoked 84-15; bill passed 89-10)

(3) LIHEAP Aid (S. 2320; motion to waive the Budget Act agreed to 66-31; cloture invoked 75-25; bill passed by voice)

(4) Lobbying Reform (S. 2349; cloture was first rejected 51-47 due to a Dubai port amendment, after that issue was resolved, cloture was invoked 81-16 and the bill passed 90-8)

(5) Emergency supplemental (H.R. 4939; cloture invoked 92-4; bill passed 77-21)

(6) Illegal and Legal Immigration (S. 2611; cloture invoked 73-25; bill passed 62-36)

(7) Defense Authorization (S. 2766; cloture invoked 98-1; bill passed 96-0)

(8) Gulf of Mexico OCS (S. 3711; cloture on the motion to proceed invoked 86-12; cloture on the bill invoked 72-23; bill passed 71-25)

(9) Port Security (H.R. 4954; cloture invoked 98-0; bill passed 98-0)

(10) Secure Fence Act (H.R. 6061; cloture on the motion to proceed invoked 94-0; cloture on the bill invoked 71-28; bill passed 80-19)

Defeated by cloture or other 60-vote requirement: 10

(1) Asbestos compensation (S. 852; cloture on the motion to proceed invoked 98-1; motion to waive the Budget Act failed 58-41)

(2) Illegal Immigration (S. 2454; cloture on the substitute amendment failed 39-60; cloture on the motion to commit failed 38-60; cloture on the bill failed 36-62)

(3) Medical Care Access (S. 22; cloture on the motion to proceed failed, 48-42)

(4) Mothers & Babies Medical Care (S. 23; cloture on the motion to proceed failed, 49-44)

(5) Small Business Health Insurance (S. 1955; cloture on the motion to proceed invoked, 96-2; cloture on the bill failed, 55-43)

(6) Marriage Constitutional Amendment (S.J. Res. 1; cloture on the motion to proceed failed, 49-48)

(7) Death Tax Repeal (H.R. 8; cloture on the motion to proceed failed, 57-41)

(8) Race Government for Native Hawaiians (S. 147; cloture on the motion to proceed failed, 56-41)

(9) Death Tax/Minimum Wage/Extenders (H.R. 5970; cloture on the motion to proceed failed, 56-42)

(10) Child Custody Protection Act (S. 403; bill passed 65-34; cloture on the motion to concur with the House amendment to the bill failed 57-42; bill died)

Defeated on an up-down vote: 1

(1) Flag Protection Constitutional Amendment (S.J. Res. 12; defeated 66-34; ⅔ present and voting required)

Amendments voted on and no final action taken on the bill: 1

(1) Agriculture Appropriations (H.R. 5384)

Mr. McCAIN. Passed after a cloture vote and/or other 60-vote requirement in 2005, seven; passed after a cloture vote and/or a 60-vote requirement in 2006, 10; defeated by cloture or 60-vote requirement, also in 2006, 10.

It is clear that when the Senator from Illinois was in the minority, they used the 60-vote provision as well, and that is their right to do so. I don't in any way object to their having done that. I do object strenuously to somehow conveying the impression that this is a "filibuster" because we require 60 votes, that this is some Earth-shattering, precedent-shattering procedure. In fact, it is not. In fact, the Senator from Illinois knows very well that 60 votes is often required, whether it be a budget point of order or whether a cloture vote, and it has been used quite often by the minority as a tool to assert their rights as the minority. I understand that.

The Senator from Illinois talks about the bill that this has to be on. This is either the eighth or ninth time we have brought up Iraq. He didn't need the authorization bill to do it then. It is the right of the majority to bring up whatever they want, whenever they want. I can assure my colleagues, the Defense authorization bill will probably not be on the floor in September, and one thing I am pretty confident of is that we will be taking up the issue of Iraq in September. So to somehow say that this is appropriate, it is not appropriate because it is controversial, and we know it will not be passed with a provision that requires what the Senator from Illinois wants on it. It will never become law because the President will veto it in the unlikely—in fact, highly unlikely—situation where this bill was passed by both Houses of Congress.

What we are doing—have no doubt about it—is keeping the 3.5-percent pay raise from going into law. We are keeping the wounded warrior legislation from being enacted by both Houses and us acting as quickly as possible. The Senator from Illinois, I believe, and all other Senators voted on behalf of the nomination of General Petraeus in February, knowing full well what General Petraeus's strategy was. That was very well articulated. So now we find ourselves some months later saying: Well, we have to end it.

The distinguished majority leader, who is no longer on the floor, declared the war lost. I was astonished. Because if we lost the war, then somebody won. Does that mean that al-Qaida has won the war? I don't think the 160,000 young men and women who are serving in Iraq, whom I visited about a week ago, think the war is lost. I don't think the majority of Americans do either. Are they frustrated by what has happened here? Of course, they are frustrated. They want to bring it to an end. But it is the obligation of people such as me to point out what happens when we withdraw in 120 days.

Literally, in the view of every expert on national security, we will pay a much heavier price in the long run. Chaos, genocide will ensue. Quite often I hear from the other side: What is plan B, if the surge doesn't work?

What is plan B if the withdrawal results in chaos and genocide in the region? According to most experts—including Henry Kissinger, Brent Scowcroft, General Zinni according to most people who have spent their lives on national security issues, it will be chaos and genocide. What is plan B there?

I hope after the show is over tomorrow morning sometime—and it is clear to all that we will not set a 120-day withdrawal date from Iraq on this legislation—we will then be able to sit down and move forward on the bill so that we can get it passed into law. That is what we should be doing. To somehow think that we have not required, as the majority leader on many occasions required, 60 votes for passage of an amendment or legislation, of course, flies in the face of the clear record which I have just asked to be printed in the CONGRESSIONAL RECORD.

America is now at a crossroads. America is now at a point where, according to Natan Sharansky:

> A precipitous withdrawal of U.S. forces could lead to a bloodbath . . .

From Anthony Zinni, who was opposed to us going into Iraq:

> . . . reality is that we simply cannot pull out [of Iraq], as much as we may want to. The consequences of a destabilized and chaotic Iraq, sitting in a critical region of the world, could have catastrophic implications . . . there is no short-term solution.

We have a system of government where the military is subordinate to the civilian leadership, and it should be. It is the most appropriate way. But to completely ignore, as apparently my friend from Illinois is, the leaders whom we have appointed to fight over there and do the dying and carry out the leadership responsibilities, to completely ignore their advice and counsel, they are on the ground. They know what is going on.

General Lynch, 3rd ID commander, says:

> [pulling out before the mission was accomplished] would be a mess.

By the way, these will be the guys who will be required to clean up the mess, if we pass this resolution and we have a mess.

Continuing from General Lynch:

> . . . you'd find the enemy regaining ground, reestablishing sanctuaries, building more IEDs . . . and the violence would escalate.

I have already quoted before from Henry Kissinger.

General Lynch:

> [our soldiers] want to fight terrorists here, so they don't have to fight terrorists back home . . . I now have the forces I need to conduct that mission.

General Lynch, the 3rd ID commander, says he has the troops and the wherewithal and the success to get the job done.

The Senator from Illinois wants to say, no, you have to come home in 120 days. I don't think that is right. I don't think General Lynch is reading any polls. I think General Lynch and General Petraeus are fighting an enemy that, according to them, they will be fighting here if we have a precipitous withdrawal.

General Lynch:

> . . . surge forces are giving us the capability we have now to take the fight to the enemy . . . the enemy only responds to force, and we now have that force.

That is the force that the Senator from Illinois wants to withdraw within 120 days.

> We can conduct detailed kinetic strikes, we can do cordon and searches, and we can deny the enemy sanctuaries . . . If those surge forces go away that capability goes away, and the Iraqi security forces aren't ready yet to do that [mission].

Brent Scowcroft, who opposed our entry into the Iraq conflict:

> [reduction of American presence in Iraq] should follow success in our efforts, not the calendar or the performance of others.

I hope that sometime my friends who were involved in this debate will listen to the people we have delegated to lead the best Armed Forces in the history of mankind who are doing one of the most difficult jobs in history.

I yield the floor.

Mr. LOTT. Madam President, I have been waiting 1 hour to respond to some comments that were directed at me.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I had hoped that in this debate and in this Congress, we would be able to maintain some semblance, some modicum of courtesy. But it appears we have lost it all. I have been in Congress 35 years. I have been in the Senate 19 years. I have been in a variety of positions. Never before have I been denied or did I ever deny any Senator the opportunity to have a reservation on his right to object to a unanimous consent request. Now that has occurred. So that courtesy, one of the few remaining ones we have left in this institution, is gone.

Let me correct some of the things that have been said here that the record will show, certainly, in the debate. The other side speaks about a new standard for 60 votes. That is interesting.

During this Congress, 47 clotures have been filed. In the 106th Congress, there were 71; 107th, 72; 108th 62; the 109th, 68. This is not a new phenomenon. It has occurred all the time, regardless of whether Republicans or Democrats were in the majority. Even Senator REID said twice this year:

> In the Senate it has always been the case you need 60 votes. I don't have 60 votes—

The particular issue he was referring to—

> 60 votes are required for just about everything.

That was what Senator REID had to say earlier this year.

We are ready to vote. We could have a vote on this amendment, the Levin-Reed amendment, right now. We are ready to go. We can have the cloture vote that would be scheduled in the morning in an hour, to be fair to everybody, so we could have wrapup statements. Everybody knows we can have that vote now, or 5:30 or 6:30, or in the morning. I have been involved in these all-night discussions. Interestingly, the last time we had one of these so-called all-night debates, it was because the Democrats wanted to require 60 votes to confirm a Federal judge, which had not been the practice throughout the history of this great country.

I understand about the 60-vote requirement. Nobody is surprised by this. We have already had 60-vote votes taken on amendments on this bill.

First, before the majority whip leaves, let me ask unanimous consent that the cloture vote scheduled for the morning occur at 5:30 this afternoon.

Mr. DURBIN. I object.

Mr. LOTT. Madam President, I have not yielded the floor, so I wish to go ahead and complete my remarks on the broader issues that have been raised here.

We debated in March and April and May whether we should confirm General Petraeus, whether we should go forward with the funds that our troops needed to do the job, and whether the surge could go forward. The vote was 80 to 14 in May to go forward with trying to bring down the violence, get control and, of course, encourage the Iraqi government to do more. We confirmed General Petraeus unanimously. They are already saying the surge has failed when, as a matter of fact, the troops that were supposed to be involved in that effort have only been there for some 3 weeks. So I think it is premature and unfair to the men and women who are there on the ground doing the job. We need to have the debate, allow both sides to have their say, but it is going to require 60 votes, and then we can go on to the underlying bill.

This is the Defense authorization bill. Every year we pass the Defense authorization bill. Yet I think we have had maybe one amendment even considered that has to do with the underlying bill, which provides funds and authorization for our troops for the equipment they need, the supplies, the ships, the planes, the pay raise, and quality of life. That is something we have to come to terms with. We have to have a debate on amendments that affect this bill. We could work out how to do that.

Somebody said amendments are being blocked. As a matter of fact, Senator LEVIN and Senator MCCAIN are clearing amendments right now. The process is underway. So I would say I am very disappointed in the way this issue is being handled. I must say I am even surprised we have allowed it to deteriorate to this level, but I think we will get through it. The Congress is not going to precipitously mandate that our troops begin to be withdrawn. We are going to go forward and allow them the time to do the job. In September and October we will debate this issue again, as we should. But to come back again after having just voted in May to allow us to go forward and say here we are in July and the surge has failed, I think that is a terrible mistake.

I yield the floor.

Mr. DURBIN. Madam President, since the minority whip is ready to vote, I ask unanimous consent to vote on the Levin-Reed amendment No. 2087 at 6 p.m. with the time between now and then equally divided in the usual form.

Mr. LOTT. I object, Madam President.

Mr. MCCAIN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Madam President, the objection is heard, and I think it is very clear. You cannot object to the vote, say you are ready to vote, and then object to the vote. You cannot have it both ways.

The fact is, when you look at these past votes on the Defense authorization bill, they don't make the case that the Senator from Arizona and the Senator from Mississippi say. I will go through each one of them:

For the year 2000, considering the fiscal year 2001 Defense authorization bill, of 14 amendments on which there were rollcall votes, only 1 required 60 votes because it involved a budget waiver. In 2001, when we considered the fiscal year 2002 Defense authorization bill, of the 2 amendments on which there were rollcall votes, all were simple majorities; no 60-vote requirements. In 2002, for the 2003 Defense authorization bill, of the 5 amendments on which there were rollcall votes, only 1 60-vote requirement; again, a specific budget waiver, which is not the case with the pending amendment. In 2003, when we considered the 2004 Defense authorization, of the 10 amendments on which there were rollcall votes, all were simple majorities; no 60-vote requirements. In 2004, with the 2005 Defense authorization, of the 30 amendments on which there were rollcall votes, all were simple majorities; no 60-vote requirements. In 2004, with the 2005 Defense authorization, of the 30 amendments on which there were rollcall votes, only 2 required an extraordinary majority of 60 votes, both requiring budget waivers. In 2005 when we considered the Defense authorization bill for 2006, for 25 amendments they were simple majority votes. None required 60 votes. In 2006, when considering the fiscal year 2007 Defense authorization bill, 15 amendments, only 2 required 60 votes. They related to the minimum wage. They required budget waivers. Those are the only 2.

Let me also correct the record. When the Senator from Arizona says we don't take up the war in Iraq on the Defense authorization bill, I would remind him that in the last Defense authorization bill, there were two specific amendments offered relative to the conduct of the war in Iraq—on this very bill last year: one by Senator LEVIN and Senator REED, another by Senator JOHN KERRY, both of which only required a majority vote.

I would say from the Senator from Arizona's point of view, there is scant evidence to support his position that No. 1, we never considered Iraq on Defense authorization bills—we just did last year; No. 2, we always require 60 votes when it comes to amendments on the bills. Six times in 7 years we did, each one because of a budget issue that is not involved in the Levin amendment.

Let me say a word about the other things said by the Senator from Arizona before yielding the floor. I respect the men and women in uniform. I have been to Iraq twice. I have visited with them. I have been to send-offs in my State of Illinois as National Guard units have been activated. I have been there to welcome them home. I carry on many conversations with the Illinois soldiers overseas. I keep in touch with their families. I respect them very much. But to say this is the first time we have heard from generals in Iraq that they just need another 6 months or another year, I think the Senator from Arizona knows better. We have been told this over and over again: When they stand up, we will stand down. Do you remember that one? How many years have we been hearing that? How many hundreds of millions of dollars have we put into Iraq for training Iraqi Army soldiers? Yet we are still there with a larger force today than there we were just a year ago.

So when my colleague argues that just a little more time is all they need, I hope he will understand the skepticism of the American people and many Members of the Senate. We have heard this before over and over again.

I also want to take issue with one point the Senator from Arizona said—and I am sure he didn't mean to mislead anyone. We are not talking about withdrawing the troops in 120 days, which is what has been said over and over again. The Levin-Reed amendment begins the withdrawal of troops in 120 days, completing it on April 1 of next year—transitioning by April 1 to a different force; not the combat force we know now caught in the midst of a civil war but a force with the specified mission of fighting al-Qaida and other terrorism, of helping transition the Iraqi Army to self-defense, and protecting our own men and women and our assets and security during this transition. Those things are all included in this bill. So this notion that somehow in a matter of 120 days all the troops will be gone, that isn't even envisioned in the Levin-Reed amendment.

So I would say to my friend from Arizona: Yes, I guess my patience has worn thin. I guess I have heard from too many generals such as those quoted by the Senator from Arizona that they just need a little more time. I have seen what time has cost us. It has cost us American lives. It has cost us serious, debilitating injuries. It has cost us a great deal in terms of our national treasure and resources. I think it is time for a change of policy, and so do the American people. They said that in the last election. They don't want us to dream up procedural obstacles to keep us from this decision. They want us to vote up or down to change the policy or keep the policy. That is what we were sent here to do.

I hope the Republican side of the aisle, as they initiate this filibuster, as they try to stop us from coming to a majority vote on the Levin-Reed amendment, understand that America sees that clearly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. The Senator from Illinois—and this is growing a little wearisome, it really is. The fact is, 60 votes have been invoked by the minority time after time, whether it be a district judge or an appellate court judge, or most any other issue that is controversial. The Senator from Illinois knows that, and that is why it is very disappointing to see him using this kind of rhetoric when he is willing to have 60 votes be required for some judge but somehow feels—which they did invoke when they were in the minority—and yet feels that it is not appropriate to have 60 votes on an issue of this importance.

The Senator from Illinois talks about beginning the withdrawal in 120 days, beginning the withdrawal in 120 days. The day that is signed into law would be the day—would be the day, in the view of every military expert, that al-Qaida would sit back and wait until we left.

The Senator from Illinois continues to call it a civil war. There is sectarian violence. There is very little doubt in the minds—of course, perhaps the Senator from Illinois and others know more than literally every expert I know. It has become, in the words of General Petraeus, a center for al-Qaida and a central front in the war on terror, according to our leading generals.

Now, I resent a little bit this comment by the Senator from Illinois about he has heard the generals before. I heard the generals before, and I disagreed with the generals, and that is our right to do. But to denigrate their opinion I don't think is appropriate to people who spend their lives in the service of the military, defending this Nation. General Petraeus, it is my understanding, has been wounded three times in different wars fighting for this Nation. I think he deserves respect rather than being dismissed by saying: Well, I have heard the generals say that before. We should pay attention to the generals. We should have paid attention to the generals at other times in our history, including those who disagreed with the former Secretary of Defense, Secretary Rumsfeld.

Again, I repeat, since we seem to be going in a certain circularity, conditions in Iraq today are terrible, but they become way worse as the U.S. Ambassador to Iraq, Ryan Crocker, a career foreign service officer, recently told the New York Times. I am quoting from the Washington Post editorial of just a few days ago:

> The generals who have devised—

The generals whom the Senator from Illinois derides—

> The generals who have devised a new strategy believe they are making fitful progress in calming Baghdad, training the Iraqi Army, and encouraging anti-al-Qaida coalitions. Before Congress begins managing rotation schedules and ordering withdrawals, it should at least give those generals the months they ask for to see whether their strategy can offer some new hope.

Why do you think the Washington Post and literally most every national security expert feels that this ought to be given an opportunity, remembering that the last part of it has just been put in place a short time ago? Because the consequences of failure, as I have just quoted from many military experts, are a catastrophe.

General Lynch says:

> What the Iraqis are worried about is our leaving. And our answer is: We are staying, because my order from the Corps Commander is that we don't leave the battle space until we can hand over to the Iraqi security forces. Everybody wants things to happen overnight, and that is not going to happen.

So when the amendment of the Senator from Illinois and the Senator from Rhode Island and the Senator from Michigan is passed, then the word is spread and General Lynch can no longer say to the Iraqis we are staying, because we will be leaving.

General Odierno says:

> My assessment right now is, I need more time to understand how the current offensive targeting al-Qaida and Iraq terrorists is working and how it could lead to political progress in the months ahead.

Odierno said:

> I am seeing some progress now here in Iraq. We have really just started what the Iraqis term "liberating" them from al-Qaida. What I've got to determine is what do I need in order to continue that progress so that the political peace can take hold and Iraqi sources can hold this for the long term.

I want to point out to my colleagues that I am not guaranteeing success. I wish it had gone better. I think there are areas, particularly as far as the government is concerned, where dramatic improvement has to take place. But I do know the consequences of failure, and that view of setting a date for withdrawal is a clear recipe for a much larger conflict with much greater involvement in the region over time.

So when the Senator from Illinois and my friends on the other side of the aisle talk about how this won't be withdrawal if this is passed, I say: My friends, this is withdrawal. This is the message to those people who have to remain in the neighborhood: We are leaving and you are going to have to make adjustments to the neighborhood and the new big guys on the block.

Again, I wish we could take up this issue in September. I wish we could pass the necessary legislation to care for the men and women who are wounded. I wish we could pass the necessary legislation in order to take care of the needs of the men and women in the military. If we pass this bill this week—I tell my colleagues we are going to be going into the August recess. We will be coming back in September with probably a very contentious conference with the House. The chances right now of us getting final passage and the President's signature on this bill by the first of October is not good. So the sooner we get this bill off the floor and to the President, the better off we are going to be.

I certainly hope we will take into consideration the great needs that are existing in the military today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, tomorrow's vote in the Senate is not a vote on the Levin-Reed amendment. It is a vote on whether the Senate will allow us to vote on the Levin-Reed amendment. It is a vote on whether the Senate will break a filibuster so that the Senate can express its will, which I think is totally clear and reflects the will of the American people as expressed last November.

A change in course in Iraq is critical for our national security. If you think the present course is working, if you think we are making progress, as the President has said month after month, year after year, then presumably you are going to vote against the Levin-Reed amendment—if we can ever get to a vote on the Levin-Reed amendment. But if you believe that changing course is the only hope of success in Iraq, that forcing the political leaders of Iraq to accept responsibility for their nation and to work out the political settlements that could prevent this violence from continuing and lead to the ultimate success in Iraq, and if we can get to the Levin-Reed amendment and break the filibuster, then you will be voting yes.

Madam President, it has been more than 4 years since the United States invaded Iraq. Despite a military victory that toppled Saddam Hussein and routed his army, Iraq soon became victim to a Sunni insurgency, to Shiite militias bent on revenge, and became victim to an incursion of al-Qaida terrorists whose actions were aimed and are aimed at promoting an Iraqi civil war.

As the situation on the ground has shifted, so has President Bush's rationale for our involvement. He took us into Iraq to get rid of Saddam Hussein and his weapons of mass destruction. When no weapons of mass destruction were found, the President said we needed to create a democracy in Iraq. Now the President says we must stay on to fight al-Qaida.

The President had a pre-surge strategy, a surge strategy, and now he has offered a post-surge strategy. What has remained constant in all of these strategies is one thing: They all have an open-ended commitment of U.S. forces in the middle of Iraq's civil war.

That open-ended commitment of a Muslim country by the West has played right into the hands of al-Qaida. Indeed, the intelligence community is recently reported to have concluded that the years of our occupation of Iraq have seen a surge of al-Qaida in Iraq.

It has come at a staggering cost—the loss of more than 3,600 of America's best and bravest, seven times that many wounded, and a price of $10 billion each month. In spite of the heroic efforts of the U.S. service men and women, chaos and destruction have deepened in Iraq.

Yet, month after month, year after year, the President has touted progress in Iraq and called for patience. It has been a litany of delusion. Just listen to President Bush's repeated claims of progress.

In October of 2003, President Bush said:

> We are making progress about improving the lives of the people there in Iraq.

On September 25, 2004, the President said:

> We're making steady progress in implementing our five-step plan toward the goal we all want: completing the mission so that Iraq is stable and self-governing, and American troops can come home. . . .

On April 28, 2005, the President said:

> I believe we're really making progress in Iraq. . . .

On October 28, 2005, the President said:

> Iraq has made incredible political progress. . . .

On November 14, 2005, the President said:

> Iraqis are making inspiring progress toward building a democracy.

On May 25, 2006, the President said:

> We are making progress on all fronts.

On March 19, 2007, the President said:

> There has been good progress.

The exaggeration and the hype continues to this day. On June 28, a few weeks ago, the White House press release stated:

> The Iraqi security forces are growing in number, becoming more capable, and coming closer to the day when they can assume responsibility for defending their own country.

But in the benchmark assessment report released last week we read:

> There has been a slight reduction in units assessed as capable of independent operations since January 2007.

That is referring to Iraqi units. Even that turned out to be an exaggeration. Just 2 days later, the Chairman of the Joint Chiefs of Staff, General Peter Pace, told the press that the number of Iraqi Army brigades that were capable of independent operations had fallen from 10 to 6—quite a difference from a "slight reduction."

Madam President, one merely has to take note of recent incidents in Iraq as reported in our newspapers to know that things are not going well in Iraq and that the administration's assessments of progress have been consistently overblown through the years and continue to be overblown.

Consider the headline in USA Today on July 12: "Iraqi police assist gunmen." The story described our Army investigation into a January attack in Karbala that killed five U.S. soldiers. Our investigation concluded that the Iraqi police who were supposed to be partners with American troops colluded with insurgents.

Then there was this story in the New York Times on July 14: "U.S. Troops Battle Iraqi Police in East Baghdad." Those are the police who are supposed to be on our side trying to quell the violence in Baghdad, not attacking American troops.

On the all-important area of political benchmarks, consider this headline from the Financial Times of June 18: "U.S. Military Frustrated at Lack of Iraqi Reconciliation." The story reports that General Petraeus said there has not been any "real substantial achievements in terms of political reform in progress."

Reuters reported on June 18 that Iraq was ranked the second most unstable country in the world behind Sudan in the 2007 Failed States Index, produced by Foreign Policy magazine. Failed state? Obviously, we don't want Iraq to be left as a failed state. It is failing. It is on a failing course. If we don't change that course, it is going to continue to descend into that failed status.

The administration's recent self-assessment of benchmarks that there is progress on 8 of the 18 benchmarks would have us believe that the cup in Iraq is half full rather than being half empty. Eight of eighteen—that sounds pretty good, like progress. But as a matter of fact, Iraq is a cup with a hole in its bottom. We keep pouring in our men and women and resources, and there is a hole in the bottom of that cup through which they go.

It is that Iraqi hole that Secretary Gates addressed on June 14 in Baghdad when he said the message he was delivering to the Iraqi people was that "our troops are buying them time to pursue reconciliation and that, frankly, we are disappointed in the progress thus far." Secretary Gates was accurate in saying that "our troops are buying [the Iraqis] time to pursue reconciliation." But what he left unsaid is that our troops and our Nation have paid, and continue to pay, far too high a price to give the Iraqis that opportunity, and the time is long past due for the Iraqi political leaders to accept responsibility for their own future.

Secretary Gates' statement that we are "disappointed in the progress" was surely an immense understatement. The American people are downright incensed at the failure of the Iraqi leaders.

Everybody agrees there is no military solution in Iraq and that the only way to end the violence is for the Iraqi political leaders to settle their differences. Iraqi Prime Minister Nouri al-Maliki acknowledged that last November when he said—and these words should be seared, I believe, into the consciousness of each of us as we vote, if we are ever allowed to vote on the Levin-Reed amendment. Here is what he said:

> The crisis is political, and the ones who can stop the cycle of . . . bloodletting of innocents are the [Iraqi] politicians.

Our service men and women are dying and being wounded while Iraqi leaders dawdle. The Iraqis themselves made commitments to share resources and power, amend their constitution, hold provincial elections, and take over responsibility for their own security in many more places than they have. They made the commitments last year in writing, but they have not kept them.

Secretary of State Rice recently confirmed in a letter to me that Iraqi leaders themselves, including their Presidency Council, had approved those benchmarks and the associated timeline. Secretary Rice wrote me:

> We have confirmed with Iraqi President Talabani's chief of staff that the benchmarks were formally approved last fall by the Iraqi political committee on national security. This committee includes the presidency council, the President, and the two vice presidents, as well as the leaders of all the major political blocs in Iraq.

Well, the Iraqi leaders' record on meeting the political timelines, which they approved themselves with a timeline, is abysmal.

For example, they said they would approve provincial elections and set a date for those elections by October of 2006. That has not been accomplished. They didn't do what they promised they would do.

The Iraqi political leaders said they would approve the hydrocarbon law by October 2006. That was not done. That has not been accomplished. They didn't do what they said they would do. The Iraqi leaders said they would approve a debaathification law by November 2006. They didn't do what they promised to do. The Iraqi political leaders said the Constitutional Review Committee would complete its work by January 2007 and hold a constitutional amendment referendum by March of this year. They did not do what they promised they would do.

This is not us imposing our benchmarks on them, this is the Iraqi political leaders who adopted their benchmarks, and have not met them.

I ask unanimous consent that my letter to Secretary Rice and her response be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Madam President, while our troops have done everything, and more, of what has been asked of them, while they have risked their all and given their all, the Iraqi political leaders remain frozen by their own history, unwilling to take the political risks that only they can take.

If there is any hope of forcing the Iraqi political leaders to take responsibility for their own country and to keep the commitments they made to meet the political benchmarks that they set and to make the compromises that only they can make, it is to have a timetable to begin reducing American forces and to redeploy those forces to a more limited support mission instead of being everybody's target in the middle of a civil war.

We need to send a clear message to the Iraqi leaders that we will not be in Iraq indefinitely, that we will not be their security blanket forever. That is what the Levin-Reed amendment would do if we are allowed to vote on it. Our amendment would require the President to begin reducing the number of American troops in Iraq within 4 months of enactment.

It would require transitioning the mission of our remaining military forces to force protection, training of Iraqi security forces, and targeted counterterrorism missions. Our amendment would require that the transition to those limited missions be completed by April 30 of next year. Finally, and importantly, it would call for a comprehensive diplomatic, political, and economic strategy, including sustained engagement with Iraq's neighbors and seeking an appointment of an international mediator under the auspices of the U.N. Security Council in order to try to bring stability to Iraq.

Some have criticized our amendment because it contains a timeline for the completion of the transition to new missions. We received similar criticism in the past about the timeline for the commencement of the transition. Timelines need to be established as the only way to force a change of course in Iraq and to force the Iraqis to accept responsibility for their own future. It is human nature to put off difficult decisions. Passage of our amendment would serve as a forcing mechanism and serve to stimulate action by the Iraqi Government to reach a political settlement.

Delaying action until the receipt of the administration's plan in September would only delay the time when Congress applies the needed pressure. There is no indication that Iraqi political leaders will compromise without our pressure. Indeed, there is every indication they will not. As Secretary Gates stated in April:

> Debate in Congress . . . has been helpful in demonstrating to the Iraqis that American patience is limited . . . The debate itself and . . . the strong feelings expressed in the Congress about the timetable probably has had a positive effect in terms of communicating to the Iraqis that this is not an open-ended commitment.

There is no indication the administration is willing to change course. For years, they have deluded themselves and the Nation with claims of progress while Iraqis descended into sectarian violence and chaos. On July 4, President Bush repeated his call for patience which he has made so many times over the years.

After more than 4 years, over 3,600 U.S. deaths, seven times that many wounded, and expenditures of $10 billion a month that we are borrowing from the future to finance this war in Iraq, the President's pleas for patience not only have a hollow ring, it is exactly the wrong message to the Iraqi leaders. Our message should be we are out of patience, and the refusal of the Iraqi leaders to work out their political differences is something which is no longer acceptable.

Congress attempted to respond to last November's election with a vote that we made on April 26. We adopted a bill that did provide a timetable to begin the reduction of U.S. forces in Iraq, the beginning of a phased troop reduction, redeployment in no more than 120 days, and a transition to a more limited mission focusing on counterterrorism, force protection, and training and logistical support for the Iraqi Army. President Bush vetoed our bill shortly thereafter.

Senator McCONNELL made a statement which was, I believe, very direct and very accurate, when he assessed not too long ago that "the handwriting is on the wall that we are going in a different direction in the fall." That Presidential veto does not wash away the handwriting on the wall. It only makes the handwriting clearer and firmer that there is going to be a change of direction in Iraq.

So the question is: Why wait? Why not decide on a change of course now to save months of lost and wounded lives and huge additional expenditure of funds?

The clearer the handwriting on the wall is to the Iraqi political leaders and the quicker they read it and accept it, the greater the prospect for political settlement.

The clearer the handwriting on the wall is that the open-ended commitment of President Bush is over, not just rhetorically but in reality, the greater chance that an even wider civil war can be avoided.

There are some who acknowledge that a change of course is needed in Iraq, including U.S. troop reductions but who then say not now. But surely time is not working for us in Iraq. The sooner we shift strategy to force Iraqis to take responsibility, the better.

If we wish to improve the chance of a positive report on political progress in September, we need to put great pressure on Iraqi political leaders in July. We cannot and must not continue to have the lives of American servicemembers held hostage to Iraqi political intrigue and intransigence.

If we can get to the Levin-Reed amendment, if we can overcome the filibuster, and if we can adopt the Levin-Reed amendment which provides for the beginning of the reduction of our forces in Iraq in 120 days and transitioning to more limited missions, no more than 120 days after enactment, if we can adopt an amendment which says we will complete that transition by April 30, 2008, if we can adopt our amendment which provides for the appointment of an international mediator under U.N. auspices, we believe we will have passed the best chance of success in Iraq, and we will have adopted the only course of action which has a chance of pressuring the Iraqi leaders to do what only they can do.

The clock is ticking. We are losing more American lives and more American resources every day we delay. The time has come to set deadlines, to reduce our forces in Iraq, to transition to the new limited missions, and to embark on a comprehensive, diplomatic, political, and economic strategy to bring stability to Iraq.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 9, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: I am writing in connection with your letter of January 20, 2007 in which you advised me regarding a set of benchmarks that the Government of Iraq has set for itself.

You wrote that "Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website."

Yesterday, I met with Mowaffak al-Rubaie, Prime Minister Maliki's national security adviser. During the course of our meeting, Dr. Rubaie stated that the Presidency Council never reaffirmed the benchmarks. He was adamant on this point even after I showed him the statement in your letter.

This is an important point as the Presidency Council, whose three members, President Jalal Talabani (Kurd), Deputy President 'Adil 'Abd al-Mahdi (Shia Muslim) and Deputy President Tariq al-Hashimi (Sunni Muslim), are elected by the Council of Representatives and represent the three major ethnic groups of the country.

Earlier today, State Department Spokesman Sean McCormack stated "These are the benchmarks that they've laid out for themselves. We didn't come up with them. They came up with them. And they need to be seen in the eyes of the Iraqi people as delivering for the Iraqi people."

It seems to me that it would make a difference if the benchmarks and associated timeline were only approved by an advisory group as compared to the Presidency Council.

Accordingly, please confirm that the benchmarks and associated timeline, which you attached to your January 30, 2007 letter, were reaffirmed by the Presidency Council after being agreed upon by the Policy Committee on National Security, as stated in your letter.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

THE SECRETARY OF STATE,
Washington, DC, June 13, 2007.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter inquiring about the benchmarks that the Government of Iraq set for itself last fall.

As you mentioned, I sent to you a letter in January in which I noted that Iraq's Political Committee on National Security agreed upon a set of benchmarks and an associated timeline, which were reaffirmed by the Iraqi Presidency Council in October 2006.

We have confirmed with Iraqi President Talabani's Chief of Staff that the benchmarks were formally approved last fall by the Iraqi Political Committee on National Security. This committee includes the Presidency Council—the President and the two Vice Presidents—as well as the leaders of all the major political blocs in Iraq. The Iraqi Presidency Council then posted the benchmarks on its website for several months.

Thank you for your interest in this issue. Please feel free to contact us on this or any matter of concern to you.

Sincerely,

CONDOLEEZZA RICE.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, yesterday a man whom I had the opportunity of meeting and knowing a little bit, British Army Lieutenant General Jim Lamb—General Lamb is the Deputy Commander of Multinational Forces Iraq and senior British military representative in Iraq—was asked by Jamie McIntyre of CNN about how "the growing sentiment in our Congress to bring U.S. troops home sooner" affected the mood of his troops deployed in Iraq, meaning the British troops. Lieutenant General Lamb responded that those troops find it "a touch difficult." I think that is a very interesting phrase, "a touch difficult," because while it is so clear to them that we are making progress, it is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.

Lieutenant General Lamb noted that those making such judgments and not taking note of the progress "are not going out every day in a humvee." Moreover, he further noted that the progress the troops see is seldom reported. They see provincial counselors, they see water going to people who didn't have it before, they see electricity coming online, they see stability to the networks. They see all this stuff that no one portrays.

I say to my friend from Michigan and the Senator from Illinois and others, I hope they pay a little attention to General Lamb's statement or reject it out of hand, of course, as apparently is being done.

I have to repeat, General Lamb responded that his troops find it "a touch difficult." While it is so clear to them we are making progress, it is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.

I don't think I have to editorialize anymore on General Lamb's, I think, totally accurate statements.

The New York Post reported on July 10 an interview with General Petraeus. He is asked by Ralph Peters, a person for whom I have enormous respect:

> The current military operations in Iraq appear comprehensive and tenacious, part of a long-term, integrated plan. What can we realistically expect to achieve?
>
> Petraeus: Our primary goal is to work with our Iraqi counterparts to improve security for the Iraqi people. This is intended to give the Iraqi leaders the time to resolve the tough political issues they face and to pursue internal reconciliation.

He goes on to say:

> As to reasonable expectations, we can expect a reduction in sectarian deaths and the gradual spread of Iraqi government authority. The level of sectarian deaths in Baghdad in June was the lowest in about a year. Nevertheless, the extremists still have been able to carry out car bomb and other attacks.
>
> Wherever we operate, we try to reconnect Iraqi ministries and local governments to meet the needs of the people. Finally, we provide opportunities for Iraqis to use their local knowledge to help root out al Qaeda. Successful operations of this nature have played out in recent months in Ramadi, Hit and Baquba. In each case, Iraqis turned against al Qaeda and sided with the Coalition.

Question:

> Now that the surge is fully in place, what's your sense of the positives and negatives thus far? If you could have more of any one item, what would it be? Troops? Time? Iraqi unity?

General Petraeus's answer:

> I can think of few commanders in history who wouldn't have wanted more troops, more time or more unity among their partners; however, if I could only have one at this point in Iraq, it would be more time.

I repeat, General Petraeus said:

> . . . if I could only have one at this point in Iraq, it would be more time. This is an exceedingly tough endeavor that faces countless challenges.

So what does the Levin-Reed amendment do? Deny General Petraeus exactly that. As Senator LEVIN points out in his statement, the announced withdrawal would force the Iraqi Government to act and, therefore, then we would see progress. What if, I say to my colleagues who support this amendment, what if instead the situation deteriorates into a chaotic situation, then what do we do? Then what do we do if the situation gets worse? Do we come back in? Do we sit on the sidelines and watch another genocide? What if, I say to my colleague who often asks me what is plan B, the surge doesn't work? What is plan B if the withdrawal doesn't work?

I don't think that most people would believe that an international mediator is exactly a solution that is viable.

I wish to talk a minute about the region. Finally, after our stunning military victory and shock and awe and the invasion side of the conflict was over, America was in pretty good shape in the region. The Syrians were trying to be cooperative. There were efforts on the part of the Iranians to join with us in efforts to bring about an end to terrorism in the region. Then we began to fail, and that failure has, obviously, been chronicled in many books. I recommend to my colleagues the book "Fiasco" or "Cobra II" or a number of other books that have been written that describe the failed Rumsfeld strategy. We paid a very heavy price for it. All of us know that. It has been the sacrifice of our most precious asset.

What has happened since? We find the Syrians continuing to intervene in northern Lebanon. We find the Syrians, according to many experts, transporting suicide bombers through the airport in Damascus into Iraq. We find the Iranians not only orchestrating attacks and providing intelligence and even money and funding, in some cases, but there is clear and compelling evidence that the IEDs, the most lethal IEDs are exported from Iran into Iraq, those that have the lethality even of going through the armor of a tank. We find the Iranians more aggressive in the region with Iranian support for Hezbollah and Hamas. The Syrians continue to try to unsettle the Government of Lebanon, and the Government of Lebanon is having great difficulties.

There is a U.N. Security Council resolution that calls for the disarmament of Hezbollah in southern Lebanon. There has been no effort whatsoever to achieve the goals set forth in that U.N. Security Council resolution. In fact, there is strong evidence that Hezbollah in southern Lebanon is being resupplied with the rockets they expended in their latest attack on Israel which provoked an attack on Israel. We find the Saudis becoming more and more uneasy. We once had a report—that fortunately turned out to be false—that the Turks had crossed over into the Kurdish areas because of Kurdish insurgents who are operating out of the Turkish areas, at least according to the Turks. So we have seen, because of our failure in Iraq, more strife, more conflict, and more threats to the State of Israel.

Meanwhile, the Iranians continue on the path to develop nuclear weapons. A great fear of many of us is not a nuclear weapon aimed at Israel from Iran. One of our great fears is a nuclear weapon passed to a terrorist organization by the Iranian Government, which has stated through its President and its policies their dedication to the extinction of the State of Israel. I could argue that the State of Israel is probably in more jeopardy from a national security standpoint than at any time in its history, since that very young nation achieved its independence.

So what happens in the region when we adopt the Levin-Reed resolution, and the signal is sent throughout the region "don't worry, the Americans are leaving." I think the consequences are fairly obvious. So we are not just talking about Iraq, as serious and consequential as that situation is. We are talking about the region. It is hard for me to believe the Sunnis would not intervene to protect Sunnis if there is a bloodletting in Baghdad, where 2 million Sunni reside and 4 million Shia. But according to the premise of the Levin-Reed amendment, this will force the Iraqi Government to act and to control their own destiny.

My question is: What do we do if they can't? What do we do if they can't?

Some of my colleagues have talked about this "gradual withdrawal." A gradual withdrawal. I think most military experts would tell you that the most difficult operation in military tactics and strategy is a "gradual withdrawal." It is fraught with difficulty. When an army is defeated, and an army tries to come home, it is the most difficult of all military operations.

So I think that as we discuss this specific amendment and the issue of whether we stay or go in Iraq, whether we allow the new strategy of General Petraeus and the Joint Chiefs of Staff a chance to succeed, which calls for a surge in Iraq, while we debate this, I don't think we should ignore the larger implications for the region. I believe, and I cannot absolutely predict the future, but a failure in Iraq, according to most experts, would lead to a chaotic and unsettled situation in the region.

So I would at least ask for my colleagues' consideration of an article by Stephen Biddle in the Washington Post on July 11, entitled "Iraq: Go Deep or Get Out." I think perhaps we ought to start looking at this situation from that respect. Mr. Biddle, in his piece, says:

> The result has been a search for some kind of politically moderate "Plan B" that would split the difference between surge and withdrawal.

I think that adequately describes the Reed-Levin amendment.

> The problem is that these politics do not fit the military reality of Iraq. Many would like to reduce the U.S. commitment to something like half of today's troop presence there. But it is much harder to find a mission for the remaining 60,000 to 80,000 soldiers that makes any sense militarily.
>
> Perhaps the most popular centrist option today is drawn from the Baker-Hamilton commission recommendations of last December. This would withdraw U.S. combat brigades, shift the American mission from one of training and supporting the Iraqi security forces, and cut total U.S. troop levels in the country by about half. This idea is at the heart of the proposed legislative effort that Domenici threw his support behind last week, and support is growing on both sides of the aisle on Capitol Hill.

The politics make sense, but the compromise leaves us with an untenable military mission. Without a major U.S. combat effort to keep the violence down, the American training effort would face challenges even bigger than those our troops are confronting today. An ineffective training effort would leave tens of thousands of American trainers, advisers, and supporting troops exposed to that violence in the meantime. The net result is likely to be continued U.S. casualties with little positive effect on Iraq's ongoing civil war.

> It is unrealistic to expect that we can pull back to some safe yet productive mission of training but not fighting—this would be neither safe nor productive.

So, Madam President, I think we ought to look at what we are discussing here not only from the standpoint of Iraq but the implications for our presence in the region. And I will say something that is very seldom stated on the floor of the Senate: as long as we are dependent on oil in the region, our greater national security interests are at stake in what happens with the outcome of Iraq. The possibility of success in Iraq, of seeing the world's third largest oil reserves being modernized and used, and those revenues used for the betterment of the American people, also presents a goal that I think is worth striving for.

I would like to again return to the fact that I am deeply disappointed in the Maliki government. Their failure to act unhinges the very important aspect of the military, political, social, and economic aspects of any successful counterinsurgency operation. But I also believe that nothing would embolden the Iranians more, nothing would embolden the Syrians more, nothing would frighten the Jordanians and the Saudis more, not to mention the Egyptians, than the passage of legislation which would require the withdrawal of the United States.

So I urge my colleagues not only to look at how this legislation and this debate affects America vis-a-vis Iraq but affects our western and national interests and values in the entire Middle East.

Madam President, I note the patience of my friend from Rhode Island, who is a thoughtful and valued member of the Armed Services Committee whose friendship I appreciate a great deal.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator for the kind words. And one of my first reactions was a bit of confusion. He referenced General Lamb, the British officer in Baghdad, expressing chagrin at the proposals to reduce the troop strength of the American forces. He must have been beside himself last February when Prime Minister Blair announced the reduction of British forces. In fact, Prime Minister Blair stated at that time that 7,100 troops would be drawn down to approximately 5,500. That is down from a level of 40,000.

So at the time that the British are withdrawing troops, we are trying to surge troops. I think the general's peak or discomfort is somewhat misplaced with the United States. I think it should more properly be directed to Prime Minister Blair.

But let me get on with issues that I want to address, and that is to try to clarify from my perspective some of the concepts and terms that have been talked about. One is a repeated reference to General Petraeus's plan. The President makes it, and my colleagues make it. This is the President's plan. General Petraeus was asked specifically in his confirmation hearing what role he played, and here was his answer.

> I met with the Secretary of Defense a couple days after he took office and before he left for his first trip to Iraq, and we discussed the situation there during that meeting. We subsequently talked after his trip. I also talked to the chairman of the Joint Chiefs of Staff several times in this period, noting that a population and security emphasis in Baghdad in particular was necessary to help the Iraqis gain the time and space for tough decisions.
>
> As the strategy was refined, I talked on several occasions to General Odierno. I relayed my support for those levels that General Odierno recommended to the Chairman of the Joint Chiefs. I also supported the additional emphasis in the advisory effort.

This is not a precise quote, but paraphrases his remarks. General Petraeus is not the author of this plan. He, like many officers, participated, was asked questions; he had great experience. He was the head and led the 101st Air Mobile Division in Iraq and was head of our training effort. But this is not his plan.

Now, he has accepted this plan. He did that publicly. But this is the President's plan. And at the heart of the President's plan is the statement he made on January 10 when he announced it.

> I have made it clear to the prime minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people and lose the support of the Iraqi people. Now is the time to act. The prime minister understands this.

Well, apparently, the prime minister did not understand, because in the intervening months, exactly what the President feared has happened. There has been no adequate political progress in Iraq. That is key rationale for the increased forces in Iraq. And without this political decisiveness on the part of the Iraqis, our military efforts will not be decisive. And what has happened because of this failure to act is precisely as the President suggested? The American people have increasingly become critical of the policy in Iraq. Their support is eroding, and similarly the Iraqi people.

So you have a situation now where the logic and the premise for the surge, for the troop levels we are maintaining in Iraq, was the fact there would be political progress. Since January, to date there has not been political progress. I daresay there is very few, if any, of my colleagues that will argue that between now and September 15 we will see remarkable progress by the Iraqi Government. Indeed, it is suspected, confirmed practically, that the Iraqi Assembly will adjourn in August for the month. So the reality is that on these critical issues of political will and decisiveness and political progress, we will know nothing in September that we do not know now.

Given the incredibly complicated political system, the incredibly complicated institutional challenges facing the Iraqi Government, the notion that we will know more even at the end of this year or the beginning of next year is doubtful. Without this political progress, all our military efforts will not produce success. That is one reason I think we have to begin to change course. We have to begin to adjust our effort to protect our self-interests and our interests in the region, but no longer be the broker, if you will, for political progress in Iraq that does not materialize.

My colleagues have been on the Senate floor and said time and time again that there have been deadlines imposed, in many cases by the Iraqis themselves, that have not been met. The latest report, just a few days ago, suggested these political benchmarks have not been issued. Without that, our efforts and the brave sacrifice of our soldiers, marines, airmen, and sailors, and every man and woman who is out there, are not producing the results we want and need. So we have to look again at this strategy.

But there is another factor, too, that I think is important to note. I was just in Iraq—as so many of my colleagues have traveled there, I have also—and I spoke with General Petraeus directly. He gave me every indication that he was not waiting for September; that he had been able to make an assessment over the several months he has been in command, and he is prepared to make a recommendation—unless I misunderstood him—before the end of August.

Now, he might be overruled by the White House in Washington, but he has a pretty good sense of what is happening on the ground, and we should have that same sense in the Congress.

The other factor that seems so critical when it is put next to the issue of no apparent progress by Iraqi political leaders is the fact that by April of next year, April 2008, our military forces will not be able to generate 160,000 troops on the ground in Iraq. The surge will come to an end regardless of what happens on the ground. Unless, of course, the President is prepared to make Draconian personnel changes, extend deployments to 18 months or even longer, calling up Reserve and National Guard units that are not scheduled to be called up, continuing to rely upon the stop-loss practice, where individuals who are eligible to leave the service after honorable service are denied the opportunity to leave and in many cases are forced to deploy; picking reservists and people who are in the individual Ready Reserve, those are individuals who served their full active commitment, they have left, many of them have gone on with their lives and suddenly they are called up and told get back in uniform, you are going overseas.

Without such draconian decisions, then by next April we will not be able to field 160,000 troops in Iraq as we are doing today. So the reality is this policy will change. The question is, will it change now or then and will it change in a way that strengthens the national security of the United States? Also, will it change in a way it will gain the support of the American people?

One of the factors in a counterinsurgency is the fact that you need popular support. That is not something that is a special thing to have or a nice thing to have, it is essential to the strategy. We are losing—the President is losing—popular support with respect to these operations. Without that support, we will not be able to maintain our presence in Iraq.

We are seeing already Americans across the political divide, across the geographical divide, demanding that this Congress act. They have, frankly, little confidence in the President's ability, after all these years, to get it right. That is one of the major reasons we are here today debating, and we will be tonight debating, because the American people are looking for a new direction in Iraq.

The other factor that I think should be mentioned is that, while we have pursued a strategy of increasing our forces, our adversaries—and they are multiple in a complicated theater of operations—have reacted. First of all, they have taken the battle, if you will, the battle we tried to orchestrate in Baghdad, and they have spread it around the country. They have moved where there are fewer troops. This has caused us to spread our operations around. The surge, if you will, the additional approximately 30,000 troops, were initially intended to go into Baghdad.

If you, as I did, listened closely to General Petraeus at his confirmation hearing, if you listened to the President in his January 10 speech, the concept was Baghdad was going to be locked down. It was going to be saturated with American and Iraqi forces. That has not happened because our tactical leaders have determined they must get out of Baghdad, they must go ahead and pursue some of these elements outside of Baghdad, and our adversaries have decided they would rather move on than take us in a head-to-head fight.

Time, regretfully, is always on the side of the insurgent. If they can survive a day, then that is a day that is in their favor. As a result, even with these additional 30,000 troops, there is a question of whether they are an adequate number to take over this population protection mission the President has announced. The population of Iraq is significant. That is another factor I think we have to consider when we look at the adequacy of even the President's proposal today.

The Levin-Reed proposal talks about doing what is not only necessary but frankly inevitable. We have to begin to redeploy our forces. We have to begin to reduce our forces. We cannot sustain this effort because of the structure of our military forces.

The President had an opportunity several years ago, in the wake of our success in Afghanistan and in the wake of the operations in Iraq, to dramatically increase the size of the Army and the Marine Corps. Senator HAGEL and I came to the floor and we proposed an amendment, in 2003, to do that. This was opposed by the administration because, if you recall, back then this Iraq operation was basically all but over and they were getting out.

Now it is very difficult to increase the size of the military forces. The Army has missed, for the last 2 months, its recruiting objectives. But even if we stayed on track recruiting, we are still in a situation where we cannot grow the Army fast enough, the Marine Corps fast enough, to maintain indefinitely these forces in Iraq. So the strategy must change. If the strategy is not only not supported by our end strength, it certainly must change in the light of the American people.

I think the President made a significant mistake last January. After an election that sent a very strong signal all across this country that the American people wanted change, after the report of the Iraq Study Group, wise men and women on both sides of the aisle, with no particular special interest they were trying to protect or advance—they were true patriots coming forward to give their best advice—suggested that our strategy should be remarkably similar to what we are talking about today: The redeployment of the American forces; switching missions to training, force protection, counterterrorism; engaging in robust diplomatic activity in the region.

Those recommendations were cast aside by the President. At that point, if not earlier, the American public began to seriously question the direction of his policy in Iraq. Without public support, you cannot conduct military operations effectively or for any length of time.

So we face two realities in the United States. Ultimately, the inability to generate this force structure indefinitely and the fact that the American people are growing increasingly intolerant of our operations in Iraq—not our forces there, not those magnificent men and women who are fighting and sadly dying each day but our presence there and the lack each day, in their minds, of any real progress and the documented lack of political progress. It was documented a few days ago on the part of the Iraqi Government.

So we have to change. The question then is what is the best way to do it?

We can debate about this. But certainly this amendment, offered by myself and Senator LEVIN, represents a change. Not a hortatory request for further assessment, not a discussion of possibilities or reference to another study group but a plan of change.

It begins by initiating a reduction of our forces 120 days after passage. That probably will be sometime toward the end of this year, given the nature of the legislative process. It doesn't specify any specific level of reductions. That is the President as Commander's prerogative. It doesn't specify a particular timetable when they can leave, who should go first. Again, that is his prerogative. But what it does suggest and, in fact, requires is that by April of next year, that we have transitioned to three missions—again, missions that were supported significantly by the Iraq Study Group: Force protection—we always have to protect our forces and facilities in the field; counterterrorism, because we never want to give up not only the option but the obligation to strike at terrorist cells wherever they may be, particularly in Iraq; and third, the continued training of the Iraqi security forces.

These I think are missions that are not only critical but they advance our national security interests. Again, this fight against terror cannot be given up. We have to continue it. To the extent that we can create effective Iraqi security forces, mitigates against the real concerns that have been expressed on this floor of the aftermath of what I think is almost an inevitable reduction in our presence. We have to be concerned about that.

One of the vexing things, though, about training the Iraqi security forces, is it is relatively easy to teach map reading and squad drills. It is relatively easy to teach calling for artillery fire. What is hard to teach, because you really can't teach it, is the political reliability, with a small "p," the dedication to the country, the situation in which professional officers are truly professional. That is one of the nagging doubts that everyone has about the Iraqi security forces, particularly the Iraqi police, and to a less degree the Iraqi Army. There are many factors there, too, but we still have to, I think, press forward and try to train these forces.

Our amendment represents the only real possibility of change today, of all those that might be discussed on the floor. It represents not a precipitous withdrawal. It is a phased reduction to missions that are important and are well within the capacity, I believe, of our military forces to sustain over time. They serve, I think, the much broader interests of the United States.

All of this, of course, has to be complemented by robust political activity, diplomatic activity in Iraq and around the region, something the President has been woefully lacking in his pursuit of, over the many months we have been engaged. We have to make the case—it is difficult to make, but we have to make the case to the neighbors, particularly, that an Iraq that becomes this caldron of instability and chaos that some of my colleagues fear—and, frankly, that we have to at least anticipate, in terms of our diplomacy and some of our military preparation—that this situation would be detrimental to them as much, if not more, than to us.

A chaotic, turbulent, anarchy on the border of any country spells serious problems for that country. That case should begin to be made immediately, not only by our diplomats but by the international community.

We suggest, also, we have to try again to involve others in this effort; not just the United States and Great Britain but others, the international actors. They, too, I think have an interest in a stable region, a stable Iraq.

It has been discussed on this floor that al-Qaida is sitting back and hoping we leave. It is an interesting concept because there is some contradictory evidence. Ayman Zawahiri, who is the second in command of al-Qaida, was quoted recently as suggesting that our departure would actually be something that would cause them some concern. Not because they don't wish us ill, they certainly do. Not because today they don't continue to try to attack us. But because they believe our presence in Iraq, in his words as translated, is a "historic trap," that we are trapped there and that they can use their forces there—not the al-Qaida elements but all the sectarian groups, some of them operating against us because we are there—they can use these forces to attack our troops, diminish our presence, and effectively continue to apply pressure on us.

I think there is a suggestion there that our departure might, in fact, help us in our overall strategy. It certainly will help us to counteract the image which the propagandists, the Zawahiris of the world present, that the United States is committed to destroying the Muslim community by imperialistically invading holy territory. We are in a battle of ideas ultimately, and we are not doing a very good job because what they are able to show throughout the entire Islamic world is our forces in Iraq and our forces in Afghanistan but particularly in Iraq and try to validate their claim, their propaganda, that is why they exist, to resist us.

In the course of our strategy going forward, one should think at least about the efficacy of our presence there, not in terms of a bulwark of security in Iraq but as a way that we, in fact, are playing into the hands of many of these Iraqi terrorists, these international terrorists.

One of the other aspects we face as a reality on the ground is the complex situation in Iraq. Too often I think the President and others try to simplify this as this battle for Iraq is the central front in our battle against al-Qaida. I would argue the central front in our battle against al-Qaida is somewhere in Pakistan. That is where bin Laden is, where Zarqawi is, that is where it is reported that hundreds of Iraqis and others, Europeans, Chechens, are training to be jihadist terrorists across the globe. But regardless of where the central front is, the issue I think we have to recognize and grasp is that our presence in Iraq is something we cannot sustain indefinitely.

We have to focus, I think, on the other threats, focus more diligently on these other threats. Now, we have a situation in Iraq, a complicated situation of Kurds, Shia, and Sunni, together with criminals, together with terrorist elements, al-Qaida. Too often, as I said, we try to make the point it is just about al-Qaida.

We have made progress in Anbar Province because in that Sunni region, the Sunni tribal leaders have united against al-Qaida. But that does not define the most decisive factor in Iraq, and that is the conflict between the Sunni community and the Shia community; a community on one hand, the Sunnis, who feel profound entitlement, and on the other hand, the Shia, who feel a profound sense of paranoia.

I think we have to ask ourselves seriously, will that profound conflict between the 2 communities be resolved in 30 days, on September 15; will it be resolved in a week; more than that; October 1; will it be resolved 6 months from now?

It has lasted for hundreds and hundreds of years. It is the fuel that is generating the conflict we see in Iraq today. Without the political steps of the Iraqi Government leaders at least to attempt to deal with this issue, our presence will not deal with—I think in the short term—the solution.

Senator LEVIN and I have proposed what I believe is the most practical, feasible, realistic policy we can pursue today in Iraq; indeed, as I suggest, a policy which perhaps not in the same terms but in the same substance will inevitably be the policy of this country. I hope today, though, we can take decisive action to move to our bill, avoid a filibuster, to vote up or down and move forward with a new direction for Iraq, a new direction for our country.

I note the presence of the senior Senator from West Virginia.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as the Senate turns its attention to the fiscal year 2008 National Defense Authorization Act, every Member of this body is focused on the security of our Nation and the safety of our troops in Iraq. Senators Levin and McCain, along with the other members of the Armed Services Committee, have worked hard, very hard, to put together a bipartisan bill that provides our troops with the resources they need and sets priorities for defense spending for the year ahead.

This is a strong bill. I was proud to support it in committee. But it is incomplete—incomplete because we cannot possibly claim to have truly provided for our Nation's security until we have addressed the situation in Iraq.

It is now more than 4 years since President Bush declared the mission in Iraq has been accomplished. Since "mission accomplished," more than 3,400 U.S. soldiers have died, died in Iraq. A sectarian civil war is now deeply entrenched, deeply entrenched and raging.

The political compromises that for years we have been promised by the Iraqis seem to be more distant than ever. Civilians are dying in ever greater numbers, and every day more American troops are hurled into the crossfire.

It is time, yes, far past time, for the Congress—that is us—to have a real debate about this war and about where our national security interests ultimately lie. We must start by sunsetting the outdated and open-ended 2002 authorization to use force in Iraq and requiring the President to request a new authorization that outlines the new mission which our troops are being asked to perform.

The amendment Senator CLINTON and I are offering does exactly that. It will end the 2002 authorization on its 5-year anniversary, October 11, 2007. That authorization which was passed to confront the threat that we were told faced us from the government of Saddam Hussein is no longer relevant. Our troops have toppled the dictator. The Iraqis have voted in a new government. No weapons of mass destruction have been found.

Meanwhile, American soldiers continue to die, die in the crossfire of another country's civil war, while the President fails to clearly articulate our mission, our strategy or our goals for continuing our occupation of Iraq. He must clearly explain his vision, his vision to an increasingly skeptical public, the American people, those people out yonder, the American people.

We were told this year would mark a turning point, a new direction in this war with a new strategy intended to give Iraq's political leaders breathing room in order to forge a political consensus. Unfortunately, that is not the way events have unfolded. Despite the addition of more than 20,000 American troops into Baghdad, civilian deaths have actually increased as the insurgents have engaged in a surge of their own—a surge of their own—far from creating breathing room for peace.

The President's current course appears to be pumping oxygen into the fire of sectarian violence. The decision to go to war—the decision to go to war—to send our sons and daughters into the line of fire, to ask them to kill and be killed on our behalf, is the weightiest decision that a Member of Congress can ever, ever, ever make.

It is wrong, wrong I say, it is wrong for Congress to continue to fail to reassess that outdated authority without a real debate about where the occupation of Iraq is headed. The authorization that Congress passed in 2002 to give the President authority to go to war in Iraq was rushed through here 3 weeks before Congressional elections—yes, rushed through.

It was passed in the shadow of warnings of mushroom clouds and the not-so-subtle implication that anyone who voted against the war could not be trusted with matters of national security.

It was a hasty and unconstitutional abdication of Congress's authority in matters of war. It is time to bring that authorization to a close—yes—and have an honest debate about the way forward. We do our troops a disservice if we do not take a fresh look, and the President should welcome the opportunity to solicit our renewed support for his policy. We must think of our national interest and think again—yes—of our brave troops. We must put politics aside.

At a recent Senate hearing, I asked Defense Secretary Gates if the 2002 authorization still applies to Iraq. His response, may I say, was surprisingly candid:

> I don't know.

I believe the answer to that question is clear and that it is time for the President to make the case to the Congress of the United States and to the American people of the United States for the U.S. military's changed mission in Iraq. Our country will benefit from the debate.

This amendment puts the ball right back in the President's court, requiring him, the President, to request a new authorization for the new mission that challenges our military. The White House has repeatedly asserted that General Petraeus needs until September to assess the progress of the security escalation in Iraq. This amendment gives him that time. But this amendment also ensures that Congress and the people will have the opportunity to examine that progress to determine our course in Iraq. It is a simple, commonsense approach that reestablishes the congressional authority decreed by the Constitution of the United States. It also respects the President's role as the Commander in Chief.

It is important to emphasize to all of my colleagues that supporting my amendment does not preclude voting for any other legislative options. This amendment addresses the legal foundation for this horrible war. We are a nation of laws, not of men. My amendment simply states the obvious truth, that the facts on the ground do not match the open-ended authorization that is still in force. Any Senator wishing to vote for legislation mandating a withdrawal date or to restrict the war funding or to implement the recommendations of the Iraq Study Group should also support the Byrd-Clinton amendment.

As the President himself said earlier this year:

> The fight we are in is not the fight that we entered.

I couldn't agree more. This is not the fight Congress authorized. I urge this body to schedule a vote on the Byrd-Clinton amendment, and I urge my colleagues to support it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand our staffs have reached a point where we were able to clear something like 26 amendments on this bill but that there is one last hurdle on the Republican side. I am wondering whether my good friend from Arizona feels there may be a possibility that we can jump over that hurdle in the next couple hours.

Mr. McCAIN. Mr. President, I ask unanimous consent to engage in a short colloquy with my colleague from Michigan, the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I say to my colleague that we have one individual, and we do have some 26 amendments that I think are cleared that we could get out of the way. I am working on that right now. I thank my colleague and most of all the staffs for their close cooperation.

Mr. LEVIN. I thank my friend.

I understand the Senator from Nebraska wants the floor, and I yield the floor.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise this afternoon to support the Levin-Reed amendment. As we know, Iraq is the most important issue facing our country today. The core challenge in Iraq is the cycle of violence, despair, and retribution that is tearing Iraq apart and threatening wider regional instability. There is no significant progress in Iraq. By any measurement, the situation in Iraq is getting worse as each week passes. Prime Minister al-Maliki's Government is essentially paralyzed and dysfunctional, in part by boycotts and sectarian rivalries and an intense sectarian war.

The Interior Ministry in Iraq, which controls Iraq's police forces, is still a disaster and does not function as a national ministry. Horrific violence in Iraq is spreading beyond Baghdad. Yesterday, car bombs and attacks in Kirkuk and Diyala Province killed more than 100 and injured almost 200 Iraqis. Kirkuk is an area of Iraq in the northern part, Kurdistan, that has been considered by this administration as one of the most secure areas of Iraq. Recent events in Kurdistan over the last few months have shown otherwise. Increasingly, regions that were previously seen as relatively stable and secure, such as the Kurdish area, are now being engulfed by violence. The southern four provinces in Iraq near Basra, which contains most of Iraq's oil and Iraq's only port and outlet to the sea, are out of control. Shiite militias control the southern four provinces of Iraq, including the most significant oil reserves in Iraq's one outlet to the sea. Shiite militias and criminal gangs control these provinces and today even demand tribute, and we pay it. The Iraqi Government pays tribute to Shia militias to use Iraq's primary port. The last remaining pipeline into Baghdad has been blown up, crippling Baghdad's access to oil, and there are no operating refineries in Baghdad. Hence, the product that comes to Baghdad today is trucked in from Kuwait. This is the nation that has the third largest oil reserves in the world. The green zone is being attacked daily.

Last week, 9 people were killed, including Americans, and over 30 wounded inside the green zone. These daily attacks on the green zone by mortar fire, rocket fire increase.

I have listened today to some of my colleagues argue that the surge strategy—the surge strategy—has only just begun; why don't we give it a chance to work; we are at a very early stage; we must give the President more time.

Let me remind our colleagues it has been more than 6 months since the President of the United States announced to the Nation on January 10 the decision to send tens of thousands of additional U.S. troops into Iraq. That was the beginning of the surge, not now. It has been more than 5 months since these additional U.S. troops began arriving in Iraq in early February. We have had months to judge the situation in Iraq. Only last week, the President reported to Congress that there has been no progress—no progress—on any of the political benchmarks in Iraq. The violence that is tearing Iraq apart has intensified and spread over the last 6 months. The current strategy is failing, and the so-called surge that some of my colleagues refuse to recognize that began almost 6 months ago has cost 532 American men and women their lives since that began. We have lost more than 3,600 Americans who have died and over 26,000 wounded over the last 4½ years.

We must change our policy in Iraq. Central to our new strategy must be diplomacy, regional engagement, and the involvement of the international community, all of these coming together within the framework of a new policy, using all of the instruments of power to help achieve Iraqi political accommodation—political accommodation. We are captive to a cycle of violence. We cannot break out of the cycle of violence. More troops will not do that. We have put burdens on our troops and asked them to make sacrifices and do things they cannot achieve in the course of finding an answer to break the cycle of violence. It is bigger than the military. General Petraeus has said so. As a matter of fact, General Petraeus has said there will be no military solution in Iraq. Every general I have met in my five trips to Iraq, every general I have met here in and out of uniform, has said there will not be—cannot be—a military solution.

I have cosponsored the Levin-Reed amendment because it requires that the United States move toward a comprehensive policy on Iraq—a comprehensive policy on Iraq—not just continuing to feed American troops into the middle of a civil war, which is clearly not working, but something in addition to our military security. That new policy must be centered on diplomacy and helping achieve Iraqi political accommodation to get to political reconciliation.

This amendment is responsible. It is comprehensive, forward-looking, compelling, and not all that different, incidentally, from what my other colleagues are offering on the floor of the Senate as options. Yes, it requires a phased, responsible reduction of U.S. forces from Iraq. I say again, a reduction—not a withdrawal—of our forces. No one I know is calling for any sort of precipitous withdrawal or precipitous action to take America out of Iraq now. We couldn't do that anyway. Even if we wanted to withdraw precipitously or quickly, the reality of the logistics would prevent it. The fact is, we are where we are. We have national interests in the Middle East. We have national interests in Iraq. We should not confuse the issue that we debate today. We are not advocating a cut-and-run strategy. I am not sure what cut and run means. It is catchy. It is good sloganeering. But I have yet to hear anyone come to the Senate floor and say: I am for cutting and running. Those who use that term or accuse others of employing that term should define what that means.

Of all the resolutions I am aware of that have been introduced in the Senate on this issue, none that I am aware of is a so-called cut-and-run amendment.

We are talking about a transition in the mission being carried out by U.S. forces in Iraq. A policy, a strategy. Let's make something else clear. The military does not make policy. The military implements policy. The Congress is part of making that policy. Constitutionally we have a role with the President in helping frame and make policy. The military has input into that policy, as they must and as they should, but once the policy is given to the military, they can't alter the policy. They are captive to policy. That is constitutionally the way it is and the way it should be. We are talking about a new policy, a new strategy. We have a legitimate mission to carry out in Iraq, and those various missions are critical to our security, and hopefully, at some point, the stability of Iraq. The Levin-Reed amendment focuses solely on those missions and the transitions of those missions: Counterterrorism, targeting terrorists and other global organizations; training Iraqi forces, protecting U.S. and coalition personnel and facilities, helping maintain territorial integrity of Iraq.

As I have said, nearly all of the other significant amendments I am aware of that have been introduced on the floor of the Senate on Iraq, including the Warner-Lugar amendment, the Salazar-Alexander amendment focused largely on the same limited mission, as the Levin-Reed amendment, as does the Nelson-Collins amendment, on a limited mission. There is an emerging consensus on how our military mission should transition in Iraq as well. Our amendment includes a timeline and would require that this shift in our military mission be completed by April 30 of next year.

Our amendment is not alone in establishing a timeline. Again, the other significant amendments on Iraq also have timelines. The Warner-Lugar amendment recommends beginning the military transition no later than December 31, 2007. That is a timeline. The Salazar-Alexander amendment sets as the sense of the Congress that the transition be completed by the first quarter of 2008. Now, that is a timeline. There is yet another emerging consensus on establishing a timeline to transition our military mission in Iraq. Our amendment also respects that only military professionals—the generals, those who have the responsibility of carrying out the policy; not making the policy, but carrying it out—those professionals determine how many troops will be needed to carry out our limited military mission in Iraq.

So the talk I hear more than occasionally on the Senate floor that somehow the Congress is micromanaging the war is not correct; that we are micromanaging the army is not correct.

Once again, our amendment, the Levin-Reed amendment, sets policy of the military mission in Iraq. That is policy. What is the mission? What is the strategic, diplomatic mission of employing America's power and prestige in Iraq? That is the policy. But the scope of the reduction—the reduction, not the withdrawal but the reduction—of U.S. forces in Iraq will be determined by, and needs to be determined by, our military professionals based on a troop-to-task analysis; not the Congress, not the committees telling the generals how to do anything.

Troop to task is a very simple concept. You connect the requirements of your mission with the force structure needed. We are way out of balance. We have been out of balance since we invaded Iraq in March of 2003. We never had enough force structure. Some of the same people on the floor of the Senate who are now saying: Well, let's listen to the generals, where were they when the generals warned this administration that we didn't have enough men and women and force before we went into Iraq. I didn't hear many of them talking about how much faith we should put in our generals then.

The former Chief of Staff of the United States Army, General Shinseki, said it. He said it openly in the Presiding Officer's Armed Services Committee. When asked the question: What would it take in manpower to remove Saddam Hussein from power and help stabilize and secure Iraq, General Shinseki said: It would take hundreds of thousands of American troops.

This administration completely dismissed that as wildly—I believe as the Deputy Secretary of Defense at the time said—wildly off the mark. Well, he wasn't off the mark, I say to my colleagues. He was exactly right. He was exactly right.

So we have never had the forces to match the mission. That is not new. Some of us may be coming to that conclusion for the first time, but it is not new. We have never had the force structure to match the mission. That is not the fault of the generals. That is not the fault of the military. That is the fault of policymakers.

Our amendment also respects that only military professionals can determine those numbers. The scope of the reduction would stay firmly in the hands of the military professionals. This approach is responsible. Not one U.S. general today will tell you that there can be, there will be, there is a military solution in Iraq.

Then the next question is—and a statement being made often on the floor of the Senate is: Well, we need to buy the Iraqis time. We need to give the Maliki government time. That is true. That is why we have benchmarks. That is why we have some sense of where this is going? Are we making progress or not making progress? Is it getting better or is it getting worse? Now, 4½ years into this, we should have some measurements of giving the government time, but time for what? What is the end game as more Americans sacrifice their lives and a half trillion dollars of America's taxpayers' money has sunk into the sands of Iraq? We are buying time for what? For a political reconciliation brought about by the Iraqis themselves to be able to functionally govern their country with some sense of stability and security. That is going the other way. That hasn't gotten better; it has gotten worse by every measure. So we continue to buy time with American blood and American treasure, for what? For what? No one wants to answer that question, by the way. We end it with we have to buy time, but the additional part of that equation is: Buy time for what? Do we buy time for another 2, 3, or 4 years?

It is also clear that the generals have said when April comes, and there is a timeline already that is built in—whether we ever deal with it or not in the Congress—there is a timeline built in, and it is called manpower. It is called deployment rotations.

We are pushing our young men and women now to 18-month rotation, and some, by the way, are longer than that because of what is known as a stopgap measure where the Secretary of Defense can stop anyone from leaving a war zone based on the speciality of his or her MOS or job. So we are actually having people stay there longer than 18 months. But now it is 18 months, even though the Secretary of Defense testified in January before the Senate Armed Services Committee that we need to get back to 12 months.

Senator WEBB and I and others, a bipartisan group of Senators / last week had two amendments on that issue. We couldn't get the required 60 votes to go back to a 12-month deployment. So now it is 15 months, and we are pushing even 18 months.

The generals have told us that when this spring comes, there is no more give in those deployment rotations. There is nothing left. So there is a timeline built in already. Whether any of us want to acknowledge that or introduce that, that is a reality.

Any change to policy in Iraq cannot be done in isolation, separate or disconnected, from the broader sense of dynamics in Iraq and the Middle East. That is why this amendment requires a phased reduction be conducted as part of a comprehensive, diplomatic, political, and economic strategy that includes sustained engagement to Iraq's neighbors and the international community.

I am very pleased to note that today the announcement came from the State Department that the United States is now prepared to hold new direct talks with Iran. That is progress, not because Iran wants to be our friend. Of course not. But Iran is a significant power in the Middle East. It is working against our interests in the Middle East. We must engage Iran. I have been calling for dialog with all Middle East nations, including Iran and Syria, or over 3 years. A constructive regional framework for Iraq can only be achieved through sustained diplomacy, not hit or miss, not "if we have time."

A vital element of this comprehensive diplomatic strategy must be to internationalize Iraq through an international mediator under the auspices of the U.N. to engage all of Iraq's political, religious, ethnic, and tribal leaders.

I first called for an international mediator in a letter to President Bush in May. Since then, I pressed this issue with Secretary Rice last week, our National Security Adviser, Steve Hadley, 2 weeks ago, and again today with the United Nations Secretary General. It is time to take the American face off Iraq's political process.

The United States is seen as the occupier in Iraq. We must have a new strategy that will further invest the region and the rest of the world to helping stabilize Iraq, reversing Iraq's slide into chaos. And it is chaos, Mr. President. I hear on the floor of the Senate, gee, if we changed our mission, if we moved in any different direction, if we reduced our forces, if we did anything different, Iraq would end in chaos. Some of my colleagues must not understand what is going on in Iraq. We have chaos. We have real chaos in Iraq today. That means there are no good options today. The optics here should be clear, and we should base our new policies and our new strategies on those clear optics that Iraq is in chaos today.

Creating an international mediator would help build some new common interests in the region and in the world. This amendment represents the core elements of a different U.S. strategy for Iraq, a strategy that more accurately understands the grim realities we face today, that we will face at the end of this year, that we will face next spring, and we will face next year. The question is whether the President and Congress will come together to present a new policy for Iraq that can be supported by the American people and protect and advance America's interests in Iraq and the Middle East.

We are coming dangerously close to the moment when the American people will demand that we leave Iraq and pullout of the Middle East. Almost 70 percent of the American people today, by every measurement, say enough is enough. This is not in the U.S. interest nor the world's to leave Iraq that way. That is why the United States needs a new strategy for Iraq now.

Well into our fifth year in Iraq, we are beyond nonbinding language of resolutions. We are beyond calling for new plans or new reports. We are beyond sense-of-the-Senate resolutions. We have to understand where we are today. We are in a very dangerous position in Iraq. Our policy in Iraq has been a disaster. Why are we kidding ourselves otherwise? By any measurement, it is a disaster. It must change now. The time for suggestions is over. If we do not believe our current policy is worthy of the sacrifices being made by our troops, then it is wrong to simply say we will wait until this fall to change course or let's hang on for 2 or 3 more months to see what happens.

We know what is happening. We know what is happening today, we know what has been happening, and we know what is going to happen tomorrow.

I am grateful for the opportunity to express myself on this amendment. I also appreciate the opportunity to cosponsor this responsible amendment with my colleagues. I note again it is a bipartisan amendment, and I hope all my colleagues in the Senate will take a look at all the different options and amendments and spend some time on each because they are each worthy of time, but in the end, the consistency of the amendments that have been presented so far are about one thing, and you can paint it any way you want, but that is a change of mission in Iraq and a new policy in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to propound a unanimous consent request, but I would be remiss if I did not recognize Senator HAGEL's leadership on this issue and his articulate vision and years ago his brave service as a soldier in our Army.

Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet today at 7 p.m. in 215 Dirksen Senate Office Building to consider an original bill entitled the Children's Health Insurance Program Reauthorization Act of 2007, which will provide health care for needy children.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I object.

The PRESIDING OFFICER. The Chair did not hear the Senator from Texas.

Mrs. HUTCHISON. I objected in a timely manner.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I know you did not hear me. I do not wish to keep the Finance Committee from meeting, except that we are being held for a very important debate, and if we are going to be held all night, it is the view of this side of the aisle that we should keep our focus on this very important issue.

I rise today because this is such an important issue. I don't think that any Member on this side of the aisle or the other side of the aisle is insincere in their views about this issue. However, I do think the disagreements are real, and it is so important the Senate do the right thing.

We have before us, of course, the Levin-Reed amendment that would set a deadline and cut and run from Iraq without regard to anything that is happening on the ground, including the Commander in Chief saying: For God's sake, don't do this.

So here we are debating this issue, but I think we have to also talk about the other amendments that are on the floor because we are now seeing a different variety. I think there is an attempt by many of our Members to send a message. None of these amendments would ever become law. I think everyone acknowledges that fact. So every amendment is meant to send a message.

What is the message? It appears that the basic message is to tell the President to change strategy or to tell the generals what to do or to micromanage the war. All different kinds of messages are being proposed. But the bottom line is we cannot tell the Commander in Chief, the President, nor the commander on the ground, General Petraeus, how to do the jobs we have asked them to do.

We heard from General Petraeus what the new strategy will be. I keep hearing people say we need a new strategy, we need a new plan, a new plan. We are in a new plan. Yet the Senate is saying, when the new plan is in its infancy, when the surge of 30,000 troops has been completed within the last 2 weeks, and yet we are pulling the rug out from under the new plan. It doesn't make sense.

I think all these amendments, all these message amendments are the wrong thing at the wrong time.

We cannot be the greatest country on Earth and say: Don't trust us if you are our ally and don't fear us if you are our enemy, and that is exactly what we would be doing if we leave Iraq because Congress sets a deadline regardless of what is happening on the ground in Iraq.

This is about a war on terror and protecting our freedom. This is not about Iraq in a bubble. It is about making sure we kill terrorism in the world before it ruins everyone's way of life and takes freedom from everyone.

If I believed we were just talking about Iraq and we could isolate Iraq, that would be a very different issue. This is about making sure Iraq does not become a stronghold for terrorists. This is to make sure al-Qaida cannot take over Iraq, terrorize the people as they have done in Afghanistan for years, have the oil revenue that would feed their terrorism and spread it throughout the world. We are fighting al-Qaida in Iraq.

General Petraeus came to the Senate and put forth a different strategy. I asked him about it because I was very concerned about this strategy. I asked him why he thought this would work, why putting our troops outside the green zone and outside the protected areas embedded with Iraqis would make a difference. He talked about the need for the counterinsurgency measures to go to them and also to win over the neighborhoods.

It is said by those who are on the ground and have the expertise that it is working, that in the al-Qaida strongholds, the people have turned against al-Qaida and they are helping America, and the tribal chieftains in that area are helping Americans.

I met with a group of veterans today who have come back from Iraq. They were so strong and so firm. It was uplifting to talk with them, just as it is uplifting to talk with any of our Active-Duty military. But to talk to those who have had the boots on the ground in Iraq and Afghanistan who know what is happening, one cannot fail to believe we have to give this a chance, even if the armchair generals back here in Washington have misgivings.

It is so important that despite the sincerity of so many of my colleagues in trying to put forward a different kind of a message, a message to the President—do a plan; we are not going to make you implement the plan, but we are going to make you do one—all the way up to the amendment that we are debating and on which we are going to have a vote tomorrow which is to cut and run.

That is the variety of message amendments that we have pending on this bill, and none of those is the right message. Look at the consequences. Look at the consequences if we leave without making sure Iraq is stable.

Today, the Secretary of State and the Secretary of Defense announced there is going to be a rejuvenation of the talks that include all the people in the region. That is so important. This is something I have talked about for a long time. No longer can the neighbors to Iraq sit back and watch what is happening there and criticize America or anybody else and not take a hand in helping to solve the problems in this area. No longer can they sit back and grade America when it is they who have the very most at stake with an Iraq that might become a haven for terrorists. That is in no one's interest in that region, not even people who want the destruction of America, such as the President of Iran. It is not in his interest or Iran's interest to have a terror stronghold in the Middle East. It is certainly not in the interest of the moderate Arab nations that are trying to have stabilization in that region.

Here we are with a new strategy that is in the process of being implemented, and we have the Senate debating whether to set a deadline and leave, regardless of what has happened on the ground.

This does three bad things. No. 1, it dishonors those who have already died or been maimed. I met people today. I have met people at Brook Army Medical Center in San Antonio who have been maimed. I have met with the loved ones of people who have been lost in this war already. If we cut and run, it is akin to saying there wasn't an underlying cause for which they died. That is not true. There is an underlying cause. It is a fight for freedom every bit as much as any war which we have ever fought because if we let a caliphate take over the Middle East, we are not going to live in freedom. That is the purpose the terrorists have, and we cannot let them succeed. We cannot dishonor those who have died for this cause.

No. 2, it puts every one of our troops who have boots on the ground today in Iraq and Afghanistan in harm's way that is a much greater harm than they face in the war itself. It puts a bull's-eye on them because the enemy knows they are leaving, so why not do worse things to our troops, why not get rid of them? That has happened before in retreats in wars.

That would be the worst thing we could do, is to say to the enemy: This is when we are leaving, this is when we are going to draw down, this is when the troops go away. I cannot imagine we would do such a thing.

And No. 3—and this is the policy that the Senate must stand for, and that is to stand for the integrity of America, the integrity of the greatest country on Earth—that we will be a formidable enemy and a reliable ally, that we will not flinch when times get tough. It is a legitimate argument about why we got here or when we should have had more troops or how the war has been run up to now. That is legitimate. We can talk about that, and it is a legitimate area to debate. But what is not legitimate is—because it is a very tough time—that we would say times are too tough; America must leave. What kind of honor would that bring on our country and this United States Senate? None. It would not bring honor on this country to cut and run because times are tough.

This is a fight for freedom. This is a fight to live in peace and harmony with people of different backgrounds and different faiths. This is taking a stand for freedom because America is the country that has the commitment and the capacity to fight for freedom in the world.

If we cut and run because times are tough, who would stand for freedom? Who would have the capability to stand for freedom?

It would be unthinkable to go against the general who is in charge in Iraq, the head of the CIA, Michael Hayden, who has said also that "if we withdraw from Iraq prematurely it would become a safe haven, perhaps more dangerous than the one al-Qaida had in Afghanistan." We would be going against one of the wisest Secretaries of State we have ever had in our history, Henry Kissinger, who said:

> Whatever our domestic timetables, the collapse of the American effort in Iraq would be a geopolitical calamity.

It would go against the wisdom of wars all the way back to the beginning.

During the Civil War, General Ulysses S. Grant, who did lead the Union forces to victory, said:

> Experience proves that the man who obstructs a war in which his Nation is engaged, no matter whether right or wrong, occupies no enviable place in life or history.

Mr. President, this is not a new concept. This is a concept that has been tested time and time and time again, and retreating without honor is not an option for the greatest country on earth.

I hope the Senate will not look at the election next year or the political whims, even though I know they are strong, and I know sometimes it is tough to stand up and do what is right for the long term when the short term is very tough. But this is the Senate. We are the elected leaders of the States of our country. And they look to us for leadership. We cannot do less. Any of these amendments that are message amendments that will never become law, and we know it, are an undercutting of our troops when they have boots on the ground.

No matter how sincere the effort of all the authors of these amendments are, and I know they are sincere, I know they are looking for a way to send that right message, there is no message in these amendments that can be right for our country. It is very simple and very clear. We are the United States of America, and the world expects our country to lead, to be strong, to be unwavering, and to be as good as our military, which everyone acknowledges is the best in the world. I just hope the Senate can meet that test.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, we are the greatest country in the world, and that is why I ask unanimous consent that amendment No. 2088 be withdrawn and that at 7 p.m. today the Senate vote on the Levin-Reed amendment, No. 2087, with the time between now and then equally divided in the usual form and no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, it is once again clear, in the greatest country in the world, where debate is supposed to be free and open, where majority rules, we have been blocked now by our Republican friends for the third time from having a vote on the Levin-Reed amendment, which simply says it is time to change course in Iraq.

It is not cut and run. You can stand here and say anything. I could say anything: Black, white, pink, brown. It means nothing. This is not cut and run. Read the amendment. The amendment is very clear. It is very well thought out.

What it says is that we will start a redeployment of our troops out of Iraq in 120 days; that we will seek diplomatic solutions; that we will change the mission, get our brave,—unbelievably brave—and courageous troops out of the middle of a civil war and give them a mission that can be accomplished. And that mission, actually, is threefold—one is to go after al-Qaida in a counterterrorism effort, one is to continue to train the Iraqi forces, and one is to protect our troops, force protection.

You can say cut and run. It isn't cut and run. It sounds good. Create a straw man. But that is not what Levin-Reed does.

It is clear our Republican friends will not allow us to vote on this amendment, and I think I know why. I think we can win this amendment, for the first time. I think we can get more than 50 votes, including a few brave Republicans for the first time on a real amendment. And so instead of allowing us to vote, as we allowed them to vote on their amendment, the Cornyn amendment, they will not allow a vote. They are setting an artificial number—60. We have to meet a 60-vote threshold in order to get to the Levin-Reed amendment.

All we are saying is let us vote. People are dying—our people—every day. They are getting blown up. They are wounded. My State has lost 21 percent of the dead, many of whom never saw their 21st birthday. We can do better. We can do better. We have given this President 1 year, 2 years, 3 years, 4 years, almost 5 years, and we are in a worse position.

Oh, my colleague from Texas says, things are working. If you listen to her you would think it is just wonderful over there. Then I would ask, in a rhetorical fashion: Why do 60 percent of the Iraqis think it is OK to shoot and kill an American soldier? This is where we are going to keep our troops? And that is because we are the greatest country in the world?

The greatest country in the world doesn't keep the status quo going if it isn't working. The greatest country in the world steps up to the plate and says: It is time for a change. And it is time, Mr. President, for a change.

The head of Iraq said: America, you want to go? Go. We can take care of ourselves.

You know what is interesting is, I met with General Petraeus when I was in Iraq. He was at that time the head of training the Iraqis, and he was high on the Iraqi soldiers. He told me, and he told Senator MURRAY—he told all of us on that trip—we had Republicans and Democrats—don't you worry. At that time he said: We have trained 200,000 Iraqis, and they are top notch—they are top notch—and they will be able to take over.

Unfortunately, the head of Iraq didn't think that was true. But General Petraeus, oh, he was Mr. Rosy Scenario. He said everything was great. And when I came back I gave a report to my constituents, and I said: You know, I never voted for this war—I thought it was a mistake—but I bear good news. The Iraqis are being trained. As they step up, we will step down.

I believed the President when he said that one. Not to be. Not to be. The money we are pouring into that country a minute, folks—$250,000 a minute—while we turn to our poor kids and say: Sorry, we can't renew the children's health insurance; and, gee, we are really sorry 2 million kids are waiting in line for afterschool. We are really sorry. So we are sending good dollars after bad dollars, endlessly, open checkbook.

The Iraqis don't want us there. They do not want us there. The head of Iraq said: Go, leave, we are fine. What are we doing? Are we that stubborn as a nation? Well, I think the majority of this United States Senate might very well be ready to vote to begin the redeployment of the troops. I don't know that. My colleagues will not let us get there. Well, maybe I have convinced them, so I am going to try this again.

Mr. President, I ask unanimous consent that amendment No. 2088 be withdrawn and that at 7:30 p.m. today the Senate vote on the Levin-Reed amendment No. 2087, with the time between now and then equally divided in the usual form and no second-degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from California retains the floor.

Mrs. BOXER. Mr. President, that is now the fourth time—the fourth time—that our colleagues have objected. This Senate must not be a rubberstamp for any administration, especially when our constituents are getting killed. We are here to speak for the people.

Now, my colleague from Texas says we need to take a stand for freedom—we need to take a stand for freedom—and I agree with her. However, once we allow the Iraqis, with our Armed Forces protecting them every step of the way, to have three elections—three elections—to be able to draw up a constitution, to have the ability to self-govern, we can't force them to do that.

It is true that there is al-Qaida there. Al-Qaida, according to our own military, is responsible for 15 percent of the violence—15 percent—and it is ugly violence, it is horrific violence, and we should go after it. After all, al-Qaida cells didn't exist in Iraq—I have the document to prove it—until we went in. We have been a recruiting tool. Unfortunately, this policy has been the recruiting tool. I have the documentation from the State Department that showed right before 9/11 how many cells there were in each country. Iraq wasn't even mentioned. But they are there now, and we need to get them, and that is part of the Levin-Reed amendment: to change the mission to go after them.

A fight for freedom? If people don't want freedom, can we force them to want freedom? If people decide to kill their neighbor, what are we going to do? Shia on Shia violence, Sunni on Shia, Shia on Sunni—just read the history books and you will see how long this has been going on, and we put our brave men and women right in the middle.

This is the greatest country on Earth, by far and away, and the greatest country on Earth doesn't have a Senate that is a rubberstamp. It doesn't have a Senate that fights for the status quo when the status quo isn't working. The greatest country on Earth shouldn't send our men and women back two, three, four, and five times to fight without adequate rest, and yet our Republican friends set up a 60-vote hurdle for Senator WEBB and Senator HAGEL so we couldn't even pass something that said give them rest before they go back; give them the equipment before they go back. It is not what the greatest country on Earth does to its fighting men and women. That is wrong.

A New York Times story, here is a woman, April Ponce De Leon, who describes herself and her husband as "gung-ho marines," and in 2 weeks she deploys to Iraq where her husband has been fighting since March. But she says she stopped believing in the war last month after a telephone conversation with him.

> He started telling me he doesn't want me to go and do the things he has been doing.

That is what CPL Ponce De Leon, 22, speaking by telephone, said as she boxed up her belongings in their apartment near Camp Lejeune, NC.

> He said that we have all decided it's time for us to go home.

And the wife said:

> You mean go home and rest? And he said, I mean go home and not go back.

And she said:

> This is from someone who has been training for the past nine years to go to combat and who has spent his whole life wanting to be a marine. That's when I realized I couldn't support the war anymore, even though I will follow my orders.

So when we listen to some of our colleagues make it sound as if those of us who want to change the mission and start redeploying the troops in 120 days don't stand behind our troops, I say, Mr. President, it is the opposite. They can't speak out. They do not have a box to stand on and a microphone. We owe them the truth as we see it.

It is perfectly legitimate for our colleagues to disagree with us. Absolutely. And I would die for their right to disagree with us. But what I think is wrong is when it comes to a vote of conscience like a war, to set up a 60-vote hurdle. Let's have a vote. Let the majority rule. Let's see what happens.

What are you afraid of? The President has already said he is going to veto this thing, but it is our job to keep the pressure on, Mr. President. So I am very proud to stand here tonight. I am very sorry I have asked twice to go straight to a vote on the Levin-Reed amendment, but we are not able to do that.

Others will come, and I will be back after several hours myself. When you lose 21 percent in your home State, you have a lot on your heart; a lot you want to say. So I look forward to coming back to the floor. And to my colleagues on both sides of the aisle, I know this is a tough night. I know it is emotional, but I am glad we are doing it. And I hope at the end of the day, when someone asks unanimous consent to go to a vote, there will be no objection and we can do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I would comment that in the process of working out votes, the minority leader has offered to the majority leader to schedule votes on this and other amendments at an appropriate time. There is no need to do the all-night gig. It may make grand Hollywood theater, but it doesn't necessarily move forward what is an extremely important bill.

This is a bill that not only authorizes our war fighters, it provides additional resources. It provides them a badly needed 3-plus percent pay increase. We traditionally move these bills forward because, when we are fighting a war, we need to support the troops. But these amendments are designed to substitute the judgment of 535 generals in this wonderful air-conditioned Capitol for the judgment of the generals and the commanders in the field who every day go out and fight that battle to maintain peace, restore peace and security in the area, and to protect our home front.

The Iraqis have said they don't want us there permanently. I think we all agree we don't want to be there permanently. But they also said we need to continue to train their troops. We need to make sure they maintain security in the area. They are not ready to do that now.

Sunni sheiks in Al Anbar Province, which I was pleased to visit 2 months ago, are working with our forces and they are making great progress. They have been sending in their young Sunni men to be trained as Iraqi police and Iraqi Army. They need training. They are not ready yet. They are being very successful because our American marines are embedded with them. With them, they have taken Ramadi, the capital of Al Anbar, which was totally under the control of al-Qaida a few months ago, and made it a safe place not only for Americans but for everyday Iraqis to walk the streets, to do their business, to get back to a normal life.

I am here today as the vice chairman of the Senate Select Committee on Intelligence to talk about an important report issued today. Today, the Director of National Intelligence released key findings that could be made public on the National Intelligence Estimate, or NIE, on the terrorist threat to the U.S. homeland. That report outlined a number of key findings of which I think our colleagues and all Americans should be aware.

First, today's intelligence report found that carrying the battle to al-Qaida, gaining worldwide cooperation in the war on terror, has set them back. They have made our country and other free countries safer because al-Qaida and its related radical Islamist groups are no longer able to have the free rein they had prior to our attacks to clean them out of Afghanistan and to keep them out of Iraq.

In fact, our efforts have prevented al-Qaida from attacking the United States since the September 11, 2001, attacks, and they have disrupted a number of terrorist plots outlined in the classified portion of the report, designed to take effect in the United States of America.

One of the good parts about it is that the terrorist groups are now telling each other the United States is a harder target. That makes them less likely to attack here. That is great news. It means the hard work of our men and women in the military, our intelligence services and our law enforcement in the United States, are doing their job—and they are succeeding.

While America is safer, there are still threats around the world, and we have to remain vigilant in fighting terrorists at home and abroad. The intelligence report notes that al-Qaida leadership continues to plan attacks. They have a relative safe haven in the northwest area of Pakistan known as the Federally Administered Tribal Areas, or FATA. They are increasing their capabilities from that area to launch attacks on the United States.

It is important to point out that these findings do not mean, as some erroneously reported last week, that al-Qaida is as strong as it was before the September 11 attacks, or even nearly as strong. It does mean that America must always be prepared for attacks on our homeland and continue to take appropriate offensive and defensive counterterrorism activities.

Unfortunately, the intelligence report, the NIE, also finds that international cooperation against terrorism may wane as September 11 becomes a distant memory. That ought to be a real concern to all of us. I hope my colleagues take note because this should serve as a warning to all of us, a warning for Congress, and the American people to remain vigilant and committed to the war on terror. Our responsibility in Congress is to continue to give law enforcement and the intelligence community the tools they need to track, interrogate, capture or kill and prosecute terrorists, such as the PATRIOT Act and the modernization of the 1978 Foreign Intelligence Surveillance Act—very important; Also, the 9/11 Commission recommendations on changing congressional oversight to make it effective in dealing with the new challenges put on the intelligence community today.

Knowing full well that the retreat-and-defeat crowd does not have the votes, I see the majority has opted for political gains and political theater. With apologies to our dedicated floor staff and the many wonderful men and women who keep this place operating, you are going to be operating all night long, around the clock, for a political show, not to achieve anything significant in terms of helping win the war.

Foremost, the biggest losers from all this grandstanding are our fighting men and women who are risking their lives on the line in Iraq, carrying out their mission and the mission they believe they are carrying out successfully.

The majority has a political game plan. But, sadly, it is not about how to achieve victory, it is a plan blindly fixated on trying to embarrass the President, trying to figure out a way they can win votes for November 2008. It offers no help for the creation of stability and freedom in Iraq and thus continued safety for ourselves.

Our commanders and fighting men and women, while this debate is underway, are actually trying to achieve victory. But they have been listening to us and they have questions. They send questions to us saying: Why are you not going to give General Petraeus's plan, which he said he would report on in September, an opportunity to demonstrate it can work? Why have you no patience? We, who are sitting in the air-conditioned Halls of Congress while they are out in 130-plus degree heat risking their lives. They are willing to wait. But they are watching and listening to the cut-and-run arguments. So are our allies, Sunnis, such as the Sunni sheiks in Al Anbar Province who are risking everything if we run and leave because they have taken on al-Qaida. They don't want to live under al-Qaida. The neighbors of Iraq who are gradually realizing they have a role in helping Iraq be stable are seeing us falter and hesitate.

Do you know who else is listening? Al-Qaida and the violent terrorists with whom we are at war, and I suspect they are absolutely revelling in what they are hearing. I imagine they loved hearing our majority leader saying the war has been lost. That is not a great message for our troops but one that certainly brings cheer to the hearts of al-Qaida.

They call for troop withdrawal deadlines. They say the cost of war is too high. The constant barrage of negative news without the balanced report on the progress our troops are making—we need only listen to the words of the terrorists themselves who have identified Iraq as the central front on the war on terrorism. Osama bin Laden, in his audio message to what he hoped were his fellow Muslims in December of 2004, said:

> The world's millstone and pillar is in Baghdad, the capital of the caliphate.

Our own servicemembers such as 1LT Pete Hegseth, an Iraqi war veteran and director of the Vets for Freedom recently, knows the importance of achieving victory. He said, as one who has been on the frontlines:

> Iraq today is the front line of a global Jihad being waged against America and its allies. Both Osama bin Laden and Ayman al-Zawahiri have said so.

But despite this enormous effort, the retreat-and-defeat crowd still wants to micromanage this war 8,000 miles away from the fight and set timetables and troop movements and ultimately to engineer a defeat brought on by retreat.

These actions most egregiously send mixed messages to our enemies all across the globe that our Nation is fractured, weak, and does not have the will to see it through. This same message can discourage allies and the millions of Iraqis who are risking their lives for a chance at freedom by supporting us. For not only is the safety and security of our Nation and allies at stake but so, too, is our credibility.

Critics of us have frequently claimed the war has damaged the U.S. image and credibility throughout the world. Yet the retreat-and-defeat crowd ignores the irreparable harm that would be done here were we to leave this mission unfinished.

If you think our image and reputation has plummeted, wait and watch it nosedive if we were to leave Iraq before finishing the job. Think about what would happen to the millions of Iraqi citizens and leaders who took a stand against terrorism, who committed to take a stand with us to rebuild their country and fight against the forces of radical Islam and terrorism. What are we to say to the millions of Iraqis who trusted America and believed we would stay until the mission was complete, only to see them slaughtered by terrorists as a result of our abandoning them before they were able to stand on their own.

I mentioned on this floor before, what did we say to the thousands of South Vietnamese or millions of Cambodians who put their trust in America and were slaughtered after we abandoned them? History has taught us that when America abandons its commitments to spreading liberty and freedom, we are not the only ones who suffer. Hundreds of thousands may well suffer, but it will come back to harm us and haunt us in our homeland—not only our credibility.

In January of this year, before the Senate Intelligence Committee, the leaders—the Director of National Intelligence, the CIA Director, the Defense Intelligence Agency Director—testified in public session. They said if we pulled out on a political timetable, chaos would ensue. What would happen?

No. 1, there would be a tremendous increase in slaughter among Sunni and Shia in Iraq.

No. 2, al-Qaida would be able to establish a safe haven, a platform where they could get the oil revenues they needed to fund their efforts and significantly increase the threat to our United States of America and possibly even to foment a regionwide civil war, as other nations would come in to the rescue of their coreligionists in Iraq.

To ignore these considerations and questions simply because they are perceived to be more politically palatable than continuing the vital mission that our troops are fighting is shortsighted at best and dangerous at worst. Those who are attempting to end the war precipitously because they are vested politically in defeat do not want to talk about the fact that the war in Iraq will do anything but end—in fact would only grow more dangerous—if we leave our enemies in Iraq, unlike in Vietnam, the victors. The victors would follow us home. The North Vietnamese did not follow us home after we lost in Vietnam. Al-Qaida will follow us home if we allow them to achieve victory over us in Iraq.

We have seen in recent weeks, since the implementation of General Petraeus's plan, movement has begun in the right direction. When I returned from Iraq in May, I observed, even at that point, some initial signs that the planning and working was moving in the right direction. Sunni sheiks in Anbar are now fighting al-Qaida; more than 50 joint U.S.-Iraq stations have been established in Baghdad, conducting regular patrols, resulting in increased security and actionable intelligence.

Muqtada al-Sadr has felt the heat. His followers, while perhaps have demonstrated against American troops, are not contesting them. They and Jaysh al-Mahdi, the Shia militant group, has stood down. The Iraqi Army and police forces are increasingly fighting on their own, with their size and capability growing.

July 16, the Wall Street Journal carried an article by Omar Fadhil. He said the surge is working, fully operational for barely a month. He defines the two most dangerous enemies in Iraq we face in Iraq, Muqtada al-Sadr's militia and al-Qaida, and he says:

> Sadr's militias have moved the main battlefield south to cities like Samwah, Nasiriyah and Diwaniyah where there's no American surge of troops, and from which many Iraqi troops were recalled to serve in Baghdad. But over there, too, the Iraqi security forces and local administrations did not show the weakness that Sadr was hoping to see. As a result, Sadr's representatives have been forced to accept "truces."
>
> This may make things sound as if Sadr has the upper hand, that he can force a truce on the state. But, the fact this is missing from news reports is that, with each new eruption of clashes, Sadr's position becomes weaker as tribes and local administrations join forces to confront his outlaw militias.
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> And regarding al-Qaida, he writes that they, al-Qaida, have not been any luckier than Sadr, and the tide began to turn even before the surge was announced. The change came from the most unlikely city and unlikely people, Ramadi and its Sunni tribes.
>
> He goes on to say: In Baghdad the results have been just as spectacular so far. The district where al-Qaida claimed to have established it Islamic emirate is losing big now, and at the hands of its former allies who have turned on al-Qaida and are slowly reaching out to government.

MG Rick Lynch, 3rd Infantry Division Commander, provided a telling example in yesterday's New York Times.

In the village of Al Taqa, about 20 miles southwest of Baghdad, Lynch said women and children were taping plastic pipes on streetlamps to warn Iraqi security forces of roadside bombs. He also stated that locals have exposed al-Qaida hideouts, helped troops locate 170 large caches of arms, and guaranteed organized armed neighborhood controls could keep safety.

While I would agree that there is no guarantee of victory, and we have a long way to go, we certainly need to make every effort to achieve it. The war in Iraq is far more important on a front that is far larger than that battlefield. It is the global battlefield. That is why we are fighting in Iraq, to keep our country safe, to make sure al-Qaida does not get the upper hand, to make sure our troops, who are carrying out their mission to stop al-Qaida, can do so in Iraq rather than hand them the victory which will embolden them, which will allow them significant resources from the oil-rich Iraqi sands and give them the courage to expand recruiting and attack our country.

We cannot allow cut-and-run amendments to be added to a vital authorization bill to support our American troops.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I welcome the debate on the U.S. role in Iraq, and I urge my colleagues to allow us to vote on the issue. I think each of us was elected to cast our votes and this is the most critical issue that is facing this Nation and we should be able to cast a vote on this issue, hopefully tonight.

I urge my colleagues to support the amendment offered by Senators LEVIN and REED to the Defense authorization legislation. It is similar to the provisions Congress originally passed on the emergency supplemental appropriations bill that President Bush vetoed.

We now have more information than we did 3 months ago when we acted on the supplemental appropriations bill. We know the President's surge policy has not worked. By the President's own assessment, the Iraqis have failed to meet the most important interim benchmarks required for stability in Iraq. The Levin-Reed amendment would change our mission in Iraq to limit U.S. involvement to conducting counterterrorism operations, protecting U.S. forces and military infrastructure during redeployment, and training Iraqi forces.

It would set a deadline of April 30, 2008, for all U.S. combat troops to be removed from attempting to quell the civil war in Iraq. We should not wait a single additional day in changing the U.S. mission in Iraq.

I have opposed the war from the inception. In October 2002, I voted against giving President Bush the authority to use U.S. troops in Iraq. I have likewise opposed the President's management of this war. The administration misrepresented or ignored intelligence about Iraq. The administration's effort to garner international support for the war was totally inadequate. Our troops went to Iraq without adequate equipment. The President failed to prepare for the insurgency. The leadership in the White House wrongfully ordered the dismantling of the internal Iraqi police, putting the local communities at the mercy of the insurgents.

Our Nation and the Iraqis have paid a heavy price for the administration's mistakes. To date, over 3,600 U.S. soldiers have died and over 23,000 have been wounded, many sustaining life-changing injuries. Seventy-seven of the brave men and women who have lost their lives have been from Maryland.

U.S. taxpayers have spent at least $320 billion so far. According to the Congressional Research Service, the war in Iraq currently costs $10 billion per month.

These expenditures represent lost opportunities in our own country.

Tragically, we have lost our focus in the war against terrorism. Afghanistan is not secure, and Osama bin Laden is still at large. For over a year, there has been a significant increase in the level of violence in Iraq. The main reason for this escalation has been sectarian violence.

U.S. military commanders have confirmed that the Sunni-Shiite conflict is the greatest source of violence in Iraq. Iraq is in the midst of a civil war, and the presence of American troops in the middle of a civil war is counterproductive. In fact, there is not one civil war raging in Iraq, there are many civil wars in Iraq. In Baghdad, Sunnis are fighting Shias. In Anbar and Diyala, Sunnis are fighting each other. In southern Iraq, Shiites are fighting each other. And around Kirkuik and Mosul Kurds are fighting Sunnis.

Our first priority should be to remove our troops from the middle of these civil wars. The Levin-Reed amendment will do just that. In order to bolster our military and refocus its attention on the global terrorism threat, this Congress has attempted, on more than one occasion, to redeploy U.S. forces and change the mission of our operations in Iraq.

President Bush and a minority in Congress have rebuffed this effort. Instead, President Bush proposes a strategy he claimed would improve the situation in Iraq: Increasing the number of troops deployed, and stepping up traditional counterinsurgent operations.

According to President Bush, increased U.S. troops would stabilize the country so that its national leaders could operate in a safe environment in which to reach political agreement on oil and revenue sharing laws and amend their constitution. Furthermore, so the theory went, increased U.S. troop levels would enable us to accelerate training initiatives so that the Iraqi Army and police force could assume control over all security in the country by November 2007.

President Bush sent over 28,000 more soldiers into Iraq with the hope of fulfilling the goals of his plan. President Bush insists on continuing this surge policy. But the so-called surge is not working. Some of the most brutal acts of sectarian violence have occurred during the surge.

For example, in March of this year, a truck bomb in a Shia neighborhood killed 150 people. The Shia-controlled police units responded by systematically kidnapping and murdering 70 Sunnis. This is not an isolated episode.

Approximately 600 U.S. soldiers have died during the surge, and more than 3,000 have been wounded. Violence in many sectors of Iraq has increased. Despite the valiant effort of our troops, terrorist attacks in Iraq and around the world continue to rise. Tensions between countries in the Middle East region are growing.

Middle East autocrats have an even firmer grip on power. The Arab-Israeli conflict has deteriorated. Our military is stretched thin. And the most recent intelligence analysis reports that the al-Qaida group that attacked our Nation, the al-Qaida in Afghanistan and Pakistan, is stronger now than at any time since September 11, 2001.

The 2007 emergency supplemental appropriations bill required President Bush to report to Congress and the American people on the progress Iraqis are making in achieving certain benchmarks. These benchmarks were established so there could be a new way forward in Iraq with regard to securing civilian populations, establishing the Iraqi security force's capacity, and supporting an Iraqi Government that would have credibility and confidence at the national and provincial levels.

We now have received the first report from the administration. This assessment confirms the failures of the President's policies in Iraq by his own objectives. The Iraqis have failed to make satisfactory progress in key areas. For example, it is critical, critical for the Iraqi Parliament to pass legislation ensuring equitable distribution of the hydrocarbon oil revenues. Without such legislation, it is difficult to believe that the ethnic communities will have confidence in their central government. The Bush administration's assessment on this benchmark: not satisfactory.

Another benchmark concerns disarmament of the militias. We have heard about the militias and how they run their own affairs and take over ethnic communities. It is necessary that the Iraqi security forces be the national military. Eliminating militia control of local security is an additional benchmark. The Bush administration's assessment on those key benchmarks: not satisfactory and unsatisfactory.

Our goal has always been for the Iraqi commanders being able to make tactical and operational decisions without political intervention to uncover and pursue all extremists on all sides. The Iraqi security forces provide even-handed enforcement of the law. That is critical if the Government is going to have the confidence of its people. The Bush administration's own assessment on these benchmarks: unsatisfactory.

It is critical that the Iraqi security forces be able to operate independently. This benchmark is particularly important if we are going to be able to draw down on the U.S. troops in Iraq. The Bush administration's assessment on this benchmark: not satisfactory.

The interim report the administration released last week confirms that Iraqi security forces still cannot be trusted to enforce the law fairly. Some have taken part in sectarian violence, and some even have turned on American troops.

In order to have national reconciliation and the political elements for stability in Iraq, it is necessary to enact and implement debaathification reforms; another critical benchmark that was established with the United States and the Iraqis. The Bush administration's assessment on this benchmark: not satisfactory.

Most troubling, the Iraqi Government is seriously weakened, and many predict its collapse. The major Sunni party is currently boycotting the Government. Without Sunni participation, meaningful progress on any key political benchmarks is impossible.

Whatever progress the President's interim report claims, it is clear that our military has not curbed sectarian violence, nor has the troop escalation provided sectarian influence over and infiltration of the Iraqi security forces, or forced Iraqi political leaders to make the tough decisions necessary to move forward toward peace.

I think it is time to acknowledge that President Bush's troop escalation has failed. It has failed to make Iraq more secure. The Iraqi Government remains incapable of organizing its security forces or its legislature to achieve a semblance of stability or political reconciliation.

It is time to change the mission in Iraq. The cost of further delays in lives, material, treasure, standing in the world, is just too great. President Bush's strategy has put this Nation at greater risk, a risk that metastasizes each day that we sit by and wait. Wait for what? For new evidence of failure to accumulate, for news that more American soldiers have died and Iraqi civilians have been killed?

It is critical for the United States to change policy in Iraq, and it starts by removing our troops from the middle of a civil war. The Levin-Reed amendment would do that. Our new mission must recognize that the opportunity for sweeping regional change, if it ever existed, has passed.

Instead, we need to focus on realistic objectives which include preventing the conflict in Iraq from igniting a broader regional war and preventing genocide.

Unfortunately, we cannot rewrite history. The United States does have a responsibility toward assisting the Iraqis and working for peace in that region. It is in the interests of our country to do that. There is no easy path to achieve the objectives of stability in Iraq and protection of all of its ethnic communities.

As the bipartisan Iraq Study Group noted:

> There is no action the American military can take that by itself can bring about success in Iraq.

The efforts will most certainly include stepped-up diplomatic efforts. Iraq's neighbors have a stake in Iraqi stability. The war in Iraq has produced hundreds of thousands of refugees. An escalation of the conflict will mean even more refugees, which is a major concern to Iraq's neighbors.

An escalation in the conflict means the spread of fundamentalism and sectarian violence, and an increase in basic crime and lawlessness, not just to Iraq but to the region.

We must support and broaden efforts made to create the International Compact for Iraq, a 5-year plan launched this past April under the auspices of the United Nations with benchmarks for Iraq's national reconciliation and economic reconstruction.

That compact includes formal commitments of support from the international community. But we must begin to have a broader diplomatic and economic vision in the Middle East that includes engaging both the United Nations and the Organization for Security and Cooperation in Europe, OSCE, in Iraq and Afghanistan.

The various agencies of the United Nations are best suited to tackle the myriad problems plaguing Iraq. Matters of security, training, economics, and community development and providing electricity, water, and sanitation service are all areas where the United Nations has expertise.

Just as important, the United States should request OSCE to assist Iraq as a partner for cooperation. There is precedent for this. Afghanistan has already moved in that direction. Afghanistan has begun participation in OSCE proceedings under this program. This status could allow OSCE to assist Iraq with collective border security, police training—which is desperately needed—immigration and religious tolerance efforts.

Engaging the UN and OSCE could help initiate much needed multilateral and bilateral engagement with both friendly nations such as Turkey and with hostile nations such as Iran and Syria.

Engagement of the international community to deal with Iran and Syria's destabilizing regional policies is a critical factor that is needed and a renewed effort to resolve the Arab-Israeli conflict.

Iraq should request assistance from the United Nations and other international forces to help prevent continued ethnic cleansing. According to the United Nations 2005 World Summit, a high-level plenary meeting of the 60th session of the General Assembly, states have a responsibility to protect their population from genocide, war crimes, ethnic cleansing, and crimes against humanity. This is an international responsibility, not solely a U.S. responsibility.

I believe the strategy I have just outlined presents the best chance of helping the Iraqis negotiate a government and a governmental structure that has the confidence of its people, that protects the rights of all of its citizens, and builds the democratic institutions such as an independent judiciary and a market-based economy that are so vital to a successful country.

There is a difference between being resolute and being stubborn. We can no longer ignore overwhelming evidence or recoil from the cold reality the facts on the ground reveal. President Bush's policies have failed. The world has an interest in a safe and secure Iraq. I believe efforts to rebuild the country must be a shared responsibility among nations.

There is no more time for delay. It is time to change the mission, redeploy our troops currently stationed in Iraq, and internationalize the effort to bring stability to that country and to the Middle East. Such a strategy could give the Iraqis a real hope for peace and give Americans the best chance to achieve our objectives in that region of the world.

Our soldiers have honored our country by their incredible service. We owe it to our soldiers to change our mission now so we have the best chance to achieve these objectives.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, you would never know it from our debate the last couple of weeks, but we are here to talk about the Defense authorization bill, this rather large bill that is at all of our desks. Much broader than just any particular conversation about Iraq, or any particular battle, this is to authorize appropriations for fiscal year 2008, for military activities and the Department of Defense, for military construction, for defense activities and the Department of Energy, to proscribe military personnel strengths for such fiscal year, and other purposes.

One of the most important bills that we debate and pass, this includes money for aircraft, missiles, weapons systems, vehicles, all of the things we need to protect and secure our country—a very important bill.

I appreciate that the minority a number of times this evening has said: We need to go ahead and vote, particularly on the amendment in front of us, the Levin amendment. And while the normal procedure is to get agreements between the sides on when we vote, the minority filed cloture on this bill. There is really no need to delay the cloture vote any further.

Ms. MIKULSKI. Could I just offer an observation? We are not the minority, we are the majority.

Mr. DEMINT. Thank you. Bad habits die hard. Thank you for correcting me.

But we do need to move ahead with the cloture vote. There is no need for the theatrics through the evening on this. And since the majority has filed for a cloture vote, I ask unanimous consent that the cloture vote for the pending Levin amendment occur at 8:30 this evening.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator will repeat that.

Mr. DEMINT. I ask unanimous consent that the cloture vote on the pending Levin amendment occur at 8:30 this evening.

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, it is clear that the cloture motion as has been filed by the majority is clearly not what they want to happen this evening. So it does seem to be that this is all about a political circus to keep us here all night for some political theater to try to embarrass the President and in the process demoralize our troops and embolden our enemies.

Instead of talking about substantive amendments to the Defense authorization bill, what I hear the majority speaking of is message amendments, to try to message their political theater.

The fact is, this is about winning elections. The majority has given many quotes to the media. One senior Democratic aide on Fox News, when asked about staying up all night, said: Is this a publicity stunt? Yes.

Senator REID was quoted as saying at a press conference: I don't know if we will get 60 votes, but I tell you one thing, there are 21 Republicans up for reelection this time.

Senator REID was quoted in the Washington Post as: We are going to pick up Senate seats as a result of this war. Senator SCHUMER has shown me numbers that are compelling and astounding.

So while the majority is putting us through political theater in hopes of picking up Senate seats in 2008, our National Intelligence Estimate, which just came out, is very clear in their key judgment. It says: We judge that the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years.

The main threat comes from Islamic terrorist groups themselves, especially al-Qaida driven by their undiminished intent to attack the homeland and a continued effort by these terrorists groups to adopt and improve their capabilities.

The report is clear that we have a broad threat, a global threat. It is not just about Iraq. The whole Defense authorization is very important. We should not be sidelining the discussion of important issues of national defense and security with political theater this evening.

But it is important, as some of my colleagues have done, to kind of review what we have been through the last few months. Certainly, all of us are concerned about the progress in Iraq, the safety of our troops. We all want to finish our job with honor, with victory, to bring our troops home.

We have had a lot of debate this year. But recently when the President submitted his war spending bill, emergency supplemental bill, to fund our troops, we had a lot of debate. My Democratic colleagues had a lot of different ideas. The President vetoed one version. After that, we came to an agreement. The Democrats would force the President to agree that after we sent General Petraeus there—and that was a unanimous thing, to send General Petraeus to Baghdad to secure the area, we sent thousands of new troops. The Democrats agreed on that funding, but they requested that we have a report from General Petraeus in the middle of September to find out what progress we were making. We all agreed to that. But after we all agreed and had the signing at the White House, that is now not good enough for my Democratic colleagues.

As we heard one political strategist say about the Democrats, any day they are not talking about Iraq is a bad day. They want to make political hay out of this difficult situation that our country faces.

We have a new plan almost every day of how we are going to withdraw and retreat, a strategy du jour in the Senate. We will be talking about a lot of those new strategies as we go through the evening.

But as has already been mentioned by some of my Republican colleagues who talk a lot with the troops who come home, almost without exception they believe in our mission, and they believe they can win. What we are asking tonight of the majority is to let them win. Let Petraeus do what we sent him to do. Give him the time that we gave him—until September—to demonstrate that we can secure Baghdad, at least reasonably, in a way that the Government can function and the economy can rebound and the country can begin to establish itself as a free and independent democracy.

What we are seeing again is what we have seen over the past years. My Democratic colleagues, while well intended, are very often weak on defense and national security on almost every measure fighting for security. We would not even give our homeland security the same tools to fight terrorists as we give our law enforcement to fight drug dealers. Certainly, terrorists are as much a threat to us.

Some of my Democratic colleagues have even said this is a bumper sticker campaign, not a real war. I think we have to begin this whole process by recognizing, as our national intelligence estimate tells us time and again, this is a real threat, a continuing threat, one that we need to be prepared for in many ways, and we need to develop more of a consensus in the Senate of how we are going to fight it.

Our troops do believe in what they are doing. They believe it is a right cause, and they believe they can win. We need to let them win. We shouldn't continue to talk through the night and talk day after day about "we have lost" or "we can't win" or "we shouldn't be there" or "we are not making progress," when those who are there doing the fighting are telling us quite a different story.

Mr. President, I wish to address at least one amendment to the Defense authorization bill that I think is an example of what we need to be doing to make our military more efficient. There are a lot of things we do as a Congress that force our military to do things maybe for political reasons that don't help us militarily. One is related to aircraft retirement.

I have an amendment that I hope we can get to, amendment No. 2302, that is related to aircraft retirement. Some call it flyable storage. I was amazed to find out that Congress has required the Air Force to maintain in flying condition permanently grounded aircraft at the cost of millions of dollars a year. Many of these older aircraft, because of structural integrity, safety concerns, will never fly again. Yet we require them to be maintained in operational status for that last flight to the junkyard.

Between 2000 and 2007, retirement restrictions cost the Air Force $893 million, and almost $143 million has gone to modify aircraft the Air Force would like to retire. This year, the Air Force will spend $8.1 million to maintain the aircraft in flyable storage, $8.1 million to maintain aircraft that will never be used again. This will happen year after year.

There has been some political pressure to keep this because some maintenance happens in different States where various Senators and Congressmen want that to continue.

My amendment will just give the Air Force the flexibility to retire aircraft that needs to be retired. Most Americans would think that is just basic common sense, and I hope we can agree on that in the Senate.

I hope we can get back to the debate on this Defense authorization bill. I am very sorry that the majority will not let us move to the cloture vote on the Levin amendment, which is pending. But if we need to talk through the night, we will continue to talk through the night.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Maryland.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Ms. MIKULSKI. Yes.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Maryland finishes her remarks, then on the Republican side, I understand Senator WARNER will be the next speaker, and then that Senator SCHUMER be recognized on our side.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, and I will not object, I would just like to add Senator BUNNING after Senator SCHUMER, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank my friend from Maryland.

Ms. MIKULSKI. I am glad we got one of them. Maybe we can start a momentum here.

Mr. President, I never thought I would see the day in the Senate when there would be essentially a gag rule on the subject of war, essentially a gag rule preventing us from voting on the deployment of our troops and a framework for them to be able to come home. We are supposed to be the world's greatest deliberative body, but the other party has chosen to throw sand in the gears to give us a vote where we would present a framework.

The previous speaker talked about that we Democrats present a strategy du jour on the war. I challenge that statement and say it is the White House that gives us a strategy du jour, a strategy of the week, always changing goals. When the war was originally voted for, it was to get rid of Saddam Hussein and get rid of weapons of mass destruction. Saddam is gone and there were no weapons of mass destruction. If that was the goal of the war, come back home. Then it was to create democracy in Iraq. Now it is to secure Baghdad. It is a goal and a strategy du jour.

We have to come up with the right kind of framework, but we also need to be able to offer our votes. Mr. President, 47 times this year the Republican minority has threatened a filibuster on a variety of bills that we want to bring up on both domestic and foreign policy; 47 times they have threatened a filibuster, and now they have gone too far. Now the other party refuses to give us a vote on the most important issue we face: the war in Iraq and the deployment of our troops.

Our President talks about building a democratic Iraq. We should start with building democracy right here in the Senate.

Democracy is built on fundamental principles. One of the fundamental principles is freedom of speech, but not in the Senate. We are in a gag rule. We face strong-arm tactics to prevent our vote on a troop deadline.

Another fundamental principle of democracy is majority rule, but not in the Senate. It now takes 60 votes to win a vote. The reason we objected to the cloture is to end the filibuster. But we want to end the war, and that is why our unanimous consent request is a direct vote on that point. They want to hide behind parliamentary procedure. We want to go directly to the point.

Our Constitution calls for a system of checks and balances, but that is not what the White House wants. They want us to write the checks, but tonight we are trying to provide the balance. That is why we stand here the way we do.

Some people say Democrats are micromanaging the war. Well, hey, someone has to manage it, and it is about time. For the last 5 years, Congress has been under the rule of the other party. It has been a rubberstamp for the Bush administration. The results have been devastating to our military, to America's standing in the world, to the Iraqi people. We had troops sent to battle with inadequate protection and no plan for victory. We had modest international support, and now that is dwindling. Our former Secretary of Defense was imperious and turned a blind eye to cronyism and corruption at every level of the reconstruction.

You know what, it is time for someone to manage the war, and we are ready to do it. We are ready to lead. We just need to have a vote.

It is time to stop talking, it is time for action, and it is time for the Senate to have its say and its day on an actual vote.

This isn't about theater, it is not about polls, and it is not about politics. It is about the will of the American people. It is about honoring democratic principles. It is about doing the job we were elected to do.

I support the bipartisan amendment of Levin, Reed, and Hagel and other Republicans because it begins the process of bringing our troops home. But it not only brings them home, it brings them home safely and swiftly.

The Iraqis must understand the future of their nation is now in their hands, and our troops have to understand that the Congress is with them and we want to be with them when they are on the battlefield and when they come home. We believe the best way to support our troops is to create a framework to bring them home swiftly and safely.

There are those who want to talk about alternatives. There are those who are blocking the vote on this amendment saying it is too soon to withdraw. They have suddenly discovered the recommendations of the Iraq Study Group, something I supported 7 months ago, 210 days ago.

Mr. President, 210 days ago, the Iraq Study Group gave us a framework. They called it a way forward. They had 79 recommendations. I stood on this floor and said out of the 79, certainly there were 60 on which we could agree. Let's have a meeting, let's pick our favorite 60, and let's start moving forward on a military solution, a political solution, a diplomatic solution, but a solution it would be.

It was dismissed. It was dismissed by the other party, the other side of the wall, the other side of the aisle—it seems like a wall sometimes—and it was dismissed by the President of the United States.

So now all of a sudden they found the Iraq Study Group. Seven months ago that Iraq Study Group did call for diplomatic and political efforts. I think we make those efforts, and I also think that is included in the spirit and substance of Levin-Reed-Hagel-Snowe and others amendment.

Now is the day that we should refocus our mission in Iraq and also follow the path forward that was recommended and have our troops home by April 1, 2008. We know the Levin-Reed-Hagel, et al, amendment directs the Secretary of Defense to begin reducing the number of U.S. forces in Iraq no later than 120 days to begin those important diplomatic and political strategies. And it also leaves U.S. forces there for three missions: protecting other U.S. troops, completing the training of Iraq troops, and engaging in targeted counterterrorism operations. But it also requires them to complete it by April 30, 2008. This is what I advocate.

I am not new to this position. I never wanted to go to war in the first place. You see, I read all those intelligence reports, and I never believed that the President should be granted unilateral authority to engage in a war where there was no imminent threat to the United States of America. I was one of 23. Four years ago on October 11, I opposed the President giving this authority and asked that we exhaust our diplomatic options, asked us to stick with the U.N., and I said: I am just so concerned that I don't know if our troops will be met with a parade or a landmine. We know where we are. So off we went. We went to war with Iraq, and now we are at war within Iraq. Saddam is gone, but we are still there mired in a civil war.

No one could ask more of our troops. They have been brave, they have been courageous, and they have followed the request of their Commander in Chief. We need to look out for them. I believe we will. Other aspects of this bill, particularly the Wounded Warriors Act, look out for the veterans who have been injured, look out by reforming the disability benefits system, look out for the health care they need from the VA.

It is time for a new direction. It is time for us to have this vote. It is time for the Iraqi elected officials to stand up. Twelve Members of the 38-Member Parliament no longer attend Cabinet meetings; 75 Members of the Iraqi Parliament are boycotting their own Parliament so that they cannot get a quorum to do their job, whether it is for oil revenue sharing or power sharing.

I think it is time now, I think it is time for us to have a vote. I think it is time to refocus the mission. I think it is time to redeploy our troops. I think it is time to bring our troops home by April 30, 2008. And that is why I think it is time to vote on the Levin-Reed amendment.

So, Mr. President, I therefore, ask unanimous consent that amendment No. 2088 be withdrawn and that at 8:30 p.m. today, the Senate vote on the Levin-Reed amendment No. 2087 with the time, in all fairness, equally divided on both sides in the usual format, and no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

Mr. WARNER. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. MIKULSKI. Mr. President, I am so sorry to hear that objection. But I have now concluded my remarks for this part of the evening and yield the floor.

The PRESIDING OFFICER. The senior Senator from Virginia is recognized.

Mr. WARNER. I thank the Presiding Officer. Mr. President, I am given an opportunity now, which I have been looking forward to, to have a little colloquy with my long-time friend, Senator LEVIN, now chairman of the committee, and address one or two issues to explain why I feel very strongly that I have to oppose this amendment.

Just 49 days ago, the President signed into law an appropriations bill which contained legislative language, which legislative language originated on the floor of the Senate. I was privileged to be a part of the drafting of that language, and it eventually has become now the law of the land. I would like to review some of the points we put in that language which is the law.

It, first, requires the President to come forward on July 15, which he did. He submitted an assessment of the benchmarks. It further directed that General Petraeus be here in September with Ambassador Crocker. It further called upon the new organization which was created in this most recent appropriations bill, again originating, this part of the legislation, on the floor of the Senate. We put together a requirement that there be an independent study group of the Iraq security forces.

We have periodically through the years received reports from the Department of Defense describing how many battalions of the Iraqi forces are trained, how many are equipped, how many are ready to take the point by themselves, how many are dependent on U.S. forces. That is quite an accumulation of data. I felt very strongly, and other colleagues did, that we wanted to have a report independent of the Department of Defense, and that report performed by individuals who had many years of experience assessing the capabilities of men and women in uniform.

How fortunate we were that the former Commandant of the Marine Corps, General Jones, offered to head that group. He formed a group of fellow officers, most of them three and four stars now retired, who likewise have had years of experience and training in evaluating our Armed Forces. And they added two police chiefs. They just finished this past weekend. They returned on Saturday from a 1-week trip to Iraq to study the forces.

Part of the law requires that they come forward with a report. And I am pleased to say, having consulted with General Jones, that report will be available early in September, such that the President, the Chairman of the Joint Chiefs, and others can take it into consideration as they formulate the sequential requirement of the President to come forth and report to America, the Congress, and his people his opinion of the situation in Iraq as of September 15 of this year.

It is for that reason that I believe we should hold in place additional legislation at this time until the President has had the opportunity, that Congress has had the opportunity, and, most importantly, the American people have had the opportunity to study all of these facts provided by the professionals.

I would like to also add that the chairman of the Joint Chiefs of Staff, General Pace, has also stated he will have a report, his own assessment, of the situation over there, and his assessment of the Iraq security forces; that is, both military and police, prepared for that September timeframe. So that is the focal point.

I say with deep respect to my colleague, Senator LEVIN, chairman of the committee, which I am proud to have served on now 29 years with Senator LEVIN, side by side, that it seems to me we have passed a law where we put in the process by which America would proceed to the 15th of September, at which time the President will report to the Nation about such changes as he deems—the President, as Commander in Chief, exercising his clear authority under the Constitution, to change or revise the strategy and how our forces will be implemented in the future.

Later this evening, perhaps when I have further time, I will address the Warner-Lugar amendment, which goes into some detail about our recommendations to the President—I repeat: recommendations. Not directing him as a matter of law—on that report on 15 September; to include certain items in it. But the point I wish to make is I feel that if the Senate were to adopt, by way of a vote—which now requires 60 votes—the Levin amendment, it would be in contravention to the very spirit, letter, and purpose of the law that this body adopted 49 days ago. That would bring about confusion in the minds of the troops, confusion in the minds of the world.

How can America take such a zigzag course in legislation at such a critical time in our history, while trying to provide the Iraqi people with a stable situation so they can have some measurable quality of life and freedom and move ahead and hopefully have a nation that will join other nations in the world in our struggle against terrorism? That is my main concern.

I also point out that my good friend, Senator LEVIN, voted for the Cornyn amendment, which we adopted this morning, and among the findings are, as follows: The Cornyn amendment, which Senator LEVIN and I, and 90-some other Senators supported, stated:

> A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda.

We read today in the National Intelligence Estimate addressing the potential of al-Qaida and how so much of that potential is directed, clearly, at the United States.

The Cornyn amendment also said:

> The Iraq Study Group report found that "(a) chaotic Iraq—

should we have a precipitous pullout—

> could provide a still stronger base of operations for terrorists who seek to act regionally or even globally."

Further, the Cornyn amendment recited:

> A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq; (B) neighboring countries would consider actively intervening in Iraq; and (C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

Now, I read that because my valued friend, Senator LEVIN, appeared last night on a national program, the Jim Lehrer show, and he was asked repeatedly in that interview about how he would envision an Iraq having to experience a withdrawal timetable, which is fixed in his amendment. How would Iraq be, once that timetable went into effect and those troops would withdraw? I read through very carefully the transcript, which I have here, and I cannot find in there the specific references, much like what was in the Cornyn amendment. It seems to me there might be some disconnect between what you said publicly last night and the document to which you attached your vote in support today.

So I would like to entertain a colloquy and have my good friend explain how he envisions what the consequences to Iraq would be should his amendment be law eventually. We would first have to pass it here and then it would have to go to a conference with the House and then survive and become a part of the conference report.

Mr. LEVIN. If I can respond to my good friend's question.

The PRESIDING OFFICER. Without objection, the Senator from Michigan is recognized.

Mr. LEVIN. We know what we hope will happen, and there are some things we can predict that will happen.

What do we know? We know that Iraq is in chaos. We know that the Iraqi President, or Prime Minister more accurately, has said the only way to end the bloodletting of innocents in Iraq is if the Iraqi leaders reach a political settlement. We know that. We know there is no military solution in Iraq. We know there is only a political solution and that the violence cannot end unless Iraqi leaders reach a political settlement.

I think those are consensus points. Those are things we know. We know how many of our troops have been killed and how many are killed every month and how many are wounded and come home. We know those things.

Then the question is: Since there is no military solution, there is only a political solution—that is the only hope of succeeding in Iraq—how do you promote a political settlement in Iraq? Is the current course we are on succeeding or do we need to change the course?

We all have the same goal. We all want to maximize the chances of success in Iraq. If you believe we are succeeding in Iraq now, then you vote to stay the course. If you believe after all these years and all these deaths and all these wounded and all these expenditures, now over $10 billion a month, that we need to change course because we are not succeeding in Iraq, you have to ask yourself: How do we change course? How do we change what is going on in Iraq?

So those are the things that we, each of us, I think in our own conscience, are trying to figure what is the best way to maximize the chances of success in Iraq. I believe the only hope in getting the Iraqi leaders to reach the political settlement, which everybody agrees is the only hope, is to force them to accept responsibility for their own nation, to work out the political differences on revenue-sharing, on elections, on debaathification amendments, and on constitutional changes.

They have been dithering for years. They made a promise to their people, to the American people, and to the world last year. It is on their Web site, 16 of their benchmarks—not ours, their benchmarks. They have not carried out the commitments they have made. There was a timetable attached to those benchmarks. I put that timetable in the RECORD. It was part of a letter that Secretary Rice sent to me.

So we have a situation—

Mr. WARNER. Well, Mr. President, the amendment which I worked on and which went into the appropriations bill, those are the same benchmarks in that bill.

Mr. LEVIN. They are different.

Mr. WARNER. Well, they track, in large measure, the same.

Mr. LEVIN. Some are the same, some are different, but they are political benchmarks which the Iraqi leaders said they would meet. They made those benchmarks. We didn't impose them, those are their benchmarks. The letter from Secretary Rice makes it explicit that the Presidency Council, which represents all the factions in Iraq, formally adopted those benchmarks. They were supposed to have been adopted in October, November, December, January, and in February. They have not been met.

How are we going to get them to meet them, to keep an open-ended commitment, which is what the President wants us to do. Another delay and then patience. The President asks us to be patient? We should be downright impatient with the Iraqi leaders. The message to the Iraqi leaders shouldn't be, for heaven sakes, after all these casualties, that we are going to be patient with them when it is in their hands as to whether this civil strife is going to end.

Mr. WARNER. I would say to my colleague, the President, when he enunciated his new policy on January 10, the purpose was to lay a foundation of security such that the Iraqi Government could perform in a manner given that the security is very serious in Iraq.

Even though I had misgivings about the surge, I put those aside once the President had made a decision to go forward. I wish to support the troops, and they are carrying out this mission. I think there is a strong chance there will be some measure of achievement of the surge militarily.

I agree with my colleague, the performance of the Iraqi Government to date has been extraordinarily disappointing. I have stated that on this floor a number of times, as have other colleagues. But the point I wish to urge is that if we were to take—tomorrow, for example—and begin to change the intentions of the Senate, which were expressed in law 49 days ago, and suddenly announce a withdrawal program, as the distinguished Senator from Michigan has in his amendment, it would be perceived as an undercut to the very military operation we are trying to bring about now.

Why can't we wait until September, until the President has had the benefit of all the convergence of this information, and then, as a body, review his remarks and statements and possibly change the strategy subsequent to the 15th of September? Because I do believe that your amendment is in conflict with what we did 49 days ago.

Mr. LEVIN. If the Senator will yield for an answer.

Mr. WARNER. Yes.

Mr. LEVIN. I think the Senate spoke also prior to adopting your amendment. We voted 51 to 48, adopted an amendment which said we will begin to reduce our forces and to transition to the new mission, and that we would begin that transition within 120 days. That was vetoed by the President.

Mr. WARNER. That is correct.

Mr. LEVIN. The Senate spoke even before it adopted the amendment of the Senator from Virginia. So we have spoken in many ways over the years. But now it is our belief, those of us who support this amendment, that the earlier we put pressure on the Iraqi leaders to reach a political solution, which everybody agrees is the only hope, the earlier we put that pressure on them, the better.

Mr. WARNER. Well, Mr. President, the distinguished ranking member, Mr. MCCAIN, in his remarks of this morning, made it very clear that the President made it very clear, if we proceed with the course of adopting your amendment, then there will be another veto, and then we are back into that sequence and a veto on a bill which you and I have worked on for these 29 years.

How many times have we been on the floor supporting the annual authorization bill? We have gotten a bill each of those 29 years that we have been on that committee. This will be the first time a President was compelled to veto it because he is repeating his actions he took earlier, 2 months ago.

Mr. LEVIN. I think the Senator is well aware this President is not compelled to veto anything. As a matter of fact, the report the Senator refers to, which is due in September, will be coming in before this bill gets to the President. At least there is some hope the President will see what the Republican leader in the Senate saw a month ago. It was the Senator from Kentucky who a couple of months ago said: The handwriting is on the wall. There is going to be a change of course in September.

Now, why wait? We are losing men and women, our best and our brightest, our bravest, every day in Iraq. Those who return wounded will have a lifetime of recovery in many cases. We have record numbers of problems that have come up—post-traumatic stress disorder, we have traumatic brain injuries which are plaguing our troops who survive. Thank God we have great medical care on the battlefield. Why wait until September? The Republican leader said the handwriting is on the wall. There is going to be a change of course in September. There should be a change of course, not just in September, it should have changed a long time ago. But there is no way to change this course unless the leaders of Iraq do what only they can do, what their own Prime Minister said had to happen before the bloodletting of innocents ends in Iraq. They and they alone have it in their hands to work out the political settlement, which, according to their own agreement, was supposed to have been reached months ago.

Mr. WARNER. Mr. President, the Senator is correct, that Government has not performed. But we, 49 days ago, structured a careful sequence of events between now and September to make certain the information, the facts, the opinions, the conclusions which would guide the President in that revision of strategy the distinguished Senator MCCONNELL made observation about some time ago, that information is converging at that very point in time.

I say to the Senator, we are so close. I would not want to see the Congress disrupt what it has already enacted and put it into law as to what is to take place in September. It is for that reason I simply cannot support my distinguished colleague from Michigan.

Mr. LEVIN. I thank my friend, and I don't view this at all as personal.

A matter of fact, we had this interim report on July 15. What did it come in and say? It came in and said, on the political side, nothing has happened in Iraq; and on the political side, we see no advances. But the political side is where the advances have to take place. As a matter of fact, the President said, when he came up with this surge policy, that the purpose of the surge was to give the political leaders an opportunity to reach a political settlement.

Well, they have had that opportunity, they haven't done it, and the surge has not accomplished anything in the area of a political settlement.

Mr. WARNER. Mr. President, I will conclude my time and yield the floor because other colleagues sequentially are participating. Perhaps we will be able to reopen this colloquy at another time during the debate. But I certainly share with you the enormity of loss of life, the loss of limb, of the hardships of the military families. Even those families who fortunately have not suffered loss of life or limb nevertheless have repeated tours of duty and separations from their loved ones brought on by this war.

But I am concerned we might lose all of that which has been given if we make the wrong decision now and precipitously fix a date for pullout. All that sacrifice might be lost. I am certain my colleague shares with me that one of the goals we should have in this situation is to make certain those losses were not in vain.

Mr. LEVIN. If the Senator will yield, I think we all share that view, but the amendment, if it is anything, it is not precipitous. This is coming after a great deal of debate. We have had a vote on this. The Senate voted to do something very similar to this, and it was vetoed.

We have a 120-day period to begin to reduce forces. That is not precipitous. That gives the Iraqis notice, now 4 months more notice after enactment, which can't come for many months, that they have to begin to get their political act together.

Mr. WARNER. Mr. President, my time is nearly up. It may not be enacted for 4 or 5 months, but the signal will go out of this Chamber, if we adopt your amendment, that the Senate, in less than 40 days, has changed the law that it passed a short time ago, and it looks like a zigzag course that this Nation is taking in one of the most serious situations in my lifetime—this situation in the Middle East. It is essential to our security that area of the world not implode.

I yield the floor to the other Senators who are scheduled to speak.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. SCHUMER. Well, I thank the Chair, and this is a historic night. The Senate will stay in session all night to debate the war in Iraq, something we should be doing. Frankly, Mr. President, we should have done it a while ago.

The bottom line is we need debate and to focus attention on Iraq. We need to change the course in Iraq. We need to bring an end to having American soldiers police, patrol, be wounded, maimed, and killed, as they are in the midst of this civil war not of our country's making.

The bottom line is this. We are here to debate the one true resolution that will force the President to change course in Iraq. Many of us, sadly, and with some degree of frustration, believe the President will not change course. Many of us believe the facts on the ground are not apparent to him or, if they are, do not enter into his decision. The view that military strength, and military strength alone, can prevail in Iraq is wrong. The facts do not measure up. The Shia, the Sunni, the Kurds have had age-old enmity. If I had to sum up the problem with the President's policy in a sentence, I would say this: The Shias, the Sunnis, the Kurds dislike each other far more than they might like any central government of Iraq.

In a certain sense, what we are trying to do here is to take two "norths" on a magnet and try to push them together. The minute we release our hands they will push apart. Those are the facts on the ground that cannot be avoided.

We can add another 20,000 troops or another 40,000 troops and might get some degree of pacification for a period of time. As soon as we leave, whether it is in 3 months or 3 years, the Sunnis, the Shiites, the Kurds, and the various factions will be fighting with one another once again.

There is indeed—and I will elaborate—there is indeed a need to protect ourselves from terrorism that might generate from the chaos in Iraq. That does not require 160,000 troops patrolling the streets of Baghdad. Most of what our soldiers do—bravely, gallantly, with great dedication to their country, but unfortunately—most of what our soldiers do has absolutely nothing to do with fighting terrorism. Yet we continue to send them back and then back again and then back again.

I hope my colleagues on the other side of the aisle, particularly those who have stated that the present policy is misguided, and even those who probably think it is misguided but don't want to say it out of loyalty to the leader of their party, will take a bold step and join us in supporting the Levin-Reed amendment. All of the other amendments are flawed, in my judgment, because they are advisory. This President will not take advice unless forced to change course. If it doesn't happen now, it will happen in September or October. It will happen. We all know that at some point there will be a group of Republican Senators who will quietly go to the White House and say: Mr. President, unless you change direction in Iraq we will change it for you.

If that is going to happen in 2 or 3 months—and the whispers on the other side of the aisle indicate that is what will happen—why wait? Why sacrifice more life and see so many more soldiers coming home wounded? Why sacrifice the billions of dollars that we are spending at the same time our schools need so much help and our health care system needs so much help? Our energy policy needs redirection.

We live in a changing world. Technology has changed everything about our world. It has created terrorism. Terrorism is a real force. I disagree with those who say we can ignore the fact that terrorism is real. Technology has empowered small groups of bad people and given them the ability to strike at us in our heartland. That is brand new. There have always been small groups of bad people. There have even been large groups of bad people. But they didn't have the ability to hurt us.

The Japanese war machine in 1941, while America slept, could only get as far as Pearl Harbor, and that was a long reach. Yet the several thousand in al-Qaida, far less wealthy and far less strong, were able to strike at the World Trade Center in my city. So terrorism is real. Terrorism is something that we have to fight against.

The problem in the equation that the President speaks about and believes in, that so many on the other side of the aisle speak about and believe in, is that what we are doing in Iraq, it is almost impossible to prove has much to do with terror.

They say al-Qaida might set up camps in Iraq and use those camps as they use the camps in Pakistan and Afghanistan to try and hurt us. That may be true. But what does having our soldiers patrol the streets of Baghdad, or Diyala, or Ramadi or any of the other cities to prevent various tribes and ethnic groups from fighting one another, have to do with that? What does trying—futilely, in my opinion—to buttress the Maliki government have to do with that, when the Maliki government is incapable of doing elementary things, let alone containing al-Qaida?

This war in Iraq has just veered out of control, and a great leader would say that and change course. Without casting aspersions on what brought us there—although we can debate that all day long; whatever happened in the past happened. But the facts on the ground are real. To just about anyone who looks at this with an unbiased eye, what we are doing in Iraq has very little to do with protecting us and, in fact, a good argument can be made it makes things worse every day we stay. Certainly the argument can be made it delays the inevitable, which will happen, which is that the Iraqis are going to have to work out for themselves how they are going to live or not live together, given the age-old enmities.

Yet this President persists. It is not good for the Iraqi people. It is not good for the American people. It is not good for the country that he does. Our job is to require the President to change because he will not do it on his own.

That is why, while I have great respect for my colleague from Colorado and for my colleague from Virginia and my colleague from Indiana, I don't think their resolutions are what is needed because the President will not change. He knows what our opinion is. He knows what the American people's view of this war is. He doesn't need a resolution to suggest to him to change course. No. He needs to be required to do it. He needs to be forced to do it.

That is the stark choice we face tonight. That is where we are tonight. If you believe that we must change course in Iraq, the only resolution that does that is Levin-Reed.

One other thing: This country needs to do so much. The very technology I talked about, which effects terrorism and creates terrorism, creates other challenges for America. Our schools—when the OEDC ranks the 21 developed countries in terms of their K-12 education—now come out 12th, the bottom half. In math we come out 15th. We are doing virtually nothing to improve our schools, which to me is the ultimate answer to preserve the American economy and American jobs.

Our health care system is broken. There are 45 million people uncovered and many more who are not covered very well. We have a system that doesn't do the basic preventive things that would save lives and save dollars.

On energy we send $1 billion a day overseas to many people we don't like, and we can't get hold of it and change it. Our foreign policy itself needs a new direction where we are able to take on terrorists who might hurt us in a way that develops world consensus. The rest of the world is learning what terrorism is like and why it is evil. We need to change our military to be able to do that. We need to change our foreign policy arrangements to do it.

All of these things and so many more—our infrastructure and our culture are lost because everything in this administration is focused on the misguided policy in Iraq.

The damage and danger of what is done hurts Iraq and it hurts America's reputation in the world. It also hurts us at home because we are spending time and energy and resources on something that just cannot work the way it is. What the Levin-Reed resolution recommends is that we withdraw the vast majority of our troops. We don't abandon Iraq altogether because we know al-Qaida might set up camps, and we know there is a need for some troops—mainly out of harm's way—to protect us from al-Qaida camps that might help train those who might strike at us. But the Levin-Reed resolution would not entail 160,000 troops in harm's way, because they are not needed. There might be 10,000 or 20,000 or 30,000 troops, mostly out of harm's way, that could protect us from terrorism.

The view that we can train the Iraqis to take over—many of us have lost faith in that. We have heard promise after promise that we should let the Iraqis take over. They don't really want to fight this war because when there is very little loyalty to a central government, it is very hard to build an army in a divided nation.

Many of the other amendments that are before us, in my judgment, are wishful thinking. They believe they will get the President to see the light. I wish that were the case. The President seems adamant. I don't think he will change unless he is forced to change. I don't think he will change unless this body meets its responsibilities and stands up and requires a change.

The President in February said we should wait until the summer. In April he said September. Now we are hearing from some of the commanders: Oh, no, we will have to wait until January.

It is just not working. We pacify one area and violence erupts in another. If we go to that area, then the area that was pacified creates the violence. Temporarily dealing with that violence doesn't solve the fundamental facts on the ground. Therefore, we need change. I do not believe this is an issue of hawks or doves. I think whichever you are, the simple facts on the ground dictate that we should change, and only Levin-Reed has us do that.

I salute my colleagues, the Senator from Michigan and the Senator from Rhode Island, for putting together this resolution. I urge my colleagues on the other side of the aisle in particular to join with us. You will be joining with us later if you don't join with us today. That is the simple fact of the matter. I hope the Levin-Reed amendment is given its due. I hope it will pass for the sake of Iraq, the sake of our soldiers, the sake of America.

With that, Mr. President, I ask unanimous consent that Senator BUNNING be allowed to speak until 8:35 and that the majority leader be recognized immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I ask my colleague, does that mean we will be voting after the recognition of the majority leader?

Mr. SCHUMER. Probably, yes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, could we add that the next Democratic speaker will be Senator FEINSTEIN?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Reserving the right to object, could we have the next Republican speaker be Senator ALEXANDER?

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? Under the previous order, the Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise tonight to play my small part in this pointless political play put on by the Senate majority leader. It is an insult to the brave men and women in our Armed Forces and to the American taxpayer that we are here tonight for no other reason than for a publicity stunt. Instead of following the script written by MoveOn, like my colleagues on the other side of the aisle, I want to be honest and frank with the American people.

I hear Democrats every day talk about public opinion polls on Iraq and on the President's approval rating. To some extent they are right. The American people are not satisfied with the war in Iraq and the President is at an all-time low in his approval rating.

But I rarely hear my friends on the other side of the aisle talk about public opinion polls of Congress. It is obvious why. President Bush has a higher approval rating than the current democratically led Congress. I have never been accused of being a political strategist, but I have been around this town long enough—over 21 years—to know that the American people resent their leaders for so often taking the politically expedient path instead of doing what they think is right.

The American people see right through this charade going on tonight. It is more political theater: phony images of cots, toothpaste, and sleepy politicians, meant to convince people that what goes on here at 3 in the morning may actually do some good. But it doesn't do any good.

In fact, it does a lot of bad. Because this debate is more about a political show and placating the "MoveOn" folks, than it is about talking about the real issue at hand. It is appalling that we use a bill that provides vital funding of our Nation's military as a political smokescreen for Democrats to gain points in the polls.

The safety and security of the brave men and women in our Armed Forces is not a game to me. Our troops should never be used as a basis to stage a cheap political stunt. If the Senate truly supported our troops, we would be here debating the nuts and bolts of the Department of Defense authorization bill. Instead, we find ourselves back debating whether to cut and run from Iraq, as we have done countless times before tonight.

Democrats would like for you to believe that Republicans will not vote on the Reed-Levin amendment. Give me a break. I am happy to vote on the amendment right now. I plan to oppose it, as I have opposed a similar version Senator LEVIN offered 2 months ago.

It is a bad amendment. It calls for a premature withdrawal of American troops from Iraq before we have even had a chance to see the results of the surge. I wish to know how some of my colleagues know that the surge has already failed when it has only been in place for a month?

I wish to know how they know the situation in Iraq better than our commanders on the ground? The ink is not even dry on the President's plan and Democrats are already declaring it a failure. This type of defeatist strategy is irrational and unfair.

It is important to remember the dangerous effect our debate in Washington can have on the message we are sending our enemies. Make no mistake about it, our enemies are watching us. They are watching us and using our debate on the war in Iraq to strengthen themselves. This morning, the new National Intelligence Estimate declared the United States is at an elevated threat level. It said our biggest threat is al-Qaida, specifically al-Qaida in Iraq.

This group is working to mobilize other extremist organizations in the region to mount a new attack against the United States. The report also found that al-Qaida will continue to acquire chemical, biological or nuclear materials for attacks; it will not hesitate to use them.

While al-Qaida is working to plan this attack, U.S. forces are working hand in hand with Iraqi security forces to break up this organization and root it out and root this terrorist network out.

This work is vital to our national security. We cannot forget the important lessons we learned from the tragedies of 9/11. There are still those out there who wish to do us harm. Wake up America. If we withdrew from Iraq, the terrorists will likely follow us home.

Democrats would like for us to believe we can responsibly leave Iraq and the conflict will end. This is delusional. Make no mistake, if we leave Iraq prematurely, there will be widespread chaos in the Middle East. Iran will work with Syria to dominate the region, while Sunni States scramble to oppose them. They will use any means possible to acquire the resources to bolster their nuclear weapons program in an effort to combat and conquer the United States.

The Kurds in Iran will form their own country, possibly with the Kurds in Turkey, Syria, and Iran. This could lead to an armed conflict between the Kurds and the Turkish Government. There will be widespread attacks to wipe out Israel and to topple the democratic Government of Lebanon. These pillars of democracy in the Middle East that once stood as an example for freedom within the region will crumble.

The Government of Iraq will fail, and there will be civil war within the country. This will result in massive civilian casualties and displacement. Most importantly, our national security will be in jeopardy. This afternoon, we passed, by a large majority, Senator CORNYN's amendment that said we should not leave a failed state in Iraq. It also said we should not pass any legislation that will undermine our military's ability to prevent a failed state in Iraq.

I ask my colleagues: What are we doing right now? We are debating Senator LEVIN's amendment that will, without a doubt, result in a failed state in Iraq. Let me be clear to my colleagues that believe they can support both amendments. The strategy of cut and run will lead to a failed Iraq and will undermine our military's mission.

But Democrats have already decided the surge has failed before it has a chance to work. These are the same people who voted to overwhelmingly confirm General Petraeus and are now refusing to wait to hear his report in September. This is exactly the type of message our enemy wants to hear.

Well, I, for one, am working hard to send our enemies a different message: The United States will not back down from this fight. I stand behind our troops and General Petraeus. I promised in person, in my office, to General Petraeus, that I would wait to hear his report this fall. I intend to keep my promise. I urge my colleagues to do the same. The safety and security of all Americans depends on it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the surge has now been going for 6 months. More than 600 Americans have been killed, thousands have been wounded, costing our country $60 billion.

The National Intelligence Estimate which was issued today—was leaked by someone last week—is very clear: There are two al-Qaidas now; there used to be one. There is al-Qaida in Iraq, totally separate and apart from the other al-Qaida that bin Laden led.

Where did it come from? It came from the worst foreign policy blunder in the history of our country, the invasion of Iraq.

My friend, the junior Senator from Kentucky, should understand, as a result of that invasion we now have a civil war raging in the Palestinian areas of Lebanon, the country of Israel has been basically ignored during this administration, and we have Iran thumbing their nose at us.

For the information of my friend from Kentucky, there would not be a civil war in Iraq, there already is one. It is an intractable civil war. We Americans are there in spite of the fact that the Iraqis, by an almost 70 percent margin, 69 percent to be exact, say we are doing more harm than good; they want us out of there.

The Prime Minister of Iraq said 3 days ago that he could do fine without us. Anytime we want to leave, his security would take over.

Now, wake up America? America is awake. They understand very clearly we have a situation where we have a President that will be in office only another 17 months, and they want the war to end before he leaves office. They want to change the course in Iraq which has caused the deaths of almost 3,700 Americans, the wounding of tens of thousands of Americans, cost us over half a trillion dollars.

That is what Americans want. They are awake.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4 Leg.]

Alexander
Bennett
Brown
Bunning
Cardin
Casey
Chambliss
Cornyn
Crapo
Durbin
Feingold
Feinstein
Kerry
Kyl
Landrieu
Levin
McCain
McConnell
Mikulski
Murray
Reid
Sanders
Sessions
Stabenow
Tester
Warner

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada, Mr. REID, to direct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 47, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole

Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Lieberman
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—9

Biden
Byrd
Cochran
Inhofe
Inouye
Johnson
Lott
Obama
Rockefeller

The motion was rejected.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, our Democratic friends thought they were going to teach Republicans a lesson today on how to proceed in Iraq. Instead, Americans got an object lesson on why Democrats have failed to accomplish any of their goals over the last 7 months.

As to this fanciful notion that we have never had 60-vote thresholds on votes, Democrats agreed just this year to 60-vote thresholds on at least five Iraq-related votes: the Reid sense of the Congress on Iraq, the Murray sense of the Congress on Iraq, the Gregg sense of the Congress on Iraq, the Hagel amendment to H.R. 1585 relating to deployment time, and the Graham amendment to H.R. 1585 relating to deployment time—at least five Iraq votes that have been subject to 60 votes.

Now, Republicans have repeatedly offered Democrats an opportunity to have a vote on the Levin amendment according to the traditional 60-vote threshold. Democrats themselves have insisted on 60-vote thresholds for judges, for example. We could have had the vote this morning and moved on to other business, like finishing this very important underlying bill and getting the men and women in the military what they need and deserve.

What is at stake, Mr. President? Iraq's Foreign Minister, Hoshyar Zebari, recently told reporters:

> The dangers could be a civil war, dividing the country, regional wars, and the collapse of the state.

The same sentiment has been echoed recently by political figures from the Sunni Arab community, which had been the least supportive of the U.S. presence after the collapse of Saddam's Sunni-dominated government.

Foreign Minister Zebari has also credited multinational forces for keeping Turkey from occupying northern Iraq. This is what he recently had to say:

> Tomorrow, another country will set its sights on Iraq—Iran, Syria, and others have certain interests, ambitions, and interferences. Ironically, it is this presence that is preserving Iraq's unity; this deterrent is preventing the outbreak of an all-out sectarian civil war, and perhaps regional wars as well.

Now, the National Intelligence Estimate released today said al-Qaida will "leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate and the only one known to have expressed a desire to attack us here in the United States."

Yesterday, the U.N. Secretary General, Ban Kimoon, warned that an abrupt withdrawal may, "lead to a further deterioration of the situation in Iraq."

Now, what do the terrorists themselves say? What do they say, the terrorists themselves?

The Islamic State of Iraq announced during our last debate in April that certain members of Congress had declared the War in Iraq hopeless.

Those are the words of the terrorists themselves. And here is Osama bin Laden himself, quoted from an Al Jazeera broadcast last April. This is what Osama bin Laden said:

> The epicenter of these wars is Baghdad, the seat of the caliphate rule. They keep reiterating success in Baghdad will be success for the U.S., failure in Iraq the failure of the U.S. Their defeat in Iraq will mean defeat in all of their wars and the beginning to the receding of their Zionist-Crusader tide against us.

That is from the lips of Osama bin Laden.

Now, our Democratic friends have tried to have it both ways on Iraq for too long. They voted to send General Petraeus to Iraq by a unanimous vote, even as many of them undercut his mission and the morale of our troops by declaring it a failure. They voted to fund that mission even after working for more than 3 months to undercut it through legislation that would render it impossible to carry out. And now they have taken the unprecedented step of hijacking a Defense authorization bill to undercut the framework they agreed to when they funded the mission back in May.

So let's take a look, my friends and colleagues, at what we agreed to back in May. The conference report that 80 Senators voted for in May required a benchmarks report in July and a report from General Petraeus and Ambassador Crocker in September.

We chose July for the benchmarks report because the Baghdad Security Plan would be fully manned, and we wanted the Iraqi Government to know we expected their cooperation and sacrifice in exchange for ours. We chose September because that is when General Petraeus and Ambassador Crocker planned to give the President an update on the counterinsurgency plan currently underway. We thought it reasonable that we get the same assessment to form an appropriate legislative response.

The Congress decided in May that 1 month of a fully manned surge was insufficient to call the Petraeus plan a failure. We wrote that decision into law. Since May, we have learned that progress is mixed. Many of the military tasks assigned have been achieved, and we have not seen sufficient progress on the political benchmarks. Some of our colleagues have refrained from calling for a change in strategy until they hear what General Petraeus and Ambassador Crocker have to say in September. Actually, there is really no good argument that Ambassador Crocker and General Petraeus deserve an opportunity to be heard when these significant reports come out in September.

So I would ask our colleagues on the other side to think of the tangle we are in. Republicans have asked repeatedly to move up the cloture vote on the Levin troop withdrawal amendment. They have blocked us every time because they prefer the theater of the all-nighter. We were elected to legislate, not to strut across a stage. This isn't Hollywood. This is real life here in the Senate. Much depends on how we conduct ourselves right here and how we conduct ourselves in this debate.

We have heard the warnings from people who know the dangers that lurk in Iraq, and now I have a warning of my own to my colleagues on the other side. Our commanders, our troops, and the millions of brave men and women who have stood with us in Iraq and who live in danger of the creeping prospect of precipitous withdrawal, deserve a lot better than they are getting in this debate. They deserve our resolve and, at the very least, they deserve us to keep the pledge we made as recently as last May.

It is time to put an end to this charade. The stakes are entirely too high.

Mr. President, I yield the floor

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I sat here for the last hour or so and listened to the discussion, and what one concludes is that, once again, we are locked in a debate about the future of Iraq. I think many people watching this debate listen and think: Does this solve anything?

But in many ways, thanks to the courage of a few Senators on the other side of the aisle, the debate has undergone a major shift in the past few weeks. We are no longer simply asking whether we should change course, it is clear today that a majority in this body believe we must change course. Today, a majority of the Senate sees that the surge is not working, and a majority believes there has been no progress on political reconciliation.

The question I hear repeated is: Do we change course now or do we wait until September? I have heard distinguished Members of this body say: Why not wait until September? I believe the answer is clear. When you know things are moving in the wrong direction, why wait to act? And a growing majority in the Senate agrees.

While there are over 50-plus votes to support this view, there doesn't appear to be the 60 votes needed to bring the debate to a close, and there still are not the 67 votes needed to overcome a Presidential veto. So those of us who believe we need to change course, and need to change course now, have no option other than to press for a vote until we prevail.

The good news is that this debate may slowly be moving away from the partisan bickering and toward a bipartisan way out of Iraq. A growing number of well-respected Republicans have made it clear that they believe the President's current strategy is not sustainable. This includes Senators WARNER and LUGAR, two of the most distinguished Senators in this body, who have introduced an amendment calling on the President to develop a plan to transition the mission, and potentially—potentially—draw down our troops.

This includes Senators HAGEL, SMITH, and SNOWE, who have cosponsored the Levin-Reed amendment calling for a binding timetable to redeploy our troops.

This includes Senator VOINOVICH, who, according to reports, has informed the White House that the only way to salvage the President's legacy is to begin moving out of Iraq.

And this includes Senators DOMENICI, COLLINS, ALEXANDER, BENNETT, GREGG, and SUNUNU, who have embraced legislation to implement the Iraq Study Group's recommendations.

These Senators are to be commended for their courage, and I believe the ranks will only continue to grow as time goes by. Why? Because despite repeated predictions that security and stability in Iraq are just around the corner, this has proved illusory. The security situation has not improved. There has been no progress toward political reconciliation. None.

Simply put: Violence in Iraq continues unabated, and we have heard it said on the floor over and over again, just in the past few days: 25 people killed Sunday, attacks across Baghdad, 10 killed in a car bomb blast in a busy commercial area, a triple bombing attack in Kirkuk killing 85 yesterday, wounding 183. And within hours of that attack, several men in Iraqi military uniforms attacked a Shia village in Diyala fatally shooting 28 men, women, and children.

This is why we need a change in course. And these are not isolated incidents. They are not the exception. They are the norm, day in, day out. Every day there is more—more bombings, more shootings, more IEDs, more kidnappings, more death squads.

Has the surge led to a reduction in violence? No. The news continues. We also heard last week of a firefight between U.S. forces and Iraqi police.

This cannot be the right direction. The surge wasn't supposed to be a silver bullet, but it was supposed to give the Iraqi Government the space and stability needed to come to a political accommodation. But has this happened? The answer has to be no. Is this likely to happen in the next 55 days? The answer is no.

In fact, the Iraqi Parliament will be taking a month-long vacation during this critical period. That is 30 out of the 55 days.

But of greatest concern is the fact that there has been little, if any, progress in the political arena. Even by the administration's account, the Iraqi Government hasn't made progress in meeting the benchmarks. You have heard this, and there are two more reports due on benchmarks, so we will hear more of the same.

If you talk about benchmarks, to me the most critical has always been debaathification—a terrible mistake made by us and now supported to continue by Ahmed Chalabi to prevent former Baathists from working. You can never have a united Iraq as long as you have debaathification on a level that even today still exists. The absence of holding provincial elections, passing an oil revenue sharing law, ensuring that authorities are not undermining members of the Iraqi security forces, ensuring that the Iraqi security forces provide evenhanded enforcement of the law—simple things not done.

There is a misbegotten belief that we can turn Iraq into a democracy—a country with little infrastructure for democracy, a government where ministers don't show up, where parliamentarians don't arrive, where long vacations are taken in the middle of war and strife. At the same time, the Pentagon reported last week that there has been a slight reduction in the number of Iraqi security force units capable of independent operations. So there is even deterioration on that front.

Yet we are told to wait. Something good might happen. So what should we do? Rather than wait another 8 weeks, I think we should act now. I think the Senate should approve the Levin-Reed amendment, which, to date, is the only amendment, as the majority leader has stated so often, with teeth—in 120 days redeployment begins, and out by April 30th of next year. It is clear, it is definitive, and it has the support of a majority of this body.

No State has suffered more than California from this war. We have nearly 400 dead and 3,000 wounded; 400 dead, 400 young men and women dead from the State. I hear some States say they have had five or six. We have had 400 people killed in this war. It is clear we must change course, but the President and some in this body say, again, we should wait.

Let me tell you why we should not wait. Here is what we will lose in 8 weeks, if current trends continue. Hundreds more U.S. troops dead. At this present rate, that is 200 more dead. More than 1,000 U.S. troops injured. Actually, if the present rate continues, 1,200 to 1,500 more. Several thousand more Iraqi civilians killed. At the present rate, 4,000 to 6,000 by waiting. Nearly 100,000 more Iraqi civilians displaced and another $20 billion spent.

I ask you, is this an acceptable cost of waiting? It is not to me. Secretary Gates and other administration officials made it clear in January we should know in a matter of months if the surge was working. Here it is July. It is very clear the surge is not working. Every day there are more bombings. If you measure things in real terms, that kill people—there are more bombings, more killings, more IEDs, more violence. Casualties have jumped since the surge began. As I said, we are now losing 100 of our people every month. The 331 troops killed during April, May, and June is the highest 3-month total since the war began 4½ years ago.

How is this a sign of progress? Tell me how is it a sign of progress, when more people are killed, more displaced, Iraqis turn up in the morgue by the dozens every day? Because if this trend continues, 2007 will be the deadliest for our troops since this war began. Why wait to act?

Waiting is not going to change the political situation either. Will we see the Iraqi Government pass an oil revenue-sharing law by September? Does anyone believe that? I don't think so.

Will we see reform of the debaathification system by September? I don't think so.

Will we see provincial elections or an Iraqi security force that is free from sectarian influence? I don't think so. As a matter of fact, the answer to all these questions is no. We haven't seen movement on the political front in the past 7 months, so why do we believe it will happen in the next 2 months? This is especially true, given that the Iraqi Parliament is taking a month off in August.

The surge was not supposed to be this silver bullet. It was supposed to give the Iraqi Government the space, the stability needed to come to a political solution. But as I say, this has not happened. As important, moving out of Iraq would open the door to a reevaluation of our national security interests in the region.

I happened to listen to Senator LUGAR on the floor in what I think was one of the most eloquent speeches I have heard. Let me quote from him.

> Our course in Iraq has lost contact with our vital national security interests in the Middle East and beyond. Our continuing absorption with military activities in Iraq is limiting our diplomatic assertiveness there and elsewhere in the world.

We know our Nation faces major challenges and the primary focus on Iraq has allowed these problems to fester. It has sapped our ability to act elsewhere, both by crippling our military's readiness and by draining our soft power around the world. Our challenges today, our real national interests, include: preventing terrorists from gaining safe haven in Pakistan and Afghanistan; preventing the violence in Iraq from spreading throughout the Middle East, Afghanistan, and the cities of Europe; stopping the spread of nuclear weapons and nuclear weapons technologies and strengthening the Nuclear Nonproliferation Treaty. This is the national interest of this country.

Containing Iran and compelling it to abandon its uranium enrichment program and pursuing a sustained and robust diplomacy aimed at achieving Israeli-Palestinian peace—I am delighted the President has taken on this as a major initiative with priority and that the Secretary of State will be in charge of this effort.

Finally, improving the image of the United States and repairing the damage done to our credibility around the world.

Does anyone believe, truly, this war has gained us respect in the council of world nations? Does anyone believe that? Because if they do, they are smoking something. Because it has not. There has never been a time when America has less credibility abroad than today.

Does anybody believe this war is quelling a new generation of terrorists? It is doing exactly opposite.

Peter Bergen, whose books I have read, whose statements I follow, said the other day on CNN that he estimates terrorists have increased sevenfold, that is 700 percent, since the war in Iraq began. Is this our interest? Is our interest to encourage every madrasah all throughout the Arab and Islamic world to essentially preach to create a new generation of terrorists? That is what is happening right now and we are not addressing it. We are not spending the money, the $10 billion a month to see that there are normal schools in these countries that teach youngsters how to become educated, to accept a place of economic upward mobility in what is a modern world. No. Instead, the sores fester and the terrorists grow. That is the reason that, as far as air traffic is concerned, we are in orange alert today.

The simple truth is that none of these initiatives can be pursued adequately so long as we are bogged down in Iraq. Iraq dominates our Nation's psyche, it dominates our Nation's pocketbook, and it dominates in the loss of our men and women.

I think each deserves the continuous attention of this administration, and the longer we wait to begin a redeployment of our troops, the longer we delay the day of reckoning, the longer we refuse to take the diplomatic steps that are necessary to engage with Syria, to engage with Iran, the harder it is going to be to achieve a successful outcome. I believe this.

I believe the time has come to change course. Waiting is not going to change the facts on the ground. Oh, I wished I believed that. I wish I could say, in 2 months, we are not going to lose 200 men and women; in 2 months, 4,000 or 5,000 additional Iraqis will not be killed; 100,000 additional Iraqis are not going to be displaced, and we are not going to spend another $20 billion of our treasure. But I cannot.

In total, we have lost more than 3,600 of our brave men and women, almost 500 since this surge began 5 months ago. Nearly 27,000 have suffered injuries, and many of these injuries are more serious than anything we have ever seen in the history of veterans' care, people who will require care for the rest of their lives.

We lose 100 of our people every month. So why wait to act? The most recent Pentagon quarterly report on Iraq concluded that the "aggregate level of violence" in Iraq has remained "unchanged"—unchanged. Five months into the surge, the level of violence in Iraq, according to the recent Pentagon report, is unchanged, and CIA analyst Tim Fingar testified to Congress last week the violence in Iraq has not yet been reduced significantly.

At the same time, even as we have appropriated $450 billion for this war, spending has increased to $10 billion a month; Armed Forces are stretched thin, equipment is worn, recruiting is down, and nobody knows what happens to the military come April when deployments cannot be met. So why wait to act?

We are going to be paying the costs of this war for decades. Yet this President has asked for more time. Waiting another 2 months will not change anything. It will be more of the same. As has been said on this floor tonight a myriad of times, but I must echo it: The President shows no inclination to listen to a majority of the Senate, to the American people or to the House of Representatives. He has provided no exit strategy, no plan to begin redeploying our troops. Come September, there is no reason to believe anything will have changed. Why wait to act?

I yield the floor.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The gallery will refrain. It is not appropriate to express approval or disapproval in the galleries.

The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, with this political stunt tonight, the Senate has reached the approximate level of the Iraqi Parliament in dealing with the war on Iraq. There will be no more votes for a fixed deadline for withdrawal from Iraq at 3 a.m. than there would be at 3 p.m. This demeans and trivializes the foremost issue facing our country. It does not show the proper respect for the men and women who have been fighting there and their families.

Here we are, issuing milestones, talking about benchmarks to an infant democracy on the other side of the world, issuing reports and report cards about how well they are doing on what we have told them to do, talking to them about why they haven't passed oil sharing and debaathification and why they have not had more elections, and we cannot come up, ourselves, with a consensus about what we are doing in Iraq.

Here we are, the oldest democracy in the world, alleging ourselves—the Senate—to be the greatest deliberative body in the world, and we are lecturing Iraq, a new democracy, an infant democracy. We are lecturing them for not coming up with a consensus when we can't come up with one ourselves.

I think it is important for the American people to know it is not necessarily that way in the Senate. I began this day at 8 a.m. at a breakfast, as I did last week, as I did the week before, which we call our bipartisan breakfast. This morning we had about a dozen Republicans and Democrats around the table—only Senators. Last week, we had two dozen around a table. Our subject was Iraq and the Defense authorization bill.

I will not say any more about what was discussed because one of the benefits of this breakfast is it is the only time during the week, except for our prayer breakfast on Wednesday, when we are not in team meetings, when there is not a group somewhere plotting what this side will do to that side or what that side will do to this side. It is amazing what sort of discussion we can have when we sit down around that sort of table. We have many of the same principles who have talked tonight on the Senate floor, people who have strongly held views and they are different views and they were stated clearly and explicitly and each of us respected those views. We heard them.

But at least as strong as the difference of opinion in that bipartisan breakfast—as it is each week when we talk—was the feeling that our main job was, as soon as we could, to come to some sort of consensus about where we go from here. Because the single most important thing we can do as a government, other than fund our troops, is to send them a clear signal that we agree on why we sent them there to fight and perhaps be wounded and perhaps to die and we failed in that responsibility. To compound it, we are in the midst of a political stunt which does not do anything to encourage us toward a consensus.

In my remarks tonight, rather than heap oil on the fire, what I would like to do is talk for a moment about how we could come to that consensus and about both Democrats and Republicans in this body who are working that way. Mrs. FEINSTEIN, the Senator from California, mentioned a number of Senators who do that. My experience with Members of this body began when I came to work here for the first time 40 years ago this year as a very junior aide. I have only been a Member of the body for 4 years. My experience is that most of us prefer to conduct ourselves like grownups, to not engage in petty kindergarten games, to not have partisan efforts where we taunt one another and try to put one another at a disadvantage but actually recognize we are here to look at big, difficult issues and to see if we can come up with a solution for one.

If there is such an issue that demands such a solution, it is America's role in Iraq. How would the Senate—if I am right that most of us would like to have that kind of result—how would we go about working toward consensus, when we obviously have strongly held different views? For example, Senator LEVIN and Senator REED, two of the most senior Members of our body—one a distinguished graduate of West Point, one who has served as chairman or ranking member of the Armed Services Committee for a long time—they strongly believe, as the Senator from California believes, that unless the Congress imposes upon the President a fixed deadline for withdrawal, that we will not have any motion in that direction.

I respect that. I disagree with that. I believe that interferes with the constitutional prerogatives of the President. I do not believe it is practical in a time of war to say that a group of legislators, 100 generals here in this body, can guess a year out, even if that is the direction we want to go, exactly how to do it and exactly when to do that. That is why we have a Commander in Chief.

The Founders didn't pick this particular President, but they picked a President, a Chief Executive, with that responsibility. I respect that. That is of a difference of opinion. So we have profound and real and honest differences of opinion and they are reflected all the way across our country.

I hear them in Tennessee. The Presiding Officer hears them in his State. We hear them everywhere, and we feel them especially strongly because so many of our men and women have been there. In my State, 10,000 members of the National Guard and the Reserves have been to Iraq and Afghanistan; almost all of them more than once.

We think of General Petraeus as almost a hometown boy because he commanded the 101st Airborne Division. When he was there as its commander, he was accidentally shot through the heart in a training exercise. His life was saved, when he went to Vanderbilt Hospital, by none other than Bill Frist, our former majority leader, who was then a heart surgeon at Vanderbilt University. So we have unusual respect for General Petraeus.

We are the "Volunteer State." We have sent more men and women to fight, we think, than almost any State, and we instinctively have great respect for the President of the United States.

That is where we start in our State. But, still, there are a great many Tennesseans who say to me it is time for a new strategy in Iraq. It is time for a change. We have helped depose Saddam Hussein. We have helped Iraq have an opportunity to have a democratic government. We have stayed a long time to help build their security. But now it is time for us to agree on a different strategy.

How would a country and how would a body such as the Senate go about that? One way to do it might be to pick 10 people from outside the Senate, 10 of the most distinguished Americans, and say to them: We are stuck here. We have a problem. The country has a problem. We need a shift of direction. We have a Senate that is divided, a President who is insisting on his constitutional prerogatives, and we have men and women fighting and dying in Iraq—what do we do? Ten Americans, let's pick five Democrats and five Republicans, to give it a little bit more prestige.

That happened last year. Frank Wolf, a Representative from Virginia; John Warner, Senator from this body, was a part of this as well—they created something called the Iraq Study Group. The Iraq Study Group was cochaired by Jim Baker, the former Secretary of State for President Bush, and by Lee Hamilton, the former Democratic chairman of the House Foreign Affairs Committee. There were 10 prestigious Americans who served on the Iraq Study Group—if all of us were to put in a hat the names of Americans who might be good members of such a commission to help us unravel this problem, the 10 who were picked would come out of that hat pretty fast, in pretty good order, with a lot of Members on both sides of the aisle suggesting them.

For example, Larry Eagleburger, the former Secretary of State for the first President Bush; Vernon Jordan, the former president of the National Urban League and a very close associate of former President Clinton; Ed Meese, President Reagan's Attorney General; Justice Sandra Day O'Connor, who was the first woman to be appointed to the United States Supreme Court by President Reagan; Leon Panetta, who was President Clinton's Chief of Staff and who now in California has his own institute, the Leon & Sylvia Panetta Institute for Public Policy in Monterey, CA; Chuck Robb, our former colleague, married to Lynda Bird Johnson. We have been thinking about that family these past 2 weeks with Lady Bird's death; Chuck Robb, a former marine, former Senator, a member of that panel; Allen Simpson, who had the No. 2 position right over here, a whip in the Senate from Wyoming; and, at one point, Robert Gates, the current Secretary of Defense, was a member of this panel before he had to step aside when he went to the administration.

So those 10 people—5 Democrats, 5 Republicans. It would be hard to improve on that.

Then, let's say you said to this group of 10: This is an especially difficult problem. The Senate is fractured, the President is insisting on his prerogative, and the country is divided and tired, and we need a solution. So what we need for you to do, commissioners, is not come back with a majority vote, not come back with a filibuster, not come back with an all-night political stunt, but come back with a unanimous set of recommendations of where we go from here in Iraq, you five Democrats, you five Republicans with years of experience.

That is precisely what they did in December of last year, after 9 or 10 meetings all over America, and meetings in Iraq, with a distinguished staff that consisted of an honor roll list of generals and experts. They visited with former President Clinton, former Vice President Mondale, former Secretary of State Albright, former Secretary of State Henry Kissinger, Warren Christopher, they visited with Colin Powell and George Shultz, Tony Lake, General Scowcroft, to ask about everybody whose judgment one would hope they would ask, and they came up with 79 recommendations in December, and they released it to the public.

They unanimously agreed in 9 months about what to do in Iraq. They also did not pull any punches. They said in December, even though this was chaired by Jim Baker and Lee Hamilton, they said: The situation in Iraq is "grave and deteriorating." They said there is no magic bullet. But they did unanimously agree, unlike the Levin-Reed amendment, that we did not need a fixed deadline. They unanimously agreed that troop deployments should be subject to conditions on the ground.

So what did they recommend? Well, in a few minutes I cannot summarize 79 recommendations, but I can boil it down to three points. First, we should move our troops from a combat mission to a support, equipping, and training mission as soon as we honorably can. They said, as a goal, that should happen in about a year, which then would have been the first quarter of 2008. Now, some time has gone past since then. But they said in about a year. The practical effect of that would have been to remove about half our combat forces—to reduce the number of American forces in Iraq by about half.

And, rather than subject that goal of reducing troops to a fixed deadline, as the Levin-Reed amendment says, they said it should be subject to developments on the ground, which is practical in a time of war, and respects the Commander in Chief's constitutional prerogative.

They said, No. 2: We should have a long-term interest in Iraq. It should be a limited interest, but there should be sufficient troops to help make certain that in that new mission we deal with that interest. They listed some of the things the troops would be expected to do who stayed: Guard the Embassy, search and rescue, intelligence, special forces to go after al-Qaida—the point being, even though our troops have a different mission, out of a combat role into a support, equipping, and training mission, there would be enough of them there to send a message to the Middle East and the rest of the world: Stay out of Iraq. Give Iraq a chance to succeed, while also protecting U.S. forces that remained there. That was the second point.

The third point was step up. Step up the political and diplomatic efforts in the region by a significant amount, including talking with everybody in the region, to try to bring a result in Iraq.

So those are the three points. One, move out of the combat mission to the support, equipping, and training mission over about a year, without a deadline; two, a long-term but limited interest in Iraq, with some specifics; and, three, step up political and diplomatic efforts. Plus, the Iraq Study Group emphasized that we would still have a considerable presence in the region in Qatar and Kuwait and in Bahrain. So that is what the Iraq Study Group said.

What happened with the Iraq Study Group report? Well, I was very disappointed by the reaction to the report, especially when I saw that the recommendations were unanimous. When I first saw who were the distinguished members of that panel, I was convinced that at the State of the Union Address, President Bush would seat them in the gallery, and at the appropriate time, as Presidents often do, he would say: There they are, from the Reagan administration, from the Clinton administration, from my father's administration, and they have unanimously agreed on where we go from here in Iraq. And it is not exactly my proposal, it is their proposal, but because it is important to our troops and to our country and to the world that we move forward in a unified way, I accept their recommendations. I will develop a plan based upon their report. I ask you and the Congress to accept it.

I think there is a good chance that the Congress would accept such a plan, and an important part of that reason is because even the President needed someone else to help him develop support for whatever proposal he came up with. So that would be the first thing I think we would do if we were trying to solve this problem: Go ask 10 of the most distinguished Americans of both parties to tell us what to do in specific recommendations, and do it unanimously.

Now, what is the second thing we would do? Well, I think we would come to this body and say: Every time we turn around there is a political stunt going on. Someone has had an early morning meeting and decided we are going to do this to the Republicans, and then some Republicans get excited, and they have an early morning meeting and say: We are going to do this to the Democrats. And you do not have the kind of discussion that these 10 Americans had or the kind we have in our bipartisan breakfasts.

But the second thing that needs to be done to move us in a consensus on where we go from here in Iraq would be to find some Senator in this body who would say: We are going to accept this Iraq Study Group report, and we are going to ask that the President agree to it and develop a plan based upon it and report to us on it in 90 days.

That is precisely what Senator SALAZAR did with his legislation. After saying in January that I was disappointed the President did not adopt the recommendations of the Iraq Study Group, I made a speech on the floor in March. I find that sometimes you have to say things more than once in order to have anybody pay attention.

I said: Why didn't the President, in March, take the Iraq Study Group down off the shelf and use it for something other than a book end? And then I made another speech to that effect, and Senator PRYOR of Arkansas came by to see me and said: We need to do something about this. We need to find a way to work together rather than to continue to have Democratic and Republican votes on Iraq.

Then Senator SALAZAR called me and said: I have been working with Secretary Baker, and with Lee Hamilton and their staffs. I put together legislation that accurately reflects the recommendations of the Iraq Study Group. And it simply adopts those recommendations as our law. If the President agrees to it, he is asked to develop a comprehensive plan based on those recommendations.

Since that time, there are now 14 of us in the Senate on both sides of the aisle who are cosponsors of that idea. Senator SALAZAR is the leader. He has done a terrific job on that. He is a Democrat from Colorado. In addition to my cosponsorship, we have been joined by MARK PRYOR, a Democrat from Arkansas; BOB BENNETT, a Republican from Utah; ROBERT CASEY, a Democrat from Pennsylvania; JUDD GREGG, a Republican from New Hampshire; BLANCHE LINCOLN, a Democrat from Arkansas; JOHN SUNUNU, a Republican from New Hampshire; SUSAN COLLINS, a Republican from Maine; PETE DOMENICI, a Republican from New Mexico; BILL NELSON, a Democrat from Florida; MARY LANDRIEU, a Democrat from Louisiana; CLAIRE MCCASKILL, a Democrat from Missouri; and KENT CONRAD, a Democrat from North Dakota.

My guess is that if the Democratic Senate leadership would back off a little bit, if the President would be more flexible, there are probably 60 votes coming from both sides of the aisle for the Baker-Hamilton report, and if that should be adopted by the Congress, we can move forward, which brings me to my final point.

What would be the third step in having a bipartisan consensus for our country that would say to our troops and the world: We agree on why you are there, and we support that mission? It would be for the President to embrace the recommendations of the Iraq Study Group. The President of the United States does not want to do that. I respect that. He has an absolute constitutional right to say: Our Framers created the Executive, I am the Commander in Chief, we cannot have 100 generals, I will develop the plan, and I will command the troops. That is my job.

He is right about that, except he has another part to his job. George Reedy, who was the Press Secretary to former President Lyndon Johnson, wrote a book called, "Twilight of the Presidency." In it he defined the President of the United States. He said, No. 1, his job is to see an urgent need; No. 2, to develop a strategy to meet the need; and No. 3 is to persuade at least half of the people that he is right.

I do not believe that President Bush, even if he is right in September, is likely to be able to persuade enough people to support his strategy to be able to sustain the strategy. Let me say that again. Even if he is right in September, even if he takes many parts of the Baker-Hamilton group and announces it as his strategy, at this stage in our history, I do not believe he can persuade enough Americans to support his strategy to sustain the strategy.

I believe this strategy should be sustained. So how does he do that? The way he does that is to embrace those who wrote this and those who support this so that it is not just his strategy, so that it is our strategy, so that he can say to the troops in the Middle East, and to the rest of the Middle East, and to the world: The Congress and I have come together around a set of principles. I am developing a plan on those principles. And not everyone agrees, but a consensus of us agree, which is why I would say to the Democratic leader, with respect, I do not mind requiring 60 votes on the Iraq issues. We need a consensus. We do not want to have an Iraq policy that passes by 51 to 49. We need a consensus. I believe we can have it.

There are some who say adopting the Iraq Study Group principles, the Salazar-Alexander legislation, is toothless. I respectfully disagree. My grandfather was a railroad engineer, a Santa Fe railroad engineer. He lived in Newton, KS, and his job was to drive the big locomotives onto the roundtable it was called. And that was how you turned a locomotive around. A locomotive might be about as hard to turn around as a country in the middle of a war. But that is what my grandfather did. He turned that locomotive around. And it was turned around. They put it on a different track and off it went in a different direction.

If we and the President were to agree on the recommendations of the Iraq Study Group, it would be just like my grandfather putting that big locomotive on the roundtable in Newton, KS. It would be turned around and sent down a different track. And, for now, at least, those on the other side would pick another engineer. But the engineer cannot do much about that track once he is on it. It would be headed down the track, the world would know it, and in good faith we could work together.

When I was an impatient young man working in the White House 40 years ago, a wise man named Bruce Harlow said to me: Lamar, just remember that here—he meant the White House—just a little tilt makes big waves out there.

If this Congress and this President adopted together the Iraq Study Group recommendations this week, that would make big waves out there, and that would be a new consensus for our country.

Some said: Well, the Iraq Study Group is a little stale. It is out of date. It was done in December.

Lee Hamilton, the Democratic cochairman said: No. He said: We said in December the situation was grave and deteriorating. It still is. We said in December we need to move from a combat mission to support, equipping, and training. We still do. This week he said: In addition, we need to have a long-term limited role in Iraq. And we still do. And finally he said: We need to step up our diplomatic and political efforts in Iraq, and we still do.

To the President, I would say with the greatest respect, because he is a member of my own party, and I have talked with him about this before, I would say: Mr. President, I do respect your prerogative. I know you can draw the plan up. I know you want to sit down first with General Petraeus, whom we all respect and whom I especially do, as a friend, because he spent so much time in Tennessee. But the Salazar-Alexander legislation has no chance of taking effect until September. And all it asks you to do is to draw up a comprehensive plan based upon the recommendations of the Iraq Study Group. The first person you sit down with can be General Petraeus.

And I would ask the President whether it be better for him to ignore the Iraq Study Group and come up with his own plan, or would it be better for him to come to the Congress and say: Congress, I will adopt these. Why don't you adopt these and let's send our troops a message that we are united in what they are fighting for?

So there are 14 of us, 8 Democrats, 6 Republicans at this point, who support and cosponsor the Iraq Study Group. But I believe there are many more of us who could be comfortable with it, who could vote for it, even if it is not our first choice.

So I regret this all-night political stunt, but I respect this body. I see it every week in those bipartisan breakfasts, talking like the people of this country wish we always would when confronted by a major issue. I salute Senators SALAZAR and PRYOR and those on that side, and Senator GREGG, Senator BENNETT, Senator COLLINS, and those on this side who are working together to fix that. I hope more of our colleagues will join us soon.

The President and the Congress could agree on the Baker-Hamilton recommendations, and we would say to our troops: We not only will fund you, but we can now also say to you and to the Middle East that we agree on your mission, on why you are fighting, and why you are being wounded, and why you are dying.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I see that many of my colleagues have come to the floor, so I will try to be brief in my remarks. But I would like to assure my good friend from Tennessee that this is not a stunt. This is a very strong and clear and unwavering statement tonight that the President and the Republican leadership are leading this country in the wrong direction, and now is the time to change it.

I have not been to Hollywood too many times, but I have been there enough to know that there is a lot of glitter, fountains, big lights. I do not see any fountains or glitter on the floor of the Senate. I see hard-working Senators who are here to debate the most important issue.

And for our colleagues on the other side of the aisle to question our intentions is beneath the dignity of this body. Let me repeat again for the Senator from Tennessee, to the Senator from Kentucky, and all of my friends: This is not a stunt. This is an exercise in reality. And this is not Hollywood, this is the Senate, and this is exactly what people in the Senate do, debate.

And what we also like to do is vote. But we are not allowed to vote because the minority leader has decided that we are not going to have a vote. We have a majority of votes to change direction. I would argue with the other side that we are never going to get 80 percent or 90 percent of the Senate to move in one direction or another in a situation such as this. It is an impossible barrier to achieve.

But we may get a growing number, a majority of Senators who represent the majority of the population in America to say to the President that we want to go in another direction. So tonight is not a stunt. It is a statement saying it is time to allow us to vote.

Mr. CORNYN. Mr. President, will the President yield for a question?

Ms. LANDRIEU. No, I will not.

I also say to the Senator, I am a cosponsor of the Iraq Study Group legislation by Senator SALAZAR, on which he worked so hard and so honestly to build bipartisan support. But what happened when the President gave his State of the Union Address 2 years ago when things looked as though they were not going very well in Iraq? We had more deaths, more violence, and a bipartisan group did come together, some of the great minds on this issue. What did the President do? He dismissed the document.

I am not sure what the Senator from Tennessee thinks, maybe the President will wake up tomorrow morning and decide to read the report. But he hasn't read it for 2 years. It is not being implemented. That is what this debate is about.

I don't know how many more commissions we could commission. I don't know how many more experts we could gather. I don't know how many more Republicans and Democrats could come together to explain to this President it is not working. So I am not sure about creating another commission. We have already had many. He doesn't even read the recommendations. They are right here. Here they are, not implemented into law. But can we vote on this? No, because the minority leader says they don't want to have a vote on these recommendations.

I wish to say another thing about the role of the Congress and the President. I am so tired of hearing the other side say: Why does Congress have anything to say about this matter? Maybe because our Constitution says we should, maybe because the intelligence reports that are done are not just presented to the President and his military generals and leaders and war fighters. The intelligence reports are given to us. There was one delivered this morning I would like to read.

Before I read what it says, I wish to read the way it says it.

> Since its formation in 1973, the National Intelligence Council has served as a bridge between the intelligence and policy communities, a source of deep, substantive expertise on critical national security issues, and as a focal point for Intelligence Community collaboration. . . . [It] provides a focal point for policymakers . . .

That would be me. I am a policymaker. I ran for the job. I am elected. I am here to make policy, and I intend to make it.

> . . . Warfighters, and Congressional leaders to task the Intelligence Community for answers—

We sure need some important questions, such as how to win the war against terrorism.

They don't send this to the President and say: After you finish reading it, let us know what you want us to do. They send it to us, and today they sent us another one.

What it said in this report is:

> Al-qa'ida is and will remain the most serious terrorist threat to the Homeland, as its central leadership continues to plan high-impact plots, while pushing others in extremist Sunni communities to mimic its efforts and to supplement its capabilities.

It is clearly saying, yes, there are some threats and activities in Sunni areas in Iraq, but there are also Sunni areas around the world. And so Osama bin Laden is still loose.

I brought his picture tonight so I could remind the President what he looks like. He is still on the loose, the leader of al-Qaida. This is his description. He is 6 foot 4 inches to 6 foot 6 inches, approximately 160 pounds. He is thin. Occupation unknown. We know now what he does. His hair is brown. His eyes are brown. His complexion is olive. And there is a reward—and thank goodness they let us have a vote on BYRON DORGAN's amendment because now the reward is $50 million instead of $25 million. Maybe the President will veto that provision. I don't know. But I, frankly, think that was a good idea. Maybe we should raise it a little higher. I don't know what Congress is doing discussing what the reward should be for Osama bin Laden. Clearly, we have nothing to say about this issue. I am glad we voted to increase the reward. I would like to see if we can find him and kill him. If we would stop spending $500 million a day, $35 million before breakfast every day in Iraq, maybe we could find him because he is not in Baghdad.

We, obviously, have disagreements about the way to proceed, but I can assure my colleagues this is not a stunt. This is a real debate that is taking place in a real place that is the real Senate of the United States. It is not Hollywood.

The President and the Republican leadership have made many mistakes. Nobody is perfect, and we all make them. But we have to change course. What we are doing is not working. He is still loose. The estimate today says that al-Qaida is as strong as it was on 9/11. If we are winning the war, I am not sure that 4 years after you engage, if your enemy is stronger than it was when you started, that is winning under any definition. But that is what the Republican leadership continues to tell people: Despite the mounting casualties, the increased funerals, and the tremendous strains on our soldiers and their families coming home, that we are most certainly winning. The American people don't believe it.

Some people are asking to pull out. I am not asking that, but I am asking for a change of direction. I brought this picture to the floor today to remind everybody how we got here in the first place. Saddam Hussein did not attack the United States, Osama bin Laden did, and he is still alive, and now terrorism is around the world in places it was not before we started down this road. If we are not careful, we are going to spend all our money there, all the American people's patience there, and all their will there and still not find the guy we are looking for and the central intelligence of al-Qaida. I know he is not the only part of al-Qaida, but he is the leader, and we need to find him.

So however one feels about the issue, I don't think spending one night on the floor of the Senate, which is not a Hollywood set but the real deal, is too much to ask, since our soldiers have spent every night for 5 years on the battlefield around the world.

I will make one more point. I hope that nobody comes to my State or on the floor and accuses me of not supporting our troops in uniform because I will have several words for them. Every time we disagree about procedures, the ones who don't agree with the President are accused of not supporting our troops. We couldn't support them more.

So I hope we can get past that reasoning and perhaps we can find a better consensus. But the place we are going, the direction we are going is not right. We need to change course, and we need to fight smart, we need to fight tough, we need to go where the enemy is, and we need to protect America.

According to this intelligence report that was issued this morning, it doesn't look like we are doing that. That is what this debate is about. I look forward to continuing many nights into the future and days ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair

Mr. CHAMBLISS. Mr. President, before the distinguished Senator from Connecticut begins, can we see about getting a unanimous consent agreement relative to some order?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LIEBERMAN. I will yield to the Senator for the purpose of propounding a unanimous consent request but without yielding the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. I propose that the Senator from Connecticut go for as long as he might take; that the Senator from Maine, Ms. COLLINS, follow him. Does the Senator know who wants to go next on his side? The Senator from New Jersey?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LIEBERMAN. Mr. President, responding to the Senator from Georgia, I understand the Senator from Ohio, Mr. BROWN, wishes to speak next in order.

Mr. CHAMBLISS. Senator BROWN would follow Senator COLLINS and Senator ISAKSON would follow Senator BROWN.

Mr. BROWN. I object. The informal order established was Senator ALEXANDER, Senator LANDRIEU, Senator LIEBERMAN, myself, then a Republican, and then Senator MENENDEZ. I ask unanimous consent that be the order.

Mr. CHAMBLISS. I think that is what I said.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor.

Mr. CHAMBLISS. Mr. President, I am sorry, I put Senator COLLINS ahead of Senator BROWN and I was wrong. Senator BROWN would follow Senator LIEBERMAN, Senator COLLINS follows Senator BROWN.

Mr. LIEBERMAN. Then if my friend from Georgia will allow, I gather the Senator from New Jersey, Mr. MENENDEZ, will be next.

Mr. CHAMBLISS. Following Senator COLLINS, that is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. We will figure out where we are at the end of that time.

Mr. LIEBERMAN. Mr. President, I rise to address the amendment offered by Senator LEVIN and Senator REED and to explain why I will vote against cloture on the amendment tomorrow morning.

I think it is important to explain that because my friend from Louisiana who spoke before me had behind her a sign that said: Let us vote. We may see that sign again. I wish to indicate that we are going to have a vote. We are going to have a vote tomorrow morning. And the question is: Will we sustain what has been a bedrock policy of the Senate to require 60 votes for a matter of great importance that comes before this body, particularly a matter where there is a lot at stake?

This amendment offered by my colleagues from Michigan and Rhode Island is a very serious amendment. Some of us believe it would have disastrous consequences for the security of the United States of America, for the safety of our troops in Iraq, for the stability of the region, for any hope for democracy in the Middle East, and a better future for the people of that part of the world than the suicidal death and hatred al-Qaida offers them.

But you know, I have recollection of times in the Senate hearing the distinguished Senator from West Virginia, Mr. BYRD. He has made, over the years, some compelling arguments for why the Senate has this unusual procedure of requiring 60 votes on matters of great importance. I am not quoting him directly, but this is consistent with the vision of one of the Framers—I believe it was Madison, I am not sure—who said, if you will, that the Senate is the saucer in which the Congress will cool the coffee. As Senator BYRD said much more to the point, we in this Chamber have had for a long time this ability to request 60 votes to pass a matter when there are Members of the Senate—and I am one in this case—who believe the passage of this matter would have a profoundly negative effect on our country and its security.

I know some of my colleagues disagree with me, of course. But I am exercising my right within the tradition of the Senate to do what senior colleagues have advised over the years: to stop the passions, the political passions of a moment from sweeping across Congress into law and altering our future permanently. I have done it on other matters. I have done it on environmental matters, where I think something proposed will have so adverse an effect on some of the natural wonders that God has given the United States of America that I have said: No, I am going to be part of a group to demand 60 votes because if I allow this to pass by less, there will be an irreversible change that will occur.

With respect to my colleagues who are saying let us vote, we will vote. But the question on that vote is will we ask for 60 votes to adopt this very significant amendment? I say it is in the best traditions of the Senate to require 60 votes before this amendment is adopted.

Second, before I get to the merits of the amendment or my opinion about it, I wish to respond to something my friend from Tennessee, Senator ALEXANDER, said about the bipartisan meeting we had this morning, people of different opinions on this issue discussing in a closed room across a table looking for common ground. I wish to express my own sense of disappointment, sadness, though unfortunately in these very partisan times not surprise, that this debate we are having which reaches a kind of pitch, a moment of confrontation on the Levin-Reed amendment which would mandate a withdrawal from Iraq, that this debate is so partisan. I have a point of view about the war in Iraq and what I think is best for our security and future policy in Iraq.

I know people have different points of view. I respect that. This is a difficult, a very difficult matter on which to reach judgment. So people, of course, can have different points of view, but why do we divide in those different points of view on party lines? There is no inherent reason why that should happen. It is a sign of what ails our political system, what afflicts our Federal Government and hamstrings it, what frustrates and ultimately angers the American people about what they see here because what they see is that too often we seem to be playing partisan politics, we seem to be in a kind of partisan tug of war. The net result of that is that nothing gets done.

Wars are always controversial. Wars have been controversial throughout our history. But rarely have the divisions between those who support a war and oppose it or support particular policies associated with it and oppose it been as partisan as they are at this moment. It has to stop. If it doesn't stop on Iraq, I believe our Nation will be weakened seriously.

We have to find ways, no matter what the partisan pressures are, to come together as Americans to defend our Nation against those who hate us all—al-Qaida, Iran, the fanatics running around who exhort the tens of thousands to shout "Death to America." They have been doing it since the revolution of 1979. They do it weekly throughout Iran: "Death to America." Surely we understand they don't distinguish between Republicans and Democrats when they shout "Death to America. We should have the common sense, let alone a sense of responsibility to our country, to come together and defend our Nation against those who want to destroy us, as al-Qaida began to do on 9/11.

I regret the partisanship that characterizes this debate.

I wish to talk very briefly about how we got here, not going over it in any detail. This Congress authorized the President to take action to overthrow Saddam Hussein after the administration had attempted, through the United Nations Security Council, to get Saddam to take certain steps, including proving to us he had destroyed the weapons of mass destruction, he had filed an inventory with the United Nations Security Council as a condition of the truce and end to the gulf war of 1991.

I don't wish to revisit that. I know people look back at him and think they were deceived in why we went to war. I think the world is better off without Saddam Hussein in power. But this takes me to this point. For 3 years afterward, this country followed a strategy in Iraq that didn't work. We followed a strategy in Iraq for too long that didn't work. I strongly supported the war to overthrow Saddam Hussein and deeply desired that we do everything we could not just to overthrow him but to try to create within Iraq a new Iraq, a free Iraq, a self-governing Iraq that would give hope to people throughout the Arab world, the Muslim world, of a better future than the one that al-Qaida offers them, which is a return to a millennium ago, away from the modern world, but we erred for 3 years. Many of us cried out that we did not have enough troops there, we were following a strategy that did not work, too few troops and not focusing on al-Qaida training, an insufficient ability to do that, and letting the terrorists essentially take hold of the country.

Finally, last year, the President of the United States, as Commander in Chief, changed the course in Iraq. He changed the leadership of the Pentagon, which was critically necessary. He brought in a new Secretary of Defense, consulted with experts on all sides about what to do, how to improve what was happening in Iraq, and adopted a totally new strategy. That is why when I hear people in this debate saying we need a change of course in Iraq, well, we got a change of course, finally. It was later than I hoped for, but, finally, at the end of last year, beginning in February, the counteroffensive, called a surge, and a new general, a great general—a general in the tradition of Maxwell Taylor, General Abrams, a general who was called on in a very difficult situation, probably the single most informed leader on counterinsurgency in our military, GEN David Petraeus, to take charge of these troops—and he gave him 30,000 additional troops.

The evidence thus far is incomplete, because as has been said, and will be said again, the surge was just fully staffed about a month ago. But you have to look at the statistics. I know the benchmark that came in, the interim one last week, was mixed. But on the security side, which is what the surge was first aimed at, deaths from sectarian violence are way down in Baghdad, more than half the city is now under the control of American and Iraqi forces, and normalcy is returning to many parts of the capital city, and Anbar Province, the story is well known now. Basically, the additional troops and the new strategy enabled us to convince the Sunni tribal leaders in Anbar, which al-Qaida was going to make the capital of its Islamist extremist caliphate, We convinced the tribal leaders we were there to stay, so they came to our side, and al-Qaida is on the run—and for the first time. Always before we had the strategy where we would chase the terrorists out of a community, a city, in Baghdad, and we would leave and then they would come back. This time, in Anbar Province, we left some of our marines and some of the Iraqi security forces, working with the Sunni indigenous tribal leaders, and what did we do? We followed al-Qaida on the run to Diyala Province, to Baquba city, the major city there, and we have them on the run there as well. As a result, the tribal leaders there are beginning to come over to our side. So this surge, interim as the reports are, is, on the ground, working.

Now comes the Levin-Reed amendment. I wish to say to my colleagues this is not the Levin-Reed amendment we voted on earlier this year. That amendment did require the beginning of a withdrawal of troops within 120 days of passage, as this amendment does. But that amendment set a goal—G-O-A-L—a goal for our troops to be substantially withdrawn from Iraq by the end of March of next year. It is no longer a goal in this Levin-Reed amendment. It is a mandate, a rigid deadline that by the end of April of next year most of our troops are out of Iraq. A core group is left, presumably with the stated purpose to train the Iraqis and to fight al-Qaida, which is exactly what the previous policy that failed was aimed at doing.

Some have said this is the only amendment with teeth. It does have teeth. But I think we have to ask: Who does it bite? I think it bites our hope for success in Iraq. It bites our troops, as they proceed day in and day out, courageously, compassionately, effectively. It bites our hope for keeping al-Qaida and Iran out of controlling Iraq. This amendment mandates a retreat to begin in 4 months, 120 days, regardless of what is happening on the ground.

This is not a debate about whether to change course in Iraq, it is a debate about whether to accept and embrace defeat in Iraq. We have changed course, as I said before. This is a debate about whether we are going to give our generals and our troops the chance that they say they need to succeed, and succeed they know they can, or if we are going to order them to retreat—we order them to retreat -as they on the ground are risking their lives every day and succeeding.

We are going to, if this amendment passes, impose a deadline that is as inflexible as it is arbitrary. I say this with respect, but I say it from the bottom of my heart. This is a deadline for an American defeat, one that we will pay for, I fear, for a generation to come.

Let us be absolutely clear again about what the amendment we are debating now would do. If adopted, this amendment would literally put this Congress between the Commander in Chief, our generals, and our soldiers in the field. So just as our troops are on the offensive against al-Qaida in Iraq, just as our troops have the enemy on the run, this amendment would reach 5,000 miles across the ocean and put our troops on the run in retreat and defeat.

I will tell you this, the American military, the best in the world—courageous, resourceful, fighting a tough fight but adjusting to it, resilient, finding ways to succeed—the American military will never lose the war in Iraq. The war in Iraq, if it is to be lost, will be lost as a result of a loss of political will here at home, and you have to judge the consequences of that. Each one of us has to.

In the midst of an unpredictable war, this amendment would strip our military commanders not only of the troops they say they need to succeed—this amendment would remove the troops from our commanding generals—it would strip them of the authority and the ability to adapt to changing conditions, which, after all, is what success in war is all about, putting America's military in a legislative straitjacket.

I am going to do everything I can to stop that from happening, and that is why I am going to vote against cloture. This amendment is wrong. I truly believe it is dangerous. In fact, this amendment should not even be considered now. I welcome the debate, but I believe, when we passed the supplemental appropriations bill in which we authorized the surge to go forward, in which we appropriated funds for the surge, in which we established the requirement for the benchmark, for which we got the study last week and then the next one coming in September, to me we made an institutional pledge in that to General Petraeus and the troops. Because in that bill we required General Petraeus, along with our Ambassador to Baghdad, Ryan Crocker, to come back in September and report to us. We wanted to give them, at the request of General Petraeus, time from the middle of June, when the surge troops would have arrived, to September to see whether he could make it work and report back to us.

I don't think there is a person in this Chamber, no matter what our position on Iraq, that doesn't trust General Petraeus to tell us the truth, what he believes, when he comes back in September. I think we made an institutional pledge to him. But I know this: I made a personal pledge to him. I am going to give him and the troops a fair chance, which this amendment would deprive him of, and I am going to give him until September to come back and tell me how it is going.

All of us would like to believe, I certainly would, that there is a quick and easy solution to the challenges we face in Iraq. All of us, I certainly would, would like to go back and do over a lot of what happened after Saddam Hussein was overthrown. All of us want our brave men and women in uniform to come home safely and as soon as possible. All of us are keenly aware of the frustration and fatigue the American people are feeling about this war. But we, who have been honored by our constituents to be elected to serve in the Senate, have a responsibility to lead, not to follow. We have a responsibility—it is the oath we took when we were sworn in—to do what we believe is right for our country, even if it is unpopular.

I speak for myself, but I firmly believe what is right is that we cannot allow our Nation to be defeated in Iraq by the same Islamist extremists who attacked us on 9/11, with whom we are engaged now in a worldwide war that stretches from Baghdad to London, from Madrid to Riyadh, from Bali to Jerusalem, and from Fort Dix to JFK Airport.

The sponsors of this resolution insist what is happening in Iraq is a civil war, and they want us to not be part of it. But this argument flies in the face of the statements of al-Qaida's own top leaders who have repeatedly told us they consider Iraq to be, today, the central battlefield of their world war against us. We didn't start this world war, they did, by attacking us.

I wish to take a moment to read some comments, direct quotes, from leaders of al-Qaida that make this clear. I am not making it up. I am not quoting somebody in the administration.

December 2004. Osama bin Laden.

> I now address my speech to the whole of the Islamic nation. Listen and understand. The most important and serious issue today for the whole world is this Third World war. It is raging in the lands of the two rivers—Iraq. The world's millstone and pillar is Baghdad, the capital of the caliphate.

July 2005, Ayman al-Zawahiri, second to bin Laden, as we know, in al-Qaida. A letter to Abu Mus'ab al-Zarqawi, the head of Iraq, subsequently killed by coalition forces. Quote from Zawahiri to Zarqawi:

> I want to be the first to congratulate you for what God has blessed you with in terms of fighting a battle in the heart of the Islamic world, what is now the place for the greatest battle of Islam in this era.

Zawahiri, in that same letter:

> The Mujahadeen must not have their mission end with the expulsion of the Americans from Iraq. No, the first stage is to expel the Americans from Iraq; the second stage is to establish an Islamic authority, or emirate, over as much of the territory as you can, to spread its power in Iraq.

And then there is a third stage Zawahiri says.

> The third stage is to extend the jihad to the secular countries neighboring Iraq.

This is not me. This is not some administration spokesperson, this is Zawahiri, No. 2 in al-Qaida.

December of 2006, Zawahiri says:

> The backing of the jihad in Afghanistan and Iraq today is to back the most important battlefields in which the crusade against Islam is in progress, and the defeat of the crusaders will have a far-reaching effect on the future of the Muslim Umah.

I could go on. I will read one final one. May 2007, 2 months ago, and this is Zawahiri again in a tape.

> The critical importance of the jihad in Iraq and Afghanistan becomes clear, because the defeat of the crusaders there soon, Allah permitted, lead to the setting up of two mujahedin emirates, which will be launch pads for the liberation of the Islamic lands

> and the establishment of the caliphate. That is why I call on the Muslim Umah not to lag behind or tarry in supporting jihad in general and jihad in Iraq and Afghanistan in particular, in view of the pivotal importance of these two arenas.

I started this because I said that some of my colleagues offering this amendment say we are in a civil war in Iraq and we ought not to be there. There is sectarian violence. That is why we have the counterinsurgency plan, which is to try to stop the sectarian violence, and it is working so far. Surely we don't know whether it will work finally, but sectarian violence has been significantly reduced in Baghdad and now Anbar and Diyala Provinces. But the argument that this is simply a civil war is totally rejected, denied by these statements of al-Qaida's own leaders.

We are fighting al-Qaida in Iraq. You can't withdraw from Iraq and fight al-Qaida. That is whom we are fighting. Who is going to win if we pull out? Al-Qaida will and Iran will. Listen to what Zawahiri and bin Laden said they are going to do: They are going to establish the capital of the caliphate, the empire, and they are going to go out into the neighboring countries.

Incidentally, the notion that somehow we are not fighting al-Qaida in Iraq and that this is just a civil war also flies in the face of the National Intelligence Estimate on al-Qaida that was released today, which describes al-Qaida in Iraq as the most visible and capable affiliate of al-Qaida worldwide. Of note, and I quote in full:

> We assess that al-Qaeda will probably seek to leverage the context and capabilities of al-Qaeda in Iraq, its most visible and capable affiliate, and the only one that is beyond bin Laden and Zawahiri, the only local affiliate known to have expressed a desire to attack the American homeland.

So I know people laugh or jest when people say if we don't defeat them there we will be fighting them here, but this is what the National Intelligence Estimate says. We are fighting al-Qaida in Iraq, the only local affiliate of al-Qaida that has also talked about, and some have reason to believe may be acting upon, their desire to attack America here in our homeland. That is the National Intelligence Estimate.

It seems to me that it is perverse that on the same day we receive this National Intelligence Estimate about the threat posed by al-Qaida and about its direct linkage to Iraq, Zawahiri to Zarqawi, bin Laden talking about the centrality of what is happening in Iraq, that the Senate would consider voting for an amendment mandating our retreat in the face of al-Qaida from Iraq.

I ask, why is this amendment before us? One of the most commonly heard explanations for the amendment mandating the beginning of a withdrawal of American troops in 120 days, and most of them out by next April, is that an American military retreat is necessary—and I quote here one of the sponsors of the amendment—"to prod the Iraqi Government to reach a political settlement."

So we are going to force a retreat, probably threaten the viability of the Iraqi Government, yield the country to al-Qaida and Iranian-backed terrorists, and we are doing it to send a message to the Iraqi political leadership that they better get their act together. But the argument that our forcing a retreat of our military, our troops, will prod the Iraqi Government to reach a political settlement is pure speculation. It is amateur psychology without any evidence that I can see to support it. In fact, the expert evidence goes in the other direction. From people who follow what is happening in Iraq closely, who say that as soon—and maybe some of this is psychology, too, but to me it seems more sensible than the other argument—as soon as we begin to set a deadline date, the Iraqi political leadership is not going to suddenly come together and settle their differences, they are going to hunker down in camps and get ready for the battle of all battles, which will be a total civil war, huge ethnic slaughter I fear, probably a kind of genocide.

One of our military leaders in Iraq when I was there 5 weeks ago said to me: Senator, if your colleagues don't like what they see in Darfur today, and they should not like it, they are going to hate what they see in Iraq if the American military pulls out before the Iraqis can maintain security.

Here, too, we have a National Intelligence Estimate that directly rejects the contention that we need to force a retreat of our troops, open the country to a takeover by al-Qaida in Iraq, to convince the Iraqi Government to reach a political settlement.

There was a recent National Intelligence Estimate on Iraq. In it, the conclusion was presented that the rapid withdrawal of U.S. troops required by this amendment would, "almost certainly have adverse effects on national reconciliation" in Iraq.

So rather than promoting political progress, this amendment would have the exact opposite effect than its sponsors intend, and actually undermine it.

I know that cots have been brought in tonight to allow Senators to sleep during parts of the night when they are not required on the floor. I think, really, what I hope this does is wake up the Senators and wake up the American people to the threat we face; to wake them up to what our intelligence agencies are saying about Iraq, to what the stakes for us are in Iraq, for what the consequences are for us of a defeat in Iraq, for the strength of the Petraeus counteroffensive surge and how much it is achieving.

It is time for all of us to wake up to what is actually happening in Iraq before it is too late. It is time to stop dreaming that a mandated withdrawal, or whatever you call it—a redeployment is really nothing other than a mandated defeat. I suppose if you don't think that defeat in Iraq will have consequences for our future security, then I can understand that. But I, of course, profoundly disagree.

We face vicious enemies in Iraq today. We know who they are. They are al-Qaida and the Islamic Republic of Iran. Al-Qaida is fighting in Iraq because they want to bring down the Iraqi Government and they want to stop any progress toward self-government until a modern Iraq. They want the state to fail so they can establish what bin Laden, Zawahiri, and Zarqawi said clearly, a caliphate, an empire with the capital of the empire there.

What about Iran? Iran is training, funding, and arming terrorists to kill Americans in Iraq. This Senate spoke unanimously against that, presenting evidence of it last week, 97 to 0. Why does Iran do that? It wants America out of Iraq so it can dominate that country and the region.

These are enemies that cannot be negotiated with or reasoned out of existence. I am all for diplomacy with Iran. I am glad our ambassador met with their ambassador in Baghdad in May, but ultimately negotiations that have gone on with Iran, conducted by the European Governments for more than 2 years to try to convince them to stop the development of nuclear weapons, produced nothing but giving them 2 more years to go ahead with that development. These are not enemies who are interested in the political reconciliation of which the sponsors of this amendment speak.

In other words, al-Qaida and Iran are not fighting in Iraq to encourage or bring about a political reconciliation. These enemies must be confronted and defeated through force of arms. That is precisely what our brave men and women in uniform are doing today under this new counterinsurgency strategy, and they are succeeding. I ask my colleagues in this Chamber finally to listen carefully to the words of a great American soldier, Rick Lynch, commander of the Third Infantry Division now serving in Iraq. His soldiers are, today, leading the fight south of Baghdad. General Lynch reported just this past weekend that his forces were making significant gains in reclaiming areas that just a few weeks ago in Baghdad were terrorist safe havens. These are towns on the outskirts of Baghdad where al-Qaida in Iraq had terrorized the local population into submission and then set up shop, assembling the car bombs that then were used to kill hundreds of innocent people earlier this year. That is the way to try to stop these suicidal maniacs from blowing themselves up and killing a lot of Iraqis and Americans with them—which is their attempt to respond to our counteroffensive surge policy and their attempt to do something else: to influence the American public opinion to get out of Iraq.

General Lynch also stated that in his professional military judgment—this is a soldier, not a politician—the current troop surge must be maintained through early next year in order to achieve success. In his words:

> It's going to take us through the summer and fall to deny the enemy his sanctuaries and then it's going to take us through the first of the year into the spring to consolidate these gains.

Incidentally, it may be that those gains will be consolidated by next spring, and we will be able to begin to draw down some of the American forces there. But do we have the confidence to know that today, to mandate that to happen? I hope we are in a position—and I am sure General Petraeus does, and I am sure the President does—to begin to order that kind of beginning of withdrawal because the surge has succeeded, not order a withdrawal as an alternative policy to the surge.

I return to General Lynch. He warned that pulling back before the job was completed would "create an environment where the enemy would come back in and fill the void." General Lynch also reported that he was "amazed at the cooperation his troops were encountering in previously hostile areas." In his words:

> When we go out there the first question the Iraqis ask us is, are you staying? And the second question is, how can we help?

In other words, what General Lynch said is what they are worried about is our leaving. And our answer is: We are staying. And when we give that answer they say: How can we help?

They want a better future than al-Qaida and Iran controlling their country. General Lynch has given us a clear and compelling explanation in the direct words of a soldier about the nature of this war. In his view, the U.S. military needs the additional troops that are now in theater to prevail, and they are, as we speak, prevailing. In this regard, the choice before this Senate is a direct one. Either General Lynch is badly mistaken about the reality of this war or this amendment is badly mistaken about the reality of this war. They cannot both be right.

I go with General Lynch. He is on the ground. He has no motives other than to do what is right for his country. He has every motive to want to protect his troops. But he believes in our cause.

We have a choice to make. We can ignore the recommendations of our general in the field and withdraw in defeat. We can rationalize our action with reassuring but falsely hopeful words such as "redeployment," but no matter what we say our enemy will know that America's will has been broken by the barbarity of their blood lust, the very barbarity we declare we are fighting, but from which, if this amendment ever passed, we would actually be running.

There is, of course, no guarantee that the path we are on will lead to success. There never is in war. But what General Petraeus is offering is a strong, smart, and practical strategy, informed by his experience and expertise, that carries a reasonable hope of victory from whose jaws this amendment would snatch defeat. This amendment is a surrender to terrorism. It is a victory to al-Qaida and Iran. It is an invitation to a disaster for Iraq, the Middle East, and most directly the United States of America.

Iraq is not lost. It can be won, and if it is won we will have secured a better, brighter future for the people of that country, the hope of greater stability and opportunity and peace for the people of the region, and the hope and promise of greater security for the American people. Iraq is not lost. But if we adopt this amendment it will be; so, I fear, will so much of our hope for democracy and stability in the Middle East and for our own safety from terrorism here at home. That is why I will vote against cloture and against the Levin-Reed amendment tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, the American people's opposition to this war is not the political passion of a moment, as some have suggested. It is a majority, a growing majority, a thoughtful growing majority reflecting the will of the people of this country. We need 60 votes because of recalcitrance, because of political game playing, because too many of our colleagues are more interested in protecting the President than they are in protecting our troops. We know to get 60 votes we need 11 Republicans.

Many Republicans, a growing number of Republicans in this body, have spoken out against this war. They have decided that we need to change course in Iraq. The problem is simply this. It seems like almost every Tuesday Vice President CHENEY comes and speaks to the Republican lunch. The Republicans meeting in conference, having lunch, Vice President CHENEY pulls up, his limousine drops him off at the door of the Senate, he comes in and speaks to them or other administration officials. The arm twisting, the lobbying by the administration, is making it that much harder to change direction in this war. That is why it is so difficult to get to 60. That is why we want a vote, we want an up-or-down vote, we want a majority vote, because a majority vote reflects public sentiment, reflects what the voters said last fall, reflects the policy that the Iraq Study Group has suggested, that the military has advised the President, but the President simply dug in and did not listen.

Last November voters in my State of Ohio, from Galion to Gallipolis, and across this Nation shouted from the ballot boxes that we needed a new direction, that the Iraq war must end. They demanded that we refocus our efforts on securing our homeland so that the darkest day in our Nation's history, 9/11, is never repeated.

With Democrats in control of Congress this session we immediately, in January, began working to end the war. We immediately began to work implementing the full recommendations of the 9/11 Commission in order to make us safer, recommendations that will go a long way toward making this country safer. By working to end the war in Iraq and by passing the Commission's recommendation, we are executing a strategy to combat terrorism and to make our country safer.

Make no mistake, ending the war in Iraq itself is a counterterrorism strategy. Global terrorist attacks have increased sevenfold since we invaded Iraq—seven times, more than 700 percent. Our continued engagement in Iraq, frankly, is the best thing that ever happened to jihadist recruitment. We know America is a less safe country because of the war in Iraq. We know global terrorist attacks have increased sevenfold, seven times worldwide since the war in Iraq began.

Democrats brought to this Chamber not one piece of legislation to redeploy our troops out of Iraq in the safest, most orderly way possible, but many resolutions, many pieces of legislation. Each and every time either Republicans defeated the measure in Congress by threatening a filibuster or the President vetoed it in the White House—each and every time.

This week we find ourselves at the same impasse, the same struggle in this Chamber between a new direction and more of the same failed policies. Again, too many of my colleagues would rather protect the President of the United States than protect our soldiers and marines in Iraq and Afghanistan. More of the same means supporting the President, but it means something very different to Ohio families. It means more loved ones wounded, more loved ones killed. Mr. President, 156 people in my State have been killed in Iraq, 156 people. More than 1,100 Ohioans have been wounded. Ohio cannot afford more of the same.

Again, too many of my colleagues care more about protecting the President than they do about protecting our troops. Ohio families have had it with hollow promises by the President. From first declaring "mission accomplished" in 2003 to his visit last week in my home State of Ohio, in Cleveland, the President used grand pronouncements of success in an effort to buy more time, stay the course and buy more time; continue our involvement in this civil war and buy more time.

Time and again those pronouncements were followed by increased violence and expanding chaos in Iraq. Time and again those pronouncements mean more names being added to the list of dead and wounded Americans. Mr. President, 3,617 Americans have died in the war in Iraq. At least 35,000 Americans have suffered serious injuries that will be with them and with us for 10, 20, 30, 40, 50 years.

Every year I see Iraq slip further and further into a civil war with our Nation's military caught in the middle. The President sent our Nation's military into a war of choice on failed intelligence and, as we know, without proper body armor. Adding insult to injury, literally just today, a USA Today article revealed that nearly 4 years later our troops are still without the lifesaving equipment they need.

I remember before the attack, before we invaded Iraq, I was a Member of the House of Representatives. I voted against this war in October of 2002. We began questioning Paul Bremer during the beginning of 2003, before the attack. Mr. Bremer was the administrator in Iraq for the U.S. Government, the Provisional Government. We continued to focus on providing the kind of body armor for our troops and Mr. Bremer said we are doing the best we can, but we have not done very well. We have a lot to do. We still attacked that country, we still sent our troops into harm's way without that body armor.

As we discuss this issue, tonight in Baghdad it is early morning. The forecast calls for a high of 104 degrees. While our solders have some protection from the extreme heat, like water, shade, and the mini air-conditioning units, they are not protected from a far deadlier force in Iraq, the improvised explosive devices or IED bombs. The USA Today article highlighted the lack of planning to protect our soldiers riding in Humvees from the impact of IED bombs. Humvees have a very low ground clearance, a little less than a foot and a half. The bottom of a humvee is flat so when it is hit by an IED blast from the bottom, troops suffer the brunt of the explosion.

The Mine Resistant Ambush Protected Vehicle, or MRAP—the Mine Resistant Ambush Protected Vehicle, on the other hand, has a 3-foot clearance, and its body is V-shaped so when the explosion happens, the explosion, if you will, is dissipated and more often than not the troops are not nearly as badly injured. The soldiers are much better protected.

The few MRAPS in theater have proven their effectiveness and clearly saved lives and clearly saved many of our soldiers and marines from injury. What infuriates me and should infuriate everyone across this Nation is that the Pentagon and the administration, similarly to back in 2002 and 2003 when they failed to work hard to provide the body armor to prepare for this war, the Pentagon and the administration again did not immediately work to fix the problem of the humvee's susceptibility to IEDs; the needless loss of life from this willful ignorance to correct the glaring problem of the unprotected humvees could have been prevented, but arrogance and stubbornness from the administration kept the administration from doing the right thing.

The President, in some sense, is proud of his stubbornness. Instead he should be ashamed of it. His stubbornness has led to a failed policy in Iraq and to a failed policy on the war on terror. The President has yet to define victory. He has yet to tell us how many years it will take to achieve whatever his definition of victory is. Will we be in Iraq for 5 more years, 10 more years, 15 years? Will hundreds more Americans die? Will thousands more of our service men and women die? Will tens of thousands die?

The President has yet to hold himself and his administration accountable for fomenting a civil war, in breeding more global terrorism. Remember, we have seen an increase in attacks of sevenfold since the time of the attack and the beginning of this war.

The path he is wed to has simultaneously increased the threat of terrorism, reduced our nation's capability to protect against it, and made us less safe. That stubbornness is not leadership. That defensiveness is not leadership. That finger-pointing from the White House, from some of my colleagues, is not leadership. And supporting the President's strategy in Iraq, rather than supporting the troops because you support the President, is not leadership.

Blocking another vote to bring our troops home, and that is exactly what they are doing tonight by their partisan antics, by their petty political games, blocking an up-or-down vote so the American people's will can be expressed, by blocking another vote to bring our troops home, is not leadership.

Lives are at stake. Our homeland security is at stake. Global security is at stake. Last week, we learned that al-Qaida is at pre-9/11 strength. That is frightening news. Of course, it is a cause for outrage because it did not have to be that way. We also learned last week that the border between Afghanistan and Pakistan is fostering the next generation of al-Qaida at an alarming rate.

What kind of signal exactly do the President and his supporters think we send by failing to secure the region where we know al-Qaida lives and trains and plans with—according to military analysts—relative freedom, the same region that served as the breeding ground for global terrorism through al-Qaida before 9/11, the same region we now know that al-Qaida trained in before the deadliest attack on our Nation's soil, the same region where Osama bin Laden, the mastermind behind 9/11, not Iraq, Osama bin Laden, the same region where he is believed to be hiding, free to plot the next attack on our beloved homeland?

Over the objection of military advisers, the 9/11 Commission, and the voice of a nation, the President, again that word "stubbornly," insists on staying the course with the failed policy in Iraq. Staying the course with the President's failed policy has not just forced our Government to take our eye off the ball of terrorism, it has caused us to drop it.

Again, global terrorist attacks have increased seven times since we invaded Iraq, sevenfold since we invaded Iraq. Prior to World War II, the French built the Maginot Line. Same thought the line would prevent Germany from attacking France. History proved the French wrong. The President's strategy in Iraq is the Maginot Line of the 21st century. It imperils our Nation by mistakenly focusing our attention in the wrong direction. We have dropped the ball on capturing Osama bin Laden. We have dropped the ball on securing Afghanistan. We have dropped the ball on implementing the 9/11 Commission recommendations, and anyone who thinks those are not signals that al-Qaida is paying attention to is surely mistaken.

Supporting the President's policy does not just fail to effectively target terrorism, it puts the bull's-eye squarely on our Nation. Ending the war in Iraq is not just about bringing our troops home. Ending the war in Iraq is not just about ensuring veterans get the health care and the benefits they have been denied, and the Presiding Officer tonight has done perhaps more than anybody in this institution about that.

Ending the war is not just about a new direction in our foreign policy. Ending the war is not about returning our focus to where it might be if our Nation and our community, our families are to remain safe. Ending the war is about reengaging full force on the war on terror to make us safer.

I applaud my Republican friends who chose to stand up to the President. More and more of them have taken steps of bravery with every vote we bring to the floor. But it is not enough. With every lost vote, we add more lines to the list of men and women lost in Iraq.

Every lost vote we add more names to the list of wounded. With every lost vote, we empower al-Qaida. We keep hearing the same rhetoric: If we do not fight the terrorists in Iraq, we will have to fight them here. Good line but bad logic. The real truth is: If we do not fight the terrorists where they are in cells around the world, in Afghanistan, and where they really are, then we will fight them here.

In the Senate, those of us committed to ending the war of choice and securing our Nation will keep fighting. I appreciate the leadership of so many of my colleagues who have shown courageous leadership on this crisis of our generation. Our fight to end the war and refocus our efforts has just begun. We want to vote, we want a majority vote to reflect the growing, thoughtful opposition to this war. A huge majority of the American people are trying to overcome the furious lobbying effort of the President and the Vice President. Our fight to end this war has just begun. We are going to change this policy. The safety of every American depends upon it.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Maine is recognized.

Ms. COLLINS. Madam President, the war in Iraq is the greatest challenge facing our country. Unfortunately, the political debate in Washington has not been conducive to finding a solution, as political divisions have hardened during the past year.

Vitriolic rhetoric and veto threats do not help us pursue a new direction. I believe the way forward must be a bipartisan approach that puts the interests of our country ahead of political gain. Our Nation needs to forge a new bipartisan strategy that will redefine the mission and set the stage for a significant but responsible withdrawal of our troops over the next year.

Fortunately, we do not have to search far and wide to find this new policy. It is already mapped out for us in the unanimous recommendations of the bipartisan Iraq Study Group. This group was chaired by former Secretary of State James Baker and former Democratic Congressman Lee Hamilton. It has distinguished Americans from both parties who worked hard to forge a unanimous, bipartisan consensus on the road ahead in Iraq.

The Commission's recommendations chart the path forward and remain as viable today as when they were first released last December. The Iraq Study Group report lays out three core principles. First, the report calls for a fundamental change in the mission of our military forces in Iraq, away from combat operations, and instead limited to training and equipping the Iraq security forces, conducting counterterrorism operations against al-Qaida and other terrorist organizations, and securing Iraq's borders.

The Iraq Study Group set a goal of March 2008 for withdrawing those combat forces not needed for this newly defined mission and for force protection.

Shifting the mission of our troops would require the Iraqi military and police to take responsibility for security for their country. It would allow tens of thousands of our troops to start coming home, and it would demonstrate our military commitment to Iraq is neither open-ended nor unconditional.

Second, the Iraq Study Group report recommends that American support for the Iraqi Government should be conditioned on its leaders making progress in meeting specific benchmarks, including the political reforms necessary to quell sectarian violence.

I last visited Iraq in December. After I came home, I told my constituents I had concluded a new direction in Iraq was needed and it would be a mistake to send additional troops to Baghdad, to place them in the midst of a sectarian struggle. The solution was political, not military.

I told my constituents I thought we should be moving our troops out of Baghdad and instead concentrating their effort in Anbar Province, where the local population was starting to support our efforts and joining in the fight against al-Qaida. In Anbar, the violence was not, in December and is not now, primarily sectarian, as it is in Baghdad and the belt surrounding Baghdad; instead, in Anbar Province the fight is against al-Qaida.

The newly defined mission set forth by the Iraq Study Group in December would call for us to concentrate our efforts on counterterrorism operations, securing Iraq's borders and training the Iraqi security forces. We should not be in the midst of what is indeed a civil war in Baghdad.

Last week, the President released a progress report, a report called for by legislation that I coauthored with Senators JOHN WARNER and BEN NELSON. This report verified that the Iraqis have made, unfortunately, very little progress in achieving the most important political benchmarks. This is at a time when the Iraqis have failed to adopt the essential reforms to distribute oil revenues more equitably, to reverse debaathification, and to more fully integrate the Sunni minority into governmental power structures.

It has been our troops that have paid such a heavy price. In fact, American troops suffered more casualties during the past 3 months than at any time since this war has begun. Requiring the Iraqis to make more progress on the political reforms that were part of the strategy, as the Baker-Hamilton Commission recommended, is absolutely essential, and it is in keeping with the Warner-Collins-Nelson benchmark language incorporated into the funding bill.

Third, the Iraq Study Group urges our Government to launch a new diplomatic offensive in the region. Both the international community and Iraq's neighbors are clearly not doing enough to foster its stability, and this must change. Thus, the ISG recommendations recognize that the United States has placed too much emphasis on military actions at the expense of diplomacy. Fourteen of us, 8 Democrats and 6 Republicans, have joined together to offer the Iraq Study Group's sound and well thought out unanimous recommendations as an amendment to the pending legislation, the Defense authorization bill.

Our amendment lays the groundwork for responsible, realistic redeployment of American combat troops and emphasizes the need for more democracy. By adopting the Iraq Study Group recommendations, the Senate can finally chart a new course and move past politics to address the most critical issue facing our country.

I have to tell you I think the debate tonight in many ways has been disheartening. To see signs put up on the Senate floor saying "Let us vote," when our side has not blocked a vote on the cloture motion, we have offered to do it at any point this evening. We have offered to do it earlier today. We have offered to do it tomorrow. It has been disappointing to hear rhetoric that is clearly intended to score political points, as it is disappointing to hear the President be so inflexible in his approach.

I think the Senator from Tennessee put it well earlier this evening when he called for more flexibility on the President's part and more flexibility on the part of the Democrats, particularly the leader of the Senate.

Having vote after vote, where we fail to get to the threshold of 60 votes or even 67 votes, if necessary, to override the President's veto is not getting us anywhere. We are not moving forward. We have got to put aside such a fractious political approach to such a grave crisis.

We need to work together in a bipartisan way. By adopting the Iraq Study Group recommendations, the Senate can chart a new course and move past politics. Despite the heroic efforts of our troops, who make us all so proud, the war in Iraq has been characterized by lost opportunity after lost opportunity due to the misjudgments of this administration. I hope the Senate will not lose this opportunity to change direction in a responsible bipartisan way.

In addition to the Iraq Study Group recommendation amendment, which I am proud to cosponsor, and I salute the leadership of Senator SALAZAR and Senator ALEXANDER in bringing together a new Gang of 14, to work on this proposal, there is also another bipartisan approach that Senator BEN NELSON and I have offered as an amendment to this bill.

Let me briefly explain our proposal to our colleagues. Now, some of our colleagues are looking for a middle ground. Again, in addition to the Iraq Study Group amendment, Senator NELSON and I are proposing another attempt to find a middle ground. Our proposal would require the President to immediately transition to a new strategy. This strategy is very similar to the one laid out by the Iraq Study Group. It would move us away from combat operations and instead focus our efforts on counterterrorism operations, border security, and training of Iraqi security forces.

But it requires, and here is how it differs from the Salazar-Alexander approach, which I also support, it requires the President to immediately begin transitioning to that new strategy. Not in 120 days, not next year, not after September, but immediately. Then it sets a goal that the transition period should be completed by the first quarter of next year, by March 31, 2008.

So it sets forth a mandatory requirement for the President to immediately transition to a new strategy. I think this makes a lot of sense. There are so many people in the Senate who support a new strategy. We ought to be able to get that done, and I respectfully suggest to my colleagues that the Nelson-Collins amendment would move us quickly, the most quickly toward that new strategy.

I sincerely hope tomorrow we will see the dawn of a new approach to our strategy in Iraq. I hope very much that we will see a strong vote for the proposal offered by 14 of us, led by Senator SALAZAR and Senator ALEXANDER, to adopt the unanimous bipartisan recommendations of the Iraq Study Group. Surely, if as diverse a group as James Baker, Lee Hamilton, Larry Eagleburger, Vernon Jordan, Ed Meese, Sandra Day O'Connor, Leon Panetta, William Perry, Chuck Robb, and Alan Simpson can come together in the interest of this country, study our dilemma, study the war in Iraq, and produce a report unanimously, surely we in the Senate ought to be able to put aside our partisan concerns, our political divisions, and act together in the best interests of this country.

I hope we will do so tomorrow. I also hope we might adopt the Nelson-Collins amendment which would add a little more force to the recommendations of the changed mission put forth by the Iraq Study Group.

This is our opportunity. Let us not lose this opportunity to forge a new path, a new strategy in Iraq.

I thank the Chair.

The PRESIDING OFFICER (Mrs. LINCOLN). Under the previous order, the Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I rise in strong support of the Levin-Reed amendment. That is the amendment that, unlike the Iraq Study Group, has a date certain for changing and transitioning our mission and bringing our troops home. Maybe if the Senate had listened to the Iraq Study Group last year when it presented its report and had adopted it and moved in that direction, we would not be where we are today. I personally believe it is well past time to now suggest that it is appropriate to adopt their recommendations when what we need is a date certain.

We are here tonight to ask for a vote, not just any vote. We are here to ask for a fundamental American principle: a majority vote for majority rule. Not a supermajority vote of 60 votes. A majority vote for majority rule, the same principle that has stood our country over the test of time, the same principle that average Americans fully understand, the same principle that would reflect the reality of where the American public is as it relates to this critical issue. A majority vote for a majority rule. Not just any vote.

We are here tonight because the American people deserve an up-or-down vote on this important amendment that will finally bring an end to this mismanaged war.

The war in Iraq, in my mind, is the most pressing issue of our day, and the fact that the Republican leadership and those who join them will not allow the Senate to have a straight up-or-down vote, a simple majority vote, speaks of obstructionism and of hiding behind procedural roadblocks in order to avoid facing the American people who have called for a change of course in Iraq.

Those of us who voted against the war, as I did in the first place, against popular opinion of the time, have been vindicated by history. I say to my colleagues, history will judge the votes we cast tomorrow, and I believe those who vote against a simple majority rule and changing the course will be judged harshly.

The President has lost the support of the American public and the confidence of the global community. The only support for his misguided policy in Iraq is a minority, a minority, in the Senate. That is why they are afraid of a simple up-or-down vote on this issue because given in this body a simple majority vote proposition, a majority of the Senate would vote to transition us out of Iraq and bring our men and women home. That is why they are afraid of the vote that we ask for.

Unfortunately, some—and I say "some" because I know some of our Republican colleagues have joined us in the past and will again—some of my Republican colleagues seem more interested in protecting the President than doing right, in my mind, by our troops. To the Republican leadership and those who support them, I say it is time to stop filibustering and time to start a vote, a simple majority vote for majority rule.

Maybe if more of the sons and daughters, husbands and wives, or sisters and brothers of Members of the Senate were in Iraq, some of my colleagues would not be so cavalier about filibustering an up-or-down, simple majority vote. If our loved ones were in Iraq, who among us would be content with the counsels of patience and delay? Who among us would be satisfied with another mission accomplished? Who among us would be satisfied with "victory is around the next corner"? Who among us would be satisfied with benchmarks of which not one—not one—has been accomplished, and yet we somehow suggest that is progress years later?

After 4 years of a failed policy, it is time to stop hiding behind procedural hurdles and allow the Senate to cast a definitive vote about our future course in Iraq. A majority vote for majority rule.

The American people are waiting impatiently for the Senate to heed their calls and face the facts on the ground. It is time for a responsible change of course in Iraq. And that is exactly what the amendment on which we want a simple majority vote—let's see how people vote, a simple majority vote—does.

The Levin-Reed amendment says our forces should be out of Iraq by April 30 of next year, except those needed to protect U.S. personnel, to train Iraqi security forces and for counterterrorism activities.

Last week, the House of Representatives passed very similar legislation, sending a clear message that the time for change has come. The only obstacle left is for this body to act with a simple majority vote.

Now the Senate, once again, faces a critical vote on Iraq, and I point out, as I did a few days ago when we debated an amendment to take care of our troops—we hear all the time about "support the troops." Yet we had to have a supermajority vote to simply permit the rotation of our troops to be able to have a year back at home for every year they served abroad, a proposition that even the Defense Department has as its goal. No, we couldn't have a simple majority vote on that issue; we had to have a 60-vote threshold. Support the troops?

The only way we could have done that was with bipartisan support, and we didn't get it. The only way we can stop this war is with bipartisan support. But so long as we keep having these 60-vote thresholds, Democrats have 51 votes in this body and that leaves us 9 votes short. The American people know that. That is why we want a simple majority vote for majority rule.

Despite overwhelming public support, the public is way ahead of this institution, the American people are way ahead of this institution, and growing support from some of our Republican colleagues, which I respect—Democrats do not have the 60 votes needed to stop a filibuster in the Senate.

I know that many more of our Republican colleagues have serious concerns about the war in Iraq. I have been reading about it. I have been reading in the local and national papers of so many of our colleagues on the other side of the aisle saying: We have grave reservations about where the President is continuing to take us. We believe we have to have some type of change. I urge them to listen to their inner voice. I urge them to find their moral compass. I urge them to back their strong words with meaningful votes.

A vote for Levin-Reed, a simple up-or-down vote, is a vote to transition out of Iraq, a vote to change the course, a vote to end the war.

Robert Kennedy said about the war in Vietnam:

> Past error is no excuse for its own perpetuation. Tragedy is a tool for the living to gain wisdom, not a guide by which to live.

"Past error is no excuse for its own perpetuation."

He went on to say:

> All men make mistakes, but a good man—

And I would paraphrase in today's terms, a good woman—

> yields when [they] know [their] cost is wrong, and repairs the evil. The only sin—

The only sin—

> is pride.

This is not an issue where we can afford the sin of pride to deviate us, to take us into the appropriate course, to change the course in Iraq.

The lessons of history are poignant and instructive about today's quagmire. Rather than hiding behind a shrinking minority and procedural posturing, Republicans should listen to the American people and change the course of this failed war policy. They should stand with the American people and tell the President, even though we have given him opportunities, even though previous efforts of the Senate have given him flexibility, he has outright rejected it and, so, yes, there must be a date certain, and the message to the President by this body is if you are not going to bring our troops home, then we will.

I have heard many of my colleagues claim that what is happening now on the Senate floor is nothing more than political theater. The war in Iraq is the single greatest issue before the country and before this Senate. How many lives, how much money, how much risk to our security by being bogged down in Iraq, when we have real challenges in the world such as Iran, when we have a reconstituted al-Qaida in Afghanistan, that is the real challenge. That is the real challenge, I say to my friends. This is not about political theater. If there is political theater here, it is the sad, sad plot that the Republican leadership has weaved in creating this procedural hurdle to not permit a simple majority vote for majority rule.

I heard my distinguished colleague from Connecticut, for whom I have enormous respect, lament the proceedings as partisan. I have the deepest respect for him, but I couldn't more passionately disagree with him. This isn't about partisanship. These are deeply held views of principle—principle that moves us to take these extraordinary measures so we can get a simple majority vote for majority rule. That is what we are simply seeking tonight.

So to the Republican leadership and those who support them, I say it is time to stop filibustering and time to permit a simple majority vote to allow us to change the course in Iraq.

Today we are living with the consequences of the administration's failed policy, and only a minority of the Senate wants to stay that failed course. Over 3,600 troops have been killed in Iraq since the beginning of the war, including 87 servicemembers with ties to my home State of New Jersey. April and May was the deadliest 2-month period of the war for U.S. troops, with 230 servicemembers killed.

We have now spent over $450 billion on the war in Iraq, with a burn rate of $10 billion a month. Frankly, I never believed the administration's estimates that the so-called surge would only cost $5.6 billion. We have been misled time and time again, and these new numbers only prove once again we have been misled.

Each day we read horrific stories about the violence and tragedy on the streets of Iraq. This week officials report that dozens of Shiites were massacred by Sunni extremists during an overnight raid in Diyala Province. Yesterday, suicide car bombs in Kirkuk killed more than 80 people and injured some 150 others. It was the deadliest attack the city had seen since the beginning of the war. In fact, suicide attacks have more than doubled across Iraq from 26 in January to 58 in April.

In terms of reconstruction, measurements we all previously swore ourselves to be listening to, oil production in Iraq is still lower than it was before the war, and Baghdad is getting less than 6 hours of electricity a day, significantly less than before the war.

That is why we must proceed with a vote on the Levin-Reed amendment and bring an end to our military involvement in Iraq which has cost our country so dearly in human lives and national treasure.

Even all of the military personnel tell us we cannot have a military victory in Iraq. When I listen to General Pace say we need the Iraqis to love their children more than they hate their neighbors, that is probably a powerful truism, but it does not come through the power of military might. That is about reconciliation, confidence-building measures, revenue sharing, and participation of all Iraqi society in the Government. It does not come through the barrel of a gun to have the Iraqis love their children more than they hate their enemies.

So to the Republican leadership and those who support them, it is time to stop filibustering and time to permit us a simple majority vote for majority rule.

Let me take a minute to discuss the administration's recent report on benchmarks in Iraq which President Bush is using as a justification for the United States to stay in Iraq.

Just as some were misled into the war, I think this report is misleading. I wish to make sure everyone understands exactly what it says because I have listened to the debate and, boy, has it been mischaracterized, as far as I am concerned. I am sure not intentionally because people read the document different ways. Let me tell what it clearly says to me.

The report did not say that eight of the benchmarks had been met. Instead, the report said that satisfactory progress, a very significant distinction, has been made on only 8 of 18 benchmarks in Iraq, while the rest have not even seen—not even seen—satisfactory progress. In simple terms, none of the benchmarks were met.

Let's make it clear: None of the benchmarks were met. And when this report came out, President Bush said:

> Those who believe that the battle in Iraq is lost will likely point to the unsatisfactory performance on some of the political benchmarks. Those of us who believe that the battle in Iraq can and must be won see the satisfactory performance on several of the security benchmarks as a cause for optimism.

I want to reiterate to the President the fact that none of the benchmarks were actually met. None.

Now, let me be clear. The absolute best version of the story is that the Iraqis made some progress on some of the benchmarks. That is it. But the fact is, zero out of 18 benchmarks were met, and this is after years, and this is after changing the goalposts so that we can continue to suggest that we are making progress. If we kept the goalposts where they were supposed to be, we would have an even greater rate of failure.

So I don't see any cause for optimism for this failed strategy of escalation. Frankly, I think the President's comments represent yet another example of the administration's delusion and denial.

For years, this administration has refused to face the truth about Iraq. Let's take a look at some of the benchmarks the Bush administration told us would be met.

We were told by the end of 2006 that a provincial election law would be approved and new election laws would be put in place. But that benchmark has not been met.

We were told the Iraqis would approve a law for debaathification. But that benchmark has not been met. In fact, the Iraqi Parliament is barely functioning. It is stuck in gridlock. Even worse, one of the Bush administration's best Iraqi allies, Ahmed Chalabi, has been leading the charge—

this is one of the administration's best allies who has been leading the charge—to block the debaathification legislation.

We were told the Iraqis would create a law to help restrain sectarian militias. But that benchmark has not been met. In fact, the Iraqi Government hasn't disarmed the Shia militias, and the security situation on the ground continues to rage out of control. The surge hasn't staunched the violence, and civilian casualties were actually higher in June than in February when the surge began.

We were told that the Iraqis would establish a law to regulate the oil industry and share revenues in Iraqi society. But that benchmark has not been met. In fact, the oil law is stuck in parliamentary gridlock, and it is unclear whether it actually addresses even the core issues.

We were told that by March, this past March, that the Iraqi Government was supposed to hold a referendum on constitutional amendments necessary for a government of national unity to possibly exist. But that benchmark has not been met. In fact, 3 years after the United States turned over power to the Iraqi Government, the Iraqis still don't have the constitution finished.

The Bush administration seems to think that "satisfactory progress" has been made on performing a constitutional review committee. But in fact this committee has had to keep extending deadlines to get their work done, and it is unclear whether they will even meet the next deadline at the end of this month.

As I said before, it is time that the administration and the President finally face the real facts. And the fact is, by invading Iraq, the President took our focus away from the war in Afghanistan—the birthplace of the Taliban, the home to al-Qaida, the land of Osama bin Laden, and the place where the attacks of September 11 were planned.

Now, nearly 6 years after those terrible attacks on the United States, the most recent National Intelligence Estimate tells us that al-Qaida is operating where? In a safe zone along the Afghanistan-Pakistan border. Let me repeat that. Al-Qaida is operating, according to the National Intelligence Estimate, in a safe zone along the Afghanistan-Pakistan border.

In fact, according to the New York Times:

> U.S. officials have warned publicly that a deal between the Pakistani government and tribal leaders allowed al-Qaida to plot and train more freely in parts of western Pakistan for the last 10 months.

It is clear that by shifting our efforts to Iraq, we have taken our eye off the original threat in Afghanistan. We cannot forget that our fight against terrorism started where it should have, in Afghanistan—an engagement that I supported—where it should have remained. But we have not yet been able to end the fight in Afghanistan.

Now, as I listened to the debate here today, some of our Republican colleagues are back to the same parroting of the same old refrains—it won't work—criticizing Democrats as being weak on defense. It is we who have consistently called for finishing the job we started in Afghanistan, and bringing Osama bin Laden and his followers to justice, and as far as I am concerned, to have him meet his maker. It was a Democratic Senator who offered a higher ransom on Osama bin Laden's head. It is Democrats, through the supplemental appropriations bill, who funded the resources for those men and women whom we supposedly are going to stand by so that they would have the plated jackets that they needed, and whom we sent into war without having the resources they needed, the vehicles to protect their lives as they seek to pursue their mission, the opportunity to make sure that a grateful nation says we are grateful not just on Memorial Day, marching in a parade, or on Veterans Day, going to an observance, which we should, but in how we treat those men and women in their injuries, in their disabilities, and for those who commit the ultimate sacrifice, in how we take care of their survivors. That is what Democrats did when they achieved the majority in this institution.

So that old refrain, my friends, that Democrats are weak on defense, that dog won't hunt.

I joined a rally earlier tonight outside the Capitol with Iraqi war veterans. In my mind, no one—no one—has a greater right to question their Government and to say, as they did, that it is time to change the course in Iraq and bring their fellow soldiers home, and that is what they said tonight. They hold the high ground in any debate.

Afghanistan was the right place to pursue the national security of the United States. It was in Afghanistan that the murderers of September 11 were located. We had Osama bin Laden pinned down in the mountains of Tora Bora. But instead of having a large contingent of the best trained, most equipped, most technologically advanced military in the world go after him, we outsourced the job to the warlords. We gave them money, and they put the money in their pockets and they let bin Laden get away.

Many of us have been horrified as we have watched the resurgence of the Taliban, the new threats of al-Qaida in Afghanistan, and the increasing poppy cultivation. A few years ago, I talked about the possibility of the Iraqitization of Afghanistan, and now we see some of those fears coming true.

Just last month, Afghan security forces found a new type of sophisticated roadside bomb, one that is very similar to that being used in Iraq. Afghans, and our troops in Afghanistan, face the daily horror of roadside bombs targeting civilians or coalition forces.

The Taliban continues its battle to terrorize the Afghan people. As the New York Times article said last week:

> Shootings, beheadings, burnings, and bombings: These are the tools of intimidation used by the Taliban and others to shut down hundreds of Afghanistan's public schools. To take aim at education is to make war on the government.

Afghanistan now produces 92 percent of the world's poppy, and it has a record crop again this year. Again, according to the New York Times:

> Not so long ago, we trumpeted Afghanistan as a success, a country freed from tyranny and al-Qaeda. But as the Taliban's grip continues to tighten, threatening Afghanistan's future and the fight against terrorism, Americans and Afghans are frequently asking what went wrong.

My friends, what went wrong is that instead of finishing the mission in Afghanistan, the President took us to Iraq. Of course, we remember all the reasons why: weapons of mass destruction, uranium from Niger—this in a State of the Union speech before the entire Congress, none of it true. The battle in Afghanistan, the battle against al-Qaida, the Taliban, against terrorism is far from over. Yet the United States is still held hostage by the President's war in Iraq—a war that we were led into based on a false premise, with false promises, with no plan to win the peace and no plan to succeed.

The President is fond of evoking Franklin Roosevelt and our noble mission in World War II when he talks about Iraq. But he must have forgotten that when Japan attacked Pearl Harbor, Roosevelt didn't run off and invade China. That would have made no sense. Just like our going to Iraq made no sense because we dropped the ball in Afghanistan. The failures in Iraq, coupled with the reinvigoration of al-Qaida in Afghanistan, underscore the fiasco of the Bush administration's decision to take its focus off Afghanistan, its disastrous war policy, and the consequences of its "stay the course" mentality. They took their eye off the ball and created a quagmire in Iraq.

We didn't have al-Qaida in Iraq. We now have elements of al-Qaida in Iraq, but we did not have al-Qaida in Iraq before we invaded. Now we are paying the price in the form of less security and a beefed-up terrorist network. Maybe Secretary Chertoff's infamous gut feeling about an increased terror threat was caused by knowing that Osama bin Laden and his terrorist allies are still out there plotting and planning thousands of miles away from Iraq—thousands of miles away from Iraq.

Madam President, let me conclude by saying that the President says that the only role for Congress is to provide a blank check for his failed war policy. He is so wrong. He is so wrong. Time to reread the Constitution. This body's responsibility is not to blindly sign a blank check to the President for a failed policy. We have a responsibility to the American people as fiduciaries both in terms of national treasure and lives. Most importantly, we have a responsibility to the men and women in uniform to do the right thing and stand up to the President's failed policy so that we may give them a mission worthy—worthy—of their sacrifice. We should honor the troops who continue to sacrifice and shed blood not by being silent, not by being hoarded like sheep, not by signing on to a blank check, and not by being complicit in the President's failed war.

I have heard some of our colleagues on the other side cry that we are fighting for freedom in Iraq, but here in America, here tonight, we have a tyranny of a minority in the Senate who want to use the procedures of the Senate, in my mind in a way that is totally unacceptable, to thwart the will of the majority of the Senate, and, more importantly, the majority of the American people.

We want a vote—not just any vote, a simple majority vote for majority rule. The amendment before us reflects the reality on the ground and the will of the American people. It changes the course in Iraq by setting a responsible timetable for our troops to leave. How many more lives—how many—I hope we all go home before tomorrow's vote and say to ourselves, how many more lives, how many more tens of billions of dollars, how much more chaos? We have heard about chaos. What will happen, how much more chaos can unfold than that which we see unfolding as we have 160,000 troops there?

Years from now, we will come to the same conclusion. Or we can act with courage tomorrow in a vote, a simple majority vote, and by doing so we will be in a position to meet our national security challenges and our national interests. Our brave troops have answered the call of duty. Let's now answer the call to do what is right by them.

It is clear to me that the President continues to live in a world where the reality in Iraq never collides with his fantasy of what is happening there. It is time for the President, and a minority in the Senate who support him, to give the American people a chance for a majority vote, for a majority rule. The American people have awoken way before the Senate, and they want the nightmare to end. The American people know it is time to responsibly withdraw from Iraq. The House of Representatives voted to do so, and it is time for the Senate to finally vote for a responsible withdrawal from Iraq.

And so we close again. It is time for a simple majority vote for majority rule.

Madam President, I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Akaka
Cardin
Casey
Coburn
Craig
Dorgan
Durbin
Gregg
Isakson
Lincoln
Menendez
Mikulski
Murray
Reid
Salazar
Schumer
Stabenow
Sununu
Tester
Thune
Webb

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada, Mr. REID, to direct the Sergeant at Arms to request the attendance of absent Senators. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE, the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The result was announced—yeas 41, nays 37, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—37

Barrasso
Bennett
Bond
Brownback
Bunning
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Craig
Crapo
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Isakson
Lieberman
Lugar
Martinez
McConnell
Murkowski
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—22

Alexander
Allard
Biden
Bingaman
Burr
Byrd
Conrad
Cornyn
DeMint
Dole
Feinstein
Graham
Hutchison
Inhofe
Inouye
Johnson
Kyl
Lott
McCain
Nelson (FL)
Roberts
Rockefeller

The motion was agreed to.

The PRESIDING OFFICER (Mr. WEBB.) A quorum is now present.

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the Levin amendment occur at 11 a.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object for a moment.

Mr. REID. I will yield in 1 second.

Mr. President, I would further say that we are going to have another vote sometime later this morning. I have talked to both majority and minority, and there is no time that is appropriate. So I arbitrarily am going to state at this time that we are going to have another vote. It will not occur before 5 a.m. It could be a little before, a little after that, depending on what is happening on the floor. We will have another vote, but it won't be before 5 this morning.

Mr. McCONNELL. Mr. President, as I understand the majority leader, the unanimous-consent request is that we have a cloture vote on the Levin amendment at 11, and there will be not another procedural rollcall vote prior to 5 a.m.

Mr. REID. I would further state, and I should have cleared this with the minority leader, and I did not, I would ask that the last 20 minutes prior to the 11 o'clock vote be left for Senator MCCONNELL, 20 to the hour would be the minority leader, 10 to the hour would be me. We each would get 10 minutes.

Mr. McCONNELL. Do I further understand the majority leader that there would not then be additional votes between the procedural vote at 5 a.m. or later and the 11 o'clock vote?

Mr. REID. I think that is true. We have the Senate Prayer Breakfast, we have a steering committee meeting at 9. I think people have other things scheduled. I think we have done the votes tonight, so that should work out fine.

Mr. McCONNELL. It is my understanding that there will be two more votes on this matter—a procedural vote not to occur earlier than 5 a.m., and then one additional vote at 11 o'clock on the cloture on the Levin amendment.

Mr. REID. That is true. I ask unanimous consent that the vote occur at 11, that Senator McCONNELL and I be recognized as I have indicated, and that we will proceed with the debate on this issue during the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the following Senators on our side be recognized in the following order: Senator ISAKSON from Georgia, Senator COBURN from Oklahoma, Senator THUNE of South Dakota, and Senator SNOWE of Maine, alternating with the designees of the other side.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise to address the issue before the Senate. I have stayed all night and listened to remarks from my colleagues on both sides. I have tremendous respect for each and every one of them.

I do have some issues, however, with some rhetorical questions that have been asked and not responded to and I think are some voices that have been referred to that have not been really answered that I would like to address in my few minutes.

First of all, the Levin-Reed amendment specifically calls for a withdrawal beginning 120 days from now and completed by the spring of next year. Unconditional, notwithstanding whatever action may be taking place on the ground, what progress may or may not have been made, a precipitous and a final withdrawal.

What I would like to talk about is something that no one has mentioned; that is, the consequences if that actually takes place. I would like to do it in the context of the rhetorical question that was asked by the Senator from New Jersey, who asked the question: How many more lives?

His reference, I know, was to the soldiers in the American and the allied forces in Iraq. But the question is meritorious as a response to the consequences of a Levin-Reed amendment passing.

I joined the Foreign Relations Committee this year, as the Presiding Officer has as well. I noted that he did what I did. He sat through almost all of the hearings we had in January and February on the question of the surge and the question of withdrawal and redeployment. We all heard the same thing. Expert after expert argued over whether the surge would or would not work, or the degree to which it would work.

But no one, no one—from former Secretary Madeline Albright or former Secretary Colin Powell to JOHN MURTHA, the representative in the Congress, to Newt Gingrich, the former Speaker, all of whom testified, and 20 others, everyone said the result of a withdrawal or redeployment at that period in January would mean countless untold loss of life in Iraq. And most of them said it would cause a great loss of life in the entire Middle East.

I have had visits from representatives of other Middle Eastern countries who have said: Please do not have a precipitous withdrawal because we will not be able to contain the sectarian violence that will certainly follow.

Now, does that mean we should remain as an occupying peacekeeper? No. But it means if we have objectives and benchmarks for victory, we should give ourselves the chance for that to take place.

In May of this year, we had the debate we are having again today. In May of this year, on the Iraqi supplemental—which was to fund the war in Iraq for our soldiers—we had this debate on whether we should withdraw. We decided not to do it. And that was the right decision. We further decided to put some benchmarks, that we should judge the merits of our progress in part by July 15, and then later on September 15. The President reported 3 days early on July 15 the progress that has been made.

Some has been made, some has not been made. But we all determined that it would be September, and the report of General Petraeus, the man we unanimously put in charge of the battle, as to whether we went forward, proceeded the way we were or changed our strategy.

I do not know what the results of the September 15 report are going to be, but I know I agree with the lady by the name of Lucy Harris. Lucy is the kind of person to whom we ought to all listen. Her son, Noah, 1LT Noah Harris, died in Iraq 2 years ago. He was an e-mail buddy with me during his tour, so I knew a little bit about why he was there and what he believed.

Noah Harris was a young man who, on September 11, 2001, was at the University of Georgia and a cheerleader. The day the incident, terrible incident took place in New York City, Noah Harris went straight to Army ROTC as a junior ROTC, applied for ROTC, studied to become a commissioned officer, solely because of the inspiration he had gotten from seeing that tragedy and knowing that he wanted to represent his country and do something to pursue terrorism.

He went in the Army in 2004, was on the ground in Iraq, became known as the Beanie Baby Soldier because in the one pocket he carried bullets, in the other he carried Beanie Babies. He befriended the Iraqi children.

Noah died tragically. I went to his funeral. I paid respect to his parents. I have listened to Lucy, and I have followed her comments in the 2 years that have passed since his tragic loss.

This week, on July 15, in the Columbus newspaper in Georgia and other newspapers in a syndicated article, Ms. Harris was interviewed regarding the current debate that we are having on the floor of the Senate. I would like to quote two quotes from that article. First quote from Lucy Harris:

> "They should just defer to Petraeus," Lucy Harris said of GEN David Petraeus, the commander of forces in Iraq. "It's a political game."

Mr. President, I would ask unanimous consent to have printed in the RECORD this entire article.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ISAKSON. Then, secondly, at the end of the article, I think a paragraph that all of us should hear: Lucy said the following:

> We're talking about boots on the ground, real people. When I think about my son who could have done anything with his life, but he fought because he believed in his country and what we are doing in Iraq. . . . I just don't want it to have been in vain.

Well, I want to say to Lucy Harris and the parents of every soldier and the loved ones of every soldier who has been deployed, and especially those whose lives have been lost, we don't want them to be in vain, nor do we want them to be deployed in an endless occupation. We have a benchmark going to September 15, a general who had the unanimous support of this body, and operating under a funding mechanism that received an 80-vote margin in May.

Let's end the quibbling at this moment on what we do and give the plan a chance to have its final merits judged and weighed by the man who is on the ground.

As I said at the outset of my remarks, I can completely respect the statements everybody made and the opinions of everybody here. But this is a very serious question. And we should vote, and will vote, tomorrow at 11. When we do, I will not vote for cloture because I want to continue the commitment that was made by this body in the middle of May on the funding of the Iraq supplemental, the timetable for reports to come back, and the conditions upon which we would change, a new way forward, if and only if, those benchmarks were not met and progress was not being weighed.

I think we owe it to Lucy Harris. We owe it to the legacy of the sacrifice her son made and the sacrifice made by the countless men and women who are in Iraq and those who have served before them.

I yield the floor.

EXHIBIT 1

[From the Columbus Ledger-Enquirer, July 15, 2007]

SENATORS GRAPPLE WITH IRAQ POLICY

(By Halimah Abdullah)

For Rick and Lucy Harris and the small town of Ellijay, Ga., the Iraq war isn't just some policy debate raging on the floor of the U.S. Senate. It's about the frailty of life and the power of one young man's sacrifice to spur others into action.

First Lt. Noah Harris's death two years ago while serving in Iraq brought the conflict home to that community. Now, the Iraq war dominates conversations.

"It's the discussion in classes. It's the discussion in town. Everyone is very interested in what is going on," said Noah's mother, Lucy Harris.

So it's with no small degree of annoyance that the Harris family has watched the back and forth in the Senate over changing Iraq war policy.

"They should just defer to Petraeus," Lucy Harris said of Gen. David Petraeus, the commander of forces in Iraq. "It's a political game."

Republicans leaders such as Georgia Sens. Saxby Chambliss and Johnny Isakson are in a tough position as they try to assuage the concerns of people at home, like the Harris family, while helping the GOP navigate the debate on funding an increasingly unpopular war backed by a president whose support is also on the wane.

A recent Gallup poll showed President Bush's approval rating at 29 percent, and 71 percent of Americans favoring a proposal to remove almost all U.S. troops from Iraq by April 2008. The president's job approval rating in a recent AP-Ipsos was 33 percent.

As Chambliss and Isakson consider changes to the Iraq war policy they do so amid a climate of several high ranking Senate Republican defections, Including that of Sen. Richard lugar, R-Ind., the ranking Republican on the Senate Foreign Relations Committee. The departures have included Sen. John Warner, R-Va., and the moderate-leaning Sen. Olympia Snowe, R-Maine.

For Republicans, the signs of strain are starting to show.

"It is Important for us to continue to pursue the goals of the surge, and have a debate not in advance of the facts but after we know the facts as they stand," Isakson said on the Senate floor Wednesday.

The White House has urged Republican lawmakers to wait until Petraeus, the top U.S. military commander in Iraq, gives a report on the war's progress in September before voting on any major policy changes.

While most Republican leaders have agreed to do this, they've also acknowledged that congressional and public patience for the war effort is growing thin.

"I think what's happening is that we've come to a critical point," Isakson said,

Jennifer Duffy, a political analyst and managing editor with the nonpartisan Cook Political Report, put it bluntly.

"There's just so many bullets for a lame duck president—especially an unpopular one, that (Republican leaders) can be expected to take," she said.

"Georgia, like most of the South is still more supportive of the war in Iraq than the rest of the nation," said Charles Bullock, a political science professor at the University of Georgia and author of the book "The New Politics of the Old South."

The Harris family and the folks in Ellijay could not care less about the politics behind the war, or how Senate votes and defections will impact politicians. As a community that has watched their young people go off to war, they are intensely interested in seeing just how military leaders will define victory In Iraq.

"We're talking about boots on the ground, real people," Harris said. "When I think about my son who could have done anything with his life, but he fought because he believed in his country. In what we were doing in Iraq . . . I just don't want it to be in vain."

That range of emotions surrounding military sacrifice isn't lost on Chambliss and Isakson.

Recently, Chambliss made sure a measure to provide wounded soldiers better medical care was included in the defense authorization bill currently being debated by Senate.

Such efforts are welcome news to Harris, who often speaks at public events about her son.

"My son's mantra was 'I do what I can,'" she said, her voice trailing off.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that the next Democratic speaker be Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise to express my very deep concern about the administration's ongoing policy in Iraq. As a member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness, I have had the privilege to hear the testimony of our troop commanders, to hear our soldiers, to hear their families, and now—now more than ever—I insist we bring an end to this conflict.

Already too many lives have been lost, too many men and women have been wounded and permanently injured, and too many spouses, parents, and children have suffered the pain of separation and too often permanent loss of a loved one.

Yet according to the new National Intelligence Estimate, al-Qaida is growing stronger, and we are no closer to achieving a sustainable security in Iraq. We must make it clear to the Iraqi political leaders that the future of Iraq is in their hands, and they must learn to reach the political compromises necessary for a functioning democracy.

Once again, we are at a crossroads. We can either continue to pursue a policy that is no longer working or we can move forward and implement a strategy that will set us on a new course. The time is now to reevaluate the costs of this war.

We must understand that the long-term responsibility for caring for those injured during their service and for the families of those who died is a true cost of war. Over 3,600 members of the Armed Forces have given their lives in the service of this Nation. Thousands more will come home with injuries, both physical and psychological, that will require treatment and rehabilitation, processes that can take, as we know now, many years. Invisible wounds that are difficult to detect, such as PTSD and mild to moderate traumatic brain injury, will affect a great many servicemembers. In addition, it will make it difficult for them to adjust to civilian life as they deal with long-lasting visions and experiences they encountered in combat.

While we can help the brave troops by passing critical legislation that will provide much needed counseling, these invisible wounds will take a long time to heal. Clearly, the total cost of the current conflicts includes both the loss of lives and resources needed to help a new generation of young combat veterans heal.

The American people also believe that now is the time to begin the process of bringing our troops home. According to a recent poll, 63 percent of Americans believe that we should no longer continue on the present course of action set by the administration. They believe, as I believe, that the present surge has not been a success, and waiting until September to reconsider our approach is simply prolonging a war that is no longer our fight.

I urge my Senate colleagues to support the Levin-Reed amendment to the Defense authorization bill, which will send a clear message to the citizens of this country that we hear their concerns and we agree it is time to bring our loved ones home.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Oklahoma.

Mr. COBURN. Madam President, I do not speak very often on the floor on issues such as that we are talking about today. We have a wonderful heritage in this country, and somehow we find ourselves in the midst of a mess. We find ourselves in a position where we have made decisions, some of them poor, some of them good, but we find ourselves—and I agree—at a crossroads.

The question in front of us is threefold: One is we have a plan which we instituted less than a month ago and that we set up early this year, which we are now wanting to change with the Reed-Levin amendment before we have data to tell us one way or another, and that is debatable. We have a large number of Americans who have given the ultimate sacrifice in the war in Iraq. But the question before us is what is the world like today? What is it that is going to change if we leave Iraq? What are the consequences?

Senator LIEBERMAN spoke very eloquently about what the plans of al-Qaida are and what they have told us, but what happens to the Middle East when we leave?

I am reminded of the history of this country that we do not walk away if we have a mess and allow millions of people to die and millions of other people to be displaced without having a strategy that will solve that situation. And I do not see that in the Reed-Levin amendment.

I know the contention is that because we are there, we incite more violence; because we are there, al-Qaida has focused there. But the very thing we attempted to do in Afghanistan, we will recreate the situation prior to our going into Afghanistan if we leave Iraq. But the more important question for me is: Do we as a nation have a moral obligation, regardless of the past?

The fact is we are in Iraq today and some situations are improving and some are not improving nearly as fast as any and all of us want. But is there a moral obligation for this country not to allow this to lead to 2 to 3 million deaths, not to allow for sure the 450,000 people who have been successful helping us who will come under the threat of death, not to allow the displacement of another 2 to 5 million Iraqis out of Iraq? Do we have a moral obligation not to allow Iran to be in control and use Iraq as a basis for their dominance of the Persian Empire again in the Middle East? Is there any obligation for us in that regard? I think there is.

I look at the situation in Iraq as a cancer, as a physician and also as a cancer survivor. There is lots wrong in Iraq right now. We are at the point where we have to make very hard choices about whether the patient can be saved. My concern is that because the treatment is tough, because the risk of the treatment is high, we are to the point where we are going to let the patient die. The fact is the patient does not have to die.

I do not dispute my colleagues who have a different opinion on where we should go in Iraq. What I do dispute is whether we recognize fully the obligations we have for the future.

What is going to happen as we withdraw? Can anybody in this body guarantee to me 2 or 3 or 4 years later down the road that we are not going to put a whole lot of American lives at risk because of the decision we made to turn off the chemotherapy, to turn off the radiation for the patient? What we are saying is, we are going to ration this; we started down the road, but we are not going to finish it.

There has not ever been a time in my life, being alive during the Korean war, the Vietnam war, and this war, that I have not seen controversy about any war we have been in. Anybody who has been around those three wars knows that is the truth. The question for me is what is the best long-term—long-term, not short-term—policy for our country in terms of stabilizing the Middle East? What is the moral obligation for us as a nation? Having invaded Iraq and set in motion many of these situations, how do we measure it and how do we live up to the heritage we have as a country that stands to fulfill moral obligations?

I have to answer a couple of statements that were made earlier. Any innuendo that members of the Republican conference are having their arms twisted to support the President in this war is a bold face misrepresentation of the facts. On issues such as this, all my colleagues know nobody is twisting their arm to be against it and no one is twisting my arm to support the policy. As a matter of fact, the statement by the Senator from Ohio that Vice President CHENEY comes in every week and gives us a pep talk on the issue—I have been attending the conference for 2½ years, and I heard him speak once in 2½ years on Iraq. So the politics of negative comments taken out of context should be labeled what they are.

The other fact I know, the Senator from New Jersey talked about maybe more of the Members of the Senate should have our children in Iraq. I know the Presiding Officer had a son recently return, but I know there are people in this body who have children in Iraq—one of Senator MCCAIN's sons is due to ship out this month—who have an opinion, a different opinion than what the Reed-Levin amendment would consider.

So I think it is highly unfair to speculate as to what I think is divided with those who have had children with this experience.

There are some facts I do know about our country. I do know the war is tearing at the fabric of our Nation. I do know that we as a nation are war weary. I think we ought to talk about what is great about our country, what is good about the military.

My impression from being in Iraq and here is I do not know of finer individuals in our country than those who are serving in the military. I can also tell you I do not know of more informed citizens of all the issues that face our country than the military.

We have made a lot of mistakes in the policy in the Middle East, there is no question. I think we can agree with that point, and I think we can all admit to it. But it does not change where we are and what the consequences are if we leave.

I served as a medical missionary in Iraq after the first gulf war. I developed friendships with Kurds and Shia and Sunni. We talk in the abstract over here about the Iraqi people and their leadership. But I wish to tell my colleagues, I didn't see a whole lot of difference in what those people wanted and what we want for our families. For us to speak in a sterile way that there will be no impact whatsoever on all those Iraqis, no matter what their faith or their heritage, belies the fact that millions will die. That is not my estimate, that is the estimate of many very learned scholars on the Middle East.

We heard this week a mention from the Secretary General of the United Nations advising against a precipitous withdrawal from Iraq in terms of how that would play out in the Middle East.

I think of the children that I did skin grafts on in Iraq who are now in their middle twenties, and the hope that they have for a safe and secure freedom, to actually have a Government that is a function of the beliefs of the multitudes who live in Iraq. Despite all our mistakes, should their hopes be dashed?

We look at the sacrifices, we look at the moneys we have spent, but we never look at it in terms of the lives of the Iraqis. The contention is we cause more violence because we are there than what will happen when we withdraw. If I could know for sure that what the experts tell us is wrong and millions of Iraqis will not die, I could probably be in agreement with some of the positions of those who want to change our course right now. But I don't know that and, as a matter of fact, the experts say the exact opposite will happen and millions will die. So we do have a moral obligation.

The other question we ought to bring forward is the contention we want to change the rules of the Senate on a vote tonight when everybody knows that a cloture vote and a requirement of 60 votes on major issues has been the rule of the Senate for years. It is a precedent longstanding that we have found on both sides of the aisle, no matter who is in charge, works well on contentious issues.

The vast majority of Republicans are ready to vote on cloture tonight. We didn't have that opportunity. We are going to vote on cloture tomorrow morning at 11. But we also know that if cloture fails, we probably will not be on the Defense bill.

The question I have for my colleagues is, they control the Armed Services Committee. They wrote the Defense authorization bill. Why in the world, when our troops need guidance, when we need new reauthorizations, when we need items for the military that are highly important to the success now, not just in Iraq but throughout the world, would we pull a bill and not continue to work on it?

As a matter of fact, this debate, which we had 2 months ago and now are having again, is keeping us from doing some of the business we need to be doing in terms of observing and doing oversight of the Federal Government.

This Defense authorization bill has $13 billion worth of earmarks, earmarks that the Pentagon does not want, but we want, we want for constituencies, we want for campaign supporters, we want because we know better—the very type of thing that is going to hurt in the long run the confidence of the people in this Chamber. So instead of continuing to work on the Defense authorization bill, it is going to get pulled in the morning and we are going to go to higher education reconciliation.

The question we ought to be asking and what the American people ought to ask is, because one vote fails on cloture, do we not have an obligation to go on and authorize defense expenditures? I believe we do. One vote should not make or break that bill. It was not part of the original Defense authorization bill that came out of committee. Why would we not continue to work on it and give our military the authorization to do what they need to do in the future?

Someone asked me earlier today if this was a political stunt? No, I don't think so. I think we need to have this debate. I think the more the American people learn about what the consequences are when we leave Iraq, the more likely they are to have a second thought about the pressure and tension they feel on this terrible situation. And as they learn what the consequences will be and also see a perspective about at least giving General Petraeus until September 15, as they hear that debate, I think minds will be changed or at least attention will be turned to it.

A couple of things that I think also ought to be asked on the Reed-Levin amendment are, How does the Reed-Levin amendment address Iranian influence in Iraq in the future? How does the Reed-Levin amendment address increasing Iranian influence in the region, including Iran's adverse influence on the Arab-Israeli peace process? How does the Reed-Levin amendment guard against a regional conflict? If the policy of the Reed-Levin amendment became law, would the United States stay out of the humanitarian catastrophe and ethnic cleansing that will surely follow with a precipitous withdrawal of U.S. forces? If the policy of the Reed-Levin amendment became law, would the United States offer financial assistance to neighboring countries forced to absorb the massive number of refugees fleeing such a conflict? If the policy of the Reed-Levin amendment became law, what would the cost be to the U.S. Treasury in lives if the United States eventually had to return to the Middle East, in terms of forces?

I don't think those questions can go unanswered in this debate, and yet they have not been addressed. What we do know is we have a tinderbox. What we don't know, but some are suggesting, is the tinderbox will quiet down if we leave. If we leave, I hope they are right. I don't think they are right.

I think this is a time that will really test the mettle of this country. I think the conflict we see over the debate in this body is not bad for our country; I think it is good for our country. It is one of the attributes that make us strong.

Leaving Iraq, losing in Iraq will be terrible for our country in the long run—not in the short run but in the long run. It will limit our influence in the Middle East. It will limit the trust and viability of our Nation with every other nation under which we have any type of security arrangement. But most importantly, it will put us back 10 to 15 years in terms of doing what we need to do in the world.

Senator DURBIN and I are working hard on the Darfur situation. Darfur is going to seem like a blip on a screen compared to what is going to happen in Iraq when we leave.

What we do know is what is happening in Iraq today, the concentration of the violence, especially the suicide bombers. Two things are happening. One is they are moving away from the areas in which the surge is employed. That is why you see Kirkuk the first time hit. But we also know that 85 percent of the suicide bombers aren't Iraqis; they are al-Qaida, from outside of Iraq. I suspect they are going to overplay their hand like they did in Anbar Province, which is why those Sunnis now are allied with coalition forces.

So I would ask the Members of this body, No. 1, to not assume that any of us who support the present course until September in Iraq have had our arms twisted. We have not. We actually believe it is the best policy. I don't believe we need to have our moral compass checked, as suggested by the Senator from New Jersey. We just happen to have a difference of opinion. And the difference really doesn't stem on any factual basis, but it stems on long-range versus short-range thinking.

When I took the oath for this office, my oath was to uphold the Constitution and to do what was best for the country—not for my political career, not what will win the next election, not what will get me more seats in the Senate, but what I truly thought in my heart and mind would be great and best for this country.

The Iraq war is a perplexing situation for all of us. I believe it is wrong for us to stop in the middle of a surge that is having some progress. Not what we would like, maybe, not to the degree we would like, but for the first time, in approximately 2 years, it is making positive things out of things that were very negative.

It is my hope that as we continue this debate, we will recognize that the most important question is, Then what? What happens if the Reed-Levin amendment becomes law? What happens to our military? What happens in the Middle East? What happens in Iran, which is now known to be training a vast number of people to influence the outcome? What happens to the morale of our military? What happens to our relationship with allies around the world when we can no longer be counted on as a reliable partner? What next?

That is the question we should be debating—what next? What are the consequences of not fulfilling a moral obligation to clean up a mess we helped create? You can say we don't have that obligation, but we do. History will judge this Nation on how it handles this situation. We may, in fact, walk away, but if we did, and if we do, I believe we belie the heritage of the sacrifice that has been made by so many people for so many years in our history that predates us.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I have listened to most of the comments made by my friend from Oklahoma, and I think he asked some good questions, things we all have to consider about what will happen when we leave.

The Senator talked about the moral obligations, what moral obligations we have. I wonder what moral obligation we had back in the 1980s when Donald Rumsfeld went to visit with Saddam Hussein? What moral responsibility did we have in the Reagan administration when we supported Saddam Hussein, gave him weapons, and gave him information in his war against Iran? What was our moral obligation at that time?

We hear about what will happen when we leave, all this talk about a bloodbath and everything. Well, Madam President, I can remember Vietnam. I can remember the same things: Oh, if we leave Vietnam—we either fight them there or we fight them here. We have to stop the Communists in Vietnam or it will be the Philippines next and then Japan. We have to stop them there. And if we leave, there will be a bloodbath in Vietnam. All of the people who supported us will be slaughtered in the streets.

Well, it didn't happen. Here today, with Vietnam, we have diplomatic relations. I think we just had the new Ambassador or President come over and meet with President Bush in the White House. Cruise ships, these big cruise ships now dock over in Saigon and people get off and go into Saigon. Americans take cruise ships over there in Vietnam and go to the beaches. You look back and you think about those 50,000-plus Americans who died over there, and you wonder, what was that all about? What was that moral obligation all about?

So, again, we haven't learned from the past. The specter is always raised that calamities will happen if we don't follow what the President wants. Well, the President is not always right. This

President and his colleagues here couldn't be more wrong about our course in Iraq.

So I have come to the floor this evening on behalf of many Iowans who have been calling and e-mailing my office. The overwhelming majority of people in my State have turned against the war in Iraq, as have the overwhelming majority of Americans elsewhere. According to a USA Today/Gallup poll released last week, 71 percent of Americans favor removing all U.S. troops from Iraq by April 1 of next year.

The American people are sick of seeing our brave men and women killed and maimed in what has become a vicious civil war in Iraq. They want to chart a new course in Iraq, a course out of that civil war. They simply can't believe President Bush and his allies in this body have responded to their wishes with a strategy of obstruction, filibuster, and veto threats. They can't believe Republican Senators here are blocking votes on the No. 1 issue before our Nation, the No. 1 issue on the minds of the American people.

All we are asking of our Republican colleagues is let us vote. Let us vote up or down on whether we want to extricate ourselves from Iraq and bring the troops home. In a nutshell, people have been calling my office saying that Republican Senators certainly have a right to support President Bush's war in Iraq, they have a right to advocate that we stay the course, but our Republican colleagues should not claim a right to block simple up-or-down votes on amendments calling for a new course in Iraq.

The President and his allies are demanding we wait until September before we act, but this is the same game of obstruction and delay they have been playing for years now. Time and again, the President has announced a new plan, a new strategy for victory in Iraq. Time and again, the President has asked for patience. Time and again, he has cited progress and suggested that success is just around the corner. Sounds just like Vietnam. Meanwhile, with each new plan, with every new strategy, the United States gets dragged deeper and deeper into the quagmire in Iraq. More Americans get killed and maimed, more innocent Iraqi men, women, and children are killed and wounded, and Iraq spirals deeper into chaos and sectarian division. Sounds just like Vietnam.

The President's spokesmen insult our intelligence, saying that the surge is only a couple weeks old, that we should give it a chance. As we all know, it was announced in January, more than 6 months ago. I remember very well because 1 day after the President announced his surge, 640 soldiers from the 133rd Infantry of the Iowa National Guard were told they would not be coming home from Anbar Province as planned. Instead, their combat tour would be extended to 16 months—nearly a year and a half in the middle of the most deadly combat in Iraq.

Since the surge began back in January, 615 more U.S. troops have died in Iraq. Many thousands more have been injured. Since the surge was announced, eight more soldiers from Iowa have been killed in Iraq, including a second soldier from the small town of Tipton, IA. Think about that, a small community of 3,100 people in rural Iowa has lost two of its sons in Iraq.

On Sunday, the Washington Post published a story about Tipton, IA, and its growing disillusionment with the war in Iraq. The story noted that in the first 6 months of this year—since the surge began—125 troops from 10 Midwestern States have died in Iraq, the bloodiest stretch of the war so far.

Mr. President, as more and more Iowans and other Americans turn against this war, as more and more of our young men and women are killed and wounded, the administration asks us to be patient. But patience is not a virtue in the face of a manifestly failed policy, and there is no virtue in staying the course when the course you are on is dragging you deeper and deeper into a geopolitical disaster.

Just last week, the administration issued the required progress report on benchmarks for Iraq. As expected, the report shows that the Government in Baghdad has failed to meet any of the benchmarks for political and economic reform. The Iraqis have failed to make progress in passing a law governing the sharing of oil revenues. They have failed to make progress in allowing former Baath party members to return to their jobs. They have failed to make progress in disarming militias. They have failed to make progress in organizing new provincial elections. Failure after failure after failure. Indeed, the only thing the Sunni, Shiites and the Kurds in Parliament have agreed on is that they will go on vacation in the month of August.

The American people refuse to be patient in the face of this monumental failure. And I agree wholeheartedly with Senator LUGAR's remarks on this floor to the effect that we cannot and should not wait until September to begin to chart a new course. The war has been spiraling downward for 52 months. What possible difference could 2 months make?

Indeed, I can predict right now what will happen when we get General Petraeus's report in mid-September. Against all evidence to the contrary, the President will cherry-pick the report to claim positive military results from the surge, and he will say those results justify staying the course until the end of the year or into next spring or for another year. Indeed, yesterday, the Chairman of the Joint Chiefs of Staff said the surge could well be followed by a request for even more troops. I was told today that about 50 percent of our troops in Iraq are now National Guard and reservists.

Well, it is abundantly clear to me that this President has no intention whatsoever of changing course or reducing the number of troops in Iraq through the end of his term on January 20, 2009. He will only change course when and if he is compelled to do so by the Congress, and that is exactly what a clear majority of the Senate is attempting to do with amendments to this Defense authorization bill.

The Levin-Reed amendment was basically passed by the House. But now, Republican Senators here will not allow us to vote on it. All we are asking is to let us vote up or down on the Levin-Reed amendment. The President and his allies are responding with a furious campaign of obstruction, filibuster, and veto threats. They refuse to listen. They refuse to learn. They refuse to consider a new direction. All we are asking is, let us vote. Let us vote.

I personally know many Iowans serving in our Armed Forces. Whether Active Duty or the Guard or Reserve, they are disciplined professionals who love their country. Even those who profoundly disagree with the war and the surge will continue to do their duty. They deserve our profound respect and admiration. But we need to listen to them. We need to listen to their families.

So I have come to the floor tonight to read just a few of the e-mails and letters I have received in recent days. One of them is from Peggy—I won't use her last name—from Council Bluffs, IA, whose son is serving in Iraq, and here is what she writes:

> My 19-year-old son is in Iraq with the United States Army. Please, please get us out of this horrific nightmare and bring them all home. I can't go a day without crying, as I worry about him. Every single member of our brave military that dies in this quagmire is a waste, a tragic waste of life. If my son were to be killed over there, I could never reconcile to it due to the fact that we should not be over there in the first place. We invaded a country based on lies and have caused the death and suffering of untold thousands of Iraqi people. Please vote to withdraw the troops.

Peggy, all I can tell you is that is what we are trying to do. We are trying to get a vote up or down to get your son and the troops out of Iraq and bring them home. But our Republican colleagues will not allow us to have that vote.

I received the following letter from Regina—again, I will not use her last name—from Bloomfield, IA. She writes:

> While reading some articles yesterday, I ran across several stating the possibility of extending even more the tours of duty of our soldiers in Iraq. Is there anybody thinking about these soldiers other than how many live in a day and how many die? Do they understand how hard this is on these soldiers,

> and costly to our Government? And more important, the tremendous pain and agony on the families of these troops? Have you ever been in a war zone for an extended time, or members of your family—in Vietnam, Kuwait or Iraq? . . . If you sense frustration here, it is. [I feel it] every time we lose a soldier over there for something we can never win. . . . I have never taken as much to heart, and fear for my grandchildren. . . . Where is the common sense of our country?

Regina, we are here, pleading with our Republican colleagues for common sense. Let us vote up or down on the Levin-Reed amendment, that is all we ask. That is what all these letters are asking, basically.

Let me read portions of a letter from Barbara of Waverly.

> I sit here to write this letter, not knowing why, since I'm feeling like no one cares anymore or will be able to do anything about it. I am a 41-year-old woman, a military wife of 23 years and a mother of 3. My husband's unit is currently serving in Iraq and has been gone for 16 months so far on this mission. The soldiers and the families were finally feeling like we were seeing the light at the end of the tunnel. As the new year began, we started our countdown for our reunions expected in April. Our worlds came crashing down once again as we learned that our loved ones would not be coming home in April but were being extended until August, thus being deployed for almost 2 years by the time they return. I am angry, I am devastated. How could this happen? I have lost all hope and faith in our Government. I don't understand politics, so my biggest question is, if so many people are against this war and the increase in troops being sent over, then why is the President not listening? Doesn't he care? I voted for him and believed in him and he has let me down. . . .Please think about the effects this is having on our soldiers and their families. We have all given so much and though we are proud to have been part of serving our country, it is time for our soldiers to come home. Please, bring them home.

Barbara, all I can say is that is what we are trying to do. All we are asking is that we be allowed to vote up or down on the Levin-Reed amendment.

Let me read excerpts from one more letter. That is why I am reading these. There are probably a lot of things I can say about this issue, but I think it is more poignant to read the letters from Iowans, people who have been tragically touched by this war. This one is from a mother in Dows, IA.

> I have a 19-year-old son, my only child, who is fighting in Iraq. He is a smart, strong and brave infantry soldier. He has always wanted to be a soldier and is proud to serve in the United States Army. He is our pride and joy. Heaven forbid if anything happens to him in Iraq, my husband and I will be crushed beyond measure. . . . My point in telling you all this is that we are talking about young lives that have a bright future. This is not some political game. Why should our Government put our soldiers' lives at risk for a civil war in Iraq? Like it or not, that's what it is, a civil war, and our precious soldiers are smack dab in the middle of it. . . . Why should our soldiers be losing limbs and even dying for a group of people who can't get along and will probably never get along? Iraq did not attack us. . . . Things are going from bad to worse in Iraq. . . . Unless you have a loved one fighting in Iraq, you can't begin to understand how difficult it is. It is time to get the troops back home and back to their families. Every one of these soldiers who have died meant "everything" to someone. They were a husband, wife, son, daughter, grandchild or close friend to someone. . . . I am neither a Republican nor Democrat, I am just an American mother who wants this violent war stopped and to get our soldiers home safe.

I can say to this mother, that is what we are trying to do. We are trying to get a vote. Let us vote. Let us vote up or down on a deadline for getting our troops out of Iraq. What are the Republicans so afraid of? Why are they so afraid to let the Senate express its will?

I want all of our colleagues to listen especially closely to the final words from this soldier's mother. This is from Dows, IA. She writes:

> With the overwhelming majority of the American people wanting to bring our soldiers home and stop the war, don't you think, since you actually work for the American people and are elected by the American people, that you should seriously consider our views and hear our voices? Someone told me I was wasting my time writing this letter, but I believe otherwise. I want my voice heard and isn't this what democracy and freedom are all about? I plead with you with all my heart that you will consider this and do what is best for our troops, their families, and the United States.

That is the end of that letter. Yes, you are right, we actually work for the American people. Your voices should be heard. That is what democracy and freedom is all about. Yet we are not being allowed to have your voices heard here on the Senate floor in terms of a vote. Because of the Republican filibuster, we can't. Once again, all we are asking is a very simple request from our Republican colleagues: Let us vote up or down. Why are you so afraid of that?

The letters and e-mails coming to my office are heartbreaking. They tell the story of lives disrupted, lives put at risk, lives in a war that the overwhelming majority of Americans believe was a tragic mistake. Now 6 months into a surge that has failed to significantly reduce the violence in Iraq, 6 months into a surge that has utterly failed to bring about any progress or reconciliation within the Iraqi Government, Republicans in the Senate are pulling out the stops to block a simple up-or-down vote on charting a new course in Iraq.

Once again, I plead, I ask, let us vote. Let us vote. All we are asking is just that opportunity, a simple up-or-down vote. Let us have the vote.

Frankly, I was shocked last week when Republicans on the other side of the aisle filibustered Senator WEBB's amendment which was even supported by the ranking Republican on the Senate Armed Services Committee, Senator WARNER. The amendment would only have required that active-duty troops receive as much time at home recuperating and training as they spend deployed in combat. The amendment even allowed for a Presidential waiver if the troops were needed for an emergency. This ought to have been an amendment to have drawn strong bipartisan support. After all, many troops in Iraq are now in their third or even fourth deployment. The Army Chief of Staff has warned Congress that the current pace of combat deployment threatens to "break" the Army.

The Webb amendment would have passed if we had been allowed a simple up-or-down vote, a majority vote. Isn't that what we believe in? We believe in a majority vote. Majority votes elect the President. Majority votes here pass bills. There was a majority here to pass the Webb amendment, but because the Republicans filibustered it, we needed 60 votes. We couldn't get an up-or-down vote on that amendment.

The wives and mothers and family members who have written to me and whose words I placed here in the RECORD tonight have their own idea of what it means to support the troops. They believe it means allowing the Senate to have a straight up-or-down vote on these amendments to ensure decent treatment of our troops. They believe it means allowing a straight up-or-down vote on whether we need to have a new direction in Iraq. But they are being denied this by a willful, obstructionist minority here in the Senate, a minority that believes, frankly, they know better than the American people; a minority that insists on endlessly prolonging a war that the American people want to bring to a close.

The American people are not only angry about this war, they are angry the way our brave men and women in uniform have been misused and mistreated. The President rushed our troops into combat without proper equipment and in insufficient numbers. He has insisted on staying the course of that failed policy for more than 4 miserable years. He has sent troops back to Iraq for a third and even fourth rotation, with insufficient time to retrain and regroup.

In January he decided to roll the dice one more time by throwing another 30,000 troops into the middle of this sectarian civil war in Baghdad. Now the Chairman of the Joint Chiefs of Staff is suggesting that come September the President may decide to send even more troops to Iraq. At this point, the single best way to support the troops is to tell President Bush more than 4 years of bungling, bad judgment, and bullheadedness is enough. We have complete and total confidence in our troops, but we have no confidence in your leadership or in pursuing this war any further.

This evening we have reached an extraordinary juncture. We have a surge in Iraq now 6 months old which was designed to give the Iraqi Government breathing space for reconciliation.

As I said, the only thing the Sunnis, Shiites, and Kurds in Parliament have agreed on is that they will go on vacation in August. Meanwhile, here in Washington we have a President refusing to listen to the American people, supported by a Republican minority in Congress that is determined to obstruct any legislation charting a new course. If they prevail, if the President and his Republican obstructionists in the Senate prevail, our military units will be deployed again and again and again until they finally break and the United States will stay bogged down and bleeding in Iraq, creating terrorists around the world faster than we could ever hope to kill them.

It has reached the point, frankly, where you are either on the side of the President and his failed policies or you side with the American people and our military commanders who have concluded there is no military solution to the mess in Iraq. You either support this endless, pointless war or you support a smarter, more focused campaign against the terrorists who truly threaten us. It is unconscionable that the Republican leader, at the behest of President Bush, is refusing to allow the Senate to vote on changing our course in Iraq. At long last it is time for them to listen to the American people, to the families of our troops in the field. The Senate should be allowed to vote on the No. 1 issue facing this country.

It is time the Republicans stop their obstruction to allow the Senate to work its will. It is time for Republicans to let us vote, up or down, simply up or down on the Levin-Reed amendment to chart a new course in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I appreciate the opportunity to speak on this very important issue. We are here in this wee hour of the morning. There have been a lot of accusations flying back and forth today, this evening, about why we are here and what this is about. But I do want to remind my colleagues of what this is about. The underlying legislation, the Defense authorization bill, H.R. 1585, says it very clearly here. It is:

> To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

That is what we are here for. We are here to do something we do every year, or that we have done every year for the past 45 years, and that is pass the Defense authorization bill. What that Defense authorization bill does is it authorizes a 3.5-percent across-the-board pay raise for all military personnel. It increases Army and Marine end strength to 525,400 and 189,000, respectively. It also approves $2.7 billion for items on the Army Chief of Staff's unfunded requirement list, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers and funding for explosive ordnance disposal equipment, night vision devices, and machineguns.

The bill also authorizes $4.1 billion for Mine Resistant Ambush Protected Vehicles, known as MRAP vehicles, for all of the services' known requirements.

That is what the underlying bill would do. That is what this debate should be about. It ought to be about taking care of the needs of our men and women in uniform who we have asked, day in and day out, to do a very difficult task, and that is to protect America's freedoms around the world. We have lots of them deployed in different places around the world.

What is interesting to me, as I have listened to the debate about this particular amendment, the Levin-Reed amendment, throughout the course of the day, is I keep hearing this distinction between Afghanistan and Iraq, and how somehow Afghanistan is a good war and Iraq is a bad war. The reason is in Afghanistan we aren't having as many casualties as we are in Iraq. We are taking on a lot of casualties in Iraq. That is where they are killing our soldiers, and the reason we are taking on casualties in Iraq is because that is where our soldiers are. If we move troops to Afghanistan, they will starting killing our troops there because that is what they are and that is what they do; they are killers whose goal is to kill Americans and they are going to keep coming at us.

I do not think sometimes our colleagues on the other side see this for what it is, a titanic struggle between good and evil, between radical Islam and nations that cherish freedom.

I have to say I believe the men and women in uniform understand that when they are fighting al-Qaida, it doesn't matter where they are fighting them. They are our enemy, they are our adversary, they are the people who are out to kill and destroy us, whether that is in Afghanistan or in Iraq. They are a global terrorist network intent on destroying us and our allies.

Our young men and women in uniform deserve to have this Defense authorization bill passed so they have the funding and the equipment and the weapons and the training and everything that is necessary for them to succeed and to achieve their mission, which is to protect us from terrorist organizations and terrorist threats, such as al-Qaida.

I have also heard it said that al-Qaida is—there were a lot of quotes today from the National Intelligence Estimate about where the real threats are around the world, but I have to read for you what some of the judgements and findings were of the National Intelligence Estimate. It says:

> We assess the greatly increased worldwide counterterrorism efforts over the past 5 years have constrained the ability of al-Qaida to attack the U.S. homeland again and have led terrorist groups to perceive the homeland as a harder target to strike than before 9/11. These measures have helped disrupt known plots against the United States since 9/11.

That is the good news.

But it goes on to say:

> We assess that al-Qaida will continue to advance its capabilities to attack the homeland through greater cooperation with regional terrorist groups. Of note: We assess that al-Qaida will probably seek to leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate and the only one known to have expressed a desire to attack the homeland.
>
> In addition, we assess that its association with al-Qaida in Iraq helps al-Qaida to energize the broader Sunni extremist community, raise resources, and to recruit and indoctrinate operatives, including for homeland attacks.
>
> We assess that al-Qaida will continue to try to acquire and employ chemical, biological, radiological and nuclear material in attacks and would not hesitate to use them if it develops what it deems to be sufficient capability.

That is what the National Intelligence Estimate has to say about our enemy and what their capabilities are. And again, I have to reiterate that I think, as I have listened to this debate throughout the course of the day, that people continue to make a discrepancy between Afghanistan, the good war, and Iraq, the bad war. The problem is, it is the same enemy, it is the same al-Qaida, intent on the same objective to kill and destroy Americans. We have to fight al-Qaida every place we can to make sure they do not take that war right here and those attacks of the United States to our homeland.

Debating a change in policy in Iraq, particularly given what we just did last May, is premature, and that is why I am going to oppose the Levin-Reed amendment.

This past May, the Senate passed the 2007 Iraq supplemental which required two reports by the President. The first was released just days ago, and the second will be released in September. These reports will assess whether the Iraqi Government is making sufficient progress with respect to the 18 benchmarks. The interim July report stated that we are making satisfactory progress toward meeting 8 of the 18 benchmarks. While there is much work that remains to be done, the new strategy is still in its early stages.

We need to make sure our forces can set the conditions for that progress to continue and to succeed. There have been some encouraging signs, but we will not see the full effect of this new strategy until General Petraeus's September report. This assessment will provide a clearer picture of how the new strategy is unfolding and what, if any, adjustments should be made.

But I reiterate, that was in May. This Senate acted on an Iraq supplemental in May requiring those two reports. We just received the first report. The final report we will get in September, and yet here we are today once again debating withdrawal resolutions before we have even given our commanders and our troops an opportunity to succeed in this new strategy.

The surge operation is intended to clear insurgent opposition so that we can protect the Iraqi population and provide the Iraqi Government a stable environment in which to conduct their business. I have said on several occasions that my support for this war is not open-ended. But we have to give General Petraeus and Ambassador Crocker a chance.

We have a viable plan in place to gauge the surge operation, success of the Iraqi Government, and I cannot support a plan such as this, the Levin-Reed amendment, to abandon the legislative provisions we have already enacted. Congress cannot legislate the war strategy, nor do we have the expertise, the staff, or the constitutional authority to micromanage the war. American generals in Iraq, not politicians in Washington, should decide how to fight wars. What we are doing as legislators right now is trying to get into the middle of that very important chain of command.

As legislators, our actions on this war have not been consistent. On the one hand, we unanimously confirmed General Petraeus with the hopes that he could bring stability to Iraq; then, on the other hand, we at every turn consider Iraq withdrawal language here on the floor of the Senate. So we keep sending conflicting signals.

I would remind my colleagues that back in March, the vote to confirm General Petraeus was 81 to 0. Eighty-one Senators—no Senators objecting—voted to give him this new responsibility, to entrust him with this very difficult task. Then, in May, we said we would give him at least until September, when he would report back to us about the progress he has made. No one said the progress was going to take place quickly. We have to be realistic about the pace and scope of change in Iraq. But mandating timelines for withdrawal or other amendments like reauthorizations of the war are not the answer. We are too eager to declare the surge a failure before it has even been fully implemented.

This debate should not be about how quickly we can withdraw but how quickly we can succeed in Iraq so that our troops can come home. Now, sadly, many of the provisions we have been discussing here on the floor of the Senate are politically motivated by legislators thousands of miles away from the battlefield.

During the course of the endless Iraq policy debate, there have been statements from the Democratic leadership such as:

> We are going to pick up Senate seats because of this war.

And:

> We will break them, the Republicans, because they are looking extinction in the eye.

Those are direct quotes. These are not legitimate policy statements but the sad politicization of the war on terror.

I would add to those some other statements that have been made more recently. Someone said today, earlier this evening, that this has been characterized as a publicity stunt, keeping the Senate in all night. Members on the other side have gotten up and reacted to this and said this is not a publicity stunt. Well, you have a senior Democratic aide on FOX News who said: Is this a publicity stunt? Yes. You have the majority leader saying: I do not know if we will get 60 votes, but I will tell you, there are 21 Republicans up for reelection this time. You have other statements by the majority leader saying: We are going to pick up Senate seats as a result of this war. Senator SCHUMER has shown me numbers that are compelling and astounding.

I do not condemn my colleagues for their legitimate Iraq policy positions. As Senators, we have a right to offer amendments. But I would again stress that I believe this is not the time to debate this question. We have made it very clear in previous legislation that the time for that debate will be in September of this year. I fear that the current Iraq policy debate taking place on the Defense authorization bill will endanger its passage. This is a bill which, as I said earlier, specifically is designed to increase the size of the Army and the Marine Corps, provide increased authorization to purchase more MRAP vehicles, provide a 3.5-percent pay increase across the board for our troops, and further empower the Army and Air Force National Guard. We should not endanger this bill when we can have a full and comprehensive debate on Iraq in September, which is what this body, this Congress specifically directed as recently as May.

As a member of the Armed Services Committee, I am committed to seeing this bill pass on the floor of the Senate. I believe it would be a complete failure of leadership on our part if we failed to pass this very vital measure, while our men and women are engaged in a difficult conflict.

I will not support amendments to mandate a strategic military shift by force of law. As I have said multiple times, Congress should not, Congress must not get into the habit of interjecting itself into the military chain of command. To do so invites disaster and moves our country through the premise of conducting wars and military operations with one commander in chief to fighting wars by committee. And history has proven and shown that fighting wars by committee does not work.

Last week, I attended the funeral of SSG Robb Rolfing. Sergeant Rolfing was an Army green beret killed in action by insurgents in Baghdad. And I have to say that, again, he was a young man who was incredibly skilled and gifted, someone who had tremendous success in academics, in athletics, was an inventor, was a very gifted young man, someone who had demonstrated great leadership abilities, someone with a big heart, someone who always gave all to everything he had no matter what he did.

After September 11, he was compelled to the service of his country. As he did with everything, he wanted to do the best, and he became the best, he was the best of the best. He was a green beret. Before his tragic death, Sergeant Rolfing expressed to his family that he believed in what he was doing and there were good things happening in Iraq, that the whole story was not being told.

Well, Sergeant Rolfing's voice may be silent, but his message is not. I will honor Sergeant Rolfing's sacrifice in my own way—by allowing our troops, led by General Petraeus, to continue the work they believe in and work that I believe in.

Our obligation to the troops and our efforts in Iraq extend far beyond these benchmarks. We all want our troops to begin coming home, but we must first set the conditions for that to happen, without risking a humanitarian disaster in Iraq, sanctuaries for terrorists, or a broader regional conflict. If you do not believe what I say, there are a lot of people who know a lot more about this subject than I do who have come to the very same conclusion.

You can look at the comments of GEN Anthony Zinni, who has said:

> We cannot simply pull out of Iraq, as much as we may want to. The consequences of a destabilized and chaotic Iraq, sitting in the center of a critical region of the world, could have catastrophic implications. There is no short-term solution. It will take years to stabilize Iraq. How many? I believe at least 5 to 7.

Well, I hope he is wrong. I hope it does not take 5 to 7 years. It is very clear from the experts in this region of the world who have repeatedly stated the great risk and danger we put our troops and we put the region and we put the United States in if we abandon this important mission without finishing it.

The Iraq Study Group—the Baker-Hamilton report—has been quoted a lot on the floor during the course of this debate, sometimes selectively. But I also wish to quote for you what that particular report said.

It said:

> Because of the importance of Iraq, the potential for catastrophe in the role and the commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitous withdrawal of troops and support.
>
> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions leading to a number of adverse consequences outlined above. The near-term result would be a significant power vacuum, greater human suffering, regional destabilization and a threat to the global economy.
>
> Al-Qaida would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

That is the Iraq Study Group Baker-Hamilton report, which I think also points out the very serious and disastrous risks we face, the consequences we face of quitting before this job is done.

Former Secretary of State Henry Kissinger said:

> Precipitous withdrawal would produce a disaster, one that would not end the war but shift it to other areas like Lebanon, or Jordan or Saudi Arabia, produce greater violence among Iraqi factions and embolden radical Islamists around the world.

Those are people who, as I said, are incredibly knowledgeable, people who have great experience in this region of the world.

But I would like to share with you too, if I might, a letter or an e-mail I received from a soldier who has spent a good amount of time in Iraq. Here is what he said:

> I hope that you do not defect from the current policy on Iraq.

And this came into my office in the last couple of days.

> Having served there for over 7 months, I know first-hand that this is a fight that is worth fighting and winning. To admit defeat and pull out now would be dishonorable to those that have served. Please allow the military to conduct the war in Iraq and not the politicians. The military commanders are professional soldiers. How many of the members of the Senate have ever served in the military or even know the sacrifices that are endured each and every day? Watching the news, listening to briefings, or going and visiting for a couple of days to the war-torn nation is not "experience." When the commanders say it is time to leave, it is time to leave. Please respect the input of one Marine who has seen the sacrifice and lived the sacrifice and knows what is at stake if we abandon our post.

I think his sentiments capture very effectively the way a lot of our soldiers view these events.

I cannot speak from personal experience as this soldier can. I have visited Iraq on three different occasions. I will tell you that having been there basically three different times a year apart, there has been significant progress in some areas of the country. When I went the last time, I went to Ramadi, Fallujah, and Al Anbar Province.

In the Washington Post, one of the headlines the week before we went over there said, "Armed and Ready in Ramadi." Well, if you look at what has happened in Al Anbar Province—and John Burns from the New York times recently characterized that the capital city of Anbar, Ramadi, has "gone from being one of the most dangerous places in Iraq to being one of the least dangerous places."

Mr. McCAIN. Will the Senator yield for a question?

Mr. THUNE. I will yield.

Mr. McCAIN. The Senator and I also went together and saw at that time how Ramadi and Fallujah were basically battlegrounds of enormous proportions. Isn't it true that recently both Ramadi—particularly Ramadi, but also Fallujah is a basically secure area. The last time there has been an attack at Ramadi—they have gone many days. Yet somehow that escapes the notice of some of our colleagues.

In fact, I don't know if my friend from South Dakota is, is aware of what Lieutenant General Lamb, the British lieutenant general, the deputy commander of Multi-National Force, said the other day when the growing sentiment in our Congress to bring U.S. troops home sooner affected the mood of troops deployed in Iraq.

He said: I find it a touch difficult because it was so clear to them that we are making progress. It is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.

I guess my question for the Senator from South Dakota is, Is there a disconnect between the rhetoric we hear and all of this stuff about how we are losing—and the majority leader of the Senate said we had lost—and the realities on the ground as reflected by the men and who are fighting?

Mr. THUNE. My colleague from Arizona, for whom I have the greatest respect—and I have had the opportunity to travel a couple of different times to Iraq with you. I know you have been back since then and have seen the marked improvement in that region.

I know from having traveled there on several different occasions and having seen the progress that has taken place and talked with the troops on the ground, those who are there now and those who have been there, as I visit with them, both in my State and different places around the country, it is very clear that they view this to be a disconnect. They are very frustrated at the fact, as I said—the soldier whose funeral I attended, the green beret who was killed kicking down a door and was shot by an al-Qaida insurgent, before that happened expressed to his family the incredible progress he had noted and the fact that does not get adequately covered back here.

I think that is a fair statement. The letter, the e-mail I read from the marine here that I just received in the last couple of days said the very same thing. Watching the news, listening to the briefings, or going and visiting for a couple of days to the war-torn nation is not an experience. He believes that we—as do I—that we ought to let our commanders make decisions with regard to our effort there.

I would also add that I believe General Petraeus, in whom I have great confidence, will be very candid when he comes before the Congress in September, and I think we ought to give him and our troops an opportunity to succeed. The strategy has just been fully implemented as the troops have arrived there just recently. In my view it would be premature to do something which would undermine their efforts, and I think the debate we are having here on this particular amendment would do just that, if it is successful.

So I hope my colleagues will see their way to do the right thing for our troops, listen to the judgment of our commanders, listen to what our troops are saying, listen to what our enemies are saying, because I think that is a very relevant point as well. Look at what Zawahari and bin Ladin are saying about Iraq and its importance. They realize full well that this is where the battle line is drawn.

So I will, as we get to the final vote tomorrow at 11 clock on cloture, I will be voting against cloture.

Mr. WEBB. Would the Senator from South Dakota agree that the United States military is made up of people with the same diversity of political views as the country at large?

Mr. THUNE. I don't profess to know the answer to what political persuasion the members of our military are.

Reclaiming my time——

Mr. McCAIN. Regular order.

Mr. THUNE. Reclaiming my time, if I could answer the question of the Senator from Virginia, I talk to military personnel all the time. I have heard, as I have heard you express, a poll that the military doesn't like what we are doing in Iraq. That has certainly not been my experience in any conversation I have had with any member of the military. I would question any poll result that would conclude what you have stated, as I have heard you state, with regard to the views of our military about our work in Iraq.

Mr. WEBB. If I may clarify the polls for the Senator.

Mr. THUNE. Go ahead.

Mr. McCAIN. Regular order, Madam President.

Mr. WEBB. Excuse me?

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. THUNE. I will continue. I appreciate the comments of my friend from Virginia. I have to say——

Mr. WEBB. If I may say, it is more than one poll.

Mr. THUNE. Madam President, reclaiming my time——

Mr. McCAIN. Madam President, we have to observe the regular order here in the Senate. The Senator from Virginia is clearly not observing the regular order.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. THUNE. Thank you, Madam President.

Let me say, as someone who has been to the area—my understanding is that the Senator from Virginia has not traveled to Iraq; perhaps his experience in visiting with members of the military is different from mine—I have talked regularly with members of the military. As I have noted from the communication I received from this marine, it was reflective of the general response I get whenever I talk about what is happening in Iraq with members who are there currently. I think that is very reflective of the general overall view of those who wear the uniform of the United States. They believe in our mission, what we are doing. They want to give the strategy a chance to succeed. I believe we need to do that. I hope we will be able to defeat the Levin-Reed amendment when it comes up for a vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise because I believe we need to have an up-or-down vote on the bipartisan Levin-Reed amendment. I believe it is time to change course in Iraq. I believe a majority of the Senate believes we need to change course in Iraq and change the combat role the United States is playing to a role of support. We have lost more than 3,600 U.S. soldiers, and my State of Washington has been deeply involved from the very beginning, from the deployment of the USS *Abraham Lincoln* to the service of the Stryker brigade from Fort Lewis and the continued service of that brigade on the front lines in Iraq today. The Stryker brigade has suffered severe casualties, and they continue to serve us well.

The cost of this war has been great, over $450 billion. The United States is now spending $10 billion a month in Iraq. What we are asking is the ability to find out whether a majority of the Senate supports changing the course in Iraq. By filibustering, the other side is preventing us from finding that out. I am not saying I don't support the rights of the minority to filibuster. I do. But I also respect the strong desire by the American people to see where every Senator stands on this proposal to change the course in Iraq being proposed today. That is what the debate is about, whether we are going to see how each Senator votes on this issue. If the filibuster continues, we won't see that vote.

Some people have talked about the surge. I respect those who believe and advocate for the surge. I do not support the surge as a strategy. This Senator bought into the milestones that this body approved in the Warner-Frist amendment. I believed in a bipartisan effort of 79 Senators, in legislation that was a part of the Defense authorization act that was then signed by the President of the United States in January 2006.

The Warner-Frist amendment said, in a bipartisan fashion, what this body wanted to see happen in Iraq. It said that 2006 should be the year of significant transition. We said that 2006 is when Iraqi Security Forces should take the lead. That is when they should create conditions for a phased redeployment of United States forces from Iraq. That was the goal at the end 2006. I took those goals seriously.

The Warner-Frist amendment said we should be telling the leaders of all groups and all political parties in Iraq that in 2006 they needed to make the political compromises necessary to achieve the broad, sustainable political settlements that were essential for bringing Iraq together and defeating the insurgents. Even during that time period, President Talabani of Iraq said that by the end of 2006 they would be able to take over all 18 provinces under their security. So, yes, this Senator was greatly disappointed when those goals were not met. Again, I did not support the surge because the 2006 milestones were not met. It showed that we were not making sufficient progress in Iraq and needed a change of course.

And by any measure today, the Iraqis have not and are not making progress on the political and security benchmarks that need to be achieved. Debaathification reform, amendments to the Iraqi Constitution, the passage of an oil law—all of these things are being stymied. Only seven of the 18 provinces have acquired full responsibility for their own security, even though there are 349,000 Iraqi security forces that have been trained and equipped.

The violence continues in Iraq, everywhere from Kirkuk to Basra. This Senator wants to see a change in how we are approaching this situation. I want to see more of an aggressive effort on diplomacy and international engagement to press for political solutions to stabilize Iraq.

This is what the Iraq Study Group called for. It said:

> The United States should immediately launch a new diplomatic offensive to build international consensus for stability in Iraq and the region.

That is what the Iraq Study Group recommended. It saw that at the heart of the violence in Iraq were political disagreements causing a lot of turmoil within the country. Those disputes require a diplomatic and political solution.

I believe this is what is at the core of the Levin-Reed amendment—a strategy to press for a political solution. I know my colleagues disagree on dates and guidelines in the amendment. However, I believe in the Levin-Reed amendment, which calls for a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purposes of collectively bringing stability to that region. I applaud Senator HAGEL for including language in this amendment requiring the United States to work with the United Nations to appoint an international mediator for Iraq.

I know people believe the United States should continue to play a primary role in Iraqi disputes, but the United Nations and United Nations Security Council must have a significant role. The international community should engage in these political and ethnic issues that are stymying us. I believe it is time for the international community and the United States not to be for the long, hard slog of deployment but for the long, hard slog of diplomacy. The Levin-Reed amendment creates a framework for international engagement that has been missing.

Why do I believe this is so important? I believe this is important because I think one of the key benchmarks we are missing that has caused great consternation is the issue of equitable distribution of Iraqi oil revenue. I wish the Iraqis had successfully passed an oil law and it had stabilized the region. It is no surprise that three different regions of the country are concerned about the distribution of oil revenue. There is a lot of concern about exactly who will have control over the oil in those areas, how much oil revenue will be distributed by the federal government, and what role the new Iraqi national oil company will play. But also at the heart of this dispute are Iraqi fears that, in the draft oil law, there is a great deal of benefit for foreign oil companies. In fact, the Bush administration has pushed the current draft of an oil law that allows for the privatization of Iraqi oil.

I know that there is a dangerous perception that somehow we went to Iraq for oil. That was not something this Senator believed. However, there have been many statements that concern me. In fact, Ahmed Chalabi was quoted as saying:

> American companies will have a big shot at Iraqi oil.

Another European oil executive said:

> For any oil company being in Iraq is like being a kid in FAO Schwarz.

This Senator did not pay much attention to that, but I am paying attention now to the fact that this current draft of an oil law says the Iraqi National Oil Company would have exclusive control—that is the federal entity—of just 17 of Iraq's 80 known oil fields.

All the rest, along with all the undiscovered oil, would be open to foreign control. So the majority of oil in Iraq would be open to foreign control. Why is this such a big deal? It is important because at one time Iraqi oil reserves were seen as the second largest in the world. Today they are probably somewhere between the third and fourth largest oil reserves.

In fact, the Heritage Foundation, in 2003, released a paper advocating for the privatization of Iraq's oil and arguing that Iraq's reconstruction and privatization of its oil and gas sector could become a model for oil industry privatization in other OPEC states as well.

I know that may be attractive to people who think we should stay there and somehow glom on to Iraqi oil. This Senator does not believe that is what we should be doing.

I know that many people have mentioned former Secretary of State Kissinger's recent policy op-ed piece. He said we cannot allow the Iraqi energy supply to be controlled by a country with Iran's revolutionary and taunting foreign policy. He suggested that, if we leave and Iran takes over, they will have control of the Iraqi oil. But I would refer those who agree with Kissinger to the Iraq Study Group's conclusion:

> The United States can begin to shape a positive climate for diplomatic efforts internationally with Iraq through public statements that reject the notion that the United States seeks to control Iraq's oil or seeks to have permanent bases within Iraq.

We are sending the wrong message in Iraq if we continue to support a policy that gives the Iraqi people and the Iraqi Government the notion that we are there to try to control the oil.

Like the Iraq Study Group, I believe the international community and international energy companies should invest in Iraqi oil. Foreign expertise in investment is important to upgrading the infrastructure and boosting production. But that international involvement must come at Iraq's initiative, and the Iraqi people must decide what level of foreign participation is best for their country.

We need to send the Iraqi people, the people of the Middle East, and the world a message that is loud and clear—we do not intend to stay in Iraq for their oil. To that end, I am happy to cosponsor with my colleague Senator BIDEN a resolution that calls on us to clearly articulate that we have no intention of keeping permanent U.S. bases in Iraq or any intentions of exercising control over Iraqi oil.

Before we went into Iraq, there were a lot of people, including the Vice President, who said we would get X million barrels a day from Iraq. Former Secretary of Defense Paul Wolfowitz estimated at one point in time the oil revenues of that country would bring us between $50 and $100 billion over the next 2 to 3 years. One State Department spokesperson said oil would be the "engine of Iraq's reconstruction. No one is talking about a Marshall plan for Iraq because the oil will take care of that."

That did not happen. Today we see a bogged-down political process in Iraq because they are fighting over oil. We can move ahead, and this amendment by my colleagues Senators LEVIN and REED gives us the framework to do that. Our efforts here in the Senate are moving forward on a diversified plan to get off our overdependence on Middle East oil. They are also critically important.

I know some would say: Well, it is important that we make sure that terrorists don't get their hands on Iraqi oil money. I would remind my colleagues that a U.S. Government report that was obtained by the New York Times said many insurgents involved in terrorist attacks in Iraq are already raising $25 to $100 million a year from oil smuggling and criminal activities.

It is important to secure Iraqi oil infrastructure and for the Iraqis to resolve their disputes over oil rights.

I believe we should move ahead on a framework that has more international involvement. The United States and the international community should be trying to bring Iraqis together to reach compromises on these important issues. I believe this is something the United States can achieve.

Some people may look at the problems in Iraq, the ongoing ethnic violence, the division between the Sunnis and Shiites and the Kurds, and think it is impossible to stabilize the country. But the United States has stepped up to serious international challenges in the past and stabilized new governments that have also been plagued by ethnic violence and long histories of dispute.

How did we do it? All we have to do is look at the former Yugoslavia where the international community got together with various parties, from the European Union to Russia to NATO to countries in the region, and built a framework that ended serious ethnic violence. The civil war in Bosnia resulted in 100,000 to 110,000 deaths. While it is not on the same scale as the challenges we face in Iraq, the peace the United States was able to help achieve was nonetheless remarkable.

We must do the same thing in Iraq. We need the help of the United Nations, the Arab League, and the rest of Iraq's neighbors, and we need the framework in the amendment my colleagues Senators LEVIN and REED have authored. It would put us on a path toward a real comprehensive diplomatic and political solution for Iraq.

We deserve the chance to have an up or down vote on the Levin-Reed amendment. It is now an important time for us to realize that the benchmarks we set have not, and are not, being met. We need a change of course in Iraq. We need to have more involvement by the international community in solving the political problems on the ground. The Levin-Reed amendment would make a strong statement about what the U.S. hopes to achieve in stabilizing the Iraqi government. And we need to put to rest the notion that the United States will stay in Iraq for oil or for permanent U.S. bases. We cannot continue in an endless combat role in Iraq.

We need to change the course, and we can have a policy that allows us to do that by holding an up or down vote on this amendment today.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Maine.

Ms. SNOWE. Mr. President, first of all, I express my profound gratitude to my friend and colleague from Arizona, Senator MCCAIN, the ranking member of the Armed Services Committee, for his unsurpassed and exemplary leadership on so many defense and national security issues throughout his distinguished career.

I rise to speak to the monumental, consequential matter before us with regard to the future course of the United States and our courageous men and women in Iraq, and specifically to express my support and cosponsorship of the amendment that is presently before the Senate that has been authored by the chairman of the Armed Services Committee, Senator LEVIN, and Senator REED of Rhode Island. I thank them for their hard work and outstanding leadership on this historic matter.

I recognize that none of us arrives at this debate lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. Indisputably, a myriad of deeply held beliefs were expressed on those pivotal matters—some in concert, some complimentary, some in conflict. Yet, without question, all were rooted in mutual concern for and love of our great Nation. Without question, that remains so today with the various proposals that are before us.

I remind my colleagues in the Senate that the framework that has been embraced in the amendment authored by Senator LEVIN and Senator REED is one that is not without precedent throughout our history in the actions taken by this institution in previous conflicts. So it is not a departure from precedent but very consistent with precedent in the past. Where we make decisions to impose our imprint on a longstanding conflict is obviously of critical consequence to this Nation.

In my view, 4½ years following the commencement of our military operations in Iraq, and 6 months after the troop surge was announced and was initiated, we now stand at the crossroads between help and reality with respect to the Iraqi Government's ability or even willingness to achieve national reconciliation for its own country and its own people.

The time has come to address that reality. The time has come to determine if our military and our strategy should continue on the basis of perpetually hoping the Iraqis will succeed or whether they actually possess the desire and the drive to place their national interest above their sectarian ambitions.

In my considered examination and analysis, taking into account my visits to Iraq—most recently in May—the facts and information we already have had at hand, the record of serial intransigence on the part of the Iraqi Government regarding its inability to forge the political underpinnings essential for national reconciliation, and the fact there is universal agreement that a military solution alone is not possible, I believe a dramatic and fundamental change in our strategy in Iraq is essential and that Congress must require it based on that reality.

Because while the hands of time have now advanced in what has been described as sort of the 11th hour for Iraqi political reconciliation, in fact, in many ways, I see progress has moved in a regressive fashion. We can no longer afford to place more American service men and women in harm's way to instill a peace that the Iraqis seem unwilling to seek for themselves.

I do not come to this conclusion casually or abruptly. Far from it. Indeed, following the President's address to the Nation in January, in which he unveiled a "New Way Forward in Iraq" through primarily increasing troop levels, I was among the first to publicly oppose that plan. In my view, it addressed neither the root cause of the violence in Iraq that was fueled by longstanding and deep-seated sectarian conflicts, nor the failure of the Iraqi Government to either demonstrate the will or capacity to quell that sectarian violence.

It is incumbent upon the Iraqi people and their Government to work toward their own national unity. At that juncture, when we were about to assume even greater risk on behalf of the future of Iraq, there was, frankly, no compelling evidence that the Iraqis were willing to assume similar risks for a united future that only they can truly secure.

Therefore, I then joined my colleagues Senators BIDEN, LEVIN, and HAGEL, in introducing a Senate resolution that opposed the surge and instead would have urged the President to increase our counterterrorism efforts, maintain the territorial integrity of Iraq, promote regional stability through a renewed diplomatic offensive, and continue the training of the Iraqi security forces—all without withdrawing precipitously.

I said at the time that it was essential for the Congress to make our voices heard in a policy that has significant implications not only for our Nation and the Middle East but, indeed, the world community. I believe our bipartisan proposal would have offered a clear expression for a new strategy that would have compelled, in the words of the resolution itself, "the Iraqi political leaders to make the political compromises necessary to end the violence." Unfortunately, the measure did not generate sufficient support at the time, and now we find ourselves confronting a similar situation only 6 months later.

In May, I traveled again to Iraq, where the good news was mixed and the bad news was deeply disturbing. First and foremost, I want to say our troops were performing superbly and courageously and in an extremely complex and challenging environment. I am certain every Member of this body would agree when I say the men and women fighting for this great Nation are integral members of the most professional and dedicated military the world has ever witnessed. So there is no question—no question—of our troops' heroic commitment.

Indeed, I witnessed the improved security situation, as has been mentioned many times on the floor, in Ramadi. I was part of the first congressional group to travel into downtown Ramadi and visit a joint security post. In that city, the tribal sheiks and the Iraqi forces have begun to work in conjunction with our own forces to fight a common enemy, and that common enemy is al-Qaida. We know the success, and clearly it was a model of success and cooperation. However, we also were told that what worked in Anbar might not necessarily work in the other provinces, that the threat varies from province to province, as we have already discovered. The threat varies from city to city, and the threat is multidimensional. What we have witnessed in Anbar where the "enemy of my enemy is also my enemy" does not necessarily suggest that it can apply across the board and may not be a model that can be replicated in other provinces and in other cities. Certainly, we should use it where it can work and can be applied, but certainly it may not be possible in all of the other areas within Iraq, because the common enemy within al-Anbar was, of course, al-Qaida.

So I happen to believe it is abundantly apparent that we must send a strong message to the Iraqi Government that by linking our continued strategy in Iraq to the level of progress they made in attaining the political benchmarks they themselves had agreed to were so central to securing an Iraqi Nation. After all, by the President's own account, the Baghdad Security Plan, the surge, was designed to be the final window of opportunity for the Iraqis to institute those benchmarks. They had to know it was a window we would close if they did not act with commensurate urgency.

That is why, upon my return from Iraq, I, along with my colleague, Senator BAYH from Indiana, introduced bipartisan legislation that would have required the Iraqi Government to meet the benchmarks outlined by the Iraq Study Group and the administration. If the Iraqi Government failed to do so, our bill directed that the surge forces would redeploy and the remaining forces would transition to a far more limited mission that included the training and equipping of the Iraqi forces, assisting the deployed Iraqi brigades with intelligence, transportation, air support, and logistics, protecting U.S. and coalition personnel and infrastructure, and maintaining rapid reaction teams to undertake counterterrorism missions against al-Qaida.

I argued in May that we are at a critical juncture and that we were at a point where we must be pivoting toward a policy that responsibly brings us to a resolution on the future course of America's involvement in Iraq. I believed at the time the bipartisan legislation that I introduced with Senator BAYH would place the onus and the burden rightfully where it belongs—on the Iraqi Government and its political leaders to enact and to implement the benchmarks that, again, they themselves had pledged to achieve.

Our legislation would have required General Petraeus to come before the Congress and testify 14 days following his September report and, if the political benchmarks had not been met, to submit a plan on phased redeployment of the surge troops associated with the Baghdad security plan and a change in mission for all of the troops, consistent, again, with the recommendations set forth by the Iraq Study Group report.

Senator BAYH and I crafted the bill with the intent of garnering bipartisan support and called for not a mandate but, rather, an objective of completing the transition and redeployment 6 months later—which would have been approximately the end of March 2008.

As I said at the time, we cannot further countenance political intransigence on the part of the Iraqi Government, while our men and women are on the front lines confronting sacrifices and making sacrifices each and every day. I am pleased that many elements of the Snowe-Bayh bill were included in the measure that was drafted by our esteemed colleague Senator WARNER, which was incorporated into the supplemental legislation which the Senate passed on May 24 and that became law, which established the 18 benchmarks to evaluate the performance of the Iraqi Government.

Yet here we are now, nearly 2 months from the passage of that supplemental, and coming off the bloodiest 3-month period for American troops since the war began, with 331 deaths in that period, and more than 600 since the surge began. And yet, as last week's White House interim report only underscored, there still has been no significant progress on any of the political benchmarks whatsoever.

Among other failures, they have not passed an oil law which fairly divides oil revenue among Iraq's ethnicities and religious sects. Last month, the largest Sunni political grouping announced its four Cabinet ministers were boycotting the Government and were withdrawing its 44 members from the Parliament, and there was a "no confidence" vote scheduled to take place even against Prime Minister Maliki. Perhaps most incredible, given this stunning lack of progress, is the fact that the Iraqi Parliament will not be in session for the entire month of August.

That effectively means that the Iraq Parliament—even assuming—even assuming—they can attain the required quorum to conduct their affairs given that in the past 2 months, the Parliament has had considerable difficulty obtaining a quorum and has rarely had enough members in the chamber to vote—has another 3 weeks remaining in session before the month of September arrives; all the while, our soldiers continue the battle, while the Iraqi Government will take a recess, having failed to make significant progress on any of the benchmarks included in the supplemental bill we passed 2 months ago.

These stark facts have led our top military, diplomatic, and intelligence officials in Iraq to the conclusion that the political reconciliation which the surge was meant to facilitate is not being undertaken. Last month, General Petraeus stated that conditions in Iraq will not improve sufficiently by September to justify a drawdown of U.S. military forces.

Thomas Fingar, the Deputy Director of National Intelligence and chief of the National Intelligence Council, testifying before the House Armed Services Committee last week, stated that while the government of Prime Minister Nouri al-Maliki has made "limited progress on key legislation," that "scant common ground between Shias, Sunnis and Kurds continues to polarize politics." Mr. Fingar even stated that the majority Shiite bloc that Maliki heads "does not present a unified front."

Let us also consider the words of key Iraqi leaders themselves, which are even more disturbing and telling. Indeed, Iraq's foreign minister said recently that "These are not your benchmarks, these are our goals. Why do you make it yours?" This, despite the fact that American troops are selflessly risking and giving their lives to make it possible for such officials to achieve the political, economic, and security benchmarks which were agreed to in September of last year by Iraq's Political Committee on National Security and reaffirmed by the Presidency Council on October 16.

So, frankly, given statements such as these, it is not a surprise that, last week, the administration issued a report—the interim report—that found that the Iraqi Government had failed to accomplish any of these political objectives the Iraqis themselves set.

Let's look at those deadlines and those goals and the track record.

In October 2006, provincial elections law, a date for provincial elections, and a new hydrocarbon law—the new oil revenue-sharing law—were supposed to be approved. But that deadline came and went.

A debaathification law and a provincial council authorities law were to be enacted in November. But that deadline came and went.

In December they were to approve a law demobilizing and disarming the militias. But that deadline came and went.

The Constitutional Review Committee was to complete its work in January, independent commissions were to be formed in February, and a constitutional amendments referendum was to be held, if required, in March. But those deadlines also came and went.

What does it suggest when a U.S. official—and actually it is incorporated in the interim report—recently observed that political reconciliation is largely trailing any advances in security—calling it a "lagging indicator"? But if the Iraqi Government were truly serious, shouldn't concrete steps toward reconciliation be the predictor—shouldn't it be a leading indicator—of an inner fortitude and intention to accomplish those benchmarks that are supposed to be happening in tandem with the surge—if the surge was designed to be that window of opportunity, to give the breathing space to the Iraqi Government to create the conditions on the ground that will allow them to make the political compromises so essential to unifying their country?

Security will only come through a belief by the Iraqis that they will have a political and economic future. That is why Iraq's fate is in the hands of the Iraqi leadership and its Government. The only way they will be able to secure their future is to be able to quell the sectarian violence, to integrate the minority population, to create power-sharing arrangements to diffuse the sectarian conflicts. In that way only can Iraq maintain its integrity as a unitary state.

So I ask, if the intelligence community assessed in February that "with the current winner-take-all attitude and sectarian animosities affecting the political scene the prospects for reconciliation are bleak"—that is the intelligence community's assessment—and General Petraeus stated in March, "there is no military solution" and that "a political resolution . . . is crucial," and the general is quoted in the Air Force Times last month saying "counterinsurgency is roughly . . . 80 percent political," as codified in his own counterinsurgency manual—and the interesting part about that is in that manual General Petraeus states that the host nation has to win it on its own, and that is exactly what the surge was all about; it was to allow them to accomplish those key political goals that would demonstrate to the Iraqi people they had a government that was representative of all the people and not just a few—and the Iraqi Government has failed to accomplish these political benchmarks that were established by their own leadership and the Government of Iraq, then doesn't it make sense to begin to choose an alternative course? Because it is difficult to see the wisdom of this current strategy without holding the Iraqis accountable, the time has come to stand up and to speak out on behalf of the American people to say that the current strategy is unacceptable and the moment has arrived to change that direction.

That is why I have joined with Senators LEVIN and REED on a bipartisan basis because in my view, given the record of demonstrated inaction on the part of the Iraqi Government, we are now beyond nonbinding measures. That is what we have accomplished in the last 6 months. We considered nonbinding measures. But now we are a mere 2 months from General Petraeus's September report, with no demonstrable evidence to suggest political progress. What time is more important than now, as we consider the pending Defense authorization bill, to maximize our voice and opportunity to send an unequivocal message that if the Iraqis fail to chart a different course politically, then we will chart a different course militarily?

The fact is, America requires more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation. We must see demonstrable results. That is why we are at this critical juncture. That is the answer to why now and why wait until September. Because given all we know, I happen to believe we cannot lose precious time in delivering an unmistakable message that the

Iraqi Government must take the consensus-building measures necessary for reconciliation.

For those who characterize this bill as tantamount to a precipitous withdrawal, let me say it is neither precipitous nor a withdrawal. I urge my colleagues to read the legislation, to read the amendment that has been drafted, to actually look at the language. I think it would be worthwhile, because I have heard mischaracterizations of what this legislation would accomplish. This legislation would result in redeployment, a change in mission, and reduced forces, but it does not suggest—it does not require—a precipitous withdrawal. In fact, it does not do that. It would reduce our troops and change our mission, beginning 120 days after passage, while specifically allowing the troops to remain for critical missions such as counterinsurgency and attacking al-Qaida, providing force protection, as well as training the Iraqis—again, goals that are very consistent with the Iraq Study Group.

I think it is very important for Members of the Senate to read—to actually read—the language which has been incorporated in the amendment that is pending before the Senate, because it requires a very different mandate than has been described here on the floor of the Senate. It is not a precipitous withdrawal. In fact, it allows the discretion to maintain troops by the commanders in order to complete those missions as described in the amendment that would allow us to continue to train the Iraqis and to fight al-Qaida.

Some of my colleagues have also opined that this proposal will limit the President's ability to conduct the war on terror. Last week we heard the President state that we are working to defeat al-Qaida and other extremists and aid the rise of an Iraqi Government that can protect its people. Well, again, this amendment rightly does nothing to detract from that objective. In fact, as I said, the amendment defers to the commanders on the group to determine the number of troops and forces necessary to fight al-Qaida.

Specifically, the amendment empowers the Secretary of Defense to deploy and maintain members of the Armed Forces in Iraq to engage in targeted counterterrorism operations against al-Qaida, al-Qaida-affiliated groups, and other international terrorist organizations, which encompasses maintaining Iraq's territorial integrity against terrorist groups, including those backed by foreign countries. So that is the reality of the language which has been included in this amendment that is pending before the Senate—not as some have described.

Furthermore, this measure would not take effect until 120 days after the passage of this legislation—after the passage of the Defense authorization. Let me note that in the last 4 years, the earliest approval of the National Defense Authorization Act occurred on October 17. That was the earliest date in which it became law in each of the last 4 years. So this isn't rash. This is reasoned, and this is responsible. Indeed, the language crafted by Senator HAGEL in the amendment also seeks to internationalize our effort by calling on the U.N. to appoint an international mediator in Iraq and that the auspices of the United Nations Security Council, which has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq, and include them in the political process. This mediator will seek to bridge the divide between the competing sects to bring stability to Iraq and prevent a spillover into a civil war.

The Levin-Reed amendment specifically states it shall be implemented as part of a comprehensive, diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purposes of working collectively to bring stability to Iraq. As the Baker-Hamilton report concluded, Iraqi political accommodations can be achieved only within a constructive regional framework supported by the international community, a statement that I believe highlights the necessity now in the United States to refocus its policy, its leadership, and its resources on directly helping the Iraqis to establish an inclusive political framework to begin to diffuse the violence.

Finally, to those with concerns about the April conclusion date included in the Levin-Reed amendment, let me also point out this is not an arbitrary date the Congress imposed but, rather, it reflects the reality on the ground. The ability to maintain this large force in Iraq becomes virtually impossible because of the overall size of the Army. We cannot sustain current troop levels in Iraq indefinitely. General Peter Shoomaker, the prior Army Chief of Staff, testified before the Senate Armed Services Committee in March that sustaining the troop increase in Iraq beyond August would be a challenge, he said. In fact, Andrew Krepinevich of the Center for Strategic and Budgetary Assessments, told the Senate Armed Services Committee in April that our ground forces, the Army in particular, are "broken" or in danger of "breaking." The reality is that without significantly changing the force structure or employing a "different force mix," we must begin to redeploy.

The bottom line is this is a defining moment. It is a defining moment for America's policy in Iraq and it is a defining moment for the Senate—indeed, the entire Congress—as to whether we are now prepared to assert our legislative prerogatives and authorities that are not without precedent, as I said earlier, to direct a different course and to alter our strategy—a strategy that reality warrants and demands. The decision before us is one of grave consequence because it is a matter of war. It demands that we look past the rhetoric and the partisanship which often enshrouds and clouds many of the most significant issues of our time, and that is certainly true with respect to this war.

We expect passion to run high, but I hope it doesn't create the inability on the part of our collective wisdom and desire to do what is right and what is best for our country and for the men and women in uniform who are on the front lines each and every day performing magnificent sacrifices, as we all well know, with the loss of lives we have experienced in each of our States across this country. Frankly, if it weren't for those men and women, you know, we wouldn't be the greatest Nation on Earth, because they have woven the fabric for greatness for this country throughout the generations.

So I would hope that at this moment in time, we can rise to the occasion and that in spite of the spirited debate, we can come together to try to resolve this major question, because that is what the American people want. That is what my constituents want in the State of Maine. They are hoping and praying we can come together and unite and to do what is right for this country at this most challenging and vexing and consequential moment in our Nation's history. I hope we can live up to the moniker of the Senate as the world's greatest deliberative body, because certainly that moment is upon us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank the Senator from Maine. I know she has thought long and hard about this issue, and I appreciate her thoughtful remarks. We are respectfully in disagreement.

I wish to make a few points, and then I know the Senator from Michigan and others are waiting. I intend to, I tell my colleagues, exercise my right of recognition as we go from speaker to speaker, as we are at 10 minutes of 3 in the morning.

The Senator from Maine and others have described this amendment in ways I don't quite agree with, including, among other things, some confidence in the United States permanent representative to use the voice vote and influence the United States and the United Nations to seek the appointment of an international mediator in Iraq under the auspices of the United Nations Security Council. I am not prepared to put the future of Iraq under an international mediator of the United Nations Security Council. The United

Nations Security Council's record has not been very good, whether it be Iran, North Korea, or other crises, including Bosnia where we had to go in basically and bail them out.

In this resolution, I would call to the attention of my colleagues that it says: After the conclusion of reduction in transition, the United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions, and the third one is engaging in targeted counterterrorism operations against al-Qaida, al-Qaida-affiliated groups, and other international terrorist organizations.

How do you do that? How do you do that? There are some people planting IEDs who are going to kill our troops, and you say: Excuse me, sir. Are you al-Qaida or are you a Shiite militia? Oh, you are a Shiite militia? Excuse me.

What is that all about? That is one of the most unrealistic scenarios I have encountered in warfare. There is a degree of naivete associated with this resolution which is a disconnect between the reality of how warfare is conducted and the utopian United Nations Security Council international mediator. Our troops can be there in Iraq in diminished numbers, but they can only engage in targeted counterterrorism operations against al-Qaida. So I guess al-Qaida would be required to wear T-shirts that say "al-Qaida." In that way, we would know, and it would be OK—it would be OK: You are al-Qaida? OK. A Shiite militia? Do whatever you think.

It was al-Qaida that blew up the Golden Dome mosque in Samara. Following that was horrendous sectarian strife. We are finally getting around—finally, belatedly—to asking those who want this withdrawal and who support this resolution to tell us what happens if this strategy fails, if the pullout fails. I quote from today's Los Angeles Times. It says:

> Many lawmakers who have pushed President Bush to bring troops home from Iraq have not developed plans to deal with the violence that could follow a pullout, interviews with more than two dozen Democrats and Republicans show. Many of them acknowledge that Iraq might plunge into vicious sectarian fighting, much like the ethnic cleansing that consumed Bosnia a decade ago.

They acknowledge that Iraq might plunge into sectarian violence that consumed Bosnia, which was so offensive that we went into Bosnia to stop it, but if it is in another part of the world, then we won't go in. In fact, the article goes on to say:

> "I wouldn't be surprised if it is horrendous," said House Appropriations Committee Chairman David Obey, Democrat, Wisconsin, who has helped lead the drive against the war. "The only hope for the Iraqis is their own damned government, and there is slim hope for that."

More incredibly, the article goes on to say:

> Some proponents of a withdrawal decline to discuss what the United States should do if the violence increases. "That's a hypothetical. I'm not going to get into it," said Senate majority leader Harry Reid.

Senator REID is the one who announced on the floor of the Senate that the war was lost. If the war is lost and we are going to pull out, what is hypothetical? What is hypothetical about assessing the consequences of this withdrawal?

> Many Democrats, however, believe that any increase in violence would be short-term and argue that a troop drawdown eventually would lead to a more stable Iraq and Middle East.

I know of no expert who agrees with that statement. I know of no one. In fact, the Secretary General of the United Nations, not exactly known as a strong supporter of the war in Iraq, said:

> I would like to tell you that great caution should be taken for the sake of the Iraqi people. The international community cannot and should not abandon them. Any abrupt withdrawal or decision may lead to a further deterioration of the situation in Iraq.

That is a statement by the Secretary General of the United Nations.

I know my colleagues are waiting, but I wish to point out again another fact. General Petraeus came before the Senate Armed Services Committee on January 23, 2007. General Petraeus at that time articulated the strategy which would be employed and needed to be employed and needed to be given time to succeed. In fact, General Petraeus was asked at his confirmation hearings, which was later ratified by this body by a vote—without a dissenting vote:

> General Petraeus, in your view, since you have been intimately involved in Iraq from the beginning, suppose we announced tomorrow that we would withdraw within 4 months to 6 months. That happens to coincide with the 120 day withdrawal that we are talking about here. What are the results there in Iraq and in the region?
>
> GEN Petraeus: Well, sir, I think that sectarian groups would obviously begin to stake out their turf, try to expand their turf. They would do that by greatly increased ethnic cleansing. There is a very real possibility of involvement of countries from elsewhere in the region entering Iraq to take sides with one or the other groups. There is a possibility certainly of an international terrorist organization truly getting a grip on some substantial piece of Iraq. There is the possibility of problems in the global economy should in fact this cause a disruption in the flow of oil and a number of other potential outcomes, none of which are positive.

That is what General Petraeus said at his confirmation hearings. Everybody confirmed him. Everybody knew in this body what the mission was, what they intended to do, what the strategy was, and here we are a few months later pulling the plug, or attempting to pull the plug, on what General Petraeus wants to do.

I am proud of the United States of America that we went to Bosnia and stopped the ethnic cleansing. I am proud the United States of America went to Kosovo and stopped ethnic cleansing. I am ashamed we haven't gone to Darfur in some way and effected the stop of ethnic cleansing there. I am ashamed we didn't stop the slaughter of hundreds of thousands of people in Rwanda, and so are all of us. That is a majority opinion in this country and in this body. But now—but now, in the case of Iraq:

> I wouldn't be surprised if it is horrendous.

"I wouldn't be surprised if it is horrendous." That is what we are condemning the people of Iraq to. And on the other side, the majority leader of the Senate—and I apologize, because I will ask him about it again on this floor:

> That's a hypothetical. I'm not going to get into it.

Now, I don't know of anybody who believes that is a hypothetical. The fact is, when we leave there is going to be a vacuum, there is going to be chaos, and there is going to be genocide. I can quote on the floor Henry Kissinger, Brent Scowcroft, General Lynch, General Petraeus, literally—General Zinni, those who oppose our presence in Iraq opposed the initial invasion, and yet believe that at least we should face up to and begin to address the consequences of withdrawal. It is not hypothetical. It is not hypothetical.

I appreciate the courtesy of my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President.

At this 3 o'clock hour in the morning, I think it is important to refocus on exactly what the vote will be in the morning as it relates to the issue in front of us, the Levin-Reed amendment. First, let me do this. Let me thank Senator SNOWE, who was here a moment ago, for her eloquence and her courage in laying out the facts, and for her thoughtfulness. I wish to thank our Senate majority leader, Senator REID, who has been laser focused on what, in fact, we need to be doing to change the course in Iraq based on the facts, based on the iron will of the American people.

I appreciate all he has done to keep us focused on this critical issue of our time.

I also thank Senator CARL LEVIN, my senior Senator from Michigan. We are very proud of him in Michigan for all he does, advocating for our troops and for a foreign policy and an armed services policy that makes sense for our country, for all of us. I thank Senators LEVIN and JACK REED for introducing an amendment that is currently being filibustered.

What we have in front of us and what we are doing is demonstrating through this all-night debate—which is very important, regardless of where someone comes from on this issue; it is very important that we have this debate and discussion. I appreciate all of my colleagues expressing themselves. What we have in front of us is the question of whether we are going to end a filibuster tomorrow, and whether we are going to have an opportunity to have a simple majority vote—a yes-or-no vote—on a change in direction in Iraq, which would in fact change the mission by next year, by April 30 of next year. I find it amazing that our men and women right now who are fighting for democracy, fighting for majority rule—to put together a coalition to create a working majority and that the majority should rule. Yet here we are not allowed to have the majority make the decision—a majority being 51, or in this case 50 at the moment, being able to vote and determine what the policy is.

Last week, we had a very significant debate and issue in front of us that Senator WEBB from Virginia brought forward in terms of supporting our troops, supporting them as it relates to the deployment and redeployment policies right now for our National Guard and our full-time military. There were 56 members—a clear majority of this body—who voted for that policy, that change in policy. So if you are deployed for 12 months, you would be home on dwell time for 12 months with your family and with an opportunity to be retrained, to regroup, in order to be able to go back. Fifty-six members, a clear majority, said yes. Yet we were stopped. Why? Because our Republican colleagues insist on filibustering and not allowing a vote.

We are saying to the other side of the aisle, let us vote. Let us do what we assume everybody in the American public assumes in a democracy with a majority, that the majority would have their say, that whoever is in the majority has an opportunity to win a vote. But that is not the case anymore in the Senate. We are not talking about 50 or 51 but 60. So we have in front of us a filibuster that is going on as to whether we will even vote on a policy that has a majority of this Senate, and it is clearly supported by a majority of the American people.

(Mr. DURBIN assumed the Chair.)

Ms. STABENOW. Mr. President, there are no good wars or bad wars; there are only necessary wars or unnecessary wars. Five years ago, I was proud to stand along with the distinguished Presiding Officer on the floor of this body and argue that going into war with Iraq was unnecessary. It wasn't an easy day for any of us. No burden weighs heavier on the shoulders of any one of us than questions of war and peace. We deliberate countless and important issues in this Chamber, but none are as serious as sending America's sons and daughters into harm's way. I stood here that day in October and said this is a vote of conscience, also a vote of historic consequence, because what we debate and decide here will not only significantly affect this great Nation, but will immediately influence global events for years to come. No matter how difficult the decision may be, it is one each of us must make for the sake of our country. We have an obligation and a duty to carefully weigh the consequences of a preemptive attack. I went on to say that before we engage in war, we must understand that the results of war are irrevocable and a peaceful solution should always be our first choice.

Today, we are living with the consequences of this war. We will continue to live with those consequences in our communities, in terms of young lives lost and shattered, and families who will never be whole again, and the emptiness left by neighbors who gave their last full measure in this fight. As a nation, we will live with these consequences for years to come as we face a world we shaped by this unnecessary war—a world in which we must now deal with a reinvigorated al-Qaida and a less stable Middle East today than when the first American tanks rolled into Baghdad.

We cannot go back and change the mistakes and missteps that have brought us here, but we can and we must begin to dig ourselves out of the hole that we have dug in Iraq. We can and we must embrace a strategy that brings our troops home safely and responsibly. We can and we must make the tough choices to end this war.

Twenty-three of us stood up against the war on that October afternoon. Today, there are more of us. We have all watched the events of the last half decade play out in front of us. We have watched the violence and the horror of modern war play out on our television sets. We have listened over and over again as the administration's rhetoric has become more and more detached from the reality of what is going on in Iraq. What were merely predictions and concerns in 2002 have today become reality. Militarily, we are paying the price every day for the administration's neglect in planning for the aftermath of initial combat operations in Iraq.

Our troops are fighting and working in extreme conditions. They face an enemy they often cannot identify, one that has shown a total disregard for human life and a willingness to sacrifice themselves, their families, and innocent bystanders merely to inflict damage on American forces and innocent Iraqi citizens. Every day, they face an environment to test their physical limits, in 100-plus degree heat. We know it is very hot now. Those of us who have been to Iraq understand the kind of conditions with the heat and the sand and the conditions that are happening there that are, in many cases, unimaginable. They face an Iraqi Government that refuses to take responsibility for the future of the people of Iraq, one that leans on American forces instead of effectively partnering with them to allow our forces to step back and Iraqi security forces to step into the front line.

Our fighting forces are stretched to their limit. They are getting the job done and they are bravely doing that. We are proud of them. But by forcing multiple redeployments without proper rest, this administration has let them down. We have alienated countless foreign allies, squandered the international good will that was at our fingertips after the attacks of 9/11. We turned Iraq into a breeding ground and training school for terrorists, providing international rallying points for extremists. There was not an organized presence of al-Qaida in Iraq until this administration chose to invade.

The administration's own National Intelligence Estimate, released today—yesterday at this point—specifically notes that "al-Qaida will probably seek to leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate and the only one known to have expressed a desire to attack the homeland."

This NIE reveals the sobering truth. Not only has this unnecessary war not increased the safety of the American people, but al-Qaida's recovery is a direct result of this administration's decision to invade Iraq. Meanwhile, conditions in Iraq have spiraled. The daily headlines of our newspapers seem to be ripped from the pages of a Greek tragedy: Suicide bombers; civil war; American soldiers unable to tell friends from foes; units serving second and third and now even fourth redeployments; American troops returning home physically mangled, emotionally drained, and psychologically injured; lives and families changed forever.

Five years ago, Americans had never heard of an IED or a traumatic brain injury. They are now part of our everyday news. We have paid the price in American lives—3,613 dead and 26,806 wounded. We have paid the price in misdirected resources. The billions we have spent in Iraq represent countless missed opportunities here at home, opportunities to strengthen our communities, schools, and hospitals, to create jobs and support our families. When I think of the fact that the latest numbers are now $12 billion a month being spent, and we will debate next week a children's health care plan that we want to fund at $10 billion a year—$12 billion a month versus $10 billion a year to cover every child of a working low-income family who doesn't have insurance in America—this is wrong.

We have also paid the price with our international reputation. America, the world's moral leader, has lost the faith of too many. The hearts and minds we needed to win have too often turned their backs on this administration's arrogance. For too long now, I have watched the Republican leadership engage in legislative games and political posturing to avoid taking an up-or-down vote on this war.

That is what we are asking for. Let us vote. Stop the filibuster and let us vote. They have turned their backs on their responsibilities to the people who elected them and to our troops—most important—and their families because they don't like that they may lose a vote. I have stood on the floor of the Senate time and again to voice my opposition to the war.

Sending more Americans into combat without a strategy for success will not improve the situation on the ground, and it will not bring our men and women in uniform home any sooner. Only the Iraqis can secure Iraq, and American troops cannot be seen as a substitute for Iraqi resolve.

The so-called surge has done nothing but reinforce this reality. We are rushing more American troops into combat every day and not seeing the increase in security that is needed. Why would we go farther down the path that has led us to this point? Why? Why would we repeat previous mistakes and call it a new strategy?

This administration failed our troops by committing them to this war without a clear reason or goal. This administration failed our troops by not having a clear mission for our armed services in Iraq. This administration has failed our troops by not providing the proper equipment, body armor, and logistical support for our forces. They failed our troops with poor planning for the invasion of Iraq and their total lack of planning for how to secure the country. They have failed our troops by sending them back into harm's way over and over and over again, without the proper rest between redeployments.

Our armed services have traveled a tough road since we invaded Iraq. They have shouldered a heavy burden with pride, patriotism, confidence, and honor. We have asked extraordinary things from them at every turn, and at every turn they have delivered magnificently. They have made us all proud. They have faced tough situations. They have made tough choices and done their duty. Now we need to do what is right for them.

Unlike the President, all of us go home and face our constituents—our neighbors. We see them at church, at the grocery store, at the kids' schools, and at events all over our States. They sent us here to be their voice. As we know, this is not Washington, DC's war. We may set policy here, we make speeches here, we take votes here, but this is America's war. The men and women putting their lives on the line in Iraq every day are from every size town and city—from farms and factory towns. There is no red or blue America when it comes to the war in Iraq. War knows no political party. Americans do not watch their nightly news or read about the troops that didn't make it home in their local papers and think, well, I am a Republican or a Democrat. They think I am an American, I want a change, I have had enough. Enough is enough.

We sit here in this historic Capitol while Republican colleagues filibuster and stop the Senate from voting yes or no on a proposal to change course and end this war. While we do that, communities across the country bury their loved ones, schools hold vigils for alumni laid to rest too young, churches comfort parishioners who have lost sons, daughters, husbands, wives, mothers, and fathers.

We are the voices of these communities, of these towns and cities and counties. We were elected with their sacred trust to come to Washington and speak out for them, to make our mark for them on the issues that face them and face our country.

By continuing to stonewall a vote on this Levin-Reed amendment, the Republican minority has stripped all Americans of their voice in this debate. They have said to the people who elected us that this issue of war is not important enough to have their elected representatives vote yes or no on the substance.

Too often in the white noise of politics, we lose sight of the responsibilities we bear. We get bogged down in the politics of partisanship and lose sight of why we were elected.

I believe we owe it to the American people to take this vote—take the vote—not to just stop the filibuster but to have the vote on the policy. There is nothing more important or more pressing to the people of this country right now than this war. It is the responsibility of the Congress to engage in shaping the policy concerning the war on behalf of all of the American people.

The Levin-Reed amendment is as simple as it is necessary. It sets a firm start and end date to transition the mission and begin the reduction of U.S. forces, beginning 120 days after its enactment and completed April 30 of next year, 2008.

The amendment limits the U.S. military mission after April 30 to counterterrorism, training of Iraqi security forces, and protection of U.S. personnel and assets.

Finally, it requires that the reduction in forces be part of a comprehensive, diplomatic, regional, political and economic effort, and it appoints an international mediator to bring together the warring factions.

The President's strategy in Iraq has not worked. This war was started on a false rationale. It was executed based on false assumptions. It has led to heartbreaking consequences.

Supporters of the war in Iraq have claimed that one of their goals is to spread democracy throughout the region—an ironic statement considering they are stifling the democratic process right here on the floor of the Senate. This issue is too serious not to take an up-or-down vote on changing policy. The American people want to bring our sons and daughters home. It is our job to vote yes or no and let them know where we stand, not to use parliamentary procedural votes to stand in the way of the people's will.

I have said it before and it remains true tonight: History will judge this administration on how they have waged this war. History will judge us on how we end it. We have all walked different paths to get to this point. Many of us were here when the war began. Some have joined this body in the intervening years. Many who today stand with us were once for the war. None of that matters at this point. What matters is the facts and what we are prepared to do about them. Are we prepared to stand up to the White House and say enough is enough? Enough is enough.

It is morning in Baghdad right now, and our troops are waking up or are on duty, another day on the front lines. The unpleasant truth is that too many American men and women will be wounded today while doing their jobs. Odds are that some will lose their lives in service to their country. But they are there, focused on their job. They are focused on their duty. They assume we are back here focusing on the mission and the strategy and making sure we get it right. They are counting on us to get it right, as they are focused on their jobs every day. They are getting the job done. Everybody who woke up in Iraq this morning and put on the uniform is a hero. Every day we let this war drag on is another day they are fighting without a strategy that works for them. We should all be able to agree that is simply unacceptable.

I would like to close with the same words I closed with in October of 2002. We have witnessed a lot in the last 5 years, but these words are as true tonight as they were then:

> We are a strong and powerful nation, made that way by our willingness to go that extra mile in the name of liberty and peace. The time is now for us to work together in the name of the American people and get it right.

I urge my colleagues to vote to end the filibuster and support the Levin-Reed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we are indeed dealing with a serious subject that gives us all great pause and concern. I know my colleagues have had a sign that they have put up: Let us vote. I think it is important to recall that 53 days ago, we voted. We voted in this Congress to authorize and appropriate the funds to execute the surge that General Petraeus is right now executing in Iraq. That is what we did. It was a vote of 80 to 14. Less than 2 months ago, we voted to do that. Many of the speakers tonight saying we must withdraw right now, we must have a new strategy, have forgotten that when we cast those votes 53 days ago, we were executing a new strategy then. Are we now going to have another one?

Virtually all of the individuals who spoke voted for that funding, voted knowing that General Petraeus would lead this surge and voted knowing that we would be having a report in September and we could work through that report to decide how we would conduct this war in the future.

The Levin amendment is, indeed, a very important amendment. There is nothing small about this. It is critical. It requires our full attention. We must recognize that. I do believe it is inescapable that the Levin amendment calls for a precipitous withdrawal from Iraq. Those troops not withdrawn will be directed by this Congress today by this vote on how they will conduct operations in Iraq. As our distinguished colleague, the Senator from Arizona, said, we will be telling our soldiers what they can and cannot do, whom they can and cannot wage war against, and how they will be conducting it. A group of politicians in an air-conditioned room sitting in Washington developing a political compromise is going to tell commanders how to deploy our soldiers in the field. So the issues have special urgency because right now American soldiers, sailors, airmen, and marines are in harm's way.

No one is afraid to stand up to the President. Our challenge is to do the right thing, the right thing for America, the right thing for our soldiers, the right thing for history. I believe my colleague from Michigan said we will be judged on how we leave. I was thinking the other day about that phrase someone said: Nothing so became them save their manner of leaving. I would alter it somewhat and suggest that someone might say: Nothing so ill became them save their manner of leaving. If we do it wrong, if we do it in a way that leads to mass slaughter or disorder, death, instability in the entire region, it is a threat to the peace of the region.

It is this Congress, not just the President, which authorized the use of force in Iraq in the beginning. We have confirmed the commander of those military personnel that are there now. We have provided the money and resources to maintain and to carry out that military operation. Those wonderful military personnel of ours have worked and fought and bled and died as a result of the policies we have authorized. It is our responsibility. We can't just blame it on the President. They have performed nobly and served this country well.

While I have never felt that I have had enough time in Iraq and that I have been able to learn everything I would like, I have visited that country six times. I talked to our soldiers there, our Guard, Reserve, Active Duty, those from Alabama and from other States. I talk to them in airports and their families in my State. They have done a great job. The biggest complaint I have heard consistently is: Why don't people tell the good things that we do and that occur? All we hear is the bad. I hear that a great deal.

But the truth is, for reasons unconnected to the fine work of our soldiers, things have not gone as well as we had hoped in Iraq. The Iraq mission has been very difficult in terms of lives lost, wounded, and the cost. While the initial military action went far better than many of us expected, the aftermath has been marked by errors, violence, and frustration. Particularly at this point, we are disappointed that the Iraqi Government has been unable to produce the kind of political leadership that would be beneficial to reducing the violence. It is a real frustration for us. There is no easy solution to it. They say we don't understand their difficulties. I suspect some people can't understand why Congress can't do things as they would like to have them do also.

Perhaps our biggest error as we went into this war was to underestimate the difficulty of creating a functioning government in an area of the world that has not had one before. This is not an easy thing. It is a very difficult thing. We have to be realistic about that in the future. For those in Congress, for the American people and our generals, there is certainly no one easy solution, and there is no certain outcome. But we do know the outcome is very important to the Iraqi people, to the people of the region, and to us. We need to get it right.

I earnestly hope we can draw down our troop levels in Iraq soon. Nothing would make me happier than to see that happen. But we must do it correctly, smartly. We can't do it precipitously. We can't do it here, without even listening to our general in Iraq whom we just sent there to command those troops, without even getting his opinion. This is his third year, third tour in Iraq. He was there when the initial invasion occurred. I visited with him when he commanded the 101st Airborne in Mosul. He came back and trained the Iraqi military. He came back home for the second time and wrote the manual on how to defeat an insurgency. Now he is back over there executing that, and we knew all that when we sent him. How can we write a policy of withdrawal and to direct the limited purposes for which our troops can be used and then set forth three purposes for which they can be used and the people that they can take military action against and we haven't even heard from our commander? What kind of sense is that? What kind of responsibility is that?

They say: If we don't threaten to withdraw, they won't reconcile and do all the things we want them to do in the Government. If we have to do more than threaten to withdraw if they don't do those things, we are going to have to just withdraw because they haven't satisfied our ambitions and goals for their successful political development.

Proponents of the Reed-Levin amendment claim that we must withdraw U.S. troops from Iraq because it is the only way to bring a responsible end to the war and to force the Iraqi Government to act. Actually, such a withdrawal required by the amendment is far more likely to consign the Iraqi people to mass slaughter.

The Iraq Study Group specifically—that is the group which has been so often cited, the independent group—concluded:

> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.

The study further concluded:

> The near-term results would be a significant power vacuum, great human suffering, regional destabilization, and a threat to the global economy.

Similarly, the intelligence community concluded in the NIE, the National Intelligence Estimate, earlier this year that the consequences of withdrawing U.S. troops from Iraq prior to Iraq being able to provide for its own security would be sectarian violence, that sectarian violence would significantly increase, accompanied by massive civilian casualties and displacement. Get that? Sectarian violence would significantly increase, accompanied by massive civilian casualties and displacement.

The intelligence community pointed out how this mass chaos in Iraq would directly threaten the security of the U.S. homeland as it concluded al-Qaida would attempt to use Anbar Province to further attacks outside Iraq. General Hayden, Director of the CIA, succinctly testified to the Senate Intelligence Committee, in response to the question what would happen if we pulled out now from Iraq—that was the question to the Director of the CIA—he said succinctly three quick areas: more Iraqis die from the disorder inside Iraq; Iraq becomes a safe haven, perhaps more dangerous than the one al-Qaida had in Afghanistan; and the conflict in Iraq bleeds over into the neighborhood and threatens serious regional instability.

The Iraq Study Group concluded al-Qaida would depict our withdrawal as a historic victory. They have already claimed historic victory over the Soviet Union.

I ask: Is this a responsible way to leave? Is this a way to see what we have done in Iraq end?

Senator REID, the Democratic leader, said we need to pull out of Iraq so we can "drive the terrorists back to the darkest caves and corners of the Earth." Well, that is a good goal, I suggest. But tell me how that goal would be furthered if we pulled out and gave a safe haven in Iraq to al-Qaida and provided them with a victory of historic proportions. Wouldn't that embolden them? Wouldn't that enable them to recruit more people? Do you think they are then just going to be satisfied there? Wouldn't they then have the initiative? Would not they then be looking where they would hit next?

Our Democratic colleagues argue that it is somehow wrong for those who oppose the Levin amendment to utilize the full procedural protections available to a minority in the Senate. It wasn't wrong when they were using those manners on a regular basis, trust me. I think we set a record last year or the year before on these filibusters and the number of times it took 60 votes to do something or not succeed in getting 60 votes. But they suggest that somehow it is inappropriate to use our well-established, commonly used procedure, routinely done, to require 60 votes on a matter of great importance such as this. Of course, I would suggest that is when, in matters of great importance, the 60-vote rule is most needed and most appropriate.

To press the point further, I strongly believe that whatever the inclinations of Senators on the conduct of the war in Iraq, to change our strategy now before we even hear from General Petraeus in September would be a colossal blunder for a host of reasons. To do so would be unthinkable. It must not and I believe will not happen. This Senator would be derelict in his duty if he did not make use of every traditional proper rule of procedure in this Senate to see that it does not happen, and that I will do. We agreed to execute this surge and to take a report in September. That is what we should do. We already have a new strategy.

We debated it at length in April and in May. Bipartisan meetings occurred. The Democratic leader and the Republican leader went to the White House, and they talked and they talked, and we finally agreed and passed, 80 to 14, the bill that funds this surge. That is our new strategy.

We knew exactly what we were voting for. There was no dispute about it. We were voting for an increase in American soldiers in Iraq and a new emphasis on General Petraeus's strategy of counterinsurgency and increasing security in Baghdad particularly. That is the strategy General Petraeus is now executing. Are we now to change it again? Are we now to have a strategy de jure or a new one every week based on coffee shop talk or some poll that just came in?

Senator REID earlier today quoted polls that said people agree with him. He said someone talked to his brother. Let's get real here. The established bipartisan policy that we passed 80 to 14, 53 days ago, must not be lightly changed on polls and anecdotes—change without even listening to the general who is in Iraq, seeking his opinion. It would embarrass the United States before our allies and the world. Indeed, U.N. Security General Ban Ki-moon yesterday urged us to exercise "great caution" in considering a rapid withdrawal from Iraq. He said:

> It is not my place to inject myself into this discussion taking place between the American people, government and Congress. But I'd like to tell you that a great caution should be taken for the sake of the Iraqi people. Any abrupt withdrawal or decision may lead to a further deterioration.

Well, is that a product of President Bush's pressure or some hard-headedness? No. The Secretary General is very worried that we may abruptly alter our commitments and policies without any rational plan for what would happen next.

A rushed withdrawal, I think, could even signal political panic. It could signal a lack of seriousness and thoughtfulness. It is unthinkable that the Senate would vote to flip-flop our strategy while our soldiers at this very moment work to execute the congressional policy we assigned them 54 days ago.

Senator REID and Speaker PELOSI will have in effect taken over, I suppose, as Commander in Chief in conducting this military action and begun to direct the very deployment of our soldiers on the battlefield, telling them what they can and cannot do, without any advice from the military and, indeed, contrary to our Commander's wishes and opinions. They do not even want to hear his report, the one we asked him to give just a few days ago.

Well, maybe somebody, if they are going to take over that, would have to tell him what we voted on if this bill were to pass. Hopefully, it will not. A phone call might go like this: General Petraeus, this is Senate Majority Leader HARRY REID. I know we confirmed you to lead the new surge, and after much debate we voted on May 24, 80 to 14, to approve and to fully fund your new surge strategy. I voted "yes" for it, too. But that was then. That was 54 days ago. Since then we have heard from antiwar activists—some of them come in cute pink suits and wear crowns—from many concerned citizens, and somebody talked to my brother, and maybe a few pollsters and political consultants have been consulted. So just forget that old strategy. We now have voted for a new one. It will be very popular here. Prepare for rapid withdrawal of your forces. Your work is a failure. You will not succeed. We do not want to listen to your report. Just make sure you comply with our mandates and pull out of there.

Well, he might go on—the majority leader might—well, yes, we did say you would have until your report in September, but that promise was a long time ago. It was 54 days ago. Much has changed here at home. Just follow our new strategy. Well, General Petraeus, I know you feel something is owed to our soldiers out there who are at risk working to execute the surge strategy we supported just 54 days ago. Just tell them we changed our minds. You say they will be let down if they are stopped before they have an opportunity to achieve success? I do not think so. They will get over it.

Well, maybe that is a bit unfair. Maybe that is not a fair way to deal with it. But with a little senatorial poetic license, I think it makes a sort of point. Many have said that President Bush lied to get us into this war. I reject that. But what is the integrity in voting on a policy in May that puts 30,000 more soldiers in harm's way and then we pull the plug on them before they have half a chance to be successful?

Our military will go where we ask them to go. They will go into harm's way. They are willing to put their lives on the line. They do not want to be put on the line if we are not going to follow through to success in the end. Among the other adverse ramifications of a precipitous withdrawal, a failure of will by the Congress that denies our military a fair chance to be successful, I think could be damaging to the morale of the finest military we have ever had. I think it is an important matter.

There are a lot of things we need to be thinking about. I do not know how this war will come out. I am anxious to hear General Petraeus's report. He finished at the top of his class at West Point or near the top. He was No. 1 in his class at the Command and General Staff College. He has his Ph.D from Princeton. He is a Ranger combat commander of the 101st Airborne, and he has written the manual on how to defeat an insurgency. He has only had his full complement of the surge troops about 3 weeks.

I believe it is premature and immature for us to react in this way and vote to bring those soldiers home, to reorder how they will be deployed without even seeking his opinion or giving it sufficient thought.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Minnesota has been waiting patiently for, I believe, an hour or so. I note the Senator from New York is on the floor. So I will speak for a few minutes and then yield the floor.

I want to point out that again, yesterday, British Army Lieutenant General Graeme Lamb, Deputy Commander of Multinational Force, Iraq, and senior British military representative in Iraq, was asked by Jamie McIntyre of CNN about how "the growing sentiment in our Congress to bring U.S. troops home sooner affected the mood of troops deployed in Iraq."

Lieutenant General Lamb responded that those troops find it "a touch difficult because while it is so clear to them that we are making progress, it is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity."

Lieutenant General Lamb noted that those making such judgments and not taking note of the progress "are not going out every day in a humvee." Moreover, he further noted that the progress the troops see is "seldom reported." They see provincial councils. They see water going to people who did not have it before. They see electricity coming on line. They see stability to the networks. They see all the stuff that no one portrays.

That is the view of our deputy to General Petraeus over in Iraq. Yet I hear on the floor here—I hear again there has been no progress made, that the status quo remains, that there has been no progress. And as we get into the debate, we find that those who are supportive of this particular amendment, which requires after 120 days a departure from the conflict, have no plan B themselves. I have been asked continuously what plan B is. And plan B, after the surge, I believe details a set of difficult options. But I think it is important that we point out what has been happening in Iraq as a result of the surge, even though it has been a very short period of time.

In Anbar Province—which we all know is over here, as shown on the map. Here is Fallujah. Here is Ramadi. The fact is that last year Anbar Province we believed was lost to al-Qaida. The U.S. and Iraqi troops cleaned al-Qaida fighters out of Ramadi, which I visited last week, and other areas of western Anbar Province. Tribal sheiks broke with the terrorists and joined the coalition side. Ramadi, months ago, was Iraq's most dangerous city. It is now one of its safest. Attacks are down from 30 to 35 a day in February to zero on most days now.

Fallujah. The Iraqi police center established numerous stations and divided the city into gated districts. Violence has declined. Local intelligence tips have proliferated.

Throughout Anbar Province—this area shown right here on the map—thousands of men are signing up for the police and army, and the locals are taking the fight to al-Qaida. All 18 major tribes in that province are now on board with the security plan. A year from now, the Iraqi Army and police could have total control of security in Ramadi, allowing American forces to safely draw down.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. McCAIN. Mr. President, I am glad to yield for a question.

Mr. SESSIONS. I was in that area, also, in the spring and was there last fall. Last fall, I thought it was one of the worst briefings, the most troubling briefings I had about the condition in the al-Anbar region. I say to the Senator, you have been there, I guess, within the last week. It was a dramatic turnaround. One of the thoughts that went in my mind was: Why would I ever want to bet against the U.S. Marines. They were out there having a tough challenge, but this thing has turned around, has it not? I ask the Senator, is that his view, from talking to the people on the ground, as they explained it to us?

Mr. McCAIN. Mr. President, in response to the Senator's question, I would say a couple things have happened. One is obviously, as the Senator has pointed out, the bravery and courage of our Marines and Army personnel who are there. But in addition to that, al-Qaida has been so cruel, so disruptive, and causing so many difficulties that the sheiks, the Sunni sheiks have come over on our side.

About a year ago, they were recruiting about 20 to 25 people a month to join the local police. The last time they had a recruitment drive, some 1,200 young Sunnis showed up.

Now, I will freely admit to my friend from Alabama, you will never see this probably in much of the media reporting today. That is why you have to go over there and get feet on the ground, as I know the Senator from Alabama has, the Senator from Minnesota and others, as well as the Senator from New York. But you have to see it, and you have to talk to these people.

It brings up another point. These soldiers, marines, airmen, others, men and women, pay attention to what is going on here on the floor of the Senate. They pay attention when the majority leader of the Senate says the war is "lost." They pay attention when people, previous speakers have said nothing has changed, no improvement. They pay attention to that.

General Petraeus said in response to a question I asked him a long time ago—I said:

> Suppose we send you additional troops, and we tell those troops we support you, but we are convinced you cannot accomplish your mission, and we do not support the mission we are sending you on. What effect does that have on the morale of your troops?

That is a question I asked General Petraeus back in January. General Petraeus said:

> Well, it would not be a beneficial effect, sir. Obviously, a commander would like to go forward with as much flexibility as he can achieve. I was assured yesterday by the Secretary of Defense, if we need additional assets, my job is to ask for them.

Of course, Lieutenant General, British Army General Lamb was much more frank in his response, where he said:

> While it is clear to them that we're making progress, it is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.

So my answer to the Senator from Alabama is—and I will go through some more areas where we made progress—it is very unfortunate that more Americans do not know not only about the success but of the incredible difficulty of this kind of combat, and yet these young people are doing such a magnificent job.

Mr. COLEMAN. Mr. President, will the Senator yield for a question?

Mr. McCAIN. Mr. President, I am glad to yield for a question.

Mr. COLEMAN. Mr. President, my experience is much like the Senator from Alabama. When I was there in the fall, it was described to me as the "Wild West" and it was not very uplifting. When I was there in April, we had Minnesota National Guard soldiers who were serving in Anbar Province, and they told me of an incident in a town called Habbaniya, where a suicide bomber drove into a crowd coming out of a mosque, killing or wounding 70 Iraqis. It was the American soldiers and National Guardsmen giving blood, even though not a single American had been hurt or injured.

Then they told me, the next day, or shortly thereafter, the local mayor and the local sheik came in with a list of al-Qaida operatives and said: These are the enemy. We want to work with you side by side to root them out.

I ask the Senator, in your experience there, have you also seen incidents or heard of incidents where the brutality of al-Qaida against Sunnis has evoked a response from local sheiks and local elected officials to work side by side with the Americans—be they the Marines, Army, or National Guard?

Mr. McCAIN. Mr. President, I say to my friend from Minnesota, he is exactly right. The fact is the people there are sick of al-Qaida, as he well points out. The sheiks are on our side. Al-Qaida has reacted, predictably, very violently. They have assassinated some of these sheiks. They have assassinated their families. Their lives are threatened every day.

But the fact is, they are sick and tired of al-Qaida. They are turning out in large numbers to join the local police. And they are doing, frankly, a job that surprises many of us.

I wish also to comment in my remarks that this is a long way—a long way—from the security situation we want. But somehow to stand on the floor of the Senate and say we have not had some signs of success I think flies in the face of the assessment of the generals and those we placed in charge and the facts on the ground.

South of Baghdad, as I was saying, in this area, as shown on the map, Operation Phantom Thunder is intended to stop insurgents present in the Baghdad belts from originating attacks in the capital itself.

A brigade of the 10th Mountain Division, which I visited, is operating in Baghdad belts that have been havens for al-Qaida. And the slog is tough. It is very tough in that part, south of Baghdad, since many of the al-Qaida and other insurgents have migrated out of Baghdad into that area. But the soldiers of the 10th Mountain Division are moving forward, all of them. Commanders report that the local sheiks there are increasingly siding with the coalition against al-Qaida. Southeast of Baghdad, the military is targeting al-Qaida in safe havens that they maintain along the Tigris River. In Baghdad itself—the key to all of this—the military, in cooperation with Iraqi security forces, continues to establish joint security stations and deploy throughout the city. These efforts have produced positive results, according to General Petraeus and others. Sectarian violence has fallen since January. The total number of car bombings and suicide attacks declined in May and June. The number of locals coming forward with intelligence tips has risen.

Make no mistake, violence in Baghdad remains at unacceptably high levels. Suicide bombers and other threats pose formidable challenges, and other difficulties abound. Nevertheless, there appears to be overall movement in the right direction.

North of Baghdad, the Diyala area—up here—Iraqi and American troops have surged and are fighting to deny al-Qaida sanctuary in the city of Bakuba. For the first time since the war began, America showed up in force and did not quickly withdraw from the area as had been the case in the previous failed strategy. In response, locals have formed a new alliance with the coalition to counter al-Qaida. Diyala, which was the center of Abu Mus'ab al Zarqawi's proposed Islamic caliphate, finally has a chance to turn aside the forces of extremism.

I offer these observations not in order to present a rosy scenario of the challenges we continue to face in Iraq. As last week's horrific bombing in Salah ad Din Province illustrates so graphically, the threats to Iraq's stability have not gone away, nor are they likely to go away in the near future, and our brave men and women in Iraq will continue to face great challenges. What I do believe is that while the mission to bring a degree of security to Iraq, into Baghdad and its environs in particular, in order to establish the necessary precondition for political and economic progress, while that mission is still in its early stages, the progress our military has made should encourage all of us.

It is also clear that the overall strategy General Petraeus has put into place, a traditional counterinsurgency strategy which emphasizes protecting the population and which gets our troops off the bases and into the areas they are trying to protect, is the correct one.

Some of my colleagues argue that we should return troops to the forward operating bases—that is basically what would happen if we passed the Levin-Reed amendment—and confine their activities to training and targeted counterterrorism operations. That is basically what this resolution says. That is precisely what we did for 3½ years, and the situation in Iraq got worse—precisely. I am surprised my colleagues would advocate a return to the failed Rumsfeld-Casey strategy. No one can be certain whether this new strategy, which remains in the early stages, can bring about greater stability. We can be sure that should the United States seek to legislate an end to this strategy as it is just beginning, then we will fail for certain.

Mr. President, I read this earlier, this resolution. This resolution incredibly says that we can only—the mission is restricted to only fighting al-Qaida. I guess al-Qaida will have to wear T-shirts that say they are al-Qaida. I guess our troops are expected, if someone is planting an IED, to say: Excuse me, sir. Are you al-Qaida or Shiite? If you are Shiite, go ahead and plant it. Please.

Now that the military effort is showing some signs of progress, the space is opening for political progress. Yet, rather than seize the opportunity, the Government, under Prime Minister Maliki, is not functioning as it must. We see little evidence of reconciliation and little progress toward meeting the benchmarks laid out by the President. The Iraqi Government can function; the question is whether it will.

I would like to urge my colleagues to take a look at one more chart. I appreciate the indulgence of my colleagues, but I think we ought to look at the region. I think we ought to have a look at this region today. With Iraq obviously in the center of an area of the world from which comes the world's supply of oil, from which comes the recruits for al-Qaida, from which comes the primary source—not the only source, as we have found, but the primary source—of suicide bombers and people who would rather commit suicide and take others' lives along with their own, what happens when Iraq evolves into chaos and genocide?

Iranians are already exporting the most lethal IEDs into Iraq, IEDs that are capable of even penetrating the armor of our tanks. They are exporting into Iraq not only terrorists and those who have orchestrated attacks, including the kidnapping of American soldiers—there is very compelling evidence that they were paid to do that—but they are also increasing their influence in all of southern Iraq. Religious leaders have gone into southern Iraq, into the small towns as well as Basra. Basra has become, unfortunately, a very dangerous city, thanks to Iranian influence. In the meantime, the Iranians, emboldened by our failure in Iraq, continue to do other things as well, including developing nuclear weapons, including providing support for Hezbollah and Hamas.

We see the Saudis now becoming more and more concerned about the fate of the Sunnis. In fact, a few weeks ago, the King of Saudi Arabia made comments very critical about the United States of America for the first time in anyone's recorded memory. Why would he do such a thing? One, our failure; two, they live in the neighborhood and they can't leave. When we talk about telling them we are leaving, then they have to adjust to it. There is very little doubt that the Saudis, with their support of madrasas and other extremist training grounds, are responsible for many of the problems.

Jordan now has—see how small Jordan is—Jordan now has 750,000 Iraqi refugees. How many more do you think will pour into Jordan if this instability and chaos ensues, which the majority leader of the Senate has stated, as short a time ago as yesterday, as hypothetical. I think there is very little doubt that the destabilization of Jordan would be at least increased.

What about our friends the Syrians who continue to export people who are suicide bombers into Iraq? The majority of suicide bombers, according to experts, aren't Iraqis; they come from other parts of the Middle East, from Saudi Arabia, from Pakistan, from Afghanistan, and other places. What about the Syrians? If you might remember, after our initial victory in Iraq and the assassination of the former Prime Minister of Lebanon, Hariri, Mr. Assad, Bashar Assad, a former optometrist in London, when his father died, was on his heels. There was supposed to be an investigation going on of the Syrian involvement in the assassination of Hariri, and there have been other assassinations as well.

Meanwhile, in southern Lebanon, despite a U.N. Security Council resolution calling for the disarmament of Hezbollah, Hezbollah is now being rearmed by the Syrians, and their rockets are being resupplied—Katyusha rockets and other weapons are being supplied to the Hezbollah in southern Lebanon. Some believe it is a matter of time before there is a reignition of rocket attacks and conflicts in southern Lebanon.

What about on the other side? What about the Palestinian area? We now see a situation in the Palestinian areas where Gaza is now controlled by Hamas, an organization dedicated to the extinction of the State of Israel. My friends, here is a stark fact: We pull out of Iraq, Iraq devolves into chaos, and the pressures and the danger to the State of Israel is greater than at any time in its history. I don't say that is my opinion; that is the opinion of the military and political leaders of Israel today.

One other aspect that I wish to point out. We know the Kurdish area is probably the most stable part of Iraq for a variety of reasons, including their experience in self-governance. But the Turks have made it very clear that if the Kurds attempt to establish an independent state, they will not stand for it; they will take action militarily. I am not saying that; they have said it. So we have a deterioration in Baghdad, in Iraq, the Kurds declare their independence, and the Turks then feel they are required to take military action because of the insurgency of Kurds who have launched attacks out of the Kurdish areas into Turkey.

So I think it is important for us to recognize there is a lot at stake here. It isn't just Iraq. Certainly, Iraq is part of it, but it is not just Iraq; it is certainly other parts of the region as well.

I hope when my colleagues say, as the majority leader said, "It is only a hypothetical" if chaos evolves in the region, that we are required to consider the situation in the entire region and what happens right here where the world's supply of oil—the majority of the world's supply of oil—comes from as well, that we consider the consequences of our actions.

I thank my colleagues for their indulgence, and I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from New York is recognized.

Mrs. CLINTON. Madam President, the description of the problems that are currently existing in Iraq and in the region by my friend and colleague is not only accurate but, unfortunately, an indictment of the policies of this administration. What has been described in terms of the instability in Iraq and the consequences for further conflict are ones I take very seriously.

The issue before us now is what is the best approach we as a nation can take which will fulfill our obligations to our men and women in uniform, which will make clear to the Iraqi Government and people that their lives and futures are at stake, and which will strengthen the hand of the United States diplomatically to deal with the consequences of the misguided policies that have brought us to this point.

There are no good answers. Anyone who stands here and believes that he or she has the truth, the facts, understands both what is going on and what is likely to flow from whatever decision we take, is most probably to be proven wrong by reality as it unfolds. Many of us have been searching for the best approach to take with respect to our involvement in Iraq for a number of years, but we don't do it with any sense that we know everything that will happen, no matter what decisions are taken. But what we do have is a history of miscalculation and mistakes we are now attempting to deal with.

The Levin-Reed amendment attempts to put into law a new direction for Iraq, one that I and others believe is long overdue. The reason I have come to support this amendment is because if one looks at the actions of our military in Iraq, based on the authority under which they are operating, they have achieved the missions they were given. They were asked to remove Saddam Hussein from power and bring him to justice, and they did so. They were asked to provide the Iraqi people with the opportunity for free and fair elections, and they did that as well. They were asked to give the Iraqi Government the space and time to make the difficult political decisions that are required in order to have any hope of stabilizing Iraq over the longer term, and they did that as well. Our military has performed not only heroically but successfully, with courage and determination, against odds and enemies from all sides.

What we know is that when the people of Iraq turn against violence, there is a chance for success. That is the basis of the counterinsurgency strategy. It cannot succeed unless the people on the ground are part of the winning strategy. What has happened in Al Anbar Province is an example of that. The tribal sheiks and the people turned against the violence and extremism of the al-Qaida factions, many of whom were led by foreign fighters who violated not just the human rights but the cultural norms that existed in the area. So there became the opportunity for an alliance—an alliance between our military and local people against al-Qaida. That is why the Levin-Reed amendment includes the continuing efforts against al-Qaida as a remaining mission and a vital national security interest of the United States.

If one looks, though, at the map that was just on the easel, that does not describe the situation in the rest of Iraq. In the south, I think it is clear that Iran is the political occupier, that Iranian agents are largely calling the shots, and that there is an internecine struggle for power among a variety of Shiite militias.

The lawlessness inside Basra and in the surrounding region cannot be quelled by any external force. The British have not only drawn down their troops, but they have withdrawn to their bases. They know they can't go out and calm the waters because the various factions are vying for power. They are going to continue to do so until someone emerges, and Iran is largely influential in determining who that might be.

In Baghdad, we have gone from neighborhood to neighborhood, and yes, where we are, we secure the area, the violence recedes, only to pop up somewhere else, either in Baghdad or maybe in Diyala or Bakuba or somewhere else.

Madam President, the problem is that Iraq is not al-Anbar Province. Al-Qaida is not the major source of the instability in Iraq. It conducts the most violent and spectacular mission. It provides the suicidal killers, who blow themselves up and blow up the cars and trucks in which they live at the moment. But they are not the primary cause of the violence and instability in Iraq. Therefore, the counterinsurgency cannot succeed unless there is a dramatic change in the attitude of both the Government and the people of Iraq. I do not see that happening.

The Iraqi Government has not been willing to make the hard decisions. The debate as to whether they are incapable or unwilling is beside the point. They have not done it. We keep hearing every year, every month, every week that things will be different. How many times have we heard that as the Iraqis stand up, our troops will stand down? How many times have we heard that in 6 months, 8 months, or 12 months our troops may start coming home? Meanwhile, there are more American troops in Iraq today than ever before. The Iraqi Government is more fractured and less effective. The right strategy before the surge and the right strategy now, postescalation, is the same: Start bringing our troops out of this multisided sectarian civil war.

I believe since our troops have accomplished the mission that was originally set forth, withdrawing them from urban combat, from patrol duty, from the kind of hand-to-hand engagement they are currently confronted with, is the right military and political strategy. It is clear that as we look at where we are today in Iraq, we are asking our young men and women to police a civil war. There is no argument about the very basic premise that there is no military solution. Yet the political front has been neglected.

If there had been a political surge and a diplomatic surge, we might be looking at a different situation. We also know that the training and performance of the Iraqi Army and police forces has not been sufficient to relieve our troops of the primary responsibility for the fight. In fact, because of setbacks and other problems, the numbers of Iraqi troops that are actually available to fight alongside or to take responsibility for the fight has diminished. As our troops serve alongside

Iraqi Army officers and soldiers, they find that, yes, some do have loyalty to Iraq. Others, however, are loyal to sectarian militias. Others have looked the other way when the insurgents have planted bombs. Some have even taken up arms against Americans while wearing the uniforms that we help provide.

The catalog of miscalculations, misjudgments, and mistakes in Iraq shocks the conscience, from the unilateral decision to rush to a preemptive war without allowing the inspectors to finish their work, or waiting for diplomacy to run its course, to the failure to send enough troops or provide proper equipment for them, to the denial of a rising insurgency, and the failure to adjust the military strategy, to continue support for a government unwilling to make the necessary political compromises, to the adherence to a broken policy more than 4 years after the invasion began.

Many of us believe it is time for us to move our troops out of harm's way in the middle of the Iraqi civil war. We believe that is an appropriate military decision that will be made sooner or later. The recent report, which was an interim report, did not have very much good news in it. In September, we will get another report, which I predict will be also mixed, which will put the best face on whatever the facts are. But the bottom line will remain the same: Our troops and their families are paying the price for this administration's policies.

Since the Bush administration announced this escalation, 14 brave New Yorkers have been killed in Iraq, and hundreds more wounded. Two soldiers from the 10th Mountain Division, based in Fort Drum, are listed as captured or missing. Since the war began, 3,619 young Americans have been killed, 26,000 have been wounded, many with very visible wounds, such as loss of limbs and loss of eyes, others with those wounds that are invisible but no less injurious, such as depression, anxiety, post-traumatic stress disorder, and traumatic brain injury.

We have spent more than $450 billion so far, $10 billion each month. We are straining our budget. The President's two major initiatives since he was sworn into office in January 2001 have been tax cuts for the rich and the war in Iraq, neither of which is paid for. They have been put on the American credit card. They have been funded by borrowing money from foreign countries, further undermining our standing and our leverage in the world. Our involvement in Iraq continues to erode our position. It has damaged our alliances and it has limited our ability to respond to real threats. The unclassified key judgments of the recent National Intelligence Estimate, called "The Terrorist Threat to the U.S. Homeland," says the threat of al-Qaida is persistent and evolving. The report states that al-Qaida will probably seek to leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate, and the only one known to have expressed a desire to attack the homeland.

This reality is a sobering one and I believe one that demands a new direction. I continue to press for a basic three-step approach. First, start bringing our troops out of harm's way now.

Second, demand—and back up those demands—that the Iraqis take responsibility for their country or lose the aid we are providing them. Everyone knows the Iraqi Government is as much a client of Iran as it is an ally of the United States. Our presence in this multisided sectarian civil war, without a diplomatic or political strategy, makes it unlikely that the Iraqi Government will seek the resolution of the disputes that lie at the heart of this ongoing civil war.

Thirdly, we should begin long overdue intensive regional and international diplomacy on a sustained basis. Diplomacy in and of itself does not promise any great solution, but we have neglected it at our peril. Others have rushed to fill the vacuum. In fact, the problems that were pointed out on the map of the region have also been impacted by the administration's failure to pursue smart diplomacy. As we look at the deteriorating situation in the Middle East, the pressures on the Israeli Government because of the rise of Hamas and the strength of Hezbollah, we can see the consequences of both our failed diplomatic strategy and our problems in Iraq today.

I have called for the strategic redeployment of U.S. forces out of Iraq for several years. I have introduced legislation to end the war but to remain committed to vital national security interests that can be enumerated and more carefully defined. I voted against funding the war without any plan for ending it, or without any companion effort to engage in realistic political and diplomatic initiatives. That is why I have joined a bipartisan majority in supporting the Levin-Reed amendment.

It has been very difficult to get the President's attention. I hear that from both sides of the aisle. The Congress has both a duty and an opportunity to try to do that. We have one Commander in Chief at a time and we have seen repeatedly this administration's failure to deal with the realities we confront in Iraq and elsewhere around the world. When they do change course, as long as it takes them to make that decision, as we have seen in North Korea, the results can be very positive. I can only hope that in the remaining 18 months of this administration, similar actions are undertaken to deal with the problems we confront in the larger region, including Iraq and the Middle East.

I believe, too, it is imperative that the Secretary of Defense and the Joint Chiefs inform the Congress of the plans they have for redeployment and withdrawal. Withdrawing troops is dangerous and difficult. We must not redeploy out of Iraq with the same failure of planning with which our troops were deployed into Iraq. Yet I wrote several weeks ago to Secretary Gates and the Chairman of the Joint Chiefs, General Pace, asking whether there is planning—very specific planning, not the usual response that, yes, we plan for everything, for every contingency—and what is the planning that will protect our troops when they do withdraw, which will happen, whether it happens in 120 days, or next year, or whether it happens the year after; what have we done to make sure that we do it in as careful and orderly a way as possible.

I believe our troops, as well as the American people, deserve a vote, yes or no, on this bill. If you believe in giving the President the continued power to pursue a failed strategy, without checks or balances by this Congress, make your case and cast your vote. If not, then put partisanship aside and stand with the bipartisan majority working to end this war.

Our message to the President is clear: It is time to start thinking of our troops and our broader position in Iraq and beyond—not next year, not next month, but today. I hope we will be able to vote on the Levin-Reed amendment. I fear we will not, in the face of concerns and objections on the other side. But we are postponing the inevitable. Come September, we will have another inconclusive report. We will have more casualties. We will have more who are injured. We will still have the same Iraqi Government waiting us out. We will continue to empower Iran and to destabilize Jordan and to give a free hand to Syria and Hezbollah. We will face an even more dangerous set of choices then. There is no reason to wait.

Madam President, on behalf of the leader, I ask unanimous consent that Senator COLEMAN now be recognized for up to 15 minutes, to be followed by Senator CASEY for 15 minutes, Senator BARRASSO for 5 minutes, and following the remarks of Senator BARRASSO, Senator REID be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I note that if we adopt the Levin-Reed amendment, we would be doing what the Senator from New York said we should not do. We must not redeploy out of Iraq with the same failure of planning there was going in.

This amendment before us today is a directive from the Senate to redeploy out of Iraq without any planning. Simply sitting here in this air-conditioned Chamber, making a statement that this is what we are going to do, without talking to the commanders on the ground would be a tragic mistake.

Earlier this year, when the President talked about the surge, I raised an objection. In my travels to Iraq, it was clear to me that we were facing a battle in Anbar Province against al-Qaida in Iraq, the Sunni insurgency; and that battle, by the way, we were winning, and we see the results of that today. But in Baghdad we faced sectarian violence and faced American soldiers being in the midst of a civil war, and that troubled me. I raised concerns.

But then 54 days ago we had a discussion in this Chamber. We took a rollcall vote on a bill, and the bill passed 80 to 14, with over four-fifths of the Senate agreeing that day, with rare bipartisanship that we achieved in this Chamber. That wasn't about naming a post office or a courthouse. We got an agreement to address the future of our involvement in Iraq. In that bipartisan effort on the floor of the Senate, we gave support to General Petraeus, who was confirmed unanimously in the Senate, who would provide a report to this body on the surge that I had concerns about no later than September 15. General Petraeus and Ambassador Corker, our Ambassador to Iraq, who served in Pakistan right before being selected as Ambassador to Iraq, would come back and deliver a report to this body and the President, with the President delivering a report no later than September 15. We required this report because we decided as a body that regardless of our concerns about the new strategy, we should allow General Petraeus and Ambassador Corker to execute the new strategy and to report on their progress.

We recently came to broad bipartisan agreement that we should give the strategy a chance to work. How did we end up here tonight picking a date for withdrawal before the report and testimony that we mandated? I don't have the answer. I am afraid that question itself causes me to oppose the Levin-Reed amendment. I have the utmost respect for the Senator from Michigan. We have served together on the Permanent Subcommittee on Investigations for years, working as a team to defend America and prevent waste, fraud, and abuse. Recently, we dealt with the possibility of dirty bombs being developed in this country. So I know he is a good man. I believe the amendment is well intentioned and I believe the transition is a goal that I share. The bottom line is we need a mission in Iraq in the sense that we cannot be fighting the Iraqis' war for them. They have to step forward and achieve power and reconciliation—things they have not done to date. We cannot, however, have a precipitous withdrawal.

I serve on the Foreign Relations Committee, and we have had hour after hour of testimony on the consequences of a precipitous withdrawal and the impact it would have on the ethnic cleansing in Iraq. I will talk more about the region.

Ultimately, our safety is my concern. Precipitous withdrawal would set in place a series of events, none of which are positive. I didn't hear anyone come before the Foreign Relations Committee to talk about that. The Iraq Study Group, which so many have looked at and pointed to, made it clear—no precipitous withdrawal.

Right now, we have an amendment that sets a withdrawal, that doesn't consult the commanders on the ground, that flies in the face of action we took 54 days ago. I can't answer the question, why now? In part, I hear from the majority leader and others. Are there polls? Do we lift our finger to the wind and say: Well, 54 days ago, we told General Petraeus to move forward. We have our troops on the ground who are carrying out their mission. Yet we are debating today to say we are going to move forward with a plan for withdrawal which has not been thought out, which has not been planned, which has not been processed in a way that you would think one should do that. We are concerned about the consequences, in spite of the fact that 54 days ago we sent a message to General Petraeus: Go forth with the surge, and then come back and report to us.

There are consequences to precipitous withdrawal. If you look at Iraq—and the Senator from Arizona talked about this a little earlier—in the northern region, Turkey has troops on the Iraqi border and inside Iraq. If we were to withdraw and if there were to be that division, you would have a Kurdistan. There are deep concerns that the Turks would move forward. There are concerns about terrorism, a group called the PKK. You have that issue of instability. You have Anbar Province in which there has been much discussion about the successes we have achieved in Anbar Province with the local sheiks joining our side. But you have foreign fighters coming in, without anyone stepping in between, from Syria, the Syrian border there, landing at Damascus Airport and coming through and then destabilizing that region and perhaps setting back the gains we have made.

In the south, we have Iran. Iran clearly, as my colleagues on both sides have noted, is playing a major part in what is happening, not just in the south but in the region. The fact is, in Lebanon, Hezbollah is a proxy of Iran. The weapons Hezbollah has have come through Iran through Syria. In the Gaza Strip in Israel, Hamas is a tool of Iran. So if we were to simply withdraw without planning, if we were to put in place a series of events that caused disruption and conflict in the region, we would give Iranians a chance to strengthen their hand. If they do that, then what do the Saudis do?

I have had conversations with Saudi leaders. I am ranking member of the Near East Subcommittee. I have had conversations with Egyptian leaders, the Jordanians. They don't want to see Iran go forward. They don't want to see Iran expand its power.

It is fascinating, because the Senator from New York talked about our position in the world and long overdue international diplomacy. The moderate Iraqi States in the region see the threat of Islamic extremism as fostering the support of Moqtada al-Sadr, the support of Hezbollah, the support of Hamas. They understand that is a greater threat to them than Israel. So they don't want to see us precipitously withdraw.

Ban Ki-moon, Secretary General of the United Nations, has been quoted repeatedly on the floor, saying to us that we need to understand the serious consequences if we were to simply withdraw. There are consequences not just for the region but, ultimately, for us in terms of the threat of terrorism being expanded with an al-Qaida victory, if America is out. They drove the Russians out of Afghanistan. America is driven out of Iraq. That represents a threat to us. That represents greater recruitment. It represents the battle being brought from there to here. That is a real concern.

We have a situation where 54 days ago we said to General Petraeus in September: Come forward with a report. Then, from that, we will go forth with a plan of action.

I would hope that right away the administration now is looking at a series of choices. Senators LUGAR and WARNER have put that on the table. I hope that is going on now, that we understand that the Iraqi Government has not done the things that have to be done to move forward with power sharing and reconciliation. They have not met the benchmarks. I have grave concerns about their ability to do so. We have to be looking at alternatives. We have to be looking at a range of options. But why now? Why at this point in time, other than there are, I presume, interest groups on the left who are concerned that the Democratic majority hasn't done what MoveOn.Org wants them to do, which is to get us out of Iraq?

We had a bipartisan agreement in this body to have a reasoned course of action, that we need to be out of the central sectarian violence. The Iraqis need to be fighting their battle. We need to maintain the gains we have had in places such as Anbar and not step back and allow that ground and that blood that has been shed to be shed for naught. But why now? Why now? What is the event that has somehow triggered the necessity to move forward today, to be here all night? If anything, from what we heard from General Petraeus on the military side, we are moving forward. On the benchmarks for things the Iraqis haven't done, we have until September.

I presume one of the good things that will come out of this debate will be that we put continued pressure on the Iraqis to do what they have to do. I don't know whether Maliki has the ability to do that. I have my doubts. But I think it is really important.

The Senator from Michigan said we are going to be measured by how we leave. Ultimately, we are not going to be in Iraq fighting their battle forever. We may be in Iraq a long time. If you look at this region, we may be there a long time. We have been in Germany a long time, Korea a long time. We have been in Kosovo a long time. But we need to be there, not being in the center of a sectarian battle, not being in the center of a civil war, but to make sure the Iranians don't sweep through and expand their influence. We have to make sure the Turks don't step down and destabilize the one stable region, to make sure foreign fighters don't move forward and come into Damascus Airport and come across the border near Anbar Province.

We need to do that in a way in which it doesn't happen because of political pressure, it doesn't happen because of a poll, it doesn't happen because we picked a date out of thin air that says: We are doing a Defense authorization, so now we are going to get a plan for withdrawal on the floor of the Senate without listening to General Petraeus, after 54 days ago telling him he could go forward and come back in September.

It is our responsibility to act in the best interest of our Nation's Armed Forces who have sacrificed so much. It is our responsibility to avoid, as Madison and Hamilton described in Federalist 62, the impulse and passion of what might seem like the easiest path—simply ending our involvement in Iraq and hoping for the best. We cannot do that. We must give the strategy the time we said we would give to it work, while at the same time preparing for our next step, something Senators WARNER and LUGAR have articulated so well. We need to continue to plan for the future and continue to evolve as we address new challenges and a changing environment.

We need to remember that Iraq is not just a war; it is a country that is in the center of a very critical region. We have invested blood and treasure in a way we never anticipated, something I remember every time I visit Walter Reed. While our commitment is not open-ended, it is a commitment whose new strategy requires us to live up to the obligations we made when we said to our general: Move forward; when we put our troops there and said: Be in harm's way; and then to come back in September.

We need to change the mission. We shouldn't have a precipitous date for withdrawal. We are going to be there long term, but we have to do it thoughtfully, strategically. We cannot have it poll driven. We cannot have it special interest driven. We should not be doing it here in the Levin-Reed amendment, which I will oppose tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I ask unanimous consent to be recognized for 15 minutes, and if I could have a 2-minute warning so I don't go over time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, we are gathered here at this early morning hour, as we have now for hour after hour, to talk about the situation in Iraq. We are here in particular to focus on one amendment, the Levin-Reed amendment. I rise this morning to support that amendment for a variety of reasons. One of the reasons I think it should be passed is not just because of the policy contained within it but also because it is a bipartisan amendment. It is the product of a lot of work over a long period of time. Many months of work have gone into this important amendment.

The question we face is very basic. It is the same question we have faced for a long time when it comes to the policy in Iraq. The question is, Where do you stand? Do you stand for a new direction in Iraq, a new policy, or do you stand for the other side of the coin, more of the same, stay the course, supporting the President's policy?

I argue to a large extent what has happened in the Congress the last couple of years, including this year by some Members of the House and Senate, is rubberstamping of the Bush policy in Iraq. That is what we are here to talk about: Where do you stand? You are either on one side or the other. I argue that we should all stand for a new direction for a variety of reasons.

We know the numbers pretty well: 3,600 Americans—more than that now—have lost their lives. From my home State of Pennsylvania, 69 lives have been lost. They gave, as Abraham Lincoln said, the last full measure of devotion to their country. The number we don't talk enough about is the number of wounded. Nationally, over 25,000 have been wounded. Again, in Pennsylvania, the number is very high as well. Over 1,100 Pennsylvanians have been wounded. Even that doesn't give the full sense of what we are talking about. Many of these soldiers have been grievously, permanently, irreparably wounded in this conflict. So we are thinking about them today. We are thinking about those who perished already. We are thinking about their families who have had to endure this suffering and trauma and heartache for a long time now.

The troops have done their job. There was a lot of talk in the last couple of hours, last night and this morning, and I am sure it will go on into tomorrow, about defeat, that if this amendment is adopted, that somehow there will be a defeat. I don't believe that. I don't believe that for a moment. Our troops have done their job. They took down a dictator. They allowed a government to take shape in a country. They have done their job.

It is about time that, as the troops have done their job, this Congress and this President do our jobs. One of the jobs we should never ask our troops to do is what we have asked them to do at least in the last couple of months, if not for more than a year. Unlike any American fighting men and women in the history of the country, this Government has asked our troops to referee a civil war. We should never ask Americans to referee a civil war, not in this war and not in any war.

All this talk about defeat not only misses the point, it is misleading. I am afraid it is deliberately misleading. To adopt this amendment is not adopting defeat. Adopting this amendment is about talking about a light at the end of the tunnel and to make sure we make the right decision on this policy.

We hear a lot about Levin-Reed. Let me spend 30 seconds on who LEVIN and REED are. Senator CARL LEVIN and Senator JACK REED are both members of the Armed Services Committee. They bring to bear decades of experience in this body combined when they talk about the war in Iraq and when they talk about armed services and defense matters. They both bring distinguished references even beyond their service on that committee. Some people in this body remember that Senator JACK REED was an Army Ranger and paratrooper, served in the 82nd Airborne Division. Senator CARL LEVIN, long a supporter of a strong national defense, was given in 2003 the Distinguished Public Service Award, the highest honor given to a civilian. So these are not two rookies talking about our policy in Iraq; these are people of broad experience who have already proven their credentials in supporting the armed services. They are also people who have worked very hard with the other Members of the Senate over many years to get this right.

I mentioned before that several Senators on the Republican side are cosponsors. I won't do biographical sketches of each of them, but suffice it to say, there is an awful lot of military and U.S. Senate experience with the cosponsors of this amendment.

What is this amendment? What does it say? It says a number of things. I won't read all of it, of course, but it does talk about, in the opening lines of this amendment, a deadline for commencement of a reduction of forces. It says that the Secretary of Defense shall commence the reduction of the number of U.S. forces in Iraq not later than 120 days after the date of the enactment of the act. It talks in subpart (b) about a comprehensive strategy, diplomatic, political, and economic strategy. It talks about sustained engagement with a focus on stability in Iraq. It also speaks to an international mediator in Iraq to help our Government get this policy right. Finally, the amendment speaks of a limited presence of our troops in Iraq and to focus the mission on protecting the United States and coalition personnel, infrastructure, training and equipping, providing support for Iraqi security forces and, thirdly, engaging in targeted counterterrorism.

It talks about a limited presence and a limited mission. But it doesn't talk about, as some have mischaracterized it, a precipitous withdrawal. Just because you say that 100 times, as the other side has said it hour after hour, doesn't mean it is true. That is not what we are talking about here.

A couple of months ago, almost more than 6 months ago now, the President justified his surge policy by arguing that additional U.S. forces would provide security in Baghdad and other areas, providing so-called breathing space. Remember what the President said at that time, way back in January:

> I have made it clear to the prime minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people, and it will lose the support of the Iraqi people. Now is the time to act.

So said the President back in January. Six months later, any fair and objective evaluation of the situation in Iraq would conclude that the surge strategy has not succeeded and the Iraqi Government has failed to follow through on its promises. It should come as no surprise the American people no longer support an open-ended involvement of our combat forces in this growing civil war. We know it from the numbers on sectarian violence. We know the violence that has moved from one part of the country to another. We also know that despite the President's pledges, there is no substantive evidence Iraqi security forces are successfully holding territory that has been cleared of insurgents and militia fighting forces by U.S. troops. When it comes to the clear and hold strategy, there is a lot of clearing, but the holding remains woefully inadequate.

We know the problems with the Iraqi Government: Cabinet members boycotting meetings, the Iraqi Government talking about taking a break for 30 days, on and on. The evidence is clear that they have not made the kinds of commitments they should be making to meet the benchmarks and to inspire confidence in our country that this is the kind of political commitment we are going to need to bring stability.

I have to say when it comes to what the President says, and who pays the price, it is very clear what happens. Every time the President asks for more time, every time the President says we need to stay the course, every time the President says: Ratify my policy yet again, every time the President says: Just give us a little more time, we will get this right this time—every time he promises, and it does not come true, and every time he asks for more support, who pays the price for that?

It is not a Senator or a Congressman or the President. It is no one in his civilian leadership. In fact, it is not a lot of Americans. Every time the President asks for more time on his policy in Iraq, there is only one group of Americans that pays the price for that: the troops and their families. Over and over and over again, they pay with their sacrifice. They do all the dying, all the bleeding for this policy. Yet the President talks about this policy as if it is a Democratic and Republican fight. No, this is about the troops in the field. They are paying the price over and over again.

I will make one more point because I am short on time.

When it comes to who is doing the fighting in Iraq against us, the President said the other day: "The same folks that are bombing innocent people in Iraq are the ones who attacked us in America on September the 11th." Actually, he is not accurate when he says that. There is a group in Iraq consisting primarily of Sunni extremists and relying on the assistance of foreign fighters seeking to intensify sectarian conflict and create unacceptable levels of violence. They were founded in 2003, after the invasion, and this group goes by the name of al-Qaida in Iraq.

While this group draws inspiration from the al-Qaida that attacked the United States on September 11, the two groups are distinct enemies. Our intelligence community has reported that the group is overwhelmingly Iraqi and draws its financing from kidnapping and other local crimes, and seeks largely to incite ethnic cleansing and massacres against Shiite militias. But there is absolutely no evidence—no evidence—that this group is responsible for various terrorist plots in Western Europe or the United States.

We saw in the last couple of hours the report that al-Qaida around the world is as strong as they were on September 11, 2001. So how can it be—if the President is telling us the truth, and if the President's policy is right—how can it be that we made this commitment in Iraq, with all the mistakes of our civilian leadership, all the incompetence of our civilian leadership—despite the brave and noble service of our troops—how can that be with this commitment in Iraq at the same time that al-Qaida is as strong as it was on September 11, 2001?

No, I think it is very clear that this vote and this choice is very simple. We can either stay the course or we can chart a new course. That is what this is about.

I say in conclusion, this is also about whether this Congress will do what it must to prove ourselves worthy of the valor of our troops. That is part of what we have to do. I am not saying one amendment or one vote or one debate will do that. We have a long way to go to prove ourselves worthy of their valor. But I think this amendment is one way to move in that direction, one way to show our troops and their families that we will do everything possible to get this policy right.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President.

This is the first time I am addressing this body. I am filling the seat of former U.S. Senator Craig Thomas, a marine, a warrior, and an American hero. He was a gentleman from Wyoming who has left large boots to fill.

Now, some people have suggested that when I give my first speech, I do it at a time during the day when many people back home in Wyoming would be watching television.

Mr. President, you are also from the Rocky Mountain Time Zone, and you know people get up early. But at home it is now 3 a.m., and I doubt we have many viewers at home.

I was sworn in a little over 3 weeks ago, but it is like I have never left home. As a physician, an orthopedic surgeon, trauma surgeon, I am used to getting up at this hour and working at all unusual hours. People of Wyoming know that, and they call on me day and night. That is why I am here at this hour.

About 21 hours ago, we had a bipartisan breakfast to discuss this very issue. At that body, I told the whole group I was the most prepared to be up at this hour working. I am delighted to be with you. But we are here debating a very serious issue.

I spent a lot of time with Senator Thomas in the last year, driving him around the State of Wyoming, discussing the war, visiting about the war, about his trip to Baghdad, talking about the fact that we are threatened in a global war on terror, and that this is a threat to our way of life.

As a background, as a trauma surgeon and also as a Wyoming State Senator in the State Senate, I chaired the Transportation, Highways, and Military Affairs Committee. In that position, I asked to go and make sure that the Wyoming troops were getting everything they needed in Afghanistan and Baghdad. I was unable to make that trip. The arrangements could not be made. But I was able to go to Walter Reed. At Walter Reed, I was able to visit the troops, the wounded warriors, because I wanted to make sure that both as a State senator and as an orthopedic surgeon those folks were getting the kind of care they deserved.

What I saw were hero warriors, people who lost a limb or two limbs, and they wanted to return to combat. They wanted to do anything they could to get back with their buddies and fight for freedom.

Wyoming has paid the price, as has every State. I have been to services for young people who have lost their lives. I have held and tried to comfort family members. A little over a month ago, I got a call from my physician assistant. Her son is in Iraq. Her nephew was also in Iraq, and she had just gotten the news that her nephew had been killed. I went to visit the family.

These are brave warriors. These are people doing everything they can for freedom and for our Nation. They did not die in vain.

This past weekend, I was home in Wyoming. I had a town meeting in Douglas. I was also home over the Fourth of July. I had town meetings in Jackson and in Lander. I went to a couple rodeos, as I am sure you do as well. I talked to hundreds of folks traveling around the State. When I went to the rodeos—whether in Casper, or on the Fourth of July in Cody, where I attended it with a former U.S. Senator from Wyoming who has served on the Iraq Study Group—when they ride into the arena holding the American flag, people stand, take off their hat, and put their hand over their heart. The announcer does not have to tell them to do that. They just do it.

At both of those rodeos, in Casper and in Cody, they dedicated the "Star Spangled Banner" with a salute to Craig Thomas, former marine. Susan Thomas was there at both events and received the love of the crowd. Then, at both events, the announcer asked for prayers for the bravest men and women in the world, those who are fighting to keep us free.

What I heard from people all around Wyoming was: Do not quit. Do not pull out. Support the troops.

What are the consequences of withdrawal? Well, we heard it today with the Cornyn amendment. It passed today 94 to 3. The purpose: "To express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists."

We can go through the findings.

> The Senate makes the following findings:
>
> A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.
>
> The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally."
>
> The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world."

We can go on and on, but to me, the Iraq Study Group's final report, page 67, says it best:

> The point is not for the United States to set timetables or deadlines for withdrawal, an approach that we oppose.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Barrasso
Casey
Clinton
Coleman
Corker
Durbin
Enzi
Gregg
Kennedy
Kerry
Klobuchar
Leahy
McCaskill
Pryor
Reid
Smith
Sununu
Tester

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada to request the attendance of absent Senators.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Virginia (Mr. WARNER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 23, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—37

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Cantwell
Cardin
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Tester
Whitehouse
Wyden

NAYS—23

Allard
Barrasso
Bond
Brownback
Burr
Cochran
Coleman
Collins
Corker
Enzi
Grassley
Gregg
Hatch
Lugar
Murkowski
Sessions
Shelby
Smith
Snowe
Sununu
Thune
Vitter
Voinovich

NOT VOTING—40

Alexander
Bennett
Biden
Bunning
Byrd
Carper
Chambliss
Coburn
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Feinstein
Graham
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lott
Martinez
McCain
McConnell
Nelson (FL)
Roberts
Rockefeller
Specter
Stabenow
Stevens
Warner
Webb

The motion was agreed to.

The ACTING PRESIDENT pro tempore. A quorum is present.

CONGRATULATING SENATOR BARRASSO

Mr. ENZI. Mr. President, I just wanted to congratulate the Senator from Wyoming on the speech he gave this morning. It is his first speech on the floor since he arrived. It is not necessarily his official first speech, but it is his first speech. I wish to congratulate him on doing a very admirable job.

He accurately reflected the feelings of Wyoming which he has collected from his extensive travels in the 3 weeks since he has been in office. He has held a lot of town meetings; he has been to a lot of places; he has listened to a lot of people. I also appreciate very much the comments he made about Senator Thomas and also the tribute that has been paid to Susan Thomas at the events he has attended.

I appreciate the indulgence of the Chair, and I thank my fellow Senator for his excellence comments.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I join with the senior Senator from Wyoming in congratulating the new Senator, the junior Senator, for his comments. All of us miss Senator Thomas. I had the occasion to work with him on committee. He was a very fair, decent person and really looked for the center ground here and tried to make things happen. I certainly hope his successor will follow in that good tradition. We thank him for his comments.

Mr. President, I listened, as we all have, to portions of the debate up until now, and it struck me—particularly, I listened to the Senator from Minnesota who was speaking prior to the vote we just had. He made a lot of points that I think most of us would agree with, which is one of the problems with this debate—that Senators on the other side are setting up a lot of straw men and then knocking them down, talking about the strategic interests we have in the region, but then drawing a quick, and in my judgment, inappropriate conclusion that the change in strategy being proposed in the amendment we are debating is somehow going to play into the negative side of those particular strategic interests.

For instance, we have heard again and again how al-Qaida is the central focus, and how if we were to start withdrawing our troops, Iraq is going to be taken over by al-Qaida and America's interests will be hurt. Well, that conclusion is, first, speculative and, secondly, erroneous even in speculation. Why do I say that? Because al-Qaida was not in Iraq until we invaded it. Al-Qaida was not the threat it is today in Iraq until we made a series of errors, which are compounding now with the strategy we are pursuing.

The fact is our presence has been used by al-Qaida as an organizing tool, a recruitment tool, and it has been easier for al-Qaida to play Sunni and Shia off against each other because of our presence than it would be absent it. The experience in al-Anbar Province recently underscores the point we are making on our side of the aisle, which is that once the sheiks, the chiefs, in al-Anbar made the political decision that they were going to take on al-Qaida and actually stand up for their independence, they began to drive al-Qaida out of al-Anbar. Most of the Iraqis I have talked to in the course of the visits I have made there have indicated to me—I haven't met one Iraqi, Sunni, Shia, or Kurd, or various factions within Shia or Sunni, who believes that al-Qaida is a long-term threat in Iraq. Why? Because they don't want al-Qaida in Iraq and because, ultimately, if we are not there acting as the magnet and cohesive glue of al-Qaida's organizational efforts, and if we don't make al-Qaida in fact important to the ability of the militias or insurgents, Sunni and Shia, to use al-Qaida as a convenient tool to target American forces, or even to target civilians of the other sect, the minute that dynamic changes, then their need for al-Qaida changes. That is a fundamental sort of reality that has escaped a large part of this debate.

Al-Qaida is not able to survive, in my judgment, in the long run because of this nationalism, as well as fundamental commitment by each of those people to their own regions and interests that are indigenous to Iraq itself. I think foreign jihadists are going to have a hard time in the long run under those circumstances. Moreover, to talk about the strength of al-Qaida right now as the threat to the United States in Iraq is to ignore the National Intelligence Estimate that has recently been read—some of the public accounts—in the news media. Those of us who have had briefings, and some of us who have spent time pursuing this issue, understand that al-Qaida is reconstituting. They are as strong today as they were on 9/11. That is the latest estimate.

That fact totally contradicts the main message of the President and his administration—that we have to be over there to fight them over there so we don't have to fight them here. The "here" is broadening all around the world. If that were true, then what is going on with the Secretary of Homeland Security when he tells us that his gut is telling him that we are likely to have another attack now. It seems to me the chatter we are hearing reflected in the reports from the intelligence briefings we are getting is the same kind of chatter I heard from George Tenet in July of 2001, when he told us in room 407 that he was absolutely confident there was going to be an attack, they just could not tell us where. I might add that in the face of that confidence about the attack and the lack of ability to tell us where, the President took the longest vacation in history, and there were no briefings and nothing happened until September, when the attack of 9/11 took place. It is a matter of record, when we measure what the administration is saying today, what will happen and the challenge to us; you have to measure it against the record. This is not an administration that has been correct, conceivably, about anything, but certainly about almost everything with respect to Iraq.

So with each step that has been made, whether it was the early steps made by Paul Bremer, or subsequent steps made with respect to the disbursement of funds, or the promises of a transition to democracy, and so forth, not one expectation has been met. Not one basic political transformation that is essential to resolving this has taken place. We are in the fifth year, 5 years into it, and the administration says wait another 6 weeks until September before you do this because then we will know what we don't know after 5 years; we will know what we don't know after Senator after Senator has made trips to Iraq and spoken privately with generals, colonels, majors, all the way down the ranks into the noncommissioned officers and those going out on patrols; we have heard from them.

Let me say one thing quickly about what is not happening there. This is also profoundly about those troops. There is no question on either side of the aisle about the respect we have for the quality of the service that American troops are providing our country—no question at all. These are the best trained, most capable and dedicated people I have ever seen. One of my interns is serving over there now. He was an intern a couple years ago. We get regular e-mails from him. He writes us about the losses in his unit. He writes us about the patrols he is going out on. He sends us photographs. We sort of feel in our office like family with his unit. He is First Cavalry, and we are proud of his service and of the service of all of those men and women. They are—most of them—dedicated to the mission. There is not a lot of griping that we hear, and there is a tremendous pride of service. It is wonderful to see.

The bottom line is they deserve missions that make sense. They deserve an overall policy that is equal to the sacrifice and the commitment they show on a daily basis.

I am not a Vietnam veteran who believes everything that happened or comes out of that particular period is governing for what happens now, obviously. But there are certain lessons. If you don't learn lessons of history, as we have read and know, you are doomed to repeat the mistakes you make. Secretary Colin Powell, who was very influential in my own decision to give the President authority to have this big stick of the potential use of force, told me at length in a conversation that I had prior to voting how he thought it was important to apply the lessons of Vietnam to what we may or may not do in Iraq. That was part of the Powell doctrine about the use of overwhelming force and the commitment to know that you are going to do for the troops what the troops have been willing to do for you and their country, and that you are going to go through the diplomatic process and build up the kind of support we never had in the course of the war he served in and I and others served in.

I particularly remember the difficulties we faced on the ground in Vietnam, trying to distinguish between friend and foe, going into a village in the night and seeing people with ID cards that looked the same as everybody else's, and names that were misspelled, and our lists didn't work and they were misspelled. You tried to figure out who was who. It was chaotic. So it is in Iraq, where they go out and they have an interpreter, and you try to interpret, which is difficult anyway, and there is a huge cultural gulf, an enormous difficulty within the tribal context and cultural context to try to penetrate and figure things out. Our troops are doing an amazing job with the mission itself, but we are struggling with that.

This mission is as flawed as the mission was years ago. You send troops out to find IEDs—the hard way. You are driving down a road and you go through a community and, kaboom, there is an explosion. You get your wounded out and you turn around and you look at each other and say what did we accomplish? What did we get out of that? Did we secure any territory? Did we in fact make the community more secure? The greater likelihood is that the people who were hiding in some house, or the people who blew up that IED are sitting there congratulating themselves, saying we took out another 6 or 10 soldiers, and the headlines are there and that is what they want. Every time we go out and do that, we add to the fragility of the community and the chaos, in the sense of the entire stake. We all know that military mission is not going to reduce the long-term violence, which is being driven by the political stakes that both sides—or all sides, as there are a bunch of entities vying for power here—but all of them are playing us off against those interests. That is what is going on here.

So how many times do we have to listen to generals, particularly, but also to even the President, or the Vice President, or the Secretary of State, or our colleagues say to us there is no military solution? If there is no military solution, then what are the troops accomplishing in these proactive forays out into the community where they "show the flag" and show a presence? For a moment, the insurgents may melt into the background but, believe me, the minute those guys have disappeared—and there are not enough of them in Iraq, and there won't be, because we understand the dynamics, to secure all of the communities—the minute they disappear, the currency of daily life in the indigenous community takes over. That is the nature of the beast. That is what an insurgent guerrilla-type effort is about, which is why the initial flaw of never committing enough troops to guarantee you can do the job remains so critical to where we are today.

Now, the fact is that the young men and women who are being sent out on those missions have no more hope today than they did yesterday, or the week before, or a year ago. They won't have any more hope in September than they do right now when we are here on the floor with the potential of this vote. They have no more potential of resolving the fundamentals of what is causing those IEDs to be exploded. The fact is that IEDs are being exploded for one most significant reason, which we need to focus on in the context of this debate: because there are factions within the Sunni and Shia who are vying for power. As long as you have this open-ended presence of Americans, we remain the target and they remain committed to use us to foster the insecurity and fear that allows them to continue to maneuver among each other. Unless you change that dynamic, what happens here by continuing this policy, which is what our colleagues on the other side are prepared to do—at least through September, which raises a significant issue that in a moment I will come back to—but if you continue it, you are guaranteeing that those young men and women will continue to go out in the same posture they are going out today, without any resolution whatsoever of the fundamental political issues.

Now, I don't think that is very smart. It is plain not smart. Most Americans today get that. I heard the Senator from Minnesota and others come to the floor and say: What is driving this? Why now? Why are we doing this now, having this debate when we know that in September someone is going to make a report?

Well, I think the reverse is the question: Why are you waiting until September when you know what is happening today and you know the dynamic hasn't changed? Why do you send those troops out day after day on a mission you know cannot accomplish the goal and put them at risk without a mission that is achievable? Why do you sit here and say that somehow in September there is going to be a report that will change the dynamic, when we know not one benchmark has yet been met and you are talking about 6 weeks from now and we are losing 100 troops a month? What do you say to those families of the 100 who may be lost over the course of the next month: Gee, we were waiting for a report, even though we knew basically what the report would say. I don't think there is a colleague on the other side who doesn't hope the White House is going to start trying to pull back some troops in September. We have talked to generals and we have had Senators over there in the last weeks, and they have been told in certain regions they believe some troops can come home. So we are going to sit here and wait for a policy that will continue to put young soldiers at risk for a mission that is not going to change the fundamental dynamics.

Let me speak to that for a moment, the question of changing the fundamental dynamics in this mission. The escalation of troops in Iraq was supposed to be the precursor to the willingness of the Iraqi politicians to have the "cover of security" to be able to make certain kinds of decisions. I have to tell you that I think that thinking is fundamentally flawed. I think it is the other way around. I think if you want the people in your country to believe there is going to be some security, the political leadership has to stand up and make decisions that indicate there is a willingness to put the fundamental stakes in place that help create that security.

When we know we don't have enough troops there to secure every community, and you know there is this power struggle going on between these factions, you are not going to change those fundamentals by putting in a few troops here and a few there, melting down certain pockets of resistance that move, as they have, from Baghdad to Diyala, or Kirkuk, or to some other community, and you simply move the violence and the terror continues.

The politics has to change. There has been no indication whatsoever of the ability or willingness of Prime Minister Maliki, or the others who make up this Government, to make those fundamental decisions. What are we talking about? We are talking about an oil law. Is it that hard to sit down and decide how the revenues of the oil will be divided—by population, by community, by presence, by need? It hasn't happened. We have been promised month after month, oh, it is just around the corner, just about to happen. And it doesn't happen.

I have sat with some folks over there who have indicated to me that it is, in fact, the open-endedness of the presence of the United States that relieves the pressure. I have even heard that from some of our top U.S. diplomats who have been charged with the effort to negotiate, and they happily and gladly use the pressure of the Congress as a stick to try to leverage some of the transition we want.

But frankly, I have also heard them say that when the President and the administration stand up and say: We are there, don't worry about us, we are going to keep on doing this, they just back off because they don't think they have to listen to the Congress and they know they have this open-ended ability to play their game. It is that simple. That is what we are trying to change.

When I hear my colleagues on the other side of the aisle run through this list of red herrings, of straw men, it disappoints me, frankly, because we ought to have the real debate.

I have heard colleagues over there come with a map and say: You have Saudi Arabia here and Lebanon here, Israel here, and you have all of these interests and Iran. Iran is growing in its influence. Well, Iran has loved our presence in Iraq. Iran has grown in its influence because of what we have been doing in Iraq. We have empowered Iran. In fact, Iran doesn't want an Iraq that is completely disintegrated for a lot of different reasons. There are fundamental and profound differences between Iran and Iraq in the end, not the least of which is that Iran is Persian and Iraq is Arab. That Arab/Persian line existed long before the United States went there. Believe me, when we are not there, it will continue to exist and play out in influence with respect to the region.

You hear people say: This precipitous withdrawal. "Precipitous" is the favorite word of the other side. First, it is not a withdrawal; it is a redeployment. Yes, some troops come home, absolutely, as they ought to, because there are limits to what American troops are able to do in the middle of a civil war. I ask my colleagues, go read the authorization we sent those troops to Iraq with. There isn't one mention of what is going on there today. There isn't even one mention that is active today. The authority we gave the President to use to send the troops there was related to Saddam Hussein, to weapons of mass destruction, to a whole series of things, none of which are applicable—not al-Qaida, incidentally. This is a war which has completely morphed into what it is today, without congressional authorization. But for the fact that the troops are there, the Congress wouldn't send them there for what they are doing today. Just because you are there is the last reason to be sending young Americans out to continue to put their lives in harm's way.

We hear this issue of precipitous. I guarantee you, in September, the President is going to start redeploying some troops. And well into next year, we all know we can't sustain the current level of deployment. Everybody knows that. Talk to the military; talk to the Pentagon. We can't sustain it. There is a looming, huge reality standing over the Senate which is the reality of the deployment schedule itself, that at the current levels of our Armed Forces, at the current rate of deployment, we are not able to sustain the numbers we have there well into next year without busting the Armed Forces completely. That doesn't seem to enter the debate, according to the other side.

This isn't sustainable beyond next year. We don't even move most of the troops out until beyond that period of time. So there is a complete logic to the date that has been chosen. It is not arbitrary. It was not picked out of the air, and no poll has set what is happening here. In fact, if you followed the polls, you wouldn't be in Iraq at all. That is not what we are suggesting.

We acknowledge that there are interests. Yes, there are interests in the region. Yes, there are interests we have with respect to our ally Israel. Yes, there are interests with respect to Lebanon. Yes, if we just up and walked away, al-Qaida would use that. But that is not what this debate is about or ought to be about. What we are talking about is, how do you best take the sacrifice and commitment of our troops and honor it with a policy that in fact can achieve what we want to achieve in the region?

It is the judgment of many of us, including some Republicans, that we have reached a point where you best achieve what we need to try to achieve in Iraq by this fundamental change in what our troops are there to do. What we are doing is changing the mission from a mission where we are proactively going out into the community, into homes, proactively engaged in doing what the Iraqis ought to, after 5 years, be doing for themselves.

The Prime Minister of Iraq himself has said that they are prepared to take over the security. The Prime Minister has said they don't need us there in the same way we are. The people of Iraq don't want us there in the numbers that we are there today. In fact, I think one of the things we ought to vote on in this authorization is whether there should be a plebiscite in Iraq. Let's ask the Iraqis in an open vote whether they want the United States to be there in the way we are there today. Let's do that. I am confident of what the outcome would be.

The fact is, we are talking about how you get from here to there, which is where we all want to be, with a sufficient level of stability so that Iran cannot have increasing influence the way it does, that Iraqis will be able to stop going down this spiraling downward course of violence which is consuming their society.

Most of the middle class of Iraq has now already moved out of Iraq. Much of the middle class is in Syria, Jordan, other communities. What has happened is, the very core that we relied on to achieve what we wanted to, because of the violence and because of the misjudgments, isn't there anymore. That even complicates matters more.

I heard the Senator from Minnesota say the other day that this is not an open-ended commitment that we have today. I don't know how it is not open-ended unless, of course, he knows that General Petraeus is going to recommend that we bring some troops back in September because in the absence of that, it is open-ended. There is nothing that says to the Iraqis: Something is going to happen if you don't do X, Y, or Z.

Last year, we heard Ambassador Khalilzad and then General Casey and General Abizaid say the Iraqis have about 6 months, and if they don't do the following things in the next 6 months, it is going to be really difficult. Guess what, Mr. President. We are a year beyond that now. We are 6 months beyond the 6 months. What happened? Nothing.

Mr. INHOFE. Will the Senator yield?

Mr. KERRY. For what purpose?

Mr. INHOFE. For a question.

Mr. KERRY. I am happy to yield for a question.

Mr. INHOFE. I understood that the junior Senator from Massachusetts referred to the NIE. I would like to ask a question because my interpretation was totally different. The NIE that was released yesterday states that worldwide counterterrorism efforts over the past 5 years have constrained the ability of al-Qaida to attack the homeland and have led terrorist groups to perceive the United States as a harder target to strike than on 9/11. It is a significant judgment that shows that our counterterrorism efforts have been working. It also notes that al-Qaida leadership continues to plot high-impact attacks, and the safe haven it enjoys along the Afghanistan-Pakistan border has likely increased its capabilities to attack the United States. This doesn't mean, as some erroneously reported last week, that al-Qaida is as strong as it was pre-9/11. It does mean that al-Qaida may be strong enough to carry out an attack on the United States.

The question I would ask, reading in context from the NIE, is, Do you agree with this interpretation?

Mr. KERRY. Mr. President, I agree with all but the last judgment that was made by the Senator. Any appropriate apolitical reading—and I am going over to read the full NIE, but I have read the public accounts of it and I have talked to some people about it. I would agree that, of course, we have done some hard work. Of course, it is more difficult to penetrate our country. Absolutely, one would hope. My God, after all the money we have spent, after the reorganization of Homeland Security, after what we have done at airports alone, let alone some of the efforts of the FBI and others with respect to foreign cooperation, of course, we have hardened. I don't question that.

Have we done even as much as I and others want to do? The answer is no. We have a lot of undone work with respect to chemical plants and nuclear facilities and ports and communities. Frankly, I would have had every bit of our baggage x-rayed and inspected. We put passengers through this incredible rigmarole, but you can put a piece of baggage on an airplane that hasn't gone through it. That is absurd. Not to mention our ports and the question of port security. We had a vote here not so long ago to guarantee that we upgrade our port security even more so that the containers that come in by the millions are more secure. There is a lot we can do still.

But, yes, we have hardened. I agree with that. Are we a tougher target today vis-a-vis al-Qaida than we were on September 11? Yes, we are a tougher target than we were on September 11. But that doesn't refute at all what has happened with respect to al-Qaida.

Al-Qaida was on the run. We had 1,000 al-Qaida in the mountains of Tora Bora within months after invading Afghanistan, which I voted for and supported and completely believed was the right thing to do—go in and take them down. But I will tell you, I have heard from four star generals that we ran a risk-averse policy with respect to the effort to go after al-Qaida in Afghanistan. When we had them surrounded in the mountains of Tora Bora, we didn't pull the trigger on the 10th Mountain Division or the 1st Marines or on the 101st Airborne, all of which were in the locality. We didn't use them. We outsourced the job going after the biggest criminal in American history. We outsourced the job to Afghan warlords who 1 week earlier had been on the other side fighting against us.

What happened, we all know. Al-Qaida escaped, went into the northwest Pakistan territories where they have been reorganizing now for 4 years. What that intelligence report does tell us is that they are reconstituted, and they are exporting their lessons learned in Iraq to Afghanistan now, which has become far more fragile, far more of a challenge, and they are exporting it to Europe. If you talk to the authorities in Europe—Germany, in particular, but some other countries—there is an increase. That is where the center of al-Qaida is today, according to many people in the intelligence community. It is growing. That threat is a threat not just to the United States but a threat globally.

I continue to say—and I think the NIE is saying this to us—that al-Qaida as an entity is as strong today as it was on September 11. After almost $600 billion and over 4,000 lives and all of the turmoil we have created in Iraq because we are supposedly fighting them over there so we don't have to fight them here, there is no way to escape the fact, the reality that al-Qaida is in a better position to do whatever it wants to do, wherever it may be, including trying to attack us, notwithstanding our hardening.

It is a lot tougher to get into the United States today. It depends on where you come from. There are a lot fewer people from Middle Eastern and other Islamic connected countries who are getting visas to come into the United States. It is a lot tougher today. It should be; we understand that. The reality is that al-Qaida is a threat.

But let's come back to Iraq, which is the key. Al-Qaida wasn't in Iraq. The focus of this war was in Afghanistan and in other places. We shifted it to Iraq. We have put far more resources and far more personnel into Iraq, and Afghanistan is getting worse. I have talked to people who spend every day of their lives focused on defense and security issues who are unbelievably concerned about what is happening in Afghanistan as opposed to concern about what is happening to Iraq in terms of the threat to the United States.

I come back to the point I was making a moment ago, and that is that this remains open-ended fundamentally with respect to the demands on the Iraqis to live up to their obligations, whether they are the provincial elections or the constitutional challenges or the reconciliation process.

I met with Prime Minister Maliki earlier in the year. We talked about the reconciliation process. He sat there and said: Yes, we are going to meet tomorrow and the next day, and we are very confident about what is going to happen with the reconciliation. We are working at it.

I think the meeting was postponed. I think they held it a little later. They got together. Nothing happened. There has been no reconciliation. Everybody understands that we haven't been going forward with that.

The question before the Senate, the real question is, Are we going to be able to vote on something that is as critical as this without the parliamentary intercession? Let's let the chips fall where they may. That is the way we have approached the Defense authorization bill historically.

The other question behind that is the question of how do we best protect American interests in Iraq. There is a difference of opinion there. Many of us have come to believe that it is by setting a date for legitimate transformation of responsibility, that people's behavior will change. I have seen that historically. Essentially, to whatever degree one was able to try to give the Vietnamese an opportunity to be able to survive, it was because we transferred authority and responsibility. I remember that as long as the Americans were carrying the full weight out there doing whatever, nobody else felt they had to do any lifting.

These politicians in Iraq are not going to make fully sort of preservational choices until they are faced with the reality that they have to. As long as the U.S. security blanket is there, it protects them from actually having to come to grips with those choices. It empowers them to be able to play out whatever power struggle is going on with respect to one sect versus another, one region against another. So they can sit there and say: Well, within the next months, these guys are going to get wiped out, and my interests will be different than they are today. We believe that you have to change those perceptions of interest and you have to change them now.

In addition, there is nothing in this amendment that deprives the President or the Congress or the country of the ability to protect our interests in the region. Those interests, incidentally, we believe very deeply are being injured by the current policy. We are creating more terrorists. The CIA has told us that. We have even had reports that al-Qaida—the Osama bin Laden-al Zawahiri al-Qaida based in northwest Pakistan and Afghanistan—is using what is happening in Iraq as a recruitment tool, as a fundraising tool. It has become a magnet for jihadists. The way you deal with that is to be smarter than we are being today, which is diffuse the American presence, have surrogates legitimately doing what we are in the same interest. We ought to be demanding more of the surrounding communities but, frankly, they have lost confidence both in Maliki and this administration. The ability to do that is now much harder than it was.

We in this amendment do not withdraw all the troops from Iraq. Some people don't like this amendment because of that. There are some in the country who think it should just be done tomorrow. That is not what happens here. There is nothing precipitous about it at all. It begins a process that most people in the Senate know is probably going to begin in September, but it begins it with a clarity that begins to change the dynamics on the ground so you begin to best leverage the political transformation that needs to take place.

It does so in a way that leaves the President the discretion to be able to have troops necessary to complete the training of Iraqis. It leaves the President the discretion to have troops necessary to continue to prosecute al-Qaida. And it leaves the President the discretion to be able to have the troops necessary to protect American facilities and forces.

Five years—going into the sixth year—of this war, that is a recipe for transforming America's presence there, for transforming Iraqi responsibility, and for achieving the political settlement that is absolutely unachievable as long as there is simply the kind of military commitment that has been on the table to now. To date, the administration has not shown anybody what their route is, what their path is, for the kind of political settlement that seems to escape them every time they make the promise.

The fact is that the way the troops—I feel this as strongly as I feel anything. I remember personally, when I thought a policy was not working very well, how we wished that people were responding to the realities of what was going on on the ground, and that we wanted people in Washington to be more thoughtful and knowledgeable about what the dynamics were on the ground.

I think the same is true of our troops over there, who are committed to achieving what they can, but who also—and I have talked to many of them—feel as though they are trying to put a square peg in a round hole, that they do not have the right tools and the right dynamic to be able to accomplish what needs to be done.

So I say to my colleagues if you know what you are doing is not working, if you know what you are doing is counterproductive, if you know what you are doing is, in fact, working against your ability to most effectively prosecute the war on terror, if you know what you are doing is creating casualties out of missions that do not accomplish your ultimate goal—which is providing the security that allows the transformation of the politics; and there is no indication the politics are about to follow—if you know, in fact, you have strengthened one of the primary entities you are concerned about in the region—Iran—if you know you have lost ground with respect to Hamas and Hezbollah—because you have been focused elsewhere and not leveraging what needs to be done there—if you know so many interests of your country are being set back, you ought to change your policy.

You do not just change it on the military front. In the face of the advice of our own generals that there is no military solution, you have to change it on the political and diplomatic front. This amendment has a very significant, leveraged, diplomatic approach, where it requires a very significant effort, where it has been lacking. And believe me, I have gone over there enough and talked to enough people to understand the degree to which it is lacking. It is critical we leverage that kind of behavior.

So I hope we are going to—in the debate, we ought to have a real debate. I have heard colleagues on the other side talk about a recipe for defeat. If we continue down the road we are going now, we are setting ourselves up to empower al-Qaida even more. If we continue down the road we are going now—without the political resolution, without legitimate leverage in the region that is more reasonable, and without the transfer of legitimate responsibility and accountability to the Iraqis—then we are going to have more American soldier casualties, we are going to stay in the same position we are in today, and a month from now, 2 months from now, 6 months from now, the judgments we are going to be called on to make will be exactly the same as they are today, only worse, because more time will have been spent, because opportunities will have been wasted, and because the opposition will have been empowered even further.

That is what the choice is for all of us here. I hope we are going to have sort of a real debate. It is legitimate you might differ over whether a particular move is going to accomplish what you set out to do, but please do not debate something that is not on the floor.

This is not a precipitous withdrawal. It does not abandon our interests. It addresses our interests in a different way. It redeploys our troops. It keeps a significant presence, not just there but in the region.

We have troops in Bahrain. We have troops in the gulf. We have troops in other parts of that region, in Kuwait. The fact is, America has the ability to protect its interests vis-a-vis Iran. None of us wants to see chaos in the long term, but there is chaos that is growing on a daily basis, worse and worse, as a consequence of our presence. If we have not learned that lesson by now, then we have learned precious little at all.

I hope we will have the real debate we deserve as we go forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Utah.

Mr. HATCH. Mr. President, I am extremely interested in the comments of the distinguished junior Senator from Massachusetts. I do not agree with much of what he said, and maybe I can comment about some of the disagreements as I make my remarks this morning. I will begin by saying that on Iraq, absquatulation is not a policy.

Today we face a growing movement for the political abandonment of the will to success in the biggest conflict we face in the whole 21st century. There are handfuls of people in pink wandering the hallways here, and the party in the majority claims a growing groundswell to abandon the fight in the midst of the battle.

These are perilous times, and the political class of this country is divided among those who desperately want to raise the white flag, those who are fleeing to the tall grasses, and a beleaguered administration, beleaguered in part—and let us be honest at a time when generosity would be misplaced—by many of its own spectacular mistakes.

I hear from constituents who are worried—very worried—about the war in Iraq. But Utahns are stalwart in character. Not all of them support the President's policy, and not all of them support me, to be sure. But I think I am being honest to suggest that the vast majority of my constituents are as worried by the prospects of a U.S. unilateral withdrawal as they are by the challenges we face in the middle of a battle whose end many of my colleagues no longer have the patience to imagine, pursue, or achieve.

Such abandonment is not an option for our forces in Iraq.

I gave a speech on this floor several months ago where I said I was not going to concede to the Democrats' strategy of unilateral withdrawal. I pointed out the irony that the Democrats' legitimate criticism of this administration's policy—that the Bush administration went into Iraq unprepared for the consequences, and without imagining the requirements of the day after we toppled Saddam—was, in fact, being repeated by the Democrats who now advocate a withdrawal without preparing for the consequences, and with no consideration of what will happen in Iraq, the region, and the world after we decamp. I find this bitterly ironic.

While I agree with many of the criticisms of this administration's early failures in the Iraq war, I will not stand quietly against the irony—indeed, the hypocrisy—of suggestions that it is OK to abandon a war without considering the consequences, but damnable to begin one in the same manner.

In the months since I spoke on this floor, where I gave my qualified support for the surge, I have listened carefully to the debate on and off the floor. I have talked to my colleagues, to administration officials, to constituents and friends, here and abroad. I have read the intelligence on the prospects for Iraq and the currents in the region. I have traveled to Iraq, and I have traveled in the region.

I am a member of the Intelligence Committee, perhaps with the longest tenure in the history of the Senate on the Intelligence Committee, and I do not find things to be as my colleagues on the other side assert.

Nowhere have I found a silver lining to these clouds of conflict. But nowhere have I heard anyone say the clouds are less dark on the horizon.

The three major problems I am most concerned about—the al-Qaida problem, the Iran problem, and the moral and practical costs of abandoning the moderate Iraqis—have not been addressed in any substantive way in any of the policy prescriptions I have studied. If the majority wants to decamp, they need to propose a policy context that makes the United States safer on the day after, not more in peril.

There is an al-Qaida problem.

In May, I went to Ramadi. I was briefed on our base by General Gaskin, and then we suited up to go for a walk in the town center. He was with us, and walked with us in that town center. That is correct, we had to suit up in armor for a walk downtown. This was no Sunday stroll for ice cream. But two facts were obvious: One, 6 months before we strolled through those downtown streets, Ramadi was al-Qaida's capital in Anbar Province and Iraq. On that day, 2 months ago, it was the local Sunnis' capital again. And, two, the local Iraqis I saw and met in Ramadi were happy to see us there. Had we walked down those same streets 2 months ago, we would have been killed.

However you want to criticize the administration for its past errors, we now have a workable counterinsurgency plan in operation. It is working in Anbar, and al-Qaida is on the defensive.

Are they moving out to other places? We are. Are we following them, using the counterinsurgency tactics we have finally mastered? We are. Are we going to abandon the field we have learned to dominate? You tell me. And we will abandon that field in this very Chamber if we keep following what is being spoken to on the other side.

Here is what I learned about our successful counterinsurgency campaign from General Gaskin. Al-Qaida declared Ramadi the capital city of the Islamic State of Iraq. There were no police in Ramadi last year. Al-Qaida in Iraq, or AQI, as we refer to it, had destroyed all the police in the city. Starting in mid-February, the coalition cleared the downtown in about 6 weeks. There were approximately 15,000 to 20,000 members of al-Qaida in Anbar initially. Now, about half of them are dead. Others are still trying to discredit the Government of Iraq and discredit the occupation. They represent us as occupiers, infidels, if you will. They advance their goals with brutal methods. All of their financing comes from criminal enterprises. Al-Qaida is very cellular, decentralized, but resilient and regenerative. They are self-sufficient, funding themselves through criminal activities—murder, intimidation, the black market.

We have finally learned to deal with the Sunni tribes. It took us too long to understand the tribes, but al-Qaida did not understand the tribal culture either. Al-Qaida's intimidation activities and murder of families—including young boys—enraged the local tribes and tribal leaders. The tribes' response was their realization that the expanded coalition presence was a chance to get al-Qaida out of their lives, and they came to a mutual understanding with coalition forces, sending 1,200 of their boys for enlistment in the security forces in 1 day.

That was a turnaround. I was there with Senator SMITH approximately a year before then. There was no chance at all in that province. But because of the counterinsurgency, we have made tremendous strides, and they are completely ignored by some here in this Chamber.

But the local population in Ramadi and al-Anbar has helped find two-thirds of the IEDs in this area. We have promoted the development of a neighborhood watch system there. Once you clear, you must leave a security presence with coalition support. The locals will not give you intel if you do not leave a permanent presence to provide security. In the words of General Gaskin: We are asking the Iraqis to gain capacity while they are at war. This is very unusual, and it is very difficult.

In counterinsurgency, the most important thing is how well you protect the population, and what the level of violence is. We are making progress in al-Anbar. Are we going to abandon this progress? As General Gaskin put it: It's like someone tells you the ship that you're on is on fire. You jump off, but halfway down you discover that it wasn't on fire after all. You still have to deal with your decision to jump: Either swim or drown.

As I have said, I am not in favor of jumping ship, but for those who are, the question is: What are we going to do? Swim or drown?

Last month, two analysts for the Radio Free Iraq service of Radio Free Europe/Radio Liberty released a compelling report entitled "Iraqi Insurgency Media: The War of Images and Ideas."

In addition to cataloging the impressive degree to which the Iraqi Sunni insurgency is using the Internet to purvey a constant stream of images, propaganda, songs, and other images that glorify the fight against the coalition, this report makes clear that this barrage of insurgent media is feeding the global extremist network.

According to the report:

> The Iraqi insurgent media network is a boon to global jihadist media, which can use materials produced by the insurgency to reinforce their message.

The images of our precipitous withdrawal will be broadcast endlessly, to inspire and incite extremists throughout the world.

In fact, if you talk to the analysts who monitor insurgent media, you learn that there are two prevalent themes today. The insurgents, including al-Qaida, are very media savvy, and they are avid consumers of Western and American media. They watch our floor debates. It is a common theme for them today to declare that we will withdraw. In our withdrawal, they see victory.

If we abandon the counterinsurgency gains we have made, al-Qaida will not only declare global victory and vindication, they will attempt to reclaim the territory in Iraq. And don't think anything otherwise.

Nowhere have I seen policy prescriptions from the other side or anywhere else, for that matter, other than the counterinsurgency and the work that is going on right now to address this problem.

We cannot fight al-Qaida from across the border. And to suggest we can protect all our interests by being in the little country of Kuwait is absurd. We cannot fight al-Qaida and ignore Baghdad. And we cannot walk away from this fight with al-Qaida.

For those who want to withdraw without a policy prescription, all I can say is, you may no longer be interested in al-Qaida in Iraq, but al-Qaida is interested in the United States, and always has been.

Let's talk about the Iran problem. My colleague from Massachusetts mentioned this as though it is not a problem. I am sure he did not mean that. If you watch the Sunni insurgency media, you also determine an even more prominent theme. They assume, based on watching our media, that we will abandon the cause. And they declare an even bigger threat is Iran. Nowhere have I read of a compelling policy prescription to answer the question of how we will deal with Iran in the aftermath of a withdrawal. Iran is competing with the United States in the region. We are getting unclassified briefs from Multi-National Force in Iraq officers identifying the Iranian agents' role in supporting militias and funding explosively-formed penetrators EFPs, if you will—networks, which target the coalition.

Iran is playing a dangerous game, not because they solicit an armed reaction from us—which they calculate will not occur—but they are carefully stoking sectarian and anticoalition conflict, while taking advantage of the relative security our military presence provides.

What is our policy toward Iran should we decide to follow the prescription to abandon the fight in Iraq? All I have read is a hopeful repetition of the desire for a diplomatic solution. I always hope for a diplomatic solution. That is always a nice weasel way of hoping we can get out of these problems. I also hope to balance the budget, and I hope to cure AIDS. We are not making much headway in those, either.

This will not happen based on hope alone, however.

Those who think we can split from Iraq in the middle of the conflict and deal with Iran with a Tehran tea party are not just hopeful, they are delusional. Iran is a totalitarian regime in desperate economic circumstances and desperate economic condition. There have been riots over gas-rationing in a nation awash—or should I say rich—in oil.

The population has suffered 2 generations of economic decline—in a nation rich in oil. The rich Persian culture has suffered the spectacular mismanagement of a corrupt and despotic regime.

Just several days ago, the Open Source Center provided an analysis of Iran's treatment of its labor unions. I quote:

> The abduction of the head of Tehran's transport workers' union is the latest sign of

> the antagonism shown President Ahmadinejad's government toward trade unions and other civil society institutions. On April 11 it shut down the Iranian Labor News Agency, which often reported on labor discontent arising from Iran's economic failures as well as on student unrest and human rights abuses. Mahumd Osanlu, head of the Workers' Syndicate of the Tehran and Suburban Bus Company, has not been heard from since he was beaten and abducted on July 10 by plainclothesmen, presumably from the government.

Do I need to remind my colleagues that Ahmadinejad ran on a platform of helping the lower classes? This is the face of a corrupt and failing regime that is causing havoc all over the Middle East. Just ask the people in Lebanon, if you want to, but you can also ask the people in Iraq.

We are spending about $100 billion a year providing various degrees of stability through most of Iraq, stability on Iran's border. If we leave, there will be great instability. How will Iran react? My friend from Massachusetts seems to think they are not going to do one little thing. Once we leave, everything is going to stabilize and it is all going to be just wonderful. I don't think he quite went that far, but he basically said Iran is not going to do much. But do we have a policy in place that will seek to advance our goals of containing the Iranian threat, or is the policy of withdrawal hinging simply on the desperate desire for diplomacy with despots?

There are moral and practical costs of abandoning the moderates in Iraq. I disagree with the distinguished Senator from Massachusetts. There are plenty of moderates. There are plenty of the middle class in Iraq. Large areas of Iraq are not in turmoil. Large areas of Iraq are, but there are plenty of people living there who want this country to work. Eighty percent of them voted for freedom and voted for a representative form of government.

What are the consequences for the moderates of Iraq if we withdraw? There are, in fact, many moderates, many Iraqis intermarried between faiths, many Iraqis who are urban professionals, many Iraqi women are educated, in contrast to what the al-Qaida people and the Taliban people would do to women. All of these are attributes of the moderate masses who are today intimidated by the insurgents, by gangsters and terrorists, and who are currently failed by Iraqi politicians.

Nonetheless, they are there in significant numbers. They will suffer immensely in the chaos that will follow our withdrawal.

If we believe that a principal key to addressing the sources of discontent that fuels violent extremism in the Muslim world was the empowerment of the moderate classes seeking modern civil society, our abandonment of the cause in Iraq will do more than fuel the ferocious violence of al-Qaida, the deadly competition fomented by Iran; it will seal our ability to appeal to the moderate Muslim elements throughout the world, to build civic culture in autocratic societies. Our natural allies in these societies—the young and the educated, the professional, the women seeking to escape the oppression of the veil—will not respond to our entreaties because they will have seen that the United States does not continue to stand with its allies. They will see the images of our withdrawal. They will see the self-satisfied propaganda of the insurgents and al-Qaida, and they will be afraid to be with us.

I fear they will see images of the slaughter of innocents.

They will go back into the shadows, and the shadows of autocracy or, even worse, Islamic fascism will grow. We will have squandered not just the good will of our natural allies—those who want to modernize into peaceful and productive societies—but we will have squandered the faith of hundreds of millions throughout the world who will see no reason to stand by or with us. Whom will we blame for the slaughter of moderates, and whom will we turn to the next time we seek allies in the Middle East?

Should those who advocate withdrawal today succeed in their ill-conceived attempt to run away from reality, reality will not let us escape. Without a policy to fight al-Qaida in Iraq, to compete with an unstable and adventurous Iran, and to prevent the slaughter of Iraqi innocents on a scale much greater than we see today, a withdrawal will be calamitous.

The consequences on our ability to conduct foreign policy, to win the war on terror, and to advance our values of democracy and peace will be immense.

After the capitulation driven by congressional Democrats that led to our abandonment of Vietnam in the 1970s, the Soviets became emboldened and advanced throughout what was known then as the Third World—in Angola, Central America, and Afghanistan. We regained our footing in a decade, and we won the Cold War because we found our will. Without a strategy to accompany the policy of withdrawal, the consequences—an emboldened al-Qaida, aggressive Iran, and intimidated, harassed, and slaughtered Iraqi moderates—will haunt us much longer than after our Vietnam withdrawal. After all, the Vietnamese did not threaten our country. They did not threaten our mainland. These people have, and these people continue to threaten our mainland. These people continue to say, as was said just a week ago, that they are going to cause havoc over here.

I am 73 years old, and I fear that should we concede to the powerful call for withdrawal without a sound policy, the harm to this Nation will last longer than I have years to live.

The senior Senator from Arizona, Mr. McCAIN, whom I hold in high esteem, quoted General Petraeus earlier, saying that of all the resources General Petraeus could have, the one he wanted most was time. The one he wanted most was time. This is a very important point, and I commend the distinguished Senator from Arizona for making it.

Many people today believe that whatever the outcome this month, we have set a deadline for September. I say: Any progress achieved by September will be incremental, at best. Counterinsurgencies can be won, but they will not be won on a congressional election cycle. We should not be so arrogant as to presume we can make them fit into such an absurd construct. Let us be honest and admit that if we want to sustain the fight in Iraq, we should give it much longer than a September deadline. Perhaps in a year, perhaps in 2, we can see a success, but for this, we need more than time. We need will. That is what I see evaporating around all of us here in the Senate.

The majority is waving the flag of withdrawal. There is no accompanying policy to shape the way the geopolitical environment will be affected. Our enemies will be emboldened, our competitors encouraged, and our friends throughout the region will be like me: discouraged.

Mr. President, the distinguished Senator from Massachusetts has said we are not talking withdrawal; we are talking a redeployment. Who is he kidding? We are going to leave a small contingency there to do exactly what Secretary Rumsfeld was doing, with an emboldened al-Qaida? Come on. I think they are ignoring the fact that the al-Qaida people have said they are going to establish a worldwide caliphate and impose their will on everybody—especially us.

One thing I would just like to say is they have piled into Iraq. They were there before, in spite of what the distinguished Senator has said. Maybe not in as great numbers; of course not, but they have piled into Iraq knowing that if they defeat us there and we turn tail and run for the high grasses, they will have accomplished something they didn't even dream they could accomplish 5 years ago.

This is not a simple war. This is not a war against another nation. It is not a war where people on the other side wear uniforms. It is a war where they commit terror all over the world. It is a war where they have threatened us. It a war where they kill innocent human beings. It is a war where they don't think anything of sending their young people strapped with bombs to blow themselves up, to maim and kill innocent civilians.

If we do what our friends on the other side want to do, our enemies will be emboldened, our competitors encouraged, and our friends throughout the world will lose an awful lot of faith and confidence in the United States of America.

Mr. President, absquatulation is not a policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Good morning. Not long ago, a woman who lives in Pawtucket, RI, wrote me:

> I care about the human spirit, which I think is deeply wounded by our occupation in Iraq. I have three friends serving this country because they believe it is their duty. I believe it is your duty to bring them home. I beg you for an end to this war.

She is not just a lone voice from one State. All over this country, Americans call for an end to this war. At the grocery store, around the kitchen table, and in places of worship, Americans are sharing their frustration and outrage at a President who refuses to listen, refuses to admit mistakes and misjudgments, and stubbornly refuses to change course.

The amendment sponsored by my distinguished senior Senator, JACK REED of Rhode Island, and the honorable chairman of the Armed Services Committee, CARL LEVIN of Michigan, would require a redeployment of American troops to begin within 120 days of enactment. It sets a reasonable, responsible goal: that the redeployment be completed by April 30 of next year—2008.

Let us be clear: The Levin-Reed amendment offers a new direction in Iraq.

A vote for the Levin-Reed amendment is a vote to support our troops and their families who are bearing the burden of repeated deployments, long separation, and sometimes debilitating injury, and they bear it with courage, fortitude, and honor. This measure supports them by bringing the troops home safely and with honor.

A vote for the Levin-Reed amendment is a vote that will help give our military the time and the resources to rebuild and recover from the strain on our troops and equipment.

A vote for the Levin-Reed amendment opens strategic doors to renew diplomacy in the Middle East and throughout the world and to begin restoring America's standing, prestige, and good will in the global community.

More and more of our colleagues in this body recognize the need for this new direction. Many of those who supported the war in the past have now said they can no longer support President Bush in his failed and misguided course in Iraq. But I say to my friends, when the issue before us is our single most important matter of foreign policy and national security, words alone are not enough.

When our Nation's course has been as misdirected and mismanaged as it has been, words alone are not enough.

When, in the face of this policy's failure and the resulting chaos in Iraq, corrective action is called for, words are not enough.

And when the opportunity for that correction is within our reach, within our grasp, if only we would seize it, mere words are not enough.

This is a day when we are called upon to act. The question before us is simple: Are you in favor of bringing our troops home? That is a serious question, and it demands serious, reasoned, and thoughtful debate.

I was recently struck by words spoken in this Chamber by Senator RICHARD LUGAR of Indiana. Senator LUGAR's words imparted a thoughtfulness that too long has been missing from this debate. Too often, this administration communicates not with reason but with slogans and sound bites: "Stay the course." "Support the troops." "Global war on terror." "Cut and run." "Precipitous withdrawal." I say to anyone watching this debate: When you hear those words coming from this Chamber, I hope an alarm bell goes off in your head, a signal that thinking and reason have ended and sloganeering has begun. You deserve better.

In May of 2003, President Bush landed on the aircraft carrier USS *Abraham Lincoln* and said this:

> Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed.

In the background, of course, was the banner that read: "Mission Accomplished."

Then, over a year ago, in June 2006, President Bush announced Operation Together Forward, a "joint effort to restore security and rule of law to high-risk areas in the capital city" of Baghdad.

Then, this January, the President said he would send tens of thousands more troops there, part of a surge to try yet again to secure Iraq's capital.

The months since President Bush's surge have been among the deadliest of the war. Nearly 600 U.S. soldiers have died since the announcement of the surge, and over 3,500 have been wounded. Last month, more than 100 American servicemembers died in Iraq. The month before that, more than 100 American troops lost their lives. The month before that, April of this year, over 100 American deaths. Between February 10 and May 7 of this year, the Pentagon reports U.S. forces sustained an average of 25 casualties each day—more than during that time in the previous year.

Alasdair Campbell, the U.K.'s outgoing Defense Attache at its Baghdad Embassy, said in May:

> The evidence does not suggest that the surge is actually working, if reduction in casualties is a criterion.

The Pentagon's survey found that, on average, more than 100 Iraqi civilians were killed or wounded each day between February and May—nearly double the daily total from the same period 1 year ago.

The number of unidentified murdered bodies found in Baghdad soared 70 percent during the month of May—726, compared to 411 in April. At least 21 unidentified murdered bodies were found in Baghdad just this past weekend. The displacement of Iraqi civilians has continued throughout the spring—90,000 Iraqis per month in March, April, and May of 2007, according to the Brookings monthly Iraq Index. The average weekly number of attacks across Iraq surpassed 1,000, compared to about 600 weekly attacks for the same period 1 year ago. More than 75 percent of the attacks were aimed at U.S. forces.

In an interview with the Washington Post in June, retired general Barry McCaffrey said:

> Why would we think that a temporary presence of 30,000 additional combat troops in a giant city would change the dynamics of a bitter civil war?

In a survey taken in February and March of this year, 53 percent of Iraqis viewed their security environment as "bad or very bad," and even in that environment, 78 percent of Iraqis, in an ABC News study, do not support having American or coalition forces in their country. Only 18 percent have confidence in U.S. and coalition troops, the BBC has reported, and 51 percent approve of attacking our forces.

David Kilcullen, General Petraeus's top counterinsurgency adviser, said last month:

> We haven't turned the tide. We haven't turned the corner. There isn't light at the end of the tunnel.

We will not turn the tide, we will not turn the corner, and there will be no light at the end of the tunnel until this administration makes it clear that our intent is to withdraw our forces rapidly and responsibly.

The other side argues that to dispute this President's judgment is to fail to support the troops, even though that very judgment has catastrophically failed the troops and our country.

I traveled to Iraq in March, in my capacity as a new member of the Senate Intelligence Committee, to get a firsthand look. I met brave Rhode Islanders in Fallujah and at a medical center where Rhode Islanders are helping provide care to our wounded soldiers. They, like all our troops in Iraq, are serving our Nation with dedication, courage, and honor. Our troops are working so hard and accomplishing so much, but this administration has not given them the support they need—not in the field of battle, not when they return home, and, most importantly, not with wisdom to match their bravery.

As I traveled around Rhode Island in the last few years I met mothers who felt they had to buy body armor for their sons who were being shipped to

Iraq because they could not trust this administration to provide it.

Just this week, USA Today reported extensively on the Pentagon's failure to address the Marines' request for Mine Resistant Ambush Protection—or MRAP—vehicles.

In February, a series of articles in the Washington Post highlighted shortfalls in the care and treatment of our wounded warriors at the Walter Reed Army hospital. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical equipment, rundown facilities, and bureaucratic snafus.

This administration says we need to support the troops. I agree. We can support the troops by ensuring that they have the equipment, resources, and protection they need—and by caring for them when they return home. We can also support them with wise strategies arising from honest debate.

The President says Iraq is part of a vast "global war on terror" and that remaining mired in a conflict there is critical to our national security. But the war in Iraq has made us less, not more, secure. The way to reverse this trend is to redeploy our troops out of Iraq.

After our country has expended over $450 billion and lost more than 3,600 American lives, according to the unclassified key judgments of the National Intelligence Estimate released yesterday, al-Qaida and other Islamist terrorist groups remain undiminished in their intent to attack the United States and continue to adapt and improve their capabilities.

While the Bush administration wallows in Iraq, al-Qaida has protected sanctuary along the border between Afghanistan and Pakistan, again according to the unclassified key judgments of the NIE.

National Intelligence Director Mike McConnell told the Senate Armed Services Committee that he believes a successful attack by al-Qaida would most likely be planned and come out of the group's locations in Pakistan, not Iraq. Al-Qaida, the perpetrators of the September 11 terrorist attacks on the United States, remains a significant threat to our country and our national security, and 4 years of war in Iraq has not changed that fact.

President Bush and his diehard allies say that what we and the American people support is cut-and-run or a precipitous withdrawal.

The Levin-Reed amendment requires that we begin redeploying American troops from Iraq 4 months after the measure is enacted—not 4 days, not 4 weeks, but 4 months. Surely, with the greatest military in the world, we have the capacity to plan in 4 months to begin a redeployment of our troops. In fact, I would be surprised and concerned if our military were not already planning for such a contingency.

Then, the Levin-Reed amendment sets a date for redeployment of April 30, 2008. If this amendment became law tomorrow, that would give our military and this administration more than 9 months to plan and implement our troops' redeployment—a redeployment that leaves a military presence for force protection, training, and counterterrorism in Iraq. Is that truly a precipitous withdrawal? It is not. Those who say it is are not being straightforward with the Senate and with the American people.

Let me say this, because it is one of the elements of this issue which President Bush has completely and willfully overlooked: The time it will take for us to redeploy should not be idle or wasted time; it must be a time of great energy and effort, because it is our time of opportunity to begin the tough process of diplomacy that can help stabilize the Middle East and restore America's standing and prestige around the world.

It is a window of time in which we must aggressively engage the region and the world community in the ongoing work to rebuild Iraq and restore stability there, in which we can confound the insurgents who foment civil war from within Iraq and the global jihadists who import violence from without it. It is a window in which Iraq's political leaders can be motivated to work for cooperation, unity, and real progress.

In a recent op-ed in the Washington Post, former Secretary of State Henry Kissinger described the reality that the cauldron of Iraq may overflow and engulf the region. He goes on to say that:

> The continuation of Iraq's current crisis presents all of Iraq's neighbors with mounting problems. . . . Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to be a satellite of Iran. The various Gulf sheikdoms, the largest of which is Kuwait, find themselves in an even more threatened position. Their interest is to help calm the Iraq turmoil and avert Iranian domination of the region.

Then he says that:

> Given a wise and determined American diplomacy, even Iran may be brought to conclude that the risks of continued turmoil outweigh the temptations before it.

But make no mistake, as long as we occupy Iraq, the broader international engagement we need will remain elusive. With the announcement of a U.S. redeployment, Iraq's neighbors must face the prospect that the Iraq cauldron may overflow, and they will, therefore, be obliged to take a more helpful—in the case of Saudi Arabia—or a more tempered—in the case of Iran—role in the area's future. They will have no other practical choice because their own national interests will now be squarely on the line.

As ADM William J. Fallon has said:

> I see an awful lot of sitting and watching by countries in the neighborhood. It is high time that changed.

Well, it is high time that changed, but our mediate and buffering military presence prevents that from changing.

A redeployment will also deprive the insurgents of a strong recruiting tool—the al-Qaida narrative that the United States has imperial designs over Muslim lands, which resonates strongly in the Middle East due to their own colonial experiences with the British and the Ottomans.

If we make it clear that our troops are coming home—and, critically important, that we are not leaving permanent bases behind—the insurgents and terror networks will lose this defining argument.

The Bush administration and its supporters noted that the Sunni sheiks of Anbar Province have recently turned against al-Qaida in Iraq. When I met with Marine commanders in Fallujah during my trip to Iraq in March, they told me the same thing—and what an important and exciting development that was.

The marine general briefing us made clear that these Sunni sheiks turned against al-Qaida in the realization that the United States would not be in Iraq forever, thanks to the political debate this Congress has insisted on since the November election. It was the prospect of our redeployment that moved them to action.

Once all factions in Iraq must face the naked consequences of their actions, we should hope, and expect, to see similar moments of strategic clarity emerge.

How are they doing without that pressure? Last week, we saw a report from the White House that was deeply troubling. The report said that it has become significantly harder for Iraqi leaders to make the difficult compromises necessary to foster reconciliation.

In particular, the administration has focused on four objectives: provincial elections, deBaathification, constitutional reform, and the hydrocarbons law. These are the exact same issues U.S. and Iraqi military leaders stressed to us during our trip in March. Without progress in these areas, I was told by our generals, our military tactics would not succeed in accomplishing the ultimate goal.

It would be putting it mildly to say I was not reassured by the signals I received from our meetings with Iraqi officials. There was a severe disconnect between the urgency of our generals about this legislation and the absence of equivalent urgency, or even energy, on the part of Iraqi officials. One American soldier I met put it in plain, homespun terms:

> If your parents are willing to pay for the movies so you don't have to use your own

money, or if you can get your big sister to do your homework for you, who wants to give that up?

Well, Mr. President, it is time. To quote the report:

> 1, the government of Iraq has not made satisfactory progress toward enacting and implementing legislation on de-Baathification reform. This is among the most divisive political issues for Iraq and compromise will be extremely difficult.
>
> 2, the current status [of efforts to enact hydrocarbon legislation] is unsatisfactory. The government of Iraq has not met its self-imposed goal of May 31 for submitting the framework hydrocarbon revenue-sharing laws.
>
> 3, the government of Iraq has not made satisfactory progress toward establishing a provincial election law.
>
> 4, the government of Iraq has not made satisfactory progress toward establishing a date for provincial elections. Legislation required for setting the date has not been enacted.
>
> 5, the government of Iraq has not made satisfactory progress toward establishing provincial council authorities.

So how does the administration respond to the list of unsatisfactory progress on their key elements? Let's turn again to the White House report:

De-Baathification:

> This does not, however, necessitate a revision to the current plan and strategy.

Hydrocarbon legislation:

> This does not, however, necessitate a revision to our current plan and strategy.

Provincial elections.

> However, at this time, this does not necessitate a revision to our current plan and strategy.

It is clear that the Iraqis have not yet made that progress. Yet this President and this administration refuse to take the one step that could truly galvanize real change in Iraq—announcing a redeployment of American forces. They must look into the abyss. We must announce that we will redeploy our troops. This is a necessary step.

A redeployment of our troops creates the potential to change the overarching dynamic for the better, freeing us to focus more effectively on strategies to counter al-Qaida and stabilize the region.

This is a critical step, and thoughtful, reasoned political and diplomatic leadership will be essential to take advantage of the new dynamic a redeployment offers.

This is a positive step, to improve our posture and advance our strategic interests.

I know my Republican colleagues wish to couch this change of course in terms of failure and abandonment. Whether this is just for rhetorical advantage, or whether they just cannot see redeployment as a calibrated part of a new and more promising regional strategy, I do not know. Let me say this, though. This is not a test of resolve. We have an enormously complex problem, a problem we have tried to solve by military force alone. Despite heroic efforts by our military, that strategy has failed—catastrophically. It did not fail because anything was lacking in our troops, it failed because the strategy was wrong—wrong at its inception, wrong in its execution, and wrong now.

We in the Senate must challenge the administration to summon the political courage and the moral courage to face the fact that the strategy was wrong and needs to change. It is never easy to admit mistakes, but when the lives of our troops and the strategic position of our country are at stake, they have to do what is right, not what is politically comfortable or fits the rhetoric. This should not be too much to ask of a President of the United States.

If, as so many believe, we are on a continuing collision course with the facts, with the lessons of history; if our strategy is, in fact, ill-advised; if we indeed are creating and maintaining a poisonous dynamic in the region for ourselves, can we not at least consider that redeployment—specifically, the credible threat of redeployment—can open new doors for resolving the civil conflicts over which we are now the unwelcome police?

The measure now before the Senate sets forth a thoughtful, responsible path to redeploy our troops out of Iraq. It provides our military commanders with the time and resources they need to redeploy our troops safely. It will focus Iraq's political leaders on making progress, where, to put it mildly, thus far insufficient progress has been made on measures critical to their nation's future and our success. And it will galvanize the international community and the region in the practical and self-interested pursuit—or acceptance—of a more stable, more secure Iraq.

The Levin-Reed amendment is the new direction Americans have called for. It is the change of course we desperately need. In a few hours, this long debate, this long night, will draw to a close. I urge my colleagues to let us vote up or down, yes or no, on the new direction the Levin-Reed amendment embodies.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Simply put, we need to avoid micromanaging the war from the floor of the Senate. We need to let our military leaders perform their duties and give them time for our new way forward in Iraq to be successful. We now have before us the Levin-Reed amendment, which sets a timeline for us to begin withdrawal from Iraq. We cannot afford to set a hard deadline to begin to walk away from Iraq. The cost of failure is too great to our future long-term national security. It is in America's security interest to have an Iraq that can sustain, govern, and defend itself. Too much is at stake to simply abandon Iraq at this point. The price of failure is simply too great.

I will continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq, and I plead with my colleagues to do the same.

Let me remind our colleagues that we have seen terrible results from political motives being placed above military necessities: the attempt at rescuing the American Embassy hostages from Tehran, and Beirut, in the 1980s, and Somalia in the 1990s. Leaving Iraq in the current situation would only result in emboldening terrorists around the world. Bin Laden himself is on record, after these previous withdrawals, criticizing our lack of will and questioning our commitment to fight these zealots. We have to learn from our mistakes in the past.

I refer to a quote in the Iraq Study Group's final report on page 37 and 38:

> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.

It goes on to say:

> The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaeda would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

Of course, I remain upset that more progress has not been made on the political and domestic security front within Iraq, but that reality doesn't diminish the fact that al-Qaida is training, operating, and carrying out their mission in Iraq right now. They are clearly still a threat and are still determined to accomplish their goals of attacking us and our allies around the world. What is most unfortunate about this debate is that clearly the majority party in the Senate has already prejudged the work our commander in Iraq, GEN David Petraeus, is trying to carry out. As we all know, in September a complete review of Iraq policy, including a detailed assessment of the surge, will be presented. I look forward to that assessment. I look forward to making the appropriate decisions based on that report. It would be disingenuous to discontinue the plans our military leaders have planned and are putting into place simply for political gain.

I quote General Petraeus, commander of the multinational force in Iraq. He said:

> If I could have only one [thing] at this point in Iraq, it would be more time. I can think of few commanders in history who wouldn't have wanted more troops, more time, or more unity among their partners; however, if I could only have one [thing] at this point in Iraq, it would be more time. This is an exceedingly tough endeavor that faces countless challenges. None of us, Iraqi or American, are anything but impatient and frustrated at where we are. But there are no shortcuts. Success in an endeavor like this is the result of steady, unremitting pressure

> over the long haul. It's a test of wills, demanding patience, determination and stamina from all involved.

I think we ought to give him his one wish.

This is a similar situation we were in only months ago. Many in this body wanted to reject the strategy General Petraeus proposed in Iraq, even before he had been given the full opportunity to perform his mission. I still cannot comprehend why my colleagues would agree to a new bipartisan strategy in Iraq but only months later not be willing to support our self-imposed guidelines.

On July 12, the President issued a report as required by the fiscal year 2007 supplemental appropriations bill, assessing the progress of the sovereign Government of Iraq in achieving the benchmarks detailed in the bill. The report told us 8 of the 18 benchmarks detailed in that bill received satisfactory remarks. While we are certainly disappointed that more benchmarks were not achieved, it is important to highlight the successes being made and how the Iraqi Government is performing, as their success will ultimately allow us to responsibly reduce our troop levels.

The benchmarks that have reached success so far are as follows: The Government of Iraq has made satisfactory progress toward forming a constitutional review committee and then completing the constitutional review. The Government of Iraq has made satisfactory progress toward enacting and implementing legislation on procedures to form semi-autonomous regions. The Government of Iraq has made satisfactory progress toward establishing supporting political, media, economic, and services committees in support of the Baghdad security plan. The Government of Iraq has made satisfactory progress toward providing three trained and ready Iraqi brigades to support Baghdad operations. The Government of Iraq has made satisfactory progress in ensuring the Baghdad security plan does not provide a safe haven for any outlaws, regardless of their sectarian or political affiliations. The Government of Iraq, with substantial coalition assistance, has made satisfactory progress, once again, toward establishing the planned joint security stations in Iraq. The Government of Iraq has made satisfactory progress toward ensuring that the rights of minority political parties in the Iraqi legislature are protected. And finally, the Iraqi Government is making satisfactory progress in allocating funds to ministries and provinces for reconstruction projects.

General Odierno, on the surge progress, says:

> The increased presence is having an effect, and it will continue to be felt in the weeks to come. We still have not reached . . . the end of our surge. Every day we are making progress.

That is from LTG Ray Odierno, U.S. Army Commander of the multinational corps in Iraq. He goes on to list some specific examples. I don't need to list all those specific examples, but a full page in fine print where he points to successes in Iraq. What is most unfortunate during this debate is that the Democratic majority has put in jeopardy the passage of the Defense authorization legislation, something that simply has not happened in decades. By pushing for a failed Iraq policy amendment to the Defense authorization bill, the majority are willing to trash legislation that is vital to our men and women in the Armed Forces. The managers of the bill, Chairman CARL LEVIN and Ranking Member JOHN MCCAIN, should be commended for their good work on this comprehensive and vital legislation. The authorization bill provides our men and women in combat zones with the resources and equipment they need to complete their missions. It also provides for our troops at home by ensuring they receive appropriate medical care upon their return and the training needed prior to deployment.

Finally, the bill provides for the health and well-being of our Armed Forces and the tools they need to defeat terrorism and defend our Nation from future attacks. An important component of this bill is the increased commitment to the quality of life for our service men and women. The authorization includes $135 billion for military personnel, authorizing payment of combat-related compensation to servicemembers medically retired for a combat-related disability and lowering the age at which members of the Reserves may draw from their retirement. This bill further provides our men and women with quality health care by adjusting $1.9 billion for TRICARE benefits and directing the Department of Defense to study and develop a plan addressing the findings of the Mental Health Assessment Commission.

This bill also gives our troops the necessary protection to combat the threats they are facing right now, particularly to counter insurgent improvised explosive devices—commonly known as IEDs—threats which remain the No. 1 killer of American troops. This bill includes $4 billion to the individual services and special operations command for Mine Resistant Ambush Protected vehicles. It also fully funds the President's request of $4.5 billion for the Joint Improvised Explosive Devices Defeat Office for blast injury research and the procurement of IED jammers.

Unfortunately, this legislation is threatened by the insistence of the majority leader on having this protracted and unnecessary debate. There is no doubt that we face extremely difficult challenges in Iraq. We have not made enough progress. The citizens of Iraq must be willing to fight for their own freedom. But we should not cut General Petraeus's time short in implementing his plan that this body overwhelmingly approved of only a few months ago.

I have a quote or two I wish to share and remind the body about what the Democrats, the opposite party, have said. The Democrats' dismissal of General Petraeus's report is part of a pattern. The Baghdad security plan was declared a failure 2 months before U.S. reinforcements arrived in Iraq. Senator REID from Nevada is quoted as saying "This war is lost" and that "the surge is not accomplishing anything." Senator LEVIN said, "It's a failure." But the surge only began in mid-June, 2 months after the Democrats first declared it a failure.

General Petraeus said:

> The surge has really just . . . begun.

Hours ago I heard the minority whip talk about how many on this side have acknowledged mistakes that have been made during the Iraq war, but how we won't vote to pull our troops out right away. I have been one of those Members of the Republican caucus who has said publicly that mistakes have been made. I will point out that the Commander in Chief has stated the same thing. That said, regardless of the errors that have been made, it does not mean the mission or the policy is any less important. In fact, I am trying to think of a conflict in which we have been involved that we can't point to some mistakes. I am very aware that the longer we stay in Iraq, the more it will cost the United States, both in money but, more importantly, in the lives of American men and women. However, I won't support the Levin-Reed amendment because I believe it is based on the assumption that by leaving Iraq prematurely, Americans will be safer.

The terrorists have made it abundantly clear that Iraq is central to the war against the civilized world. They are committed to fighting there and will not stop unless we defeat them. If we have to fight, it is preferable not to fight on our own soil. So let's hurry and have the cloture vote on the Levin-Reed amendment so we can defeat it. I ask my colleagues to reject this amendment and let us return to the important debate on Defense authorization to ensure our troops have the adequate support here at home and abroad.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come here to the floor this morning to speak about the strategy that we are moving forward with in Iraq. I also come here to say the debate over the last several days, including overnight, has been a very important debate and one we do need to have. Our troops in Iraq and Afghanistan deserve the debate that is taking place here in the Senate.

As the sun rises today across America, it is midafternoon in Baghdad, in Iraq. There the temperatures are close to 100 degrees as we speak. In Iraq today we know there are almost 160,000 men and women in uniform who are serving there, doing the duty they have been called to do on behalf of a grateful nation. So it is for them, for the 160,000 troops we have in Iraq today, for the 1.4 million veterans of both Operation Iraqi Freedom and Operation Enduring Freedom, that we in the Senate should have a debate about our way forward in Iraq.

I, therefore, say to my colleagues who have come to the floor as the night has gone on and have said things such as this is all about cut and run, this is about surrender, this is a political stunt, that they are wrong. With all due respect, those kinds of labels are not helpful as we deal with what is a fundamental American issue, the issue of war and peace and the way forward for all of us here in this country and the way forward for our Armed Forces. Those kinds of labels, those kinds of attacks are not worthy of the reason the American people sent us all here to this body to try to define and devise the best policies for America, the best of policies that will make America strong, the best of policies that will restore America's standing in the world, the best of policies that will honor and recognize that contribution of the greatest generation of America, the generation of World War II. That kind of labeling is not worthy of trying to bring us together in a manner and a way that will help us find stability in Iraq, in the Middle East, bring our troops home, and achieve the goals I believe at the end many of us would agree upon in the Senate.

I do not believe the long debate over all of last night has been at all a lost cause. It is important for those of us, the 100 Members of the Senate, who represent the 300 million people of America to come to the floor and give voice to the future of the most fundamental national security issue of our time. The most fundamental national security issue of our time is how we deal with the issue of terrorism, how we deal with creating stability in the Middle East and, ultimately, how we bring our troops home out of harm's way. This debate on those fundamental issues is one that is worth having. Those who would demean, who would take away, who would detract from the importance of this question by trying to use labels—such as "surrender" or "precipitous withdrawal," "cut and run"—do not do a service to the country in advancing a policy that is worthy of the sacrifice so many have made.

I hope as we move forward, not only in today's debate and in the vote that will take place later on this morning, as well as when we deal with this issue in July and perhaps into the August recess, perhaps into September, perhaps into October, that we will be able to find a common way forward.

I am reminded, as I was listening to some of the labeling that was going on here last night, of a campaign that took place in Georgia in 2002, where a great American by the name of Max Cleland, who had given so much of his life, his blood, and his limbs for the freedom of America in Vietnam, was used as a political pawn in that election of 2002 by people here in Washington and other places who dared put the label on him as unpatriotic. This man, who gave so much to his country, who was willing to give the very last ounce of devotion and courage in his life to do the ultimate sacrifice, was labeled as unpatriotic. So the labeling we see taking place here in this debate on the Senate floor through the night and through the rest of the day smacks of that same kind of labeling that is unworthy of our purpose in the Senate.

I hope as we move forward, we can find a way of working together to address the reality and the difficulty of the issues we face. Our troops know the importance of this debate. The 1.4 million veterans who served in Iraq and Afghanistan and their families know the importance of this debate. There is probably not a Member of this Chamber today who has not spent many hours, both in Iraq, as well as with our troops back home, and in Afghanistan talking to them about the reality on the ground, what it is that they see, how it is conditions are unfolding, and how it is that they believe we ought to move forward with a policy that is worthy of their bravery.

The solemnity of this debate should not be lost on America, as the sun rises over this country. The solemnity of this debate should not be lost, particularly when we think about the men and women who have given their lives already in this cause in Iraq.

As of today, just from my State of Colorado, at the top of the Rocky Mountains—my State of Colorado—we have had 51 members of Colorado's population killed in Iraq. We have had 443 who have been wounded in Iraq. U.S. casualties in Iraq today are 3,618—3,618 Americans have given their lives in Iraq.

So the solemnity of this debate should be one that should honor those who have given their lives in the effort in Iraq, as they have done the duty commanded by the Commander in Chief.

Beyond those who have given their lives and the sacrifice their families have made to this effort, we also must remember the solemnity of this time and this moment when we think about the 26,806 Members of our armed services who have been wounded in Iraq. Many of us have spent time at Walter Reed or spent time with veterans back home where we see what has happened to the lives of those who have lost their limbs, who have had traumatic brain injuries.

Eighteen percent of those who have gone from Fort Carson, CO, have returned with a traumatic brain injury. It is for those people that we must make sure we have a solemn debate devoid of the politics, devoid of the politics that we see taking place with the labeling that is occurring here today.

There is no doubt that as we look at what has happened in now what is almost a 5-year war in Iraq, there is a legion of mistakes that have been made. My friends on the other side of the aisle will concede there have been major mistakes made, that in the early years of the war effort there were mistakes made on intelligence, mistakes made on the information that was provided to the Congress, multiple mistakes in terms of looking at the way forward and simply not being able to find it.

I believe when the President landed on the naval carrier and said the mission had been accomplished, in his heart and in his mind he did believe the mission had been accomplished. He did believe the mission had been accomplished because the government of Saddam Hussein had been toppled. Our brave men and women—some 300,000 men and women strong—had gone in and had taken the Iraqi Republican Army down and had toppled Saddam Hussein. So when the President said "mission accomplished," now 4 years plus ago, I think he believed that was in fact the case.

But it was also an absolute failure to be able to look ahead at the reality of the complexity and the political conditions that existed in Iraq at the time. I believe those who testified before the Congress in those days and said it would cost less than $50 billion to undertake this effort—I believe they were telling the American people what they thought was the case. But, sadly, they were very mistaken because we now knock on the door of having invested not $50 billion, not $100 billion, not $200 billion, not $300 billion, not $400 billion, but we are over the $500 billion mark. How could we as America be 12 times off the mark—12 times off the mark—in terms of what this war would cost the American taxpayer? How could we be so far off the mark, perhaps 100 times off the mark in terms of the number of men and women who would be killed in Iraq? No one ever anticipated 4½ years ago that there would be over 3,600 Americans who would be killed in Iraq.

So there has been a legion of mistakes that have been made. History will look at those mistakes. History will look at those mistakes and reach its own judgment.

Let me say, we should learn from those mistakes, as we move forward. In my view, that is what the Iraq Study Group did. That was a commission, in fact, that was created by legislative action of this Senate and the House of Representatives and signed by the President. It was a kind of template for which I believe we should strive to find a way of re-creating here in terms of their tenure and their approach to this fundamental issue of war and peace.

President John Kennedy said, at one point:

> So let us not be blind to our differences, but let us also direct attention to our common interests and to the means by which those differences can be resolved.

Let me say that again. He said: "Let us also direct attention to our common interests and to the means by which those differences can be resolved."

We have differences here on the floor of the Senate this morning, as the sun rises across America. We have had differences over the last 4½ years with respect to this war and the direction of this war. But I hope we find it among ourselves, Democrats and Republicans, to find a way forward together. I think if we do that, we will reach the vision and the aspiration that was articulated by President Kennedy when we find ourselves in the position where we have these fundamental differences among us.

I want to spend a few minutes on what I think is a good way forward for all of us. The Iraq Study Group—again, made up of 10 of the most prestigious Americans, people who have earned every right to be called the statesmen of America—came up with a number of recommendations and a number of findings. But at the beginning of the report, it is important for us to remember that in December of 2006—now some 7 months ago—the Iraq Study Group said:

> The situation in Iraq is grave and deteriorating.

"Grave and deteriorating."

> There is no path that can guarantee success, but the prospects can be improved.

It is with that thought in mind that many months ago I began to work, especially with Lee Hamilton, and with former Secretary James Baker, to craft legislation to implement the Iraq Study Group recommendations. Those recommendations that are set forth in the amendment which we have filed, which is cosponsored by 14 of our colleagues, is a way forward that establishes a new direction in Iraq. It does some things which are perhaps from the point of view of some not enough; but in the point of view of others, I think they are very important things for us to do, because for the first time as part of United States policy what we say is: No. 1, we will move forward to transition the mission from combat to training and support. We will do a mission change—a mission change—from combat to training and support. So our combat mission will be something we will transition out of Iraq.

They also say, and we include in the legislation, that as part of national policy we set forth a goal that this transition can, in fact, be completed by the early part of 2008. That is some 9 months from where we stand today.

In addition, what this legislation does, as a matter of United States law, is for the first time it sends a clear, unequivocal signal to the people of Iraq and to the Iraqi Government that these billions of dollars we are spending, and the huge amount of military support and effort we are putting into Iraq is going to come to an end, that our efforts are conditioned upon the Iraqi people and the Iraqi Government making substantial progress toward making their Government work and providing security on the ground.

Thirdly, what the legislation does, as a matter of our policy in the Senate, is set forth the major diplomatic offensive that is ultimately necessary to bring about a peace in the very complex and difficult situation we face not only in Iraq but also throughout the Middle East. I do hope we have at some point an opportunity to vote on that amendment.

Finally, with respect to the Iraq Study Group, I heard a couple of criticisms about our legislation. One of those criticisms is that it is outdated. I would say it was not a snapshot. Those recommendations—that were put forth in December by a group that spent about $1 million in putting together that report, and spent countless days and weeks and months in coming up with the only coherent set of bipartisan recommendations on the way forward—those recommendations are as valid today as they were back in December.

Congressman LEE HAMILTON wrote a letter on July 9 addressed to me, and for others who are working on the bill with me. What his letter said, in conclusion, is that our legislation "outlines the best chance of salvaging a measure of stability in Iraq and the region. It provides a bipartisan way forward on a problem that cannot be solved unless we come together to address this singular national issue."

I am hopeful we will be able to find that way forward.

Let me conclude then by saying this: Some people have said our efforts here in the last several days, including the all-night session—sleepless here in Washington, DC; watching the night come, watching the sunrise here in Washington, DC—has been a political stunt. It is not a political stunt when the voices of 100 Senators, or at least some of those Senators, are heard on this floor debating how we ought to move forward on the most fundamental issue of national security of our time.

It is for that reason that I commend the majority leader and I commend those who have called on us to make sure we put the spotlight on such an important issue. I commend them for their courage, and I am hopeful that as our country and our Senate moves forward in trying to deal with what is a seemingly intractable issue perhaps we can think back to the Scriptures, we can think back to the Book of Mathew, and remember what was said where He said: Blessed are the peacemakers. Blessed are the peacemakers.

It is the peacemakers ultimately who will help us chart a new and different direction forward in Iraq that will help us achieve the success I believe 100 Members of this Senate want; and I believe that is to bring our troops safely home, and to create the best conditions to salvage a measure of stability in Iraq and in the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say to the previous speaker, the junior Senator from Colorado, I reviewed what he and Senator LAMAR ALEXANDER have put together, and I think of a lot of the options out there, that is one that is fairly reasonable. But I disagree with the offensive nature that people have taken with some of the terms, such as "resolution of surrender" and "cut and run." In reality, I believe that is what we are talking about.

A couple things were said. First of all, it happens in the case of former Senator Max Cleland, he was one of my closest friends. We actually were in a Bible study together. We were together every week, spending quality time and intimate time together. Never once did anyone question his patriotism.

Max Cleland—I heard the story from him, what happened to him in Vietnam. Then I also saw the campaign that came up. Yes, they talked about votes, how perhaps his votes were different than the person who was opposing him who was serving in the House at that time. Never once was his patriotism questioned.

Mr. SALAZAR. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. INHOFE. Mr. President, I will yield to the Senator from Colorado.

Mr. SALAZAR. Mr. President, through the Chair to my good friend from Oklahoma, I enjoy our work together on many multiple fronts, but with respect to former Senator Cleland, I did see the pain from the attacks that were made against him in Georgia. With respect to what you refer to, my friend from Oklahoma, concerning, quote, "the surrender resolution," in my view, from what I have heard from my colleagues here as we have entered this debate, it appears what we are talking about is a way for an orderly disengagement from Iraq.

Mr. INHOFE. Yes. I understand.

Mr. President, reclaiming my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. SALAZAR. My question——

Mr. INHOFE. I am glad to yield for a question, but we already heard this speech in terms of the interpretation of the vote we will have at 11 o'clock. We have an honest difference of opinion, I say to my good friend, the junior Senator from Colorado. He has expressed his opinion, and I want to express mine.

Mr. SALAZAR. May I ask a question? Will the Senator from Oklahoma yield for a simple question?

Mr. INHOFE. For one question. Go ahead.

Mr. SALAZAR. It is my understanding that even under the Levin-Reed amendment there would be a significant troop presence that would remain over the long term in Iraq for the limited missions that are defined in that legislation. Is that not correct?

Mr. INHOFE. That is correct.

Let me reclaim my time and expand on that a little bit.

There is still a continued troop presence in Bosnia, in Kosovo, and other places. There always is a troop presence. And after this is over—depending on what the outcome is—I would assume there will always be a troop presence there regardless of how we vote on any resolution today.

Now, let me say a couple other things that were stated on the floor. I was sitting here at about at 5:15 or 5:30 this morning, when statements were made by the junior Senator from Massachusetts as to our troops who have been involved with IEDs, who have lost their lives, and that nothing changed after that, nothing was accomplished after that. That is another way of saying they have died in vain.

Let me tell you, I have been in the AOR of Iraq, not always in Iraq, but this AOR, 14 times. I probably have talked to more troops, gotten a better feel as to what people are about over there than any other Member. I think to even suggest that someone has died in vain is totally outrageous.

Now, one of the things that has been stated over and over again that I do agree with by the opposition over there is we have a problem with our equipment. We have a problem with the funding of the military.

Let me suggest to you, in America, this is the only democracy where if people at home want to know how their Member of Congress—from the House or the Senate—is voting on issues, they can find out. I suggest to you that the worst way to find out how someone is voting on issues is to ask them. You do not want to do that.

But if you are concerned, for an example, as to how we are voting on a tax issue—if you are for tax increases, you do not ask the guy, you do not say, Senator SALAZAR, are you for tax increases? No, you do not want to do that. But you can look at the ratings. We have ratings on every conceivable subject. The National Taxpayers Union will tell how each Member votes in terms of tax increases.

Are you conservative or liberal? Well, I suggest to you the ACLU loves the liberals. The ACU loves the conservatives. I am proud of my rating. It happens to be No. 1 out of 100 Senators. So people will know. They do not have to ask me.

If you are concerned about how a Senator is voting in terms of supporting small business, the National Federation of Independent Business rates all Democrats, Republicans, House and Senate, on those issues.

If you are concerned—this is what I am getting around to now—if you are concerned about who is supporting the military, there are groups that do that. The Center for Security Policy, for example, says the average Democrat supports the military 17 percent of the time, the average Republican 79 percent of the time.

Now, if you question that, let me show you the chart I have in the Chamber.

For Democrats to stand on this floor and talk about the problems of the strained military, the problems of overdeployment, the problems we are having, look at what has happened. I do not think there was a month that went by back during the 1990s, during the Clinton administration—when they were cutting the military, cutting our force strength, cutting money out of our military—when there wasn't this euphoric statement: Oh, the Cold War is over, so we do not need a military anymore. That actually was floating around these Chambers. So what happened during the 1990s?

If you take what the benchmark was in 1993, fiscal year 1993—that would be this black line shown on the chart—and do nothing but consider inflation, then this goes up here. In other words, if we get nothing except maintaining what we had in 1993, this would be the black line.

President Clinton's budget request came in at this red line. You see the difference between the red line and the black line: $412 billion less than just maintaining the status quo.

Now, it was during that time that I was making statements on the floor: We have very serious problems in terms of our modernization program. We are going to have to do something about this. I was so proud of GEN John Jumper, and this is before he was the chief. He stood up as, I believe, a lieutenant general at that time and he made this statement. He said: Our potential adversaries have equipment that is better than ours. He was talking about strike fighters. He was talking about China having bought, I believe it was 240 of the SU-30, SU-35 series that the Russians were making and saying that they are actually better in many respects than our F-15s and F-16s.

Back in the 1990s, we were cutting back on the modernization program. We were not moving forward with the modernization and going toward the F-22s and the F-35s and the future combat system and things we are doing today. This is what happened, and our troop strength went down, our ships went down from 600 to 300. It is the downsizing that we have been paying for. Now what happens? This President came in, and 9/11 took place in 2001. When this happened, all of a sudden we are faced with a situation where we had a downsized military. We had to start reembarking on our modernization program. But all of this we had to be paying for.

We have had amendment after amendment that says we are going to have to do something about our deployments. Yes. Our deployments are unreasonable at this time, but it is because we went through this cycle back in the 1990s. I think it is very important that people understand where we came from and how we got in this position we are in today.

Now, a lot of things have been lost in this debate. I think the other side—the Democrats, the liberals—would like to have us believe that this is just the United States. They have completely forgotten or disregarded the global nature of this problem, this war which is out there. It is global. Somalia, Kenya, Tanzania, the United States, France, Morocco, Turkey, Spain, Indonesia, Great Britain, Jordan, Egypt, Saudi Arabia, Philippines, Algeria, Yemen, and Tunisia are just a partial list of the countries which have had terrorist attacks.

The National Counterterrorism Center reported that approximately 14,000 terrorist attacks occurred in various countries during 2006. Now, they say that half of those were in Afghanistan and Iraq. That means 7,000 terrorist attacks happened all over the world outside of Iraq and Afghanistan. We remember just in the last 30 days the terrorist attacks. A car bomb exploded outside Somalia's Prime Minister's residence, killing six people. These are all in the last 30 days. A bomb exploded in front of a crowded tea shop in Thailand, killing a woman and wounding 28; an explosion outside the Ambassador Hotel in Nairobi, killing a man and injuring 37 others. A bomb exploded outside a clothing shop in Istanbul and more in Peru and other places. So it has happened all over. The suicide bombers drove an SUV into the Glasgow Airport, injuring six people, just 2 weeks ago. A suicide bomber drove into a convoy of Spanish tourists, killing nine people. That was just last week. This is the global nature of this war.

What has this President been doing after 9/11? People don't realize what has happened and the results, the very positive results of these things that took place. We passed the PATRIOT

Act, which broke down the walls between Federal law enforcement and intelligence communities, created the Department of Homeland Security, created a position of Director of National Intelligence, created the National Counterterrorism Center, and worked with all of the intelligence systems.

My predecessor—when I came over from the House to the Senate—was David Boren, Senator David Boren, who is now the president of Oklahoma University. After I was elected, he said he wanted to talk to me about a problem which he had been unsuccessful in resolving. You might remember that he was the chairman at that time of the Senate Intelligence Committee. He said: We have a problem, a serious crisis in our intelligence system. He said: We have, the NSCA and the CIA and the DIA and all of these people, but they are not talking to each other.

It is a crisis we started approaching, and it wasn't until this came along—the efforts of this President—that we got our intelligence act together to a much greater degree. What kind of results are we having? Well, the President made a statement, and I think it is worth repeating: The terrorists only have to be right once; we have to be right 100 percent of the time.

Have we avoided, because of all of these efforts the President has made, a disaster here in this country? I really believe we have. We captured an al-Qaida operative named Ali Saleh al-Marri in the United States who was targeting water reservoirs, the New York Stock Exchange, and the U.S. military academies. We broke up two other post-9/11 aviation plots, one targeting the Library Towers in Los Angeles and the other targeting the east coast. Four men were indicted for an alleged plot to attack the John F. Kennedy International Airport by blowing up the jet fuel supply. We disrupted a plot by a group of al-Qaida-inspired extremists to kill American soldiers at Fort Dix. We have worked with the Brits and other countries. Together, we successfully broke up a plot in the U.K. to blow up passenger airlines going to America which could have rivaled the tragedy of 9/11. Of course, we know what happened down in Piccadilly Circus in the theater area, the plot, the terrorist plot that was planned there that we stopped.

So I guess what I am saying is we know these things were going on. There is no way to say for sure that thousands of Americans are alive today because of the efforts of this administration, but I believe it, and everything I have mentioned here is all documented in terms of plots against this country that perhaps we would not have been able to defend ourselves against prior to that time.

It does bother me when we talk about how this isn't a surrender resolution, this isn't a cut-and-run resolution. Sure, it is. We see al-Qaida—they see the victory in Iraq as a religious and strategic imperative, something they have to do. This is not something which is optional for them; they have to do it. In fact, Osama bin Laden called the struggle in Iraq a war of destiny. This is Osama bin Laden. That is how he characterized it. It reminded me, when I heard that, of one of the great speeches of all time. It was given by Ronald Reagan way back before he was even Governor of California. It was called "A Rendezvous With Destiny," using the same words—the characterization of Osama bin Laden when he talked about the "war of destiny" that is taking place. "A Rendezvous With Destiny." I have often said it should be required reading for all schoolkids.

Every time I see the Senator from Florida, the junior Senator from Florida, Mr. MARTINEZ, I think about his trip from Cuba over to this country, and it reminds me of the speech Ronald Reagan made when he said "a rendezvous with destiny." He talked about the Cuban who had escaped from Cuba, and as his small craft floated up on the shores of Florida, a woman was there, and this Cuban started talking about the atrocities of Communist Cuba and of Castro and the problems that were over there, and she said: I guess we in this country don't know how lucky we are. And he said: How lucky you are? We are the ones who are lucky because we had a place to escape to. What he was saying is that we have been this beacon of freedom in this country for so many years.

I can remember—and the occupant of the chair was there at the same time I was, in the other body, back during the war in Nicaragua. At that time, the Communists were trying to take over. One of the great things Ronald Reagan did was to kill communism in Central America at that time, and that endured for some 20 years afterward. But at that time, in Nicaragua, I was going down there quite often because we were watching Daniel Ortega and we were watching the Sandinistas and we knew what was happening down there. So we would go down to see these brave people who were fighting for their freedoms.

I can remember going to a hospital tent in Honduras, just across the border from Nicaragua. I went down there several times. I would just look and marvel at these young kids. Keep in mind, at that time, those who were defending their freedom against communism were young people because all the older ones had been killed already. They had a hospital tent. I remember the hospital tent was about half the size of this Chamber. All the way around the peripheral of this hospital tent were beds. In the middle was an operating table with no shield or anything up, and they were operating on these young kids as they came back and getting them ready to go back into battle to fight for their freedom against communism in Nicaragua.

I remember going around the room and talking to these individuals in their language and saying: You know, I admire you so much. You are just fighting against impossible odds. How can you keep driving yourself to go back? I remember getting the answers as I went around the room.

I came to a little girl. Her name was Maria Elana Gonzalez. She was a little bitty girl. She might have been 90 pounds. It was her third trip to the hospital tent. She wouldn't be going back into battle because that morning they had amputated her right leg and the blood was oozing through her bandage. She looked up at me after I had asked that question and she said: Es porque han tomado los campos, han tomado las casas, han tomado todo de lo que tenemos. Pero, de veras, ustedes en los Estados Unidos entienden. Porque tuvieron que luchar por su libertad, por lo mismo que estamos luchando ahora.

What she said was: How can you ask that question? We are fighting because they have taken our farms, they have taken our houses, they have taken all that we have. But surely you in the United States understand this because you had to fight against the same odds for your freedom.

That little girl couldn't read or write. She didn't know her history. She didn't know if our Revolutionary War was 10 years ago or 200 years ago. But she knew we were the beacon of freedom, the beacon of freedom. I wonder what is happening to that beacon of freedom.

We are looking at this war now, the serious nature of this war.

Winston Churchill said—and I quoted this several times on this floor, but I think it is worth repeating. He said:

> Never, never, never believe any war will be smooth and easy. Always remember, however sure you are that you could easily win, that there would not be a war if the other man did not think he also had a chance.

That was just as true in World War II as it is today.

So we are facing an enemy today that is adaptive. He is willing to do anything. You can't negotiate with him. It is not a country. In a way, it is more dangerous. We compare this war and certainly some of the terrorists who are running the other side with Hitler and with Stalin. Those things in some ways were not as dangerous because they were more predictable. This is not predictable. You can't defeat a country and say the war is over because it is not over. As I mentioned, this is global, the attacks that are taking place. Any plan to leave Iraq before we have had a chance to understand the outcome of the troop surge does two things: It tells the enemy that they have been successful and their methods worked, and secondly, it gives them the patience to wait us out.

One of the things I learned in my many trips over there is the culture of the people is different. They don't think of today and tomorrow or next week; they think of long periods of time. Oh, we are not going to be there 2 years from now? Oh, fine. We will just go into hibernation. We will wait for 2 years. Everything is going to be fine. We will just wait until that happens. You can't win by—they can only win by attacking our resolve.

When we talk about the resolve, I wonder about that beacon of freedom, when that little girl in the hospital tent looked at America. What has happened to it since that time? You look at our resolve that has been lost in Somalia. It wasn't until they dragged the naked bodies of our troops through the streets of Mogadishu that finally we didn't have the stomach for it, and so that beacon of freedom went out. We saw it in Vietnam, in Lebanon, in the Khobar Towers.

I recognize, and everyone recognizes, there have been mistakes in this thing. The President recognized this in his speech on January 10. He said a lot of things that I think were very profound observations at that time that I will address in just a minute. But when you look at the consequences of a premeditated withdrawal, when the enemy knows what we are going to be doing in the future—one of the great generals of our time is General Maples. He was actually the commanding general down in Fort Sill in Oklahoma at one time. He is now the DIA Director. He said:

> Continued Coalition presence is the primary counter to a breakdown in central authority. Such a breakdown would have grave consequences for the people of Iraq, stability in the region, and the United States strategic interests.

John Negroponte and General Hayden both agree with that.

It is not too late to avoid this. I don't think it is time to start cutting our losses and just hope that all this goes away. If we can assist the Iraqis and reach that point of sustainable self-governance, then we can bring defeat to our enemies and stability to the region. We all want this. All those who have not personally seen the changes, the visible changes that are taking place in Iraq, seen the girls who can now get an education and seen that they can now have weddings in the streets without the fear of having troops come in there and kidnap all the girls and rape them and bury them alive—people have forgotten already how bad things were at that time in Iraq.

So I just have to say this: Regretfully, I have been sitting here since 5 o'clock trying to get on the floor, and now we are running out of time. But I would say this, and I think it is something which is very significant; that is, the President, in his speech on January 10, talked about the necessity for victory in Iraq, but he used a term that nobody heard and nobody remembered and nobody listened to, and it is called from the bottom up. A "bottom-up victory" is what he wanted. This President is talking about it with the people.

Let me tell you what has happened. On my last trip—keep in mind, I have made some 14 trips to the AOR, and the last trip was after the surge was announced. We saw a number of things. First of all, it didn't go unnoticed by the people over there that there are some resolutions like the one we will considering at 11 o'clock today, and consequently that got their attention. I think some good came from that. But that, along with David Petraeus going over there as commander in chief, along with the surge, has really had some results. For the first time over there, I saw changes.

A few minutes ago, one of our Republicans was talking about the change in Ramadi. It was the senior Senator from Utah. In Ramadi, if you remember a year ago, that was getting ready—or, as we say in Oklahoma, that was fixing to be the terrorist capital of the world. It is now secure. In Fallujah—this is just less than a month ago, in Fallujah—it is secure, and it is secure by our security force—by the Iraqi security force and not by ours. In other words, they are taking care of their own over there. The joint security stations where our troops, instead of coming back to the Green Zone, will stay over there and bed down with the Iraqi security forces, develop intimate relationships with them, and learn to love each other—this is what is happening right now.

I was mistaken. All these years, we have been talking about Maliki and all the political leaders. I am beginning to think really that the successes that are taking place and the bottom-up success right now after the surge are actually coming from the religious leaders. We monitor—and we do this as a matter of course—all of the mosque ceremonies. I think they meet once a week like most churches do, and up until December, 85 percent of the messages that were by the clerics and by the imams in the mosques were anti-American. They started dropping off until in April of this year, there wasn't one anti-American message. The results are there. As a result of that, we are having many of the citizens, just on their own, as the Senator from Utah mentioned—because he was there a short time after I was there, and he said they are doing things now that they haven't done before.

Just as we have, in Tulsa, OK, and in all of our cities in Oklahoma and here in Washington, DC, a Neighborhood Watch Program where the neighbors volunteer to go out and watch, this is happening in Baghdad, Fallujah, Ramadi, all throughout Iraq right now. These are people who are going out and risking their lives with spray cans, spray-painting circles around undetonated IEDs, and it is being done successfully. I think there is a level of panic setting in on those individuals who have gone over there and seen that the surge appears to be working.

I don't think we should be cutting and running at this stage. We have a huge investment there. We have taken out a ruthless leader, one who would rival Hitler in the atrocities he has committed. Now that we have an opportunity to do that—to have a different form of government in the Middle East—and people who say it wasn't Iraq all this time, sure, it was Iraq. There were training centers in Iraq training people to do different things. In the town of Salman Pak, they were training terrorists how to fly airplanes into targets. Did they train the 9/11 terrorists? There is no way of knowing that. Nonetheless, the training camps are not there anymore. We have had successes.

I know people want to talk about the failures, but I will say to you this is a very critical vote. If we vote at 11 o'clock today to leave before the job is done, that would be a crisis and a slap in the face for our troops over there fighting so bravely for our freedom back here. I am a product of the draft of many years ago, and I believed you would never be able to have an all-volunteer force and have it with the quality we had in the draft. I realize now that I was wrong all those years ago, that we have the finest young people in the world in our military. They understand what the mission is. They understand the threat facing them. The first thing they asked me is: Why is it the American people don't understand, or the media? They don't ask that question now because they have the benefit of having talk radio. They have FOX instead of depending on CNN International, and they realize the American people are by their side.

So this is critical. Is it worth staying up all night for? I think it is. I look forward to defeating the effort of the Levin-Reed amendment taking place at 11 o'clock today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Oklahoma for acknowledging there is something that is worth staying up all night for, that this is a debate we must continue to have. But this is also a vote we must have. The American people and our troops deserve nothing less than an up-or-down vote.

I disagree with the Senator from Oklahoma when he said we would be somehow hurting our troops by not staying the course. I think we need to change the course. I think this idea that we somehow dishonor our troops by having a free and open debate about this is wrong. I think it is wrong to say we dishonor our troops when we talk about a change in course in Iraq, because I think it is what they deserve. We need a smart way to get our soldiers out of harm's way and transition to the Iraqi Government. This is about getting this policy right for our troops in the field, about giving them what they deserve: a simple majority vote. That is what we need today.

I hope all of my colleagues will recognize our current strategy in Iraq is not working, that a new strategy based on drawing down U.S. forces is necessary, and this strategy must be implemented now. After 4 years, over 3,600 American soldiers have been killed, over 25,000 have been wounded, and almost $450 billion has been spent. We cannot wait until next year, or until next month, or until September to change our strategy. After 4 years, we cannot wait for the Iraqi Government to demonstrate the progress before we begin bringing our soldiers home, and it has shown no indication of a commitment to compromise and reconciliation. After 4 years, we cannot ask our men and women in the field to continue to risk life and limb indefinitely in the pursuit of a policy that so many of our colleagues across the aisle have now admitted and have spoken out about and said this policy needs to be changed, that it is not working. Talk is talk. But now it is time to vote.

Our troops have done what they have been asked to do. They deposed an evil dictator. They guaranteed free elections in Iraq. We all know there can be no purely military solution in Iraq. This has been agreed to by so many military commanders, experts, and Members in this body that it doesn't need to be argued anymore. We recognize true stability in Iraq will only come with political compromise between their various ethic factions. Only Iraqis can reach that agreement. Given that, should our strategy not be transitioning to Iraqi authority now, not some undefined time in the future?

We must push the Iraqi Government to assume the duties it was elected to perform, to lead the process in negotiation and deal-making. Our openended commitment is impeding this process and inhibiting the will of the Iraqi people to stand up and take responsibility for their own country.

Nine months ago, the Iraq Study Group proposed a pragmatic change of course that focused on political and economic initiatives, intense regional, and international diplomacy that would tie all nations with an interest in Iraq together, and beginning the phased redeployment of U.S. forces from Iraq. Since the issuance of the Iraq Study Group report, some conditions on the ground have remained the same, and a number have gotten worse. In the last 3 months, more U.S. troops were killed than in any other 3-month period during the entire war.

I urge my colleagues to set aside differences, to forget about past agreements or voting records, and focus on what is best for our troops in the field going forward. We owe it to these brave men and women in the field to get this policy right. I believe the best thing we can do for our troops, our national interest, and for the Iraqis is to adopt the new strategy proposed by my colleagues Senators LEVIN and REED that would begin bringing our troops home, removing the bulk of our combat forces by the spring of next year. We know this cannot be done overnight, and the troops will be remaining to train the police and guard our embassies, and for special forces. We also know it is time to send a message to this Iraqi Government that it is time for them to govern.

Keeping over 160,000 U.S. soldiers in Iraq is simply not the answer. We need to start bringing them home. In March, I visited Baghdad and Fallujah and saw firsthand the bravery and commitment of our troops. I had a number of meetings set up with Minnesota troops. Of the 22,000 troops who were sent over as part of this surge, 3,000 were from Minnesota. In fact, they are the longest serving Guard unit right now in Iraq and Afghanistan. A number of them are now coming home. We rejoice in Minnesota for the ones coming home to their families. But we know that, sadly, they are being replaced by other soldiers from across this country. I remember one of the Congressmen who had gone to Iraq shortly after I did. He came back and talked, as a House Member, about how it reminded him of—going through the market,—a farmer's market in Indiana.

Well, that is not my memory from Iraq. What I remember, first, is our troops and how they didn't complain about the heat, or about their extensions, or about their equipment. They only asked me two things: What the State high school hockey tournament scores were, and then they asked if I would call their moms and dads and husbands and wives when I got home. I did that. I talked to about 50 moms. I have to tell you they told me different stories. They told me about children who were waiting for their dad to come home, that they thought they were going to come home in January, and they were waiting month after month. They told me about how scared they were every time they turned on the TV. They told me about how proud they were of their child but that they wanted him to come home.

My starkest memory of that trip was not some farmer's market in Indiana; my memory was standing on the tarmac of the Baghdad airport where nine Duluth firefighters called me over to stand with them. First, I didn't know what it was. They were there to do their duty. They were saluting in front of a firetruck while six caskets draped in the American flag were loaded onto a plane. They didn't know what fallen soldiers were in those caskets. They didn't know who they were. They just knew it was their duty to salute and they knew the lives of the families of these fallen soldiers would never be the same.

There is not a day that goes by that I don't think about the Minnesota soldiers I met over there. They never complained. They did their jobs. They deposed an evil dictator and guaranteed free elections. Now it is time to bring them home. One thing that struck us in our State is that this is a different kind of war. Up to 40 percent of the troops fighting in Iraq are members of the National Guard and Reserves. In many respects, the war has involved a different kind of soldier. In Vietnam, the average age of an American soldier was 19 years old. In Iraq and Afghanistan, the average age of an active-duty soldier is 27. The average age of National Guard members is 33. Three-fourths of all soldiers serving in Iraq and Afghanistan have families of their own, and fully one-half of those who have been killed have left families behind. Almost 22 percent of the Guard and Reserve members have had multiple deployments to Iraq and Afghanistan. For 4 years, these citizen soldiers have gone above and beyond the call of duty as this war has lasted longer—our involvement has lasted longer than our involvement in World War II. These citizen soldiers have made extraordinary sacrifices.

As we see our Guard and Reserve come home in Minnesota, the longest serving unit in this war, we know many have come back injured and maimed. I think I heard it is a thousand in this war across this country who have lost a limb, and 20-some thousand have been injured. Having served and sacrificed for 16 months, these men and women earned their rest and their right to live their lives in peace. But we keep sending them back and we keep sending them back.

All across my State, I have heard a strong and clear message from Minnesotans: Change the course in Iraq. Push for the strategy and solution that will bring our troops home and transition to Iraqi governance.

They want to see a surge in diplomacy, not a surge in troops. It is a message that was echoed all over this country last fall, from Montana to Minnesota, from Pennsylvania to Virginia. The people of Minnesota, like their fellow citizens around the country, recognize what is at stake in Iraq. As I have traveled around our State, I have spoken with many families who have paid a personal price in this war. I think of Clairmont Anderson, who would drive hundreds of miles to attend public events. Every time anybody even brought up the war, he would start to cry. It is because his son Stewart, an Army Reserve major, was killed in a helicopter crash in Iraq. I think of Kathleen Waseka from St. Paul, MN. In January, her son James Waseka, Jr., was killed while patrolling on foot in an area near Fallujah. He was assigned with the Minnesota Army National Guard First Brigade, the same unit that was extended under the President's escalation. Sergeant Waseka was the third member of his unit to die within a 6-week period. I also think of Becky Lurie of Kerrick, MN, near Duluth. She is the mother of 12 and a former State senator. Her son Matt was killed when the Army helicopter he was piloting went down north of Baghdad. I watched this Gold Star mother—a woman who has adopted 8 children—comfort her grandchildren, hold her shaking husband, and stand tall for hours in a high school gym in Findley, MN, where hundreds of people came together to gather for her son's memorial service. Clairmont Anderson, Kathleen Waseka, and Becky Lurie are parents whose children made the ultimate sacrifice in service to our country. They are among the many Minnesotans who have told me, without apology, that they want to see a change of course in Iraq. They pray that others will not experience their pain.

Although I opposed this war from the beginning, I recognize many did support it. But many years later, we are now dealing with a dramatically different situation. What we now know about the events and facts leading up to the war has changed dramatically. The conditions inside Iraq have changed dramatically. Our role there has changed dramatically. We need an up-or-down vote today. If we don't have a regular up-or-down vote, as the American people have asked for, we are not going to get the change of course the bipartisan Iraq Study Group recommended, the change of course that Iraq needs to halt its civil war, or the change of course our military forces deserve.

As of Thanksgiving, as I said, this war has lasted longer than World War II. Have we not asked our men and women to sacrifice enough?

Recently, at the funeral for a fallen soldier, I heard a local priest say our leaders have an obligation to do right by our children when we send them to war. This particular soldier was very tall and very strong. As the priest talked about him, he talked about the fact that even though this young man was over 6 feet tall, he was still our child. He said our children may be over 6 feet tall when we send them to war, but they are still our children. If the kids we are sending to Iraq are 6 feet tall, he said, then our leaders must be 8 feet tall. I add that if these soldiers are willing to stand up and risk their lives for our country, those of us in Congress must be brave enough to stand up and ask the tough questions and push for the tougher solutions and not be afraid to have an up-or-down vote on a change of strategy in Iraq. Clairmont Anderson, Kathleen Waseka, and Becky Lurie are standing tall. The parents with whom I met, whose kids were supposed to come home back in January, have been waiting and waiting for that telephone call, and waiting and waiting for those letters. They have been standing tall all these months.

The members of the Minnesota National Guard whose deployment ceremony I attended a few months ago in Duluth stood tall. The teenage brother and sister I met there who saw their dad and their mom deployed to Iraq at the same time stood tall. The injured soldiers in the VA hospital in Minnesota, recovering from traumatic brain injuries, and in their wheelchairs, with their strength and their spirit are standing tall.

I say to my friends across the aisle, by having an honest and open debate about the war as we have done tonight, we in Congress can stand tall, but we can only stand tall when we allow for a fair and honest vote about the strategy in Iraq. Our Constitution says Congress should be a responsible check and balance on Presidential power. Congressional oversight of our Iraq policy is long overdue. On behalf of the public, Members of this body have a responsibility to exercise our own constitutional power in a fairminded, bipartisan way, to insist on accountability and to demand a change of course. Ultimately, the best way to help our soldiers and their families is not only to give them the respect and the benefits and the help they deserve, but also to get this policy right.

I hope my friends across the aisle will see the merits of this debate and allow for an up-or-down vote on the Levin-Reed amendment. Our troops and our families deserve nothing less.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, to our new colleague from Minnesota, I say she expressed herself very well. This is a debate where nobody expects to change votes or minds in the short term. But it is a chance to express why you believe what you do about Iraq and how we go forward in that regard. It is always good to showcase our differences.

All of us in the body need to ask one question: Why is the Congress at such a low approval rating with the American people? What is it about what we are doing up here that is giving the public a bad taste about the way Congress works? That is a question I don't know how to answer completely. But I have a feeling that most Americans see Congress interacting with each other as if we are talking past each other and not many problems are being solved. We are trying to show the other side as being worse than we are.

It seems to me we are trying to construct a whole session of Congress around exposing other people's weaknesses and solving very few problems. Every now and then, you will step out in the middle, and the Senator from New York, the Presiding Officer—we have done some things I am very proud of, so there is hope. There are efforts going on here in other areas to try to bring the Congress together and do some things that are important.

About Iraq, the reason no one is going to change their mind is that we just have a basic philosophical difference about how we go forward. Let me tell you what drives me more than anything else about the short term and the long term. The one thing we failed to do after the fall of Baghdad is plan for the worst-case scenario. One of the problems we have had is that we always assumed the best and never planned for the worst. We have gone down this road many times. The mistakes early on have come back to haunt us. We never had enough troops. The security situation got out of hand. We underestimated how hard it would be to build a democracy out of the ashes after dictatorship, and those early mistakes have cost. But in every war, you make mistakes.

What I am trying to do is talk about where we are now and where we are going to go. Acknowledging the early mistakes, we have paid a price. Let's not repeat them in another form. The old strategy after the fall of Baghdad was to focus on training, to keep the American military footprint as low as possible, empower the Iraqi military and army to take over their country and go fight al-Qaida and other extremist groups in firefights and come back behind walls. After 3½ years of engaging in that strategy, al-Qaida got stronger. We lost control of different provinces in Iraq to al-Qaida. Extremism grew, and we had no political reconciliation.

For 3 years—2 years, anyway; 2½ at least—I, along with Senator McCAIN and others, have been saying the old strategy wasn't working. I do defer to military commanders. We all should to a point. Every general and every politician should have their work product judged by results. It was clear to me that the old strategy was not producing the result to secure the country, bring about political reconciliation, and control extremism. As a matter of fact, the old strategy, which lasted for 3 years, resulted in losing ground to the enemy, a stronger al-Qaida, a more fractured Iraq, and we were going nowhere fast. So I, along with others, pushed for a new strategy.

The new strategy wasn't withdrawal. It was quite the opposite—reinforce.

Since February of this year, we have been bringing new combat capability into Iraq. We have added troops to make up for the mistakes initially made right after the fall of Baghdad. What has that additional combat capability done in Iraq and what has it failed to do? I think it is undeniable that General Petraeus's new strategy has been enormously successful in certain areas of Iraq that had been previously lost to al-Qaida. To me, that is the most encouraging sign yet of progress in Iraq. What has not happened is a securing of the country as a whole, the destruction completely of al-Qaida, the chilling out of Iranian involvement, and political reconciliation.

The new strategy is just exactly that—new. Instead of being behind walls with a limited military footprint, General Petraeus has deployed American forces into communities that were previously held by al-Qaida in Anbar Province. We have taken the fight to the enemy, and we have been able to dislodge al-Qaida in provinces that they dominated under the old strategy.

But here is the good news: Beating al-Qaida is always going to happen when we engage them because we are so much better militarily than they are. But the people who lived under their control in Anbar for all these months broke from al-Qaida and aligned themselves with us.

The best evidence I have seen thus far of a new strategy working is that not only have we liberated Anbar Province, a place you couldn't go 6 months ago, if you were a Member of Congress, to be somewhere you can walk around now like Ramadi. In the year 2006, there were 1,000 people who volunteered to be policemen in Anbar Province for the whole year. As of now, in 2007, 12,000 Iraqis have volunteered to be part of the police force in Anbar. They are all from that area. Once the sheiks broke from al-Qaida and joined with the coalition forces, they made a call to the local community for the sons of Anbar to stand and fight, join the police. We will soon be able to reduce our combat presence in Anbar because the alliances we have formed with the local leadership, the addition of police, and the maturing of the Iraqi Army will allow Anbar to be held by the people of Iraq who live in Anbar. That was made possible only because we added combat capability at a time when it mattered.

The biggest reason Anbar flipped is because al-Qaida was brutal when they were in the place. The people in Anbar, the Sunni Arabs, had a taste of al-Qaida life, and they did not like it. Al-Qaida engaged in some of the most brutal acts imaginable against people under their control.

They killed family members of the leadership. They went after people whom they considered to be a threat. They imposed a way of life and living on the people of Anbar Province that was unacceptable. Literally, al-Qaida overplayed their hand. At the time they were overplaying their hand, literally comes over the hill American combat power in a new fashion, more of it reconfigured. It was a magic moment where we moved out behind the walls, created joint security stations. Iraqi police and soldiers would live with American soldiers in joint security stations. So in your neighborhood, now you will have a joint security station not far away where there will be American soldiers, Iraqi police, and army units living together that will be there to protect you and your family. These joint security stations have been a fundamental change in policy militarily.

Counterinsurgency is about going into the areas where the insurgents dominate, militarily dislodging them but changing the dynamic on the ground so it would be hard for them to come back. If we will continue to support those who have broken from al-Qaida and joined us, then we will have a stable situation in Anbar that we could never have achieved under the old strategy. Because people break away from al-Qaida, does that mean they embrace democracy—Sunni, Shia, and Kurd coexistence? No. But it is a start. It means they have rejected a way of life that has no place on the planet for people like us.

My good friend from New York, we have found many things that we can work on in common. But here is something else we have in common. A Democrat from New York and a Republican from South Carolina are viewed the same by our enemy, al-Qaida. They hate us both. If they could kill us both, they would because we have agreed that whatever differences we have, they could actually be a strength. When we get into a dispute, we go to the courthouse; we don't go out in the street and start killing each other. In America, religious differences are not only accepted and tolerated, they are viewed as a strength.

There are three conflicts going on in Iraq. One is among the sectarian population in Iraq, the Sunnis and Shias and somewhat the Kurds. That conflict can only be resolved by the Iraqi people embracing what they have in common, accepting their differences as a strength, and rejecting this desire to break away. I think that can happen because there are enough Sunni, Kurds and Shias willing to die to make that happen that I am still optimistic.

We had our own Civil War. It is hard to get different people from different backgrounds to live together, but we are an example that it can happen. But it comes sometimes at a great sacrifice. So the sectarian violence in Iraq will only be solved by having enough control of the security to keep tensions down and trying to build political reconciliation.

During immigration, I learned a lesson. People get mad when you do hard things. They can say pretty awful things about you. I learned a lot of cuss words that I never knew before. That is what happens in American politics when you try to embrace hard issues. People get mad. That is democracy. It is about expressing yourself. You just pay the price when you do that politically. But the price we pay is being called bad names. It may affect your election; it may not.

In Iraq, if you want to find the middle ground, they try to kill your family. Remember how hard it was on immigration when all those phone calls flooded your office trying to tell us: You better not do this; you better not do that. Imagine trying to sit down at a table in Iraq to find common ground with someone who represents a side that just maybe killed your family.

I would argue that political reconciliation in Iraq is hard because it is hard here. It is harder there because of the security environment which has broken down. We would be wise to provide better security. That is the way to get political reconciliation.

The key to solving sectarian conflicts in Iraq is better security, more diplomatic pressure, economic and political aid, and pressure to get the Iraqis to live as one with some amount of autonomy. The Sunnis, the Shias, and the Kurds are finally going to figure out that you will have a better life living together than if you try to break away because if the Shias try to dominate and create an Iranian style theocracy, the Sunni Arab nations are not going to sit on the sideline. If you are a Sunni trying to take power back by the use of a gun, they are not going to allow you to dominate the country by the force of arms, and you are not going to be able to split away from the rest of Iraq and live in peace because your neighbors are always going to consider you a threat.

If you are Kurd in the north and you think you can live up there peacefully and ignore what is happening in the south, you have another thing coming because turmoil in Iraq will make your life difficult. If you think you can break away from the rest of Iraq and have a Kurdish independent state without consequences from Turkey, you are kidding yourself.

Each group really will one day figure out we are better off in terms of our long-term interest to find some common ground here on how we can live together. That is going to happen, but we have to control the violence better and we have to push them harder.

The second fight involves al-Qaida. I was on this morning with Senator OBAMA on the "Today" show. He said something I believe is absolutely correct: Reasonable people can disagree.

The one thing I hope reasonable people can agree is that al-Qaida is very unreasonable. If you could find some common ground with this crowd, please let me know. I have yet to find a way to reach out to al-Qaida without getting your arm taken off. They don't have a plan that we can buy into. I don't think they have an agenda that any of us, Republicans or Democrats, can say: Let's work on some middle ground.

Their agenda for the world is not totally different from Hitler's agenda for the world. It is a religious-based, driven conflict. They have taken a religious view of life that excludes moderate Muslims, Jews, Christians, and anybody who disagrees with them, and they feel compelled by God to topple all forms of moderation. People who do not practice Islam, in their view, are just as bad as we are. They have an agenda to make sure that those folks in the Middle East who reject their religion really pay a heavy price. One, they will be dominated, and if they don't change, they will be killed. Hitler had the same view: If you are racially different, if you don't live under the thumb of the Aryan race, you will be worked to death or killed. Al-Qaida is no different. They have a religious agenda they are trying to impose on the world.

Am I worried about al-Qaida sweeping the world and conquering Washington? No. Am I worried about al-Qaida taking over all of Iraq? No. Here is what I am worried about: If we let the country break apart and we have chaos in Iraq, they flourish, al-Qaida flourishes, because they go to places where lawlessness reigns, where they can intimidate people, and it allows them to move their agenda forward. Their agenda is pretty clear: Where moderation raises its dangerous head, lop it off.

The reason they have come to Iraq is because we went there; that is partly true. But the real reason they have come is they don't want the people in Iraq to change course. It is not about us changing course. We have changed course. The old strategy of sitting behind a wall and training and doing nothing else has been replaced by an aggressive strategy of going out in the neighborhoods, finding the enemy, suppressing the enemy, forming new alliances.

Let me tell you their strategy. They are very much on message. Where they find moderation, they are going to go after it. If they can be perceived as having won in Iraq, then what happens to the world at large? Are we safer? The answer is no. What they will do then, by destabilizing this attempt at democracy in Iraq, they will move the agenda to the Gulf Arab States, not because I say so but because they say so. One of the big threats they see in the Mideast is the Gulf Arab States engaging in the world through commerce and basically having a tolerant form of religion. The ultimate prize for al-Qaida is not only to create a caliphate in Baghdad that would dominate the region religiously, it is to destroy Israel. I am not making this up. I am just regurgitating what they say.

The surge—the biggest change I have seen in Iraq has come in Anbar where literally 12,000 people have joined the police in 2007 at this date versus 1,000 for the whole year 2006. The reason I am encouraged is that people again have broken away, and they have associated themselves with a different way of living. They didn't like al-Qaida. They are trying to start over again. We are giving them a chance to do so. The alliances in Anbar and Diyala that are being formed could be long lasting to provide security.

The third conflict is with Iran. We passed a resolution not long ago—I think it was last week—that was a damning indictment of Iran. That resolution had a long list of activity that we unanimously approved to be happening. That activity was the Iranian Government, through the Kuds force, was actively involved in the IED business, trying to provide materials to insurgents in Iraq to kill young Americans in the most effective way possible. We have captured two brothers who were responsible for kidnapping five Americans and executing them, and we have found from that capture that the resources to plan that attack came from Iran. It was a very sophisticated attack. They had vehicles they made up to be like American vehicles. They had American uniforms on. They went into a secure compound, got through the security checks, went in, and captured five Americans working with Iraqis that day, took them off. They were going to kidnap them, but it all went bad and they killed them. We found the two brothers in charge. They have Shia connections. They are tied to the Iranian regime. They were getting much of their support from the Kuds force in Iran, the Revolutionary Guard. That is another conflict.

The question for us is, If we said in July we are going to withdraw in May of 2008, if that were the statement to be made by the Senate by the end of this week, I ask one question: If you were an al-Qaida operative fighting in Iraq, your life has been pretty miserable lately because Petraeus is all over you. We are killing them, capturing them, putting them on the run in a way never known before. That is why Zawahiri last week issued a call for reinforcements, because he understands his force is under siege in Iraq and things are not going well because the local people are beginning to turn on them. So he told his al-Qaida brothers: Hang in there. The winds in Washington are blowing our way. Hang in there. Help is on the way.

I would argue as strongly as I know how that if the Senate did pass the Levin-Reed amendment, which says within 120 days from now we are going to be withdrawing, that every al-Qaida operative who feels under siege would have a tremendous boost in morale. It would be welcome news to al-Qaida in Iraq. The Senate has declared this war over militarily. We are beginning to leave. You would say: Thank God, because right now your life is miserable because of this new alliance we have formed and new combat power we put on the ground.

To those who have sided with us in Anbar and other places, if you read in the newspaper the end of this week that the U.S. Senate declares withdrawal to begin in 120 days, all troops are out by May of 2008, it would be, in my opinion, a heartbreaking event to read about because you would wonder: Now that I have chosen a new course and I have openly stood against al-Qaida and Iranian involvement, what is going to happen to me and my family?

My good friend from Iowa has a different view of what happened in Vietnam than I do. Just as sure as I am standing here, al-Qaida would be emboldened if they heard we are going to withdraw beginning in 120 days. They would believe they are back into the fight and if they could just hang in there, this thing is going to turn around in their favor. For all those who broke with al-Qaida and joined us, their biggest fears are they are going to get killed. And they will.

What would Iran say? Iran would look at America anew. They would believe, I think rightly so, that their strategy of a proxy war produced dramatic results because what they have been able to achieve is that this experiment in tolerant democracy, with an Iraqi spin on it, failed.

Why is the Iranian Government trying to drive us out of Iraq? Why are they helping extremists of all kinds defeat American forces? Why are they trying to undermine the Maliki government? My belief is, they understand if a form of democracy emerges on their border in Iraq, it is this theocracy's worst nightmare. So they are doing what they are doing for a reason. That reason, to me, is pretty obvious. They do not want any democracy to emerge in their neighborhood because it is a threat to the way they do business.

The reason al-Qaida goes to Iraq is they do not want moderation to take off anywhere.

So I hope and literally pray we will give General Petraeus until September to keep doing what he is doing, and that in September we will look at the evidence presented to us about the successes and failures of the surge.

If you keep an open mind, here is what I think you find in July: The surge has created a change in dynamic on the ground in Iraq beneficial to us and detrimental to al-Qaida, and that is undeniable. Does that mean all the problems in Iraq are over? No. The surge has not produced political reconciliation we hoped for. I do believe if we begin to withdraw, political reconciliation that we hoped for is forever lost because people begin to make decisions based on when we leave and what is best for their family, not what is best for Iraq.

If we begin to leave now, in July—make a public announcement we are beginning to leave—al-Qaida gets bolstered beyond belief. If we stay where we are in terms of a new strategy being implemented aggressively, I think by September the al-Qaida footprint in Iraq will be greatly diminished, and those areas where they dominated will be easier to hold because the Iraqis have made a commitment to hold they never had before, and they will have the capacity to hold. If we will continue to allow this general and these new troops to do their job, al-Qaida is the biggest loser. Simultaneously, we are going to have to push the Maliki government to do things they need to do.

If we continue to show strength, Iran will change their policy. If we show weakness to Iran and al-Qaida, this war does not end, it gets bigger.

In conclusion, it is not about coming home. We all want them home as soon as possible. It is not about heartbreak. We all share it. I have had many parents come up to me who have lost children in Iraq or spouses and tell me: Please, do not let them die in vain. They believed they could win. They believed in what they are doing. Give the rest of them a chance to win. I have had people come up and say: I think my son or daughter, my husband or wife, died in vain. Don't let anyone else die.

Senators REED and LEVIN believe that by setting a date to withdraw now, it will put pressure on the Iraqis to do things they have not yet done. I understand that. They believe that without additional pressure, the Iraqis will use us as a crutch. Fundamentally, I disagree with that concept. I think if you say we are going to withdraw now, in 120 days, it does not pressure the Iraqi politicians to do things quicker. It ensures they will never get done. It takes an enemy that is on the run and breathes new life into them. It takes an enemy called Iran and makes them bolder.

The signal you are trying to send has more than one audience. If the Senate tries to send a signal in July that we are beginning to withdraw in 120 days, and we will be out by May of 2008, the signal will be received by this group al-Qaida: We can do this if we hang in there. And the signal will be received by those in Tehran: We are going to drive America out. We have turned the corner when it comes to destroying this new democracy in Iraq.

Every moderate force that broke from al-Qaida, which is trying to stand up to Iran will feel like: My God, what is going to happen to my family?

If we choose to allow the military to continue this successful operation, stand behind them without equivocation, listen to them in September about what to do, I think we can build a security environment never known before in Iraq, and I think our best hopes of securing that nation, so reconciliation will one day occur, are achieved.

It is not about your patriotism; it is not about feeling heartbroken for those who have lost their lives. It is about how do you fight this war with an enemy that knows no boundaries.

My last thought: There has been a formula that has existed since the beginning of time that works. When people rear their ugly head and start talking about their neighbor having no place on the planet, when people start using religion as a way to dominate their neighbor, an excuse to dominate their neighbor, when people openly talk about destroying a particular ethnic group, or a particular race, or a particular religion, when they start doing that in terms of words and deeds, the rest of us who disagree need to stand up.

In the 1930s, too many people sat on the sidelines, ignoring the dangers of their time. The dangers of their time were Adolph Hitler and people like him who had no place on the planet for people who they believed were "racially inferior" or different in terms of the way they wanted to live their lives.

This enemy is saying things about fellow human beings that not only should be rejected in words, should be rejected by action. The action I am looking for, when it comes to the al-Qaida agenda, is to destroy it, to use every military force we have to destroy it, to align ourselves with people who reject it, and see this thing through.

God bless.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Arizona.

Mr. McCAIN. Mr. President, the Senator from Michigan and I wish to take a couple minutes while we make a unanimous consent request: that at least the majority leader's time will be from 10:50 to 11 a.m.; from 10:40 to 10:50 will be for the Republican leader; 10:30 to 10:40 will be for the chairman of the committee; and 10:20 to 10:30 will be allocated to me. I ask unanimous consent that be agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I think that is precisely what has been typed up, and that is our intent, that those last four 10-minute slots be allocated in the way the Senator from Arizona has proposed.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. McCAIN. Mr. President, finally, could I point out, during the entire night we have been basically going back and forth on both sides of the issue. I think all Senators who sought recognition were able to speak sometime during the night. I hope we would be able to continue going back and forth, unless there is a lack of speakers on this side.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, has that previous unanimous consent request been adopted?

The PRESIDING OFFICER. It has not yet been adopted.

Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. NELSON of Florida addressed the Chair.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand now the Senator from Florida is seeking recognition; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I ask unanimous consent that on this side, following the Senator from Florida, Senator BINGAMAN be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that following Senator BINGAMAN, Senator LAUTENBERG be recognized on this side—just on this side.

Mr. McCAIN. Mr. President, I thank the chairman, and reserving the right to object, I would hope my colleagues would recognize that gives us an hour and 10 minutes until the unanimous consent agreement kicks in. I know there are additional speakers on both sides to take up that time. So I hope they would be economical with their views.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I advise my colleague from Michigan that I believe the Senator from New Jersey, Mr. LAUTENBERG, was here planning to speak before I spoke. So on the Democratic side it would be Senator NELSON, and then Senator LAUTENBERG, and then myself.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator BINGAMAN for that. I was not aware of that. Let me revise the unanimous consent request. Before I do so, in light of what Senator MCCAIN has said, let me inquire of the Democrats—I say to Senator LAUTENBERG, if you could stay here for 1 minute. I am wondering if the Senator from Florida could give us an idea of the amount of time he needs.

Mr. NELSON of Florida. Whatever is the pleasure of my chairman.

Mr. LEVIN. Should we say up to 10 minutes each?

Mr. McCAIN. Given the number of speakers, if I could say, I think maybe 10 minutes maximum, and I would add to that unanimous consent request that Senator CRAIG and Senator CHAMBLISS be added on this side in rotation. I think up to 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Well, I wanted to do like so many, to speak much earlier. Six a.m. was the time I had reserved, and it was believed then that we would have two or three people to fill an hour. I would like 15 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, let me now revise the unanimous consent request in this way: that Senator NELSON be recognized for up to 10 minutes, that Senator LAUTENBERG be recognized for up to 15 minutes, that Senator BINGAMAN be recognized for up to 10 minutes on this side, with alternating to the other side.

I say to the Senator I think that would leave 35 minutes to be allocated on your side.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. McCAIN. Mr. President, on this side, I ask unanimous consent to add to that unanimous consent request that 10 minutes each be allocated to Senators CRAIG, CHAMBLISS, and CORNYN. I think given the spillover, that probably will take up the remaining time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Thank you, Mr. President.

Mr. President, as I had listened to some of the debate, I wondered: Do we not have the ability with a significant majority in the Senate to come together on the differences that have divided us over the course of this debate throughout the evening? I think we do, if we would take off our partisan hats, if we would take off our ideological hats.

It is clear where the American people are. It is a truth you cannot sustain a war unless you have the support of the American people.

This impression is not only seared into me as a result of the reading of history, but it was clearly the case when I had the privilege of wearing the uniform of the country as a lieutenant and as a captain. It was during the Vietnam era. That was clearly a time in which the people of the country were split. The big difference then and now, in the treatment of the troops, is that everybody in the country supports our troops, and every Senator does, and we are amazed at their bravery, and we stand up and repeat that over and over. That was not the case back in Vietnam. That was not the case, where returning troops, unbelievably, sometimes, were spit upon. But that is not the case now.

The question is, how do you keep a bad situation from getting worse? And the question is not whether we support the troops; we do. It is the question: What is the policy set by the Government of the United States that those troops ought to be carrying out? How do we bring some kind of success out of a very bad situation?

Now, the rhetoric has been hot, and it has been intense, and it has been polarizing. The Levin-Reed amendment has been characterized as though we are going to pick up and walk out of Iraq. That is not what the Levin-Reed amendment says. It says we are going to start a process of withdrawal, but troops are going to stay in Iraq to go after al-Qaida—which is clearly there now as a result of us having been there for the last 4 years—to go after al-Qaida, to provide force protection for the Americans who are there—which would also mean providing border protection—and to train the Iraqi Army. That is not a pack up and withdraw. The philosophy of the Levin-Reed amendment, which this Senator supports—and last Friday I gave the history of how I have come through all of these votes since that vote in the fall of 2002 to authorize the President to expend moneys for prosecuting a war—the question for us has been, how do we bring some success?

Now, in fact, we look at this as if Iraq is monolithic. It is not. It is many different things. It is a concentration of Kurds in the north, a concentration of Sunnis, and some mixture with Shiites, in the middle, and a concentration of Shiites in the south. We are having success with the surge in the western province of al-Anbar, but that is because it is primarily Sunni, and that is because the real enemy there is al-Qaida. Indeed, the surge of the Marines is having success, slowly but having success.

But remember, Iraq is many things and many faces. That is not the case in Baghdad because in Baghdad what you have is a sectarian warfare that has been going on for 1,327 years between Sunnis and Shiites that has, in effect, become a civil war.

When Senator COLEMAN and I were in Baghdad meeting with the foreign national security adviser, Dr. al-Rubaie, before Christmas, he said: This not a sectarian war. This is Baathists trying to take back over their control.

We could not believe he would make that statement when it was so obvious, and it has been so obvious, that it is Sunnis on Shiites and Shiites on Sunnis, and some Shiites on Shiites, and some Sunnis on Sunnis.

In the middle of that chaos of a civil war, a surge may have a temporary appearance, but at the end of the day, it is not going to work. A surge will work in Anbar.

So let's be clear that when people make extreme statements, what we are talking about is a very complicated situation.

Now, do we think we are going to continue to be full bore in Iraq in another 2 years, another 3 years? Do we really think the American people are going to put up with that? No. The Levin-Reed amendment, which this Senator supports—and it took me a long time to get here, Mr. President—is a recognition of the practicality on the ground: withdrawing ourselves from the middle of a crossfire of a civil war and, instead, consolidating our positions to train the Iraqi Army, to continue to go after al-Qaida, and to provide force protection.

So at the end of the day, we can all get together. You can probably have two-thirds of the Senate all coming together. One particular approach is we ought to be doing it around the Levin-Reed amendment, but it doesn't look as if we are going to. Later on down the road, the Presiding Officer, the Senator from Colorado, and I are cosponsors of another kind of amendment around which people could consolidate and unite. Sooner or later, we all are going to have to come together.

Thank you.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask that the Chair notify me when I have 1 minute left.

The PRESIDING OFFICER. The Chair will do so.

Mr. CHAMBLISS. Mr. President, I begin today by saying that I oppose the Levin-Reed amendment, and I urge my colleagues to do the same. I oppose the amendment for three important reasons: First of all, I believe the amendment unconstitutionally usurps the power of the Commander in Chief. Secondly, the amendment tells our enemies when they can take over in Iraq. Thirdly, the amendment is the wrong approach at the wrong time.

Also, I wish to focus on what we are missing by spending unnecessary time last night and today debating this amendment. We have had a Defense bill pending before the Senate now for a week and a half and have yet to discuss this bill in substance.

The bill which we have yet to make any real progress on does the following things for our men and women in uniform: First of all, it authorizes a 3.5-percent pay raise for our men and women in the armed forces. It authorizes additional tools for combating post-traumatic stress disorder and traumatic brain injury and provides improved health care benefits for our injured warriors. It takes new steps to recognize the contributions of our Reserve Forces through increased retirement benefits and robust reintegration programs. It tightens our acquisition processes, our contracting policies, and increases benefits to our civilian personnel. It increases the amount of leave our military personnel can carry over, a provision which DOD strongly advocates as a way to increase the morale of our troops. It authorizes $4 billion for mine-resistant vehicles and critical MRAP vehicles that we need so desperately to protect our men and women. It authorizes $135 billion for allowances, bonuses, death benefits, and permanent change of station moves. It authorizes payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty as well as Reserve military personnel. It fully funds the President's budget request for the Army's future combat systems and adds $90 million for the Armed Robotic Vehicles. It authorizes $775.1 million for reactive armor.

I could go on for a long time cataloging the good things in this bill that we are not talking about. We are not focusing on them because of the time we have spent yesterday, last night, as well as today, focusing on this amendment, which we could have dealt with several days ago. This side of the aisle has been prepared to vote and we have been asking for that vote, yet that vote has not taken place.

I think it is important to keep in mind the people who are on the receiving end of the decisions we make and the votes we take in this body; that is, the American soldier, sailor, airman, and marine who is out there doing what we have asked them to do in service to our country.

I appreciate the comments last night of the Senator from Connecticut, Mr. LIEBERMAN, regarding my good friend, General Lynch, who commands the 3rd Infantry Division at Fort Stewart, GA, and Task Force Marne in Baghdad. General Lynch and his troops are in harm's way as we speak—right now—executing the duties and the responsibilities the American people have asked of them. General Lynch recently commented that the addition of thousands more surge troops in the recent weeks has enabled him to clear insurgents in 70 percent of his territory south of Baghdad. I would like to share a few of General Lynch's comments regarding his mission and the work in which his troops are involved.

Regarding the effects of ceasing the current strategy now in place, General Lynch has said the following:

> You'd find the enemy regaining ground, reestablishing sanctuary, building more roadside bombs, and the violence would escalate. It would be a mess.

Regarding the current mindset of the Iraqi people that he encounters, General Lynch has said:

> What they are worried about is our leaving, and our answer is: "We're staying."

Regarding our need to stay and keep doing what we are doing, General Lynch has said the following:

> We need these surge forces. They came in for a reason. They are being used for the reason they were sent to be used for.

These comments by General Lynch and the perspective he shares from Iraq is that it would be a mistake to give up on the President's strategy now. That is why I oppose the Levin- Reed amendment.

Months ago, some in the media declared Al Anbar Province lost. Ramadi was declared by AQI—al-Qaida in Iraq—as the capital of AQI. Today, it is clear that they were wrong and that the President's new strategy has effectively turned Al Anbar around.

I was in Al Anbar 2 months ago, and I have to say I was significantly impressed by the job General Gaskins and his folks are doing. We were able to take a convoy ride to the middle of downtown Ramadi. We were in a safe and secure setting for the first time in years, in that community. We saw children returning to schools. We saw markets open. We saw people walking on the streets for the first time in years. People now felt safe and secure because al-Qaida has now been cleared out of Ramadi and out of virtually every inch of Al Anbar Province. The surge is working in Al Anbar Province and in the self-declared capital of al-Qaida.

The last elements of the troop increase that the President proposed back in January became operational in Iraq on June 15. Let me quote retired Vice Chief of Staff of the Army Jack Keane, who has been critical in the right ways and positive as well as other ways about Iraq—a good man, a good soldier. Here is what he said:

> It is my judgment the security situation is making steady, deliberate progress and it will continue to make progress as we go on through the rest of the summer and into the fall. The thought of pulling out now or pulling out in a couple of months makes no sense militarily in terms of what we are trying to achieve, and that is providing security and stability for Iraq so that we can make some political progress.

If there is one strategy that does not make sense at this point either militarily or politically, it is signaling to the enemy, during a time when we are making early progress in establishing security and laying the grounds for reconciliation, that we are leaving and that they can have the country. This is an extremely ill-advised approach for which the United States, the Middle East, and especially the Iraqi people will pay dearly for decades to come.

I have never been more convinced that waiting for General Petraeus's report in September was more right than yesterday afternoon when two young Georgia veterans, Tripp Bellard and Ruben Maestre, visited my office. I wish every Member of this body could have heard the passion and the emotion and the strength in their voices. Their resolve was clear, yet they were humble and forceful at the same time. I say to my colleagues, these men implored me to speak out. They said that America needed unwavering leadership now more than ever. They could not have been more clear when they said that pulling out of Iraq now would mean chaos and would have implications for our troops and for the Nation that would be beyond horrific. These were men who had been deployed to Iraq more than once and not for a few months. These were men who have been on the ground and who fervently echoed what I have heard without exception on every single trip I have taken to Iraq, from my first trip several years ago to my last one just 2 months ago. I have heard it from privates, and I have heard it from generals—that we must not leave prematurely and that we must not act prematurely.

I wish to relate another anecdote about a conversation I had with a young female Army soldier. I had lunch with her in Ramadi. She is a Georgian with whom I had a very delightful conversation about a number of issues. But I asked her: Why in the world did you join the Army 3½ years ago in the face of the ongoing conflict in Iraq? She said: Senator, my life was not—I was not accomplishing in my life what I wanted to accomplish. I needed to head in a different direction. I felt like serving my country was something that I could do. She then said: Senator, I signed up in the face of Iraq knowing that I would go to Iraq. This is not my first trip to Iraq; it is my second tour of duty in Iraq. I know I am here for the right reason. I know the mission we have to accomplish. I am prepared to accomplish that mission because it is necessary and it is the right thing to do. As I visit with the people of Iraq here in the streets of Ramadi on a daily basis, I am reminded of what freedom is all about.

Boy, you talk about emotion. You talk about a great young American. Those folks are truly great Americans.

There is no better commentary on the status in Iraq than the men and women who are on the ground, and they are all telling us loudly and clearly that now is not the time to leave, nor is it the time to judge the strategy. The right time to evaluate the strategy is September, and the right time to give our forces what they deserve, by passing the National Defense Authorization Act, is now.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I am sure that what is taking place on the floor of the Senate must present a terribly confusing picture to the American people. It is hard to understand even being here, with colleagues shouting their support for the American troops while they inject that what they need is an injection of truth serum for the vote. Then it will be plain and simple to see where they are, those who are opposing a direct vote, an up-or-down, as we call it, to take place, and that will answer the question: Do you want our soldiers, airmen, seamen, and marines returned home, as the American people are demanding? I remind our friends that the obligation is to get our people back to their families as soon as possible.

Outside my office, I pay respect to America's lost soldiers, our casualties of war, in a display called the "Faces of the Fallen." It gives a picture and some background of the soldiers who gave their lives in this ill-conceived and seemingly endless war in Iraq. Every day, families, friends, and visitors search through thousands of photos looking to see if there are people they know, while they try to comprehend the human cost of this war to parents, spouses, children, siblings, and friends across our country.

Four years and 4 months have passed since President Bush sent young American men and women to fight in a war based on faulty intelligence and incomplete information about an enemy and the scope of this ferocious conflict. Now 160,000 American men and women are mired in a civil war in Iraq, facing thousands of insurgents willing to die themselves while they try to kill any American they can find.

Mr. President, 3,613 brave American souls will never again sit at a family table, play with their children, or return to their jobs and their communities. Ninety-one of those men and women came from New Jersey. They set their boots on the ground in Iraq never expecting they would not put them back on American soil again. Now their faces and their stories live on only in our memories.

But the solemn story those numbers tell does not stop there. Nearly 27,000 troops have left combat with wounds to their body. More than 800 of them have lost limbs or sight or other senses. Many more have left with their minds totally impaired. More than 30,000 soldiers now live with post-traumatic stress disorder or brain injuries, robbing them of the ability to think clearly or perform tasks that once came easily. They put themselves in the line of fire and fought to give the President's policy a chance, but the policy has failed.

It was more than 3 years ago that the President, in military dress, staged on the deck of the aircraft carrier USS Abraham Lincoln, proudly declared "mission accomplished." Mission accomplished? A declaration of victory in millions of American minds? How casual. How cruel. How inept. The President did this without hesitation or pause or the idea of the cost soldiers would come to endure in the future and the hellfire they would face. There were 139 American soldiers who had died by that date, by the day that "mission accomplished" was declared. Compare that with today's count, which stands above 3,600. Mr. President, 139 American soldiers then—"mission accomplished"—and now the death toll is over 3,600. "Mission accomplished"—a show of grandeur, a curtain of disaster, misleading, and I don't know if the President really understood what was taking place in front of his eyes.

Today, the President continues to use statements that defy reality. Vice President CHENEY joined in. He said in those times, "We will be greeted as liberators with sweets and treats," with not a hint of intelligence available before that. Today, the President continues to use statements that defy reality. We have to look back a little bit to see when Secretary of Defense Rumsfeld said this war could last 6 days, 6 weeks, perhaps, I doubt, 6 months. He said that in February of 2003, a month before the invasion. What were they thinking? It is hard to understand. They were getting intelligence. They had the best information available, and they didn't use it.

Just last week, the President said:

> The same folks that are bombing innocent people in Iraq were the ones who attacked us in America on September 11th.

This statement smacks of the same careless rhetoric we heard 4 years ago. The most frightening part about that statement is either President Bush actually believes what he is saying, doesn't bother to check, or is he deliberately distracting the American people?

The fact is that Osama bin Laden and al-Qaida attacked us on 9/11 and Iraq had nothing to do with the tragedy of 9/11. The Defense Department's own inspector general confirmed this past February that the Saddam Hussein regime was not directly cooperating with al-Qaida before the U.S. invasion of Iraq. Has the President forgotten about Osama bin Laden, the man responsible for inflicting those wounds on the victims, their families, and this country? The war with al-Qaida and the hunt for Osama bin Laden began and continues outside of Iraq. Yet Osama bin Laden is still at large, and al-Qaida has become stronger as a result of President Bush's failed policies.

This administration took its eye off the ball. Instead of capturing or killing Osama bin Laden, we are stuck in the middle of a civil war in Iraq with ever-escalating American casualties. That is why some of us in this Congress believe deep in our minds and in our souls that this carnage must end and we have to fight to bring our troops home from Iraq. We are fighting with our colleagues on the other side of the aisle who are giving us reasons to continue with the surge and continue with the exposure in harm's way of our brave men and women.

Millions of Americans are begging us for a change of course. They are tired of having their sons and daughters coming home in flag-covered coffins—coffins that are hidden from the public eye by order of the Pentagon. They don't even let pictures be taken of those flag-draped coffins showing the honor that is bestowed upon the person in that coffin.

The American people want Congress to step in and start to bring our troops home in a responsible way. The amendment by Senators LEVIN and REED would do just that. It would begin to redeploy our troops out of Iraq within 120 days and remove all combat troops by the end of April of next year. Some American forces would remain to perform counterterrorism operations, protect U.S. personnel, and to train Iraqi forces.

This amendment reflects the will of the American people, and it is a responsible way to phase our troops out of the civil war in Iraq. But instead of having a vote to decide where a majority of the Congress stands, our colleagues on the other side of the aisle are standing in the way. They are resorting to process to keep us from having a vote so that the American people can see very clearly where we each stand on this issue. So we stayed here all night. That is not much of a sacrifice; that is not much when you consider our people in Iraq and Afghanistan.

Soon, every Senator will go on record, and their constituents will know whether they want to continue the President's failed policy or are they looking for a new, brighter day, a chance to bring our people back to their families?

Some of our colleagues on the other side have called for change. If you look at recent votes, seven of them had the courage to stand with the Democrats and say: Yes, we agree that this conflict has gone on long enough and we ought to start doing something to bring them home. But with the President dug in on staying the course, saying the right thing is not enough. Change will only come with a vote.

So I ask my colleagues to stand up and support the Levin-Reed amendment so we can begin to bring our men and women home. Let the American people hear our sincerity, and they will when they see procedural attempts to hide this vote and obstruct the return. The slogan they are using is "cut and run." The result would be "stay and die."

I yield the floor and the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I stand in front of a desk in which a former Idaho senator by the name of William E. Borah stood. He was renowned for a variety of things after the turn of the 19th into the 20th century. He was an outspoken isolationist and opposed Woodrow Wilson and led the battle to destroy the League of Nations. He was successful. We never joined the League of Nations. America came home from World War I, pulled up its bridges and it remained a relatively isolated island in a world until World War II.

We know times have changed. We also know that great debates about foreign policy have occurred on the floor of the Senate down through the centuries. We have had a very valuable debate over the last 24 hours in large part about foreign policy but in a surprising way about military tactics.

There is one role that we play here in the United States Senate and that role is a political role, it is not a military role. Not 535 generals. There are a few of us—I'm not one of those—who've had extensive military experience and who might have the kind of strategic knowledge necessary to make decisions that are general—that our generals could and are making on the field at this moment. But I am always suprised when we decide to become tacticians, when we decide to use the floor of the United States Senate as a command center, when we meet in secret rooms around the Capitol to decide how troop movements out to happen and what the rules of engagement ought to be. No, we shouldn't be playing that role. That's why when we confirmed General Petraeus unanimously in the Senate, we said to him very clearly, you go to Iraq in relation to a surge that is being implemented and you come back to us and give us your honest and fair assesement in September.

So why then the last 24 hours have we been deciding or trying to prejudge Petraeus, to jump in front of him acting like the general that he is and the general who is on the ground in Baghdad as we speak? It is raw politics. That's what it is all about. And that's what you have seen played out here in the last 24 hours. Now, I would be the first to tell you that good politics sometimes doesn't produce good policy, especially if you're reacting at the moment—if you are reacting at a snapshot of a polling data where the American people are reacting because they have been fed information instantly about something that may or may not be true in the broader perspective.

But that's what we're doing here, and that's what we do best. But let me suggest that sometimes good policy—so why then the last 24 hours have we been deciding or trying to prejudge Petraeus, to jump in front of him acting like the general that he is and the general who is on the ground in Baghdad as we speak? It is raw politics. That's what it is all about. And that's what you have seen played out here in the last 24 hours. Now, I would be the first to tell you that good politics sometimes doesn't produce good policy, especially if you're reacting at the moment—if you're reacting at a snapshot of a polling data where the American people are reacting because they have been fed information instantly about something that may or may not be true in the broader perspective.

But that is what we're doing here, and that is what we do best. But let me suggest that sometimes good policy—good politics does not in the long term produce good policy. It is with that point in mind that I hope that the Levin-Reed Amendment goes down that it doesn't gain the necessary votes to proceed to a final vote.

We ought to be focused on the content of the National Defense Authorization Act and all that it means to our country and to our veterans because of a variety of key amendments that have been placed in this very important document. And I think that America, if they've been watching C-SPAN for the last 24 hours have not heard one word or very few words about the embodiment of this bill and its value and what it will do to the long-term stability of our military and the care of our veterans.

I was once chair. I am now Ranking Member of the Veterans' Affairs Committee and Senator AKAKA and I have put a very large and valuable amendment in there that deals with traumatic brain injury and the extension of eligibility of the eligibility of care as we work to create a seamless environment between men and women coming out of our armed services and becoming veterans and becoming eligible for the care that our Veterans Administration can provide for them. Mental health evaluations, trying to get ahead of traumatic brain injury that may not manifest itself for months and years after men and women come out of the armed services. Dental care for our returning service members and homeless programs and all other kinds of things are embodied in this very important legislation.

So, I say to my friends on the other side of the aisle, you have had your 24 hours of politics. Now I hope we can have a vote, move on, and get to the final passage of the Defense Authorization Act that is so important to our country in the short term and in the long term, and I would hope that this Senate shows some consistency in what we do, and that consistency would be to wait until September in what I think will be a fair and honest and factual evaluation by General Petraeus as to the situation, the current environment and the future in Iraq. And at that time, as a United States Senator representing the State of Idaho, I am prepared to make decisions that are different than those today as it relates to our involvement in Iraq, if the facts so demonstrate it.

General Petraeus has a lot of credibility, not only with this Congress but with the American people and the polls are showing that. While Americans are very frustrated over the war in Iraq, they don't want to cut and run at this moment, and that's what Levin-Reed is all about, cutting and running.

And what happens if we do that? What happens if we don't find a strategic way out? It is important that we put ourselves in perspective of the world that involves Iraq and its surrounding neighbors. You have heard a lot of rhetoric about the instability, about the role of Iran and certainly what's going on in the north here with the Kurdish population and what Turkey is doing, amassing troops along this border. You've heard about what's going on in Lebanon and certainly the traumatic reality that is happening there. Premature withdrawal from Iraq would risk, I believe, plunging this—that Nation into chaos which could spill over its borders into the gulf region that you see here.

Iran, which is a threat to vital U.S. interests and continues to provide lethal support to Shia militants who target and kill U.S. troops and innocent Iraqis, would exploit our premature departure to dominate and control much of -Iraq. Here they are, a very large nation with very powerful forces and resources, just waiting for the opportunity to fulfill their historic Persian vision of the region.

Tehran's terrorist proxy to Hezbollah continues to foment in instability in Lebanon. They've already leapfrogged Iraq. They're over here, creating tremendous influence in that region. Hamas, another Iran proxy, continues to kill and maim innocent Israelis and Palestinians and is attempting to establish a jihadist state in the Gaza.

Here we are—another leapfrog over Iraq. Iraq is simply in the way of Iran. It's quite plain. It's quite simple. And it is very visual when you look at the map. And without some stability in Iran—in Iraq, the ability of it to control itself and its borders, the ability to govern itself, the reality of what could happen in the region is in fact dramatic consequences, a collapse, a major war within the region, not only a civil war within Iraq but the ability of Iran and Syria to exploit the situation that would occur there. Tehran would extend its destabilizing activities to another very important part of the region—Kuwait—and the oil-rich regions of eastern Saudi Arabia along this border here, one of the larger producing oilfields in the region and the kingdom could well fall. And those are the realities we face at this moment that I think few want to talk about. Let's talk about another consequence.

I will put the balance of my statement in the record. But the other consequence, Mr. President, that we've not talked about is what happens when 54 percent of the world's oil supply goes to risk with a collapse of the region. And this is a reality check that we only talk about in hushed terms, because we don't like to talk about our dependency on a part of the world that is so unstable. With those thoughts, I yield the floor.

What happens to the world energy supply if Iran does gain more control in the Middle East? What are the realities of the consequences of an Iran that possibly could gain control over 54% of the world energy supply? They could place a choke hold over the Strait of Hormuz and possibly in sea lanes in the region, severely limiting the supply of oil to the world market. That is not just a reality that the United States must face, but a reality for the world. I have worked very hard with my colleagues to lessen the U.S. dependence on foreign oil. However, we are not yet capable of raising production in the United States because we have been blocked by the other side of the aisle from doing so. Therefore, a premature withdrawal from Iraq could have dire consequences with our economy and energy supply; but would also have the same effects on the world economy.

The facts are, Mr. President, that the war we are fighting in Iraq has serious and real national security implications and we cannot prejudge our best and brightest military commanders by playing politics with their duties and best judgement. We should not preempt General Petraeus's progress report coming in September and I hope that the Senate will go on record today as saying we are not a body of generals, we do not know best how to conduct a war and determine how many troops it will take to secure Iraq. I hope that my colleagues will join me in voting down Levin-Reed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, in October 2002, this Chamber gathered to consider one of the most serious decisions I have been involved in confronting in the 25 years I have been in the Senate. That was a decision on whether to grant President Bush authority to invade Iraq. At that time, nearly 5 years ago, I opposed the invasion of Iraq, believing that it was necessary to give the United Nations weapons inspectors the time they needed to determine whether Iraq did, in fact, possess nuclear, chemical, and biological weapons. I believe that we needed to gather the facts and we needed to make an informed decision as to whether Iraq posed such a terrible and immediate threat to our country that regime change was warranted. As we all know now, the weapons of mass destruction were nowhere to be found.

Unfortunately, the weapons of mass destruction were not the only thing the President, the Vice President, the Secretary of Defense, and other members of the administration were wrong about when it came to beginning this war. They were also wrong in thinking that we could succeed in Iraq without substantial help from our allies. They were wrong to reject warnings that the invasion would fracture Iraq's delicate sectarian balance. They were wrong to dismiss legitimate questions about how we would rebuild Iraq's civil society. They were wrong to think that Iraq's neighbors, Iran and Saudi Arabia, in particular, would ignore their opportunity to fill a regional power vacuum after the collapse of Saddam Hussein's regime. They were wrong to promise the American people, as Secretary Rumsfeld's assistant, Ken Adelman, did, that Iraq would be a "cakewalk."

My statement at that time, nearly 5 years ago, was the following:

> If war must be waged, other countries should be there with us sharing the costs and helping to restore stability in what will almost certainly be the tumultuous aftermath of military action.

Mr. President, "tumultuous" only begins to describe the calamity we face in Iraq today. Almost 5 years have passed since that October day. Five years is longer than it took Presidents Roosevelt and Truman to defeat the Axis Powers in World War II.

Today, Iraq is diverting the United States from other very important foreign policy matters. First, of course, it is diverting us from the fight against terrorist networks worldwide. Second, it is diverting us from responding to the rise of China as a world power. Third, it is diverting us from reducing our dependence upon fossil fuels and particularly lessening our dependence on foreign sources of energy. Fourth, it is diverting us from keeping our country economically competitive during this era of globalization.

Respect for America around the world has eroded dramatically as a result of this war. To many around the world, the symbol of our country today is no longer the Statue of Liberty; instead, it is Abu Ghraib.

President Bush and Vice President CHENEY often tell us that we are in Iraq to fight the terrorists who attacked us on September 11.

In his 2003 State of the Union speech, the President told us that Saddam "aids and protects" terrorists, including members of al-Qaida.

In 2004, the Vice President promised "ample evidence confirming the link . . . between al-Qaida and the Iraqi intelligence services."

In 2005, the President said:

> They are trying to shake our will in Iraq, just as they tried to shake our will on September 11.

In March, Vice President CHENEY said:

> Iraq's relevance to the war on terror simply could not be more plain. . . . As we get farther away from 9/11, I believe there is a temptation to forget the urgency of the task that came to us that day.

Just last week, as many speakers have reiterated, President Bush said:

> The same folks that are bombing innocent people in Iraq were the ones who attacked us in America on September 11th.

So the administration has been consistent in its formulation of this problem. The truth is, Saddam Hussein had nothing to do with 9/11. He did not support al-Qaida before September 11, and al-Qaida had no presence in Iraq prior to that date. Saddam Hussein was a brutal dictator, but his regime posed little immediate threat to the United States or its allies. The Baath party, as a secular Arab nationalist movement, had no history of cooperation with al-Qaida or other Islamist movements.

The truth is that al-Qaida's offshoot, al-Qaida in Mesopotamia, is in Iraq today because of our decision to invade. As the Washington Post pointed out recently, al-Qaida in Mesopotamia is an Iraqi phenomenon. Its membership is largely Iraqi. It derives its primary financing indigenously from kidnappings and other criminal activities. And those terrorists and would-be terrorists who have come to Iraq from other countries would not have been there absent this conflict.

Al-Qaida in Mesopotamia thrives over Sunni grievances over our occupation of that country. Our continued occupation of that country is its best recruiting tool.

President Bush has treated terrorism as a monolith. As David Kilcullen, a counterterrorism analyst, has written, the President has lumped together all terrorism, all rogue states, all strategic competitors.

Lumping every dangerous terrorist movement together profoundly misconstrues the nature of terrorism and, in fact, encourages eclectic groups to collaborate. It places our Nation in greater jeopardy, not less jeopardy.

So the question today is, where do we go from here?

The fundamental problem in Iraq today is not a lack of U.S. troops; it is an absence of national reconciliation. The U.S. role in Iraq should not be to police an endless civil war. Rather, it should be to facilitate a settlement among the parties themselves.

The President has belatedly realized that we did not marshal enough troops to stabilize Iraq following our invasion in 2002. But today, merely adding troops is not the solution. The administration's ongoing troop surge is unlikely to prove effective absent a broader political settlement.

If current trends continue, our policy will be, de facto, one of siding with the Shia over the Sunnis. The Shia-led government knows this. It has, therefore, played for time by clinging to the status quo, by dragging its feet on national reconciliation. The Shia-led government has shown little sign that it appreciates the need for accommodation of national minorities. It has missed the most important milestones that have been identified by the Iraq Study Group and by this Congress.

The administration's own benchmark report released several days ago reports unsatisfactory progress on debaathification, on passage of an oil law, on holding provincial elections, on disarming militias. The Iraqi Constitutional Review Commission has failed to make adequate progress.

There has been progress on other benchmarks. I welcome that progress. But these were second-order issues compared to the challenge of national reconciliation. And the bloodshed continues.

Going forward we need to focus on two objectives.

First, we need to send the Iraqi ruling elite a crisp and credible signal that our commitment to maintaining forces in that country is not unconditional. Only by making this point loud and clear do we create the possibility that the Shia-led government will take the painful steps necessary toward national reconciliation.

The U.S. has a moral responsibility to do what it can to create a degree of political stability in Iraq. But I repeat the key phrase in that sentence, "do what we can," for we can do no more.

Our commitment to Iraq is not open-ended. We cannot impose a political settlement without the cooperation of the political elites in the country. The Iraqis themselves must want a solution.

Second, we need to draw down U.S. troop presence in a responsible way. Too precipitous a withdrawal will undermine the credibility of America's commitment to facilitating a political settlement in the country. We need to provide a carrot by allowing for the continued presence of U.S. forces in a peacekeeping capacity if the Iraqi Government does bring about some measure of national reconciliation.

It is because of these 2 principles that I supported the first supplemental appropriation this spring. That legislation set a firm date for beginning withdrawal. That was the stick.

It set a date for completing withdrawal. This arrangement left open the possibility of leaving some U.S. peacekeepers in Iraq if, ultimately, the factions forged a political settlement. That was the carrot.

This approach remains sound today. And today, with these objectives, in mind, I would urge 5 steps that we must take in Iraq.

First, we need to announce a firm deadline to begin a drawdown of U.S. troops from Iraq.

The credible threat of a withdrawal, perhaps more than withdrawal itself, may convince the Iraqi ruling elite of the need to accommodate national minorities. The mere threat of a withdrawal says that our commitment to Iraq is not unconditional. It proclaims that we will not preserve the failed status quo.

I applaud my colleagues, such as Senator LEVIN, Senator REED and Senator FEINGOLD, for fighting for a firm deadline. They may disagree on the specifics of withdrawal.

But they do agree that if they do not continue to push for a firm timetable, the Bush administration will cling to that failed status quo.

The fact that the administration is even considering alternatives is a direct result of our decision to push for some change in direction by a specific date.

Second, we must form a multinational working group to discuss the way forward in Iraq.

It is crucial for Iran, Saudi Arabia, and Turkey to be involved. They have historical and religious links to national minorities in Iraq. They have the most to lose by continued instability there. We cannot achieve any political settlement in Iraq without their active participation.

Third, this group—not the Iraqi Government—should convene a Dayton-style multinational conference to help Iraq's factions forge a political settlement.

Fourth, such a settlement would provide for a negotiated withdrawal of U.S. combat troops, as the Iraq Study Group prescribes. If appropriate, other U.S. troops could stay, ideally as part of a multinational or U.N. peacekeeping force.

Finally, we should implement the other recommendations of the Iraq Study Group, including using our good offices to mediate other conflicts in the Middle East, including the Israeli-Palestinian conflict. President Bush should begin by appointing a special envoy to the region, and I applaud his announcement yesterday of a resumption in aid to West Bank Palestinians.

I conclude my remarks by saluting the servicemen of my home State who have given their lives while answering our Nation's call to duty in Iraq.

I have asked the Pentagon for an accounting of all New Mexican service personnel who have died in Iraq to this date, and that is the accounting I will go through at this time.

While the people of New Mexico and of our entire Nation mourn their loss, we will always celebrate the lives they led and the sacrifices they made for our country.

Marine LCpl Christopher Adlesperger, 20, of Albuquerque, NM, attended the University of New Mexico before joining the Marine Corps in 2003. He was posthumously awarded the Navy Cross for his actions in Fallujah on November 10, 2004.

SGT James Akin, 23, of Albuquerque, NM, is quoted by the Albuquerque Tribune as saying, "Live life to serve, because you can. Dissent, because you can. Enjoy freedom, because you can. Remember always that the measure of our progress is not whether we can provide more for those who have plenty, but whether we can provide enough to those who have little." He is survived by his wife and his father.

SGT Matthew Apuan, 27, was a 1998 graduate of Mayfield High School in Las Cruces. He was on his second tour in Iraq when he died near Baghdad on February 18, 2007.

LCpl Aaron Austin, 21, a Lovington, NM, native, was killed in Fallujah, Iraq, on April 26, 2004. Austin proposed to his girlfriend over the phone from Iraq while on his second tour of duty.

PFC Henry Byrd III, 20, of Veguita, NM, graduated from Belen High School in 2004. Before enlisting, Byrd was a volunteer firefighter in his community.

CPL Lyle Cambridge, 23, of Shiprock, NM, and a member of the Navajo Nation, joined the Army in May of 2002. After his death in Baghdad on July 5, 2005, Lyle's sister said she couldn't remember ever seeing her brother mad. One of her fondest memories of her brother is that he bought his older sister a new Easter dress every year.

SP Roberto Causor, Jr., 21, was assigned to C Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, in Fort Bragg, NC. He died on July 7, 2007. His parents reside in Rio Rancho, NM.

Marine LCpl Steven Chavez, 20, was born in Hondo, NM, and graduated from Hondo High School before entering the Marines. Chavez loved the outdoors and participated in track, basketball and football while at Hondo. Chavez was killed about a week before he was set to return home.

SPC Jeremy Christensen, 27, of Albuquerque, NM, was already a veteran of the Armed Forces on September 11, 2001. He decided his country needed him again and reenlisted. A coworker said the 27-year-old told him that he was ready to go to war and he wasn't scared.

CPL Joel Dahl, 21, of Los Lunas, NM, had searched for a family during his teen years in the foster care system. Dahl was excited to finally have a family of his own when he learned of his wife's pregnancy. Corporal Dahl was killed in Baghdad, Iraq, 5 days before the birth of his son.

1LT Jeremy Fresques, 26, was a 1997 graduate of Farmington High School. His wife Lindsay requested that people remember her husband as "a strong Christian man, a good husband, and someone we can all be proud of."

Marine LCpl Jonathan Grant, 23, was raised by his grandmother in Pojoaque, NM. Grant left behind a fiancee, a young daughter, and a young son.

SGT Tommy Gray, 34, of Roswell, NM, is remembered by his mother Joyce as having a passion for fishing and comic books. Sergeant Gray was in the Army for 15 years and is survived by his wife Rene.

Army LTC Marshall Gutierrez, 41, a native of Las Vegas, NM, died in Kuwait of non-combat related injuries on September 4, 2006. Gutierrez, a 1983 graduate of West Las Vegas High School and a 1987 graduate of New Mexico Highlands University, was assigned to the Area Support Group in Arijan, Kuwait.

Marine LCpl Shane Harris, 23, was always willing to do anything for anyone, according to his coworkers. The Las Vegas, NM, native was killed in combat in al-Anbar Province, Iraq, on September 3, 2006.

Marine LCpl Chad Hildebrandt, 22, of Springer, NM was killed conducting combat operations against enemy forces in al-Rutbah, Iraq, on October 17, 2005. Classmates described Hildebrandt as a role model to younger students.

SPC Alexander Jordan, 31, died on September 10, 2006, of injuries caused by enemy small-arms fire while he was conducting a mounted patrol in Baghdad. Jordan, whose father lives in Rio Rancho, attended Cibola High School in Albuquerque and the New Mexico Military Institute in Roswell.

SPC Stephen Kowalczyk, 32, lived in Albuquerque, NM, while his father served in the Air Force. While there, he graduated from Highland High School and in 2004 decided to join the Army. He is survived by his mother, a brother and four sisters.

SGT Joel Lewis, 28, of Sandia Park, NM, was serving his first tour in Iraq when he was killed by an improvised explosive device during combat operations in Baqubah. Lewis was charismatic and loved the outdoors. He enjoyed hockey, skydiving and snowboarding.

SPC Christopher Merville, 26, of Albuquerque, NM, graduated from the University of New Mexico. He had an interest in Civil War history and toured civil war battlegrounds with his uncle.

SPC James Pirtle, 27, of La Mesa, NM, planned to return home in January of 2004 to I pick up where he left off with his wife, two stepsons, and a baby girl. His mother said of James, "My son was my hero before he went in; now he is the world's hero."

LCpl Christopher Ramos, 26, of Albuquerque, NM, was killed in al-Anbar Province. His wife Diana said that Chritopher was her best friend, a wonderful husband, and a great father.

PFC Mario Reyes, 19, of Las Cruces, NM, assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colorado was killed November 7, 2005, when an improvised explosive device detonated near his dismounted patrol in Baghdad.

Marine Sgt Moses Rocha, 33, helped make his friends stronger people just by being near them. The Roswell native was serving his second tour in Iraq when he was killed by militant fire. His is survived by his teenaged daughter.

SSG Joseph Rodriguez, 25, played football and Rugby as a teen in Las Cruces, NM. His mother remembers her son doing well in math classes at school, and he would always add up numbers for her in his head. He is survived by his wife Leslie, and their son Ethan.

PFC Ricky Salas, 22, called Roswell his home with his wife April, and their two young children. He was killed March 7, 2006, when the vehicle he was in was hit by an improvised explosive devise and overturned in Mosul, Iraq.

Marine LCpl Emilian Sanchez, 20, of Santa Ana Pueblo, was proud of his Native American heritage and carried eagle feathers with him to Iraq. He was killed during combat operations in al-Anbar Province, Iraq, on January 21, 2007.

Army SGT Leroy Segura, 23, of Clovis, NM, loved his grandmother's homemade tortillas and his mother's menudo. He helped his high school win the district cross country title in 2000.

SPC Clifford Spohn, 21, of Albuquerque, NM, graduated from Cibola High School in 2004 and joined the Army the following October. He leaves behind a wife and 4-year old daughter.

SPC Jeremy Stacey, 23, joined the Army in 2003 in Albuquerque, NM. Stacey died on July 5, 2007, and was posthumously promoted to the rank of corporal and awarded the Bronze Star and Purple Heart. His mother resides in Los Lunas, NM.

Army Medic SGT Lee Todacheene, 29, was a proud member of the Navajo Nation. His father said that, "He respected himself and everybody. He was generous and kind, and he loved his family above everything else." Todacheene is survived by his wife and his 11- and 12-year-old sons.

Army SGT Eric Vizcaino, 21, of Albuquerque, NM, left behind a young wife and 2-year-old daughter. His father asked his son to consider leaving the Army after his deployment, but Sergeant Vizcaino wanted to remain a soldier.

Marine LCpl Jeremy West, 20, was born in Albuquerque, NM, and served in both Afghanistan and Iraq. He was the grandson of Tim Kline, a former Albuquerque city councilor and Albuquerque Police Department police lieutenant.

Army SGT Marshall Westbrook, 43, a Farmington, NM, native and Army National Guard military police officer, is survived by his wife Jolene and their five children. He was described as a gentle giant by a close friend in his military police unit.

SPC Clifton Yazzie, 23, of Fruitland, NM, was killed January 20, 2006, during his second tour of duty when a roadside bomb exploded near his humvee in Al Huwijah, Iraq. Yazzie, a 2001 graduate of Kirtland Central High School, was a member of the 101 st Airborne Division. His loss is mourned by his wife, his 2 children, his parents, and the Navajo Nation.

Army CPL Jesse Zamora, 22, a native of Las Cruces, NM, was killed on February 3, 2006, during his second tour of duty when he was hit by a piece of shrapnel from a roadside bomb near his humvee in Beiji, Iraq. A 2002 graduate of Mayfield High School, his brother Tyrel was also serving in Iraq when he was killed. Zamora was awarded the Purple Heart and Bronze star during his second tour.

Army CPL Jose Zamora, 24, was looking forward to returning to his family and his wedding when he was killed in Iraq on August 6, 2006. He was raised in Sunland Park, NM.

Marine MAJ Douglas Zembiec, 34, of Albuquerque, NM, served in Afghanistan, Kosovo, and Iraq and had been awarded the Bronze Star, a Purple Heart, a Navy Commendation with Gold Star and a Navy Achievement medal. A 1991 graduate of La Cueva High School, Zembiec was killed on May 11, 2007, during combat operations in Baghdad, Iraq. He is survived by his wife and his daughter.

Mr. ENZI. Mr. President, I rise to express my disappointment in this all-night session and the attempt to call this PR stunt progress for our troops. It is clear that some in this Chamber are putting rhetoric before results. Our troops in Iraq continue to pay the price of political rhetoric in Washington, DC.

I believe my colleagues truly care about our troops and I share their desire to have all of our troops home as soon as possible. To endorse a strategy of withdrawing troops in 120 days after this bill passes, however, undermines those very troops. We make it even more difficult for them to achieve their mission. With today's rapid communication made possible by the Internet, cell phones, and other technologies, what we say here can almost instantaneously find its way around the world and straight to the camps of both friends and foes—and they are both watching. In fact, I don't think it is an exaggeration to say that the whole world is watching to see what we will decide to do.

Ambassador Ryan Crocker, our U.S. Ambassador to Iraq, has made some very interesting comments that I find valuable. He, like our military commanders in Iraq, is in the best position to give us in Washington a true assessment of the situation on the ground. Ambassador Crocker has stated that he could see the Iraqi Government achieve none of the debaathification benchmarks and yet have a situation of stability and progress. At the same time, we could see a situation where all benchmarks are achieved and yet have an unstable and unsecure nation.

In statements on this floor, I have discussed the goals of benchmarks for the Iraqi Government—and I continue to believe we should be setting those goals. We should be helping the Iraqi Government achieve them. But we cannot expect the Iraqi Government to exist in a vacuum where our American ideals of democracy will simply exist in 1 day, 1 month, or 1 year.

I have also recently read an article by former Secretary of State Henry Kissinger in the Washington Post. Dr. Kissinger wrote about the centuries-long struggles between the Sunni, Shiia, and Kurdish populations in Iraq. He, too, points out that it is unrealistic to expect these groups to, in a matter of a few years, forget hundreds of years of conflict and work together in our timeframe.

I will ask that three articles be printed in the RECORD.

The people of the United States and certainly the members of the Senate should continue to press for progress being made by the Iraqi Government. We should provide our troops and our civilian representatives on the ground in Iraq with the resources they need to assist the Iraqis in achieving a secure and stable state. We must not undermine their efforts in attempt to score political points.

An assessment of military actions will be released in September. When that assessment is made by those on the ground in Iraq, I will carefully evaluate what their determinations mean for the future of America's troops serving in Iraq.

I want to close by expressing my heartfelt thanks to all of the men and women serving in our U.S. Armed Forces. You are all true heroes. You have volunteered to defend our Nation, our freedom, and our way of life. For those of you deployed in Iraq, Afghanistan, and around the world, I hope you know the difference you are making in the lives of the people around you. Your families, friends, and the people of America are safer because of the work you are doing.

Mr. President, I ask unanimous consent that the articles to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 2007]

WAS OSAMA RIGHT?

(By Bernard Lewis)

During the Cold War, two things came to be known and generally recognized in the Middle East concerning the two rival superpowers. If you did anything to annoy the Russians, punishment would be swift and dire. If you said or did anything against the Americans, not only would there be no punishment; there might even be some possibility of reward, as the usual anxious procession of diplomats and politicians, journalists and scholars and miscellaneous others came with their usual pleading inquiries: "What have we done to offend you? What can we do to put it right?"

A few examples may suffice. During the troubles in Lebanon in the 1970s and '80s, there were many attacks on American installations and individuals—notably the attack on the Marine barracks in Beirut in 1983, followed by a prompt withdrawal, and a whole series of kidnapping of Americans, both official and private, as well as of Europeans. There was only one attack on Soviet citizens, when one diplomat was killed and several others kidnapped. The Soviet response through their local agents was swift, and directed against the family of the leader of the kidnappers. The kidnapped Russians were promptly released, and after that there were no attacks on Soviet citizens or installations throughout the period of the Lebanese troubles.

These different responses evoked different treatment. While American policies, institutions and individuals were subject to unremitting criticism and sometimes deadly attack, the Soviets were immune. Their retention of the vast, largely Muslim, colonial empire accumulated by the tsars in Asia passed unnoticed, as did their propaganda and sometimes action against Muslim beliefs and institutions.

Most remarkable of all was the response of the Arab and other Muslim countries to the Soviet invasion of Afghanistan in December 1979. Washington's handling of the Tehran hostage crisis assured the Soviets that they had nothing to fear from the U.S. They already knew that they need not worry about the Arab and other Muslim governments. The Soviets already ruled—or misruled—half a dozen Muslim countries in Asia, without arousing any opposition or criticism. Initially, their decision and action to invade and conquer Afghanistan and install a puppet regime in Kabul went almost unresisted. After weeks of debate, the U.N. General Assembly finally was persuaded to pass a resolution "strongly deploring the recent armed intervention in Afghanistan." The words "condemn" and "aggression" were not used, and the source of the "intervention" was not named. Even this anodyne resolution was too much for some of the Arab states. South Yemen voted no; Algeria and Syria abstained; Libya was absent; the non-voting PLO observer to the Assembly even made a speech defending the Soviets.

One might have expected that the recently established Organization of the Islamic Conference would take a tougher line. It did not. After a month of negotiation and manipulation, the Organization finally held a meeting in Pakistan to discuss the Afghan question. Two of the Arab states, South Yemen and Syria, boycotted the meeting. The representative of the PLO, a full member of this organization, was present, but abstained from voting on a resolution critical of the Soviet action; the Libyan delegate went further, and used this occasion to denounce the U.S.

The Muslim willingness to submit to Soviet authority, though widespread, was not unanimous. The Afghan people, who had successfully defied the British Empire in its prime, found a way to resist the Soviet invaders. An organization known as the Taliban (literally, "the students") began to organize resistance and even guerilla warfare against the Soviet occupiers and their puppets. For this, they were able to attract some support from the Muslim world—some grants of money, and growing numbers of volunteers to fight in the Holy War against the infidel conqueror. Notable among these was a group led by a Saudi of Yemeni origin called Osama bin Laden.

To accomplish their purpose, they did not disdain to turn to the U.S. for help, which they got. In the Muslim perception there has been, since the time of the Prophet, an ongoing struggle between the two world religions, Christendom and Islam, for the privilege and opportunity to bring salvation to the rest of humankind, removing whatever obstacles there might be in their path. For a long time, the main enemy was seen, with some plausibility, as being the West, and some Muslims were, naturally enough, willing to accept what help they could get against that enemy. This explains the widespread support in the Arab countries and in some other places first for the Third Reich and, after its collapse, for the Soviet Union. These were the main enemies of the West, and therefore natural allies.

Now the situation had changed. The more immediate, more dangerous enemy was the Soviet Union, already ruling a number of Muslim countries, and daily increasing its influence and presence in others. It was therefore natural to seek and accept American help. As Osama bin Laden explained, in this final phase of the millennial struggle, the world of the unbelievers was divided between two superpowers. The first task was to deal with the more deadly and more dangerous of the two, the Soviet Union. After that, dealing with the pampered and degenerate Americans would be easy.

We in the Western world see the defeat and collapse of the Soviet Union as a Western, more specifically an American, victory in the Cold War. For Osama bin Laden and his followers, it was a Muslim victory in a jihad, and, given the circumstances, this perception does not lack plausibility.

From the writings and the speeches of Osama bin Laden and his colleagues, it is clear that they expected this second task, dealing with America, would be comparatively simple and easy. This perception was certainly encouraged and so it seemed, confirmed by the American response to a whole series of attacks—on the World Trade Center in New York and on U.S. troops in Mogadishu in 1993, on the U.S. military office in Riyadh in 1995, on the American embassies in Kenya and Tanzania in 1998, on the U.S.S. Cole in Yemen in 2000—all of which evoked only angry words, sometimes accompanied by the dispatch of expensive missiles to remote and uninhabited places.

Stage One of the jihad was to drive the infidels from the lands of Islam; Stage Two—to bring the war into the enemy camp, and the attacks of 9/11 were clearly intended to be the opening salvo of this stage. The response to 9/11, so completely out of accord with previous American practice, came as a shock, and it is noteworthy that there has been no successful attack on American soil since then. The U.S. actions in Afghanistan and in Iraq indicated that there had been a major change in the U.S., and that some revision of their assessment, and of the policies based on that assessment, was necessary.

More recent developments, and notably the public discourse inside the U.S., are persuading increasing numbers of Islamist radicals that their first assessment was correct after all, and that they need only to press a little harder to achieve final victory. It is not yet clear whether they are right or wrong in this view. If They are right, the consequences—both for Islam and for America—will be deep, wide and lasting.

[From the Wall Street Journal, July 12, 2007]

THE "BENCHMARK" EXCUSE

Ryan Crocker, the U.S. Ambassador in Iraq, is a 36-year career diplomat who has served under seven administrations in Iran, Syria, Kuwait, Afghanistan, Lebanon and Pakistan. He's no partisan gunslinger. So it's worth listening to his views as Congressional Democrats and a growing number of Republicans press for a precipitous withdrawal from Iraq on the excuse that the Iraqi government hasn't met a set of political "benchmarks."

"The longer I'm here, the more I'm persuaded that Iraq cannot be analyzed by these kinds of discrete benchmarks," Mr. Crocker told the New York Times's John Burns in an interview on Saturday, referring to pending Iraqi legislation on an oil-sharing agreement and a relaxation of de-Baathification laws. "You could not achieve any of them, and still have a situation where arguably the country is moving in the right direction. And conversely, I think you could achieve them all and still not be heading towards stability, security and overall success in Iraq."

Mr. Crocker's comments are a useful reminder of the irrelevance—and disingenuousness—of much Washington commentary on Iraq. For proponents of early withdrawal, the "benchmarking" issue has provided a handy excuse to make the Iraqi government rather than al Qaeda the main culprit in the violence engulfing their country. A forthcoming Administration report indicating lagging political progress is certain to be seized on by Congress as it takes up a defense spending bill and debates an amendment ordering troop withdrawals by the fall. A proposal to mandate extended times between deployments (and thus force withdrawal) failed narrowly in the Senate yesterday, though not before winning the support of seven Republicans.

Nobody claims the Iraqi government is a model of democratic perfection, or that Prime Minister Nouri al-Maliki is the second coming of Lincoln. We advised the White House not to lobby against his predecessor. But Mr. Maliki's government is democratic and more inclusive than most reporting suggests, and it is fighting for its life against an enemy that uses car bombs and suicide bombers as its policy instruments. In an interview this week in the New York Post, General David Petraeus noted that while the performance of the Iraqi Army has been mixed, "their losses in June were three times ours." To suggest that Iraqis aren't willing to fight for their freedom is an insult to their families.

General Petraeus also noted that "the level of sectarian deaths in Baghdad in June was the lowest in about a year," evidence that in this key battlefield the surge is making progress. As a result, al Qaeda is being forced to pick its targets in more remote areas, as it did last week in the village of Amirli near Kirkuk, where more than 100 civilians were murdered. More U.S. troops and the revolt of Sunni tribal leaders against al Qaeda are the most hopeful indicators in many months that the insurgency can be defeated.

But that isn't going to happen under the timetable now contemplated by Congress. "I can think of few commanders in history who wouldn't have wanted more troops, more time or more unity among their partners," General Petraeus told the Post. "However, if I could only have one at this point in Iraq, it would be more time."

It's also not going to happen if Congress insists on using troop withdrawals to punish Iraqis for their supposed political delinquency. The central issue is whether the Iraqis can make those decisions without having to fear assassination as the consequence of political compromise. The more insistent Congress becomes about troop withdrawals, the more unlikely political reconciliation in Iraq becomes.

That said, it's becoming increasingly clear that the issue of reconciliation has become a smokescreen for American politicians who care for their own political fortunes far more than they do about the future of Iraq or the consequences of Iraq's collapse for U.S. interests in the Middle East. Here again, they could stand to listen to Mr. Crocker.

"You can't build a whole policy on a fear of a negative, but, boy, you've really got to account for it," he said. "In the States, it's like we're in the last half of the third reel of a three-reel movie, and all we have to do is decide we're done here. . . and we leave the theater and go on to something else. Whereas out here, you're just getting into the first reel of five reels, and ugly as the first reel has been, the other four and a half are going to be way, way worse."

Mr. Crocker is referring, of course, to the possibility of far nastier violence if the U.S. departs before Iraqi security forces can maintain order. Some will denounce this as a parade of horribles designed to intimidate Congress, but we also recall some of the same people who predicted that a Communist triumph in Southeast Asia would yield only peace, not the "boat people" and genocide. Those Americans demanding a U.S. retreat in Iraq will be directly responsible for whatever happens next.

[From the Washington Post, July 10, 2007]

THE WAY BACK FROM IRAQ

(By Henry A. Kissinger)

The war in Iraq is approaching a kind of self-imposed climax. Public disenchantment is palpable. The expressions of concern by the widely admired Sen. Richard Lugar (R–Ind.) are a case in point. On the other hand, a democratic public eventually holds its leaders responsible for bringing about disasters, even if the decisions that caused the disaster reflected the public's preferences of the moment. And precipitate withdrawal would produce such a disaster. It would not end the war but shift it to other areas, such as Lebanon, Jordan or Saudi Arabia. The war between Iraqi factions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals. Whatever our domestic timetables, the collapse of the American effort in Iraq would be a geopolitical calamity.

We face a number of paradoxes. Military victory, in the sense of establishing a government capable of enforcing its writ throughout Iraq, is not possible in a time frame tolerated by the American political process. Yet no political solution is conceivable in isolation from the situation on the ground. What America and the world need is not unilateral withdrawal but a vision by the Bush administration of a sustainable political end to the conflict.

Traditionally, diplomacy strives to discover common goals and distill them into a workable compromise. What distinguishes the diplomacy on Iraq is that, in the end, it needs to distill a common approach from common fears. Each of the parties—the United States, the internal parties, Iraq's neighbors, the permanent members of the U.N. Security Council—face the reality that if they pursue their preferred objectives, the cauldron of Iraq may overflow and engulf the region. The United States and most of Iraq's neighbors have powerful national interests in preventing the emergence of terrorist training areas in Iraq. None of Iraq's neighbors, not even Iran, is in a position to dominate the situation against the opposition of all other interested parties. Is it possible to build a sustainable outcome on such considerations?

The answer must be sought on three levels: internal, regional and international.

The internal parties—the Shiites, Sunnis and Kurds—have been subjected to insistent American appeals to achieve national reconciliation. But groups that have been conducting blood feuds with each other for centuries are, not surprisingly, struggling in their efforts to resolve their differences by constitutional means. They need the buttress of a diplomatic process that could provide international support for carrying out any internal agreements reached or to contain conflict if the internal parties cannot agree and Iraq breaks up.

Though much media attention focuses on which countries should be involved in the diplomacy, the real debate should start with the substance of what the diplomacy is meant to achieve.

The American goal should be an international agreement regarding the status of Iraq. It would test whether Iraq's neighbors as well as some more distant countries are prepared to translate general concepts into converging policies. It would provide a legal and political framework to resist violations. These are the meaningful benchmarks against which to test American withdrawals.

Such a diplomacy might prove feasible because the continuation of Iraq's current crisis presents all of Iraq's neighbors with mounting problems. The longer the war rages the more likely the breakup of the country into sectarian units. Turkey has repeatedly emphasized that it would resist such a breakup by force because of the radicalizing impact a Kurdish state could have a Turkey's large Kurdish population. But this would bring Turkey into unwanted conflict with the United States and open a Pandora's box of other interventions.

Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to become a satellite of Iran. The various Gulf sheikdoms the largest of which is Kuwait, find themselves in an even more threatened position. Their interest is to help calm the Iraq turmoil and avert Iranian domination of the region.

Syria's attitudes are likely to be more ambivalent. Its ties to Iran represent both a claim to status and a looming vulnerability. It goes along with Iranian-dominated Hezbollah in Lebanon to reduce Western influence, but it fears confrontation with the United States and even more with Israel, should the region run out of control.

Given a wise and determined American diplomacy, even Iran might be brought to conclude that the risks of continued turmoil outweigh the temptations before it. To be sure, Iranian leaders may believe that the moment is uniquely favorable to realize millennial visions of a reincarnated Persian empire or a reversal of the Shiite-Sunni split under Shiite domination. On the other hand, if prudent leaders exist—which remains to be determined—they may conclude that they had better treat these advantages as a bargaining chip in a negotiation rather than risk them in a contest over domination of the region. However divided America may appear and however irresolute Europe, geopolitical realities are bound to assert themselves. The industrial countries cannot permit their access to the principal region of energy supply to be controlled by a country with Iran's revolutionary and taunting foreign policy. No American president will, in the end, acquiesce once the full consequences of Iranian domination of the region become apparent. Russia will have its own reasons, principally fear of the radicalization of its Islamic minority, to begin resisting Iranian and radical Islamist domination of the Gulf.

Combined with the international controversy over its nuclear weapons program, Iran's challenge could come to be perceived by its leaders as posing excessive risks. This is probably why Iran (and Syria) seem to be edging toward dialogue with the United States and why a genuine mutual interest may arise in such a dialogue.

Whether or whenever Iran reaches these conclusions, two conditions will have to be met: First, no serious diplomacy can be based on the premise that the United States is the supplicant. America and its allies must demonstrate a determination to vindicate their vital interests that Iran will find credible. Second, the United States will need to put forward a diplomatic position that acknowledges the legitimate security interests of an Iran that accepts the existing order in the Gulf rather than strives to overthrow it.

Such a negotiation must be initiated within a multilateral forum. A dramatic bilateral Iranian-U.S. negotiation would magnify all of the region's insecurities. If Lebanon, Jordan, Saudi Arabia and Kuwait—which have entrusted their security primarily to the United States—become convinced that an Iranian-U.S. condominium is looming, a race for Tehran's favor may bring about the disintegration of all resolve. America needs to resist the siren song of a U.S.-Iranian condominium. Within a multilateral framework, the United States will be able to conduct individual conversations with the key participants.

Its purpose should be to define the international status of the emerging Iraqi political structure into a series of reciprocal obligations. In such a scheme, the U.S.-led multinational force would be gradually transformed into an agent of that arrangement, also the lines of the Bosnian settlement in the Balkans or the Afghan structure. International forces would be established along Iraq's frontiers to block infiltration. Until this point is reached, U.S. forces should be deployed to have the greatest impact on the issues of greatest concern to America—the creation of terrorist bases or the emergence of a terrorist regime—and in numbers appropriate to their mission.

A forum for diplomacy already exists in the foreign minister's conference that met recently at Sharm el-Sheikh, Egypt, and that has agreed to reassemble in Istanbul at a date yet to be determined. It is in the United States' interest to turn the conference into a working enterprise under strong, if discreet, American leadership.

Such a diplomacy is the context for a reliable exit strategy. It would also provide a framework for the eventual participation of friendly countries with a big stake in the outcome. No nation is more seriously threatened by radicalized Islamism than India. Its large Muslim population might be tempted from the democratic path by the success of radical Islamists in the Middle East. Other countries with interests in a moderate outcome are Indonesia and Malaysia. They could be involved in a peacekeeping role once a regional agreement exists.

All this suggests a three-tiered international effort; an intensified negotiation among the Iraqi parties; a regional forum like the Sharm el-Sheikh conference to elaborate an international transition status for Iraq; and a broader conference to establish the peacekeeping and verification dimensions.

Neither the international system not American public opinion will accept as a permanent arrangement an American enclave maintained exclusively by American military power in so volatile a region. The concept outlined here seeks to establish a new international framework for Iraq. It is an outcome emerging from the political and military situation there and not from artificial deadlines.

Mr. FEINGOLD. Mr. President, I voted against the Cornyn amendment because it significantly misrepresents the NIE because it makes assumptions about what may happen in Iraq that are speculative, and because it represents the same failed mindset that has resulted in the current disaster in Iraq. While the dangers of Iraq becoming a failed state are real, this amendment seeks to justify the current massive and indefinite U.S. military presence in that country, which is an unacceptable distraction and diversion of resources from the fight against al-Qaida and its affiliates worldwide.

Mr. BYRD. Mr. President, yesterday the Senate voted on an amendment offered by Senator CORNYN, amendment No. 2100, that states, in part, that it is the Sense of the Senate that the "Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq." I opposed that amendment, but my vote should not be viewed as a lack of concern for the consequences of a failed Iraqi state.

I agree that it is not in the interest of the United States for Iraq and the rest of the Middle East to devolve into total chaos, and no one in this body argues differently. However, I opposed the amendment because it suggests that the United States Senate will be bound to a policy of supporting an endless U.S. military involvement in Iraq. By implying that it is our military's responsibility to prevent a failed state in Iraq, the Cornyn amendment suggests that it is up to our service men and women, now and into the future, to undo the missteps of an ill-conceived adventure directed by a reckless President.

The amendment fails to define what exactly a "failed state" is, nor how the U.S. military should go about preventing one. Some may not have noticed, but Iraq is perilously close to a reasonable definition of "failed state" already. In the third annual "failed state" index, analysts for Foreign Policy magazine and the not-for-profit Fund for Peace said Iraq is now the second most unstable country in the world. Its standing deteriorated from last year's fourth place on a list of the 10 nations most vulnerable to violent internal conflict and worsening conditions.

Mr. President, I feel that we should be relentless in our efforts to bring Osama bin Laden to justice and to vanquish the al-Qaida terror network. This amendment, however, does not say anything new, and it does not imply a change in U.S. policy. What it does, however, is suggest that if the failing situation in Iraq does not improve, if the Iraqi government does not step up, if the sectarian violence that has persisted for over a millennia does not abate, the U.S. Senate should not take action that would allow us to modify the mission or withdraw forces—ever. That, Mr. President, is an extremely unwise and imprudent statement and an even more unwise policy.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. DURBIN. Mr. President, I wish to propound a unanimous consent request. I will take just a moment.

Mr. CORNYN. I yield for that purpose.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that after the Senator from Texas speaks, I be given the time until 10:20 a.m., and that it be taken from Senator REID's time previously agreed to in the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, I do not intend to object, but merely point out that it is my understanding I have 15 minutes, from now until 10:20 a.m.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas has been given 10 minutes.

Mr. CORNYN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I am struck by the fact that during the course of this debate on the Levin-Reed amendment some Senators seem to take the attitude that our presence in Iraq is merely optional, that we can choose to do whatever we want to do without regard to the consequences. I think of those consequences, as 94 Senators indicated yesterday by their vote on the sense-of-the-Senate amendment that said we would do no act that would make it more likely that Iraq would end up in a failed state because the danger that poses to our national security. I don't believe our presence in Iraq is merely optional.

I do not agree with our colleagues who seem to say that, well, the only thing missing is enough pressure on the Iraqi political leadership to get their act together, and if they would do what the American Congress wants them to do on the timetable the American Congress thinks is appropriate, then we are going to pull the plug, we are going to leave Iraq, and leave Iraqis to themselves, as if the consequences of that action would be borne only by the Iraqis. In fact, I believe the consequences of that action would be disastrous to American national security, as well as to the region in the Middle East.

So I do not believe it is merely a matter of putting more pressure on the Iraqis. As a matter of fact, I marvel at the irony of Members of the Senate saying after decades of living under a brutal dictator and the literal genocide that had resulted from the murders he carried out and the suppression of the Shiite majority by the Sunni minority under the Baath party, that somehow this new democracy can spring to life as our democracy has after 231 years and solve these problems. Such as, why can't they pass a law that says we will share the oil revenue, while we have been unsuccessful in solving the insolvency of our Social Security system. They suggest there needs to be reconciliation overnight between the Shiites and Sunnis when it took us well over 100 years and a civil war in which 600,000 Americans died for the civil rights movement to take root and to overcome the scourge of slavery.

I think some of my colleagues are taking an unrealistic approach when it comes to how fast we expect this new democracy to take the political steps to solve some of these problems. And, of course, they cannot do it unless basic security is provided—security for them and security for us.

That is why it is important that we not listen to the armchair generals here in Washington, DC, with very little military experience in fighting and winning wars. It is one reason why we need to listen to the generals on the ground, people such as GEN David Petraeus and others who have stated very clearly what the consequences of failure will be to the United States.

I also marvel at the short memories of some of my colleagues who said we should not have gone into Iraq in the first place after 77 Senators in this body voted to authorize the President to do that. Do they forget the fact that Saddam Hussein defied, I think it was 16 or 17 United Nations resolutions to open up his country to weapons inspectors from the United Nations, and the concern, of course, post-9/11 that Saddam was developing chemical, nuclear, or biological weapons and that he would share that technology with terrorists such as al-Qaida?

And the idea that al-Qaida has sprung up in Iraq overnight, not because of the conditions created under Saddam or postwar Iraq, but because of something we did, to me is an amazing allegation. So it is America that is to blame for al-Qaida being in Iraq. That, I suppose, is the allegation.

I am glad to see at least our colleagues do acknowledge that al-Qaida is in Iraq, and, of course, we are met today with the news that the top al-Qaida figure in Iraq was captured. Adding information from him indicates the group's foreign-based leadership wields considerable influence over the country of Iraq.

I don't see how colleagues can vote in favor of the Levin-Reed amendment, which calls for a rapid withdrawal of forces before the Iraqis are able to stabilize their own country and are able to defend themselves and at the same time vote for the amendment we voted on yesterday, which was adopted 94 to 3, saying we are not going to take any action which makes it more likely that Iraq will become a failed state because as the National Intelligence Estimate and the Iraq Study Group indicated, a failed state in Iraq means a free hand for al-Qaida. A free hand for al-Qaida in Iraq makes Iraq less safe, but it also makes America less safe because, as we all know, war is an interactive affair. We can quit fighting, but it doesn't mean our enemy will. Of course, were we to bring our troops home, as all of us want to do, the only question is whether we are going to do it based on an arbitrary timetable with the risk of a failed state or whether we are going to do it based on conditions on the ground and with the objective of leaving Iraq with the capability to govern and defend itself.

The question is, are we going to bring our troops home at a time and in such a manner as it increases the likelihood that Iraq will descend into a failed state with, of course, the opportunity for al-Qaida to regroup, to recruit, to train, and then export further terrorist attacks to the United States? This is the reality. Were we to leave Iraq before it has the capability to defend and govern itself, our enemies would simply follow us here.

It is almost as if some of our colleagues want to pull the covers over their head and pretend if they do so, if we ignore the threat, it will go away. Unfortunately, life is not that simple. Nor is the threat illusory, as some of our colleagues indicate.

So it is important that the Levin-Reed amendment be defeated, that we not set an arbitrary timetable to tie the hands of GEN David Petraeus with this new strategy that has recently been completed—that is, the surge of troops and the operational surge underway—and with the kind of success we have seen turning Anbar Province around, a place that previously no one could go because al-Qaida basically ruled the roost. Now we are starting to see some signs of success there and hopefully begin to let the counterinsurgency strategy that General Petraeus was sent over to execute, one that will allow our troops and the Iraqis to clear the threat, to then hold the area, and then to allow the political operatives in Iraq the space in which to do the important reconciliation that we all know is essential to the long-term success and stabilization of that country.

This is a historic vote we will be having in a few minutes, and I hope our colleagues will vote in the interest of American national security, will vote in the interest of doing nothing that would increase the likelihood of a failed state and providing al-Qaida an additional foothold and operating space within Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, yesterday in Chicago, Eric Lill was laid to rest. Eric Lill grew up in the Bridgeport neighborhood on the south side of Chicago. He watched the White Sox. He ate Connie's pizza. On September 11, he was moved to enlist in the Army. He left in February of 2002 to serve, and in his second deployment in Iraq, he was killed by a roadside bomb.

On Sunday, SPC Eric Lill came home from Iraq in a flag-draped coffin. He was 28 years old. He leaves behind a 6-year-old son and a 4-year-old daughter.

Eric Lill's story is a story repeated thousands of times across America during the course of this war, 150 times in my home State of Illinois—stories of bravery and heroism. There are also 30,000 stories of injured Americans who have come home with amputations and traumatic brain injuries, some whose lives will never be the same. They are our patriots, our heroes, and we salute them.

Across the street from Eric Lill's house on the south side of Chicago is the home of his grandmother, Marlene Alvarado. Specialist Lill used to call his grandmother every Saturday from Iraq to tell her he was safe. This morning, Mrs. Alvarado looks out her front window over at her grandson's house still decorated with yellow ribbons.

During the course of this 4½-year war, a war that has lasted longer than World War II, there have been many yellow ribbons, there have been many flag-draped caskets, and there have been many broken Iraqi promises.

I listened to the speeches from the other side of the aisle pleading with us to be patient with the Iraqis; the time will come when they will lead their nation forward. I could give the Iraqis patience if it weren't patience paid for in the lives and blood of American servicemen. We have been patient for 4½ years. It is time for the Iraqis to stand and defend their own nation.

It is time for honesty, not bravado. It is time for realism, not fantasy. This war was born in deception. At the highest levels of our Government, it has been waged with incompetence and arrogance. Sadly, it is the most serious foreign policy mistake of our time. This war will not end if we depend on the insight or the humility of our President.

We, those of us who are Members of the Senate, must speak for the American people. We must speak for our war-weary soldiers, and we must bring this war to an end. At the end of this debate, there will be a vote on an amendment, the only amendment which will bring our soldiers home and end this war responsibly.

I urge my colleagues on the other side of the aisle to join us in this bipartisan effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. For what purpose does the Senator from Illinois rise?

Mr. OBAMA. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 1 minute.

Mr. OBAMA. Mr. President, we have had an extensive debate, obviously, on the floor of the Senate. I was scheduled originally to speak at 6 a.m. Because there was an enormous backlog, I have not had an opportunity to speak on this issue.

I rise this morning in strong support of the amendment offered by Senators LEVIN and REED. I am proud to join them as a cosponsor of this amendment.

We have heard from the administration and from many of our colleagues in this Chamber that we need to give the President's surge more time, that we need to wait to hear the report in September before we make a binding decision to redeploy our troops. Yet, we learned just last week that the Iraqi political leaders have not met a single benchmark that they had agreed to in January. Not one.

We do not need to wait for another report. We have seen the results of a failed policy in the form of multiple deployments, more sacrifice from our military families, and a deepening civil war in Iraq that has caught our troops in the middle.

It is long past time to turn the page in Iraq, where each day we see the consequences of fighting a war that should never have been authorized and should never have been waged. The single most important decision a President or Member of Congress can make is the decision to send our troops into harm's way.

It is that decision that determines the fate of our men and women in uniform, the course of nations, and the security of the American people. It is that decision that sets in motion consequences that cannot be undone.

Since this war began, 3,618 Americans have been killed—532 since the President ignored the will of the American people and launched his surge. Tens of thousands more have been wounded, suffering terrible injuries seen and unseen.

Here is what else we know: We know that the surge is not working, that our mission in Iraq must be changed, and that this war must be brought to a responsible conclusion.

We know Iraq's leaders are not resolving their grievances. They are not stepping up to their security responsibilities. They are not improving the daily lives of Iraqis.

We know that the war in Iraq costs us $370 million a day and $10 billion each month. These are resources that could be spent to secure our ports and our borders, and to focus on a resurgent Taliban in Afghanistan and the wider war on terrorism that is yet to be won.

We know that because of the war in Iraq, America is no safer than it was on 9/11. Al-Qaida has gained the best recruiting tool it could ask for. Tens of thousands of terrorists have been trained and radicalized in Iraq. And terrorism is up worldwide.

If America is attacked again, it will be in no small measure a consequence of our failure to destroy al-Qaida at its roots in Afghanistan and our failure to adequately secure the homeland. The decision to authorize and fight a misguided war in Iraq has created a new cadre of experienced terrorists bent on the destruction of the United States and our allies.

If there is still any question about whether Iraq has been a distraction from this critical war in Afghanistan and Pakistan, that should have been resolved yesterday with the release of the most recent national intelligence estimate. That report said that al-Qaida "has protected or regenerated key elements of its Homeland attack capability, including: A safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership."

And last week, a new threat assessment concluded that al-Qaida is as strong today as it was before 9/11.

Seeing yet another report like this, I can only repeat what I said nearly 5 years ago, during the runup to this war. We are fighting on the wrong battlefield. The terrorists who attacked us and who continue to plot against us are resurgent in the hills between Afghanistan and Pakistan. They should have been our focus then. They must be our focus now.

I opposed this war from the beginning, before the Congress voted to authorize the war in 2002. I said then that I could not support a war based not on reason but on passion, not on principle but on politics. I worried that it would lead to a U.S. occupation of undetermined length, at undetermined cost, with undetermined consequences.

I believed then—and I still believe now—that being a leader means that you'd better do what's right and leave the politics aside. Because there are no do-overs on an issue as important as war. You cannot undo the consequences of that decision.

In January, I introduced a plan that would have already started bringing our troops home and ending this war, with a goal of removing all combat brigades by March 31, 2008. Seventy-eight days ago, President Bush vetoed a bipartisan plan that passed both Houses of Congress that shared my goal of changing course and ending this war.

During those 78 days, 266 Americans have died, and the situation in Iraq has continued to deteriorate.

It is time to set a hard date to signal a new mission in Iraq and to begin to bring our troops home. It is time to ensure that we complete the change in mission and the drawdown of our forces, by the end of April 2008—a date that is consistent with the date in my plan back in January.

As we redeploy from Iraq—as I believe we must do—we have to redouble our efforts on all fronts in Afghanistan to ensure we do not lose ground there.

Certainly, we have had some success there over the last 5½ years, whether it is the five-fold increase in the number of Afghan boys and girls now attending schools or the free elections of a president and parliament.

Yet the remaining challenges in Afghanistan are enormous:

Opium production is expected to reach a record high this year, with revenues helping to fuel the Taliban and al-Qaida; the Taliban has increased its campaign of suicide attacks and roadside bombings in recent months; most troubling is this simple fact: The leaders of al-Qaida—Osama bin Laden and his lieutenant Ayman Al-Zawahiri, and the leader of the Taliban, Mullah Omar, remain at large. They are now free to operate in a safe haven in northwest Pakistan.

That has to change.

First, the United States must increase reconstruction efforts, on both the civilian and military side. If we are serious about winning the war on terror, we must shift to greater investments in winning the hearts and minds of Afghans. The U.S. should allocate money in a way that allows more flexibility in our spending, permitting funding of local projects that benefit communities and promising local governments.

Second, the United States and NATO must turn around the security situation so that average Afghans regain their faith in the ability of their government and the international forces to ensure their security. Despite more than 5 years of an international military presence in their country, the sad reality is that most Afghans do not believe their government can guarantee their safety.

Taliban violence is on the rise, and is reaching into areas of the country, like the north, that had been relatively stable until a few months ago. Secretary Gates' commitment of an additional 3,200 American combat troops and the U.K. commitment of at least 1,000 new troops were positive steps. But we must also encourage other NATO allies to supply more troops and withdraw the caveats that prevent some NATO forces from assisting allies in the most dangerous parts of Afghanistan.

Third, the Afghan Government, with our help, must do more to respond to the needs of its people, starting by combating its culture of impunity and rampant corruption. The Afghan people will never trust their government unless it begins effectively to combat the lawlessness that has long plagued the Afghan countryside.

Fourth, in order to make headway against corruption, the United States and our allies must revamp our counternarcotics efforts. For too long, the United States and NATO have combated this issue with, at best, half measures, and we now face a situation where the drug trade is exacerbating instability with drug revenues funding the insurgency.

Finally, any possibility of long-term stability in Afghanistan depends on addressing cross-border issues with Pakistan and other neighbors.

Simply put, Pakistan is not doing enough to deal with al-Qaida and Taliban safe havens within its borders. In the past months, Pakistan has arrested or killed several high value targets, but its overall record remains poor. Any solution must take the fiercely independent tribal culture of the border region into account. And we should ensure that when we provide money to reimburse the Pakistani military for fighting al-Qaida and the Taliban along the Afghanistan border, the Pakistani military is meeting that commitment.

The central front in the war on terrorism is not in Iraq; it is in Afghanistan and Pakistan. As we change course in Iraq, we must correct course in South Asia. And it is long past time that we did so.

But to make that change, the American people need real leadership from this Chamber—not empty rhetoric.

We are engaged in important work in the Senate. If only the willingness to work toward solutions were commensurate with the importance of the topic we are undertaking, we might make some progress. I hope that our colleagues do not choose further obstruction over progress, delay over decision.

The only point I wish to add is all of us are patriots. The Senator who is managing for the minority at this point is a certified American hero. All of us want to see our troops come home safely. All of us want the best possible result in Iraq. The only thing I would say is, given that we have no good options at this point, that we have bad options and worse options, I think it is very important for us to take this debate seriously and to recognize that none of us are interested in dictating military strategy to the President but, rather, in setting a mission for the military, and that is what this debate is about.

Given the National Intelligence Estimate that has come out, I think it is important for us to be prudent and consider what the best steps forward are now, and that is something I hope emerges from this debate. It is my belief the best thing to do now is to vote for Reed-Levin.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 60 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, and I will not object, may the Senator from Florida also have 1 minute and the vote be delayed by the appropriate time taken by the three speakers?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will make a very detailed speech after this vote laying out why I think this vote is important.

We started down this road, and we have been banging away since the Biden-Hagel-Levin-Snowe resolution back in January, to the Biden-Levin position, and now the Reed-Levin amendment, all of which are essentially the same thing. I want to make it clear that this is simply a first step. We have to keep from careening off this highway and get out of the civil war, and then we have to be in a position where we come up with a political solution so that when we leave Iraq and we bring our children home, we don't just send our grandchildren back.

I thank my colleagues for giving me this time, and as I said, when the vote is over and there is more time, I will, as passionately as I can, try to clarify what I think the situation is that we find ourselves in in Iraq and what our overall policy—not just the Levin-Reed amendment but what else we must be doing.

I thank the Chair, and I thank my colleague for his generosity, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the leader for the time allotted, and I wish to take this time to say that I do oppose the Levin-Reed amendment. I believe it is very important for the Nation at this point in time to not change course until September when we have had an opportunity to not hear from people in this Chamber but when we have an opportunity to hear from the general on the ground, General Petraeus, when he comes back and reports to us on the conditions in Iraq and what his recommendations might be.

I think this is too important. The danger to our Nation as a result of Iran's very aggressive tendencies, as well as al-Qaida's continued presence in Iraq, makes it essential that this mission not be terminated prematurely and certainly not until the time we have had the generals on the ground give us their assessment of this latest strategy, which we approved and put in place in order for us to see some progress forward.

There are signs of progress on the ground. I am encouraged by some of those things I hear in spite of the noise that doesn't allow it to break through. The fact is, it does appear things are improving somewhat on the ground. At the end of the day, the proper time for us to make a judgment is September and not now.

The amendment before us, the Levin/Reed amendment, would mandate the Bush administration begin reducing the number of troops in Iraq within 120 days and maintain only a "limited presence" by April.

In 120 days, can we physically reduce our troops that quickly in a safe manner? What about our equipment? Can that be done in 120 days?

The issue clearly is not our shared desire to see our troops come home safely and at the earliest time within the needs of our Nation's security. All of us want our troops home. The question is, what is the correct policy for our country in Iraq? Last week we received an interim report on the status of the situation in Iraq. To be sure, it was a mixed report—showing just half of the benchmarks being met. But let's look at that report in its proper context.

There are those who would inflate this report's significance beyond its intended purpose and use it to prod a hasty end to the war. I think those efforts are misguided. This was not a report on the impact or effectiveness of the surge. It was a status report of where Iraq stands currently on its path to peace, stability, sovereignty, and democracy. And here are the areas where there has been satisfactory progress in Iraq:

The Iraqi Government has formed a Constitutional Review Committee and they have implemented procedures to form semi-autonomous regions.

They have established support committees for the Baghdad Security Plan and they have provided three trained Iraqi brigades to support Baghdad operations.

They are insuring Baghdad is not a safe haven for outlaws, regardless of their sectarian or political affiliation.

They have established all planned joint security stations in neighborhoods across Baghdad.

They are ensuring the protection of minority political parties and they are spending $10 billion Iraqi revenues on reconstruction projects.

These are the areas where there has been satisfactory progress. But more progress remains to be seen.

They have yet to solve the issues related to debaathification reform. They have yet to implement an equitable distribution system for oil revenues.

The Iraqis have only just begun to enact new election laws. They have yet to ensure that Iraqi Security Forces, ISF, are providing even-handed enforcement of the law—and on that point, we are holding the ISF to an appropriately high standard. The problem is that there has been a tendency for some police to gravitate back to the old habits of sectarianism. Our presence is having a positive impact on ensuring that doesn't occur. And the interim report also notes there are areas where it is too early to assess progress.

So there is the status report. Take it for what it is. It is a snapshot in time about the condition of the Iraqi government and where they are on this path to stability and democratic rule. If we are going to measure progress, it is good to know how much is being made. This is that report.

To those who want to inflate it as an indicator of the effectiveness of the surge, I would say to my colleagues that the surge has only fully been in place for the last 3 weeks.

The question is what should happen between now and September when General Petraeus will report to the President. At that time the surge, now in its third week, will have had 12 weeks. That will provide a better gauge of where we are. But even then it will be a very short time. We know more time is necessary.

I am confident that by September, we will have a good assessment from GEN David Petraeus. He will know what progress the surge is making—what progress is attainable—and whether it is having the desired impact toward our common goals.

And yet despite the fact that the surge for stability is less than a month in place, despite the fact that Iraq has become a battleground where al-Qaida is doing everything they can to fight the West, here we are today, again, debating precipitous withdrawal.

The senior senator from Michigan says of his amendment, "Beginning a phased redeployment this year will add incentives for the Iraqis to make the hard compromises necessary to bring their country together and secure it." I disagree.

Beginning a phased redeployment will add to the security problems. It will add to the instability. It will add to the sectarian violence and the killing. It will destroy any chance of pushing that country toward the place where we all hope it will be. It may even put our forces at risk in a defeated dangerous and humiliating defeat.

I ask those supporting this withdrawal to consider the consequences. Consider what would occur if we left Iraq right now in a 120-day timeframe dictated by politics and polls and politicians in Washington, not generals on the ground. Is this a sound strategy for our military? Can this be accomplished?

Leaving now would leave a security void in Iraq. The vacuum created would be filled by al-Qaida and Iran. The Kurds would be threatened by Turkey.

Al-Qaida would have a training ground free from the threat of military encroachment. Sectarian fighting would create even greater loss of Iraqi lives.

We have to be cognizant of the consequences of a precipitous troop reduction and withdrawal. If we leave Iraq now—will we have to return at a later date?

We will be back fighting a larger enemy, a strengthened enemy, a more brutal enemy, an even more determined enemy emboldened by our defeat.

Our leaving Iraq right now will strengthen our enemies; namely, al-Qaida. Don't take my word for it; take the words of our military leaders on the ground.

MG Rick Lynch is quoted in recent news reports saying that American withdrawal would "clear the way for the enemy to come back." He says troop pullout would "create an environment where the enemy would come back and fill the void."

General Lynch added that in the field, Iraqi citizens often ask two questions. The first is whether the U.S. is staying. The second is how can we help. Iraqis, tired of having their villages attacked, their homes destroyed by the so-called insurgents—are looking to America. But they want to know that we will be there if they make a commitment.

I appreciate those clear words from one of our military commanders on the ground. Would it be a good idea to consult them first? No one cares more about our troops than the officers who lead them. I rather take his view than that of a politician.

Come September we are set to receive an update from General Petraeus on the status of operations after the surge has been in place long enough for us to tell whether or not we are making the progress that needs to be made. At that point let us reassess. Are our goals attainable?

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, we have nearly finished this little exhibition, which was staged, I assume, for the benefit of a briefly amused press corps and in deference to political activists who oppose the war who have come to expect from Congress such gestures, empty though they may be, as proof that the majority in the Senate has heard their demands for action to end the war in Iraq.

The outcome of this debate, the vote we are about to take, has never been in doubt to a single Member of this body and, to state the obvious, nothing we have done for the last 24 hours will have changed any facts on the ground in Iraq or made the outcome of the war any more or less important to the security of our country. The stakes in this war remain as high today as they were yesterday. The consequences of an American defeat are just as great, the cost of success just as dear. No battle will have been won or lost, no enemy captured or killed, no ground will have been taken or surrendered, no soldier will have survived or been wounded, died, or come home because we spent an entire night delivering our poll-tested message points, spinning our sound bites, arguing with each other, and substituting our amateur theatrics for statesmanship. All we have achieved is remarkably similar newspaper accounts of our inflated sense of the drama of this display and our own temporary physical fatigue. Tomorrow, the press will move on to other things and we will be better rested. But nothing else has changed.

In Iraq, the American soldiers—marines, sailors, and airmen—are still fighting bravely and tenaciously in battles that are as dangerous, difficult, and consequential as the great battles of our Armed Forces' storied past. Our enemies will still be intent on defeating us and using our defeat to encourage their followers in the jihad they wage against us, a war which will become a greater threat to us should we quit the central battlefield in defeat. The Middle East will still be a tinderbox which our defeat could ignite in a regional war that will imperil our vital interests at risk there and draw us into a longer and far more costly war. The prospect of genocide in Iraq, in which we will be morally complicit, is still as real a consequence of our withdrawal today as it was yesterday.

During our extended debate over the last few days, I have heard Senators repeat certain arguments over and over. My friends on the other side of this argument accuse those of us who oppose this amendment with advocating "staying the course," which is intended to suggest that we are intent on continuing the mistakes that have put the outcome of the war in doubt. Yet we all know that with the arrival of General Petraeus, we have changed course. We are now fighting with a counterinsurgency strategy, which some of us have argued we should have been following from the beginning and which makes the most effective use of our strength and does not strengthen the tactics of our enemy. The new battle plan is succeeding where our previous tactics have failed, although the outcome remains far from certain.

The tactics proposed in the amendment offered by my friends, Senators LEVIN and REED—a smaller force confined to bases distant from the battlefield, from where they will launch occasional search-and-destroy missions and train the Iraqi military—are precisely the tactics employed for most of the war, which have, by anyone's account, failed miserably. Now, that, Mr. President, is staying the course, and it is a course that inevitably leads to our defeat and the catastrophic consequences for Iraq, the region, and the security of the United States that our defeat would entail.

Yes, we have heard quite a bit about the folly of staying the course, though the real outcome, should this amendment prevail and be signed into law, would be to deny our generals and the Americans they have the honor to command the ability to try, in this late hour, to address the calamity these tried and failed tactics produced and salvage from the wreckage of our previous failures a measure of stability for Iraq and the Middle East and a more secure future for the American people.

I have also listened to my colleagues on the other side repeatedly remind us that the American people have spoken in the last election. They have demanded we withdraw from Iraq and it is our responsibility to do, as quickly as possible, what they have bid us to do. Is that our primary responsibility? Really? Is that how we construe our role, to follow without question popular opinion even if we believe it to be in error and likely to endanger the security of the country we have sworn to defend? Surely we must be responsive to the people who have elected us to office and who, if it is their wish, will remove us when they become unsatisfied with our failure to heed their demands. I understand that, of course. And I understand why so many Americans have become sick and tired of this war, given the many mistakes made by civilian and military leaders in its prosecution. I, too, have been made sick at heart by these mistakes and the terrible price we have paid for them. But I cannot react to these mistakes by embracing a course of action that I know will be an even greater mistake, a mistake of colossal historical proportions, which will—and I am as sure of this as I am of anything—seriously endanger the people I represent and the country I have served all my adult life.

I have many responsibilities to the people of Arizona and to all Americans. I take them all seriously, or I try to. But I have one responsibility that outweighs all the others, and that is to do everything in my power to use whatever meager talents I possess and every resource God has granted me to protect the security of this great and good Nation from all enemies foreign and domestic. And that I intend to do, even if I must stand to thwart popular public opinion. I will explain my reasons to the American people, I will attempt to convince as many of my countrymen as I can that we must show even greater patience—though our patience is nearly exhausted—and that as long as there is a prospect for not losing this war, then we must not choose to lose it. That is how I construe my responsibility to my constituency and my country. That is how I construed it yesterday, that is how I construe it today, and that is how I will construe it tomorrow. I do not know how I could choose any other course.

I cannot be certain that I possess the skills to be persuasive. I cannot be certain that even if I could convince Americans to give General Petraeus the time he needs to determine whether we can prevail that we will prevail in Iraq. All I am certain of is that our defeat there would be catastrophic, not just for Iraq but for us, and that I cannot be complicit in it. I must do whatever I can, whether I am effective or not, to help us try to avert it. That, Mr. President, is all I can possibly offer my country at this time. It is not much compared to the sacrifices made by Americans who have volunteered to shoulder a rifle and fight this war for us. I know that. And I am humbled by it, as we all are. But though my duty is neither dangerous nor onerous, it compels me nonetheless to say to my colleagues, and to all Americans who disagree with me, that as long as we have a chance to succeed, we must try to succeed.

I am privileged, as we all are, to be subject to the judgment of the American people and history. But, my friends, they are not always the same judgment. The verdict of the people will arrive long before history's. I am unlikely to ever know how history has judged us in this hour. The public's judgment of me I will know soon enough. I will accept it, as I must. But whether it is favorable or unforgiving, I will stand where I stand and take comfort from my confidence that I took my responsibilities to my country seriously, and despite the mistakes I have made as a public servant and the flaws I have as an advocate, I tried as best I could to help the country we all love remain as safe as she could be in an hour of serious peril.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues from Michigan and Rhode Island for their great leadership on this issue, and I want to say that I have a great deal of respect for my friend from Arizona. He said we shouldn't make this debate one of sound bites, and that is one of the reasons I rise.

Repeatedly, we have heard from the other side the slogan "cut and run." When they use "cut and run," that is the same kind of dangerous, nasty sloganeering that got us into this mess to begin with. The other side—some, anyway—seem to have a penchant for avoiding serious debate and instead use slogans as a sort of 2 by 4 to beat the other side into submission. Well, first, I want to assure my colleagues that is not going to happen. We believe strongly in our position, and it is right.

But I want to ask my colleagues who use the slogan "cut and run," do they believe that 70 percent of the American people are for cut and run? Because 70 percent are for withdrawal within a year. Do they believe the brave soldiers who are risking their lives for us are cut and run when they say to us—and many have—that this policy makes no sense? Do they accuse the parents of the loved ones who have died and who then say they do not believe we should be there to be for cut and run?

Let us have a serious debate, as we have had tonight, last night, and this morning. Let us have a serious debate, as we have had, but let us not resort to these slogans, and let us not let fear overtake policy. That is why we got in the mess in the first place.

Let me just review for my colleagues what Levin-Reed does. Levin-Reed says that we begin to withdraw in 120 days, complete the withdrawal by April, and then leave what force is necessary for counterterrorism, training, and force protection. It will be a much smaller force, most of them will be out of harm's way, but it is decidedly not cut and run.

I want to ask my colleagues one more question. When the President, in September, decides to withdraw troops, which he will have to do, given both the facts on the ground and the pressures from his side of the aisle, are those colleagues going to accuse the President of cut and run?

I yield the floor.

Mr. LEVIN. Mr. President, I yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, we had a tremendous debate last night, and we are close to a vote today. I am proud of the debate that has occurred, and I hope all Senators will shortly vote on the Levin-Reed amendment to redeploy our troops from Iraq, to refocus our fight on al-Qaida, and to support our men and women who serve us overseas.

It is time for President Bush to finally accept what the American people already know: the war in Iraq is not making us safer, and our troops should not remain in the crossfire of that country's civil war.

Unfortunately, President Bush refuses to listen to the generals, to the commissions, and to the experts. He stubbornly insists that leaving American troops in the middle of a civil war will somehow cause factions that have been fighting for centuries to agree to work together.

We have tried that approach, and we have paid dearly. We have given the Iraqi Government the time to reach the agreements needed to form a stable government. We have done our part.

The Iraqi Government has not done its part.

We should not ask more Americans to sacrifice their lives for an Iraqi government that is unwilling to make even the smallest sacrifices for their people and their future.

Because the President refuses to follow a responsible path forward, we in Congress must force a change in our country's policy on Iraq. For months, Democrats have been trying to force that change.

We have been blocked by Republicans who've continued to support the President's "war without end." Now—we are starting to see responsible Senators break ranks with the President and work with us to improve our security.

The upcoming vote on the Reed-Levin amendment is a test for all Senators. Do they stand alone with the President, or do they support redeploying our troops and making. America more secure? That is the choice every Senator will have to make on this vote.

As we look at the challenges in Iraq—and the threats around the world—Democrats want to do four things; redeploy our troops from Iraq; refocuses our fight on al-Qaida; rebuild our military; and respect our veterans.

That is the responsible way to protect our citizens, keep our country safe, and keep our military strong.

We have tried the President's direction, and where had it led us? More than 3,600 American service members have been killed and another 20,000 wounded. We have spent nearly 500 billion taxpayer dollars, and under the President's approach there is not end in sight.

It's time for a new direction, and it begins with redeploying our troops.

Iraq's civil war cannot be solved by our military. It can only be solved when the Iraqis decide for themselves that working together will bring them a better future.

As a foreign military power, we cannot force the Iraqis to set aside their differences and work together. They have to reach that conclusion themselves it Iraq is to ever become a peaceful, stable country.

When I was in Iraq in 2005, I met with the leaders of the various factions. Each of them saw themselves as representing their "one group—not as people who needed to come together for the greater good." Unfortunately, since my visit, those sectarian differences have only gotten stronger.

The Iraqis have not made the progress that only they can make, and I don't think we should keep asking Americans to risk their lives for an Iraqi Government that's not doing its job.

So our first step must be to redeploy our troops out of Iraq. The Reed-Levin amendment sets a firm deadline to begin the redeployment beginning 120 days after enactment, and it sets April 30, 2008, as the date to complete the redeployment.

Now this does not mean that every servicemember will be coming home. As Senator LUGAR said, we will need to keep some servicemembers in Iraq for counterterrorism, for training, and to protect American interests. Other troops will be needed in other places around the globe as we stay on the offensive against al-Qaida and other terrorists. But under this amendment, the bulk of U.S. troops will be redeployment from Iraq.

Second, after we redeploy out troops, we need to refocus our energy on defeating al-Qaida.

Today, the Director of National Intelligence released the latest National Intelligence Estimate. The report says al-Qaida has "Protected and regenerated key elements of its Homeland attack capability."

The report also says that al-Qaida has established a safe haven in northwest Pakistan, has operational lieutenants, and still has its top leadership in place. And it is determined to strike us here at home.

So while the President has kept our military tied up in Iraq, al-Qaida has been gaining strength, and we must defeat it.

Third, we need to rebuild our military. According to generals who have testified before Congress, the war in Iraq has weakened our military's readiness, left our equipment destroyed, hurt our ability to respond to disasters at home, and left our troops without fully rounded training.

Today, we are forcing a very tough tempo on our servicemembers. The Pentagon has extended tours of duties for our troops. The administration has deployed troops sooner than planned.

The administration has sent troops without all the training and equipment they could have received.

The administration has deployed troops without the down-time at home that our servicemembers and their families deserve. In fact, 56 members of the U.S. Senate tried to fix that last week with the Webb amendment, but a majority of Republican Senators blocked us.

Our military is the best in the world. I believe we need to address the strains on our servicemembers, so we can remain the best in the world.

The Iraq war is also impairing our readiness by destroying our equipment. For example, the Army is supposed to have five brigades' worth of equipment pre-positioned overseas. But because of the war in Iraq, the Army is depleting those reserves.

General Peter Schoomaker told the Senate in March, "It will take us two years to rebuild those stocks."

Mr. President, our military is the best in the world. I believe we need to address the strains on equipment and personnel, so we can remain the best in the world.

To meet the President's surge, the Pentagon has been sending some troops to Iraq earlier than planned and keeping other units there longer than planned. That means that troops get less time at home, less time between deployments, and less time to train.

Commanders are forced to shorten the training their troops receive, so they are focusing on the specific training they need for Iraq—but not for other potential conflicts.

Now, that makes sense. If there's limited training time, we want all that time devoted to their most immediate need. However, many military leaders are warning that this fast pace diminishes our ability to respond to other potential conflicts.

Here's how the colonel who commands the 1st Marine Regiment put it:

> Our greatest challenge is and will remain available training time, and because that time is limited, our training will continue to focus on the specific mission in Iraq. This has, and will continue to, limit our ability to train for other operations.

Army COL Michael Beech told the Senate in April that he believes our training strategy is broad enough to support a variety of other events. But he added: "However, if deployed in support of other emerging contingencies, I would be concerned with the atrophy of some specific tactical skills unique to the higher-intensity conflicts."

So military commanders are telling us they are concerned that our ability to train for other missions has been limited and certain tactical skills have had to take a backseat to Iraq.

We need to make sure our troops are trained for whatever conflict they might face, and changing direction in Iraq will allow us to do that.

Mr. President, the Iraq war has especially impacted the readiness of our National Guard. The chief of the National Guard Bureau, LTG Stephen Blum, testified that the readiness of National Guard forces is at an historic low. General Blum said that "Eighty-eight percent of the forces that are back here in the United States are very poorly equipped today in the Army National Guard."

Not only do we rely on our Guard and Reserve members around the world, but we rely on them here at home to respond to natural disasters and emergencies. With fire season upon us on the west coast, I'm very concerned that we don't have all the capabilities at home we should have.

After the horrible tornadoes in Kansas, the Governor of Kansas said that recovery efforts were hampered because there weren't enough personnel or equipment. Those resources were in Iraq, not here at home.

COL Timothy Orr of the U.S. Army National Guard told the Senate that his brigade's homeland security capabilities have been degraded. He testified:

> Our ability as a brigade to perform these [homeland] missions continues to be degraded by continued equipment shortages, substitutions, and the cross-leveling of equipment between the state and nation to support our deploying units.

Finally, we need to respect our veterans. That means keeping our promise to meet their needs as a they come home—whether it's for healthcare, benefits, education or support.

Since Democrats have controlled Congress, we have made dramatic progress for our veterans. First we passed a budget that treated our veterans as a priority.

I serve on the Budget Committee and I was pleased to work with Chairman CONRAD to pass a budget resolution that provides over $43.1 billion for veterans' care.

Our budget increases funding for veterans by $3.5 billion over the President's proposal; funds 98 percent of the independent budget, which is devised by veterans service organizations; and it rejects the higher fees and copayments that the President had proposed, which would have forced more than 100,000 veterans to leave the VA health system.

We also passed a supplemental that for the first time since the start of the war provided funding to help met the needs of our veterans.

We provided $1.78 billion for the Department of Veterans Affairs to help those returning from Iraq and Afghanistan, to reduce the backlog in benefits, and to ensure medical facilities are maintained at the highest level.

And just last week, we added the wounded warriors bill to the Defense authorization bill. This proposal will address any of the problems that came to light from the Walter Reed investigations. It will ensure service members don't fall through the cracks as the move from the Pentagon to the VA. It will help us diagnose, prevent and treat PTSD and traumatic brain injury. And it addresses the problems with unfair disability ratings among other improvements.

Mr. President, it is time to change course in Iraq. So far the President has been unwilling to recognize the reality on the ground.

Here in the Senate, we have an opportunity to force the President to change course in a responsible way.

The Reed-Levin amendment gives every Senator a choice; either you want to stay the course in Iraq and leave Americans in the middle of a violent civil war or you believe it's time for a change.

I urge my colleagues to do the responsible thing for our troops, their families, our military's readiness and the fight against terror by voting for this amendment.

Mr. LEVIN. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The senior Senator from Rhode Island is recognized for 3 minutes.

Mr. REED. Mr. President, President Bush is fond of slogans over strategy. We have heard them—"bring them on," "cut and run," "as they stand up, we will stand down." As my colleague, Senator SNOWE, and our cosponsors have pointed out, he is fond of placing hopes over reality. Well, the reality today is threefold.

First, the precise steps must be taken by Iraq's political leaders, and they have not done that. Second, we cannot sustain this level of force past next spring because of the limits of our military structure. Third, the President has lost the confidence of the American people and the public support, and you cannot conduct a strategy without that.

That is not a political comment, that is a strategic tactical comment. According to the Field Manual, and I quote:

> At the strategic level gaining and maintaining U.S. public support for a tactical deployment is critical.

We must change our strategy in Iraq. No strategy can be sustained, regardless of the slogan, without the necessary troops and strong public support, and in this case decisive action by the Iraqi political leadership. The longer we delay—the longer we delay—the more public support erodes and options to avoid a more chaotic redeployment disappear.

To those who urge delay, to wait until September, to wait until next spring, I would ask them to ask several questions: First, after 4 years of observing the political process in Baghdad, political maneuvering without effect, do they believe 6 weeks, until September, 6 months, or even 6 years will fundamentally change the sectarian political dynamic in Baghdad, the violent struggle between Shia, who feel paranoid, and Sunnis, who feel entitled to rule? Even on a tactical level, will 6 weeks or 6 months or 6 years provide irreversible progress on the ground without the political progress necessary?

The Levin-Reed amendment tries to recognize the reality on the ground both there and here and to shape our strategy to sustain an effort to serve the interest of this country, and we hope the region and the world, and I urge passage.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will yield myself the remainder of my time.

Just about everybody now agrees there is no military solution in Iraq and that the only way to end the violence is for the Iraqi political leaders to settle their differences. Their own Prime Minister Maliki acknowledged that in November when he said, in words that all of us should remember:

> The crisis is political and the ones who can stop the cycle of . . . bloodletting of innocents are the [Iraqi] politicians.

Our brave service men and women are dying and being wounded while Iraqi leaders dawdle. The Iraqi leaders themselves made specific commitments to pass legislation relative to sharing power, sharing resources, amending their Constitution, holding provincial elections. They made those commitments to be achieved by specific dates. They were their commitments. We didn't impose them on them. These are their commitments that they have not kept. Because they have not kept their commitments, our troops are paying the price, caught in a crossfire of a civil war.

If there is any hope of forcing the Iraqi political leaders to take responsibility for their own country, it is to have a timetable to begin reducing American forces and to redeploy our forces to a more limited support mission instead of being everybody's target in the middle of a civil war. That transition is the only way we can force the Iraqi leaders to act.

If the Republican leader's procedural roadblock proceeds this morning, we will be denied the opportunity to vote on an issue which just about every American has strong feelings on: whether to change course in Iraq by setting a timetable to reduce the number of our troops in Iraq. Because of that procedural roadblock, we will not be voting at 11 o'clock on Levin-Reed but on whether to proceed to vote on Levin-Reed.

Our amendment deserves the chance to be voted on by this body. The American people deserve that vote. They deserve to know if we support a timetable to reduce our troop presence in Iraq. They deserve to know whether each of us favors a change of course in Iraq. If you do not agree with our amendment, vote against it. But do not prevent the Senate from voting on it, expressing our will on this critical issue. The American people deserve for us to vote up or down, do we want to change course in Iraq in order to improve the chance of success in Iraq, which can only happen if the Iraqi leaders understand we cannot save them from themselves.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, yesterday I characterized that the Democratic leadership's decision to hold us here through the night as a theatrical display more worthy of Hollywood than Washington. Indeed, anyone who watched it all unfold might have thought they were tuning in to an episode of the "Twilight Zone."

How else can we explain a majority party that was asked repeatedly the day before to schedule a vote on the pending Levin troop withdrawal amendment standing straight-faced on the Senate floor in front of giant billboards that read: "Let us Vote." How else to explain Member after Member standing up to rail against a 60-vote threshold that they frequently insist upon themselves.

The junior Senator from Connecticut has embodied the best traditions of this country and this body throughout this entire debate. He has taken a lonely stand. In acting out the freedom and the power that he and every other proud voice of dissent has under the Rules of this body, he showed the world the greatness and the genius of our Government. Here's what Senator LIEBERMAN had to say:

> I am exercising my right within the tradition of the Senate to do what senior colleagues have advised over the years—to stop the passions, the political passions of a moment from sweeping across Congress into law . . . so with respect to my colleagues who are saying, let us vote, we will vote. But the question is, on that vote, will we ask for 60 votes for pass this very, very significant amendment? And I say it is in the best traditions of the United States Senate to require 60 votes before this amendment is adopted.

So before discussing the amendment itself, I want to thank my colleague, the junior Senator from Connecticut for his courage, for reminding us again and again, at no little personal cost to himself, what we are about in this war and what we are about in this body.

Last night's theatrics accomplished nothing. Nearly every major paper in America noted this morning that we could have had the vote on the Levin troop withdrawal amendment without any of this fanfare. And that is really all it amounted to: sound and fury, because after 24 hours of debate, after all the gags and giggles and gimmicks, the cold pizza and the empty cots, the essential thing remained unsaid. We still don't know what the amendment we are about to vote on would mean for our troops, our allies, our mission, or our interests.

With the Senate now in its second week of debate on the Levin amendment, after last night's 24-hour talkathon, I rise yet again to ask a simple question: What would the Levin amendment do?

Its sponsor tried to explain on Sunday the practical effect it would have. He said, "Most of our troops would be out of there by April 30."

Can he show me where in the text it says this? He can't. It doesn't. This 1½ page amendment contains nothing but vague assertions.

We need to know what the authors of this amendment intend to do with this mission, what their plan is. General Petraeus deserves to know. Our troops deserve to know. Our allies deserve to know. The people of Iraq deserve to know.

So I ask again the questions I asked last week: the Levin amendment says the Secretary of Defense shall "commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act." What would this reduction involve?

The Levin amendment says members of our Armed Forces will only be free to protect United States and Coalition personnel and infrastructure, to train Iraqi Security Forces, and to engage in "targeted counterterrorism operations against Al Qaeda." What does "targeted" mean?

The senior Senator from Michigan was asked these questions by the press. He said he didn't want to get into a debate as to how many troops will be needed. He said answering that question would be changing the subject. But that is the subject, isn't it?—whether and how many troops we are going to keep in Iraq.

Isn't that what this whole debate is about? Don't we have a right to know how many troops the senior Senator from Michigan thinks are necessary to achieve our goals? To prevent the mayhem our top commanders have warned would be the result of a precipitous withdrawal?

The most important questions are left unanswered. All we have are vague assertions that no one, not even the sponsor of this amendment, has attempted to explain with any measure of clarity.

Let me remind my colleagues what we do have clarity on. Let me remind the Senate of what we agreed to in legislation in May as a framework for considering our current strategy in Iraq.

A bipartisan majority voted 80 to 14 in May to fund General Petraeus's Baghdad Security Plan. We agreed that we would receive a report on benchmarks in July. We voted, and put into law, that General Petraeus and Ambassador Crocker would report in September on progress.

We are now in the second week of debate on the Levin amendment, and we expect several others will be filed outlining a number of different ways of revisiting the Petraeus plan.

But in my judgment, the plan we put forward in May, and put into law, is still valid—to give General Petraeus and Ambassador Crocker about 60 more days to prepare their assessment. At that point we will have allowed the Baghdad Security Plan 3 months to work since it became fully manned last month. The benchmarks report and the timeline we set in May was clear. It gave us, the troops, and our allies, clarity on what was expected.

A Democratic-led Senate voted to 81–0 to send General Petraeus into Iraq. A bipartisan majority of 80 senators told him in May that he had until September to report back on progress. His strategy has led to some military successes. Yet just 1 month after this strategy became fully-manned, Democrats are declaring it a failure. Some of them were calling it a failure as early as January.

The Levin amendment is not a credible alternative to the current strategy. By aiming to short-circuit the Petraeus plan just 1 month after it became fully manned and 2 months before we would expect a report, we shortchange ourselves and our forces on the field.

We need to give General Petraeus until September to do his work. That is a commitment we made and signed into law. We need to stand by that commitment.

For this and the other reasons I have outlined, I will vote against cloture on the Levin amendment. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. First, Mr. President, I extend my appreciation—I speak for all Senators, Democrats and Republicans—for the help we received this past 2 days from the employees who are working in the Capitol complex. Hundreds and hundreds of employees are here every day. They were here all night last night, most of them with little or no rest. This great facility would not operate every day but for them.

I am especially fond of and protective of the Capitol Police because I was one. But they are only the vessel about which I speak today, because it is not only the Capitol Police—and they worked long and hard—but it is the custodians, it is everyone including the valiant staff we have seated before the Presiding Officer. If we were asked—any one of 100 Senators—how to get something done here without them, we couldn't do it. I have been here for a quarter of a century. I could be here for a quarter of a century more and still couldn't understand how their important work is done. Again, speaking for all Senators, I say to all who work here in the Capitol, we appreciate very much your time and effort.

I hope these past 2 days have shined a bright light on how important our work is here in the Senate. The American people have spoken so many different ways. We are, of course, faced every day with the never-ending polls that this organization takes, that organization takes, and a lot of times there is some variance in those poll numbers—but not the last couple of months. The American public opposes the surge; they are opposed to the war; they want our valiant troops to come home.

As I wrote to the distinguished Republican leader yesterday:

> There are no more solemn decisions facing Members of Congress than the conduct of war and the placing of troops in harm's way.

Mr. President, that is true. This I sincerely believe.

Last night we had an event at 9 o'clock in the park. A Congressman by the name of PATRICK MURPHY spoke. He is from Pennsylvania. He was in Iraq, fighting as a soldier, a few years ago. He is now a Member of Congress. He talked about the need for us to bring home his comrades, the people who served with him. When he came home, 18 others, those other paratroopers in his unit, were dead.

What we are dealing with here is most important, most serious, and that is why we have been at it for 2 days nonstop. This is one of the most important decisions Members of Congress will ever be required to make, especially given the stakes involved, the stakes in the Middle East, in Iraq, for our military and for our national security.

We must proceed carefully and deliberately but proceed we must. The actions we take here can force a change, a change in President Bush's badly failed Iraq policy. That is what the American people expect the Senate to do, not simply to walk in lockstep as the President continues to walk down this disastrous path, but to finally change direction. That is our goal. That is what we must do and that is what the Levin-Reed amendment does.

The amendment recognizes what General Petraeus and all the experts have said from the very beginning: There is no military solution to the chaos in Iraq. The amendment recognizes that the more U.S. military forces caught policing the civil war in this country we call Iraq, it is not to the interests of the United States and it is not in the interests of bringing stability to Iraq. The amendment recognizes we have an enduring interest in Iraq, and certainly in the Middle East, and we will not abandon those interests.

Levin-Reed gives the President no choice but to change course. Levin-Reed requires the President take the steps to responsibly end the war that the country and our brave men and women in uniform demand and deserve. Bring them home. Let them come home. Levin-Reed sets a firm start date and a firm end date to transition the mission to begin the reduction of U.S. forces beginning 120 days after enactment, and to be completed by April 30, 2008.

Levin-Reed limits the United States mission to limit it to counterterror, training, and force protection operations after April 30, and requires that the reduction in forces be part of a comprehensive diplomatic, regional, political, and economic effort, including the appointment of an international mediator.

I am compelled to defend the authors of this amendment. My friend, my counterpart, the distinguished Senator from Kentucky, ridiculed, belittled this amendment. Those of us who have served in the Senate know that any time CARL LEVIN deals with legislation, there is nothing—nothing—left for guesswork. Literally every "i" that should be dotted, every "t" that should be crossed, every comma that should be in a sentence, every semicolon that is placed there once in a while, will be in that legislation. I say this with all my friends here in the Senate, no one is a better legislator than CARL LEVIN. All who have served in the Senate have dealt with him. There is no way you can give him something and say, Is this OK with you, but he will say, No, I have to read it. After he reads it, he has to study it.

We all know what the Levin-Reed amendment talks about. What a combination. This good man from Michigan, who has devoted his life to public service and has spent his Senate career in the Armed Services Committee, teamed up with a graduate of West Point, JACK REED, to whom we all look for advice militarily. How many times has he been to Iraq, 8, 10 times?

Why is it important that JACK REED went to Iraq? Because he served at West Point with many of the people over there now who are officers. He can get information there that none of the rest of us can get. What a combination. What does this combination say to the American people? That there must be an end date to what is going on in Iraq.

Their amendment, I repeat, says there must be redeployment starting in 120 days. That is pretty straightforward.

Mr. President, I will use leader time if my time runs out.

It also says that redeployment will start in 120 days; that on April 30, 2008, the forces left in Iraq according to our military will be used for counterterrorism activities, training the Iraqis, and protecting our assets in Iraq. There is not much to speculate on what that means. Of course, the military will set what parameters will be used in those different duties they have, but the military—that is what they do. So this amendment of Senators LEVIN and REED is very understandable, it is direct and to the point. It is a simple, straightforward, responsible amendment. It strikes the right balance between military and diplomatic solutions. It allows our Nation to reduce its large combat footprint in Iraq and refocus on the enemy that attacked the Nation nearly 6 years ago.

For the American people, the surge has had far too long to determine whether it will work. Six months, 600 dead Americans, untold numbers wounded, $60 billion. This amendment allows our Nation to reduce its large combat footprint in Iraq. It gives our troops the strategy they need to succeed in a very difficult environment. It is supported by an overwhelming majority of the American people, it is supported by a bipartisan majority in the Senate and, most important, it is binding.

President Bush has proven beyond any doubt that if we simply express opinion and pass "Sense of the Senate" legislation, if we do not put teeth behind our legislation, he will ignore us.

It could not be clearer that if we give this President a choice, he will stay hunkered down in Iraq until the end of his failed Presidency.

The National Intelligence Estimate report released yesterday amplifies the fact that the war in Iraq has taken our attention and resources away from the growing threats we face around the world. We cannot keep marking time while President Bush's failed war plan continues to crumble.

We can vote to end the war right now. Democrats are united in our commitment to do so and our resolve has never been stronger. More and more Republicans have come out to publicly break from the President's endless war strategy. They deserve credit for doing so. I commend and applaud them. But their words will not end the war; their votes will.

After 52 months of war; after more than 3,600 American dead; after tens of thousands more wounded; after $500 billion of our tax dollars spent; after chaos in Iraq has become entrenched; after no meaningful signs of progress by the Iraqi Government; after the President's own intelligence reports indicate that the war has made us less safe and al-Qaida is gaining strength; after a troop escalation has only led to more violence; after all of this, after all of this, isn't it time to choose a new path? The answer is yes.

Let's choose that new path now. Let's finally answer the call of the American people. I urge my Republican colleagues to end this filibuster. I urge them to stop blocking a vote on this crucial war-ending amendment. By voting yes on cloture, we can make this the first day of the end of the war.

Mr. President, I ask unanimous consent that Members would vote from their desks. I further ask unanimous consent that the Chaplain give our daily player immediately following my remarks, which I have completed. The reason is, otherwise, he would do it at 1 o'clock. If ever there were a time for prayer, it would be before this very important vote.

I ask unanimous consent that we vote from our desks. I have cleared this with the Republican leader, and ask that the Chaplain be now called upon to render the prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the order of February 29, 1960, as modified this day, the Senate, having been in continuous session, will suspend for a prayer by the Chief of Staff to the Senate Chaplain, Alan N. Keiran.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Father, Creator of the season, as the Members of this body run a legislative marathon, may they feel Your devine presence. Allow contact with You to calm their fears, to silence their anxiety, to hush their restlessness and to fill them with Your peace. Strengthen them so that they are not weary in pursuing a worthy goal knowing that a harvest awaits those who persevere in doing Your will.

Give them gratitude for the opportunities You have given them to be stewards of our national destiny. And as You remind them that to whom much is given, much is expected.

We pray for Your will to be done here in this Chamber as in heaven. In Your mighty Name I pray. Amen.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Levin-Reed, et al., amendment No. 2087, to H.R. 1585, Department of Defense Authorization, 2008.

Carl Levin, Ted Kennedy, Byron L. Dorgan, Russell D. Feingold, B.A. Mikulski, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Pat Leahy, Richard J. Durbin, Jeff Bingaman, Jack Reed, Ron Wyden, Barbara Boxer, Patty Murray, Robert Menendez, Daniel K. Akaka, Charles Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Senate amendment No. 2087 offered by the Senator from Michigan, Mr. LEVIN, to H.R. 1585 shall be brought to a close?

The yeas and names are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Levin-Reed amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, this has been a long week, and it is hard to comprehend, but it is only Wednesday, Wednesday morning. We have now been in session continuously for 2 days. On Monday, I submitted a simple request for consent to proceed to an up-or-down vote on the Levin-Reed amendment to the Defense authorization bill. As I have stated, this amendment provides a clear, binding responsible path to change the U.S. mission and reduce our combat presence in Iraq. It honors the sacrifice of our troops, reflects the will of the American people, and lets us rebuild and focus our military on the growing threats we face throughout the world.

Regrettably, Republicans chose to block this amendment. They chose to block a bipartisan amendment, Mr. President, to deny the American people an up-or-down vote. They chose to continue protecting their President instead of our troops, no matter the cost to our country.

In contrast, my Democratic colleagues and a number of brave Republicans came to the floor of the Senate throughout the night to make our case. I am proud of what they have said and what they have done. We spent 2 days showing America that we are not going to back down, we are going to continue to fight, and that if President Bush and his allies in Congress refuse to budge, we will continue to show them the way.

How could we possibly shrink from this fight? How could we possibly try to avoid this fight? As we speak, many of our 160,000 men and women serving in Iraq are wrapping up another day of war, real war on foreign sands. For them, it was yet another day caught in an intractable civil war, Sunni versus Shia, Shia versus Sunni, Shia versus Shia, Sunni versus Sunni, and—what other combinations can we come up with—with our troops caught in the crossfires, our troops trying to protect the Shias, Sunnis, and the Kurds, and all of them after our troops.

As the Iraqi people have said in poll after poll, about 70 percent of them think we are doing more harm in their country than good.

The high temperature today in Iraq was about 115 degrees, and our troops were wearing about 100 pounds of equipment. This was the 1,583rd day of the war. They have served us each and every day with courage, despite being taken to war falsely, prematurely, and recklessly. They have served us each and every day with courage and valor, despite a President who still lacks a plan for success. They have served us each and every day with courage, despite too many in Congress who remain unwilling to change course.

Those 160,000 troops deserve more. They and all Americans deserve a debate and votes on legislation that will finally provide them a strategy to honor their great sacrifice.

As we have just seen, a bipartisan majority of the Senate supports Levin-Reed. A bipartisan majority of the Senate supports a binding new policy that would responsibly bring the war to an end so we can return our focus and resources to the real threats and challenges our great country faces. Yet a Republican minority blocked a vote on the bipartisan amendment that would deliver that new course, and instead they chose to stand behind the President and this tragic failure he has led.

So today I am filled with a mixture of pride and regret—pride for my colleagues, Democrats and Republicans, who have risen to this crucial cause in giving the American people the debate they deserve, yet regret for my colleagues who have blocked the will of the people and the majority of this Congress. I believe the will of the people must be heeded, and I believe this critical vote must proceed.

In an effort to make progress on this issue and this bill, I will, therefore, request unanimous consent to move to a vote on the four Iraq amendments to the Defense authorization bill outlined yesterday morning in my letter to Senator McCONNELL. My unanimous consent request is eminently fair. It would provide up-or-down, yes-or-no votes on three other bipartisan Iraq amendments in exchange for the same on Levin-Reed.

Under my proposal, we would vote on these Iraq amendments: Levin-Reed, Lugar-Warner, Salazar-Alexander, and Nelson-Collins. In addition, I also indicated in my letter that I am prepared to agree to up-or-down votes on other amendments as well.

Therefore, Mr. President, I ask unanimous consent that when the Senate considers the following Iraq amendments, they be subject to majority votes: the pending Levin-Reed amendment, the Byrd-Clinton deauthorization amendment, the Warner-Lugar amendment No. 2208, the Salazar-Alexander Iraq Study Group amendment, the Nelson-Collins amendment No. 2124, and Senator LANDRIEU's al-Qaida amendment.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, reserving the right to object, not many Americans of our generation have failed to see the movie "Casablanca." There are many memorable lines in that movie. My favorite was uttered by the actor, Claude Rains, when he walked into the casino and said incredulously: "Gambling in Casablanca?" Followed by the comment: "Round up the usual suspects."

Sixty votes in the Senate? As common as gambling in Casablanca.

I think we can stipulate, and my good friends on the other side of the aisle stipulated from time to time over the years when they were in the minority, that in the Senate it takes 60 votes on controversial matters. What is more controversial than the war in Iraq? Of course, it is going to take 60 votes. No one in the galleries and certainly no one in this town and even casual observers of the Senate across the country would be surprised that on a controversial matter of this consequence it would require 60 votes.

Now the leader has also made some observations about the status of the war. Most Members on this side of the aisle don't believe it is any accident that we haven't been attacked again since 9/11. They believe it is because we have been on the offense in places such as Afghanistan and Iraq, and we have taken it to the enemy. A lot of them are dead, many of them are in Guantanamo, and the rest are on the run.

There is no plan after the Levin amendment. Withdraw, and then what? What happens then? We haven't been dodging this debate. We offered to have the Levin amendment voted on yesterday. The only reason we stayed in all night was to provide a bit of theater on an extraordinarily important issue.

This is a serious debate. Members on this side of the aisle engaged in this debate throughout the evening. We were not afraid of the debate, but we certainly were not delaying the vote. We would have been happy to have the vote at any point over the last few days.

So, Mr. President, the request was that we have additional Iraq votes——

Mr. BYRD. Mr. President, may we have order?

Mr. McCONNELL. With a simple majority.

Mr. BYRD. May we have order?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, this is not a movie in which we are involved. This is a debate on one of the most serious issues this country has ever faced. Thousands of Americans have been killed in Iraq, tens of thousands have been wounded, and we are depleting the National Treasury by more than half a trillion dollars. But my distinguished friend's statement clearly indicates what has happened in Iraq since we last took up this debate.

We passed the Defense authorization bill last November. We had Iraq amendments then. There were no 60-vote margins. But in the last 7 months since that debate took place, this war has gone in the wrong direction—in the wrong direction. That direction is the way that President Bush has managed this war. That is why all of a sudden now that 7 months has gone by with thousands more Americans being wounded, and hundreds and hundreds more being killed, suddenly this is an issue that requires 60 votes.

If there were ever a picture, look at what happened last November and look what happened today. Of course, they need 60 votes because all these amendments would pass with simple majority—all of them, every one of them telling the President he should change course. The difference is how to tell the President to change course. The Levin-Reed amendment did it by mandating a timeline.

I am disappointed to see that my friend is leading the Republicans to obstruction over progress. I understand the Senate rules. Other than this man sitting behind me, I think I know the rules about as well as anyone in this Chamber. I understand the Senate rules allow for minority filibuster over the will of the majority, but that is not the tradition of this bill, and it should not be the path that is chosen given the stakes involved.

But because Republicans continue to block votes on important amendments to the Defense authorization bill, we can make no further progress on Iraq and this bill at this time.

Progress is also blocked by two other troubling realities. First of all, more than 300 amendments have been filed. We have not been able to get a finite list of amendments for consideration. Majority and minority staffs of the Armed Services Committee have been unable to work in a bipartisan manner to clear large numbers of routine amendments due to the objections of one or two Members on the other side of the aisle. The chairman and ranking member have been able to clear amendments in this fashion for as long as I can remember, but not this year, not with this handful of dedicated obstructionists—not all but a few.

Seated in this front row is one of the managers of this bill, Senator JOHN MCCAIN. JOHN MCCAIN is not known for putting things in managers' amendments that shouldn't be in managers' amendments. If there ever was a guardian of something in a managers' amendment, it is the senior Senator from Arizona. But in spite of that, in spite of his reputation, the reality is that no one puts anything in a managers' amendment unless this man looks it over—and he is a comanager of this bill—and we still haven't been able to clear these managers' amendments.

For these and other reasons, I temporarily laid aside the Defense authorization bill and entered a motion to reconsider. But let me be clear to all my colleagues, and especially my Republican colleagues, I emphasize the word "temporarily." We will do everything in our power to change course in Iraq. We will do everything in our power to complete consideration of the Defense authorization bill. Why? Because we must do both.

I remind my Republican colleagues, even if this bill had passed yesterday, even if this bill passed today, its provisions would not take effect until next October.

So we will come back to this bill as soon as it is clear that we can make real progress. I have spoken with Senator LEVIN, the manager on this side. I have spoken with the assistant leader, the whip, Senator DURBIN. I have asked them to sit down with their counterparts, Senator MCCAIN and Senator LOTT, to work on a process to address these outstanding issues, especially the managers' amendment, so that the Senate can return to it as soon as possible.

In the meantime, we will continue to work with our Republican colleagues who are saying the right things—a number of them, a significant number of them—on Iraq but aren't yet committed to voting in the right way. But we will get there. As Gladstone once said:

> You cannot fight against the future. You cannot fight against the future. Time is on our side.

In this case, time and the American people are also on our side. The Levin-Reed amendment would allow us to rebuild our badly overburdened military and return our focus to the real security threats posed by al-Qaida and other terrorist organizations.

I think it is important, Mr. President, that I mention the other procedural roadblock that was thrown up trying to do this bill: The Webb amendment. What did the Webb amendment do? If you are in country 15 months, serving in the military, you should be able to stay home for 15 months. There was a procedural block.

The Levin-Reed amendment would allow us, as I have indicated, to take a look at our overburdened military and do something about it and return our focus to the real security threats posed by al-Qaida and other terrorist organizations. As the new National Intelligence Estimate makes very clear, these growing threats demand our attention.

In today's newspaper, and there are other places, but here is only one headline: "Problems Spur Efforts in Protection of Federal Buildings." The Homeland Security Agency needs more help, is what this news story is all about.

President Bush likes to say we must fight the terrorists in Iraq so we do not have to fight them at home, but we all know there were no al-Qaida forces in Iraq prior to the war. And as the President's own intelligence experts admit, the war has only stoked the flames of terrorists and made us more vulnerable to attack.

These experts concluded in the National Intelligence Estimate that the threat to our homeland is growing as al-Qaida has regenerated its capacity to launch attacks. While the Bush administration's preoccupation with Iraq has prevented us from addressing that threat, there is important action the Senate can take and should take.

Therefore, I am going to ask unanimous consent to move to consideration of the Homeland Security appropriations bill, chaired by two of our most senior Members, Senator ROBERT BYRD and Senator THAD COCHRAN. This critically important legislation provides $37.6 billion for Homeland Security activities. It is more than the President asked, $2.3 billion. This bill was reported unanimously by the Senate Appropriations Committee—unanimously—and it will give the Senate an opportunity to show who is serious about protecting America from terrorist attacks.

I would hope that given the urgency of the national security issue, as highlighted by the National Intelligence Estimate and the need to make progress on appropriations bills, we can move to consideration of this most important bill.

The President, in his Saturday address 2 weeks ago this coming Saturday, said: Why aren't we doing appropriations bills? Well, we have an opportunity to do a very important appropriations bill dealing with homeland security. Our security—not dealing with Iraq, not dealing with Afghanistan—dealing with our security.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the Homeland Security appropriations bill, H.R. 2638.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, it is my understanding that the majority leader plans to take up this bill next week, not this week; is that right?

Mr. REID. I would really like to take it up now. That is why I asked this consent. I am sorry if there was some confusion in that regard.

Mr. McCONNELL. It was my understanding the majority leader was planning to go to a reconciliation bill next and then try to get unanimous consent to go to this next week.

Mr. REID. The only reason I was doing that, of course, is that there was an inkling from your floor staff you would object to us going to this immediately.

Mr. McCONNELL. I am going to object in the short term, and we can discuss it privately because I think there is a chance we can do that shortly. But for the moment I will object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Mr. President, I am hopeful and confident we can work something out in this regard.

In order to protect our country, and all of us, I move to proceed to the consideration of H.R. 2638 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 206, H.R. 2638, the Homeland Security Appropriations Act, 2008.

Dick Durbin, Harry Reid, Mary Landrieu, Daniel K. Akaka, B.A. Mikulski, Barbara Boxer, Ted Kennedy, Max Baucus, Pat Leahy, Ben Nelson, Byron L. Dorgan, Debbie Stabenow, Jeff Bingaman, Charles Schumer, Dianne Feinstein, Herb Kohl, Patty Murray.

Mr. REID. Mr. President, I would also say, and hopefully we won't have to do this, I am cautiously optimistic we can avoid this, but I will ask unanimous consent that in case we can't, the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, let me just say a few more words. We have been prevented from acting on the 9/11 recommendations. I should say that now we are in conference, and I am so appreciative of that. I understand Chairman LIEBERMAN is going to hold his first meeting tomorrow. It took a while to get there, but that is important. But we also need to change the course in Iraq, and that didn't happen, and so now we have this.

We have all seen and heard reports that our intelligence community has concluded that al-Qaida's strength has grown to its 9/11 levels, and the statement of the Secretary of Homeland Security that he has a gut feeling we are at greater risk of being attacked this summer by terrorists. In spite of all this, we have just seen an example of obstructionism that has slowed down and prevented the Senate from consideration of this bill today.

The latest obstruction would delay important investments. This Homeland Security bill does lots of things. We just finished the immigration debate: This is not as good for border security as the immigration bill would have been—I don't expect we will do that debate today—but it does do some good things. This bill hires 3,000 more Border Patrol agents and provides 4,000 more detention beds. When someone is picked up, they will have a place to put them. This provides $400 million for port security grants. This bill provides $1.83 billion for State and local first responders. And one other example is that this bill provides monies for the purchase and installation of explosive detection equipment at airports.

COLLEGE COST REDUCTION ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, in an effort to use our time effectively, while the cloture motion on Homeland Security ripens, I am asking now unanimous consent to proceed to the education reconciliation bill, a bipartisan bill that will make college education more affordable for hundreds of thousands of students.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, and I do intend to object, I believe this body ought to stay on the Defense authorization bill. We have just seen a procedure in the last 24 hours which has been a colossal waste of time.

The time to have a showdown with the President was either on the funding request, which was 2 months ago, or in September. There was no way there would have been sufficient votes to have 60 votes or 67 votes to have anything meaningful done. And speaking for myself, having been in this body for a substantial period of time, I think what has happened in the past 24 hours has been an indignity. This is reputed to be the world's——

Mr. REID. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I do object. And I would also——

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. The leader speaks at great length about if another Member seeks to speak, he ought to be accorded that privilege.

Mr. REID. Mr. President, he is going to have all day to talk. He has the right to object, and he did that. We listened to his statement.

We believe the American people were entitled to have 2 days, at least 2 days of debate on the Levin-Reed amendment to change the course in Iraq. He may disagree. I would bet, with all due respect to my friend, the senior Senator from Pennsylvania, that the people of Pennsylvania want a change of course in the intractable war in which we find ourselves in Iraq.

Mr. SPECTER. Will the majority leader yield?

Mr. REID. So the Senator can talk about a waste of time. But I move to proceed to H.R. 2669, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAPO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Crapo
Johnson
Obama

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COLLEGE COST REDUCTION ACT OF 2007

The PRESIDING OFFICER. Without objection, the clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

Mr. KENNEDY. Mr. President, as I understand it, before the Senate now is the reconciliation provisions dealing with higher education. There are 20 hours that will be available, 10 hours on either side; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I know the Senator from Pennsylvania wishes to speak and also the Senator from West Virginia. After they have finished, I will proceed to make an opening statement.

How much time would the Senator like?

Mr. SPECTER. I would like 15 minutes, Mr. President. I understand Senator BYRD has a short statement, so I will defer to him.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator.

THE HOMELAND SECURITY APPROPRIATIONS

Mr. BYRD. Mr. Presdient, I rise today to express my surprise that there is actually an objection to taking up the fiscal year 2008 Homeland Security Appropriations bill today. The bill, which was reported by the Appropriations Committee by a vote of 29–0, provides $37.6 billion to help secure the homeland. That includes funds to secure our borders, funds to hire 3,000 more border patrol agents, and funds to provide 4,000 more detention beds. It includes funds for the men and women of the Coast Guard to guard our ports and seaways. It includes funds to protect 2 million citizens who travel by air every day, including money to inspect air cargo on passenger aircraft. There are funds to implement the SAFE Port Act. We include funds to equip and train our police, fire, and emergency medical personnel to deal with any disaster.

Incredibly, the President has threatened to veto the Homeland Security Appropriations bill because it exceeds his request. Today, we have heard an objection to even debating the bill from a Member on the President's side of the aisle.

Just last week, the Secretary of Homeland Security publicly said that it was his "gut feeling" that the United States faces an increased threat of attack this summer. Shouldn't that wake us up to the need to pass this bill?

On the heels of the Secretary's warnings, yesterday, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities . . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here. As a result, we judge that the United States currently is in a heightened threat environment. . . . We assess that al-Qa'ida's Homeland plotting is likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population.

Those are the words written by the best intelligence analysts in our Government. Is anybody listening? Hear me. Is anybody listening? Let me say this again to see if anybody is listening. Pay attention. I will quote again from the report. This is the latest national intelligence estimate concerning the terrorist threat to the U.S. homeland. Man, you better listen to that. You better listen. Hear me out there. I will quote again from the report.

> We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years.

You better pay attention.

> The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the homeland—

Our homeland. Your homeland. My homeland.

> and a continued effort by these terrorist groups to adapt and improve their capabilities. We judge that al-Qaida will intensify its efforts to put operatives here. Here.

Not somewhere else, here.

> As a result, we judge that the United States currently is in a heightened threat environment. We assess that al-Qaida's homeland plotting is likely to continue to focus on prominent political, economic, and infrastructure targets, with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the population.

Those are the words, not by ROBERT C. BYRD, these are the words written by the best intelligence analysts in our Government. Is anybody listening? Is anybody listening? I say to my friend from Pennsylvania, bless his heart, he is one of the greatest Senators of all time, is anybody listening? You can bet the American public is listening.

My hope, the people out there looking at this floor, they are listening. The people out there on the highways and the byways, the mountains, the valleys, those warnings should compel our Government, both in the executive and legislative branches, to get our priorities straight.

It is the safety of the American people that matters here. Let me say that again. It is the safety of the American people, that is all 300 million of them, it is the safety of the American people that matters here, not some political ping-pong between the President and the Congress. Our mission must be to prevent terrorist attacks against this country.

In light of the concerns raised by his own administration about the threat of another terrorist attack, I call on the President, I call on the President to pull back on his veto threat. Pull back. I plead with all the Senators to allow this body to do the people's business and to proceed to the Homeland Security appropriations bill. The peoples' safety is at stake. Delay is foolish.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the President, dated today, on this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 18, 2007.

Hon. GEORGE W. BUSH,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT:

"We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here. As a result, we judge that the United States currently is in a heightened threat environment."

Those are the words contained in the declassified National Intelligence Estimate, released yesterday. Those are the words written by the best intelligence analysts in our government. Those are the words that should force our government—both in the Executive and Legislative branches—to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country.

The Senate Committee on Appropriations has approved legislation investing $37.6 billion in the nation's highest-priority security projects. These dollars would be put to use immediately, toughening border security with new agents, better technology, and stricter immigration enforcement to close gaps that terrorists could exploit (as did the 9/11 hijackers). These dollars would help to shut down the dangerous gaps in security at U.S. seaports. The legislation would make serious investments in security at the nation's airports, deploying new canine teams and screening technology at airports nationwide to detect explosives and radiation in cargo loaded onto passenger aircraft. The funds would provide critical support for police officers, firefighters, and emergency medical teams—the first line of response to any attack.

Unfortunately, you have threatened to veto the homeland security funding legislation. In light of the new analysis from our intelligence experts and the warnings that they and Homeland Security Secretary Chertoff have voiced, I urge you to reconsider this veto threat.

With the concerns outlined by your Administration's top experts, and with the glaring gaps that continue to exist in our homeland security protections, we must come together in the best interests of the American people. It is their lives and their futures in danger. Posturing will not protect the people from attack. Smart investments in their security will.

Sincerely,

ROBERT C. BYRD.

The PRESIDING OFFICER (Mrs. MCCASKILL). The senior Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to conclude the statements I had made earlier today after being interrupted by the Senator from Nevada, that I might say accurately, rudely interrupted.

I was speaking in the context of reserving a right to object to a unanimous consent request, and the technical rules provide that speeches may not be made but only an objection lodged. But it has been the common practice in this body to allow a Senator who reserves the right to object to make a statement as to why the objection is being lodged.

This is in reply to the Senator asking unanimous consent and who has spoken at some length to give the reasons why an objection is being lodged. When the majority leader cut me off, then made reference to what the people of Pennsylvania want, the last time I looked, Senator CASEY and Senator SPECTER represented the people of Pennsylvania, not Senator HARRY REID.

When he talks about my State, then he talks about me, and he raises an intonation that I did not know what my constituents want. I at least ought to have an opportunity to reply because I think I know more about Pennsylvania than Senator REID does.

But to be cut off in that context was rude, to say the minimum. There are rules and there are customs, there are accepted practices. It is the custom of this body, when a Senator reserves a right to object and seeks to make a statement, to let him make the statement. That is the custom and that is the accepted practice. When the majority leader talks about the rules, we saw on the immigration bill how one Senator can tie this place up in knots, can bring the Senate to a screeching halt by utilizing the rules: asking for the full text of amendments be read, asking that the previous day's business be read. The rules would permit any Senator to stop the Senate in its tracks from doing any business.

So there is something more than the rules. There is the custom and there is the accepted practice that if the Senate does not run on comity, on courtesy, on basic decency, the Senate cannot run at all.

Now, I had made the comment about reserving the right to object because I strenuously object to what has transpired in this body in the past 24 hours. We had a meaningless, insulting, all-night session for absolutely no purpose. It was an indignity to the Senators who were kept here all night to vote on a procedure that had no purpose whatsoever. The Senate luxuriates in its reputation as the world's greatest deliberative body. But last night's performance made us the laughingstock of the world. There was no way that anything meaningful would happen as a result of a vote on the Levin-Reed amendment. There is no doubt that there are not 67 votes present to override a veto. There is little doubt that there are not 60 votes present to bring the issue to a vote.

So what were we doing on an all-night session? The majority leader stated the purpose was to show the American people he would not back down. Well, I think he showed the American people how ineffective he is. The time when the majority leader and the Democratic leadership in the Congress could have asserted itself was on the supplemental appropriations bill. That was the bill which the President needed to continue funding the war in Iraq. We were out of money. It took $100 billion, approximately, to move forward. That was the point where, as the majority leader said, he wanted a majority of 51-vote majority to express the will of the Congress, it could have been done.

The Democratic leadership in the Congress backed down. I thought they did so appropriately in a contest with the President because the safety of the troops was involved. But that was the time to take a stand if the majority leader wanted to have a vote of 51.

When he takes down the Department of Defense authorization bill, it is not his bill alone, it is not just the Levin-Reed amendment, there are a lot of other provisions in that bill.

Senator LEAHY and I had an important amendment on habeas corpus which is relevant to the operation of the Department of Defense and Guantanamo, and the detention of many men who have been denied rights established in 1215 under the Magna Carta, and this body unadvisedly, erroneously legislated to take away that habeas right.

I continue to think it would be corrected in the courts, but that is another matter too lengthy to go into now. But Senator LEAHY and I had that amendment pending. Senator KERRY and I and others have an amendment pending on signing statements, where the President has disregarded the legislation passed by the Congress to cherry-pick and add limitations in so-called signing statements.

There was also an amendment which this Senator had proposed to bring up for a vote on rendition. So there was a great deal more to be done on this bill than Iraq alone.

But with respect to Iraq, there were other amendments which ought to be considered, and which should have been considered, without the majority leader taking the bill down. We could have debated the Levin-Reed amendment in a few hours and we could have debated the Warner-Lugar amendment in a few hours and we could have debated the Salazar-Alexander amendment in a few hours and we could have done it during the daytime yesterday, instead of having quorum calls consume the time of the Senate when nothing is done here, until the majority leader decides to exercise his power to keep the Senate in all night on a meaningless, insulting session.

But there are important matters to be debated on what Senator WARNER and Senator LUGAR have proposed. They have suggested, and they filed an amendment, directing the President to prepare a plan by October 16, a plan which would contemplate withdrawal starting December 31. But it did not tell the President he had to do it, and there is a serious constitutional question with the President's authority as Commander in Chief. Certainly, Congress cannot micromanage the war. The question about putting limitations on Presidential authority is a tough issue, but it would be well to have the President plan for a contingency.

We know the planning has been insufficient, no planning as to what would happen after Saddam Hussein fell. So when Senator WARNER and Senator LUGAR wanted to put that forward, we should have debated it. When it calls for consideration of withdrawal on December 31, we should have debated it. When they call in that amendment for another resolution defining the scope of the President's authority on the war, we should have debated it.

Senator SALAZAR and Senator ALEXANDER had an amendment which would incorporate the findings of the Iraq Study Group. I was seriously considering, still am considering, cosponsoring those amendments. I think had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq. But once in Iraq, we do not want to leave it in an unstable situation and in turmoil. We have had very forceful statements from very prominent Republican supporters of the President that if there is not real progress, significant progress by September, the funding will not be continued. I have said that if we do not have the metaphor of "a light at the end of a tunnel" by September, that funding is in serious question. But those are not matters which we are going to decide in July; those are matters which we will decide in September.

After we have the report by General Petraeus and after we have the President's report, we will make a judgment as to what we will do in September. That was the import of the appropriations bill which we passed 2 months ago, funding through September 30. The issue of funding for the next fiscal year is one which this Congress will have to decide when the issue is ripe. I am uncertain as to what my vote will be. But I do believe that if there is not a light at the end of the tunnel, that it is a very questionable matter to proceed indefinitely because of the failure of the Iraqis to live up to their commitments to end sectarian violence, to deal with the legislative proposals in their Parliament on oil revenues and many other matters.

But I hope we will see a reevaluation of what is going to be done in the Senate.

This body is very different than it was when I was elected in 1980, very different from what it was when Senator BYRD was elected in 1958 and Senator BIDEN was elected in 1972. With Senator BYRD and Senator BIDEN, there is real comity, and so with Senator LEAHY and myself on Judiciary and Senator HARKIN and myself on the appropriations subcommittee. But that is the exception, regrettably, rather than the rule around here. When a Senator seeks to speak, he ought to be accorded some basic courtesy and comity on what is custom and what is practice.

I had a short talk with Senator LOTT after the majority leader interrupted me, and Senator LOTT said the majority leader did the same thing to him a couple of days ago. When Senator LOTT was majority leader, he didn't have that practice. Senator LOTT said the majority leader wanted to publicly apologize. Senator LOTT said: Not necessary. Public apologies don't mean much.

It doesn't mean much to make this speech to an empty Chamber, frankly. The time I should have been heard was when Senators were on the floor, when Senators were considering what the majority leader had done in taking down the bill. That is when it was right.

As I sat here waiting for time to speak and consulting with the managers of the bill to get their consent, the majority leader came over and said: I will see to it that you get recognized first. I said: No, thanks, I will get myself recognized. There is a time when no one else is around and on a jump ball a Senator can get recognized.

Those practices, I think, are not only rude but dictatorial—dictatorial to flout the custom and the practice of this body and to go back to technical rules. If those technical rules are applied, and any one of us can do it, this body will cease to function.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Madam President, I yield myself 15 minutes. I consulted with Senator KENNEDY. I ask that my time be counted under reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

IRAQ

Mr. BIDEN. Madam President, I share the frustration of my friend from Pennsylvania. I remember when my colleague, Senator BYRD, whom I still call the leader, was leader when I got here after Senator Mansfield. How things have changed in many ways.

One of the things that has changed is what we saw take place today. Here the single most critical issue facing the United States of America today—the carnage that is taking place in Iraq, the fact that our blood and treasure is being spilled with no apparent end in sight—and the notion that we would have to resort to a filibuster to stop a vote when a clear majority of Senators who believe there is an urgent need to change course in Iraq is not only dismaying but the consequence of it, I believe, is to kick the can down the road another 2 to 3 months and, in the meantime, many Americans are going to be injured and killed, which I believe can be avoided.

Ever since the Democrats took back the Congress, we have been working to build pressure on the administration and, quite frankly, a number of our Republican colleagues to change course in Iraq because I don't believe there are a dozen Republican Senators who agree with the President's present position. I don't believe there are a dozen Republican Senators who believe the results are going to be fundamentally different on September 5 than they are today, although I respect the fact that they concluded they want to wait to give the President every opportunity to demonstrate his plan can work.

Here is the problem, with all due respect. The problem is we are faced with two false choices in the Congress. One is put forward by the administration and sustained by a minority of votes that says we should continue to do what we are doing and essentially hand off the problem to the next President. I don't know anybody who believes that through escalating this conflict, adding American forces, there is any reasonable prospect that would bring about the only thing that will end this war, and that is a political settlement among the Iraqis.

Then there are a number of Democrats who have a view, out of frustration, that we must begin to get out of there, get out and hope for the best. Their premise is: Look, there isn't any reasonable prospect of us being able to do this militarily, and the hope is that somehow if we get out, the Iraqis, the Kurds, the Sunnis, and the Shias will have a bit of an epiphany, as we Catholics say, that they will get together and say: Oh, my goodness, America is leaving and we better get together and settle our differences or things are going to completely implode.

The fundamental flaw in all of that thinking, in my humble opinion—I know I am like a broken record, I have been saying it for over 3 years and I laid out a concrete plan over a year ago—the fundamental flaw is there is no possibility in the lifetime of any Member of this Senate for there to be a coherent central government in Baghdad that has the ability to gain the faith and trust of the people of Iraq and the ability to govern that country. It will not happen. Mark my words. There is no possibility of that happening. Never, to my research, have I ever found there has been a situation where there has been a self-sustaining cycle of sectarian violence, a self-sustaining civil war, which is exactly what we have now in Iraq, that it has ever ended in any other than one of four ways: a major power goes in and occupies the country for a generation or more, not an option available for us, nor is it in our DNA to do that. We are not the British Empire; we are not the Ottoman Empire; we are not the Persian Empire; nor do we want to be.

The second option is: Install a dictator. Wouldn't that be the ultimate irony for the United States of America to install a dictator?

The third option: Pick a side. Wage in on one side of the sectarian violence, wipe out the other side. That is not a good option. A, it would be immoral; B, it would take a couple years and; C, it would ignite a Sunni-Shia revolution from the Mediterranean to the Himalayas.

There is a fourth way it can end, and that is establish a federal system within the country separating the parties, giving them control of the fabric of their daily lives, their own security forces in their own neighborhoods, their own laws relating to religion, education, marriage, divorce, property, jobs, a federal system.

Coincidentally, that is exactly what the Iraqi Constitution calls for in article I. It says: We are a decentralized federal system.

Absent a political settlement, there is no way—I will make the prediction I shouldn't make because I have been around here long enough to know that everything you say on this floor you are reminded of if you turn out to be wrong. If you are right, you are never reminded of it. If you turn out to be wrong, you are reminded of it whether it is 6 months, 12 months or 12 years later.

I honestly believe, absent a radical change in course resulting in a federal system existing in Iraq, the only option the next President of the United States is going to have is going to be a reenactment of the scene in Saigon, with helicopters lifting people off the roofs of the embassy in the green zone. That is how it is going to end, in disaster.

Not only do I not want my son who is a captain in the U.S. National Guard going to Iraq, I don't want my grandson going or my granddaughter. How we leave Iraq, what shape we leave it in, what prospect for a political settlement exists will determine whether my grandson goes back 15 years from now.

All we did today was take what was originally called the Biden-Hagel, et cetera, resolution that we introduced in January, then the Biden-Levin resolution, then the Levin-Reed-Biden, et al, now the Levin-Reed amendment. They all do the same thing. There is not a dime's worth of difference.

What they all said was this: Mr. President, the first thing you do when you are in a hole is stop digging; stop digging us deeper into this disaster. Cease and desist from placing our troops in the midst of a civil war. We are in the midst of a civil war. The "success" we are having in Anbar Province, what is it doing? It is making the Shia conclude we are arming and engaging with the Sunnis and the former Baathists, making it harder for us to get the Shia to agree to action on the oil law, which would be the thing to get the Sunnis to buy into a united Iraq.

We are in the midst of a civil war, and the whole thesis of the idea we came forward with as early as January and we voted on again today is to say: Get out of that civil war. Use American forces for only three express purposes: One, train the Iraqi Army; two, deny al-Qaida occupation of large swaths of territory, particularly in Anbar Province; and three, protect our diplomats there.

I say to my colleagues in the Senate, last week we heard President Bush give a progress report on Iraq. It reminded me of a guy who jumps off a 100-story building and as he passes the 50th floor, somebody yells out: How's it going? And he yells back: So far so good. That is the summary of the President's report, except it is not even going well so far and the outcome is absolutely certain: continued disaster.

Also, last week, Bob Woodward revealed that back in November, CIA Director Michael Hayden made the very point I have been making for 2 years in a private meeting with the Iraqi Study Group. He said:

> The inability of the central Government to govern is irreversible.

There is "no milestone or checkpoint where we can turn this thing around." The CIA then went on to say:

> We have spent a lot of energy and treasure creating a government . . . that cannot function.

What more do we need? I ask my colleagues, what more do you need? Our own intelligence community has been saying since last November that the inability of the central government to govern is irreversible—irreversible.

Nothing has happened since General Hayden made his remarks to change that assessment. The time now is to stop digging that hole, redeploy our forces, save American lives, and begin to push a political settlement.

I conclude by saying that yesterday's release of the unclassified key judgments of the National Intelligence Estimate on "The Terrorist Threat to the U.S. Homeland" highlights the urgency of changing our course in Iraq. The so-called NIE is a devastating indictment of the administration's failure to accomplish its most important mission—destroying al-Qaida and the threat it poses.

It confirms what was reported last week, that the al-Qaida we failed to finish off in Afghanistan and Pakistan, because we went into Iraq, has "regenerated," and it remains intent on attacking us at home. That should put to rest once and for all this administration's false refrain that we are fighting over there so we don't have to fight them over here. That is rubbish. Our own intelligence, the NIE—that is all the intelligence agencies in the U.S. Government—have come to a consensus position.

It spotlights the danger posed by al-Qaida in Iraq, a group independent but now affiliated with al-Qaida of bin Laden. Al-Qaida in Iraq is a Bush-fulfilling prophecy. I will say it again. Al-Qaida in Iraq is a Bush-fulfilling prophecy. It did not exist in Iraq prior to our invasion. But the failed policies, failure to deal with an administrative policy, a political solution, what it does now is to help al-Qaida energize extremists around the world, raise money for new recruits, and become stronger. All the more reason we must act now to refocus our energy and resources on al-Qaida and start to get our troops out of Iraq's civil war, while limiting the mission of those who remain to denying al-Qaida in Iraq a safe haven.

Finally, I say to my colleagues, regardless of one's view on the war and how to end it, there is one commitment each and every one of us should make. That commitment is so long as there is a single—a single—American troop in Iraq—a single American troop in Iraq—that we should do all that is needed to give them the best possible protection this country can provide, and the way to start with that is to replace the humvees with these mine-resistant vehicles that in our last supplemental I was able to convince our colleagues to add 1.7 billion more dollars to build them. These vehicles have a V-shaped hull and they can reduce casualties from roadside bombs up to 80 percent. Right now, 70 percent of all the casualties taking place in Iraq is because of roadside bombs.

I will offer an amendment to the Defense bill when we get to it to make clear, with absolutely no ambiguity, that Congress will provide every single dollar needed and every authority necessary to build these vehicles as quickly as possible because our kids are dying, and it can radically reduce the number of casualties.

I conclude by saying our Republican colleagues say—all of whom I respect, but the one I particularly respect is Senator LUGAR—that they expect the President to voluntarily change course.

I have absolutely no faith, none whatsoever, in this President to voluntarily do what should be done. The only way it is going to happen is when our Republican friends stop voting with the President and start voting to end this war by supporting our troops.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, there has been a lot of talk about what has gone on in the Chamber in the last 24 hours and of name calling. I am proud to have worked extra hard the last 24 hours. It seems to me the symbolism of working extra hard and losing some sleep is an important symbolism.

Yes, yes, we all know we didn't have the votes to overturn the stubborn denial of this President as to the failure of his policy, but we showed the American people we are willing to work harder and try harder and stand up to the face of power for the right strategy to secure our Nation from terrorists and to support our military.

I am following to this microphone decades of experience in the Senate. I sat this morning and listened—and this afternoon—to Senator BYRD, Senator SPECTER, and Senator BIDEN. I was reflecting on the years of experience they represent in the Senate. I don't have those years of experience. I have mere months. But I am confused with the insistence of 60 votes on anything of substance we are facing in the Senate. I am confused at attempts to block ethics reform; to block taking Federal tax dollars away from big oil. I am confused at the effort to block reimportation of prescription drugs and to block negotiation for lower drug prices in Medicare Part D. I am confused about delays and stalling tactics to embrace the 9/11 recommendations on homeland security.

The majority should rule, and I am hopeful what we did over the last 24 hours will have an impact on the way we work together to move forward on the problems that face America.

I also wish to briefly say that over the last 24 hours I have felt history, as I have reflected on other all-night filibusters throughout the history of this great body. I pinch myself when I open my drawer and I see the name of Harry Truman. When I sit at my desk and glance down and I see his name scrawled in the drawer of my desk on the Senate floor, it is amazing to me that I have the opportunity to sit in his Senate seat and to advocate for accountability in this war effort.

Senator WEBB and I had worked on an amendment we were going to offer to the Defense authorization bill that I think Senator Truman would be proud of, because he got in his vehicle and drove miles and miles across this country during World War II, in a Democratic administration—as a Democratic freshman Senator under a Democratic President in a time of war—and he said we have to do better about how we are spending taxpayer money. We cannot allow war profiteers to tarnish the image of the men and women who are fighting for us in World War II. That was his view, and so the Truman Committee was born. Out of that committee, billions of dollars were saved, and America felt better about our ability to clean up our act, to oversee the efforts of our military in a way that is fiscally responsible and honors the service of our military.

Senator WEBB and I, along with the other seven freshmen Democrats in the Senate, have fashioned a new, independent commission on war contracting, and we will now introduce this amendment as a stand-alone bill. I implore my colleagues on the Republican side of the aisle to not play partisan games with this effort. This is an independent commission, fashioned in many ways not only after the Truman Committee but after the 9/11 Commission. It will look at war contracting in a thorough way.

Let us be honest. We are not going to turn back from contracting in a time of war. We will continue to contract. People need to understand now that we have more contractors on the ground in Iraq than we have military, with 180,000 contractors. I have had the opportunity over the last 6 months to see firsthand how we have failed in the stewardship of public money, with billions of dollars wasted, billions of dollars in unfair profits to private companies because we have not written the contracts well, we have not overseen the contracts, and we have not held them accountable.

This commission will allow us to take a thorough look at war contracting, and it will also expand the authority of the Special Inspector General on Gulf Reconstruction so we can look at not only reconstruction contracts but those support contracts for our troops. It is important we get this done because we can't go back, but we must go forward and make sure that in the spirit of Harry Truman, we never allow war profiteering to affect our ability to stand strong, as the strongest and most powerful Nation on the planet.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). Who yields time?

The Senator from Massachusetts.

AMENDMENT NO. 2327

Mr. KENNEDY. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2327.

Mr. KENNEDY. Mr. President, I ask that further reading of the amendment be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of amendments.")

Mr. KENNEDY. Mr. President, this legislation now before the Senate was passed out of our committee 17 to 3. It has strong bipartisan support. At the outset of this extremely important education measure, I wish to say I am enormously appreciative and grateful to my colleague and friend, the Senator from Wyoming, for his leadership and enormously grateful to all the members of our committee for their participation and involvement, and the staff of our committee has done an extraordinary job.

The work started on this legislation many, many, many months ago. We understood the need for this legislation, as we understood the need to work on the reauthorization of the Higher Education Act. The reauthorization legislation is not in this particular package, although I am strongly in support of it, as my colleague, Senator ENZI, is. We understand that, under the procedural rules, if we were to add that legislation onto this particular provision, there would be serious issues and questions whether the reconciliation provisions would continue to lie, and that might put the totality of our education legislation effort in some jeopardy. But I wish to, at the outset of this debate, give assurances to all our colleagues, Democrats and Republicans alike, that Senator ENZI and I are one in terms of the desire for the Senate to pass the reauthorization legislation.

Somewhat later in this discussion, I will go through in some detail the provisions of that reauthorization legislation. We wish to focus on what I think is the heart and soul of the higher education debate and that is, for the first time since the GI bill, we are providing very significant assistance to needy students in this country; and, secondly, we are providing assistance to the middle class in relieving them of a good deal of the pressure they have in paying off student loans in the future.

So this is where we are, as far as the higher education bill. We are going to continue to work with Senator ENZI and the other members of the committee to try to find a satisfactory follow-on procedure for the reauthorization of the higher education bill. It has a number, as I mentioned, of very important provisions, and we will try to make a recommendation to the full Senate either later today or tomorrow but certainly before we conclude this legislation.

Education, I think as all of us understand, is the key to the hopes and dreams of American families and to the young people of this country. It has been that way since the founding of the Republic. I come from the State—which I am proud to represent, Massachusetts—that had in its constitution in 1780—John Adams was the author of the Massachusetts Constitution, the first constitution of all of the original States—it spelled out in very careful detail the responsibility of the public to support education. At this time, they were talking about the general education of the citizenry. Each and every other State that wrote its constitution took literally from those particular provisions of the Massachusetts references to education. Every single State constitution has different provisions, but all of them include important provisions for education.

Americans understand this is the key to our future. It is the key to, first of all, our ability to have our democratic institutions function and work well, to guarantee the rights and the liberties of the Constitution of the United States. Secondly, it is key to our economy so that we are going to be strong economically in the United States, with an economy that is going to provide the opportunity for progress for all the people of this country. Thirdly, it is essential, in terms of our national security, to make sure we have an informed citizenry who is able to move ahead and take advantage of the extraordinary technology that is available in terms of our military, so we make sure that we have the best trained, the best equipped, and the latest in technology guaranteed to those men and women who are going to fight for the United States.

So education is the key. It is the key to all the important progress this Nation is going to make in the future. We take a good deal of pride in the fact that we are going to provide help and relief to millions and millions of Americans who have been increasingly pressured by the extraordinary explosion of the cost of tuition for the young people of this country.

As we look back again at history, to the development of the public school system, we note that Horace Mann, the great educator, believed in the public school system. We look at the efforts that were made during the American Civil War, the Morrill Act. Even in the height of the Civil War, Abraham Lincoln signed the Morrill Act, establishing the land grant colleges, which made such a difference to States all across this Nation.

We remember the extraordinary steps that President Roosevelt took in the GI bill after World War II. We had some 15, 16 million Americans who were under arms at the end of World War II in 1940, with an average age of 26 years old—26 years old in 1940—with 1 year of high school education. So many of these individuals went off to war and served for 3, 4, 5 years in the military and then came back. President Roosevelt saw the importance of developing the GI bill, and that made such a difference. Many believe it was the piece—the piece—of legislation that made possible the development of the middle class in this country.

If you take what the United States spent in the 6 years after the GI bill was enacted, it would come to approximately a third of the Federal budget in 1951. That is the kind of priority Americans put on education at that time, and that has been a priority that has been certainly missing for a long period of time. It does seem to me we are restating and reaffirming a strong commitment to higher education in this legislation.

Another important event in terms of increasing the support for higher education came in the late 1950s—1957, to be specific. At the time of the launch of the Sputnik, there were concerns the Soviet Union was getting ahead, and so we had the National Defense Education Act, which provided assistance in the areas of math and science. For many of those leading our research agencies and independent agencies in the Federal Government, it made such a difference for those graduates in that National Defense Education Act.

Then in 1960, we had a national debate in this country, at that time between my brother, then-Senator Kennedy and Vice President Nixon, about higher education. Where were we going? This was the issue that was put forward to the American people. What are we going to say to the young people of this country if they wish to gain admission to any school or college in this country—any school or college—on the basis of their ability, their willingness to work hard? We in the Federal Government were going to provide enough assistance to those individuals so they would be able to gain entrance to that school or college. It could be grants, it could be loans, it could be work-study programs, it could be the requirement that they are going to have to work in the summer, gain some contribution from their family, but nonetheless it was going to be a range of different opportunities that were going to be put together to permit those individuals who came from needy families, who had ability and dedication and commitment, to gain entrance to schools and colleges anyplace in this country. We were going to make that a commitment. In 1960, that was a principal issue during the course of the campaign, and we saw the passage of the Higher Education Act in the early 1960s.

A great debate at that time was whether we were going to provide assistance to the student or assistance to the university, and the decision was made it would be to the student. That is basically the origin of the Pell grant. Since that time, we have seen a number of different opportunities for individuals to move ahead and gain assistance.

What we have seen is the challenge that is out there today. I am going to take a few minutes to point out the challenges that exist today for so many of those who are going on to college. If we look back at 1986–87, you see the average tuition fees, room and board, for a 4-year private college, which was $9,800. Now, it is $30,000. If we are talking about the average tuition for four-year public colleges, it increased $4,000 to $12,000 in that same period, virtually a 300-percent increase in the last 20 years. This has put an enormous stress on students.

Each year, nearly half of all college-ready students, from families with incomes under $50,000, can't go to a 4-year college because of cost. Let me repeat that again: Nearly half of all college-ready students in families with incomes under $50,000 can't go to a 4-year college because of the cost. Each year, we have some 400,000 talented, college-qualified students, who cannot go on to higher education because they can't afford to do so.

We know what happens in colleges and universities now, with students taking longer and longer to complete their degrees. They have to work harder and longer, both in the summertime or taking semesters off, so they can gain greater resources to be able to complete their school and earn their degree.

Look at this. Going back to 1985–86 and what the costs were at that time, and now look what the assistance, the maximum Pell grant, is as a share of tuition fees and room and board from 1985–86 to 2005–06, and you see it has gone from 55 percent for a public 4-year institution down to 33 percent; 24 percent in 1985–86 to 14 percent for a private 4-year institution. What this is basically saying is the neediest students, those with ability, those with skills, are finding out the assistance they need has been gradually withdrawn; that the kind of assistance for them has been significantly reduced, which has put more and more pressure on the middle class and working families.

Because of these increasing costs and stagnant grant aid, more students now have to take out loans to finance their education. If you look at 1993, less than half of all graduates had to take out loans. But in 2004, nearly two-thirds had to take out loans to finance their education. This is extraordinary. In 1993, not all that long ago—not all that long ago, over half of students did not have to take out loans in order to go to school. Now, two-thirds have to do so.

What has been the result? This is the result. The young people who are graduating from the universities in our country are now increasingly heavier and heavier in debt. In 1993, $9,250; in 2004, 10 years later, $19,000. This is the average debt. This doesn't even begin to include what it costs to go to graduate school or medical school. Then you are going into the hundreds of thousands of dollars. Young people who would like to go into general practice, into higher degrees of specialties, they are going to have to pay off a large debt. So it has all kinds of implications for a graduate's career choices and life choices.

Anyone who goes to a school or a university or a college and who stays around during the course of a lunchtime, you will find out that students are talking not about their books or classes or their teachers, they are talking about their debt. They are talking about their debt. This has been the dramatic shift and the change. As a result of this, we see this is having an effect upon the quality of life for the young people in this country.

What have we tried to do and what have we done with this legislation? We know what the challenge is. We will have an opportunity to get into greater detail on that during the course of the debate. But what have we attempted to do, and what have we done in this legislation? What does this legislation provide?

First of all, it provides a historic increase in need-based grant aid, $17 billion increase in need-based grant aid. That is the largest increase since the GI bill.

What else does it do? Better payment options that cap a borrower's monthly payment at 15 percent of their monthly discretionary income. What does that mean? For any family in America, when their child graduates he or she will never pay more than 15 percent of their monthly income as they go on through their life. We know now that many individuals pay a good deal more than that, and it presents an extraordinary burden on them. We are saying to these young people and their families: You will never pay more than 15 percent of your monthly income.

We are providing loan forgiveness for borrowers who work in public service jobs. What we are saying is any young person who works in a public service job—you work as a teacher, you work as a childcare provider, you work as a special education teacher or assistant working with students with disabilities, if you work with the fire department, if you work with the police department—you will repay your debt at 15 percent of your salary for a period of 10 years, and then your debt is forgiven—released—forgiven, effectively. It makes a major difference in terms of young people's career choices, where they might go. I will come back to this because this point is enormously important.

We provide protection for working students by not penalizing their earnings. We've found that as students earn slightly more while attending college, suddenly their eligibility for financial assistance is changed and they fall further in debt to pay for their education. We have addressed that issue and addressed the longer loan deferment periods for borrowers in economic hardship. And we provide that benefit at no cost to the taxpayer by reforming the student loan industry so it works for students, not banks. This provision does not cost the taxpayers; it saves the taxpayers because we are taking the money from the banks and providing it for the students themselves. We will come back to demonstrate that the banks are going to do just fine later in this discussion.

I want to show what we do in terms of the Pell Grant Program. Over five million young Americans participate in the Pell Grant Program. As you see in this chart, it has been effectively stuck at $4,000 or close to that in 2002, 2004, 2006, all during this recent period of time. Then, when our party, the Democrats, took over, we were able to bump that up to $4,310. And then under this proposal it will increase to $5,400 in 2011. We are trying to grow the program. It is costly but worth it. It makes a life-and-death difference to young people who need this program.

Let me return to a point I was making a minute ago. If an individual worked in the public sector, this bill provides loan forgiveness. Graduates who work for 10 years in emergency management, public education, public health in a social service agency, public services for individuals with disabilities and the elderly, public service legal services programs, including prosecution or public defense, public school library sciences and other school-based service providers and teaching full-time at a tribal college or university—we are trying to say to young people graduating from college, yes, you will have debt, but we are saying you will never have to pay more than 15 percent of your monthly income, and if you go into this occupation long term it is effectively forgiven.

How does it work? Let's take a starting teacher in Massachusetts. We have a book that is available for our colleagues that does the same kind of run-through for all 50 States. Say the annual salary is $35,000, they have a loan debt of $18,000, monthly payments today of $209, monthly payments under IBR would be $148, and monthly loan payment relief of $61. The student loan payment relief under the income-based repayment plan is $732 a year, and the amount forgiven under the new Public Service Loan Forgiveness Program will be $10,000 of their debt if they are a public school teacher in Massachusetts. That is just one example. You can make that applicable in any of the other areas. Those are the principal provisions that are included in this legislation.

This is an important piece of legislation. It will make an important and significant difference to affordability of and accessibility to college, to needy children, to the students in this country. We welcome the very strong support we have had from the student associations and all the student groups. It will make a major difference for working families in terms of providing some additional kinds of relief.

We have done this in a bipartisan way. We think this will make a major difference, and I am enormously grateful to my friend and colleague from Wyoming for all of his help. I will come back later.

Mr. President, I ask unanimous consent that quorum calls during the consideration of the bill be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield myself such time as I need. I want to begin by thanking the chairman of the committee for the consideration he has given to all of the amendments that went into the bill, and also further work from the time that we passed it out of committee to resolve any misunderstandings or any questions. It has been a tremendously cooperative effort and one that I think will lead to a very good bill when we finish with reconciliation.

That is not all we need to do for higher education, and I will be emphasizing that throughout the speech, but I am very much appreciative of the leadership and the bipartisanship that has been shown by the chairman and members of the other side of the aisle who serve on the committee. Both sides of the aisle are interested in making sure that we can make a college education as affordable as possible with as much help from the Federal Government as is possible.

Of course, I would note that every time we make a little adjustment at the Federal level, the colleges go ahead and make just as big an adjustment in their tuition, which is one of the ways we get to some of the figures that are on that chart. But I do want to speak on this very important bill which is the substitute to H.R. 2669.

For millions of Americans, access to affordable college education is the key to their success in the 21st century. We now have a global economy, and to participate in that global economy a person has to have more than a high school diploma. Without some additional education following high school, these Americans will not have the qualifications for over 90 percent of the new jobs that will be created in the next 10 years.

I want to repeat that. Without additional education following high school, these young Americans will not have the qualifications for over 90 percent of the new jobs being created over just the next 10 years.

This bill, as did the reconciliation bill we considered in the 109th Congress, aimed at reducing the subsidies to lenders and providing greater benefits to students. In the 109th Congress, approximately $20 billion in changes were made to the Federal Family Education Loan, the FFEL Program, by reducing subsidies to lenders and providing $13 billion in benefits to students. The bill before us reduces subsidies to lenders by another $18.5 billion and provides $17.6 billion to student benefits. The result is that within the span of 3 years we will have made close to $40 billion in changes to the Federal student loan programs.

Getting to this point has not been accomplished without difficulty. Again, I thank the chairman of the HELP Committee, Senator KENNEDY, for his commitment to make the process as bipartisan as possible.

This is the second time in as many Congresses we have been on the brink of systemic reform of Federal higher education programs. I do not want to squander yet another opportunity to make these programs more efficient, as well as more effective. We are only seeing, at most, half the picture by debating this bill separately from the larger higher education reauthorization package.

We have a chart back here that shows that any way you slice it, higher education is left undone if all we do is the reconciliation bill. What is left out?

FAFSA simplification: That is the form that students have to fill out in order to get Federal loans. It has been an extremely complicated form. We have made that considerably simpler.

Sunshine/loan disclosure, the year-round Pell grants so that students don't just have to go to school through two semesters, but have access to summer semesters. This is important to students who are in vocational programs, and allows them to get into the workforce more quickly after high school.

Support for nontraditional students: We had some requirements before that discriminated against the nontraditional students, the ones who are not just graduating from high school.

Graduate and international education, financial literacy and better borrower information and better privacy protections are all in the big yellow circle of reauthorization. It also provides improvements for the American competitiveness grants and the SMART grants. Those deal with encouraging kids to go into science, math, engineering, technology, and foreign languages. There is additional money that is available if they do that; some for their freshman and sophomore years in college, much more for math and science in the junior and senior years. The reauthorization bill includes a College cost "watch list" and many more provisions.

A big piece of the pie is this other part we still need to do. Our challenge is not only to improve access to higher education but to ensure that the quality of our system of higher education is not compromised. We need to consider both pieces of legislation because America's students must have all the tools they need to complete higher education and to acquire the necessary skills and knowledge for the 21st century. We want them to be competitive.

The American system of higher education is renowned throughout the world. I can highly attest to that after having gone to India, seen how their educational system works and how it is becoming very competitive with the United States, and seeing what we need to do to "stay ahead."

Of course, they like to send their graduate students to the United States for an education because they learn creativity and flexibility. In most of the other countries around the world they learn the basics, can do excellent calculations and have a vast amount of knowledge. But what our colleges specialize in is teaching kids to think, to come up with new ideas. That is what has kept America ahead.

Our more than 6,000 colleges and universities enroll over 14 million students and provide access to all types of academic and technical skill-building programs.

In Wyoming we only have a handful of the total of these 6,000 colleges and 14 million students. In fact, we only have one 4-year university, and we have seven community colleges. Our grand total of 10 accredited institutions of higher education in the State is the smallest of any State but Alaska.

But I do have to digress just a little bit, after we talked about how much students had in loans, and mention that students are worried about tuition, they should take a look at the University of Wyoming. The out-of-State tuition is less than most in-state tuition in other States.

I would also be remiss if I didn't mention the Western Governors University. This last weekend I got to attend their graduation and it is a unique university. It is largely for nontraditional students, and its program is done completely online. There are no classrooms to go to. The average age of their students is about 38. That was the average age of the graduates this last weekend. Their tuition is $5,600 per year—not per semester. You can take as many courses as you can pack into that year included in that amount.

At Western Governors you are assigned a mentor who is a part of the teaching staff. As soon as you get there, that person watches, counsels, and even follows you 1 year after you are out. So there are some bargains out there even for people who feel tied down where they may be now.

One of the persons who spoke at graduation was a woman who has seven kids and, because of Katrina had to move four times during her last year of education. She wanted people to know that if she can complete a degree with seven kids and that many moves, that anybody can get a degree in higher education. I will have more to say about the Western Governors University and their low tuition and their opportunity to complete their programs from anywhere in the world. We have a lot of military folks who are participating in that in different places in the world.

But the American success story of higher education is at risk of losing the qualities that made it great, which are competition, innovation, and access for all. That is a real key in the United States. I mentioned visiting India, where only 7 percent of their kids get to go on to higher education. That does create a very high level of competition to get in and probably produces more science, technology, engineering, math and medical people than we have. But our principle, our emphasis is on having innovation and access for all.

In this bill we are doing deficit reduction. Deficit reduction is a tool that should be taken seriously. While I am pleased that we have saved about $1 billion toward deficit reduction in this process, we have made some changes to the Higher Education Act that may prove to be problematic in the long run. This bill is not the perfect solution. Not everyone is satisfied with where we have ended up, but I do believe that with the traditional need-based grant aid we are making available to low-income students, we are moving in the right direction.

I recognize it is essential to find ways to ensure that students have access to the financial assistance they need to attend and complete college. The cost of college has risen dramatically. We saw the figures earlier. At the same time, the need for a college education has never been greater.

It is our responsibility to ensure that the investment our students and families make in time and money is a good one and that they are confident that there will be the financial aid to assist continued access to college education.

We believe students benefit from competition in the student loan programs, both within the FFEL program and between the FFEL and Direct Loan Programs. It is important to support both programs to ensure that the needs of all students are well served.

I think many of us agree that if there is excess in the system we should eliminate it. The key question is how much excess there is and how to eliminate it. There are no perfect answers to those questions. This bill is one answer. Do we all agree? No. But we need to provide students and parents assurance that they are receiving sound, honest advice about their student loans in order to make informed decisions about their futures.

This bill continues to recognize the unique role that our not-for-profit lenders have in providing information to students and their families. They conduct outreach to make college possible and assist in debt management and default prevention.

Not-for-profits focus on communities and serve students locally. I am pleased we are able to continue to acknowledge the important contribution these entities make. We have reached a good balance in the reconciliation bill, reducing the subsidy to for-profit lenders by 50 basis points, reducing the subsidy to nonprofit lenders by 35 basis points, and reinvesting those savings in need-based grant aid to students.

Providing additional need-based grant aid is a critical component of increasing access and affordability. I am pleased this bill does this by providing additional grant funds to Pell-eligible students over and above the increased maximum Pell grant award that is included in the reauthorization bill. I wish to emphasize again, that this is in the reauthorization bill, so we cannot just do a part of this puzzle.

By increasing the income protection allowance, we have increased the ability of working students to receive Pell grants, which is critically important as the student population in our colleges becomes more nontraditional.

In addition, I think there needs to be in the future some way that we build in an incentive for students to do better in high school, in particular wiping out that wasted senior year. The incentive of Pell grants can be effective in moving students to college with higher levels of achievement.

Higher education is the on-ramp to success in the global economy. It is our responsibility to make sure everyone can access that on-ramp and reach their goals. The choice of whether to pursue a postsecondary education is no longer an option. College or some kind of nationally recognized skill certification is needed. We need to make sure individuals have all the tools to understand their choices and shape their future.

Let me again remind you, we do not have the whole pie before us today. We are only talking about the little red sliver there. That slice of the pie. We have to do the whole thing. We will be leaving behind students if we do not consider the entire scope of the Higher Education Act, rather than the narrowly focused slice contained in this bill, and those programs that reach students and help them to persist in attaining a college degree.

By not considering the entirety of the Higher Education Act, we are forsaking quality in the Federal student loan programs by only cutting their bottom line. We will not provide the disclosure and information students and their families need to make informed financial decisions that will have a significant future impact.

Finally, reauthorizing the Higher Education Act, the big part of the pie, is critical to the success of what is the reconciliation bill, as it contains the programs that serve as the foundation for student aid. I supported reporting both bills out of committee. I did so with the expectation that they would be considered together as a whole by the Senate.

I hope the Senate Democratic leadership will provide us with the opportunity to have an open and full debate on all aspects of the Higher Education Act immediately following reconciliation. Both pieces are essential. There is no reason we cannot debate them and finish them now. I know there is huge bipartisan desire to get both of them done. Since the other one is the bigger part of the pie, probably even more interest in getting the other one done. But they have to go together. One does not work without the other.

I will continue to work with Chairman KENNEDY and my colleagues on my side of the aisle to address this concern. I hope people will show up with amendments, if they have amendments, so we can get them debated. There is a 20-hour limit on debate. There is no limit on the vote-arama that can happen at the end. But it is not very satisfying to have a vote-arama with no discussion and just a quick vote on the proposals that are out there.

So I hope people will bring their proposals down. I hope there is a limited number of them so we can condense the amount of time we debate the reconciliation and get to the bigger part of the pie slice and get it wrapped up this week too.

Again, I thank the chairman for his leadership and bipartisanship in getting us here and his willingness to work all the parts of the pie so we can provide the quality of education and the access our students deserve.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak, first, in favor of the legislation Senator KENNEDY and Senator ENZI have brought to the Senate floor and also to speak in opposition to an amendment I understand is going to be offered to this bill at some point in the proceedings.

But let me begin by congratulating Senator KENNEDY and Senator ENZI for their good work. This is a very major step forward in providing the resources young people in this country, not just young people but all Americans, need in order to pursue postsecondary education.

It is a very major step forward. I am proud to be a supporter of this legislation and proud to be part of the committee that Senator KENNEDY and Senator ENZI chair and are the ranking member of.

We all know the costs of going to college have skyrocketed in recent years. We have seen a 35-percent jump in tuition, adjusted average tuition and fees, for instate students at public colleges and universities since the 2001–2002 school year.

This 35-percent increase represents the largest increase in any 5-year period since the Government has been keeping track of these figures. This year alone, the cost of going to college is 6.3 percent higher than it was last year, averaging $12,796, including room and board in our schools.

At the same time, we are seeing increased competition among colleges and universities for the highest scoring students. These students command high tuition discounts, particularly in the form of merit scholarships. As a result, there is a smaller proportion of financial aid budgets available for low-income students at colleges with rising tuitions.

Unfortunately, year after year, Congress has failed to raise the amount of Pell grant scholarships for needy students. Congress finally did increase Pell grants this year for the first time in many years. Ten years ago, the maximum Pell grant covered more than 50 percent of the cost of tuition and fees and room and board at a public 4-year college.

Last year, the maximum Pell grant covered only 35 percent of those costs. I have a chart I wish to show to make that point. This chart is entitled, "The Gap Between Grant Aid and Cost of Attendance to Increase."

You can see the cost of attendance at a 4-year public college is the red column, for each of those years starting with the 2001–2002 school year and ending with the 2006–2007 school year.

So the red column is the cost of attendance, and the white column is the maximum Pell grant. You can see it has been virtually stagnant during this same period. As the chart demonstrates, the gap between grant aid that is available to low-income students and what it costs to go to college has increased very substantially since 2001.

In the 2006–2007 school year, that is the school year that we just completed, the average student came up short by almost $9,000. I submit it is a disgrace for us nationally each year to allow hundreds of thousands of students who are prepared to attend 4-year colleges to fail to do so because of the inability to deal with the financial barriers they face. More and more students increasingly rely on loans to finance their education. We have seen a significant increase in the amount of student debt in this country.

Let me show another chart. "Students Are Borrowing More," is the title of this chart. And then the subtitle is: "From 1993 to 2004, the average amount of total student loan debt for 4-year college graduates has more than doubled."

In 1993, you can see the figure in this column, $9,250, that is the average student debt at the end of a 4-year college. In 2004, the average debt for a student who finishes a 4-year college and graduates is over $19,000. This chart demonstrates, I think very clearly, we have students graduating with too much student loan debt.

In New Mexico, the average student now graduates from 4 years of college with more than $16,000 of debt. The good news is the underlying bill, that is, the Higher Education Access Act of 2007, will actually increase student aid by about $17.3 billion over the next 5 years.

Most importantly, this very significant increase does not add to our national debt. It is paid for by cutting excessive Federal subsidies to lenders who are participating in the student loan program.

I have one more chart I wish to use to make a point. This chart is called, "The Senate Proposal Increases Grant Aid for Students." This chart demonstrates the bill substantially increases Pell grants to $5,100 this next year and to $5,400 by 2011.

Under the proposal, the maximum Pell grant would increase by $790 next year alone. In addition, the bill will simplify the financial aid process for low-income students by increasing the income level at which a student is automatically eligible for the maximum Pell grant. Also, it will protect working students, increasing the amount of student income that is sheltered from the financial aid process.

This new student aid package could mean as much as $177 million in new grant aid for students in my State of New Mexico alone over the next 5 years. This increase would mean almost $41 million for students attending the University of New Mexico during this next 5-year period; almost $44 million for students attending New Mexico State University; $15 million for students attending Eastern New Mexico University; more than $6 million for students attending Western New Mexico University; and more than $5 million for students attending New Mexico Highlands University.

The bill also would cap Federal student loan payments at 15 percent of a borrower's discretionary income. This would bring needed relief to students who do have excessive debt. In addition, the bill advances a critical policy objective, that is, to incentivize students to pursue careers in public service.

The bill would forgive the debt of borrowers who work in public service careers, careers such as nursing and teaching and law enforcement, for a 10-year period. So the package is vital to the students in my State of New Mexico, to their families, and to our economy.

Unfortunately, the amendment that I understand is going to be proposed to this bill is an amendment that Senators NELSON of Nebraska and BURR of North Carolina will offer. This amendment would strip $3 billion from the student aid package and put these critical Federal dollars into the wallet of the large for-profit lenders.

Let me state for the record I strongly support the Federal Family Education Loan Program. This is also known as the FFEL Program.

Most Senators understand this program is essential to helping so many students and their families gain access to college. Frankly, you don't know how many of New Mexico's students would be able to gain access to college without this program.

The underlying bill, however, recognizes, as did the President in his fiscal year 2008 budget, that FFEL lenders are very heavily subsidized by the American taxpayer. Currently, these lenders are guaranteed a specified interest rate by law regardless of what the student borrower pays.

This rate is 2.34 percent higher than commercial paper. The President proposed to reduce the subsidy by one-half of a percent, by 50 basis points. Similarly, the underlying bill reduces the subsidy by half of a percent for most of these lenders.

The main discrepancy, however, is the underlying bill recognizes the critical role many of our State and private nonprofit lenders play in administering the FFEL Program, and it imposes a smaller reduction on them. I believe this is a fair and an equitable approach.

In my State, we have such a program. New Mexico Student Loans is a private, nonprofit corporation. It was created by the New Mexico State Legislature in 1981, to provide loans and educational programs and systems to New Mexico students and families, ensuring the broadest possible access to higher education for citizens of our State.

Nonprofit lenders, such as New Mexico Student Loans, are limited by law in how they can use their revenues. If they earn more than the funds have cost them, they either have to use that revenue to reduce the cost of loans to students or send that funding back to the U.S. Treasury. The savings realized by nonprofits are returned to the students through zero-fee loans, through reduced interest rates, through principal forgiveness, for ontime payments, and specialized reduced interest rates and loan forgiveness programs for teachers and nurses and doctors.

In New Mexico alone, $8.6 million was returned to the borrowers through borrower benefits and loan forgiveness in 2006. For-profit lenders, on the other hand, returned these earnings not to the students, not to the borrowers but instead to their own shareholders. For example, New Mexico Student Loans charges 0 percent interest for teachers if they stay and teach in New Mexico; it charges 0 percent interest for nurses and doctors who practice in our State.

These programs are necessary to fill critical workforce shortages in my State. Unfortunately, the Nelson-Burr amendment would eliminate the distinction between the nonprofit lenders and the for-profit lenders, many of them very large organizations such as Sallie Mae, Nelnet, Bank of America, Wachovia, and JPMorgan Chase.

It would eliminate that distinction between the nonprofits and the for-profits by lowering the subsidy cut for the for-profit lenders to the same rate we are providing for nonprofits.

The proponents of the amendments argue this amendment is about increasing student choice and protecting the student loan program. I respectfully disagree with that argument. To the contrary, the amendment would do nothing to increase student choice; rather it would provide a significantly greater competitive advantage to big banks and lenders, thereby forcing smaller lenders out of business.

Unfortunately, this amendment which is anticipated will be offered, the Nelson-Burr amendment, would literally strip $3 billion from the funds available for low-income students and significantly hinder the ability of many nonprofit lenders to provide critical student services and benefits.

I am afraid the amendment is nothing more than an attempt to protect the huge profits of large lenders and further enrich their shareholders at the expense of low-income students and the American taxpayers. I urge my colleagues to oppose that amendment if it is offered, as I understand it will be.

To conclude, I commend Senator KENNEDY and Senator ENZI for their leadership in developing this legislation and bringing it to the Senate. I hope very much we can move ahead with it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Vermont.

Mr. SANDERS. Mr. President, I yield myself 20 minutes off the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SANDERS. Mr. President, I think all of us understand that both for the sake of our country and for the millions of young people in our country, we need fundamental changes in the way we do higher education in America.

If we are going to be effectively competitive in a global economy, we need the best educated, the best trained workforce in the world. We need to capitalize on the intellectual potential of all of our people. It is a loss to our Nation and to the individual if there are people in our country who do not get the education they need to do what they are potentially able to do as American citizens.

I do not have to tell you or the people of our country that in America today, we have some very serious problems in terms of higher education. In my State of Vermont and all across this country, the cost of higher education is soaring, and what that means is that in order to send young people to college, family members to college, people are going deeply in debt, coming out of college, depending on their income, $20,000, $30,000, $40,000, $50,000 in debt, which has an immediate impact on the career choice that many young people are making.

If one comes out of college $50,000 in debt, if one comes out of graduate school $100,000 in debt, what they are going to do is get a job which makes them a lot of money to pay off that debt rather than go into the profession that they might otherwise have wanted to go into. That is bad for the individual, and that is bad for our country.

Let me be very clear in congratulating Senator KENNEDY, Senator ENZI, and other people on the Health, Education, Labor, and Pensions Committee on which I sit. My assistant, Dr. Huck Gutman, worked very hard in crafting a significant improvement in what we have seen in recent years in terms of higher education, most notably very significant expansion and improvement in the Pell Grant Program.

We are making progress in beginning to deal with the very serious problems of higher education and how Americans can afford higher education. But also let me be very clear, and I don't know how many other Members of the Senate will agree with me, while we are making real progress, we have a very long way to go.

When I talk with young people in the State of Vermont about higher education, I ask them how many young people their age who are going to college in Germany or in Europe or even in Canada incur the kind of debts they have and will incur when they get out of school.

Many young people in America are surprised to learn that in Germany, in other European countries, college education is virtually free. It is funded by the government. Frankly, I think that is a good idea. We should look at education in general, and higher education, as an investment in America with an understanding that if many young people are not able to get the education they need, our country loses in terms of its productivity; that it is a waste unimaginable, both for the individual and for our society.

If, as currently is the case, for the first time in modern American history, hundreds of thousands of low-income young Americans are saying: No, I don't want to go to college, I don't want to come out $50,000 in debt, think of what we are losing as a nation, not to mention the economic lost opportunities for those individuals.

Let me be very clear. Before we give hundreds and hundreds of billions of dollars in tax breaks to the wealthiest 1 percent, before we invest in weapons systems that are obsolete, it makes a lot more sense to me that we tell every family in America that a college education and graduate school are going to be there for them if they are prepared to work hard and if they have the ability, they will not be denied that opportunity because their family does not have a lot of money.

Let me also say I have serious concerns that at a time when we desperately need more physicians to bolster our health care system, when we need more nurses, when we need more dentists, it is absurd that people in the medical profession and in other professions are coming out deeply in debt, which also impacts their career choices.

We need, for example, primary health care physicians in Vermont. All over rural America, physicians are choosing other specialities because they can make more money.

To my mind, what we have to say in America, if we are serious about health care, if we are serious about law enforcement, if we are serious about making sure that low-income people have the public defenders they need, that Legal Aid has the lawyers they need, we have to do everything we can to say that anybody in this country who has the ability, is prepared to work hard, should be able to get a higher education regardless of their income and not have to come out of school deeply in debt. As a nation, we should look at that as an investment in the same way we look at many other types of investments.

This bill is a good step forward, but in my view, over the years as we fight to change national priorities, one of those priorities should be that every young person, the kids in the fourth and fifth grade know if they do their work seriously, they will be able to get a higher education; they will be able to make it to the middle class regardless of the economic situations of their families.

The cost of college in the last 20 years has tripled, but Federal financial aid has not kept up. Yes, we have given tax breaks to billionaires, but, no, we have not increased Pell grants and other sources of financial aid. I am very happy the legislation we are debating today will make college more affordable by raising the maximum Pell grant to $5,100 next year and increasing to $5,400 by 2011. That is a significant change and a significant step forward in funding higher education.

In Vermont, what we have seen is that between the 2000 and 2001 and 2005 and 2006 school years, the cost of attendance, including tuition, fees, and room and board, at 4-year public colleges in Vermont increased by 29 percent, from $12,836 to $16,571. Certainly, these Pell grants will mean a lot to the families in the State of Vermont.

As I mentioned a moment ago, the situation is even worse for those people who go to graduate school. Just an example: Students who attend the very fine Vermont Law School in South Royalton, VT, graduate, if one can believe this, on average $100,000 in debt. If they pay this debt off over 30 years, it will mean they will be paying $900 a month toward their debt for 30 years. If anyone doesn't think that impacts career choices, it certainly does.

This bill has a number of very important provisions. Most importantly, it increases Pell grants and it says we have to make it easier for families in our country to afford college.

It also provides a very important provision regarding loan forgiveness. This is something I believe in very strongly. We have worked very hard on this provision with Senator KENNEDY and others. What this is about is that in this legislation, there are loan forgiveness provisions for those people who go into public service. We all know if you want to make a whole lot of money, you go to some large company and make a lot of money. You may be one of the lucky ones making millions and millions of dollars a year. What happens if you want to go into law enforcement? What happens if you want to be a teacher who works with disabled kids? What happens if you want to be a Head Start teacher or do the extraordinarily important work of early childhood education, which is some of the most important work being done in America because it enormously influences what kind of an adult a young person will become. What happens if you want to do that?

In my State of Vermont, you can work in childcare and make $9 an hour, often without benefits. If you are coming out of school $50,000 in debt, you are not going to gravitate toward a job in which you make $9 an hour or $10 an hour because after you pay off your student loan, you are not going to have a whole lot to live on because of the low salaries and low wages those jobs involve.

What this legislation does, very appropriately—it is a good start; we have to go further—it says to the young people of this country that public service is an important calling. We want you to go out and work to be teachers, to be in law enforcement, to work in legal aid, to work as a public defender, to work in environmental protection, to work in a variety of areas that are extraordinarily important for our country and for our society.

Many of those jobs do not pay a whole lot of money. That is the reality. But we want you to be involved in those jobs, to work in those jobs, and that means we are going to encourage you to do that by forgiving your debt if you do that. That is one way to help you get involved in those professions.

Some of the professions that would be eligible for this loan forgiveness are a full-time job in public emergency management, government, public safety, public law enforcement, public health, public education, public early childhood education, public childcare, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services, including prosecution or public defense, public library sciences, public school library sciences, or other public-school-based services. That is extraordinarily important.

What we have also done in this legislation is we have increased the eligibility level for people to get Pell grants. That is important because with the limited amount of money that was previously available, I suppose appropriately enough most of that money went to those families that were most in need, and that meant a large number of families in the middle class or lower middle class were not eligible for Pell grants. But we have expanded and raised the eligibility level so that many more families will be eligible.

Mr. President, as I conclude, this legislation is a significant step forward. I congratulate Senator KENNEDY for his leadership, Senator ENZI, and all of the people on our committee who have worked on this important issue. But let's not in passing this legislation rest on our laurels. This is a good start, but we have a long way to go.

My hope is that in the coming years, we will pass legislation which will have the impact of saying to every young person in America: If you are in the sixth grade or seventh grade, and if your family does not have a lot of money, if you study hard, if you do well in school, you will be able to get all of the education you need so that you can make it to the middle class, so that you can exercise all of your intellectual potential, and you can get out of college or get out of graduate school without being deeply in debt.

Education is not a "cost." Education is an investment. If we are going to turn this country around and have the kind of health care system that provides health care to every man, woman, and child as a right, we need doctors to go into rural America. We need tens and tens of thousands more nurses. We need dentists. We need all kinds of people in health care, in law enforcement, in environmental protection working with our youngest children.

We have to say to any American: We want you to do as well as you can to get all of the education you can. We are proud of what you are doing. We see that as an investment in moving this country forward.

Again, I congratulate the leadership of the Health, Education, Labor, and Pensions Committee which I am on. I think we have taken a good step forward. I certainly hope this legislation passes, and I hope we continue to make substantial progress in the years to come.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time I use be charged to the bill.

Mr. CARDIN. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have a number of our colleagues that have called and indicated that they want to address these issues, and we welcome their statements and comments. I want to just mention, as I will during the course of the afternoon, some of the different provisions of the legislation.

I know earlier in the day my friend and colleague, Senator ENZI, outlined some of the provisions in what we call the reauthorization legislation. I am in strong favor of reauthorizing the Higher Education Act. We are debating now the issue of loans and financing these programs, which is extremely important and urgent for students, and that is why this bill is on this fast track. This bill provides very important assistance to the neediest students and middle-income families, and we want that to go into effect as rapidly as possible. But we are also strongly committed to the other provisions of the reauthorization legislation that deal with the broader issues on education.

I am hopeful during the course of the time that we are considering this current legislation that we will be able to work out a process and proceed to moving ahead with the reauthorization. The reauthorization, as has probably been mentioned by my colleague from Wyoming, curtails sweetheart deals between lenders and colleges which so many American families have been reading about and hearing about in recent years. It is an extraordinary scandal where too many of these lenders—and this has been true in my own State of Massachusetts as well as other parts of the country—have been involved in sweetheart agreements and kickbacks, which, obviously, are completely unethical, unacceptable, and, in some instances, criminal. But we provide provisions to curtail those kinds of abuses in the reauthorization legislation. We also simplify what we call FAFSA—the Free Application for Federal Student Assistance—to make applying for Federal aid easier.

I have here, Mr. President, the current FAFSA form, and any preliminary view can see that this is enormously extensive, and extremely difficult, in many instances, to understand and to fill out. I am enormously grateful, and all of us should be, to our colleague and friend, Senator ENZI, who by training and profession was an accountant, and he was willing to take on the task of simplifying this application to ensure that there was going to be adequate protection in terms of the public interest and in terms of taxpayer interest, but also made it understandable and readable. So the reauthorization bill would create an EZ FAFSA, for the lowest-income students to use immediately, and would phase out the paper application for all students over a number of years.

I will show you what has happened and give some of the background. In 2003–2004, about 1.5 million students who were likely eligible for the Pell grant did not fill out this form. They had such difficulty in going through it, and too often in the high schools they attended they didn't have the kind of professional assistance to help those young people to take advantage of federal student aid. Twenty-eight percent of the lowest income independent students didn't fill out the FAFSA in 2003–2004, and nearly all would have been eligible for the Pell grant.

So the HELP Committee package shortens the FAFSA for the lowest income students, and for all students within the next few years. And the HELP Committee package increases the income level at which students are automatically eligible for the Pell grant as well.

It might not sound like a very important provision, but this is an instance where this application is enough to seriously discourage many young people, particularly those in middle-income and low-income families, from moving ahead; and, as a result, an important loss to our country.

Mr. President, I see the Senator from Washington is here, a member of our committee who has been a champion on education—she has been a school board member, a teacher in her own right, and has been a real leader on all of our educational issues, and was enormously valuable and helpful in the development of this legislation—and I am glad to yield such time as she may use on the bill.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank our floor managers, Senator KENNEDY and Senator ENZI, for yielding me time at this point to talk about the extremely important legislation that we have before us today.

In these days of global competition, a college education is the gateway to a successful career, to a growing economy, and to a stronger future for our entire country. Today, we have in the Senate an opportunity to help more students attend college and to afford a college education. I am pleased to be here today to speak on the Higher Education Access Act.

Mr. President, when I was growing up, my family didn't have a lot. The only way I was able to attend college was through Pell grants and student loans. In fact, because of Pell grants and student loans, all seven kids in my family were able to go to college and to get an education and to graduate. Today, those seven kids, because of Pell grants and student loans, have become a school teacher, a lawyer, a firefighter, a homemaker, a computer programmer, a sports writer, and a U.S. Senator.

In my book, Mr. President, that was a pretty good investment by our country. I want to make sure now that students today have the same opportunities I had growing up. It is important for them as individuals, and it is critical for our country's future.

In recent years, the deck has become increasingly stacked against our students. College has become more expensive while some of our large lenders have taken advantage of students. Those students who are able to attend college are often graduated and saddled with debt and unable to have the resources to even buy a car or even think about purchasing a home. Other graduates can't pursue public service jobs in areas where our country really needs their help because they can't afford to pay back their loans on a public service salary.

The bill that is before the Senate this afternoon will begin to turn the tide back in favor of our students. It will put our students first and make college more affordable. It will help our recent graduates, and it will encourage public service.

I also worked on this bill to ensure that military servicemembers get more time to defer their student loan payments while they are on active duty, and I was pleased to provide more help for homeless and foster students who often face unique problems when they try to navigate the college process.

Before I turn to some of the details in the bill, I want to take a moment to thank Senator KENNEDY for his leadership in moving these proposals forward and making sure this bill finally does right by those who count the most, our students.

First, this bill raises the maximum Pell grant by 25 percent over 4 years to $5,400 per student. That is going to make a real difference for students in my home State of Washington. In my State of Washington, in 1986, the maximum Pell grant covered 53 percent of the cost of a public 4-year college. Today, it only covers 33 percent of those costs. So those students have gone from having 53 percent of their costs covered down to 33 percent. By raising the maximum Pell grant, this bill is going to help students in Washington State and across the country do what we all want them to do, and that is to go to college.

In Washington State, this bill is going to make another $39.6 million available in need-based grants next year alone, and over 5 years the bill will provide an additional $340.6 million for low-income students.

This bill will also ensure that college graduates are not trapped by high loan payments after college. It will guarantee that borrowers will not have to pay more than 15 percent of their monthly income in student loan payments. That will help bring immediate relief to our students whom we see burdened with these excessive loans.

Another problem with the high student loan debt is that it limits the career choice of many of our college graduates. Many of them can't afford to take a job in public service and pay back their loans at the same time. This bill will help encourage public service by providing loan forgiveness for graduates who pursue careers in these areas.

As I worked on this bill with my colleagues, I thought it was very important to help out military servicemembers who have student loans. I have worked very hard to allow those who are serving in combat or national emergencies to defer their student loan payments during their deployments and as they transition out of service. Today, under current law, it limits how long servicemembers can defer their payments to only 3 years.

As many of us know, our military members have been on active duty today much longer than that. This bill makes a critical step forward in lifting that 3-year limit and will help make more of our servicemembers eligible. Those who are serving our country have enough to worry about. Financial challenges and worrying about paying back their student loans should not be something they have to worry about as they serve overseas and transition back here to home.

I was also pleased to help improve college access for our homeless and foster students. Those students who are homeless or come from foster homes face tremendous barriers in their education, especially those who do not have a parent or guardian who are able to help guide them through the process. In this bill, I worked to help simplify the student aid application process and made homeless and foster students eligible for higher levels of assistance.

Before I conclude, I do wish to say there is one amendment that may come on this bill about which I am very concerned, and that is because it would tear through this bill and undermine all the progress we have worked so hard to make for our students. That is an amendment that allows higher subsidies for some lenders, including lenders who acted so irresponsibly in the recent student loan scandals. That amendment is going to take money away from our students and take money away from the Pell grants in this bill.

With this bill, we are trying to help more students afford college. The amendment would take money away from our students and away from Pell grants and I do not see any reason why we should change this bill and help fewer students and put that money back into the pockets of lenders. As we move through this bill, I hope we will reject efforts that hurt students so we can pass this strong and effective student aid legislation.

To me, it is simple. If we want our economy to grow, if we want our people to succeed, if we want our country to be strong, we have to help more students today get a college education. This bill that is before the Senate will do that. I urge all our colleagues to support this bill in the strongest measure as it has been brought forward to us by Senator KENNEDY.

Mr. KENNEDY. Will the Senator yield for a question?

Mrs. MURRAY. I will be happy to.

Mr. KENNEDY. I wish to underline three very important provisions the Senator from Washington took a particular interest in, beyond the other provisions on the legislation. She mentioned these in her excellent comments, but I think it is worthwhile to take a moment to emphasize them. I refer to those provisions dealing with homeless and foster children as well as those in the military. Under the provisions the Senator from Washington championed, homeless children and foster children, too often left behind, have enormous challenges. But we know—we have all heard these extraordinary stories of the incredible drive that so many of these young people have, even while facing extraordinary challenges. Under the provisions on which she worked tirelessly, the bill will establish these children as independent students—obviously, they have to have the academic qualifications to be able to gain entry into the schools, private or public institutions—but they will be considered what we call independent students. This means they will be able to get some very small but important additional help and assistance that may be a lifeline to assist them and facilitate their admittance into schools and colleges; am I correct? I'm so pleased the Senator mentioned these two provisions because they are small items in a large piece of legislation, but I think they are extremely important.

My colleague from Washington also mentioned the provisions dealing with those individuals who are in the military, to permit them to have a respite from repayment while they are on active duty service, serving our country. It seems they have challenges enough. They obviously will meet their responsibilities when they are no longer on active duty. But it seems to me the help that is being provided for those in the service is critical, and so, if the Senator will comment again on the difference these provisions can make to servicemembers, and those provisions to homeless children and foster children, I think it will be useful for our colleagues to know about.

Mrs. MURRAY. I thank the Senator for his question. I actually became interested in the issue of homeless children, foster children many years ago when I served in our State legislature and found out, quite by accident, that students in our State were being denied access to public schools simply because they didn't have an address. I never thought about it before. Everybody goes and their mom registers them for school and they write their address down and they register and start school with a big smile on their face. In my home State many years ago, not if you were a homeless student. So I passed legislation in our State legislature to make sure that students who did not have an address would be allowed access to any school to which they applied.

I followed that throughout my career and met amazing young people who have tremendous capabilities who, through circumstances that had nothing to do with them, were either homeless or were foster children. A young man I worked with a few years ago had been in over 80 foster homes from the time he was young until he was 18. Once they turn 18, these foster students all of a sudden become independent, and they do not have a parent to take them off to college on that first day that is so important or to send them a check once in a while to help them with their books or even to help them navigate through the paperwork that is required when you try to apply for financial aid.

With the help of Senator KENNEDY and others on our committee, we put provisions in this bill, only a few sentences but very significant, helping to simplify the student aid application process for our homeless students and to help both the homeless and foster students be eligible for higher levels of assistance because they do not have anyone to rely on at home once they head off to college.

This is an important investment that will pay off in many ways, I believe, in the future, and give some hope to some young people who truly, in our country today, deserve it.

On the other issue the Senator from Massachusetts talked about, I, similar to many Senators, go home and talk to young men and women who are either going off to war in Iraq or Afghanistan or around the globe or who have returned recently. I tell you, one of the things they constantly struggle with is the issue of paying back their student loans. Similar to many young people today, they have gone to college maybe for a year or two, maybe graduated with a very high student loan they are required to pay back. But they are deployed over to Iraq, trying to manage the paperwork of that or pay for it on a military salary. It is impossible.

Along with our colleagues on the committee—I see Senator CLINTON on the floor today too—we put in a provision to make sure that when our men and women are serving overseas, they not have to worry about paying back student loans. I think that is the least of what we should be doing for those men and women we have asked to serve this country.

I thank my colleague from Massachusetts for working with us on these two provisions and tell all our colleagues, we have an obligation in this country to the next generation. If you talk to anyone who is struggling through school today or through college or is a graduate, they will tell you the No. 1 worry they have on their mind is paying back that student loan.

We want them to be able to go out and get a job and give back to our economy, purchase a home, be able to invest in themselves and their future. Yet they are worrying about paying back student loans. This is a significant step forward, making sure the next generation has what this generation had and generations have had before them, and that is focusing on hope and opportunity and not on debt and long-term concerns about being able to pay that back.

I thank my colleague from Massachusetts and appreciate his work on this bill.

Mr. KENNEDY. If the Senator will yield? I see the Senator from New York here. The result of the good Senator's life story, talking about the members of her family—the history of the GI bill is that for every dollar the Federal Government actually invested, $7 was returned. We are reminded again, this is not legislation that is going to cost the taxpayer a nickel and it is going to increase opportunity and hope, particularly for homeless children and foster children, because it will make them eligible for additional help and assistance which will effectively enhance their opportunity to go to college, and help reduce their debt after they get out of school. It is opening up opportunity.

I again commend the Senator from Washington. She has been a leader on the issue of veterans and, as all of us remember so clearly in the wake of the Walter Reed scandal, her very clear and powerful voice, both before that and afterward, as a voice for those families and the service men and women. This is a practical and important provision in this reconciliation bill that will make a big difference to our service men and women and to their families. I thank her very much for all of her good work.

I see the Senator from New York. I thank her for her extraordinary contribution in the development of this legislation. Senator CLINTON has been a leader, in terms of understanding some of the ethical challenges that existed in the loan program and helping fashion some of the most important provisions in this legislation that are going to ensure that the resources which are out there, that are meant to go to students, go to students. I thank her for her extraordinary work in that area. Also, Senator CLINTON has been a leader in developing provisions to support and assist nontraditional students, part-time students, and single mothers. They will have access to the assistance they need to complete their education.

We have included in here, at her strong suggestion, the year-round provisions for the Pell Grant Program. We are making it available all year round because of the changing educational system and process. I thank her also for her work on the provisions that are enormously important to so many students and families—that is, helping individuals who work in order to try to offset some of their education costs. They get caught in this trap where they have higher income and therefore less help and assistance. This legislation increases the amount of income that is sheltered from the financial aid process in order to protect working students, and to reward their hard work.

The good Senator was enormously creative and imaginative helping us deal with that situation. The young people of the country will be very grateful and appreciative for her strong leadership and good work.

I yield to her such time on the bill as she might use.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am delighted to come to the floor and talk about this extremely important legislation. I thank our leader, a great advocate on behalf of education, the chairman of the Health, Education, Labor, and Pensions Committee, Senator KENNEDY.

This bill represents a tremendous victory for students, for their families, for higher education, for the future of the American economy, for millions of families who still struggle to pay for college and for millions of young people who will not only carry from their education a degree, but, on average, more student debt than any graduates who came before them.

Most of all, this bill is a victory for that young boy or girl who is thriving in school, who might one day wish to attend college and fulfill his or her God-given potential but worries that such a wish is beyond his or her reach; that it is too expensive to realize.

I commend the members of the committee on both sides of the aisle for the great work that has been done bringing this bill to the floor. I was thrilled with many of the provisions, some of which I have worked on ever since I came to the Senate, particularly focusing on nontraditional students who more and more are becoming the norm—older students, married students, single-parent students—who often have found there were barriers to their accessing whatever help was available from the Federal Government programs to continue their education.

I am also personally thrilled at what we have done for homeless and foster youth. This has been a passion of mine, going back to my years as a law student, when I first started representing abused and neglected children, children who ended up in the foster care system, all the way through my time in the White House, where we were instrumental in working with the Congress in passing landmark legislation to make adoption easier, to try to make the foster care system more responsive to the needs of the child and to accelerate decisions being made as to whether a child would ever realistically be able to return to his or her biological family; to my years in the Senate, where we have continued to try to help students who are in the foster care system as they age out.

As Senator MURRAY pointed out, when you turn 18 or graduate from high school, whichever comes first, still in many States in our country, you are no longer eligible for the foster care system. What that has meant is that a social worker usually shows up at the foster home with a big black garbage bag and tells the young man or woman to put his or her belongings into that bag because they are no longer able to live in a foster home with State support. Many young people whom I have been privileged to know, some of whom have interned for me, worked for me in my office here or in my office in the White House, they were the lucky ones. They had the right combination of personal resilience and ability combined with mentoring and some breaks along the way that enabled them to complete high school and often go to college at great cost.

Many of them had nowhere to go during summer vacations or Thanksgiving or Christmas or any other break in the academic schedule. Some of them hid themselves in the dorm. Some of them stayed in bus stations or airports. Some of them prevailed upon a friendly professor or fellow student to take them in.

By recognizing the special needs of these special students, we do a very important piece of legislative business that has a big heart in it. I thank my colleagues who worked with me and others to make this happen.

When we think about the importance of college, it is hard to grasp the fact that most young people in our country will not go to college and graduate. The college-going rate has been pretty stagnant now for about 20 or 30 years. As the cost of higher education has gone up, it has become even more difficult for young people to work their way through, to afford the increases in tuition and room and board. But the investment in college still remains a very good one.

Each additional year of education after high school increases an individual's income by 5 percent to 15 percent. A college degree will enable an individual to earn close to $1 million more in the course of a life's work than those who have only a high school diploma.

It is no coincidence that the rise of the American middle class coincided with the explosion of college attendance. It unlocks economic potential, and it gives students access to the American dream—to a career and a life that they, then, can build.

But as I say, unfortunately in the past 25 years, the cost of college has risen faster than inflation. College costs have tripled over the past 20 years and, as the costs spiral upward, so has the size of the loans and the loan payments that are necessary. Students who borrow, take out loans averaging $15,500 while attending public colleges and universities and almost $20,000 while attending private schools, twice what they would have borrowed 10 years ago.

At New York University in Manhattan, 60 percent of students graduate owing an average of $27,639. At Idaho State University, 69 percent of students graduate owing an average of $29,467. At the University of Miami in Florida, whose president served with such distinction in this town as the Secretary of Health and Human Services for 8 years, 58 percent of the students graduate owing an average of $31,723.

This debt limits students' options and damages their financial futures. It is a chain around their ankles as they end their education and go out into the world of work.

With this reconciliation bill, we are cutting that chain. This bill will provide $17.3 billion in student aid, the largest increase in student aid in more than a decade.

It will provide this aid without raising Federal taxes one dime. First, the higher education reconciliation bill increases the purchasing power of the Pell grants which help the lowest income students offset the cost of college. It is no secret to anyone in this Chamber that the purchasing power of the Pell grants has declined dramatically, from nearly 60 percent of the cost of a public school 20 years ago, to only 36 percent today.

This legislation provides the largest Pell grant increases in more than a decade, increasing maximum Pell grants to $5,100 immediately, and to $5,400 by 2011.

Now, take my State, for example. This initial boost will provide over $200 million in increased grant aid to New York students for the 2007–2008 school year alone, and $1.7 billion by 2013. The legislation also raises the income cutoff for Pell grants from $20,000 to $30,000, making many more students from many more families eligible to receive Pell grants.

Second, I am very pleased that the Higher Education Reconciliation Act tackles an issue addressed in legislation I sponsored in the last Congress called the Student Borrowers Bill of Rights. It provides protection for student borrowers while they repay their loans. It does so by capping monthly loan payments at 15 percent of the borrower's discretionary income and provides several important protections to members of the Armed Forces and public service employees during repayment.

This is critical to helping students manage their debt, essentially in the first few years after they graduate. Third, I am pleased the reconciliation bill also creates a new loan forgiveness plan through the direct loan program for public service employees. I hear from many students in New York and around the country who would love to be teachers or police officers or firefighters or nurses or social workers or public defenders, but sadly they are so saddled with debt, that such careers in the public arena seem like an impossibility for them. That is the wrong policy.

We want to encourage more young people to go into public service. Our policies should respect that choice, not denigrate it. Under the loan forgiveness program, the remaining loan balance on a loan is forgiven for a borrower who has been employed in a public sector job and making payments on the loan for 10 years. These jobs are essential to the communities they serve.

I believe this program will encourage public service and provide an incentive for borrowers to pursue low-paying, perhaps, but vital professions to our country. When I was getting ready to go to college many years ago, my father, who was a small businessman, a very small business, said he had saved enough money for me to go to college, and he said, I will pay tuition, room and board, but if I wanted to buy a book, I had to earn the money. That was fine because I worked ever since I was 13 in the summer and during vacations. So I worked my way through college with my family's help. And when I graduated I decided I wanted to go to law school. I told my father that. He said: That is not part of the bargain. If you want to go to law school, you have to pay for it yourself.

So I got a little scholarship, and I continued to work year-round, and I borrowed money directly from the Federal Government, the National Defense Education Act, something which many of us in this Chamber took advantage of when we were pursuing our education.

The interest rate was very low. The repayment schedule was something I could handle. I did not have to worry about anyone raising the rate on me or changing the terms. I worked first for the Children's Defense Fund as a young lawyer, and then in public service here in Washington, working for the Congress, and then teaching law at the University of Arkansas and running a legal aid clinic.

During all of those years when I was doing public service and academic work, I could handle what my repayment obligations were. I want that available for young people today. I think it is so important, especially as we look at what is happening in Government service and other public service professions, to see how there is an aging going on that is going to eventually result in the loss of a lot of very experienced people.

You know, I spent Monday at Binghamton University in New York where we have the only Ph.D. program in rural nursing. I met at the nursing faculty with some of the nursing students. It is a wonderful program. But, you know, the average age of a nurse in America is over 45. The average age of a nursing faculty member is 54. We have many people who want to go to nursing school, and we do not have places for them, even though they are qualified. We have a lot of others who worry about how they can pay for their education.

You could replicate that across every single profession that really falls into the service profession, the caring professions, where we are seeing shortages of people because there is a disconnect between the salary they are paid and the debt they have to incur in order to get the credentials to be able to perform the public service.

So I believe in the long run this increase in student aid will pay for itself. Not only do college graduates earn more and are therefore able to pay back the society, but they are less likely to draw on public resources, and they are much more likely to make a contribution.

This bill has had great bipartisan support. I am very proud to have worked on it and to see the positive changes that it includes. Clearly, this is something that I hope we will be able to pass by acclimation. I hope that after the difficulties and the debate and the disagreement of the last week over the very difficult issue of Iraq, I hope we will come together around a fundamental American value; namely, education.

We have the best higher education system in the world. It is a system filled with second chances for people who decide at the age of 18 or 80 they want to pursue an education in a community college or a technical college or a 4-year college or a university. This is one of the really important aspects of American society, and it is instrumental to the further development of our economy and the hopes of a return to shared prosperity for our people.

I urge all of our colleagues to come together to support this higher education reconciliation bill, to make higher education more affordable. It is good social policy. It is good economic policy. It is certainly good budgetary policy. It makes a big difference to millions and millions of hard-working young people and their families.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to proceed as in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. LEAHY. Mr. President, like all of the others, I was here throughout the night. I was happy to do that because I strongly supported the Levin-Reed amendment. But I had hoped that the filibuster would be ended on this vital piece of legislation.

I was 1 of 23 Senators who voted against going to war in Iraq. The distinguished Presiding Officer, my Senate partner from Vermont, voted a similar way in the other body.

Mr. President, the President's Iraq strategy has been a disaster. It was born of deception, fueled by incompetence, and pursued through arrogance and stubbornness.

This strategy has not made us safer. It has undermined the international credibility that took generations of Americans' sacrifice to build; it has squandered billions of hard-earned tax dollars that would have been better used in directly countering terrorists; it has skewed our priorities here at home; it has weakened our military readiness; and it has created an open sore in an already volatile Middle East.

It is time to extricate our troops from Iraq's civil war and let the Iraqis and their regional neighbors forge their own political settlement.

As many predicted, the security situation in Iraq has not appreciably improved despite the President's surge strategy.

The ongoing violence comes from a deadly brew of suicide bombings, intra-ethnic conflict, and out-of-control militias—all unleashed by the President's poorly planned invasion and occupation of the country.

Our troops can provide some semblance of security in limited areas for limited periods of time. But this fleeting security largely just shifts the focal points of violence, and it comes at the horrific price of the lives and limbs of still more of our soldiers and marines killed and maimed every day in roadside bomb attacks and ambushes.

The issue is not whether our troops can gain control of a few city blocks but whether there is any way that we can stop Iraq's civil war.

I challenge anyone to say how we can do that, when the Iraqis do not yet have the political will to do it themselves.

The Iraqi Army is fraught with ethnic divisions and few Iraqi units are capable of fighting successfully on their own.

As others have pointed out, it often appears the Shiite-dominated Iraqi Army is simply out to settle scores with the Sunnis who ruled Iraq under Saddam Hussein. The unfortunate truth is that the Iraqi Army cannot bring security now, and it is unlikely to be able to in the coming years without overwhelming, side-by-side support and sacrifice of American soldiers.

That leaves political reconciliation, and we all know where that stands. The Iraqis are no closer to an oil revenue-sharing agreement, no closer to an acceptable political arrangement, and no closer to a functioning government that serves all Iraqis. Our presence has become an excuse for inaction. Why should Shiites sacrifice when they have American forces to die for them?

Why should the Kurds be more conciliatory when they think we will protect them forever? Why should the Sunnis reconcile among themselves when they can fight Americans together?

Rory Stewart, an insightful author and observer of the Middle East, recently commented that our presence in Iraq—is to use his phrase—"infantilizing Iraqi politics," making the Iraqis completely incapable of finding their own way.

As our troops are withdrawing, we should make a concerted diplomatic push, bringing together representatives of Iraq's Government and Iraq's neighbors.

They would have little choice but to recognize that without the U.S. military's constant presence, they have to make some kind of accommodation among themselves.

That is what the Levin-Reed and the Feingold-Reid-Leahy amendments would accomplish.

Based closely on the recommendations of the Iraq Study Group, both amendments would require the withdrawal of U.S. forces in Iraq to commence within 120 days.

By springtime of next year, only a small number of troops necessary for limited counter terrorism, force protection, and training purposes would remain in the country.

These amendments would effectively end the U.S. military presence in Iraq as we know it.

The White House wants to wait to until September, when General Petraeus will report on progress from the surge. Yet it is folly to wait when we already know what the answer will be.

We are going to hear words like: The situation is still challenging, but we are making progress. We are going to get a report like the glossy one released last week, which said the Iraqis are making progress in some areas, as if that is enough reason to continue further still down the wrong road.

We can already see the way the review is predetermined in statements of General Petraeus's deputies.

General Odierno told reporters a couple of months ago that the current surge level of U.S. troops would be needed in Iraq through next year. Major General Lynch, the commander of the southern portion of Baghdad, echoed that view only yesterday.

We in Congress have a constitutional responsibility to act now.

If we put off developing a consensus plan for the redeployment of U.S. forces, more of our troops will be needlessly killed and wounded. More innocent Iraqis will lose their lives. And, as today's public summaries of the National Intelligence Assessment on al-Qaida underscore, the war in Iraq has made our country less safe. It is an indictment of the ruinous policies and strategies this administration has pursued in Iraq, year after year.

We must end this treadmill trudge to nowhere. We must show the Iraqis that only they can save their country. It is time to shift focus back to Afghanistan and to rebuild our military and our defenses at home. It is time to restore our reputation as a nation united in combating terrorism but unwilling any longer to sacrifice our sons, our daughters or our values for a flawed policy that cannot succeed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, is there a speaking order at this time?

The PRESIDING OFFICER. There is not.

Mr. GREGG. Mr. President, I understand the Senator from Alaska may have an amendment to offer, and when she does, I will be happy to yield the floor to the Senator from Alaska.

Ms. MURKOWSKI. I am sorry.

Mr. GREGG. Is the Senator from Alaska planning to offer an amendment?

Ms. MURKOWSKI. Yes.

Mr. GREGG. Does the Senator seek the floor at this time? Without yielding the floor, I yield to the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I understood it would be necessary before I offer such an amendment that there be a unanimous consent request propounded. I look to the floor managers at this time.

Mr. GREGG. I will speak, and if the Senator from Alaska wishes to offer her amendment and that has been worked out, I will yield the floor to the Senator from Alaska. I am not offering an amendment at this time. Whenever she wishes to proceed, tap me on the shoulder.

Mr. President, I wish to address an issue which may be perceived as a bit arcane and is outside the policy within the debate that is occurring here, which is actually quite critical to the fiscal discipline of our Government and especially the Congress.

This bill comes forward as a reconciliation bill. This is an arcane term which arises out of the Budget Act. The Budget Act creates the ability for the Budget Committee, when it is creating a budget, to give instructions to various committees within the Congress to meet goals set forth by the Budget Committee. These instructions are called reconciliation instructions.

The purpose of reconciliation is to control entitlement spending primarily and to control the rate of growth of the Government, in fact, as a purpose.

It was structured because although part of the budget can discipline discretionary spending through what is known as caps, it is virtually impossible to discipline the rate of growth of Government on the entitlement account side through spending caps because entitlements are programs which people have a right to and a spending cap has no impact on it.

So if we are going to affect the rate of growth of spending on the entitlement side, programs which people by law have a right to receive and is a Federal benefit—that is programs such as veterans' benefits, education benefits under the Pell grant, in some instances, Medicare, Medicaid. Those are all entitlement programs. If you are going to control those entitlements, you actually have to change the law.

So the Budget Committee—and it is probably the primary power vested in the Budget Committee—passes a budget to direct various committees in the Congress that have jurisdiction over various entitlement programs to control the rate of those programs and, thus, the rate of growth of the Federal Government.

That was always the concept of the Budget Act—control the rate of growth of the Federal Government, especially in the entitlement accounts through reconciliation.

But what has happened is a total adulteration of that purpose. In a rather effective sleight of hand, the Budget Committee, with the full knowledge of the Budget Committee on the majority side and with the full knowledge of the majority side, gave a savings instruction to the HELP Committee to save $750 million over 5 years, which is a lot of money, but under the Federal budgeting process actually is still an asterisk.

Why would the Budget Committee ask the Health, Education, Labor, and Pensions Committee to save $750 million over 5 years, when it asked no other committee in the Congress to save money in the entitlement accounts? None. No other committee was asked to discipline fiscal spending around here on entitlement accounts.

Well, because it was a ruse, a pure unadulterated ruse. The HELP Committee, under the able and wily leadership of the Senator from Massachusetts, whom I greatly admire as one of the finer legislators in this body, had identified a pool of money which they knew they could grab, specifically subsidies which are paid by the Federal Government to lenders and which are unquestionably excessive—there is no debate about that.

That pool of money had been identified by the wily chairman of the Health, Education, Labor, and Pensions Committee. He knew that if he could get his hands on that money, he could then spend it. But he also knew he couldn't get his hands on that money without a reconciliation instruction from the Budget Committee.

So what happened was we had this small, in the context of Federal spending around here, budget savings instruction of $750 million given to the HELP Committee by the Budget Committee, with reconciliation appended to it as a protection. What reconciliation protection means is the bill comes to the floor, it has to be completed in 20 hours, and it only takes 51 votes to pass it. That is a huge protection in the Senate—protection from the filibuster rule, protection from the standard operating practice of the Senate with a lot of amendments occurring which could take up to weeks. It is an immense power to give to a bill to identify it as a reconciliation bill for the purposes of passage. So that bill, that power of reconciliation was attached to a $750 million instruction for savings.

Then the HELP Committee passed out that bill, the reconciliation bill. I believe it is a $19.7 billion bill—$19.75 billion, something like that. What happened to the other $19 billion in savings? It is being spent.

This chart reflects it fairly well. The new spending, under expansion of programs under reconciliation, under this bill, will be $19 billion. The actual savings under the bill will be making a farce of the concept of controlling the size of the Federal Government and Federal spending through the reconciliation process, inverting the process, to be quite honest, at a rate of 1 to 20.

Ironically, when the budget left the Senate, it had an amendment in it which said—because I offered the amendment, so I am familiar with it and it was passed, which was even more surprising—which said that no reconciliation bill could spend more than 20 percent, which I thought was still too much, of the amount saved.

Had that amendment survived the conference process, this bill could not have come to the floor because this bill spends $20 for every $1 it saves. Under that amendment, not the reverse but a significantly different approach would have had to have been taken. It would have had to save $5 for every $1 it spent.

This is a totally new practice. This is a historical use of reconciliation. We can see that deficit reduction over the years through reconciliation has occurred rather dramatically. But in this bill, in this budget, there was no deficit reduction through reconciliation.

More importantly—and this is the real essence of the problem—the spending under the Federal budget, the alleged reductions had no impact on spending. Spending continues to go up dramatically because actually the mechanisms that are supposed to be used to reduce the size of spending or the rate of growth of spending—we never actually reduce spending around here—reduce the rate of growth of spending and the rate of growth of a Federal program is a mechanism that is now being used to dramatically expand the rate of growth of spending of the Federal Government.

So the Budget Act, which has been under significant pressure to begin with, and basically in 3 of the last 5 years we haven't even been able to pass a budget, has now essentially been emasculated as a concept of disciplining spending and is now being used as a mechanism to expand the size of the Federal Government and destroy the fundamental purpose of reconciliation.

Why is this a problem? Whether we like to admit to it, we have some huge issues coming at us in the area of entitlement spending in this country. We have on the books $65 trillion—that is trillion with a T—of unfunded liability in the three major mandatory or entitlement accounts—Medicare, Medicaid, and Social Security.

The only way, I suspect, that we are going to be able to manage some sort of disciplining of those programs so they are affordable for our children, so we don't pass on to our children a Government that basically overwhelms their capacity to pay for it, is through using the reconciliation process. But that process has been, for all intents and purposes, run over. A new concept has been developed.

Reconciliation will no longer be used to control the rate of growth of the Federal Government. It will be used as a stalking horse for expanding the rate of growth of the Federal Government. The great irony, of course, is it did not have to happen this way. The equities are on the side of the Senator from Massachusetts relative to the need to reduce the subsidy to lenders and, in fact, I proposed an idea which would have probably seen a much bigger reduction in lender subsidies, which would be an outright auction so we could actually find what is the market value of what should be paid for these accounts.

Even the administration wanted to take a fair percentage of those funds that would be saved from lenders and move them into Pell grants. My druthers, of course, but I am not in the majority and I suspect I wouldn't win this fight, would be to take a big chunk of the money and put it into Pell grants and a big chunk of money and put it into deficit reduction so we start to pay down some of the problems we are presenting our children. But under any scenario, the protection of reconciliation was not necessary to accomplish this funding. In fact, it would have been good had reconciliation not been used because then we would have tied to this bill the underlying policy of the Higher Education Act, which should be passing the Senate at the same time this funding mechanism is passing this Senate.

But, no, the choice was to go this cut-by-half proposal, which in the process has fundamentally harmed our capacity as Congress to discipline ourselves and is using a vehicle meant to control the rate of growth of Government to expand the rate of growth of the Government.

I probably am the only person in this body frustrated by this situation because I may be the last person in this body who believes we should use reconciliation for fiscal discipline. But I thought the point should be made as former chairman of the Budget Committee that we have now, for all intents and purposes, as a body, abandoned any attempt—not any attempt but the one vehicle that gave us credibility on the one issue of doing something about the most significant issue we confront as a nation after the question of how we fight Islamic fundamentalists who wish to do us harm with weapons of mass destruction. After that issue, which pervades all other issues, the most significant issue is the fact that we are about to pass on to our children a government that under no circumstances can they afford because the cost of entitlement accounts is going to exceed their capacity to pay for those accounts by huge numbers.

In fact, we had a study last week from CBO that said in order to pay for the pending entitlement responsibilities of the baby boom generation—Medicaid, Medicare, Social Security—tax rates in this country will have to go to 92 percent—92 percent—of income. Obviously, that is not a doable event. The one mechanism we had around here to force action effectively has now been emasculated by the process which we are participating in on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it is my intention to offer an amendment. As I understand, there needs to be a unanimous consent request prior to my doing so; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that notwithstanding time remaining for debate on the Kennedy substitute amendment, an amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 2329 TO AMENDMENT NO. 2327

Ms. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 2329 to amendment 2327.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for the college access partnership grant program)

On page 55, line 23, strike "$25,000,000" and insert "$113,000,000".

Ms. MURKOWSKI. Mr. President, we are talking today about the Higher Education Access Act. When we talk about higher education and the importance of higher education in this country, it is all about access. We can have incredible universities, we can have wonderful schools within our State systems, but if the students do not have access to them due to financial constraints or whatever the limitations may be, we have not truly provided for access, we have not truly provided for our young people to better themselves to the fullest extent possible.

There are many significant provisions contained within the Higher Education Access Act. I am pleased to have been able to participate in the good work of the chairman and the ranking member in moving this through the HELP Committee.

There is one provision contained within higher education that establishes a provision called the College Access Partnership Grant Program, again, speaking to how we truly provide for access to our colleges.

The budget instructions directed the HELP Committee to save some $750 million for deficit reduction. This is what the Senator from New Hampshire was referring to a moment ago. The Higher Education Access Act saves $930 million. This amendment, the amendment that I am proposing this afternoon, would redirect $176 million from deficit reduction to making sure that more American students, more of our young people, are able to access and to succeed in college.

Think about how many initiatives we have on this Senate floor to provide for a better America, a better country, to make us more competitive in the world market. How do we do it? We have been focusing on our young people and providing them with the opportunities. We have been focusing on aspects of education, whether it is through an emphasis on accountability, such as we have seen in the No Child Left Behind, or the more recent focus we have made in focusing on science and engineering so that our young people are truly competitors in that world market today. We need to be serious about investing in our children's education and truly in their future.

What this amendment would do is expand the borrower benefits that are offered to low-income students, the very students we know are not graduating with college degrees. Our statistics don't lie to us. We know those in the lower income category are not going into college in the first place, so many of them, and then many who do are not successful in completion. Of the 75 percent of high school seniors who continue their studies, only 50 percent of them receive a degree 5 years after enrolling in postsecondary education, and only 25 percent of them receive a bachelor's degree or higher. So we are not seeing completion. But for the lower income families, 21 percent who enroll in college complete a bachelor's degree as compared to 62 percent of higher income students who enroll.

So what is the problem? What are we doing wrong? What are we not doing enough of, need to do more of, and how can we truly provide this college education that for generation after generation has been what families seek for their children—go on to college, go on and make yourself a better contributor to American society.

In my State of Alaska—unfortunately, I am not quite sure what our statistics are now—when I was serving in the legislature we were seeing only about 30 percent of our high school graduates going on to college—only about 30 percent going on to college. Why are they not going? Part of it is due to finances.

As we all know, the cost of a college education is going through the roof. My husband and I are saving for our two boys, and with one of them approaching his junior year in high school right now, it is a reality check for us as a family as to how we are going to make college a reality for our children. I know across this country families struggle with that.

So there is so much, again, in the Higher Education Access Act that does promote and does allow for benefits to the students. The funding we are talking about in my amendment would expand the borrower benefits currently offered in States such as mine to low-income and to Pell-eligible students in all the States. This is a college access partnership program. And what it would do is give the States the ability to help more of their low-income students attend and to succeed in college. We don't want them to just get the help to get there and then give it up after a year because the finances are hitting them or they do not know where else to turn.

What does this college access partnership grant actually do? What we are attempting to do is provide for that outreach, provide for the education not only to the students but to the families so that they know what is available, they know what the financing options are to them, and they are helped with the financial literacy and with debt management. I don't know how many of you have had to go through a college application recently, but it can be a daunting task. And if you are perhaps from a family who hasn't had an opportunity to do this before, it may be so daunting that you are precluded from doing it.

Financial literacy: We all know that sometimes the language that is contained in the application, just in understanding what it is that you need to do to fill out the application, can be mind numbing. So it provides the information.

The outreach activities: We need to make sure we are reaching out to those students who may be at risk of not enrolling or, again, in not completing their postsecondary education. They need to know what their options are. So we need to go to them, and we need to help them. We have a program in Alaska called the Alaska Advantage Higher Education Financial Aid Program. We try to go out and let the students know what is available and try to help them ahead of time.

This program would also provide for assistance in completion of the Free Application for Federal Student Aid, the FAFSA application. I understand that we are talking about an eight-page application. We have eliminated some of, I guess, the complications, if you will, with that application through the HEA legislation itself, but let's not let the application be a barrier. Let's figure out ways to help the students from the very beginning; professional development for guidance counselors at middle schools and secondary schools, and financial administrators and college admissions counselors at institutions of higher education, to improve their ability to assist the students and the parents. I know from my personal situation that when you have a good guidance counselor who can help you along the way, you are one of the lucky ones. If you are one that is just kind of given the packet and told to go at it, kid, you may or may not feel that you have that support. We want to be able to provide for the support, that professional development to assist the students.

The program would also provide assistance in applying to institutions of higher education, applying for the Federal student financial assistance and other State, local, and private student financial assistance and scholarships. There is so much that is available out there, if you know where to look. And sometimes you just are not quite sure which rocks you need to turn over in order to provide for your finances for college. So this would, again, lay out the options and assist you with that.

It would also provide activities that increase the student's ability to successfully complete the course work required for a postsecondary degree, including activities such as tutoring and mentoring. We need to recognize that access to college is not just about getting in the door. It is gaining the benefits that are afforded you through the college program, through that university program, through the programs that are going to benefit you. So our job is not done just with the successful application. If individuals need that assistance in working through some of the bureaucracy, let's try to help.

Finally, it provides for activities to improve secondary school students' preparedness for postsecondary entrance examinations. These are all things, in different areas, where we can make a difference with students in letting them know what is out there and what is available to them.

Mr. President, as we look to ways that we can truly help with access to higher education, we know we need to help students with the financial end of it, but we also need to provide some assistance with the navigation, and this College Access Partnership Program does just that. Through this amendment, we are providing for additional funding to be included into that program to make it meaningful to all of the 50 States so that they can truly provide that help and assistance.

I would certainly urge my colleagues to support the amendment.

Mr. KENNEDY. Will the Senator yield?

Ms. MURKOWSKI. Yes.

Mr. KENNEDY. I wanted to just thank the Senator for her leadership in this College Access Partnership Program, and I commend her amendment. As she knows, and Senator ENZI understands, we tried to make an estimate in terms of the cost of the total legislation, and we ended up with an excess of $176 million over the 5-year period. And the amendment of the Senator from Alaska will take that money, those resources, and make it available to the States. They will be able to use it with nonprofit organizations to help children have access to college. I commend her for that.

We have tried, as she knows, in this legislation, to deal with some of the financial aspects that have discouraged particularly students who come from working families—middle-income, low-income families—from going on to college. The Senator mentioned the FAFSA application, which currently is a voluminous document, and through the solid good judgment of our friend from Wyoming, who has worked on that and has simplified it in a very important and significant way, so that now the application will not be so great an impediment.

Too often these young people do not have the knowledge, the encouragement, or the awareness of college opportunities, and the Senator's good amendment will make this funding available nationwide—nationwide—so that programs that reach out to children will be available to help them be able to go on to college.

She has spoken eloquently about the challenges that her State faces as a rural State, and we have tried to work with her and will continue to work with her to meet that responsibility. In other areas, we can see, in my own State of Massachusetts, how these resources can help support the nonprofit organizations, such as the Educational Resource Institute, which supports and works with the GEAR-UP programs and the TRIO programs which have been enormously successful in our State.

So this is something that I know the Senator has cared very deeply about, she has spoken about it in our committee, and we had indicated we wanted to work with her. I can't think of how these resources—and they are not insignificant—but how these resources could be spent more effectively or better. So I thank the Senator, and I hope we will have a chance to address this and vote on this amendment, and I would certainly hope we get a very strong vote.

I thank her for her work, and I think the people in Alaska and in many other States will benefit from this in a very important and significant way.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield myself time. I also want to congratulate the Senator from Alaska. This amendment continues to recognize the unique role that many of our not-for-profit lenders have in providing information and services to students and to their families. They conduct outreach to make college possible and assist in debt management and default prevention. The not-for-profits focus on communities, and they serve students locally, and I am pleased the Senator from Alaska was able to continue to acknowledge the important contribution that those entities make.

I do appreciate the emphasis she placed on how formidable it is to do one of the FAFSA applications. Just as Senator KENNEDY, I also have one of the applications, which we have now reduced to one page on two sides, as opposed to this on two sides. So it would not be quite as formidable, if we are able to pass this bill, as it has been in the past. So I appreciate the emphasis on that and congratulate the Senator from Alaska.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I yield 10 minutes to myself under Senator KENNEDY's time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in strong support of the Higher Education Access Act of 2007, and I want to commend Senator KENNEDY and Senator ENZI for their great leadership on this measure.

This very important legislation, which I helped craft as a member of the Senate Education Committee, makes a substantial Federal investment in need-based grant aid for low-income students and helps middle-class students and families pay down and manage their loan debt. It will be a significant contribution to the overall welfare of American families, and it will be the critical key, I believe, to opportunity in America.

Opportunity in America is a strong and direct function of education. Indeed, education is the engine that moves people forward. This legislation renews our commitment to ensuring that all Americans with the drive and talent to go to college are provided the financial means to do so. We understand how critical that is. A college education has now become increasingly necessary. In the generation of my parents, very few people went to college. It was seen as a special distinction, something that was, in some cases, unique. There was a society and an economy then that could accommodate people who graduated from high school who could then go on, with great dedication, diligence, and the skills they learned, to provide for their families and provide for their retirement.

Today, that has all changed. College is a necessity not only for the Nation in terms of expanding our intellectual capital but for families in order to make their way, in order to provide for a decent living, in order to provide for their children and to provide for their retirement.

College graduates, on average, earn 62 percent more than high school graduates. So college education pays off in the bottom line of American families. And, indeed, over a lifetime, the difference in wages between those with a high school diploma versus those with a bachelor's or higher degree exceeds one million dollars.

What we are seeing now in this society is troubling to me because we all understand the importance of an education. One of the key hallmarks in America is opportunity. We pride ourselves, going all the way back to Horatio Alger, as being a place where anyone with a little pluck and a little education can go a long way.

It turns out that recent research is showing that this opportunity is decreasing. Prior to the 1990s, the correlation between a parents' income and their children's income was approximately 20 percent, which is good because it means if you come from modest circumstances you have an 80-percent chance you will rise above your parents' income to the next level of economic well-being in this country. Now that was before the 1990s. In the 1990s, the number rose to 40 percent. So the difference between your parents' income and your income was getting closer and closer. You weren't rising as far above your parents. Today, economists estimate that 60 percent of a son's income is determined by the level of the income of his father.

So we are no longer a place in which you can far exceed your parents' income with a little pluck and a little education. The way we rectify that is to give more people the chance to obtain a higher education. As I have demonstrated with these statistics, that is the key to economic progress in this country. But it is also the key to social progress and maintaining the fabric of America.

As an individual moves through school, we hope they are not just learning about technical skills and applying that to the economy, but that they are also learning to be a good citizen and learning the values of America, values we hope will one day inspire the whole world in a very positive way.

To reverse this troubling trend, a trend in which opportunity is not as readily available in our society, we have to invest in education. I have the particular privilege of being the successor to Senator Claiborne Pell. He recognized in the 1960s that education was the key. We have named, and rightfully so, the Pell grant after Claiborne Pell. He understood profoundly that if you let Americans with drive and talent go on to college, and provide them with the financial resources to do so, they will do great things, and they will compel this country to do great things.

I would say that a lot of the great breakthroughs which have been translated into today's robust economy stem from the fact that 30 years ago, beginning with my generation, young men and women with drive and talent had a chance to go on to college. There are so many people today who are captains of industry, there are so many people today who have invented new products, who have deployed these products into the commercial realm, and they have done so because they went to college and beyond. In another generation they might have had the talent but would have ended up doing something much less educationally advanced because they didn't have a college education. That is a huge insight and a huge contribution to this country.

This legislation builds on Senator Pell's legacy and takes significant steps toward making college more affordable and ensuring that students with talent go forth and get a college degree. I am particularly pleased that under this legislation Rhode Island students will be eligible for an additional $10 million in need-based grant aid next year, and over $86 million in the next 5 years. That is a tremendous input of additional federal financial resources.

The effect of this bill's investment in need-based grant aid is to increase the maximum grant for Pell-eligible students from $4,310 to $5,100 next year and to $5,400 by the year 2011. That increases the average grant in Rhode Island from $430 in 2008 to $2,870.

I am also pleased, as has been discussed by my colleagues, that this legislation includes provisions from my Financial Aid Form Simplification and Access Act, or FAFSA Act, to significantly increase the number of students automatically eligible for the maximum Pell grant and to reduce the penalty faced by students when they work in order to pay for college.

Specifically, the increase in the Auto-Zero Expected Family Contribution ensures that all students from families with incomes of $30,000 or less will receive a maximum Pell grant. Currently, only families making $20,000 or less automatically qualify for such grants. This provision not only increases the number of low-income students eligible for need-based aid, but also simplifies the financial aid process by providing such students with early information and assurances of financial aid for college.

Additionally, the income protection allowance protects students who have to work during college so they can earn more without having it count against their financial aid. This legislation doubles the income protection allowance for dependent students from $3,000 to $6,000 over 4 years, and increases the income protection allowance for independent students, including adult learners, veterans, and those students in foster care, by 50 percent over 4 years.

We should reward work, not penalize it. We should recognize that, in today's economy, the price of going to school and of getting to school is going up and up. Many students have to work. As such, these increases will help students and families better afford a college education by stemming the perverse income protection limits that punish students and parents who must work one, two, or more jobs to pay for college.

I am also pleased that the legislation includes provisions to stem the increasing numbers of middle-class families falling further and further into debt to finance a college education. In Rhode Island, 61 percent of students graduating from 4-year institutions in the 2004–2005 school year graduated with debt at an average of over $20,000 per student. The Higher Education Access Act will help students manage their debt by capping student loan payments at 15 percent of a borrower's discretionary income and forgiving all debt on such loans after 25 years.

So as young people emerge from college with this debt, their payments will be capped, and at some point their loans will be discharged. I think that gives real incentives and real help to people coming out of school, middle-class students who had to borrow money to go to school, and now they can go ahead and discharge those payments over many years at a rate they can afford.

It will also provide loan forgiveness for borrowers who continue in public service careers for 10 years. This is an important aspect. There are so many talented people who want to go into teaching or health care professions, but with all this debt they literally cannot afford to. This legislation gives them an opportunity not only to do what they want to do but to serve their community without being penalized because they have to borrow to get through their college education.

It also helps our military members and families by expanding loan deferments for Active-Duty military service. Certainly there is no group of persons today who deserve that kind of consideration more than our military members and their families.

I hope we build on this legislation by promptly taking up the long overdue reauthorization of the Higher Education Act, which passed the Education Committee unanimously last month and includes provisions I authored to simplify the financial aid process and forms; improve the Leveraging Education Assistance Partnership—or LEAP—Program and forge greater state investments in need based grant aid; strengthen college teacher preparation programs; and provide loan forgiveness for librarians.

This is significant legislation. It is important for families in Rhode Island and across the Nation. Let me again commend Senator KENNEDY and Senator ENZI for their excellent work on this bill. I look forward to working with my colleagues to ensure that this legislation becomes law.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). Who yields time?

Mr. BROWN. Madam President, I yield myself 15 minutes from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. BROWN. I rise today in support of the Higher Education Access Act. This legislation will give millions of students an opportunity to attend college. As Senator REED said, it is helping those students with talent get the opportunity to go to college that, in another generation, prior to the last three decades or so, they simply may not have had. In too many cases, if you look at what has happened to students of working class families, they are not getting those opportunities now that they got a generation ago.

We all know what has happened to the cost of college in the last few years. It has doubled since 1980, rising faster than inflation for 20 consecutive years. College tuition has risen faster than the price of any other consumer item, including health care. In my home State of Ohio, between 1981 and 2007, in a quarter of a century, tuition and fees have increased 231 percent at public universities and 94 percent in 2-year institutions. We know that is because government on the State level is simply not funding, in very many States, public higher education the way they had in the past. Family incomes cannot keep up. The median household income in Ohio increased just 3 percent between 2000 and 2006, whereas tuition during that same period went up 53 percent in 4-year public institutions and 28 percent at 4-year private institutions.

Think about that. Income went up 3 percent for those families, all families—including, obviously, families with students of college age—yet while income went up 3 percent the cost of education went up either by a quarter or a half, depending on what kind of school to which those parents sent their children.

Even after financial aid is taken into account, 42 percent of median family income in my State of Ohio is needed to pay for a year of college in a 4-year public college. A 2006 report by the National Center for Public Policy and Higher Education gave Ohio an F in college affordability. Our students, our families, our economy are feeling the impact.

Think again about what that means to a middle-class family. To so many working families, college tuition has gone up 25, 50 percent over a several-year period, while income has gone up only 2 or 3 or 4 percent for most of the students.

My wife was the first in her family to go to college. She grew up in Ashtabula, OH. She went to Kent State University. It was difficult for her family, but in those days her dad held a union job. Her mother went to work about the time she went to school. Her mother was a home care worker. She didn't make very much money, but she had a decent union job. She had a lower paying job, but with grants and aid and all of that, she was able to go to a State university, as were her three younger siblings, two daughters and a son. So all four of them, the first four in their family to go to college, were able to do that. That was in the 1970s and 1980s. This is a different era where, unfortunately, because of decisions made in the State government and, frankly, because of a stinginess from the Federal Government, it has made it that much harder for students to go to school.

More and more students are going out of State to attend college. Ohio students are. The ones who stay find they can't afford it. This is unacceptable. If we are asking our students to be competitive, we must make the investment in them.

For students lucky enough to make it to college, they are rewarded not only with a degree, we hope, but also saddled with crippling debt. Sixty-six percent of students in Toledo and Dayton and Steubenville and Youngstown, Galion and Gallipolis, 66 percent of students graduating from 4-year institutions in the 2004–2005 school year graduated with debt. Two-thirds of all students graduated with debt. Those students owed an average of $19,259. That affects their future. It affects the job they choose. It affects their ability to marry and have children and what they are able to face with the financial challenges and the debt that they bear from the moment they graduate.

Even worse, the purchasing power of the Pell grant—Senator REID talked about that—the main source of grant income assisting lower income students—has dropped dramatically. Students and parents are finding it harder and harder to figure out a way to finance their education.

Look back at this whole picture. Tuition has gone up 25 percent to 50 percent, depending on whether you go to a private or public college, over the last few years. Wages have gone up 3 or 4 percent. Students who are able to go to college at all and face that get the grants and loans that can get them through their 2- or 4-year institution and end up with a debt—two-thirds of these students end up with a debt on the average of $20,000. Think of what that does. All this at a time when privately subsidized student lenders such as Sallie Mae are reporting record profits and raking in millions of dollars off the backs of the students.

The Presiding Officer and I and several Members of the freshman class today had a news conference decrying what has happened with the privatization of parts of the military, what has happened with private contractors, the kind of fraud they have committed, how it doesn't save taxpayer dollars, how it doesn't make for a stronger military, how it doesn't mean a more efficient government. What we are seeing, with the leadership of Senator WEBB and Senator MCCASKILL, is the graft and fraud and inefficiency they are exposing in the Pentagon budget and in the private contracting in the Pentagon. We also see that same kind of privatization and the impact it has on Medicare, with the drug companies and the insurance companies rewarded at taxpayer expense. We see it, obviously, in Social Security, where some in this institution want to privatize Social Security. We see it in public education. We are having a big battle this week on No Child Left Behind, in the same committee Senator KENNEDY and Senator ENZI jointly run, the Health, Education, Labor, Pension Committee. We will see that there, with some of the private education efforts on for-profit schools. We have seen it especially in the student loan program where this kind of privatization means fewer dollars are available to go directly to students. Taxpayer dollars are wasted. It is less efficient. It leads in many cases to fraud and graft. It also leads, frankly, to political contributions for those politicians who support these privatization efforts.

You can look at Halliburton, you can look at many of these companies—the drug industry which was rewarded on the Medicare bill with literally $200 billion more because of that bill over a 10-year period than they would have had otherwise. Look at the Medicare bill and private insurance companies, how they were "enticed" is the word we use around here; another more direct word might be "bribed"—but they were enticed to enter the Prescription Drug Program by Government subsidies. Again, the money makes for less efficiency, more waste, more money lining the pockets of individual contributors, whether it is Medicare in a prescription drug benefit or students in a student loan benefit and ultimately more costs for already overburdened taxpayers.

That is why this legislation is so important. It will finally start to trim back as well as stop this privatization of our Government, stop these companies from basically taking money that is public dollars and putting it into their pockets without providing the service they should provide directly to the beneficiaries we have designated.

This legislation will finally start to trim back those bloated subsidies to private lenders and focus those scarce dollars where they are needed most, to our students. It will begin to hold colleges accountable for rising costs and assure that students and parents have the information they need to make informed decisions about what college to attend. It will raise the maximum Pell grant to $5,100 next year, increasing to $5,400 by 2011. The average grant in Ohio will increase $430 next year to $2,850.16.

This Pell grant was stuck, in spite of the President's promises in 2000 in his first Presidential campaign—the Pell grant had been stuck at that level for 5 years. Senator KENNEDY's leadership, Senator REID's leadership early in this session, increased the Pell grant in the continuing resolution back in January. We are increasing it again over the next 3 years.

This bill will help nontraditional and community college students by making them eligible for Pell grants. It will help protect students by reforming a broken student loan system, a far too privatized student loan system that now provides too much in the way of subsidies to private lenders. It will make sure student interests are the motivating factors behind college decisions to recommend lenders. This bill promotes innovative teacher preparation programs so our students are better prepared for college.

This bill doesn't do everything we need. We need to work to keep interest rates down in the totally privatized student loan system, the most rapidly growing part of the student loan system, because prices have gone up so dramatically the Federal programs have not been able to keep up. More students have to turn to totally private loans, and those totally private loans have seen interest rates go as high as 18 percent.

Senator KENNEDY is interested in that legislation. We have introduced separate legislation to do that. That is something we hope to pursue down the line. But this legislation begins to stop the privatization of student loans. This legislation we are voting on, the legislation Senator KENNEDY brought to the floor, will begin to arrest the privatization of this system, where too many people outside of the student and the Government have benefited from the privatization of this system. It is time that taxpayer dollars go directly to students to create the opportunities so they can go to college so they can be productive citizens.

That is what we did 30 years ago, in this institution, before many of us were here. Senator KENNEDY was there. The leadership he showed 30 years ago in making this system work to give opportunity to middle-class kids, to working-class kids, to poor kids—this bill moves in that direction.

All students, regardless of their family, regardless of their privilege, regardless of who their parents are, should be able to afford college.

We still have so much to do. This legislation is a good step in the right direction.

I yield.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. BROWN. I would love to yield.

Mr. KENNEDY. Madam President, I thank my friend from Ohio for an excellent statement. He has reminded us when we first, in the early 1960s, had the national debate on whether there should be a Federal responsibility to help students to go on to schools and colleges. We had taken the step with the GI bill. We had taken some steps after Sputnik. But the real, major step had been the GI bill after World War II. We made that judgment in the 1960s.

At the time, we were trying to find out how we were going to get the lending institutions involved. There was a real question about what kind of incentive they had to give to the lending institutions to get them involved, to make sure that the program was going to work.

That is the issue we have been trying to address in this legislation. We have taken some $18 billion out of the lenders and returned it to the students. I think we will hear, probably later in this debate, that might be too much. We will come back and demonstrate that, even the Sallie Maes and the others are indicating even with this cut that they are expecting the profits in the years 2012 and 2013 to be in excess of $2 billion.

As the Senator points out, we know even with these Government programs there is still a ways to go. We are making a downpayment, but I want to give assurances to the Senator from Ohio because he has been so concerned, this is a continuing, ongoing commitment certainly on my part.

The part I want to particularly mention is that we have seen this real explosion in terms of the borrowing in the private sector at these extraordinary rates. We are attempting, with the Banking Committee, to try to work that out, so that is going to be consistent with what we are trying to do, and that is to make sure that, for middle-income families and working families, they are going to get the lowest possible costs.

I commend the Senator. I happen to believe we ought to do that through an auction system. I stated that, expressed it. The Senator from New Hampshire has. We have a very modest provision—up to 20 percent of the funding in this will be subject to the auction process. We are doing a trial program with this. I think it will be very successful. But I think he would agree that we auction off bombs for the Federal Government every day—week, evidently. We auction off oil and gas leases. We auction off all kinds of different things.

I would think in the long run, to make it available to the greatest numbers of students at the lowest possible costs, we ought to do it in the old-fashioned way of competition. We are not there yet, but I would be interested, if he is interested, in continuing to work on this whole area as we move along. This is a reauthorization that we plan to get, but I think there is a lot we can do in these next few years to continue to work on this.

Mr. BROWN. I thank Chairman KENNEDY for his leadership. It is clear to me, as it obviously is to him, that we made tremendous progress in this legislation, with putting dollars that have gone into the excess profits of a relatively small number of companies—putting those dollars either back in taxpayers' pockets or giving it directly to students through this loan program. There is more work to do, and I appreciate his interest in doing that.

I yield my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see my friend and colleague from New Jersey on his feet. I will yield him time.

I ask unanimous consent that during today's session, when the Senate considers the amendment offered by Senator MURKOWSKI and an amendment offered by Senator KENNEDY; that they be debated concurrently for as much time as they might consume; that no amendments be in order on either amendment prior to a vote in relation to the amendment; that on Thursday, July 19, the Senate resume consideration of these amendments at 12 noon and there be 2 minutes of debate prior to a vote in relation to each amendment under this agreement; that the Murkowski amendment be the first vote in the sequence; that all debate time prior to the votes be equally divided and controlled in the usual form; that when the Senate resumes consideration of the bill on Thursday, there be 10 hours of debate remaining equally divided and controlled.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I withhold that.

The PRESIDING OFFICER. The request is withheld.

Mr. KENNEDY. Madam President, I yield such time as the Senator from New Jersey should use on the bill.

I wished to thank the Senator from New Jersey. We had been meeting earlier in the afternoon with a Hispanic task force. Their priorities were the areas of education, early education, No Child Left Behind, access in terms of higher education.

Senator MENENDEZ and Senator SALAZAR were leaders with that group. I am always moved by the Senator from New Jersey's own story, about the importance of these Pell grants and the importance of loans, his own life experience as well as those of his friends.

I hope he will at least share some of that with us this afternoon. It is an inspiring story. If there is any reason for the efforts we are making this afternoon, the Senator from New Jersey is an excellent example.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Let me thank my distinguished colleague and the chairman of the committee from Massachusetts for his kind words. Above all, I wish to commend him for his incredible leadership, for standing up for the Nation's students, and for putting forth a bill that will make a tremendous difference for students across the Nation who are struggling to afford college.

I know in an era in which we lament the lack of bipartisanship, I also wish to commend the ranking Republican on the committee, Senator ENZI. I was privileged to be sitting in the chair when he was talking about this bill. I appreciate very much the same spirit he brings to this legislation, the leadership he has also shown working with Senator KENNEDY to make the legislation that has come to the floor that I think should receive the very broad support of the Senate.

Certainly, I wish to rise in strong support of the Higher Education Access Act, which takes some critical steps to making higher education more accessible and more affordable for our Nation's young people. In a world that has been transformed by technology, in which the boundaries of mankind have largely been erased in the pursuit of human capital, for the creation of a product and the delivery of a service, so that an engineer's report that is created in India and transmitted back to the United States for a fraction of the cost or a radiologist's report may have been done in Pakistan and read by your doctor in your local hospital or if you have a problem with your credit card, as I recently did, you end up with a call center in South Africa.

Well, in the pursuit of human capital, we are globally challenged. So for America to continue to be the global economic leader, it needs to be at the apex of the curve of intellect. That means the most highly educated generation of Americans the Nation has ever known. Of course, to achieve that, there must be both access and affordability for this next generation of Americans to be able to be the scientists, the engineers, the mathematicians who can fuel our competitiveness in the world.

This bill, in my mind, in addition to providing educational opportunities, is about meeting the Nation's challenge in this global competitive marketplace we are in.

The bill begins to right the imbalance that has plagued student financial aid. For far too long, students struggling to afford college have seen their grants shrink, their loan rates go up, their debt explode—their debt explode.

This bill turns that trend around, by increasing grant aid for the neediest students and making a $17 billion investment in student aid, the largest since the passage of the GI bill.

We all know that education is the key—the key—that unlocks social mobility and economic empowerment and opportunity in this country. I know that, as Senator KENNEDY suggested, from my own personal experience. I have said before, that as someone who is the first in his family to go to college, the reality is, but for the power of the Federal Government's financial assistance, without Pell grants, one of the programs we are talking about today, I certainly would not have been able to afford college or go to law school, nor would I have had access to opportunities that my college education afforded me, and I certainly would not be here today as the junior Senator from New Jersey, without that educational foundation and opportunity.

I am not alone. Millions of young people across this Nation have dreams of earning a college degree, of having access to that key that unlocks their own economic empowerment of fulfilling their God-given potential.

Some dream of building a successful career or going on to graduate education or, as in my case, to be first in their family to graduate from college. The power of those dreams is why our students and their families are making sacrifices to meet the high cost of college, why they are scraping together what they can to finance education that will let them fulfill their dreams.

That reality is becoming harder and harder in terms of achieving that goal. Every year, nearly half of all college students, college-ready students, and families with incomes under $50,000 cannot go to a 4-year college, not because they do not have the ability, not because they did not gain admission but because the cost is too much of a barrier.

Despite current aid, grants and money that students earn working, many students face a growing gap between the aid they receive and the cost of college. As a matter of fact, lowest income students at a 4-year college face almost a $6,000 gap in unmet needs.

I worked when I was going through college. I understand those challenges. You are getting financial aid, you are working, and still you have an unmet gap. That means debt. That means debt. The lowest income students at 4-year colleges face roughly $5,800 in unmet needs after a standard financial aid package, after their loans, and after the amount their families contribute. The fact is that for the neediest students, current aid is simply not enough. The fact is students have been squeezed on two ends, one by declining Federal aid that has sent students the message they are on their own; and, two, by having to rely increasingly on student loans, which in essence, is debt.

We are supposed to provide a needed boost to students but instead have left them with deals that are not in their best interests. I am proud of this bill because it will put money where it is needed most, Pell grants and other critical financial assistance that benefits our Nation's students with the most need.

Instead of another empty promise to increase Pell grants—we have heard plenty of those—this bill will increase the maximum Pell grant to $5,100 next year, and beyond that, climbing to $5,400. There simply is no excuse for the fact that Pell grants have not increased by even $1 over the last 5 years.

Tell any family that is trying to have their child fulfill their dream. We have seen tuition rates go up. We are seeing costs again go up. But we have seen the Pell rate stagnant. That means, in terms of buying power, that has even meant far less.

With this bill, we are ending the neglect of our Nation's neediest students. We also will expand who is automatically eligible for a Pell grant. Currently, a student is eligible for Pell grants if their family makes $20,000 per year. This bill increases the annual income limit to $30,000, so more students can be eligible to benefit from Pell grants.

That is the reality of having so many of our families be able to at least get some assistance in this respect. This bill works to protect students working hard to stay in college by doubling the amount a student can earn but remain eligible for aid from $3,000 to $6,000. This bill ensures a student will not lose their financial aid from simply working to make extra money.

Let me tell you, when I went to college back in New Jersey at St. Peters College, for the first month I did not have the money to get to St. Peters College, which was in a neighboring community from where I lived but a good several miles away.

For that first month, until I entered the work study program and started to earn money for transportation, I walked. Now, I was a lot leaner as a result of it, a lot thinner as a result of it. But the bottom line is that as a result of working, I was able to get the transportation funds I needed.

But when we, in fact, say to a student: We want to reward work and we want them also to have the sense that when they work there is a benefit, not a punishment, in fact, that has worked to the contrary. So Senator KENNEDY and the committee have done something that is exceptional. As someone who had to work in order to get to school, this actually incentivizes the opportunity to do so but does not penalize them.

This bill also helps students who are struggling to pay back their Federal loans by capping the amount they will pay at 15 percent of their income. This helps ensure they are not paying back more than they can afford. One of our challenges is that our students graduate under a mountain of debt. Then, as they try to fulfill their hopes and dreams, they are squeezed even more in terms of the repayment process. This is a critical step toward ensuring that loan repayments are affordable and not overly burdensome for some recent graduates.

I also am extremely pleased this bill builds on a proposal I have supported for a long time from my days in the House of Representatives, expanding loan forgiveness for those who are working in jobs that serve the public.

By providing some of the our most needed public servants, our teachers, police officers, early educators, social workers, school librarians the chance to have their loans forgiven after they have been working hard to pay off those loans, we are sending a powerful message.

We have a whole new generation of teachers we are going to need in this country. We have an explosion, a bubble that is about to burst of those who are, in fact, going to be in the retirement age and will be retiring.

As I said earlier, in this global challenge, education is the key to being the continuing global leader in competitiveness; having the most highly educated generation of Americans ever. That means having the firm foundation to ultimately be able to achieve higher education. That means having a cadre of educators who are among the most highly skilled and educated professionals we have ever had.

This incentivizes people to head in that direction. We are sending a powerful message. We are saying: If you are willing to serve the public, we will give back. If you make sacrifices in your daily job, we appreciate that sacrifice, and we want to lessen the financial burden. We will help ensure that today's students do not shy away from a career in public service simply because they think they cannot afford it.

I am proud of the direction this legislation takes. This bill is sensible. It is reasonable. It is fair. It makes our priorities clear. Instead of subsidizing lenders, we should be putting every last dollar possible into the pockets of students.

In addition, we are providing $17 billion in new aid to students without charging taxpayers a dime. In this bill, we are actually also putting nearly $1 billion toward deficit reduction. As a member of the Senate Budget Committee, I am pleased to see this bill recognizes the responsibilities we have, not just to our students but to future generations who do not deserve to be saddled with the Nation's rising debt.

I look forward to, as a member of the Senate Banking Committee, working with our chairman, Senator DODD, to deal with these issues in this bill. In my mind, this is integral to making higher education more accessible, more affordable for this next generation. It is a step forward to ensuring the student loan system works for students and their families; that is who it is supposed to work for, for students and their families.

It is a key to preserving the integrity of our Nation's higher education system. It is a key to having a continuing ability to be the global economic leader. It is the key to fulfilling the American dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield myself such time as I use on the bill.

I wish to thank the Senator from New Jersey for his excellent presentation, particularly for his pointing out a number of features of this legislation, one of which is that we increase the opportunity for young people who are going to school and college who are out there working, we permit them to be able to earn some more without losing their need-based help and assistance in terms of education. That is an extremely important one.

As the Senator was pointing out, we are in a situation where a number of those individuals would go out and work and work hard and be able to get additional income and then risk their need-based assistance.

Secondly, the expansion for the eligibility for the Pell grants, which is enormously important. We have been attempting to do that for a number of years. That will open up the opportunity to more than 4 million children who are in Pell grant eligibility now. That is going to open up additional opportunity. This is incredibly important. I thank the Senator.

Madam President, I ask unanimous consent that during today's session, when the Senate considers the amendment offered by Senator MURKOWSKI and an amendment offered by Senator KENNEDY, they be debated concurrently for as much time as they might consume; that no amendments be in order on either amendment prior to a vote in relation to the amendment; that on Thursday, July 19, the Senate resume consideration of these amendments at 12 noon and there be 2 minutes of debate prior to a vote in relation to each amendment under this agreement; that the Murkowski amendment be the first vote in the sequence; that all debate time prior to the votes be equally divided and controlled in the usual form; that when the Senate resumes consideration of the bill on Thursday, there be 10 hours of debate remaining, equally divided and controlled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, leadership has instructed me to say there will be no further rollcall votes in light of the agreement.

AMENDMENT NO. 2330 TO AMENDMENT NO. 2327

Madam President, I call up my amendment that I believe is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2330 to amendment No. 2327.

Mr. KENNEDY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the amounts appropriated for Promise Grants for fiscal years 2014 through 2017)

Strike subparagraph (G) of section 401B(e)(1) of the Higher Education Act of 1965, as added by section 102(a) of the Higher Education Access Act of 2007, and insert the following:

"(G) $3,650,000,000 for fiscal year 2014;
"(H) $3,850,000,000 for fiscal year 2015;
"(I) $4,175,000,000 for fiscal year 2016; and
"(J) $4,180,000,000 for fiscal year 2017.

Mr. KENNEDY. Madam President, we have done a lot in this bill. We provide $14 billion in additional grants to students, $3 billion in debt relief, for a total of $17 billion in college aid to students. This will open wider the doors of college for America's neediest families and provide benefits for all students.

We have raised the maximum grant for Pell-eligible students to $5,100 next year and $5,400 in 2011. But we need not stop there. We should allocate all available funds to continue adding to the need-based aid beyond the increases we make in the next 5 years, and this amendment will allow us to do that.

It allocates billions of additional dollars to extend the maximum need-based grants between 2014 and 2017, continuing our promise to help millions of needy students to pay for college. This is, I believe, a very welcome reversal from the last 5 years, when the administration basically broke its promise to increase the Pell grant year after year.

Now that policy has changed and shifted. We know what the stakes are when students are not able to afford college. Each year, over 400,000 talented, qualified students do not attend a 4-year college. Twenty years ago, the maximum Pell grant covered 55 percent of a 4-year college and today it only covers a third.

This amendment will continue what I consider the march of progress in terms of the outyears. We are addressing the first 5 years in the bill, but obviously these programs will last beyond that. We have demonstrated that this bill saves billions of dollars, and those resources will be devoted toward helping students, and that is enormously worthwhile.

Madam President, I yield time off the bill. The Senator from New Jersey was talking about the importance of the Pell program and the student loan program and how important this is in terms of our competitiveness. It is worthwhile to point out that as I mentioned, spending under the GI bill, over a 6-year period, represented a third of the total Federal budget for 1951. That gives us some dimension of the priority this country places on education. The GI Bill was responsible, more than any other action, for helping create the great middle class of our country which has been such a pillar of strength for our democracy, for our economic strength, and for our military strength as well.

The GI bill, during that period of time, produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It also funded the education of three Presidents, three Supreme Court Justices, and a dozen Senators who served in this very Chamber. Pretty good investment for this Nation, and it is the kind of investment we ought to continue for the young people of this country.

I wish to review one of the very important aspects of this legislation. I again commend our colleagues. This was a bipartisan effort. I wish to indicate again one of the very compelling aspects of this legislation is not only the historic increase in the need-based grant aid, but it is the loan forgiveness for borrowers in public service jobs.

I will give a few examples. What do we mean by loan forgiveness? We indicated the types of jobs that would be eligible for this program. I will put that chart up in a minute. But certainly a public school teacher is a good example. This is the average salary for a starting teacher in my State—$35,000. The average loan debt is $18,000. This is about the national average. Monthly payments today would be $209 and the loan payment relief under this bill would be some $61 each month. The yearly student loan payment relief under the new income-based repayment plan, the annual relief they would receive would be $732. That is not insignificant. If they remain a teacher for 10 years, they save $10,000 of their $18,000 debt, effectively the remainder of their debt is forgiven; $10,000 forgiven. Not insignificant.

Let me point out what jobs are included in this public service loan forgiveness program. Obviously, emergency management, public safety, public law enforcement, public education, early childhood education, childcare, public health and social work in public service agencies, public services for individuals with disabilities and the elderly, public interest legal services, public defenders, school librarians, school-based service providers, teaching full time at a tribal college or university. All of those—and that is not exclusive, it is inclusive.

Let me show what this would be in another State. This is a social worker in North Carolina with one child with an annual salary of $37,000; loan debt, $16,000. They would save some $500 a year in what they would be obligated to pay, and if they did this for 10 years, $7,300 would be forgiven. That gives us an idea of what happens with a teacher and what would happen with a social worker.

Let's look at how this bill will help a public school teacher in Iowa whose annual salary is $27,000. They would save a yearly payment of some $1,300. After 10 years, they would have $16,000 forgiven. This gives us a pretty good idea of what this program does. In this case, that is almost half their total debt forgiven, and they have seen a reduction in both their monthly and annual payments. This makes a big difference—a few hundred dollars here and a few hundred dollars there—it makes an enormous difference.

Now this past year, tuition and fees increased just 4 percent at four-year public colleges in Massachusetts—up just a couple hundred dollars. We have UMass Boston in our public university system, and about 60 percent of the students there are first-generation individuals. It is an extraordinary place and getting better and stronger. Needless to say, tuition has gone up a good deal there and at colleges across the nation in recent years. This can be devastating to low-income students, and especially to first-generation college students. In the UMass system, tuition and fees increased nearly 40 percent from 1996 to 2006. We know that a few hundred dollars makes a key difference. It makes an extraordinary difference for these young people, when they are making a judgment whether to go to school and whether they are willing to take on the indebtedness. The idea that they know when they get out of school they will be able to go into these public service types of jobs and will be able to get relief is extraordinary.

One of the incredible phenomenons taking place at universities and colleges today is volunteerism. The number who are volunteering at schools and colleges all over our country is enormously impressive. This is incredibly encouraging.

There is a great willingness and desire to be a part of trying to meet some of the Nation's challenges. So many of those opportunities involve some aspects of involvement in public employment. This legislation gives young people a real opportunity, even if they come from homes with limited resources, that they can attend a fine college, and then they can go on to one of these public service jobs and make a real difference in their community, in part because they get assistance in this legislation in terms of debt relief. That is what is included in this legislation.

There is a very significant expansion of the Pell grant, a very important innovative and I think creative concept in loan forgiveness for those who are going to give something back to the country because of what the country has done for them. It provides important relief for their families in interest payments, the expansion, in terms of young people who are working, to permit them to earn a little more without losing their need-based assistance and the recognition that we ought to expand that opportunity for families with children.

Thirty thousand dollars, that sounds like a lot, but we are looking at those individuals and families who are earning that amount. That is a pretty hardworking family, needless to say, and they have children who want to be a part of the whole American dream and contribute to this country. They understand the importance of their continued education.

This gives a pretty good idea about where we are on some of these programs. It is important we understand these programs.

For those who are interested, we are still trying to work out a consent agreement so we can consider the authorization as well. Senator ENZI and I have been communicating through the course of the day with our leadership and other members. We certainly hope that by tomorrow we have some recommendations. Both of us understand the importance of doing this. It has been mentioned over the course of the day the extraordinarily important ethical issues with the student loan industry, as well as other significant provisions, included in that reauthorization legislation. The ethical issues is an important aspect of the bill, and we should address that aspect and our reauthorization does that.

The simplification of the application for federal aid is a key aspect in terms of accessibility to college. That is a key element.

There are some other provisions that have been added by members of the committee that have been described. This is a very important reauthorization.

There is strong bipartisan support for the legislation. It is important we pass it. We urge our colleagues to work with us to see that this is done at the earliest possible time.

My colleague from Connecticut, Senator DODD, I know is on his way over here. We have had a good number of our colleagues who have spoken on this legislation. Many on our committee have spoken. We are very grateful to all of the members of the committee, as I mentioned earlier, for their involvement and assistance.

Senator REED worked very closely with Senator ENZI on what we call EZ FAFSA, the application for student aid, and that is enormously important. He has spoken today. Many on our committee members have talked about this legislation, and we are grateful for all of their efforts.

We have solid legislation. We are not looking for additional amendments. But if that is the desire of our Members, we hope they will communicate that to us as quickly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I again thank the Senator from Massachusetts, Mr. KENNEDY, for his diligent work on this bill and for his outstanding explanation of what is in the bill and ways it can positively affect kids across the Nation.

Our goal with this bill and the Higher Education Act that we hope to have follow immediately is to make sure there is affordable access for everybody who wants to go to college. Even affordable access for those who have other educational goals following high school, who have some other occupations they want to pursue that requires specialized schools, this bill will help in all of those aspects.

For those who may think some of these goals are unachievable, I wish to share briefly an experience I had last weekend because I was fortunate to have an opportunity to be a part of the Western Governors University commencement. It was a very memorable day and brought back memories of my own graduation and other graduation ceremonies I have been a part of over the years. This one will stick in my mind for a long time to come because what makes the Western Governors University such a unique institution of higher learning can be reflected in the eyes of those who were graduated.

The Western Governors University is a school without boundaries. It is a nonprofit school. It was founded and supported by 19 State governments. This is the only time the Governors of several States have joined together to create a university.

It is also supported by more than 20 leading U.S. corporations and foundations. This may be important. It is self-sufficient. Of course, it is only self-sufficient because of some of the provisions we are providing so kids have the opportunity to attend. I keep referring to "kids." But with this one, I should not be referring to "kids" because the average age of their students is 38.

I mention this to encourage everybody that if they want some other job opportunities, there are possibilities. This is one of the possibilities for a person to get some additional education and be covered by what we have in this bill.

Western Governors University offers a competency-based, regionally accredited college program that is open to just about everybody. That means a student who proves his or her knowledge in a certain subject area does not have to put in seat time to relearn something they already know. Their knowledge of a subject is measured through a series of assessments when they start, and that allows the university to individualize each course and tailor each degree to meet the needs of that particular student.

The courses are all online. There are no classrooms. It can be taken at the student's own convenience and speed. That is why I am mentioning this university. Everybody does not have access, particularly in the rural areas of this country, to a university. But online, they have access to this and other institutions.

Tuition is $5,600 a year, and Federal education aid and private scholarships are available. There are 20 corporations that provide quite a few scholarships in addition to that Federal education aid. That makes a degree from Western Governors University one of the most reasonable college educations you can get, especially when you studying while holding down a job. In that situation, your room and board is probably your home.

When a student is accepted by the university, they are assigned an instructor, a mentor, a counselor who will work with them and help them make their way through the studies. That individual stays with them the whole time they are in the university and keeps in touch for a year beyond their graduation to help with placement and problems they may experience.

The course is designed so that those who have other obligations in their life—children, a job or other responsibilities that make a traditional education impossible—can still get their undergraduate or master's degree while keeping true to their day-to-day obligations and responsibilities. A lot of people have to hold down a job in order to feed their family, yet would like to be able to improve their situation. This college makes that possible.

When their studies are completed, their tests have been taken and the degrees have been earned, the whole university comes together to honor the graduating class. That is the ceremony I was a part of and a day I will not forget. The university student body is quite diverse. The campus stretches through all 50 States on the Internet. In addition, the fact that the university serves Active-Duty military personnel overseas stretches this university without boundaries all around the world.

The students I visited with on graduation day came from cities, suburbs, and rural areas. The average age is 40, but they range from the twenties to the sixties. The university makes it clear that you are never too old to pursue a degree or return to college to get additional education to get a better job or begin a new career.

In November 2000, Western Governors University graduated its first student. It is a new university. Since then, the university has grown and attracted more and more students to its programs. Now, a few years after the first graduate earned a degree, WGU graduates more than 400 students each year in a growing number of degree programs.

The school keeps in touch with its graduates to check on how the degrees they have earned have helped to improve their lives. They also have a very active alumni association that helps former students to continue to achieve and set new goals in their careers and pick up additional courses.

At each graduation ceremony I have attended, I have always found that what makes each school unique is its student body. Western Governors University was no exception to the rule. I was greatly interested in the remarks that were offered by four students who spoke at the graduation representing their class.

I mention these again to emphasize there is a way in the United States to get higher education no matter what your circumstances.

One of them wanted to be a teacher. It was a dream the university made possible because their flexibility made her course schedule fit into her life schedule. She already had a son and a job, and she spoke about her work with the teaching program. She had to do student teaching, just like everybody does, and one day she told one of the students in her class how smart he was. He beamed and said, "You know, I wasn't smart until you came." That is what sold her on a teaching career. She could see in his eyes he had come to believe in himself because someone else believed in him. She spoke of the importance of using your gifts and talents to encourage others to be the best they can be.

When it comes down to it, that is the sum of what an education is all about, learning to reach out to others so we use all our gifts and talents to make this a better world. Under this bill, there is the capability, if you are dedicating yourself in these areas, to take advantage of some special benefits that are available.

Another graduate spoke with pride at how hard he worked to earn his degree and how every moment had been worth it. He too had a family. He mentioned the logic of an online university having a football team and suggested that would truly be fantasy football. For him, one of the most important parts of the experience had been the mentors who worked with him, supported him, and shared his joy when he earned his degree. He was certain his degree would open doors for him and change his life. He was looking forward to getting involved in the alumni program so everyone in his class, and others, could keep in touch and follow each other's successes.

At traditional universities, that is an even more important part of college life, keeping in touch and following each other's successes.

Another speaker told of the difficulties we all face, and said, "Don't ever tell me you don't have time in your life or that it is too tough." Her philosophy reminded me of a favorite motto of my own family—TGAPA which stands for Trust in God and Push Ahead because that is exactly what she has done. Despite the problems she has had to face, which was the loss of two of her children and a husband who was facing several health problems, she forged ahead, worked at her own pace, and earned her degree.

Another speaker who had a message to share was Ngozika Ughanze from Texas—originally from Nigeria—who was one of 10 children. Her father was very concerned about his children and the importance of their schooling so he sent all 10 to school to learn English. It started her on the road to higher education that she has continued to follow all her life. In her words, "The more I learn, the more I want to learn." She left Nigeria with her husband in 1997 because they wanted to get their own piece of the cake. She said, "I believe if you work hard, then you are able to live here."

The problem for her, as it was and is for so many, was finding the time to get it done. The only way she could make any progress was to cut things out of her schedule. That meant giving up some of her favorite things, such as television and shopping. It wasn't going to be easy to pursue a college education because of her obligations to her family—she has seven children—but she made it happen. She made it happen despite having to relocate four times because of Hurricane Katrina. She made it happen despite missing some deadlines, which meant she had to work harder to catch up, again because of Hurricane Katrina and Hurricane Rita, which also got involved in it. She made it happen because she refused to accept any other outcome.

She used her family time to study with her children. She enjoyed getting them involved almost as much as her children loved being a part of their mommy's project. As she received her degree, three of her own children are attending college and one day will receive their own degrees.

There were nearly 90 graduates in the hall, representing 29 States, but the ones watching online and getting their diploma online represent 42 States and 2 countries and ranged from 22 to 63 in age. A remarkable group of men and women. Although I have only noted the dreams of a few, each of them had their own story to tell about their degree, how they earned it, what they planned to do with it, and how they hoped to use what they learned to make the world a better place.

I was very pleased to be a part of that ceremony that honored such a spirited group for having laid the groundwork for a great life. They are all to be congratulated for earning their degrees and for making another of their life's dreams come true. That is what we want for the people of the United States, regardless of age. It doesn't matter whether you are 22 or 18 or 63 or 94. I got to see a diploma given to a man this spring who was 94 and who was pleased to finally get his degree. That is possible in America, and this bill helps to make that dream a reality in conjunction with the hard work of the students.

It isn't easy, and it is even more difficult if you are in situations where you have a family, you have a job, and you have to maintain those to maintain your family. So we are doing what is possible to make that burden as easy as possible, and we hope we will have a lot of support. We would encourage people who have amendments to get those down here so we can complete this in a timely manner so we can do the other 80 percent of higher education that also needs to be done and that we have been hoping to get done since last year.

So our work is cut out for us, but from these examples, you can see the people out there are worth working for. We owe it to them. We have the chance to do this, so let us do it now.

I yield the floor.

MORNING BUSINESS

Mr. KENNEDY. Madam President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TAD DUNBAR

Mr. REID. Madam President, I rise today to honor Tad Dunbar, a Northern Nevada institution. Tad has been a part of the newscast for KOLO-TV for over 35 years, and has been involved in broadcasting for over 48 years.

At the age of 15, Tad began his media career as a disc jockey for a radio station in Palestine, TX. He has been a broadcaster ever since, honing his journalistic skills even as a high school and college student. His work attracted attention from broadcasters in Abilene, TX, where he landed his first job. Before he came to Nevada, he worked as a newscaster in Midland, Laredo, and Corpus Christi.

In September of 1969, Tad moved to Reno and became an anchorman for News Channel 8. For almost four decades, he has been a fixture on televisions throughout northern Nevada. Tad is a man of numerous talents, and has tackled the roles of assignment editor, photographer, film editor, writer, and producer. During his time at Channel 8, Tad has covered stories that captured the hearts and minds of all Nevadans, including the Kennedy assassination and the Priscilla Ford trial.

He recounts one of the most memorable moments of his tenure as when the News Channel 8 studio ignited in flame a few years ago in the middle of his newscast. When asked about it later, KOLO station manager Matt James joked that "that was probably one of the few newscasts [Tad] didn't get to finish."

In addition to his daily duties as an anchorman, Tad has deeply involved himself in philanthropy throughout the years. He serves on advisory boards for several nonprofit organizations, and has played an integral role in "Sheepdip," an organization that raises money for scholarships at the University of Nevada. In addition, Tad is a devoted family man. He is married to his wonderful wife Minda, with whom he loves to cook and enjoy fine wine.

Tad is leaving KOLO-TV at the end of July. His unique journalistic style and his affable personality will be greatly missed. I know I join with the entire northern Nevada community in wishing Tad the best on well-earned retirement.

HONORING THE LIFE OF JOHN B. GAINES

Mr. McCONNELL. Madam President, I rise today to honor the life of a distinguished Kentuckian, Mr. John B. Gaines, president of the Bowling Green Daily News. He passed away last week at the age of 92.

John came by his passion for reporting news and connecting with the community quite honestly. He was born and raised in a newspaper family his grandfather founded the Daily News, and his father ran the newspaper until his passing in 1947 and for half a century, John served as the paper's publisher. When in Bowling Green, I always appreciated the opportunity to sit down for a conversation with John.

I will miss John and wish to extend my heartfelt sympathy to the entire Gaines family—John Pipes Gaines and his wife Susan Leonard Gaines, Mollie Gaines Smith and her husband, S. Russell Smith, Jr., Mary Gaines Dunham and her husband, David Lee Dunham; and grandsons, John Scott Gaines, Stephen Wilson Gaines, S. Russell Smith III and John Brooken Smith and his wife, Katie. While the Bowling Green community has lost a prominent voice, John's legacy will continue. The newspaper is in good hands under the leadership of his son, Pipes, and his grandsons working there.

The paper he so loved and dedicated his life to paid tribute to him on Sunday with an article titled "Daily News president dies at 92." I ask unanimous consent that the full article be printed in the RECORD, and that the entire Senate join me in honoring the life of this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bowling Green Daily News, July 15, 2007]

DAILY NEWS PRESIDENT DIES AT 92

(By Alicia Carmichael)

Daily News president and avid fisherman John B. Gaines always told his childhood friend John Clagett "he was going to live until he got pulled under by a big fish at the age of 90," Clagett said Saturday.

On Friday at The Medical Center, 92-year-old Gaines died quietly, surrounded by family, after a short illness.

"The big fish got him," Clagett said sadly Saturday from his home in Middleberry, VT.

Still, according to many of those who knew him well, Gaines lived life to the fullest until his last days.

"He had much difficulty getting around, walking, but he came to church most every Sunday" at Christ Episcopal Church, said John Grider, who through the years did bookkeeping, accounting and tax work for Gaines and served with Gaines on the board of directors at Citizens National Bank.

Ewing Hines, who worked for Gaines for 40 years as a Daily News accountant, said Gaines was still talking about fishing on Friday.

"I called down at the hospital," Hines said. "(His son) Pipes took the phone, and I heard him say in the background, 'Tell him it's a good day to flyfish.' And I thought he was getting better."

Now Hines can't believe his "best friend" is gone.

"This hurts me about as much as anything that has happened," he said. "He always had time to talk to me. He was a great person."

Michael G. Catlett, who was Gaines' financial consultant and friend, said Gaines "was a man who showed you personal attention. He acted like he really cared for you when he was talking to you."

Gaines and Catlett often took walks through Bowling Green, before walking became difficult for Gaines.

"I used to tell him, 'I enjoy our walks downtown because it elevates my status in the community,' " Catlett said. "He laughed about that."

With Gaines' passing, Catlett said, Bowling Green has lost a "treasure . . . a great man of integrity, manners and respect."

Don Stringer, the former longtime managing editor at the Daily News, also talked about Gaines' integrity.

"He always stood behind us" in the newsroom, Stringer said, "and he had no compunction, when we were right, about saying, 'That's what we're going to do.'"

With "a wonderful dry sense of humor," Stringer said, Gaines took the newspaper business's ups and downs in stride.

Daily News general manager Mark Van Patten said many often overlooked Gaines' vivid wit because of his usually serious demeanor.

But that demeanor came from his love for the newspaper, which was started by his grandfather, also named John Gaines, in 1882. The younger John Gaines, a graduate of the University of Alabama, took over the running the Daily News after his dad, Clarence M. Gaines, died in 1947. For half a century, he was the paper's publisher.

"He really loved the newspaper and loved this community," Van Patten said, "and that was always foremost in decisions he made." Van Patten added he has "never worked for a publisher that had stronger ethics than Mr. Gaines," who "just loved newspaper and journalism and the business of newspapers in general."

Less than two weeks before he died, Gaines was in his Daily News office, as he was nearly every work day when he wasn't ill—or, in his later years, spending 6 weeks each winter in Florida.

"I could not believe it," Grider said of Gaines' devotion to his work at a time of life when most have been retired for decades.

Gaines' mind was kept sharp because of his work, Grider thinks.

"We had a lot of nice discussions," Grider said, "and for his age, his mental capacity was remarkable."

Gregg K. Jones, who is co-publisher of The Greeneville Sun in Tennessee, president of Jones Media Inc., past chairman of the Newspaper Association of America—the largest newspaper trade association in the United States—and a former president of the Southern Newspaper Publishers Association, said Gaines was planning, as recently as two weeks ago, to attend this year's SNPA meeting in West Virginia.

For two terms, Gaines was director of the association. He also served as president of the Kentucky Press Association, as his grandfather had once done, in 1962, and was the 1980 recipient of the Edwards M. Templin Memorial Award, which was presented by the Lexington Herald-Leader to the Kentucky newspaper person who performed the most outstanding community service.

"He was revered in the Southern Newspaper Publishers Association," Jones said, "and people were always excited to see him there, not only to hear what he had to say, but so they could learn from him."

Jones, whose family has owned The Greeneville Sun for generations, said Gaines was as passionate about his family's ownership of the Daily News as he was about the newspaper industry in general.

"He didn't like the idea of newspapers being owned by impersonal public companies," Jones said. "He cared so much about his community. He made that very clear, and that's something our families shared. We've always placed a very high value on the bond between a newspaper and the community it serves."

Gaines especially loved helping small business people grow their businesses, Jones said.

"He considered his relationships with his advertisers and readers to be partnerships," Jones said. "So many people in Bowling Green have built their businesses through (the) newspaper in Bowling Green. He loved that and seeing people succeed, and seeing Bowling Green progress."

"At the same time, John was a fiercely independent guy," Jones said—a newsman who at one time was a member of the Calendar Club literary group in Bowling Green, a former member of the Bowling Green Noon Rotary Club, a member of the Society of Professional Journalists and a charter member of the Bowling Green-Warren County Jaycees.

Gaines was also chairman of the boards of News Publishing LLC, which operates the Daily News, and the Daily News Broadcasting Company, which operates WKCT–AM and WDNS–FM radio stations in Bowling Green.

In his free time, Gaines loved fishing, dove hunting, traveling both domestically and abroad, and good food, said his grandson, Steve Gaines, who is editorial page editor at the Daily News.

"My fondest memories of my grandfather will always be spending countless hours fishing next to him on the creek beds or countless hours in the dove field, either shooting doves or talking about Alabama football," Steve Gaines said.

John Gaines was also was loyal to his church, where he had served on the vestry and was a trustee of the Delafield Committee.

The Rev. Howard Surface, who was Gaines' pastor at Christ Episcopal Church for four decades, said that for years, Gaines came to the church several days a week.

"For many, many years my office was in the front part of the church on State Street," Surface said, "and every day around noon I would see John. He made a habit of walking up State Street and he would stop at the church's prayer chapel."

Gaines' also was devoted to his family, Steve Gaines said.

"My grandfather said many times the best thing he ever did in life was marry Mabel Sharp Gaines, and he was right."

Gaines and his wife raised three children: Pipes Gaines, who is now publisher of the Daily News, Mary Gaines Dunham, who is retired from her job as national advertising director at the newspaper, and Mollie Gaines Smith, now of Louisville.

The couple also had several grandchildren, including Scott Gaines, who is Steve Gaines' brother and works in the business side of the Daily News.

Steve Gaines said he now takes solace in the fact that his grandfather was surrounded by family when he died. He's also comforted by the fact that his granddad knew the Daily News would stay in the Gaines family after his death.

"He wouldn't have wanted it any other way," he said.

Stringer said he now thinks one of Gaines' greatest legacies has been passing down his sense of integrity to his children, and gave Gaines what he considers "the highest compliment you can give" in the newspaper business.

"He was a hell of a good newspaper man," Stringer said, "and I think the community is going to miss him."

EXTRANEOUS PROVISIONS OF S. 1762

Mr. CONRAD. Madam President, as chairman of the Committee on the Budget, pursuant to section 313 of the Congressional Budget Act of 1974, I ask unanimous consent to have printed in the RECORD the following list of reconciliation provisions considered to be extraneous and subject to the Byrd rule.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXTRANEOUS PROVISIONS OF S. 1762 AS REPORTED BY THE HEALTH, LABOR, EDUCATION AND PENSIONS COMMITTEE

Provision	Violation	Description of provision
Sec. 301	Sec. 313(b)(a)(A) No change in outlays or revenues.	Lender Insurance.
Portion of Sec. 801 on page 55 lines 16 through 20.	Sec. 313(b)(1)(A) No change in outlays or revenues.	Statement of purpose of College Access Partnership Grant Program.
Portion of Sec. 801 on page 68, lines 9 through 11.	Sec. 313(b)(1)(A) No change in outlays or revenues.	Sunset.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 4, 2007, in Pearland, TX, Terry Mark Mangum brutally murdered Kenneth Cummings, Jr., for being gay. Mangum says the two had drinks at a Montrose-area club before returning to Cummings' home in Pearland. Mangum confessed to having stabbed Cummings to death with a six-inch knife at Cummings' residence that night. He then burned the body and buried it at a 50-acre ranch owned by his grandfather. Mangum says he believed that Cummings was gay and allegedly had planned the killing for 6 months prior to the murder.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO MYRON PIERCE OF SOUTH PARIS, MAINE

• Ms. SNOWE. Madam President, today I pay tribute to Myron Pierce of South Paris, ME, as he is honored by Joshua L. Chamberlain Camp No. 69—Sons of Union Veterans of the Civil War, the Veterans of Foreign Wars, the American Legion and the Western Maine Veterans Advisory Council. Through the years, Myron Pierce has demonstrated a selfless and stalwart commitment to his family, his community, and his country. Born in Bethel, ME, the oldest of eight children, Myron began his military career at the age of 19, serving in the Army National Guard and was activated to full-time duty the following year stationed at Camp Blanding, FL. By 1942, he was a machine gunner with the 12th Bomb Group and led night patrols that uncovered the presence of German troops, earning him a Silver Star. From 1941 to 1945, he fought with the 103rd Infantry of the 43rd Division, also known as Winged Victory, and was wounded in combat in North Africa. During the Korean War he rejoined the Maine Army National Guard. While in that theater, he led 27 consecutive night combat patrols in Iron Triangle near Pork Chop Hill, where a Chinese unit ambushed the 2nd Infantry Division and he endured grenade shrapnel. He and two others were the only survivors of that fateful night. Through the remarkable span of his distinguished 30-year military career, Myron received countless military medals and rose through the ranks from private to company commander, then to operation officer, and finally battalion commander. He also served as assistant commandant for the Army Reserve Officer School—all commendable distinctions.

Upon retiring from the military, for the next 26 years, Myron focused his dedication in the classroom as an educator. Never wavering on his sense of duty, he continued his service to his country by reaching out to students on matters of patriotism, flag etiquette, and the Voice of Democracy. As a teacher at the Oxford Hills Comprehensive High School, he spearheaded a local chapter of the Distributive Education Club of American, DECA, a cooperative program working with local area businesses and high school students teaching them business and marketing skills as well as how to be a contributing and productive member of the community. Myron worked in conjunction with the State of Maine to construct a Veterans Home for the Oxford Hills area veterans. As a tireless advocate on behalf of veterans, in July of 1995, he was successful in his mission to bring the Western Maine Veterans Home to South Paris. Again, ever-vigilant in his contributions to his fellow veterans, he was appointed by Maine Gov. John R. McKernan to the board of trustees for Maine Veterans Homes and was reappointed to serve a second term by Gov. Angus King. A testament to his motto, "We are here to service the community," in 2004, Myron Pierce was presented with the well-deserved Oxford Hills Chamber of Commerce Community Service Award. I want to offer my heartfelt best wishes and deepest appreciation to Myron Pierce for his extraordinary service and sacrifice to his community and to our Nation.•

ADDITIONAL STATEMENTS

IN MEMORIAM: CHARLES LANE

• Mrs. BOXER. Madam President, I wish to honor a great Californian, Charles Lane, who passed away on July 9, 2007, at the age of 102.

Charles Lane was an American actor seen in hundreds of films and television shows. At the time of his death, Mr. Lane was the oldest living American actor. He appeared in many of Frank Capra's films, including "Mr. SMITH Goes to Washington," "Arsenic and Old Lace," and "It's a Wonderful Life."

Lane was born Charles Gerstle Levison in San Francisco, CA, to Alice and Jacob Levison on January 26, 1905. In 1932, Lane married Ruth Covell, and they remained together for 70 years, until her death in 2002. Until his recent passing, Charles Lane lived in the Brentwood, CA, home that he and Ruth bought in 1964.

Charles Lane began his acting career in 1929 at the suggestion of actor/director Irving Pichel, and in 1933 Lane became a founding member of the Screen Actors Guild. His final acting role was at the age of 101 in 2006's "The Night Before Christmas." His last television appearance was at the age of 90 when he appeared in the 1995 Disney TV remake of its 1970 teen comedy "The Computer Wore Tennis Shoes."

Lane appeared in more than 250 films and hundreds of television programs. On his busiest days, Lane sometimes played more than one character, changing costumes and filming his two or three lines, then dashing off to another set for a different costume and a different role. While Lane often portrayed stern and hard-hearted characters, his friends and fellow actors remembered Lane as warm, funny, and kind.

Lane was not only found on the screen; he was found of the stage. In 1928, he joined the company at the Pasadena Playhouse, which was known for training actors for the movies, appearing in more than 100 productions over three decades. He made his film debut as a hotel desk clerk in "Smart Money" in 1931 with Edward G. Robinson and James Cagney.

In 2005, the TV Land Awards paid tribute to Lane by celebrating his 100th birthday. After he was serenaded "Happy Birthday" by the audience and was presented his award, Lane remarked to the audience, "If you're interested, I'm still available." He was given a standing ovation.

Our Nation lost an amazing actor with the passing of Charles Lane, but his legacy to film and television will be remembered as we continue to enjoy the many films and programs he made during his long career.•

RETIREMENT OF COLONEL PAUL JAMES SYKES

• Mr. GRAHAM. Madam President, today I ask the Senate to join me in recognizing COL Paul James Sykes on the occasion of his retirement from the U.S. Air Force Reserve, USAFR. Since entering the Air Force in 1975 with the 315th Military Airlift Wing, Charleston, SC, Colonel Sykes has remained a dedicated reservist for his entire career.

After being commissioned through the USAFR Officers Training Program at the Citadel in 1974, Second Lieutenant Sykes began his military career flying the C–141A Starlifter. Over his 16 years of flying the C–141, Colonel Sykes held numerous squadron-level positions while supporting an array of humanitarian efforts and military operations worldwide.

In 1993, Major Sykes was selected to make the historic delivery of the first Globemaster III into Charleston AFB, SC, while accompanying the Chief of Staff of the Air Force. Additionally, Major Sykes played an integral role as a member of the initial Crew Operations Review Team which was responsible for significant technological and operational upgrades to the C–17.

As a distinguished reservist, Major Sykes was selected as the Deputy Commander of the 315th Operations Group after previously being named Squadron Operations Officer for the 300 Airlift Squadron only months before. In 2001, Lieutenant Colonel Sykes was critical in ensuring that over 1,500 Reserve personnel were adequately prepared for their call to duty after the attacks of September 11th.

Two years later, Colonel Sykes deployed to Rhein Main AB, Germany, where he was responsible for the daily launching of over 35 flight missions to move the more than 3,000 military personnel who were to support Operations Iraqi/Enduring Freedom. After returning from overseas in 2004, Colonel Sykes was selected as the Commander of the 916th Air Refueling Wing at Seymour Johnson AFB, NC. As the Air Force Reserve Command's only wing in North Carolina, Colonel Sykes was charged to command over 950 reservists in support of the Air Force's global refueling mission.

During his tenure as Commander, the 916th Air Refueling Wing received numerous awards and scored in the top 3 percent of AFRC units in the Unit Compliance Inspection. Furthermore, the Wing was awarded the prestigious Air Force Outstanding Unit Award for its exceptional efforts and volunteer service.

A devoted patriot, Colonel Sykes formally retires on July 27, 2007, as a Command pilot with over 9,100 military flying hours. As a decorated leader, his commitment to our country will be forever marked by his extraordinary vision and endless sacrifice. Throughout his entire career and to this day, Colonel Sykes has served as a model airman. Along with his wife Patricia, who has stood next to Colonel Sykes with unwavering loyalty and shared sacrifice but comforted by the humbling gift of serving one's country, I thank him for his service and wish him the very best in his retirement. I ask that the Senate join me in honoring him for his lifelong career of service.•

HONORING "CATONSVILLE GOES COASTAL"

• Mr. CARDIN. Madam President, today I wish to honor the exemplary service of a group of my constituents from Catonsville, MD, who have recently returned from their week-long volunteer trip to Kiln, MS.

Led by high school seniors Justin Holmes and Sarah Dobson, "Catonsville Goes Coastal" coordinated six work teams to rebuild homes that were devastated by Hurricane Katrina. Working with the local Camp Coastal Outpost, the group's 59 students and 14 adults worked on eight works sites in Hancock County, where 80 percent of the structures were destroyed by the storm. Through student-organized fundraisers and donations from the local community, the volunteers raised over $55,000 throughout the year to fund their trip and to buy $12,000 worth of donations for Camp Coastal and for the families with whom they worked.

"Catonsville Goes Coastal's" efforts embody the global awareness, community spirit, and civic responsibility that we as Americans should all strive to achieve. I hope that my Senate colleagues will join me in recognizing "Catonsville Goes Coastal" for their generosity and dedication to their fellow Americans.•

RECOGNIZING THE PASSING OF WALTER NEVADA

• Mr. CRAPO. Madam President, on April 17, Walter Nevada, the oldest living Shoshone-Bannock tribal elder and remaining original allottee on the Fort Hall Indian Reservation passed away. He was 101 years old. Walter was a distinguished member of one of the oldest tribes in Idaho. He was a religious man of wisdom respected by his people, a great teacher and leader.

The government of the Shoshone Bannock Tribes has existed for many generations. Traditional tribal government was based upon small bands of closely related families. Today the tribes are organized as a sovereign government, providing many services to tribal members and non-Indians with revenues from agriculture, business enterprises, tourism and many other operations.

Even though thousands of years have passed, the Shoshone and Bannock Tribes continue to leave an indelible mark on the ongoing history of North America and Idaho. One example is the recent successful endeavor of the Shoshone Bannocks to certify a tribal member as a Federal inspector of underground fuel storage tanks. This is the first time that this collaboration between a tribe and the Environmental Protection Agency has occurred, and demonstrates the Shoshone Bannock Tribes' commitment to working with the U.S. Government on the critical issue of ground water protection. Also, working in coordination with State and Federal agencies, the Shoshone Bannocks have an active air quality monitoring program. The tribe continues to successfully preserve its history and way of life, while recognizing and promoting its critical role in stewardship of the environment. I have been pleased to work with them in the past, and look forward to doing so in the future.•

RECOGNIZING GARY, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize Gary, SD. The town of Gary will celebrate the 135th anniversary of its founding this year.

Since its beginning, Gary has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Gary will continue to thrive and succeed for the next 135 years.

I would like to offer my congratulations to the citizens of Gary on their anniversary and wish them continued prosperity in the years to come.•

HONORING REV. DR. OTIS MOSS, JR.

• Mr. VOINOVICH. Madam President, I wish to honor and congratulate my friend and long-time civil rights activist, the Reverend Dr. Otis Moss, Jr. The church which he currently pastors recently celebrated 75 years of service to the Cleveland community. In July 2007, Reverend Moss will celebrate 32 years of pastoral service to the Olivet congregation.

Reverend Moss pastors the Olivet Institutional Baptist Church in the Fairfax neighborhood of my hometown of Cleveland, OH. Since 1931, Olivet has been more than a place of worship and Christian fellowship in the African-American community. It has been dedicated to preaching, teaching, and practicing the unconditional love of Jesus Christ. And as a centerpiece of the community, it has nurtured leaders who have championed civil rights and equality for the poor, and it has worked to increase awareness about poverty, health care, employment, education, and human rights.

A native of Georgia, Otis Moss, Jr., was born on February 26, 1935, to Otis and Magnolia Moss. He earned his bachelor's degree from Morehouse College in 1956 and his master of divinity degree from the Morehouse School of Religion/Inter-denominational Theological Center in 1959. He also completed special studies at the Inter-denominational Theological Center from 1960 to 1961 and earned his doctorate in ministry from the United Theological Seminary in 1990.

Reverend Moss's tenure as pastor began in 1954 in LaGrange, GA at Mount Olive Baptist Church. While leading Mount Olive, Moss also served as pastor of Atlanta's Providence Baptist Church from 1956 to 1959. He then headed to Ohio, where he was the pastor for Mount Zion Baptist Church in Lockland. In 1971, Reverend Moss served as copastor with the Reverend Dr. Martin Luther King, Sr., at Ebenezer Baptist Church in Atlanta. Olivet Institutional Baptist Church extended the invitation to Reverend Moss to be their pastor in December 1974. He was installed as pastor in 1975.

Reverend Moss has been involved in advocating civil and human rights and social justice issues for most of his adult life. Having been a staff member for Dr. Martin Luther King, Jr., he formerly served as a national board member and trustee for the Martin Luther King, Jr. Center for Non-Violent Social Change. His work in the international community has taken him around the world to Hong Kong, Taiwan, Japan, and Israel.

Moss is the recipient of numerous awards, including the Role Model of the Year Award from the National Institute for Responsible Fatherhood and Family Development in 1992, the Leadership Award from the Cleveland chapter of the American Jewish Committee in 1996, and, most recently, he was inducted into the 2007 Class of the International Civil Rights Walk of Fame located at the Martin Luther King Jr. National Historic Site in Atlanta. He also holds six honorary degrees from colleges and universities in Ohio, Georgia, and Arkansas.

His political and civic engagement runs deep. Moss has served as chairman of the board of trustees at Morehouse College and as a member of the board of trustees at the United Theological Seminary in Dayton, OH. He was an advisor to former President Jimmy Carter at Camp David and was the special guest of President Bill Clinton at a peace treaty signing between Israel and Jordan in 1994. Former Ohio Governor Richard Celeste awarded Moss the 1983 Governor's Award in Civil Rights, and I had the honor of presenting Reverend Moss with the 1993 Governor's Award in Civil Rights.

His service to Ohio and the Nation has also been recognized by the Ohio House of Representatives, Ebony Magazine, Cleveland Press, the Black Professional Association of Cleveland, the American Red Cross of Greater Cleveland, Project Love: Remember the Children Foundation, The Cleveland Jewish Committee, and Alpha Kappa Alpha Sorority, Inc. He is a life member of the National Association for the Advancement of Colored Peoples, NAACP, Alpha Phi Alpha Fraternity, Inc., and Sigma Pi Phi, Boule, to name a few.

University Hospitals Health System honored Reverend Moss with a special medical center partnership bearing his name. In 1997, the Otis Moss Jr.-University Hospitals Medical Center was established in conjunction with the Olivet Institutional Baptist Church. The center offers a wide range of primary and specialty care medical services and features an on-site laboratory.

Reverend Moss and I share a passion for helping our children reach their full potential and lead our Nation and world into the next century and beyond. In 2003, I had the privilege of touring and visiting with Moss and his staff at the Medical Center to see how a program called "Reach Out and Read" is administered.

Reverend Moss enjoyed an abiding friendship with the late Dr. Martin Luther King, Jr. In fact, Dr. King visited the pulpit of Olivet Institutional Baptist Church on several occasions and performed the wedding ceremony for Reverend and Mrs. Moss.

Perhaps the greatest connection I share with Reverend Moss is the love and appreciation we both have for our wives. Reverend Moss is married to the former Edwina Hudson Smith, who is accomplished in her own right and is the recipient of numerous awards and recognitions. She is recognized for her outstanding commitment to service as a member of the National Board of the American Red Cross. Their love is a model for us all. Sadly, Reverend Moss and I also share in the loss of a young child.

As someone who has had the pleasure of knowing and working with Reverend Dr. Otis Moss, Jr., I have seen how far his works have reached and benefited others. He has made significant contributions to his community, the State of Ohio, our Nation, and our world. Reverend Moss has shown that he lives in accordance with his strong faith in God. He is someone all of us would do well to emulate, and I am pleased and proud to salute him, his wife, their children, and grandchildren.

Thank you, Reverend Moss, for your outstanding commitment and exceptional leadership to our community. Our lives are better as a result of having been touched by you. Congratulations again to you and your Olivet family for your devotion and commitment to the Cleveland community.●

TUESDAY, JULY 17, 2007

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF PERSONS DETERMINED TO HAVE COMMITTED, OR TO POSE A SIGNIFICANT RISK OF COMMITTING, AN ACT OR ACTS OF VIOLENCE THAT HAVE THE PURPOSE OR EFFECT OF THREATENING THE PEACE OR STABILITY OF IRAQ—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons determined to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and relied upon for additional steps taken in Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004. In these previous Executive Orders, I ordered various measures to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq.

My new order takes additional steps with respect to the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.

The order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State and the

Secretary of Defense, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person designated pursuant to this order, or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 17, 2007.*

MESSAGE FROM THE HOUSE

At 5:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following act, with an amendment, in which it requests the concurrence of the Senate:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes, with an amendment.

The message also announced that the House disagreed to the Senate amendment to the act (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Homeland Security for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Messrs. ETHERIDGE, LANGEVIN, CUELLAR, AL GREEN of Texas, PERLMUTTER, KING of New York, SMITH of Texas, SOUDER, TOM DAVIS of Virginia, DANIEL E. LUNGREN of California, ROGERS of Alabama, MCCAUL of Texas, DENT, and Ms. GINNY BROWN-WAITE of Florida.

From the Committee on Armed Services, for consideration of sections 1202, 1211, 1221, 1232, 1233, and 1241 of the House bill, and section 703 of the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, and SAXTON.

From the Committee on Energy and Commerce, for consideration of title I, title II, sections 743 and 901 of the House bill, and title III, sections 1002, 1481, 1482, 1484, and title XVII of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, MARKEY, and BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of sections 601, 1202, 1211, 1221, 1222, 1232, 1233, 1241, 1302, 1311, 1312, 1322, 1323, 1331–1333, 1412, 1414, 1422, 1431, and 1441–1443 of the House bill, and sections 502, 1301, title XVIII, sections 1911–1913, and 1951 of the Senate amendment, and modifications committed to conference: Messrs. LANTOS, ACKERMAN, and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary, for consideration of sections 406, 501, 601, 702, and title VIII of the House bill, and sections 123, 501–503, 601–603, 1002, and 1432 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Ms. ZOE LOFGREN of California, and Mr. SENSENBRENNER.

From the Committee on Oversight and Government Reform, for consideration of section 408 and subtitle A of title VIII of the House bill, and sections 114, 601, 602, 903, 904, 1203, 1205, and 1601 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, CLAY, and ISSA.

From the Permanent Select Committee on Intelligence, for consideration of sections 601, 712, 723, 732, 733, 741, 742, and subtitle A of title VIII of the House bill, and sections 111–113, 121, 122, 131, 502, 601, 602, 703, 1201–1203, 1205, 1206, and 1606 of the Senate amendment, and modifications committed to conference: Messrs. REYES, CRAMER, and HOEKSTRA.

From the Committee on Science and Technology, for consideration of sections 703, 1301, 1464, 1467, and 1507 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and GINGREY.

From the Committee on Transportation and Infrastructure, for consideration of titles I–III, section 1002, and title XI of the House bill, and sections 202, 301, title IV, sections 801–803, 807, 901, 1001, 1002, 1101–1103, 1422–1424, 1426, 1427, 1429, 1430, 1433, 1436–1438, 1441, 1443, 1444, 1446, 1449, 1464, 1473, 1503, and 1605 of the Senate amendment, and modifications committed to conference: Messrs. OBERSTAR, DEFAZIO, and MICA.

For consideration of title II of the House bill, and title III of subtitle C of title XIV of the Senate amendment, and modifications committed to conference: Mr. LARSON of Connecticut.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 799. An act to authorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

H.R. 1980. An act to authorize appropriations for the Housing Assistance Council.

H.R. 1982. An act to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development.

H.R. 2293. An act to require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde.

H.R. 2547. An act to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 87. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

The message further announced that pursuant to The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), the Minority Leader appoints the following Member to the National Council on the Arts: Mr. TIBERI of Ohio.

The message also announced that pursuant to section 730c of the Public Interest Declassification Board, 50 US.C. 435 note, the Republican Leader re-appoints the Honorable David Scaggs to the Public Interest Declassification Board as the Minority Leader appointment, with the understanding that he will resign the position effective June 5, 2009.

The message further announced that pursuant to 20 US.C. 2004(b), and the order of the House of January 4,2007, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the Harry S Truman Scholarship Foundation: Mr. SKELTON of Missouri and Mr. HULSHOF of Missouri.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam"; to the Committee on Environment and Public Works.

H.R. 1980. An act to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1982. An act to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2293. An act to require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde; to the Committee on Foreign Relations.

H.R. 2547. An act to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 87. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 790. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 17, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2580. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Sorghum" (RIN0580-AA91) received on July 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2581. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks" (RIN1557-AD01) received on July 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2582. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to acquisitions made by the Department with entities that manufacture the articles, materials or supplies outside of the United States; to the Committee on Energy and Natural Resources.

EC-2583. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removing the Bald Eagle in the Lower 48 States from the List of Endangered and Threatened Wildlife" (RIN1018-AF21) received on July 16, 2007; to the Committee on Environment and Public Works.

EC-2584. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Peck's Cave Amphipod, Comal Springs Dryopid Beetle, and Coma; Springs Riffle Beetle" (RIN1018-AU75) received on July 16, 2007; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. OBAMA, and Mr. BROWN):

S. 1793. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. BAYH:

S. 1794. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. ISAKSON, and Ms. COLLINS):

S. 1795. A bill to improve access to workers' compensation programs for injured Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 1796. A bill to provide for the conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1797. A bill to reduce the risks to Colorado communities and water supplies from severe wildfires, especially in areas affected by insect infestations, to provide model legislation that may be applied to other States experiencing similar insect infestations or other forest-related problems, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. BOXER):

S. 1798. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 1799. A bill to amend the Internal Revenue Code of 1986 to apply rate parity to the excise tax on small cigars and small cigarettes, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. BAYH, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1800. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 1801. A bill to require a study on the relocation of the Sector Buffalo facilities of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 1802. A bill to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 1803. A bill to authorize the exchange of certain land located in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Ms. COLLINS):

S. 1804. A bill to enhance the ability of the United States to prevent, prepare for, detect, and respond to agriculture and food emergencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 1805. A bill to amend the National Housing Act to increase the mortgage amount limits applicable to housing insured by FHA mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. BINGAMAN, and Mr. ROBERTS):

S. 1806. A bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON:

S. 1807. A bill to establish the Weather Mitigation Advisory and Research Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1808. A bill to authorize the exchange of certain land in Denali National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 14, a bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 59, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 116

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 116, a bill to authorize resources to provide students with opportunities for summer learning through summer learning grants.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 617

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from Vermont

(Mr. SANDERS) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1230

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs.

S. 1339

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1339, a bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1463

At the request of Mr. PRYOR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1463, a bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1514

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1577

At the request of Mr. KOHL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1731

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1731, a bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending.

S. 1742

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1776

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1776, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a user fee program to ensure food safety, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. OBAMA, the names of the Senator from Delaware

(Mr. BIDEN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2087

At the request of Mr. LEVIN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2087 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2110

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2110 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2121

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2121 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2122

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2122 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2163

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2163 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2209

At the request of Mr. CONRAD, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 2209 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2234

At the request of Mr. SALAZAR, the names of the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2234 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. OBAMA, and Mr. BROWN):

S. 1793. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Mrs. CLINTON. Mr. President, lead poisoning is a serious, persistent, and entirely preventable threat to a child's health. Childhood lead poisoning has been linked to impaired growth and function of vital organs and problems with intellectual and behavioral development. At very high levels, lead poisoning can cause seizures, comas, and even death; robbing a child of his or her future.

Lead poisoning is the number one environmental health threat to children of color and low-income children in the U.S. African-American and Mexican-American children are 5 and 2 times more likely, respectively, to have toxic blood lead levels than white children, while low-income children are 8 times more likely to develop lead poisoning than more affluent children. Compounding the problem is the fact that 77 percent of children eligible for lead screening under Medicaid are not screened for exposure to lead.

An estimated 500,000 American children under the age of 6 have enough lead in their blood to adversely affect their development. The most common source of lead exposure for children today is lead paint in older housing, particularly when it contaminates dust and soil in and around residences. Furthermore, despite a ban on lead paint in 1978, there are still over 24 million housing units in the U.S. that have lead paint hazards, with about 1.2 million units in New York State alone.

The good news is childhood lead poisoning can be dramatically reduced by the abatement or reduction of lead-based hazards found in homes. Today, I am please to reintroduce legislation to provide a tax credit for safely removing lead-based paint hazards from homes and rental units. The Home Lead Safety Tax Credit Act of 2007 offers much needed incentives for property owners to ensure homes are free of environmental dangers that can harm our children and will put America closer to its goal of eliminating lead poisoning in children by the year 2010.

This bill provides home owners and landlords with a 50 percent tax credit for lead abatement cost for up to $3,000 and up to $1,000 interim control measures. These interim control measures, including replacement of windows, specialized maintenance, and safe repainting, are a cost-effective means of protecting the largest number of children from harmful lead exposure in the near term.

This legislation targets a tax credit to homes with children younger than 6 years of age, women of childbearing age, low-income residents, and buildings constructed before 1960, as these include more than 96 percent of all units where lead-based paint is prevalent. Targeting these tax credits has proven to be a successful way of eliminating childhood lead poisoning. For example, a similar tax credit offered by the State of Massachusetts helped reduce the number of new cases of childhood lead poisoning within the State by almost two-thirds in a decade.

I am glad the U.S. Department of Health and Human Services considers eliminating lead poisoning to be a priority, and has established a national goal of ending childhood lead poisoning by 2010: However, current Federal lead abatement programs only have resources sufficient to make approximately 8,800 homes lead-safe each year. At this pace, we will not be able to end childhood lead poisoning by 3010, let alone 2010. The Home Lead Safety Tax Credit Act of 2007 would help homeowners make over 80,000 homes safe from lead each year, nearly 10 times the capacity of current Federal programs.

Every child deserves to grow up in a clean, healthy home environment. I am hopeful my colleagues will join me in supporting this legislation to safeguard homes against environmental hazards that detrimentally affect the health and safety of our children.

Mr. KENNEDY (for himself, Mr. ISAKSON, and Ms. COLLINS:

S. 1795. A bill to improve access to workers' compensation programs for injured Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. KENNEDY. Mr. President, when Congress passed the Federal Employees Compensation Act 41 years ago, we made a basic promise to Federal workers that if they get hurt on the job, they will be taken care of. Today, more than 2.5 million Federal workers rely on the act as a safety net in case of injury. These men and women are our Government at work in all its aspects, and they deserve a system that will care for them when they are injured. The legislation which Senator ISAKSON and I are introducing will ensure that this promise is fulfilled for all Federal workers.

Today, many injured Federal workers find the treatment they need and the compensation they deserve are out of reach. According to a Congressional Research Service report last year, one in five Americans lives in areas with a shortage of health care professionals. Citizens in such areas must often travel more than a hundred miles to see a doctor. Seeing a primary care doctor is often impossible or exorbitantly expensive. To get immediate treatment, they often rely on the expertise of nurse practitioners and physician assistants, who are more likely than doctors to practice in such areas.

These health care professionals fill a vital need, as the primary source of medical care for many patients. Their practice is regulated in all 50 States and the District of Columbia. They are licensed by State laws to write prescriptions and provide many of the services provided by primary care physicians.

But Federal workers who turn to nurse practitioners and physician assistants for care are often denied compensation for their job injuries under current law. This gap in the compensation system for Federal workers is unacceptable. No one with a serious injury should have to make the impossible choice between driving a hundred miles to see a doctor who can sign the paperwork for a Federal compensation claim, or getting convenient and competent care from a local nurse practitioner or physician assistant, knowing he won't qualify for reimbursement for medical bills.

This bill will solve the dilemma for our Federal workers across the Nation who seek care from nurse practitioners or physician assistants. It makes a simple change to our Federal compensation program by allowing such cases to qualify for compensation. I urge my colleagues to support this bill, so we can keep our promise of care for all injured Federal workers.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. BOXER):

S. 1798. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President today I am introducing a bill with Senators HUTCHISON, CORNYN, and BOXER entitled "the Border Health Security Act of 2007." This bill addresses the tremendous health problems confronting our Nation's southwestern border.

The U.S.-Mexico border region is defined in the U.S.-Mexico Border Health Commission authorizing legislation as the area of land 100 kilometers, or 62.5 miles, north and south of the international boundary. It stretches 2,000 miles from California, through Arizona and New Mexico to the southern tip of Texas and is estimated to have a population of 12 million residents.

The border region comprises 2 sovereign nations, 25 native american tribes, and 4 States in the U.S. and 6 States in Mexico.

Why should we provide some focus to this geographic region? In the past, we have recognized problems with other regions, through the Denali, Delta, and Appalachian commissions, and have provided targeted funding to those areas. Yet, the situation along the border is among the most dire in the country.

In the border region, 3 of the 10 poorest counties in the U.S. are located in the border area, 21 of the counties have been designated as economically distressed, approximately 430,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated communities that are characterized by substandard housing, unsafe public drinking water, and wastewater systems, very high unemployment, and the lowest per capita income as a region in the Nation.

In a recent report by the U.S.-Mexico Border Counties Coalition, the Coalition found that, if the border were a State, it would rank second with respect to the uninsured, last with respect to access to health professionals, including doctors, nurses and allied health professionals per capita; second with respect to tuberculosis, third with respect to hepatitis; and fifth with respect to diabetes.

The result is a health system that confronts tremendous health problems with few resources.

According to U.S. Census Bureau data reported in September 2005, for the 3-year average of 2002 to 2004, the States of Texas and New Mexico rank first and second as the States with the highest uninsured rates in the country with rates of 25.0 percent and 21.0 percent, respectively. California and Arizona are not much better and had uninsured rates of 18.7 percent and 17.1 percent, respectively.

However, the figures along the border are even worse, as the rates of uninsured are higher still than that in the four States overall. Uninsured rates in many border counties are estimated to be above 30 percent and as high as 50 percent in certain communities. According to the U.S. Census Bureau's small area health insurance estimates, SAHIE, the three New Mexico border counties had an uninsured rate of 29.4 percent compared to the statewide average of 23.7 percent and more than twice the U.S. rate of 14.2 percent.

As the U.S.-Mexico Border Commission notes:

> The border is characterized by weaknesses in the border health systems and infrastructure, lack of public financial resources, poor distribution of physicians and other health professionals and hospitals. Moreover, the low rates of health insurance coverage and low incomes puts access to health services out of reach for many border residents and thus keeps the border communities at risk.

The U.S.-Mexico Border Commission has identified and approved of an agenda through its health border 2010 initiative, which seeks to, among other things: reduce by 25 percent the population lacking access to a primary provider; reduce the female breast cancer death rate by 20 percent; reduce the cervical cancer death rate by 30 percent; reduce deaths due to diabetes by 10 percent; reduce hospitalizations due to diabetes by 25 percent; reduce the incidence of HIV cases by 50 percent; reduce the incidence tuberculosis cases by 50 percent; reduce the incidence of hepatitis A and B cases by 50 percent; reduce the infant mortality rate by 15 percent; and, increase initiation of prenatal care in the first trimester by 85 percent.

However, the U.S.-Mexico Border Commission lacks the resources that are needed to address those important goals. The bipartisan legislation I am introducing today with Senators HUTCHISON, CORNYN, and BOXER, would address that problem by reauthorizing the U.S.-Mexico Border Health Commission at $10 million and authorizing additional funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities about how to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health; health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, SCHIP.

We would certainly expect that those grants will be used for the purpose of striving to achieve the measurable goals established by the health border 2010 initiative.

In addition, the bill contains authorization for $25 million for funding to border communities to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

On October 15, 2001, just 1 month after the September 11, 2001, attack on our Nation, Secretary Thompson spoke to the U.S.-Mexico Border Health Commission and urged them to put together an application for $25 million for bioterrorism and preparedness. The commission has done so but has not seen targeted funding despite the vulnerability that border communities have with respect to a bioterrorism attack. Our legislation addresses the vulnerability of communities along the border and targets funding to those communities specifically to improve infrastructure, training, and preparedness.

Our relationship with Mexico, like that with Canada, is a special one. Those countries are our closest neighbors, and yet, we often and wrongly neglect our neighbor to the south and the much needed economic development needed in the region. Mexico is the United States' second largest trading partner and the border is recognized as one of the busiest ports of entry in the world. And yet the region is often neglected.

As the U.S.-Mexico Border Health Commission points out:

> Without increases and sustained federal, state and local governmental and private funding or health programs, infrastructure and education, the border populations will continue to lag behind the United States in these areas.

I would like to thank Senator HUTCHISON, who was an original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation today. She has also been the lead senator in getting funding for the U.S.-Mexico Border Health Commission since its inception.

I would also thank Senators CORNYN and BOXER for working with us on this important legislation and for their constant support over the years for the work of the Commission.

I urge the adoption of this bipartisan legislation by this Congress. I ask unanimous consent that the text of the bill to be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Health Security Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) BORDER AREA.—The term "border area" has the meaning given the term "United States-Mexico Border Area" in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, public institution of higher education, local government, tribal government, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education;

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

(Q) trauma care;

(R) infectious disease testing and monitoring;

(S) health research with an emphasis on infectious disease; and

(T) cross-border health surveillance; and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

SEC. 4. GRANTS FOR ALL HAZARDS PREPAREDNESS IN THE BORDER AREA INCLUDING BIOTERRORISM AND INFECTIOUS DISEASE.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, local government, tribal government, trauma centers, regional trauma center coordinating entity, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for all hazards preparedness in the border area including bioterrorism and infectious disease.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

(1) develop and implement all hazards preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate all hazard and emergency preparedness planning in the region;

(3) improve infrastructure, including surge capacity syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

(7) provide infectious disease testing in the border area; and

(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SEC. 6. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

SEC. 7. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational health infrastructure and health insurance efforts.

SEC. 8. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–3) is amended by adding at the end the following:

"(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.".

By Mrs. LINCOLN:

S. 1799. A bill to amend the Internal Revenue Code of 1986 to apply rate parity to the excise tax on small cigars and small cigarettes, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to discuss an issue of enormous importance the health and safety of our children. Although we have made great strides in recent years to combat youth cigarette smoking, a few in the tobacco industry have found a loophole which allows them to classify certain cigarettes as "small cigars" thereby avoiding higher cigarette taxes that have been implemented, at least in part, to deter children from smoking.

The trend of small cigar use is growing at an alarming rate. Small cigar sales for 2006 were at the highest level ever reported and have increased by more than 100 percent since 1998. This increase has occurred at the exact same time that cigarette usage has decreased. More specifically, use of cigars among youth is rising. Multiple studies over the last few years have shown that more and more high school students are smoking cigar products while the percentage of high school cigarette smokers is down.

What is the reason for this shift in tobacco consumption? It is my belief and I am not alone that the emerging small cigar market has played a significant role in this problem. Tobacco products are self-classified by the manufacturer and labeled as small cigars. As cigarette taxes have gone up in recent years, the flight to cigar classification has become all the more tempting. As a result, there are an increasing number of manufacturers with products that look like cigarettes—the same size and shape as cigarettes—and smoke like cigarettes—many of them are filtered—being marketed and sold as cheaper alternatives to cigarettes simply because they are encased in brown wrapping. Members of the tobacco industry even acknowledge that small cigars are "a smoking alternative to cigarettes."

Under current law, small cigars are taxed at significantly lower rates than cigarettes. This tax differential allows small cigars to price themselves at about half of the usual cigarette shelf price. This mischaracterization is costing the Federal Treasury in revenues and, more importantly, having the effect of enabling our children greater access to tobacco products. In addition, these small cigar products are often sold in packs of five or eight, or sometimes even individually, making them even cheaper and more accessible to our children.

Research shows that increased tobacco product pricing reduces smoking among children. It is imperative that we implement policy to correct the pricing disparity among similar tobacco products. We must ensure that our laws intended to protect public health are not being circumvented. The legislation I am introducing today would increase the Federal excise tax on small cigars to the same rates as cigarettes. This will level the playing field to ensure that all tobacco products that look like cigarettes and smoke like cigarettes are taxed like cigarettes. I ask my colleagues to join me in working to ensure this loophole is closed.

By Mrs. CLINTON (for herself, Mr. BAYH, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1800. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, last year, the FDA made emergency contraception, EC, available over the counter for women 18 years of age and older. Research shows that emergency contraception is safe and effective for preventing pregnancy. More than 70 major medical organizations, including the America Academy of Pediatrics, recommended that Plan B be made available over the counter.

Senator MURRAY and I spent a great deal of time and effort tracking the FDA's "non-decision" of whether emergency contraception should be made available over the counter. We have come a long way in the fight for access to EC.

Women deserve access to this medically approved drug and our servicewomen are no different. By providing access to emergency contraception, up to 95 percent of those unintended pregnancies could be prevented if emergency contraception is administered within the first 24 to 72 hours. For survivors of rape and incest, emergency contraception offers hope for healing.

Current Department of Defense policy allows emergency contraception to be available at military health care facilities. Currently, it is available at some facilities, but not others. The Compassionate Care for Servicewomen Act would simply ensure broader access by including EC on the basic core formulary, BCF, a list of medications stocked at all military health care facilities.

Introduced as a bipartisan bill in the House of Representatives by Congressmen MIKE MICHAUD and CHRIS SHAYS, the Compassionate Care for Servicewomen Act was written to implement exactly what the DOD's own committee charged with determining which drugs should be added to the basic core formulary recommended in 2002.

Unfortunately, about a month later, DOD political appointees overruled their own experts' advice without any justification and removed EC from the BCF. This bill restores what the DOD wanted to do before it was blocked by politics.

There is a real need for this legislation. According to the Pentagon, the number of reported sexual assaults in the military increased approximately 24 percent in 2006 to nearly 3,000. We have reports from women and health providers in the military who have sought EC on an emergency basis and have been unable to obtain it quickly enough.

Ensuring that EC is more broadly available at military health care facilities is a fair, commonsense step that everyone should be able to agree on.

It is my sincere hope that my colleagues join me in supporting this important legislation and I would like to express my thanks to my colleagues who have already signed on.

By Mr. BURR (for himself and Ms. COLLINS):

S. 1804. A bill to enhance the ability of the United States to prevent, prepare for, detect, and respond to agriculture and food emergencies; to the

Committee on Homeland Security and Governmental Affairs.

Mr. BURR. Mr. President, I rise today in support of the National Agriculture and Food Defense Act of 2007, which I introduced today along with the Senator from Maine, Senator COLLINS. This bill will help the Nation better prepare for, detect, respond to, and recover from an agro-terror attack or deliberate food contamination. I thank my distinguished colleague from Maine for her leadership on homeland security issues and for her support of this important legislation.

Our agriculture and food system is an important part of our Nation's economy and our national security. As we increase our dependence on agriculture not only to provide our food supply but to also produce energy, we must ensure we can identify security vulnerabilities, fix those vulnerabilities, respond to and recover from a deliberate attack or catastrophic accidental or natural contamination.

The Nation's agriculture and food system remains vulnerable. The system is open, complex, interconnected, and diverse, which makes it a target. Many farms are geographically isolated with few biosecurity measures in place. And livestock is frequently concentrated in confined spaces. For example, 80 to 90 percent of U.S. cattle production is concentrated in less than 5 percent of the nation's feedlots. An attack on just one part of the production process could set off a devastating domino effect felt through our entire food system, causing economic loss and effects on human health.

Biological weapons and poisons in food and animals have been used in attacks in the past. During World War I, German operatives allegedly infected horses with anthrax before they were shipped to Europe. In 1984, a cult in Oregon spread salmonella in salad bars at restaurants to influence a local election. More recently, documents found in al Qaeda hideouts in Afghanistan described how to make animal and plant poisons, evidence that agriculture and food continue to be prospective targets for terrorist organizations.

We have two main concerns when contemplating a deliberate attack on our agriculture and food system, the potentially devastating economic impacts, and the possible human health effects.

For example, studies show a single agro-terrorist attack on our livestock industry could cost the U.S. economy $10 to $33 billion. The United Kingdom's Foot and Mouth Disease outbreak in 2001 caused approximately $5 billion in losses to the agriculture and food sector, and U.S. beef exports plunged when 119 countries instituted bans on American beef after "mad cow" disease was found in a U.S. herd in 2003. The U.S. Department of Agriculture estimates the annual cost to the country from premature deaths caused by just one common food-borne illness, salmonella, is over $2 billion.

Many infectious diseases affect both humans and animals, and a significant number of those diseases cross over between the two different populations. In fact, 75 percent of emerging diseases affect both animals and humans, and 5 out of 6 agents of greatest concern for bioterrorism are "zoonotic". We are all aware of the global threat of H5N1 bird flu, a zoonotic disease that to date has infected 317 people, and killed 191. In order to protect the human and animal health of the United States, we must develop a unified human and veterinary approach against infectious disease that anticipates disease evolution and acts quickly.

In addition to transmissible diseases carried by animals, the health of U.S. citizens is vulnerable to an attack because food systems can become delivery mechanisms for diseases and poisonous agents, and a highly contagious animal disease could seriously disrupt the food supply. According to the Centers for Disease Control and Prevention, 76 million Americans get sick each year, more than 300,000 are hospitalized, and 5,000 die from naturally occurring foodborne illnesses. A deliberate attack could be catastrophic.

In the National Agriculture and Food Defense Act of 2007, we take five key actions to better prepare the nation for an attack on our agriculture and food system.

First, the bill puts someone in charge. Consistent with Homeland Security Presidential Directive 9, the Defense of the United States Agriculture and Food, issued by President Bush in January 2004, the bill identifies the Secretary of Homeland Security as the lead coordinator of Federal Government efforts to protect critical infrastructure and key resources, including the agriculture and food system in case of a national emergency. The Secretary of Agriculture remains responsible for agriculture, as well as meat, poultry, and egg food products; and the Secretary of Health and Human Services is responsible for food products other than meat, poultry, and egg products. The bill also establishes an Under Secretary for Protection, Preparedness, and Response position at the U.S. Department of Agriculture to lead and coordinate USDA activities relating to agriculture and food defense.

Second, the bill requires a coordinated national strategy for protecting our agriculture and food system. The Department of Homeland Security, the Department of Agriculture, and the Department of Health and Human Services are required to work together to develop a coordinated national strategy for agriculture and food emergency preparedness, detection, response and recovery. This will ensure the Federal Government identifies specific achievable goals and constantly strives to improve our preparedness.

Third, this legislation provides guidance, assistance, and financial support from the Federal Government to States by improving regional agriculture and food defense continuity of business planning; by training State personnel on food defense; and by improving communication and coordination between States and the Federal Government by hiring State agriculture and food defense liaison officers.

Being from a large agriculture State, I know my State and many others are potential targets for a deliberate attack on our agriculture and food system. At $68 billion in revenues each year, agriculture is North Carolina's largest industry. North Carolina is the second highest producer of hogs and turkeys in the nation, and number five in broilers. States, such as North Carolina, will benefit greatly from additional resources, coordination and planning.

Federal, State, local governments and the private sector together have a responsibility to defend and protect the agriculture and food system through a layered defense established at each level of government. States are the first responders in the event of a suspected food contamination, animal disease or plant pest outbreak, and the Federal Government must help States build the capabilities to prevent, detect, respond to, and recover from a catastrophic animal disease outbreak or food contamination. It is important to note that this legislation maintains the authority of States to oversee food and agriculture within their jurisdiction and to implement food safety standards. The bill does not affect USDA or the Food and Drug Administration's ability or authority to establish and enforce food safety standards.

Fourth, the bill enhances public-private partnerships. The majority of our agriculture and food system is privately owned and operated. This legislation authorizes Government and private sector coordinating councils to improve information sharing between Government and private sector partners.

Finally, the National Agriculture and Food Defense Act implements early detection of, and rapid response to animal disease outbreaks and food-related emergencies. The bill authorizes and integrates Nation-wide animal, plant, and food diagnostic laboratory networks, and develops onsite rapid diagnostic tools, to speed up the detection of animal and food-related emergencies. To rapidly respond to infectious diseases, the bill authorizes a stockpile of animal vaccines and drugs that can be deployed to an outbreak within 24 hours.

In closing, I thank Senator COLLINS for sponsoring the National Agriculture and Food Defense Act with me.

We Are taking a decisive step forward today towards improving and protecting the Nation's agriculture and food system. I would also like to thank all the experts from across the country who worked with my staff to develop this legislation, particularly the individuals in North Carolina who have dedicated their lives to this mission. I urge my colleagues to support this legislation and I look forward to working with them on this important national security issue.

Ms. COLLINS. Mr. President, I rise to speak in support of the National Agriculture and Food Defense Act of 2007 that my distinguished colleague, Senator BURR, and I are introducing today.

A decade ago, the General Accounting Office report illustrated the danger of lapses in food safety, a single-year toll of millions of cases of food-borne illnesses and 9,100 food-related deaths. I conducted a series of investigative hearings in 1998 that confirmed America faced significant risks from tainted food imports.

In 2003, I also chaired a Senate Homeland Security Committee hearing that pointed out new threats. I noted that al-Qaida had announced that the U.S. economy was a target, that hundreds of U.S. agricultural documents had been found translated into Arabic, and that some of the 9/11 terrorists had investigated using crop-dusting planes as weapons of agroterrorism.

Today, food security problems persist, and their potential for death and disruption has been greatly magnified by the terrorist threats against the United States. Ensuring the safety of our food must include considerations of homeland security.

We have all heard the recent news stories of contamination involving food and toothpaste imported from China. But the concerns extend far beyond anyone trading partner. Food and Drug Administration data for 2006 show that hundreds of shipments from India, Mexico, Denmark, the Dominican Republic, and other countries were impounded for defects or safety concerns. Considering that the vast majority of incoming food shipments are not inspected, these facts are troubling. Even more troubling, we must consider how much worse the potential impacts could be if large-scale deliberate contamination were attempted, whether by attacks on domestically produced food or imports or the distribution, production, and processing systems.

Congress has recognized the threats to our seaports, chemical facilities, transportation, and critical infrastructure. We have acted to protect these vital systems that sustain our economy. We must also extend our homeland security vigilance to the food that sustains our very lives.

The National Agriculture and Food Defense Act would integrate and strengthen the federal government's ability to promote food security. With the Department of Homeland Security in a directing role, and with sector-specific leadership roles for the Departments of Agriculture and Health and Human Services, the bill would provide a coherent National Agriculture and Food Defense Strategy consistent with our national emergency management plans.

As Congress has already provided in other areas, the national food security strategy would address preparedness, mitigation, response, and recovery. Its provisions for stockpiling veterinary supplies and establishing a plant-disease recovery program would add vital new Federal capabilities. Coordination of Federal food security budget activity and outreach State, local, and private sector stakeholders are also important features of the bill.

In light of the gravity of the threat to our food security and this measure's thoughtful and promising response to that threat, I encourage my colleagues to support expeditious action on this bill.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. BINGAMAN, and Mr. ROBERTS):

S. 1806. A bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill to correct a most unfortunate piece of legislation that was slipped into an appropriations bill several years ago, which will restore the Federal courts to their proper position in considering certain trademark issues. I joined Senator CRAIG, Senator BINGAMAN, and Senator ROBERTS on a version of this bill in the 109th Congress. That bill did not reach final passage, but its importance demands our renewed attention. Together, we are reintroducing the Judicial Powers Restoration Act of 2007.

We will repeal Section 211 of the Omnibus Appropriations Bill of 1999. Section 211 was slipped into that appropriations bill at the eleventh hour, under the radar of most members of the Senate. It was done in a way specifically intended to bypass the normal legislative process. Its intent was to affect the outcome of a dispute over the "Havana Club" trademark for rum. Section 211 prohibits the registration or renewal of registration of a trademark of a business that was expropriated by the Cuban Government. It also disallows "any assertion of rights" by Cuban entities, or a foreign successor in interest to a Cuban entity, with respect to trademarks of expropriated businesses. Finally, the provision states that no U.S. Court may recognize the attempt by a Cuban entity or its successor in interest, from asserting treaty rights with respect to an expropriated mark unless the owner expressly consents.

I am not here to help out a liquor company. Rather, I am here to ensure that intellectual property protections recognized by our laws are honored in our courts. I am here to ensure that U.S. courts may consider trademark cases arising under U.S. laws. Most importantly, I am here because the legislative process needs to take place in the open and in front of the people, not under cover of darkness and behind closed doors.

I have been working with Senator CRAIG, Senator BINGAMAN, and Senator ROBERTS for more than three years on this issue, and I hope we can move quickly to pass this bipartisan legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Powers Restoration Act of 2007".

SEC. 2. PURPOSE.

The purpose of this Act is to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks.

SEC. 3. REPEAL.

(a) IN GENERAL.—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-88) is repealed.

(b) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall issue such regulations as are necessary to carry out the repeal made by subsection (a), including removing or revoking any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2270. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2271. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2272. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2273. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2274. Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to the bill H.R. 1585, supra.

SA 2275. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to amendment SA 2274 proposed by Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON)) to the bill H.R. 1585, supra.

SA 2276. Mr. KOHL (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2277. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2278. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2279. Mr. ENSIGN (for himself, Mr. COLEMAN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2280. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2165 submitted by Mr. BOND (for himself and Mr. LEAHY) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2281. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2282. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2283. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2284. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2285. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2286. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2287. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2288. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mr. HARKIN, Mr. OBAMA, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2289. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. BINGAMAN, Mr. FEINGOLD, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2290. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2291. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2292. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2293. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2295. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2296. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2297. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2298. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2299. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2300. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2301. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2302. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2303. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2304. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2305. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2306. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2307. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2308. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2309. Mr. BIDEN (for himself, Mr. DODD, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2310. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2311. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2312. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2313. Mr. HATCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2270. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) In recent months, government testing and surveys of commercially available small arms have identified alternative rifles and carbines that, like the M4 carbine, meet or exceed existing performance and maintenance requirements for the Armed Forces.

(6) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than August 31, 2007, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(6).

(c) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small

arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on best weapon performance in light of the capabilities identified to be required in the Capabilities Based Assessment.

(d) TERMINATION OF SOLE SOURCE CONTRACT FOR M4 CARBINE RIFLE.—In the event the Capabilities Based Assessment does not identify gaps in the current capabilities of the small arms of the Army or the Secretary of the Army determines not to procure a new individual weapon to address such gaps, the Secretary shall—

(1) terminate the sole source contract for the M4 carbine rifle effective June 1, 2009; and

(2) satisfy all current requirements for the carbine as of that date through one or more contracts entered into thereafter after full and open competition.

SA 2271. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle D—Advancement of International Security Through Partnerships

SEC. 1251. BUILDING OF CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES TO CONDUCT COUNTERTERRORISM AND OTHER OPERATIONS CONSISTENT WITH THE SECURITY INTERESTS OF THE UNITED STATES.

(a) BUILDING OF CAPACITY.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1201 of this Act, is further amended by adding at the end the following new section:

"§409. Building of capacity of foreign military and security forces to conduct counterterrorism and other security operations

"(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out programs to build the capacity of the national military forces and other security forces (including the gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coast guard, border protection, and counterterrorism forces) of a foreign country in order for that country to—

"(1) conduct counterterrorist operations; or

"(2) participate in or support military and stability operations that are consistent with the security interests of the United States.

"(b) SCOPE OF AUTHORITY.—(1) A program authorized by subsection (a) may be carried out by grant or other appropriate mechanism, and may include the provision of equipment, supplies, and training, and minimal construction incidental to the provision of equipment.

"(2) In carrying out a program authorized by subsection (a), the armed forces may participate in training activities authorized by section 2011 of this title in a foreign country where training pursuant to such section is ongoing.

"(c) REQUIRED ELEMENTS.—Any program carried out under subsection (a) shall include elements that promote—

"(1) the observance of and respect for human rights and fundamental freedoms; and

"(2) respect for legitimate civilian authority within the foreign country concerned.

"(d) AVAILABILITY OF FUNDS.—(1) Funds available to the Department of Defense shall be available for carrying out programs authorized by subsection (a).

"(2) The total amount of funds that may be utilized under this subsection in any fiscal year for programs authorized by subsection (a) may not exceed **$750,000,000**.

"(3) Amounts available for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in that fiscal year but end in the next fiscal year.

"(e) FORMULATION AND EXECUTION OF PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to be carried out under the authority in subsection (a). The Secretary of Defense shall coordinate with the Secretary of State in carrying out any program so authorized.

"(f) NOTICE TO CONGRESS.—Not later than 15 days before commencing a program authorized by subsection (a), the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a notice containing the following:

"(1) The country in which the program is to be carried out.

"(2) The proposed schedule (including any implementation timelines and milestones, and the completion date) for the program.

"(3) The proposed funding for the program, including the source of funds for the program.

"(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

"(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

"409. Building of capacity of foreign military and security forces to conduct counterterrorism and other security operations.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1252. PROVISION BY THE DEPARTMENT OF DEFENSE OF SERVICES, ARTICLES, AND FUNDS TO OTHER GOVERNMENT AGENCIES FOR SUPPORT OF SECURITY AND STABILIZATION ASSISTANCE.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1202 and the amendments made by that section shall not take effect.

(b) PROVISION AUTHORIZED.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1251 of this Act, is further amended by adding at the end the following new section:

"§410. Security and stabilization assistance: provision of services, articles, and funds to other government agencies for support of assistance

"(a) IN GENERAL.—The Secretary of Defense may provide services to, and transfer defense articles and funds to, the Secretary of State or, at the request and with the concurrence of the Secretary of State, to the head of any other department or agency of the United States Government, for the purposes of facilitating the provision by the Secretary of State or head of such other department or agency, as applicable, of reconstruction, security, or stabilization assistance to a foreign country.

"(b) LIMITATION.—The aggregate value of all services, defense articles, and funds provided or transferred to the Secretary of State or the head of any other department or agency of the United States Government under this section in any fiscal year may not exceed **$500,000,000**.

"(c) AVAILABILITY OF FUNDS.—Any funds transferred to the Secretary of State or the head of any other department or agency of the United States Government under this section may remain available until expended.

"(d) NOTICE TO CONGRESS.—(1) Whenever the Secretary of Defense exercises the authority in subsection (a), the Secretary shall, at the time the authority is exercised, notify the appropriate committees of Congress of the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

"(2) Any notification under paragraph (1) shall include a description of—

"(A) the services, defense articles, or funds provided or transferred to the Secretary of State or the head of the department or agency of the United States Government concerned; and

"(B) the head of the receiving department or agency and the purpose for which such services, defense articles, and funds will be used.

"(e) APPLICABILITY OF OTHER LAWS.—Any services, defense articles, or funds provided or transferred to the Secretary of State or the head of another department or agency of the United States Government under the authority in subsection (a) that the Secretary of State or the head of such other department or agency, as applicable, uses to provide reconstruction, security, or stabilization assistance to a foreign country shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, or any law making appropriations to carry out such Acts.

"(f) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

"(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

"(2) The term 'defense article' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

"410. Security and stabilization assistance: provision of services, articles, and funds to other government agencies for support of assistance.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1253. AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1252 of this Act, is further amended by adding at the end the following new section:

"§411. Support of military operations to combat terrorism

"(a) AUTHORITY.—(1) The Secretary of Defense may use funds available to the Department of Defense to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

"(2) The Secretary may use funds under this section only with the concurrence of the Chief of Mission concerned.

"(3) The total amount of funds used under this section in any fiscal year may not exceed $25,000,000.

"(b) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the congressional defense committees, in writing, of the exercise of the authority in subsection (a) with respect to a military operation not later than 48 hours after so exercising the authority. Notice of the exercise of the authority under subsection (a) with respect to a military operation is only required once with respect to such operation.

"(c) NO AUTHORIZATION FOR COVERT ACTIONS.—This section does not constitute authority to conduct a covert action (as that term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413(e))).

"(d) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under subsection (a) during that fiscal year. Each report shall describe the support provided during the fiscal year concerned, including a statement of the recipient of the support and the amount of support provided.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

"411. Support of military operations to combat terrorism.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1254. PERMANENT AUTHORITY FOR THE COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1253 of this Act, is further amended by adding at the end the following new section:

"§412. Commanders' Emergency Response Program

"(a) AUTHORITY.—Funds made available to the Department of Defense for any fiscal year for the Commanders' Emergency Response Program may be used by the Secretary of Defense in such fiscal year to provide funds for the following:

"(1) The Commanders' Emergency Response Program in Iraq and Afghanistan.

"(2) A similar program to assist the people of any developing country where United States forces are operating.

"(b) QUARTERLY REPORT.—Not later than 15 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

"(c) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funds available for the Commanders' Emergency Response Program (including for a program referred to in subsection (a)(2)), the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

"(d) GUIDANCE.—In the event any modification is made after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 in the guidance issued to the armed forces by the Under Secretary of Defense (Comptroller) on February 18, 2005, concerning the allocation of funds through the Commanders' Emergency Response Program, the Secretary of Defense shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

"(e) EXECUTION OF PROGRAM.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Secretary of Defense and the Secretary of State shall jointly develop procedures for the exercise of the authority in this section. Such procedures shall provide for the expeditious coordination between the Department of Defense and the Department of State to achieve agile, appropriate, and effective use of the authority under this section to promote the security interests of the United States.

"(f) COMMANDERS' EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term 'Commanders' Emergency Response Program' means the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

"412. Commanders' Emergency Response Program.".

SEC. 1255. AVAILABILITY FOR CERTAIN STABILIZATION ACTIVITIES OF FUNDS AVAILABLE FOR HUMANITARIAN ASSISTANCE.

(a) IN GENERAL.—Section 2561(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Funds available under paragraph (1) are also available for stabilization activities in a country upon the concurrence of the Chief of Mission in that country.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1256. EXPANSION OF DEPARTMENT OF DEFENSE REWARDS PROGRAM FOR ASSISTANCE IN COMBATING TERRORISM.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1021 and the amendments made by that section shall not take effect.

(b) SCOPE OF AUTHORITY.—Subsection (a) of section 127b of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "and, with the concurrence of the applicable Chief of Mission, government personnel of coalition nations and nations in which the armed forces are stationed or operating," after "personnel";

(2) in paragraph (1), by inserting after "armed forces" the following: ", or of coalition forces or forces of a country in which the armed forces are stationed or operating,"; and

(3) in paragraph (2), by inserting "or of coalition forces or forces of a country in which the armed forces are stationed or operating" after "forces".

(c) INCREASE IN AMOUNT OF REWARD.—Subsection (b) of such section is amended by striking "$200,000" and inserting "$5,000,000".

(d) DELEGATION OF AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking "$50,000" and inserting "$1,000,000"; and

(2) by adding at the end the following new paragraph:

"(3) An official to whom authority is delegated under paragraph (1) or (2) may use such authority, acting through government personnel of coalition nations and nations in which the armed forces are stationed or operating, to offer and make rewards.".

(e) AWARDS SUBJECT TO CONSULTATION WITH SECRETARY OF STATE.—Subsection (d)(2) of such section is amended by striking "$100,000" and inserting "$2,000,000".

SEC. 1257. REDESIGNATION OF SPECIAL DEFENSE ACQUISITION FUND AND MODIFICATION OF AUTHORITIES APPLICABLE TO THE FUND.

(a) REDESIGNATION OF FUND.—

(1) IN GENERAL.—Paragraph (1) of subsection (a) of section 51 of the Arms Export Control Act (22 U.S.C. 2795) is amended by striking "Special Defense Acquisition Fund" and inserting "Defense Coalition Support Fund".

(2) CONFORMING AMENDMENTS.—The Arms Export Control Act is further amended by striking "Special Defense Acquisition Fund" each place it appears and inserting "Defense Coalition Support Fund".

(3) CLERICAL AMENDMENTS.—

(A) CHAPTER HEADING.—The heading of chapter 5 of such Act is amended to read as follows:

"CHAPTER 5—DEFENSE COALITION SUPPORT FUND".

(B) SECTION HEADING.—The heading of section 51 of such Act is amended by striking "SPECIAL DEFENSE ACQUISITION FUND" and inserting "DEFENSE COALITION SUPPORT FUND".

(4) REFERENCES.—Any reference to the Special Defense Acquisition Fund in a law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Defense Coalition Support Fund.

(b) MODIFICATION OF AUTHORITIES.—

(1) CONCURRENCE OF SECRETARY OF STATE IN OPERATION.—Paragraph (1) subsection (a) of section 51 of the Arms Export Control Act is further amended by striking "in consultation with" and inserting "with the concurrence of".

(2) DEPARTMENT OF DEFENSE CONTROL AND MANAGEMENT.—Such paragraph is further amended by inserting "and management" after "control".

(3) ADDITIONAL PURPOSES.—Such subsection is further amended—

(A) in paragraph (1)—

(i) by inserting "temporary use or" after "anticipation of their"; and

(ii) by inserting "for purposes including support of coalition or international military stability or counter-terrorist operations" after "international organizations";

(B) in paragraph (3), by inserting "temporary use or" before "transfer"; and

(C) in paragraph (4)—

(i) by striking "narcotics control purposes" and inserting "building partner capacity"; and

(ii) by striking ", such as small boats, planes (including helicopters), and communication equipment".

(4) ELEMENTS OF FUND.—Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) by inserting after paragraph (3) the following new paragraphs:

"(4) collections from leases made pursuant to section 61 of this Act, and

"(5) contributions of money or property from any United States or foreign person or entity, foreign government, or international organization for use for purposes of the Fund,"; and

(C) in the matter after paragraph (5), as added by subparagraph (B) of this paragraph, by inserting "to the Department of State or the Department of Defense" after "authorized and appropriated".

(5) SIZE OF FUND.—

(A) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

"(c)(1) Except during a period of active hostilities, the value of defense articles or other property acquired by the Secretary of Defense under this chapter and held in inventory for purposes of this chapter may not exceed $200,000,000.

"(2) Amounts credited or otherwise made available to the Fund under subsection (b) shall remain available until expended.".

(B) CONFORMING AMENDMENTS.—Section 114 of title 10, United States Code, is amended—

(i) by striking subsection (c); and

(ii) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(6) TRANSFER OF AMOUNTS IN FUND.—Section 51 of the Arms Export Control Act is further amended by adding at the end the following new subsection:

"(d) In order to carry out the purposes of the Fund, amounts in the Fund may be transferred to any current appropriation, fund, or account of the Department of Defense or the Department of State. Any amounts so transferred shall be merged with the appropriation, fund, or account to which transferred, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in the appropriation, fund, or account to which transferred.".

(7) USE AND TRANSFER OF ITEMS PROCURED BY FUND.—Section 52 of the Arms Export Control Act (22 U.S.C. 2795a) is amended—

(A) in subsection (a), by inserting "(including for temporary use)" after "transferred"; and

(B) in subsection (b), by striking "The President may authorize" and inserting "The Secretary of Defense may, with the concurrence of the Secretary of State, authorize".

SEC. 1258. NONRECIPROCAL EXCHANGES OF CIVILIAN AND MILITARY PERSONNEL UNDER MILITARY-TO-MILITARY CONTACT AUTHORITY.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) The exchange of personnel described in paragraph (3) or (4) on a nonreciprocal basis if the Secretary of Defense determines that such an exchange is in the interests of the Department of Defense.".

SEC. 1259. EXPANSION OF AUTHORITY TO PROVIDE SERVICES AND SUPPORT AND PAY EXPENSES OF COALITION LIAISON OFFICERS.

(a) EXPANSION OF OFFICERS ELIGIBLE.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking "involved in a coalition" and inserting "involved in a military operation"; and

(2) by striking "a coalition operation" and inserting "a military operation".

(b) PAYMENT OF CERTAIN MEDICAL EXPENSES.—Subsection (b) of such section is amended—

(1) by striking the heading and inserting "TRAVEL AND SUBSISTENCE, MEDICAL, PERSONAL, AND OTHER EXPENSES.—"; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(C) Expenses of civilian medical care when adequate medical care is not available to that officer at local military medical facilities and the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States, except that such expenses may not be paid under this subparagraph if the medical care concerned is otherwise available to that officer pursuant to any international agreement or treaty.".

(c) PAYMENT OF TEMPORARY DUTY TRAVEL EXPENSES.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

"(3) In addition to expenses payable under paragraph (1), the Secretary may also pay the mission-related travel expenses of any liaison officer described in subsection (a) when such travel is in support of United States national interests and the commander of the headquarters to which the liaison officer is temporarily assigned directs round-trip travel from the headquarters to one or more locations.".

(d) DEFINITIONS.—Subsection (d) of such section is amended to read as follows:

"(d) ADMINISTRATIVE SERVICES AND SUPPORT DEFINED.—In this section, the term 'administrative services and support' includes base or installation support services, office space, utilities, copying services, fire and police protection, and computer support.".

(e) PERMANENT AUTHORITY.—Such section is further amended by striking subsection (e).

(f) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§1051a. Liaison officers to United States military operations: administrative services and support; travel, subsistence, medical care, and other expenses".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051a and inserting the following new item:

"1051a. Liaison officers to United States military operations: administrative services and support; travel, subsistence, medical care, and other expenses.".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1260. GRANTS OF NON-LETHAL EXCESS DEFENSE ARTICLES BY GEOGRAPHIC COMBATANT COMMANDERS.

(a) GRANTS AUTHORIZED.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166b the following new section:

"§166c. Combatant commands: authority of geographic combatant commanders to transfer non-lethal excess defense articles

"(a) AUTHORITY.—The commander of a combatant command with a geographic area of responsibility may, with the concurrence of the Secretary of State, transfer on a grant basis non-lethal excess defense articles to any country within that commander's geographic area of responsibility for the purpose of—

"(1) building the capacity of such country to conduct counterterrorist operations; or

"(2) permitting such country to participate in or support military and stability operations that are consistent with the security interests of the United States.

"(b) LIMITATIONS.—(1) A combatant commander may transfer defense articles under this section only if—

"(A) the articles are drawn from existing stocks of the Department of Defense;

"(B) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

"(C) the transfer of the articles will not have an adverse impact on the military readiness of the United States.

"(2) The total amount of defense articles that may be transferred to a country under this section in any fiscal year may not exceed $25,000.

"(c) TRANSPORTATION AND RELATED COSTS.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be expended for crating, packing, handling, and transporting defense articles transferred under this section.

"(2) A combatant commander may provide for the transportation of defense articles transferred under this section without charge to a country for the costs of the transportation if—

"(A) the combatant commander determines that such transportation without charge is in the national interest of the United States;

"(B) the recipient country is a developing country;

"(C) the total weight of the transfer does not exceed 50,000 pounds; and

"(D) the transportation is carried out on a space available basis.

"(d) PROHIBITED TRANSFERS.—A combatant commander may not transfer defense articles under this section that are significant military equipment (as that term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9))).

"(e) APPLICABILITY TO COAST GUARD PROPERTY.—Excess property of the Coast Guard may be treated as excess defense articles for purposes of this section.

"(f) EXCESS DEFENSE ARTICLES DEFINED.—In this section, the term 'excess defense articles' has the meaning given that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 166b the following new item:

"166c. Combatant commands: authority of geographic combatant commanders to transfer non-lethal excess defense articles.".

SEC. 1261. DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the Armed Forces and military and civilian personnel of friendly foreign nations, the Secretary of Defense may, with the concurrence of the Secretary of State—

(1) provide to personnel referred to in subsection (b) electronic distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

(1) Internet-based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

(e) GUIDANCE ON DISTRIBUTION.—

(1) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance on the procedures for the use of the authority in subsection (a).

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after prescribing the guidance required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth such guidance.

(3) MODIFICATION.—If the Secretary modifies the guidance prescribed under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

(f) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the end of any fiscal year in which the authority in subsection (a) is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the use of such authority during such fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A statement of the recipients of learning content and information technology under this section.

(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

SEC. 1262. PROVISION OF AUTOMATIC IDENTIFICATION SYSTEM INFORMATION ON MARITIME SHIPPING TO FOREIGN COUNTRIES.

(a) PROVISION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the Secretaries of the military departments and the commanders of combatant commands with a geographic area of responsibility to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

(b) PROVISION AT NO COST TO RECIPIENT.—Data may be exchanged or furnished under subsection (a) without cost to the recipient country or international organization.

(c) CONSISTENCY WITH INTERNATIONAL LAW.—Any exchange or furnishing of data under subsection (a) shall be consistent with applicable international law.

(d) AUTOMATIC IDENTIFICATION SYSTEM DEFINED.—In the section, the term "automatic identification system" means a system that is used to satisfy the Automatic Identification System requirements of the regulations for purposes of the International Convention for the Safety of Life at Sea, done at London, June 17, 1960 (16 UST 185).

SEC. 1263. ENHANCEMENT OF PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1214 and the amendments made by that section shall not take effect.

(b) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§2350m. Participation in multinational military centers of excellence

"(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

"(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

"(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

"(b) COVERED NATIONS.—The nations referred to in this subsection are as follows:

"(1) The United States.

"(2) Any member nation of the North Atlantic Treaty Organization (NATO).

"(3) Any major non-NATO ally.

"(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

"(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

"(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memorandum of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

"(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

"(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

"(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

"(2) The amount available under paragraph (1)(A) for expenses referred to in that paragraph may not exceed $5,000,000 in any fiscal year.

"(3) No funds may be used under this subsection to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

"(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

"(f) REPORT ON USE OF AUTHORITY.—(1) Not later than 30 days after the end of any fiscal year in which the authority in subsection (a) is used, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of such authority during that fiscal year.

"(2) The report required by paragraph (1) shall include the following:

"(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority in subsection (a) during the fiscal year covered by the report.

"(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or Department of Defense civilian personnel, so participated—

"(i) a description of such multinational military center of excellence;

"(ii) a description of the activities participated in by the Department, or by members of the armed forces or Department of Defense civilian personnel; and

"(iii) a statement of the costs of the Department for such participation, including—

"(I) a statement of the United States share of the expenses of such center, and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

"(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

"(g) Definitions.—In this section:

"(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Department of Defense as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of United States forces and the militaries of friendly foreign nations by providing such personnel opportunities to—

"(A) enhance education and training;

"(B) improve interoperability and capabilities;

"(C) assist in the development of doctrine; and

"(D) validate concepts through experimentation.

"(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally by the Secretary of Defense, with the concurrence of the Secretary of State, under section 2350a of this title.".

(c) Clerical Amendment.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"Sec. 2350m. Participation in multinational military centers of excellence.".

SEC. 1264. TEMPORARY LOAN OF SIGNIFICANT MILITARY EQUIPMENT.

(a) Construction With Other Provisions.—Section 1212 and the amendments made by that section shall not take effect.

(b) Temporary Loan.—Section 2350(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Such term also includes temporary use, for not to exceed one year, of significant military equipment by security forces of nations participating in combined operations with the armed forces for personnel protection or to aid in personnel survivability, if the Secretary of Defense, with the concurrence of the Secretary of State, determines in writing that it is in the national security interests of the United States to authorize such use.".

SEC. 1265. REIMBURSEMENT OF SALARIES OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES IN SUPPORT OF COMMERCIAL SALES OF DEFENSE ARTICLES AND SERVICES OVERSEAS.

Notwithstanding any limitation on the inclusion of salaries of members of the Armed Forces in the price or value of assistance under sections 503(a)(3) and 632(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(a)(3), 2392(d)), the full cost of salaries of members of the reserve components of the Armed Forces may be included in calculating the price or value of assistance under such sections.

SA 2272. Mr. WEBB (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) Extension of Date of Submittal of Final Report.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 50 U.S.C. 2301 note) is amended by striking "June 30, 2007" and inserting "November 30, 2008".

(b) Coordination of Work With Department of Homeland Security.—Section 1404 of such Act is amended by adding at the end the following new subsection:

"(c) Coordination With Department of Homeland Security.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.".

(c) Limitation on Department of Defense Funding.—The aggregate amount of funds provided by the Department of Defense to the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and submittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds provided the Commission before the date of the enactment of this Act, shall not exceed $5,600,000.

SA 2273. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 325. CENTER FOR INTERNATIONAL ISSUES RESEARCH.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $7,400,000 may be available for the Center for International Issues Research.

SA 2274. Mr. DODD (for Mr. Levin (for himself, Mr. Reed, Mr. Smith, Mr. Hagel, Mr. Kerry, Ms. Snowe, Mr. Biden, Mr. Obama, and Mrs. Clinton)) proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) Deadline for Commencement of Reduction.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) Implementation of Reduction as Part of Comprehensive Strategy.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) Limited Presence After Reduction and Transition.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) Completion of Transition.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

SA 2275. Mr. LEVIN (for himself, Mr. Reed, Mr. Smith, Mr. Hagel, Mr. Kerry, Ms. Snowe, Mr. Biden, Mr. Obama, and Mrs. Clinton) proposed an amendment to amendment SA 2274 proposed by Mr. Dodd (for Mr. Levin (for himself, Mr. Reed, Mr. Smith, Mr. Hagel, Mr. Kerry, Ms. Snowe, Mr. Biden, Mr. Obama, and Mrs. Clinton)) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In lieu of the language to be inserted, insert the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) Deadline for Commencement of Reduction.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) Implementation of Reduction as Part of Comprehensive Strategy.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

This Section shall take effect one day after the date of this bill's enactment.

SA 2276. Mr. KOHL (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 876. GREEN PROCUREMENT POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 1, 2004, the Department of Defense issued its green procurement policy. The policy affirms a goal of 100 percent compliance with Federal laws and executive orders requiring purchase of environmentally friendly, or green, products and services. The policy also outlines a strategy for meeting those requirements along with metrics for measuring progress.

(2) On September 13, 2006, the Department of Defense hosted a biobased product showcase and educational event which underscores the importance and seriousness with which the Department is implementing its green procurement program.

(3) On January 24, 2007, President Bush signed Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management, which contains the requirement that Federal agencies procure biobased and environmentally preferable products and services.

(4) Although the Department of Defense continues to work to become a leading advocate of green procurement, there is concern that there is not a procurement application or process in place at the Department that supports compliance analysis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on its plan to increase the usage of environmentally friendly products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors.

SA 2277. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON WATER CONSERVATION PROJECTS.

(a) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the funding and effectiveness of water conservation projects at Department of Defense facilities.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description, by type, of the amounts invested or budgeted for water conservation projects by the Department of Defense in fiscal years 2006, 2007, and 2008;

(2) a description, by type, of the projected investments in water conservation proposed over the next five years;

(3) an assessment of the investment levels required to meet the water conservation requirements of the Department of Defense under Executive Order No. 13423 (January 24, 2007);

(4) an assessment of whether water conservation projects should continue to be funded within the Energy Conservation Investment Program or whether the water conservation efforts of the Department would be more effective if a separate water conservation investment program were established;

(5) an assessment of the demonstrated or potential reductions in water usage and return on investment of various types of water conservation projects, including the use of metering or control systems, xeriscaping, waterless urinals, utility system upgrades, and water efficiency standards for appliances used in Department of Defense facilities; and

(6) recommendations for any legislation, including any changes to the authority provided under section 2866 of title 10, United States Code, that would facilitate the water conservation goals of the Department, including the water conservation requirements of Executive Order No. 13423 and DoD Instruction 4170.11.

SA 2278. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XVIII, add the following:

SEC. 2854. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CITY.—The term "City" means the city of Detroit, Michigan.

(3) CITY LAND.—The term "City land" means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(5) EDC.—The term "EDC" means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term "exchange maps" means the maps entitled "Atwater Street Land Exchange Maps" prepared pursuant to subsection (h).

(7) FEDERAL LAND.—The term "Federal land" means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term "Sector Detroit" means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant of the Coast Guard may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available without further appropriation and shall remain available until expended to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the City shall remediate any and all contaminants existing on their respective properties to levels required by applicable state and Federal law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives maps, entitled "Atwater Street Land Exchange Maps," which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City of Detroit.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into an exchange authorized by this section shall expire 3 years after the date of enactment of this Act.

SA 2279. Mr. ENSIGN (for himself, Mr. COLEMAN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) SUPPORT AS PART OF DRILL AND INSTRUCTION.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) ADDITIONAL SUPPORT.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any activities as follows:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.—The term "State along the southern land border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(h) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

SA 2280. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2165 submitted by Mr. BOND (for himself and Mr. LEAHY) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the "National Guard Empowerment Act of 2007".

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal adviser".

(2) GRADE.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

"(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

"(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

"(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

"(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

"(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

"§10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

"(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

"(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

"(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

"(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

"§10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.

"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

"10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.".

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).".

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Each report under this section concerning equipment of the National Guard shall also include the following:

"(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

"(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

"(A) for which funds were appropriated;

"(B) which was due to be procured for the National Guard during that fiscal year; and

"(C) which has not been received by a National Guard unit as of the close of that fiscal year.".

SA 2281. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

(a) FINDINGS.—Congress makes the following findings:

(1) The brown tree snake (*Boiga irregularis*), an invasive species, is found in significant numbers on military installations and in other areas on Guam, and constitutes a serious threat to the ecology of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would pose an immediate and serious economic and ecological threat.

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam.

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

SA 2282. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members to facilitate access to services supporting their health and well-being through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the OSD (P&R) as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff. The Center may also enter into partnerships with other public entities, including, but not limited to, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affiars, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Secretary of Defense.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard and Reserve organizations;

(ii) an assessment of any unmet resource requirements;

(iii) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard or Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard and Reserve organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SA 2283. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. RIGHT OF RECOUPMENT RELATED TO LAND CONVEYANCE, HELENA, MONTANA.

Section 2843(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3525) is amended to read as follows:

"(b) EFFECT OF RECONVEYANCE OR LEASE.—

"(1) RECONVEYANCE.—If, at any time during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

"(2) LEASE.—The Secretary may treat a lease of property conveyed under subsection (a) within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).".

SA 2284. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 522. LIMITATION ON ENLISTMENT OF FELONS IN THE ARMED FORCES.

Notwithstanding the second sentence of section 504(a) of title 10, United States Code, or any other provision of law, in any fiscal year the percentage of the total number of individuals enlisting in an Armed Force who are individuals convicted of a felony may not exceed the percentage of the total number of individuals enlisting in such Armed Force in fiscal year 2001 who were individuals convicted of a felony, except pursuant to a law enacted by Congress after the date of the enactment of this Act.

SA 2285. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 358. REPORTS ON NATIONAL GUARD READINESS FOR DOMESTIC EMERGENCIES.

(a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(9) An assessment of the extent to which the National Guard possesses the equipment required to respond to domestic emergencies, including large scale, multi-State disasters and terrorist attacks.

"(10) An assessment of the shortfalls, if any, in National Guard equipment throughout the United States, and an assessment of the effect of such shortfalls on the capacity of the National Guard to respond to domestic emergencies.

"(11) Strategies and investment priorities for equipment for the National Guard to ensure that the National Guard possesses the equipment required to respond in a timely and effective way to domestic emergencies.".

(b) INCLUSION OF NATIONAL GUARD READINESS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—Section 482 of such title is amended—

(1) in subsection (a), by striking "and (e)" and inserting "(e), and (f)";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

"(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

"(2) Any information in a report under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to reports submitted after the date of the enactment of this Act.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to achieve the implementation of the amendments made by this section.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

SA 2286. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON EMPLOYMENT AND REEMPLOYMENT DISCRIMINATION COMPLAINTS OF RESERVES RECEIVED BY DEPARTMENT OF DEFENSE UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The number of complaints in aggregate received by the Department of Defense under this chapter during the fiscal year for which the report is made regarding violations of the employment and reemployment rights of Reserves under this chapter."; and

(3) in paragraph (5), as so redesignated, by striking "(2), or (3)" and inserting "(2), (3), or (4)".

SA 2287. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON WAIVERS FOR ENLISTMENT IN THE ARMED FORCES.

(a) IN GENERAL.—Not later than April 1, 2008, the Comptroller General of the United States shall submit to Congress a report on the moral, medical, aptitude, and other waivers for enlistment in the Armed Forces that have been granted by the Secretaries of the military departments since the onset of combat operations in Afghanistan on October 7, 2001.

(b) COMPARATIVE EVALUATION.—For purposes of preparing the report, the Comptroller General shall evaluate the waivers described in subsection (a) that were granted during each of fiscal years 2000 and 2001.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The number of waivers described in that subsection that have been granted each fiscal year for each Armed Force, including—

(A) the total number granted for each Armed Force; and

(B) the number of each type granted, whether moral, medical, aptitude, or other.

(2) An assessment of the soundness of the review process utilized by each military department for the granting of such waivers.

(3) A statement of the reasons for any increase in such waivers granted by fiscal year.

(4) An assessment of the effects of the granting of such waivers on the Armed Forces, including the particular effects of the increase in the number of such waivers over time.

SA 2288. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mr. HARKIN, Mr. OBAMA, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—The Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) as soon as practicable to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of resilience.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(9) The movement of clinical psychologists and clinical social workers into the professional YH medical career group of the National Security Personnel System established pursuant to section 9902 of title 5, United States Code.

(c) RECOMMENDATIONS REQUIRING STATUTORY CHANGES.—The Secretary of Defense shall submit to the congressional defense committees as part of the plan required by subsection (f) of section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) a description of any statutory changes necessary to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) PROGRESS REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every three months thereafter, the Secretary of Defense shall submit to the congressional defense committees a progress report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

SA 2289. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. BINGAMAN, Mr. FEINGOLD, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. AWARD OF PURPLE HEART FOR PRISONERS OF WAR WHO DIE IN CAPTIVITY.

(a) PERSONS NOT OTHERWISE ELIGIBLE FOR THE PURPLE HEART.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Purple heart: members who die while prisoners of war that are not otherwise eligible under the circumstances causing death

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who dies in captivity under circumstances establishing eligibility for the prisoner-of-war medal under section 1128 of this title but not under circumstances establishing eligibility for the Purple Heart.

"(c) This section applies to members of the armed forces who die on or after December 7,

1941. In the case of a member who dies as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

"1135. Purple Heart: members who die while prisoners of war that are not otherwise eligible under the circumstances causing death".

SA 2290. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

SA 2291. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. REPORT ON SEARCH AND RESCUE CAPABILITIES OF AIR FORCE IN NORTHWESTERN UNITED STATES.

(a) REPORT.—Not later than April 1, 2008, the Secretary of the Air Force shall submit to the appropriate congressional committees a report on the search and rescue capabilities of the Air Force in the northwestern United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the search and rescue capabilities required to support Air Force operations and training.

(2) A description of the compliance of the Air Force with the 1999 United States National Search and Rescue Plan (NSRP) for Washington, Oregon, Idaho, and Montana.

(3) An inventory and description of search and rescue assets of the Air Force that are available to meet such requirements.

(4) A description of the utilization during the previous three years of such search and rescue assets.

(5) The plans of the Air Force to meet current and future search and rescue requirements in the northwestern United States, including with respect to risk assessment services for Air Force missions and compliance with the NSRP.

(c) USE OF REPORT FOR PURPOSES OF CERTIFICATION REGARDING SEARCH AND RESCUE CAPABILITIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking "unless the Secretary first certifies" and inserting "unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 358 of the National Defense Authorization Act for Fiscal Year 2008, first certifies".

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

SA 2292. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. CONTINUITY OF DEPOT OPERATIONS TO RESET COMBAT EQUIPMENT AND VEHICLES IN SUPPORT OF WARS IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Armed Forces, particularly the Army and the Marine Corps, are currently engaged in a tremendous effort to reset equipment that was damaged and worn in combat operations in Iraq and Afghanistan.

(2) The implementing guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics related to the decisions of the 2005 Defense Base Closure and Realignment Commission (BRAC) to transfer depot functions appears not to differentiate between external supply functions and in-process storage functions related to the performance of depot maintenance.

(3) Given the fact that up to 80 percent of the parts involved in the vehicle reset process are reclaimed and refurbished, the transfer of this inherently internal depot maintenance function to the Defense Logistics Agency could severely disrupt production throughput, generate increased costs, and negatively impact Army and Marine Corps equipment reset efforts.

(4) The goal of the Department of Defense, the Defense Logistics Agency, and the 2005 Defense Base Closure and Realignment Commission is the reengineering of businesses processes in order to achieve higher efficiency and cost savings.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the challenges of implementing the transfer of depot functions and the impacts on production, including parts reclamation and refurbishment.

(2) CONTENT.—The report required under paragraph (1) shall describe—

(A) the sufficiency of the business plan to transfer depot functions to accommodate a timely and efficient transfer without the disruption of depot production;

(B) a description of the completeness of the business plan in addressing part reclamation and refurbishment;

(C) the estimated cost of the implementation and what savings are likely be achieved;

(D) the impact of the transfer on the Defense Logistics Agency and depot hourly rates due to the loss of budgetary control of the depot commander over overtime pay for in-process parts supply personnel, and any other relevant rate-related factors;

(E) the number of personnel positions affected;

(F) the sufficiency of the business plan to ensure the responsiveness and availability of Defense Logistics supply personnel to meet depot throughput needs, including potential impact on depot turnaround time; and

(G) the impact of Defense Logistics personnel being outside the chain of command of the depot commander in terms of overtime scheduling and meeting surge requirements.

(3) GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT.—Not later than September 30, 2008, the Comptroller General of the United States shall review the report submitted under paragraph (1) and submit to the congressional defense committees an independent assessment of the matters addressed in such report, as requested by the Chairman of the Committee on Armed Services of the House of Representatives.

SA 2293. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C-130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than three C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), to the Government of Iraq.

SA 2294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 844, insert the following:

(h) ACQUISITION WORKFORCE ASSESSMENT AND PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an assessment and plan for addressing gaps in the acquisition workforce of the Department of Defense.

(2) CONTENT OF ASSESSMENT.—The assessment developed under paragraph (1) shall identify—

(A) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

(B) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to subparagraph (A).

(3) CONTENT OF PLAN.—The plan developed under paragraph (1) shall establish specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department of Defense to address the gaps in skills and competencies identified under paragraph (2). The plan shall include—

(A) specific recruiting and retention goals; and

(B) specific strategies for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

(4) ANNUAL UPDATES.—Not later than March 1 of each year from 2009 through 2012, the Secretary of Defense shall update the assessment and plan required by paragraph (1). Each update shall include the assessment of the Secretary of the progress the Department has made to date in implementing the plan.

(5) SPENDING OF AMOUNTS IN FUND IN ACCORDANCE WITH PLAN.—Beginning on October 1, 2008, amounts in the Fund shall be expended in accordance with the plan required under paragraph (1) and the annual updates required under paragraph (4).

(6) REPORTS.—Not later than 30 days after developing the assessment and plan required under paragraph (1) or preparing an annual update required under paragraph (4), the Secretary of Defense shall submit to the congressional defense committees a report on the assessment and plan or annual update, as the case may be.

SA 2295. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1063.

SA 2296. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, line 16, strike "a summary" and insert "an unclassified summary".

SA 2297. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, beginning on line 20, strike "that is similar to that provided for defense counsel in a military commission under section 949j of title 10, United States Code;" and insert "that is consistent with the procedures to obtain witnesses and other evidence under section 949j of title 10, United States Code;".

SA 2298. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1064 and insert the following:

SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

"SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

"(a) DEFINITIONS.—In this section:

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

"(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(3) COVERED PERSON.—The term 'covered person' means—

"(A) an officer or employee of a Federal agency;

"(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

"(C) an officer or employee of a contractor of a Federal agency.

"(4) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"(5) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

"(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

"(1) an unlawful user of, or is addicted to, a controlled substance; or

"(2) mentally incompetent, as determined by a mental health professional approved by the applicable Federal agency.

"(c) DISQUALIFICATION.—

"(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

"(A) convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

"(B) discharged or dismissed from the Armed Forces under dishonorable conditions.

"(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

"(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

"(A) special access programs;

"(B) Restricted Data; or

"(C) any other information commonly referred to as 'sensitive compartmented information'.

"(4) ANNUAL REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the congressional intelligence committees and to each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency, if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at th beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

SA 2299. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 6 and 7, insert the following:

(4) For any action addressed under paragraph (3)—

(A) the impact of that action on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) how contractors and subcontractors that are small business concerns may assist in addressing any such disadvantage.

SA 2300. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 351, strike lines 7 through 10 and insert the following:

(v) the Committee on Foreign Relations;

(vi) the Committee on Small Business and Entrepreneurship; and

(vii) the Select Committee on Intelligence.

SA 2301. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10___. HUBZONES.

(a) DESIGNATION AS A HUBZONE.—

(1) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(A) in paragraph (4)(D)—

(i) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and adjusting the margin accordingly;

(ii) by striking "means lands" and inserting the following "means—

"(i) lands"; and

(iii) by striking the period at the end and inserting the following: "; and

"(ii) during the applicable period, areas adjacent to or within commuting distance of lands described in clause (i) that are directly economically affected by the closing of a military installation, as determined by the Secretary of Housing and Urban Development."; and

(B) by adding at the end the following:

"(8) APPLICABLE PERIOD.—The term 'applicable period'—

"(A) means the 2-year period beginning on the date on which the Secretary of Housing and Urban Development makes the relevant determination described in paragraph (4)(D)(ii); and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subparagraph (A).".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to the closing of any military installation that occurs on or after the date that is 5 years before the date of enactment of this Act.

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

"(iii)(I) For purposes of this subparagraph, if an area is designated as a HUBZone under section 3(p)(4)(D)(ii)), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

"(aa) that is participating in any program, activity, or contract under section 8(a); and

"(bb) the principal place of business of which is located in that area.

"(II) The time period for purposes of subclause (I) shall be—

"(aa) the 2-year period beginning on the date on which the Secretary of Housing and Urban Development makes the relevant determination described in section 3(p)(4)(D)(ii); and

"(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).".

SA 2302. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. INAPPLICABILITY OF LIMITATIONS ON RETIREMENT TO AIRCRAFT PREVIOUSLY CLASSIFIED AS IN "XJ" STATUS.

No prohibition or limitation on the retirement of aircraft under this subtitle, or under any other provision of law, shall apply with respect to any aircraft classified as in "XJ" status before the date of the enactment of this Act.

SA 2303. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle of C of title XXVIII, add the following:

SEC. 2836. RIGHT OF FIRST REFUSAL FOR LOCAL ENTITIES TO PURCHASE REAL PROPERTY COVERED BY JOINT USE AGREEMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2697. Right of first refusal for local entities to purchase real property covered by joint use agreements

"(a) RIGHT OF FIRST REFUSAL.—The Secretary of a military department may not convey any real property at a military installation located in the continental United States that is subject to a joint use agreement with a State or local governmental entity to any other non-Federal agency until the State or local governmental entity that is party to such agreement has been offered the right of first refusal to such property and has declined to purchase such property.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2696 the following new item:

"2697. Right of first refusal for local entities to purchase real property covered by joint use agreements.".

SA 2304. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. IMPROVED HOUSING BENEFITS FOR DISABLED MEMBERS OF THE ARMED FORCES AND EXPANDED BENEFITS FOR VETERANS WITH SEVERE BURNS.

(a) HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.—Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

(b) SPECIALLY ADAPTED HOUSING ASSISTANCE FOR DISABLED VETERANS WITH SEVERE

BURNS.—Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

(c) REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist disabled veterans in acquiring—

(A) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(B) such adaptations to their residences as are reasonably necessary because of their disabilities; or

(C) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(2) FOCUS ON PARTICULAR DISABILITIES.—The report required by paragraph (1) shall pay particular attention to the needs of veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code.

(d) ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.—Section 3901(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "or (iii)" and inserting "(iii), or (iv)"; and

(B) by adding at the end the following new clause:

"(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary); or"; and

(2) in subparagraph (B), by striking "or (iii)" and inserting "(iii), or (iv)".

(e) ADAPTED HOUSING ASSISTANCE FOR DISABLED MEMBERS OF THE ARMED FORCES RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.—

(1) IN GENERAL.—Subsection (a) of section 2102A of title 38, United States Code, is amended—

(A) by inserting "(1)" before "In the case";

(B) by striking "disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and" and inserting "person described in paragraph (2)";

(C) by striking "such veteran's" and inserting "the person's";

(D) by striking "the veteran" and inserting "the person";

(E) by striking "the veteran's" and inserting "the person's"; and

(F) by adding at the end the following new paragraph:

"(2) A person described in this paragraph is—

"(A) a veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title; or

"(B) a member of the Armed Forces who—

"(i) has, as determined by the Secretary, a disability permanent in nature described in subsection (a)(2) or (b)(2) of section 2101 of this title that has incurred in the line of duty in the active military, naval, or air service;

"(ii) is hospitalized or receiving outpatient medical care, services, or treatment for such disability; and

"(iii) is likely to be discharged or released from the Armed Forces for such disability.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "veteran" both places it appears and inserting "person with a disability"; and

(B) in subsection (c), by striking "veteran" and inserting "person".

(3) REPORT ON ASSISTANCE FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WHO RESIDE IN HOUSING OWNED BY FAMILY MEMBER ON PERMANENT BASIS.—Not later than December 31, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans and members of the Armed Forces described in subsection (a) of such section, as amended by paragraph (1) of this subsection, who reside with family members on a permanent basis.

(f) REDIRECTION OF IRS FEES.—Section 3 under the heading "Administrative Provisions—Internal Revenue Service" of title I of Public Law 103-329 is amended by striking "The Secretary of the Treasury may spend" in the second sentence and inserting "Except with respect to the first $5,000,000 in receipts which shall be deposited in the general fund of the Treasury as miscellaneous receipts for any fiscal year beginning after September 30, 2007, the Secretary of the Treasury may spend".

SA 2305. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1012. REPORT ON COUNTERNARCOTICS ASSISTANCE FOR THE GOVERNMENT OF HAITI.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on counternarcotics assistance for the Government of Haiti.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the counternarcotics assistance provided to the Government of Haiti by each of the Department of Defense, the Department of State, the Department of Homeland Security, and the Department of Justice.

(2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti, including corruption and lack of entities available to partner with in Haiti.

(3) An assessment of the feasability and advisability of providing additional counternarcotics assistance to the Government of Haiti, including an extension and expansion to the Government of Haiti of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.

(4) An assessment of the potential for counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 2306. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE OF FEDERAL DETENTION SPACE AND UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURE AS A RESULT OF THE DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not fewer than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(2) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—Subject to available appropriations, the Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required under section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458).

(3) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(4) USE OF INSTALLATIONS AFFECTED BY BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(5) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired under this subsection shall be determined by the senior officer responsible for Detention and Removal Operations in the Department of Homeland Security and approved by the Secretary. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(b) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary of Homeland Security shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 2307. Mr. ENZI (himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 434, in the table preceding line 1, strike the item relating to Vicenza, Italy.

On page 435, line 15, strike "$5,218,067,000" and insert "$5,045,067,000".

On page 435, line 21, strike "$295,150,000" and insert "$122,150,000".

On page 475, in the table preceding line 1, insert after the item relating to Truax Field, Wisconsin, the following:

Wyoming	Cheyenne Airport	$7,600,000

On page 476, line 9, strike "$216,417,000" and insert "$224,017,000".

SA 2308. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 395, between lines 14 and 15, insert the following:

SEC. 1405A. ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES WITH RESPECT TO AFGHANISTAN.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, is hereby increased by $162,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, as increased by subsection (a), $162,800,000 may be available for drug interdiction and counterdrug activities with respect to Afghanistan.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(d) OFFSET.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide, for Operation Iraqi Freedom and Operation Enduring Freedom is hereby decreased by $162,800,000.

SA 2309. Mr. BIDEN (for himself, Mr. DODD, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1234. REPORT ON THE AIRFIELD IN ABECHE, CHAD, AND OTHER RESOURCES NEEDED TO PROVIDE STABILITY IN THE DARFUR REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the airfield located in Abeche, Republic of Chad, could play a significant role in potential United Nations, African Union, or North Atlantic Treaty Organization humanitarian, peacekeeping, or other military operations in Darfur, Sudan, or the surrounding region; and

(2) the capacity of that airfield to serve as a substantial link in such operations should be assessed, along with the projected costs and specific upgrades that would be necessary for its expanded use, should the Government of Chad agree to its improvement and use for such purposes.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the matters as follows:

(1) The current capacity of the existing airfield in Abeche, Republic of Chad, including the scope of its current use by the international community in response to the crisis in the Darfur region.

(2) The upgrades, and their associated costs, necessary to enable the airfield in Abeche, Republic of Chad, to be improved to be fully capable of accommodating a humanitarian, peacekeeping, or other force deployment of the size foreseen by the recent United Nations resolutions calling for a United Nations deployment to Chad and a hybrid force of the United Nations and African Union operating under Chapter VII of the United Nations Charter for Sudan.

(3) The force size and composition of an international effort estimated to be necessary to provide protection to those Darfur civilian populations currently displaced in the Darfur region.

(4) The force size and composition of an international effort estimated to be necessary to provide broader stability within the Darfur region.

SA 2310. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled "The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment", Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(3) ensure that each military department takes full advantage of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the department; and

(4) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the Secretary plans to take, or recommends that Congress take, to address the issues raised in such chapter.

SA 2311. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. AFGHANISTAN.

(a) UNITED STATES POLICY ON THE GLOBAL WAR ON TERROR.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and to destroy the al Qaeda network.

(b) STATEMENT OF POLICY ON THE AFGHAN NATIONAL ARMY.—It shall be the policy of United States to assist the Government of Afghanistan in building and supporting an effective 70,000 soldier Afghan National Army, as agreed to in December 2002 by the Administration of President George W. Bush at the Bonn II conference.

(c) TRANSITION OF UNITED STATES FORCES IN AFGHANISTAN.—

(1) FINDINGS.—Congress makes the following findings:

(A) United States efforts in Afghanistan have been complicated by the overriding force of United States attention and resources in Iraq.

(B) The longer United States political and military resources are primarily focused in Iraq, the greater chance al Qaeda has of launching another attack against the United States.

(C) Consistent with the recommendation of the Iraq Study Group Report, it is critical for the United States to provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are moved from Iraq.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—

(i) CENTRAL INTELLIGENCE AGENCY.—There is hereby authorized to be appropriated for the Central Intelligence Agency for fiscal year 2008 such sums as may be necessary to reestablish the Counterterrorist Center unit Bin Laden Issue Station, also known as Alec Station.

(ii) AFGHAN SECURITY FORCES FUND.—The amount authorized to be appropriated by section 1512 for Afghan Security Forces Fund is hereby increased by $2,700,000,000, with the amount of the increase to be available to assist the Government of Afghanistan in building and supporting a 70,000 soldier Afghan National Army and adequately equipping Afghan Police Forces.

(iii) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide is hereby increased by $257,618,000, with the amount of the increase to be available for drug interdiction and counterdrug activities in Afghanistan and Pakistan.

(iv) OPERATION ENDURING FREEDOM.—The aggregate amount authorized to be appropriated by this title and available for Operation Enduring Freedom is hereby increased by $26,000,000, with the amount of the increase to be available for additional translators and language translation technologies, including the languages of Pashto and Farsi.

(v) OPERATION ENDURING FREEDOM.—The aggregate amount authorized to be appropriated by this title and available Operation Enduring Freedom is hereby increased by such sums as are necessary to enhance operations to secure the borders of Pakistan and Iran.

(vi) NATO COMMON FUNDED BUDGETS.—The amount authorized to be appropriated by section 1004 for United States Contribution to NATO common-funded budgets is hereby increased by $363,190,000, with the amount of the increase to be available as follows:

(I) $362,159,000 for the Military Budget.

(II) $1,031,000 for the Civil Budget.

(vii) NATO SECURITY INVESTMENT PROGRAM.—The amount authorized to be appropriated by section 2502 for contributions to the North Atlantic Treaty Organization Security Investment Program is hereby increased by $257,618,000, with the amount of the increase to be available as specified in section 2501.

(B) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by clauses (i) through (vi) of subparagraph (A) for the purposes specified in such clauses are in addition to any other amounts authorized to be appropriated by this Act for such purposes.

(d) IMPLEMENTATION OF UNITED STATES FORCE REDUCTION IN IRAQ AS PART OF COMPREHENSIVE STRATEGY IN AFGHANISTAN.—

(1) DEPLOYMENT OF UNITED STATES FORCES IN IRAQ DURING DRAWDOWN.—As the United States begins to draw down combat forces in Iraq, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(A) Protecting United States and Coalition personnel and infrastructure.

(B) Training, equipping, and providing logistical support for the Iraqi Security Forces.

(C) Conducting targeted counterterrorism operations.

(2) REPOSITIONING OF FORCES.—As the drawdown of United States combat forces in Iraq begins, the forces being drawn down should be repositioned to support operations in Afghanistan, including Operation Enduring Freedom, the International Security Assistance Force Afghanistan, and special operations to capture or kill Osama bin Laden, and to increase security cooperation inside Pakistan.

(e) REQUIREMENTS FOR DEPLOYMENT OF UNITS.—Each unit of the Armed Forces deploying in support of Operation Iraqi Freedom or Operation Enduring Freedom, including the International Security Assistance Force Afghanistan, should meet a baseline C1 readiness standard before such deployment.

SA 2312. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 988. Unauthorized use of names and images of members of the armed forces

"(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

"(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

"(1) is a member of the armed forces; or

"(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

"(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

"(A) is the protected individual, if living; and

"(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

"(i) The surviving spouse.

"(ii) The children.

"(iii) The parents.

"(iv) The grandparents.

"(v) The siblings.

"(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"988. Unauthorized use of names and images of members of the armed forces.".

SA 2313. Mr. HATCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1070. SENSE OF SENATE ON PROJECT COMPASSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) It is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice.

(2) In the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member.

(3) To date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States.

(4) Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Kaziah M. Hancock and the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the Soldiers, Sailors, Airmen and Marines who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to Kaziah M. Hancock and the members of Project Compassion; and

(3) the Senate, on the behalf of the people of the United States, commends Kaziah M. Hancock, the four other Project Compassion volunteer professional portrait artists, and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 25, 2007, at 10 a.m., to conduct a hearing to receive testimony on S. 1487, the Ballot Integrity Act.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 19, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by a hearing on discussion draft legislation to amend and reauthorize the Native American Housing Assistance and Self-Determination Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, July 17, 2007, at 10 a.m. room 253 ofthe Russell Senate Office Building.

The hearing will focus on creative solutions to improve air service to small and rural communities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 17, 2007 at 10 a.m. Room 406 of the Dirksen Senate Office Building for a hearing to consider pending nominations.

Agenda

Robert Lance Boldrey, nominated to be a Member of the Board of Trustees, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

Kristine L. Svinicki, nominated to be a Member of the Nuclear Regulatory Commission.

Robert Lyle Laverty, nominated to be the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

The Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 17, 2007, at 10 a.m. to hold a hearing on democracy in Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 17, 2007, at 2:30 p.m. to hold a hearing on intellectual property and tax treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 17, 2007, at 10 a.m. in order to conduct a hearing entitled "Federal Acquisition: Ways to Strengthen Competition and Accountability."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Hearing to Examine the Prosecution of Ignacio Ramos and Jose Compean" on Tuesday, July 17, 2007, at 10 a.m. Dirksen Senate Office Building, room 226.

Witness list

Panel I: David V. Aguilar, Chief, Office of Border Patrol, U.S. Customs and Border Protection, Washington, DC; Johnny Sutton, United States Attorney, Western District of Texas, San Antonio, TX.

Panel II: T.J. Bonner, President, National Border Patrol Council, Campo, CA; Luis Barker, Deputy Chief, Office of Border Patrol, U.S. Customs and Border Protection, Washington, DC; David L. Botsford, Appellate Counsel for Mr. Ramos, Austin, RX.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. I ask unanimous consent that the Committee on Veterans' Affair be authorized to meet during the session of the Senate on Tuesday, July 17, to conduct a vote on the nomination of Charles L. Hopkins to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement). The Committee will meet in the Reception Room, off the Senate Floor immediately after the first roll call vote of the Senate on Tuesday, July 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 17, 2007, to conduct a hearing on VA and DOD Education Issues. The hearing will begin at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on

Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Tuesday, July 17, 2007, at 2:30 p.m. in order to conduct a hearing entitled Preparations for 2010: Is the Census Bureau Ready for the Job Ahead?

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT AND AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions' Subcommittee on Retirement and Aging be authorized to hold a hearing on the Federal response to the Alzheimer's epidemic during the session of the Senate on Tuesday, July 17, 2007, at 2:30 p.m. in room 628 of the Senate Dirksen office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that David Azaria and Rachael Creswell of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that Dane Balker, Senator WEBB's national security detainee, be given floor privileges for the duration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I ask unanimous consent that Major Thomas Rogers, a Department of Defense fellow in Senator PETE DOMENICI's office, be granted the privilege of the floor for the duration of the debate on the fiscal year 2008 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEDNESDAY, JULY 18 (LEGISLATIVE DAY OF JULY 17), 2007

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 980. An act to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

H.R. 2641. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (Public Law 106-554), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Directors of the Vietnam Education Foundation: Upon the recommendation of the Majority Leader: Mr. BLUMENAUER of Oregon, and upon the recommendation of the Minority Leader: Mr. PITTS of Pennsylvania.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2641. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2585. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation intended "to establish a program to revitalize rural multi-family housing"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2586. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the obligations and outlays of fiscal years 2004, 2005 and 2006 funds under the President's Emergency Plan for AIDS Relief through September 30, 2006; to the Committee on Appropriations.

EC-2587. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Robert R. Blackman, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2588. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to the remaining obstacles to the circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC-2589. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Returns Required with Respect to Certain Foreign Corporations" ((RIN1545-BG11)(TD 9338)) received on July 17, 2007; to the Committee on Finance.

EC-2590. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions" ((RIN1545-BG44)(TD 9339)) received on July 17, 2007; to the Committee on Finance.

EC-2591. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve and Other Miscellaneous Issues" (RIN2900-AM50) received on July 17, 2007; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-168. A resolution adopted by the Senate of the State of Ohio urging Congress to pass legislation establishing a Servitude and Emancipation Archival Research Clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

SENATE RESOLUTION NO. 18

Whereas, Because of slavery and discrimination, African Americans have been denied many of the benefits of citizenship that produce traceable documentation; and

Whereas, researching one's genealogy through old records and documents is an arduous task even when the information is readily available, and for African Americans, researching their genealogies and making a connection to their past is even more difficult because the relevant records often have not been properly maintained; and

Whereas, access to better organized documents relevant to servitude and emancipation will assist African Americans in search their family histories, of which, because of slavery and segregation, are almost impossible to find in common registers and census records; and

Whereas, legislation has been introduced in the 110th Congress to establish a Servitude and Emancipation Archival Research Clearinghouse (SEARCH) in the National Archives and to authorize appropriations to establish and fund the national archives database of historic records regarding servitude and emancipation; Now therefore be it

Resolved, That we, the members of the Senate of the 127th General Assembly of the State of Ohio, urge the Congress of the United States to pass the legislation that has been introduced to establish a Servitude and Emancipation Archival Research Clearinghouse in the National Archives; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the members of the Ohio Congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE:

S. 1809. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1810. A bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. SCHUMER, and Mrs. CLINTON):

S. 1811. A bill to amend the Toxic Substances Control Act to assess and reduce the levels of lead found in child-occupied facilities in the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. AKAKA, and Mr. BAYH):

S. 1812. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself and Mr. FEINGOLD):

S. 1813. A bill to amend the Energy Policy Act of 2005 to provide individuals with an opportunity to participate in the financing or ownership of local biorefineries; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1814. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health related information, promote the use of non-identifiable information for health research, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS:

S. 1815. A bill to assure compliance with basic standards for all-terrain vehicles in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:Q

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 274. A resolution to authorize representation by the Senate Legal Counsel in the case of Lewis v. Bayh; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 275. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 600

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 689

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 821

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 872

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1052

At the request of Mr. SALAZAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1052, a bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.

1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1514

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1669

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1669, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1800

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1800, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. RES. 178

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 221

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 221, a resolution supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2056 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2074

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2127

At the request of Mr. WEBB, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2127 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2206

At the request of Mr. WEBB, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2206 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2221

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2221 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2291

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2291 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2310

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2310 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA (for himself, Mr. SCHUMER, and Mrs. CLINTON):

S. 1811. A bill to amend the Toxic Substances Control Act to assess and reduce the levels of lead found in child-occupied facilities in the United States, and for other purposes; to the Committee on Environmental and Public Works.

Mr. OBAMA. Mr. President, I rise today to reintroduce the Lead Poisoning Reduction Act.

Two weeks ago, the Washington Post featured an article on lead research by the economist Rick Nevin. Mr. Nevin's work demonstrates a strong link between lead exposure and criminal activity in our country. Specifically, he found that national spikes in rates of children with lead poisoning were significantly correlated with spikes in criminal activity two decades later. Notably, this finding was not unique to the U.S., he found a similar association in 9 other countries, despite differences in economics, demographics, and values. Although many readers, myself included, were surprised by Nevin's findings, the scientific community was not, having known for many years that lead poisoning leads to irrevocable, toxic effects on brain development of young children. These effects lead to changes such as impulsivity and impaired cognition, which appear to contribute to criminal behavior in later years.

Mr. Nevin's work underscores the critical importance of eliminating lead poisoning in children, which is completely preventable and has tragic consequences. In the U.S., over 300,000 children have blood lead levels of 10 micrograms or higher, the level traditionally considered to indicate "lead poisoning". Yet, even this level is now considered unsafe as newer research has indicated that lead-related damage starts at much lower levels. We must remain vigilant in tackling all sources of lead exposure, to save future generations of children from harm, and the Lead Poisoning Reduction Act will help to do just that.

The major source of lead exposure among U.S. children is lead-based paint and lead-contaminated dust found in deteriorating buildings. The Lead Poisoning Reduction Act will provide $42.6 million in grants to communities that wish to develop and implement lead amelioration programs for their childcare facilities. It directs EPA to promulgate regulations within 18 months that require new child-occupied facilities to be certified lead-safe before opening for business. Additionally, EPA would also promulgate regulations within 5 years of enactment to require that all non-home-based childcare facilities be lead-safe. Further, my bill requires EPA to conduct a study of State, tribal and local programs designed to protect children from lead exposure in child-occupied facilities; to establish baseline studies, based on the results of this study; and to create a model program, that can be adapted for use by State, tribal and community officials, for testing, abatement, and communication of risks of lead to children and parents.

Reducing lead hazards in our communities, especially in child-occupied facilities, is critical, with impact reaching beyond individual children in preschools in any given city, to our society as a whole. It is the right thing to do, and the smart thing to do, and it should have been done years ago.

I call on my colleagues to support the Lead Protection Reduction Act, which will help to ensure that every child has access to safe, lead-free childcare facilities in this Nation.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. AKAKA, and Mr. BAYH):

S. 1812. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, research indicates a caring adult can make a difference in a child's future. Today, I am pleased to introduce legislation that will expand the mentoring programs found in the No Child Left Behind Act. If adopted, the Mentoring America's Children Act of 2007 would help close America's "mentoring gap" and match more at-risk students with high-quality mentors. I thank my colleagues, Senators KERRY, AKAKA, and BAYH, for joining me on this important legislation.

Mentoring programs are a cost-effective way to expand a young person's ability for success. Studies have shown young people with mentors perform better in school and are more likely to graduate and go on to higher education. Mentors also play a role in improving the social and emotional well-being and reducing the negative behaviors of the children they mentor.

Despite the positive effects of having a mentor, nearly 15 million young adults are still in need of mentoring. These young people encompass America's "mentoring gap." That is why I have joined with my colleagues to introduce the Mentoring America's Children Act of 2007.

This legislation broadens the reach of mentoring to include specific populations of young people who could particularly benefit from a mentor's involvement, including children in foster care and kids in communities with a high rate of youth suicides. It also provides much needed training and technical assistance to grantees, tracks youth outcomes, strengthens research on the effects of mentoring, and improves the sustainability of grant recipients. Finally, this bill allows students to gain professional skills while working with mentors by establishing internship programs during the school year.

Mentoring plays a key role in improving the learning environment for a young person, as mentored youth have better attendance and are more connected to their school, schoolwork, and teachers. Mentors serve as role models, advisors, and advocates for the children they mentor. We must work together to match even more high-quality mentors with our neediest children.

This legislation is supported by MENTOR/National Mentoring Partnership, Big Brothers Big Sisters of America and the National Collaboration for Youth. I ask my colleagues to join me in approving this legislation.

Mr. KERRY. Mr. President, our Nation's children are our greatest resource. They represent the future of this country and we should do everything we can to foster their growth and ensure they lead happy and productive lives. That is why I am proud to cosponsor the Mentoring America's Children Act of 2007 which was introduced today by Senator CLINTON. This important legislation highlights the significant impact mentoring can have on a child.

Research has shown time and time again that mentoring is an important component to a child's development. Often these children come from broken homes or communities affected by violence. The relationship formed between a mentor and a child helps support their studies in school, their relationships with their families at home, and gives them the confidence they need to withstand the pressures they are faced with. Our children are confronted with much more than some of us even realize. By providing a mentor, parents and teachers have another line of defense in allowing our children to grow up in a safe nurturing environment.

The consequences of letting young people grow up without a support system are dire. In 2006 America's law enforcement officers arrested approximately 250 teens an hour, and it's estimated that 900,000 of our children are victims of abuse and neglect. Studies show that most teens that use alcohol, cigarettes and marijuana do so before they are 14. This is unacceptable. We must do more to foster these children so they stay in school, keep clean and out of trouble.

Mentoring can help improve the social and mental well being of a child so they can deal with the myriad of challenges they face. Massachusetts has many notable mentoring programs that have affected thousands of children's lives. Strong Women, Strong Girls is a program started by a Harvard graduate that matches local university women with girls in targeted communities to help create another generation of strong women through mentoring. The Boys and Girls Club has a long and storied history in my State as does the Big Brother Big Sister program. A study of Brother Big Sister showed that children that benefited from their program were 46 percent less likely to use drugs, 52 percent less likely to skip school and have fewer conflicts with their families.

The Mentoring America's Children Act would help these programs and others like them across the country. It builds on the mentoring programs already put in place in the No Child Left Behind Act by ensuring that they are as effective as possible. The bill provides for additional training and technical resources as well as studies the efficacy of these various programs. More importantly, it widens the net of children that can be helped by mentors by focusing on children in the foster care system and those that live in communities with high suicide rates. We should be focusing our energies on helping the children most in need and providing them with mentors that can enrich their lives and help them succeed.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1814. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health related information, promote the use of non-identifiable information for health research, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today I am pleased to join Senator KENNEDY, the distinguished Chairman of the Committee on Health, Education, Labor Pensions, in introducing the Health Information Privacy and Security Act of 2007, HIPSA. This comprehensive health privacy bill will ensure the right to privacy with respect to health information for millions of Americans.

In America today, if you have a health record, you have a health privacy problem. The explosion of electronic health records, digital databases and the Internet is fueling a growing supply and demand for Americans' health information. The ability to easily access this information electronically, often by the click of a mouse, or a few key strokes on a computer, can be very useful in providing more cost-effective health care. But, the use of advancing technologies to access and share health information can also lead to a loss of personal privacy.

In the Information Age, the traditional right and expectation of confidentiality between patient and doctor is at great risk. Without adequate safeguards to protect health privacy, many Americans will simply not seek the medical treatment that they need, nor agree to participate in health research, because they fear that their sensitive health information will be disclosed without then consent or knowledge. And those who do seek medical treatment must assume the risk of the unauthorized disclosure of their health information due to a data security breach or other privacy violation. The loss of health privacy is a growing threat to our national health care system that the Congress must address.

Senator KENNEDY and I both firmly believe that a fear of a loss of privacy cannot be allowed to deter Americans from seeking medical treatment. We are introducing this legislation today to close the privacy gap with respect to Americans' electronic health information.

A guiding principle in drafting our health privacy bill has been that the American people will only support efforts to move toward health information technology if they are assured that their sensitive health information will be protected from unauthorized disclosure and from the growing dangers of identity crimes posed by data security breaches. The bill that we are introducing today takes several important steps to honor this principle and to protect the health privacy of all Americans.

First, our bill guarantees the right of every American to privacy and security with respect to the use and disclosure of their health information. Under this legislation, every individual has the right to inspect and copy his or her own health records and to receive notice of the privacy rights and practices of data brokers and others who store this information in electronic databases. Our bill also ensures the security of electronic health information by requiring that data brokers establish safeguards to secure health information from data security breaches and other unauthorized disclosures.

Second, our bill places meaningful restrictions on the disclosure of sensitive health information. The bill expressly prohibits the disclosure or use of health information without a patient's authorization and requires that any health information intended to be used for medical research first be stripped of personally identifying information to protect an individual's privacy. There are exceptions to these restrictions for law enforcement, public safety and national security purposes.

Our bill also requires that patients be notified of a data security breach involving their health information within 15 days of discovery of the breach. The bill provides for important exceptions to this notice requirement for law enforcement and national security reasons.

Thirdly, our bill addresses the growing fear of many Americans that they will not be able to obtain important health information about a parent or child in situations involving a medical emergency, because of confusion about the requirements of current health privacy laws. The New York Times recently reported that many health care providers are overzealously applying health privacy laws, such as the Health Insurance Portability and Accountability Act, HIPAA, thwarting the legitimate efforts of family members, caretakers and even law enforcement to obtain critical health information about patients in their care. Our bill expressly allows health care providers to disclose health information to law enforcement for legitimate purposes and to a patient's next of kin, provided that the patient has been notified of their right to object to such disclosure. The bill also establishes a national office of health information privacy within the Department of Health and Human Services to aid American consumers in learning about their health privacy rights.

Lastly, our bill contains meaningful civil and criminal enforcement provisions to discourage and punish the wrongful disclosure of Americans' sensitive health information. The bill makes it a Federal crime to knowingly and intentionally disclose or use sensitive health information without an individual's consent. Violators of this provision are subject to a criminal penalty of up to $500,000 and up to 10 years in prison, if the violation is committed with the intent to sell or use sensitive health information for economic gain. In addition, the bill authorizes the Attorney General to file a civil action in Federal district court to obtain civil penalties from entities that fail to adequately safeguard electronic health records, or to provide consumers with information about their health privacy rights.

Senator KENNEDY and I have worked on this legislation for more than a decade and we both understand the need to carefully balance the right to health privacy with the legitimate needs of health care providers, medical researchers and public health and law enforcement officials. Our bill strikes the right balance between protecting privacy and ensuring public safety.

We have also conferred extensively with the many stakeholders in the health care community in crafting this legislation and our bill is supported by a wide range of public policy, consumer and health care organizations from across the political spectrum.

Senator KENNEDY and I believe that the right to health privacy is of vital interest to all Americans. For this reason, and on behalf of the millions of Americans who are currently at risk of either foregoing medical treatment or losing their right to health privacy, I urge all Senators to join us in supporting this important privacy legislation.

I ask unanimous consent that the text of the bill and a copy of the July 3, 2007, the New York Times article entitled "Keeping Patients' Details Private, Even From Kin," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Health Information Privacy and Security Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—INDIVIDUALS' RIGHTS

Subtitle A—Rights of the Subjects of Protected Health Information

Sec. 101. Right to privacy and security.
Sec. 102. Inspection and copying of protected health information.
Sec. 103. Modifications to protected health information.
Sec. 104. Notice of privacy practices.
Sec. 105. Demonstration grant.

Subtitle B—Establishment of Safeguards

Sec. 111. Establishment of safeguards.
Sec. 112. Transparency.
Sec. 113. Risk management.
Sec. 114. Accounting for disclosures and use.

TITLE II—RESTRICTIONS ON USE AND DISCLOSURE

Subtitle A—General Restrictions on Use and Disclosure

Sec. 201. General rules regarding use and disclosure.
Sec. 202. Informed consent for disclosure of protected health information for treatment and payment.
Sec. 203. Authorizations for disclosure of protected health information other than for treatment or payment.
Sec. 204. Notification in the case of breach.

Subtitle B—Disclosure Under Special Circumstances

Sec. 211. Emergency circumstances.
Sec. 212. Public health.
Sec. 213. Protection and advocacy agencies.
Sec. 214. Oversight.
Sec. 215. Disclosure for law enforcement, national security, and intelligence purposes.
Sec. 216. Next of kin and directory information.
Sec. 217. Health research.
Sec. 218. Judicial and administrative purposes.
Sec. 219. Individual representatives.

TITLE III—OFFICE OF HEALTH INFORMATION PRIVACY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subtitle A—Designation

Sec. 301. Designation.

Subtitle B—Enforcement

CHAPTER 1—CRIMINAL PROVISIONS

Sec. 311. Wrongful disclosure of protected health information.
Sec. 312. Debarment for crimes and civil violations.

CHAPTER 2—CIVIL SANCTIONS

Sec. 321. Civil penalty.
Sec. 322. Procedures for imposition of penalties.
Sec. 323. Civil action by individuals.
Sec. 324. Enforcement by State attorneys general.
Sec. 325. Protection for whistleblower.

TITLE IV—MISCELLANEOUS

Sec. 401. Relationship to other laws.
Sec. 402. Effective date.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To recognize that individuals have a right to privacy, confidentiality, and security with respect to health information, including genetic information, and that those rights must be protected.

(2) To create incentives to turn protected health information into de-identified health information, where appropriate.

(3) To designate an Office of Health Information Privacy within the Department of Health and Human Services to protect that right of privacy.

(4) To provide individuals with—

(A) access to health information of which they are the subject; and

(B) the opportunity to challenge the accuracy and completeness of such information by being able to file modifications to or request the deletion of such information.

(5) To provide individuals with the right to limit the use and disclosure of protected health information.

(6) To establish strong and effective mechanisms to protect against the unauthorized and inappropriate use of protected health information.

(7) To invoke the sweep of congressional powers, including the power to enforce the 14th amendment to the Constitution, to regulate commerce, and to abrogate the immunity of the States under the 11th amendment to the Constitution, in order to address violations of the rights of individuals to privacy, to provide individuals with access to their health information, and to prevent the unauthorized use of protected health information that is genetic information.

(8) To establish strong and effective remedies for violations of this Act.

(9) To protect the rights of States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE BILLING INFORMATION.—The term "administrative billing information" means any of the following forms of protected health information:

(A) Date of service, policy, patient identifiers, and practitioner or facility identifiers.

(B) Diagnostic codes, in accordance with medicare billing codes, for which treatment is being rendered or requested.

(C) Complexity of service codes, indicating duration of treatment.

(D) Total billed charges.

(2) AGENT.—The term "agent" means a person that represents or acts for another person (a principal) under a contract or relationship of agency, or that functions to bring about, modify, affect, accept performance of, or terminate, contractual obligations between the principal and a third person. With respect to an employer, the term includes the employees of the employer.

(3) AUTHORIZATION.—The term "authorization" means the authority granted by an individual that is the subject of protected health information, in accordance with title II, for the disclosure of the individual's protected health information.

(4) AUTHORIZED RECIPIENT.—The term "authorized recipient" means a person granted the authority by an individual, in accordance with title II, to access, maintain, retain, modify, record, store, destroy, or otherwise use the individual's protected health information through an authorized disclosure.

(5) BREACH.—The term "breach" means the unauthorized acquisition, disclosure, or loss of protected health information which compromises the security, privacy, or integrity of protected health information maintained by or on behalf of a person.

(6) CONFIDENTIALITY.—The term "confidentiality" means the obligations of those who receive information to respect the privacy interests of those to whom the data relate.

(7) DATA BROKER.—The term "data broker" means a data bank, data warehouse, information clearinghouse, record locator system, or other business entity, which for monetary fees, dues, or on a cooperative nonprofit basis, engages in the practice of accessing, collecting, maintaining, modifying, storing, recording, transmitting, destroying, or otherwise using or disclosing the protected health information of individuals. Any person maintaining protected health information for the purposes of making such information available to the individual or the health care provider, including persons furnishing free or paid personal health records, electronic health records, electronic medical records, and related products and services, shall be deemed to be a data broker subject to the requirements of this Act.

(8) DE-IDENTIFIED HEALTH INFORMATION.—

(A) IN GENERAL.—The term "de-identified health information" means any protected health information, with respect to which—

(i) all personal identifiers, or other information that may be used by itself or in combination with other information which may be available to re-identify the subject of the information, have been removed;

(ii) a good faith effort has been made to evaluate, minimize, and mitigate the risks of re-identification of the subject of such information, using commonly accepted scientific and statistical standards and methods for minimizing risk of disclosure; and

(iii) there is no reasonable basis to believe that the information can be used to identify an individual.

(B) EXAMPLES.—Such term includes aggregate statistics, redacted health information, information in which random or fictitious alternatives have been substituted for personally identifiable information, and information in which personally identifiable information has been encrypted and the decryption key is maintained only by persons otherwise authorized to have access to such protected health information in an identifiable format.

(9) DISCLOSE.—The term "disclose" means to release, publish, share, transfer, transmit, disseminate, show, permit access to, communicate (orally or otherwise), re-identify, or otherwise divulge protected health information to any person other than the individual who is the subject of such information. Such term includes the initial disclosure and any subsequent redisclosure of protected health information.

(10) DECRYPTION KEY.—The term "decryption key" means the variable information used in or produced by a mathematical formula, code, or algorithm, or any

component thereof, used for encryption or decryption of wire, electronic, or other communications or stored information.

(11) EMPLOYER.—The term "employer" means a person that is engaged in business affecting commerce and that has employees.

(12) ENCRYPTION.—The term "encryption"—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(13) HEALTH CARE.—The term "health care" means—

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, including appropriate assistance with disease or symptom management and maintenance, counseling, service, or procedure—

(i) with respect to the physical or mental condition of an individual; or

(ii) affecting the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs, or any other tissue.

(B) any sale or dispensing of a drug, device, equipment, or other health care-related item to an individual, or for the use of an individual, pursuant to a prescription.

(14) HEALTH CARE PROVIDER.—The term "health care provider" means a person that, with respect to a specific item of protected health information, receives, accesses, maintains, retains, modifies, records, stores, destroys, or otherwise uses or discloses the information while acting in whole or in part in the capacity of—

(A) an entity that is, or holds itself out to be, licensed, certified, registered, or otherwise authorized by Federal or State law to provide an item or service that constitutes health care in the ordinary course of business, or practice of a profession;

(B) contractors and other health care providers or facilities authorized to provide items or services related to diagnosis or treatment of a health concern, including hospitals, nursing facilities, allied health professionals, and facilities used or maintained by allied health professionals;

(C) a Federal or State program that directly provides items or services that constitute health care to beneficiaries;

(D) an officer or employee or agent of a person described in subparagraph (A) or (C) who is engaged in the provision of health care or who uses health information; or

(E) medical personnel in an emergency situation, including while communicating protected health information by radio transmission or other means.

(15) HEALTH OR LIFE INSURER.—The term "health or life insurer" means a health insurance issuer (as defined in section 9805(b)(2) of the Internal Revenue Code of 1986) or a life insurance company (as defined in section 816 of such Code) and includes the employees and agents of such a person.

(16) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency"—

(A) means a person that—

(i) performs or oversees the performance of an assessment, investigation, or prosecution relating to compliance with legal or fiscal standards relating to health care fraud or fraudulent claims regarding health care, health services or equipment, or related activities and items; and

(ii) is a public executive branch agency, acting on behalf of a public executive branch agency, acting pursuant to a requirement of a public executive branch agency, or carrying out activities under a Federal or State law governing an assessment, evaluation, determination, investigation, or prosecution described in clause (i); and

(B) includes the employees and agents of such a person.

(17) HEALTH PLAN.—The term "health plan" has the meaning given such term for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

(18) HEALTH RECORD SET.—The term "health record set" means any item, collection, or grouping of information that includes protected health information, such as an electronic health record, electronic medical record, personal health record, or account of disclosure, use or access, that is created, accessed, received, maintained, retained, modified, recorded, stored, destroyed, or otherwise used or disclosed by a health care provider, employer, insurer, health plan, health researcher, school or university, data broker, or other person.

(19) HEALTH RESEARCHER.—The term "health researcher" means a person that, with respect to a specific item of protected health information, receives the information—

(A) pursuant to section 217 (relating to health research); or

(B) while acting in whole or in part in the capacity of an officer, employee, or agent of a person that receives the information pursuant to such section.

(20) INFORMED CONSENT.—The term "informed consent" means the authorization for use or disclosure of protected health information by the individual who is the subject of such information, conditioned upon that individual's having been informed of the nature and probability of harm to the individual resulting from such authorization.

(21) LAW ENFORCEMENT INQUIRY.—The term "law enforcement inquiry" means a lawful executive branch investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any regulation, rule, or order issued pursuant to such a statute.

(22) OFFICE OF HEALTH INFORMATION PRIVACY.—The term "Office of Health Information Privacy" means the Office of Health Information Privacy designated under section 301.

(23) PERSON.—The term "person" means an entity that is a government, governmental subdivision of an executive branch agency or authority, corporation, company, association, firm, partnership, society, estate, trust, joint venture, individual, individual representative, tribal government, and any other legal entity. Such term also includes the employees, contractors, agents, and affiliates of all legal entities described in the preceding sentence, whether or not they are acting in the capacity of their employment, contract, agency, or affiliation.

(24) PRIVACY.—The term "privacy" means an individual's right to control the acquisition, uses, or disclosures of his or her identifiable health data.

(25) PROTECTED HEALTH INFORMATION.—

(A) IN GENERAL.—The term "protected health information" means any information, including genetic information, biometric information, demographic information, and tissue samples collected from an individual, whether oral or recorded in any form or medium, that—

(i) is created or received by a health care provider, health researcher, health plan, health or life insurer, medical or health savings plan administrator, school or university, health care clearinghouse, health oversight agency, public health authority, employer, data broker, or other person or such person's agent, officer, or employee; and

(ii)(I) relates to the past, present, or future physical or mental health or condition of an individual (including individual cells and their components), the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

(II)(aa) identifies an individual; or

(bb) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(B) DECRYPTION KEY.—The term "protected health information" includes any information described in paragraph (8).

(26) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means an authority or instrumentality of the United States, a tribal government, a State, or a political subdivision of a State that is—

(A) primarily responsible for public health matters; and

(B) primarily engaged in activities such as injury reporting, public health surveillance, and public health investigation or intervention.

(27) RE-IDENTIFY.—The term "re-identify", when used with respect to de-identified health information, means an attempt, successful or otherwise, to ascertain—

(A) the identity of the individual who is the subject of such information; or

(B) the decryption key with respect to the information (when undertaken with knowledge that such key would allow for the identification of the individual who is the subject of such information).

(28) SCHOOL OR UNIVERSITY.—The term "school or university" means an institution or place for instruction or education, including an elementary school, secondary school, or institution of higher education, a college, or an assemblage of colleges united under one corporate organization or government.

(29) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(30) SECURITY.—The term "security" means physical, technological, or administrative safeguards or tools used to protect identifiable health data from unwarranted access or disclosure.

(31) SECURITY BREACH.—The term "security breach" means the physical, structural, or substantive compromise of the security of protected health information, through unauthorized disclosure, use, or access, whether actual or attempted, resulting in the acquisition, access, or use of such information by an unauthorized person. Such term does not apply to good faith or accidental acquisition, or disclosure of protected health information by an unauthorized person, so long as no further use or disclosure is made by such person.

(32) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(33) TO THE MAXIMUM EXTENT PRACTICABLE.—The term "to the maximum extent practicable" means the level of compliance that a reasonable person would deem technologically feasible so long as such feasibility is periodically evaluated in light of scientific advances.

(34) USE.—The term "use" means to create, record, collect, access, obtain, store, maintain, amend, correct, restore, modify, supplement, identify, re-identify, employ, apply, utilize, examine, analyze, detect, remove, destroy, dispose of, account for, or monitor the flow of protected health information.

(35) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

TITLE I—INDIVIDUALS' RIGHTS

Subtitle A—Rights of the Subjects of Protected Health Information

SEC. 101. RIGHT TO PRIVACY AND SECURITY.

(a) IN GENERAL.—Individuals who are the subject of protected health information have the right to—

(1) privacy and security with respect to the use and disclosure of such information;

(2) control and withhold protected health information of which they are the subject; and

(3) exercise nondisclosure and nonuse rights (referred to in this Act as "opt-out") with respect to their protected health information, including the right to opt out of any local, regional, or nationwide health information network or system that is used by the person.

(b) OBLIGATIONS.—A person that discloses, uses, or receives an individual's protected health information shall expressly recognize the right to privacy and security of such individual with respect to the use and disclosure of such information.

SEC. 102. INSPECTION AND COPYING OF PROTECTED HEALTH INFORMATION.

(a) RIGHT OF INDIVIDUAL.—

(1) IN GENERAL.—A person, including a health care provider, health researcher, health plan, health or life insurer, medical or health savings plan administrator, school or university, health care clearinghouse, health oversight agency, public health authority, employer, or data broker, or such person's agent, officer, employee, or affiliate, that accesses, maintains, retains, modifies, records, stores, or otherwise holds, uses, or discloses protected health information, shall permit an individual who is the subject of such protected health information, or the individual's designee, to inspect and copy the protected health information concerning the individual, including records created under sections 102, 112, 202, 203, and 211.

(2) PROCEDURES AND FEES.—A person described in paragraph (1) may establish appropriate procedures to be followed for inspection and copying under such paragraph and may require an individual to pay reasonable fees associated with such inspection and copying in an amount that is not in excess of the actual costs of providing such copying. Such fees may not be assessed where such an assessment would have the effect of inhibiting an individual from gaining access to the information described in paragraph (1).

(b) DEADLINE.—A person described in subsection (a)(1) shall comply with a request for inspection or copying of protected health information under this section not later than—

(1) 15 business days after the date on which the person receives the request, if such request requires the inspection, copying, or sending of printed materials; or

(2) 5 business days after the date on which the person receives the request, or sooner if the Secretary determines appropriate, if such request requires only the inspection, copying, or sending of electronic or other digital materials.

(c) RULES GOVERNING AGENTS.—A person that is the agent, officer, or employee of a person described in subsection (a) shall provide for the inspection and copying of protected health information if—

(1) the protected health information is retained by the person; and

(2) the person has been asked by the person described in subsection (a)(1) to fulfill the requirements of this section.

(d) SPECIAL RULE RELATING TO ONGOING CLINICAL TRIALS.—With respect to protected health information that is created as part of an individual's participation in an ongoing clinical trial, access to the information shall be provided consistent with the individual's agreement to participate in the clinical trial.

SEC. 103. MODIFICATIONS TO PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Not later than 15 business days, or earlier if the Secretary determines appropriate, after the date on which a person described in section 102(a)(1) receives from an individual a request in writing to supplement, correct, amend, segregate, or remove protected health information concerning the individual, such person—

(1) shall, subject to subsections (b) and (c), modify the information, by adding the requested supplement, correction, or amendment to the information, or by removing any information that has been requested to be destroyed;

(2) shall inform the individual that the modification has been made; and

(3) shall make reasonable efforts to inform any person to which the portion of the unmodified information was previously disclosed, of any substantive modification that has been made.

(b) REFUSAL TO MODIFY.—If a person described in subsection (a) declines to make the modification requested under such subsection within 15 business days after receipt of such request, such person shall inform the individual in writing of—

(1) the reasons for declining to make the modification;

(2) any procedures for further review of the declining of such modification; and

(3) the individual's right to file with the person a concise statement setting forth the requested modification and the individual's reasons for disagreeing with the declining person and the individual's right to include a copy of this refusal in the health record set concerning the individual.

(c) STATEMENT OF DISAGREEMENT.—If an individual has filed with a person a statement of disagreement under subsection (b)(3), the person, in any subsequent disclosure of the disputed portion of the information—

(1) shall include, at the individual's request, a copy of the individual's statement in the individual's health record set; and

(2) may include a concise statement of the reasons for not making the requested modification.

(d) RULES GOVERNING AGENTS.—A person that is the agent of a person described in subsection (a) shall only be required to make a modification to protected health information where—

(1) the protected health information is retained, distributed, used, or maintained by the agent; and

(2) the agent has been asked by such person to fulfill the requirements of this section.

(e) NOTIFICATION OF LOSS OR CORRUPTION.—Not later than 15 business days, or earlier if the Secretary determines appropriate, after the date on which a person described in subsection (a) discovers loss or corruption of health record sets or protected health information under its management, or if such person has reason to believe that its database has been compromised, such person shall—

(1) notify individuals whose records have been affected;

(2) notify persons and the agents of persons that receive, access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose such data; and

(3) repair or restore corrupted data to the extent practicable.

SEC. 104. NOTICE OF PRIVACY PRACTICES.

(a) PREPARATION OF WRITTEN NOTICE.—A person described in section 102(a)(1) shall prepare a written notice of the privacy practices of such person, including information with respect to the following:

(1) The express right of an individual to privacy, security, and confidentiality with respect to the electronic disclosure of such individual's protected health information;

(2) The procedures for an individual to authorize disclosures of protected health information, and to object to, modify, and revoke such authorizations.

(3) The right of an individual to inspect, copy, and modify that individual's protected health information.

(4) The right of an individual not to have employment or the receipt of services or choice of health plan conditioned upon the execution by the individual of an authorization for disclosure.

(5) A description of the categories or types of employees, by general category or by general job description, who have access to or use of protected health information regarding the individual.

(6) A simple, concise description of any information systems used to store or transmit protected health information, including a description of any linkages made with other networks, systems, or databases outside the person's direct control.

(7) The right of and procedures for an individual to request segregation of protected health information, and to restrict the use of such information by employees, agents, and contractors of a person.

(8) The circumstances under which the information will be, lawfully and actually, used or disclosed without an authorization executed by the individual.

(9) A statement that, if an individual elects to pay for health care from the individual's own funds, that individual may elect for identifying information not to be disclosed to anyone other than designated health care providers, unless such disclosure is required by mandatory reporting requirements or other similar information collection duties required by law.

(10) The right of the individual to have continued maintenance, distribution, or storage of that individual's personal health information not conditioned upon whether that individual amends or revokes an authorization for disclosure, or requests a modification of protected health information.

(11) The right of and procedures for an individual to request that protected health information be transferred to a third party person without unreasonable delay.

(12) The right to prompt notification of an actual or suspected security breach of protected health information, and how such breaches will be remedied by the person.

(13) The right of an individual to inspect and obtain a copy of records of authorized and unauthorized disclosures as well as attempted and actual access and use by an authorized or unauthorized person.

(14) The right of an individual to exercise nondisclosure and nonuse rights (referred to

in this Act as "opt-out") with respect to their protected health information, including the right to opt out of any local, regional, or nationwide health information network or system that is used by the person.

(b) PROVISION AND POSTING OF WRITTEN NOTICE.—

(1) PROVISION.—A person described in subsection (a) shall provide a copy of the written notice of privacy practices required under such subsection—

(A) at the time an authorization is sought for the disclosure of protected health information; and

(B) upon the request of an individual.

(2) POSTING.—A person described in subsection (a) shall post, in a clear and conspicuous manner, a brief summary of the privacy practices of the person.

(c) MODEL NOTICE.—The Secretary, in consultation with the Director of the Office of Health Information Privacy appointed under section 301, after notice and opportunity for public comment, shall develop and disseminate model notices of privacy practices, and model summary notices for posting for use under this section. Use of such model notice shall be deemed to satisfy the requirements of this section.

(d) REQUIREMENT FOR OPT-OUT.—A person shall not access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose an individual's protected health information for other than treatment or payment purposes until that individual has been given an opportunity, before the time that such information is initially used or disclosed, to direct that such information not be used or disclosed. The individual must be given adequate time to exercise the nondisclosure and nonuse option (referred to as the "opt-out") through the method that is most convenient to the individual, along with an explanation of how the individual can exercise such option.

SEC. 105. DEMONSTRATION GRANT.

(a) IN GENERAL.—The Secretary shall award contracts or competitive grants to eligible entities to support demonstration projects that are designed to improve the communication of information pertaining to health privacy rights with individuals with limited English language proficiency and limited health literacy.

(b) PURPOSE.—It is the purpose of this section, to promote the cultural competency of persons that access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose protected health information, and to enable such persons to better communicate privacy procedures to non-English speakers, those with limited English proficiency, and those with limited health literacy.

(c) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means an organization or community-based consortium that includes—

(1) individuals who are representatives of organizations serving or advocating for ethnic and racial minorities, low income immigrant populations, and others with limited English language proficiency and limited health literacy;

(2) health care providers that provide care for ethnic and racial minorities, low income immigrant populations, and others with limited English language proficiency and limited health literacy;

(3) community leaders and leaders of community-based organizations; and

(4) experts and researchers in the areas of social and behavioral sciences, who have knowledge, training, or practical experience in health policy, advocacy, cultural and linguistic competency, or other relevant areas as determined by the Secretary.

(d) APPLICATION.—An eligible entity seeking a contract or grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(e) USE OF FUNDS.—An eligible entity shall use amounts received under this section to carry out programs and studies designed to help identify best practices in the communication of privacy rights and procedures to ensure comprehension by individuals with limited English proficiency and limited health literacy.

Subtitle B—Establishment of Safeguards

SEC. 111. ESTABLISHMENT OF SAFEGUARDS.

(a) IN GENERAL.—A person described in section 102(a)(1) shall establish and maintain appropriate administrative, organizational, technical, and physical safeguards and procedures to ensure the privacy, confidentiality, security, accuracy, and integrity of protected health information that is accessed, maintained, retained, modified, recorded, stored, destroyed, or otherwise used or disclosed by such person.

(b) FACTORS TO BE CONSIDERED.—The policies and safeguards established under subsection (a) shall ensure that—

(1) protected health information is used or disclosed only with informed consent;

(2) the categories of personnel who will have access to protected health information are identified;

(3) the feasibility of limiting access to protected health information is considered;

(4) the privacy, security and confidentiality of protected health information is maintained;

(5) protected health information is protected against any anticipated vulnerabilities to the privacy, security, or integrity of such information; and

(6) protected health information is protected against unauthorized access, use, or misuse of such information.

(c) MODEL GUIDELINES.—The Secretary, in consultation with the Director of the Office of Health Information Privacy appointed under section 301, after notice and opportunity for public comment, shall develop and disseminate model guidelines for the establishment of safeguards and procedures for use under this section, such as, where appropriate, individual authentication of uses of computer systems, access controls, audit trails, encryption, physical security, protection of remote access points and protection of external electronic communications, periodic security assessments, incident reports, and sanctions. The Director shall update and disseminate the guidelines, as appropriate, to take advantage of new technologies.

(d) REVIEW AND UPDATING OF SAFEGUARDS.—Persons subject to this Act shall monitor, evaluate, and adjust, as appropriate, all safeguards and procedures, concomitant with relevant changes in technology, the sensitivity of personally identifiable information, internal or external threats to personally identifiable information, and any changes in the contracts or business of the person. For the purpose of reviewing and updating safeguards, the Secretary may provide technical assistance to persons described in subsection (a), as appropriate.

SEC. 112. TRANSPARENCY.

(a) PUBLIC LIST OF DATA BROKERS.—A person described in section 102(a)(1) shall establish a list of data brokers with which such person has entered into a contract or relationship for the purposes of providing services involving any protected health information. Such list and the contact information for each broker shall be made publicly accessible on the Internet.

(b) SUBCONTRACTING AND OUTSOURCING OVERSEAS.—In the event a person subject to this Act contracts with service providers not subject to this Act, including service providers operating in a foreign country, such person shall—

(1) take reasonable steps to select and retain third party service providers capable of maintaining appropriate safeguards for the security, privacy, and integrity of protected health information;

(2) require by contract that such service providers implement and maintain appropriate measures designed to meet the requirements of persons subject to this Act;

(3) be held liable for any violation of this Act by an overseas service provider or other provider not subject to this law; and

(4) in the case of a service provider operating in a foreign country, obtain the informed consent of the individual involved prior to outsourcing such individual's protected health information to such provider.

(c) LIST OF PERSONS.—The Secretary shall maintain a public list identifying persons described in section 102(a)(1) that have lost, stolen, disclosed or used in an unauthorized manner or for an unauthorized purpose the protected health information of a significant number of individuals. The list shall include how many individuals were affected by such action.

SEC. 113. RISK MANAGEMENT.

(a) IN GENERAL.—Persons described in section 102(a)(1) that have access to protected health information shall establish risk management and control processes to protect against anticipated vulnerabilities to the privacy, security, and integrity of protected health information.

(b) RISK ASSESSMENT.—A person described in subsection (a) shall perform annual risk assessments of procedures, systems, or networks involved in the creation, accessing, maintenance, retention, modification, recording, storage, distribution, destruction, or other use or disclosure of personal health information. Such risk assessment may include—

(1) identifying reasonably foreseeable internal and external vulnerabilities that could result in inaccuracy or in unauthorized access, disclosure, use, or modification of protected health information, or of systems containing protected health information;

(2) assessing the likelihood of and potential damage from inaccuracy or from unauthorized access, disclosure, use, or modification of protected health information;

(3) assessing the sufficiency of policies, technologies, and safeguards in place to minimize and control risks from unauthorized access, disclosure, use, or modification of protected health information; and

(4) assessing the vulnerability of protected health information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(c) RISK MANAGEMENT.—A person described in subsection (a) shall establish risk management and control procedures designed to control risks such as those identified in subsection (b). Such procedures shall include—

(1) a means for the detection and recording of actual or attempted, unauthorized, fraudulent, or otherwise unlawful access, disclosure, transmission, modification, use, or loss of personal health information;

(2) procedures for ensuring the secure disposal of personal health information;

(3) a means for limiting physical access to hardware, software, data storage technology, servers, systems, or networks by unauthorized persons in order to minimize the risk of information disclosure, modification, transmission, access, use, or loss;

(4) providing appropriate risk management and control training for employees; and

(5) carrying out annual testing of such risk management and control procedures.

SEC. 114. ACCOUNTING FOR DISCLOSURES AND USE.

(a) In General.—A person described in section 102(a)(1) shall establish and maintain, with respect to any protected health information disclosure, a record of each disclosure in accordance with regulations promulgated by the Secretary in consultation with the Director of the Office of Health Information Privacy. Such record shall include the purpose of any disclosure and the identity of the specific individual executing the disclosure, as well as the person to which such information is disclosed.

(b) Maintenance of Record.—A record established under subsection (a) shall be maintained for not less than 7 years.

(c) Electronic Records.—A person described in subsection (a) shall, to the maximum extent practicable, maintain an accessible electronic record concerning each access, use, or disclosure, whether authorized or unauthorized and whether successful or unsuccessful, of protected health information maintained by such person in electronic form. The record shall include the identities of the specific individuals (or a way to identify such individuals, or information helpful in determining the identities of such individuals) who access or seek to gain access to, use or seek to use, or disclose or seek to disclose, information sufficient to identify the protected health information sought or accessed, and other appropriate information.

(d) Access to Records.—A person described in subsection (a) shall permit an individual who is the subject of protected health information, or the individual's designee, to inspect and copy the records created in paragraphs (a) and (c) of this section.

TITLE II—RESTRICTIONS ON USE AND DISCLOSURE

Subtitle A—General Restrictions on Use and Disclosure

SEC. 201. GENERAL RULES REGARDING USE AND DISCLOSURE.

(a) Prohibition.—

(1) General rule.—A person may not disclose, access, or use protected health information except as authorized under this Act.

(2) Rule of construction.—Disclosure or use of health information that meets the standards of being de-identified health information shall not be construed as a disclosure or use of protected health information.

(b) Scope of Disclosure or Use.—

(1) In general.—A disclosure or use of protected health information under this title shall be limited to the minimum amount of information necessary to accomplish the purpose for which the disclosure or use is made.

(2) Determination.—The determination as to what constitutes the minimum disclosure or use possible for purposes of paragraph (1) shall be made by a health care provider to the extent required by law. The minimum necessary standard is intended to be consistent with, and not override, professional judgment and standards.

(c) Use or Disclosure for Purpose Only.—An authorized recipient of information pursuant to this title may use or disclose such information solely to carry out the purpose for which the information was disclosed, except as provided in section 214.

(d) No General Requirement to Disclose.—Nothing in this title permitting the disclosure of protected health information shall be construed to require such disclosure.

(e) Identification of Disclosed Information as Protected Health Information.—Protected health information disclosed or used pursuant to this title shall be clearly identified and labeled as protected health information that is subject to this Act.

(f) Disclosure or Use by Agents.—An agent, employee, or affiliate of a person described in section 102(a)(1) that accesses, seeks to access, obtains, discloses, uses, or receives protected health information from such person, shall be subject to this title to the same extent as the person.

(g) Disclosure or Use by Others.—A person receiving protected health information initially held by a person described in subsection (f) shall be subject to this title to the same extent as the person described in subsection (f).

(h) Creation of De-Identified Information.—Notwithstanding subsection (c), but subject to the other provisions of this section, a person described in subsection (f) may disclose protected health information to an employee or other agent of the person for purposes of creating de-identified information.

(i) Unauthorized Use or Disclosure of the Decryption Key.—The unauthorized disclosure of a decryption key or other secondary or tertiary means for accessing protected health information shall be deemed to be a disclosure of protected health information. The unauthorized use of a decryption key (or other secondary or tertiary means for accessing protected health information) or de-identified health information in order to identify an individual is deemed to be disclosure of protected health information.

(j) No Waiver.—Except as provided in this Act, an authorization to disclose or use personally identifiable health information executed by an individual pursuant to section 202 or 203 shall not be construed as a waiver of any rights that the individual has under other Federal or State laws, the rules of evidence, or common law.

(k) Opt-Out.—A person may not disclose, access, or use an individual's protected health information until that individual has been given the opportunity to opt out of any local, regional, or nationwide health information network or system that is used by the person.

(l) Disposal of Data.—To prevent the unauthorized disclosure or use of protected health information, such information, when disposed of, shall be fully de-identified, destroyed, and expunged from any electronic, paper, or other files and documents maintained by authorized persons.

(m) Obligations of Unauthorized Recipients.—A person that obtains, accesses, or receives protected health information and that is an unauthorized recipient of such information may not access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose such information for any purposes, and use or disclosure of protected health information under such circumstances shall be deemed an unauthorized disclosure of protected health information.

(n) Definitions.—In this title:

(1) Investigative or law enforcement officer.—The term "investigative or law enforcement officer" means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of, or to make arrests for, civil or criminal offenses, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

(2) Segregate.—The term "segregate" means to hide, mask, or mark separate a designated subset of an individual's protected health information, or to place such a subset in a location that is securely separated from the location used to store other protected health information, such that access to or use of any information so segregated may be effectively limited to those persons that are authorized by the individual to access or use that segregated information.

(3) Signed.—The term "signed" refers to both signatures in ink and electronic signatures, and the term "written" refers to both paper and computerized formats.

SEC. 202. INFORMED CONSENT FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR TREATMENT AND PAYMENT.

(a) Requirements Relating to Employers, Health Plans, Health or Life Insurers, Uninsured and Self-Pay Individuals, and Providers.—

(1) In general.—To satisfy the requirement under section 201(b)(1), an employer, health plan, health or life insurer, or health care provider that seeks to disclose protected health information in connection with treatment or payment shall obtain an authorization from the subject of such protected health information that satisfies the requirements of this section. A single authorization may authorize multiple disclosures.

(2) Employers.—Every employer offering a health plan to its employees shall, at the time of an employee's enrollment in the health plan, obtain a signed, written authorization that is an authorization based on informed consent that satisfies the requirements of subsection (b) concerning the use and disclosure of protected health information for treatment or payment with respect to each individual who is eligible to receive care under the health plan.

(3) Health plans, health or life insurers.—Every health plan or health or life insurer offering enrollment to individual or nonemployer groups shall, at the time of enrollment in the plan or insurance, obtain a signed, written authorization that is a legal, informed authorization that satisfies the requirements of subsection (b) concerning the use and disclosure of protected health information with respect to each individual who is eligible to receive care or benefits under the plan or insurance.

(4) Uninsured and self-pay.—An originating provider that provides health care in other than a network plan setting, or provides health care to an uninsured individual, shall obtain a signed, written authorization that satisfies the requirements of subsection (b) to access or use protected health information in providing health care or arranging for health care from other providers or seeking payment for the provision of health care services.

(5) Providers.—

(A) In general.—Every health care provider that provides health care to an individual that has not been given the appropriate prior authorization under this section, shall at the time of providing such care obtain a signed, written authorization that is a legal, informed authorization, that satisfies the requirements of subsection (b), concerning the use and disclosure of protected health information with respect to such individual.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to preclude the provision of health care to an individual who has not given appropriate authorization prior to receipt of such care if—

(i) the health care provider involved determines that such care is essential; and

(ii) the individual can reasonably be expected to sign an authorization for such care when appropriate.

(b) REQUIREMENTS FOR INDIVIDUAL INFORMED CONSENT.—To satisfy the requirements of this subsection, an authorization from an individual to disclose the individual's protected health information shall—

(1) identify, by general job description or other functional description and by geographic location, those persons that are authorized to disclose the information, including entities employed by, or operating within, a person authorized to disclose the information;

(2) describe the nature of the information to be disclosed;

(3) identify, by general job description or other functional description and by geographic location, those persons to which the information will be disclosed, including entities employed by, or operating within, a person to which information is authorized to be disclosed;

(4) describe the purpose of the disclosures;

(5) permit the executing individual to indicate that a particular person or class of persons (a group of persons with similar roles or functions) listed on the authorization is not authorized to receive protected health information concerning the individual, except as provided for in subsection (c)(3);

(6) provide the means by which an individual may indicate that some of the individual's protected health information should be segregated and to what persons or classes of persons such segregated information may be disclosed;

(7) be subject to revocation by the individual and indicate that the authorization is valid until revocation by the individual or until an event or date specified;

(8)(A) be—

(i) in writing, dated, and signed by the individual; or

(ii) in electronic form, dated and authenticated by the individual using an authentication method approved by the Secretary; and

(B) not have been revoked under subparagraph (A);

(9) describe the procedure by which an individual can amend an authorization previously obtained by a person;

(10) include a concise description of any systems or services used for access, maintenance, retention, modification, recording, storage, destruction, or other use of protected health information by the authorized person, including—

(A) a description of any linkages made with other systems, databases, networks, or services external to the authorized person; and

(B) how the linkages made with other systems, databases, networks, or services external to the authorized person meet the privacy and security standards of the authorized person;

(11) describe the extent to which the authorized person will share information with sub-contracted persons, and the geographic location of sub-contracted persons, including those operating or located overseas, except that the authorized person shall obtain the informed consent of the individual involved prior to outsourcing such individual's protected health information to a sub-contracted person operating or located overseas; and

(12) describe the nature and probability of harm to the individual resulting from authorization for use or disclosure, consistent with the principle of informed consent.

(c) LIMITATION ON AUTHORIZATIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a person described in section 102(a)(1) that seeks an authorization under this title may not condition the delivery of treatment or payment for services on the receipt of such an authorization.

(2) RIGHT TO REQUIRE SELF-PAYMENT.—If an individual has refused to provide an authorization for disclosure of administrative billing information to a person and such authorization is necessary for a health care provider to receive payment for services delivered, the health care provider may require the individual to pay from their own funds for the services.

(3) RIGHT OF HEALTH CARE PROVIDER TO REQUIRE AUTHORIZATION FOR TREATMENT PURPOSES.—If a health care provider that is seeking an authorization for disclosure of an individual's protected health information believes that the disclosure of such information is necessary so as not to endanger the health or treatment of the individual, and if the withholding of services will not endanger the life of the individual, the health care provider may condition the provision of services upon the individual's execution of an authorization to disclose personal health information to the minimum extent necessary.

(4) AUTHORIZATIONS FOR PAYMENT UNDER CERTAIN CIRCUMSTANCES.—If an individual is in a physical or mental condition such that the individual is not capable of authorizing the disclosure of protected health information and no other arrangements have been made to pay for the health care services being rendered to the patient, such information may be disclosed to a governmental authority to the extent necessary to determine the individual's eligibility for, and to obtain, payment under a governmental program for health care services provided to the patient. The information may also be disclosed to another provider of health care or health care service plan as necessary to assist the other provider or health care service plan in obtaining payment for health care services rendered by that provider of health care or health care service plan to the patient.

(d) MODEL AUTHORIZATIONS.—The Secretary, in consultation with the Director of the Office of Health Information Privacy, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in this section and model statements of the limitations on authorizations. Any authorization obtained on a model authorization form under section 202 developed by the Secretary pursuant to the preceding sentence shall be deemed to satisfy the requirements of this section.

(e) SEGREGATION OF FILES.—A person described in section 102(a)(1) shall comply with the request of an individual who is the subject of protected health information—

(1) to hide, mask, or mark separate any type or amount of protected health information held by the person; and

(2) to limit the use or disclosure of the segregated health information within the person to those specifically designated by the subject of the protected health information.

(f) REVOCATION OF AUTHORIZATION.—

(1) IN GENERAL.—An individual may, electronically or in writing, revoke or amend an authorization under this section at any time, unless the disclosure that is the subject of the authorization is required to effectuate payment for health care that has been provided to the individual and for which the individual has declined or refused to pay from the individual's own funds.

(2) HEALTH PLANS.—With respect to a health plan, the authorization of an individual is deemed to be revoked at the time of the cancellation or non-renewal of enrollment in the health plan, except as may be necessary to complete plan administration and payment requirements related to the individual's period of enrollment.

(3) ACTIONS.—An individual may not maintain an action against a person for disclosure of personally identifiable health information—

(A) if the disclosure was made based on a good faith reliance on the individual's authorization under this section at the time such disclosure was made;

(B) in a case in which the authorization is revoked, if the disclosing person had no actual or constructive notice of the revocation; or

(C) if the disclosure was for the purpose of protecting another individual from imminent physical harm, and is authorized under section 204.

(g) RECORD OF INDIVIDUAL'S AUTHORIZATIONS AND REVOCATIONS.—Each person accessing, maintaining, retaining, modifying, recording, storing, destroying, or otherwise using personally identifiable or protected health information shall maintain a record for a period of 7 years of each authorization by an individual and any revocation thereof, and such record shall become part of the individual's health record set.

(h) RULE OF CONSTRUCTION.—Authorizations for the disclosure of protected health information for treatment or payment shall not authorize the disclosure of such information where the intent is to sell, market, transfer, or use the protected health information for a commercial advantage other than for the revenues directly derived from the provision of health care to that individual. With respect to such a disclosure for a use other than for treatment or payment, a separate authorization that satisfies the requirements of section 203 is required.

SEC. 203. AUTHORIZATIONS FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION OTHER THAN FOR TREATMENT OR PAYMENT.

(a) IN GENERAL.—To satisfy the requirement under section 201(b)(1), a health care provider, health plan, health oversight agency, public health authority, employer, health researcher, law enforcement official, health or life insurer, school or university, or other person described under section 102(a)(1) that seeks to disclose protected health information for a purpose other than treatment or payment shall obtain an authorization that satisfies the requirements of subsections (b), (e), (f), and (g) of section 202. Such an authorization under this section shall be separate from an authorization provided under section 202.

(b) LIMITATION ON AUTHORIZATIONS.—

(1) IN GENERAL.—A person subject to section 202 may not condition the delivery of treatment, or payment for services, on the receipt of an authorization described in this section.

(2) REQUIREMENT FOR SEPARATE AUTHORIZATION.—A person subject to section 202 may not disclose protected health information to

any employees or agents who are responsible for making employment, work assignment, or other personnel decisions with respect to the subject of the information without a separate authorization permitting such a disclosure.

(c) MODEL AUTHORIZATIONS.—The Secretary, in consultation with the Director of the Office of Health Information Privacy, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in subsection (a). Any authorization obtained on a model authorization form under this section shall be deemed to meet the authorization requirements of this section.

(d) REQUIREMENT TO RELEASE PROTECTED HEALTH INFORMATION TO CORONERS AND MEDICAL EXAMINERS.—

(1) IN GENERAL.—When a coroner or medical examiner or their duly appointed deputies seek protected health information for the purpose of inquiry into and determination of, the cause, manner, and circumstances of an individual's death, the health care provider, health plan, health oversight agency, public health authority, employer, health researcher, law enforcement officer, health or life insurer, school or university, or other person involved shall provide that individual's protected health information to the coroner or medical examiner or to the duly appointed deputies without undue delay.

(2) PRODUCTION OF ADDITIONAL INFORMATION.—If a coroner or medical examiner or their duly appointed deputies receives health information from a person referred to in paragraph (1), such health information shall remain as protected health information unless the health information is attached to or otherwise made a part of a coroner's or medical examiner's official report, in which case it shall no longer be protected.

(3) EXEMPTION.—Health information attached to or otherwise made a part of a coroner's or medical examiner's official report shall be exempt from the provisions of this Act except as provided for in this subsection.

(4) REIMBURSEMENT.—A person referred to paragraph (1) may request reimbursement from a coroner or medical examiner for the reasonable costs associated with inspection or copying of protected health information maintained, retained, or stored by such person.

(e) REVOCATION OR AMENDMENT OF AUTHORIZATION.—An individual may, in writing, revoke or amend an authorization under this section at any time.

(f) ACTIONS.—An individual may not maintain an action against a person described in section 102(a)(1) for the disclosure of protected health information—

(1) if the disclosure was made based on a good faith reliance on the individual's authorization under this section at the time disclosure was made;

(2) in a case in which the authorization is revoked, if the disclosing person had no actual or constructive notice of the revocation; or

(3) if the disclosure was for the purpose of protecting another individual from imminent physical harm, and is authorized under section 204.

(g) RECORD OF AUTHORIZATIONS AND REVOCATIONS.—Each person accessing, maintaining, retaining, modifying, recording, storing, destroying, or otherwise using personally identifiable or protected health information for purposes other than treatment or payment shall maintain a record for a period of 7 years of each authorization by an individual and any revocation thereof, and such record shall become part of the individual's health record set.

SEC. 204. NOTIFICATION IN THE CASE OF BREACH.

(a) IN GENERAL.—A person described in section 102(a)(1) that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise uses or discloses protected health information shall, following the discovery of a security breach of such information, notify each individual whose protected health information has been, or is reasonably believed to have been, accessed, or acquired during such breach.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any person engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects protected health information that the person does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE, OR OTHER DESIGNATED THIRD PARTY.—Nothing in this subtitle shall be construed to prevent or abrogate an agreement between a person required to give notice under this section and a designated third party, including an owner or licensee of the protected health information subject to the security breach, to provide the notifications required under subsection (a).

(3) PERSON RELIEVED FROM GIVING NOTICE.—A person obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the protected health information subject to the security breach, or other designated third party, provides such notification.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made within 15 business days, or earlier if the Secretary determines appropriate, following the discovery by the person of a security breach.

(2) BURDEN OF PROOF.—The person required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this subtitle, including evidence demonstrating the necessity of any delay.

(d) METHODS OF NOTICE.—A person described in subsection (a) shall provide to an individual the following forms of notice in the case of a security breach:

(1) INDIVIDUAL NOTICE.—Notice required under this section shall be provided in such form as the individual selects, including—

(A) written notification to the last known home mailing address of the individual in the records of the person;

(B) telephone notice to the individual personally; or

(C) e-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice shall be provided to prominent media outlets serving a State or jurisdiction, if the protected health information of more than 1,000 residents of such State or jurisdiction is, or is reasonably believed to have been, acquired by an unauthorized person.

(3) NOTICE TO SECRETARY.—Notice shall be provided to the Secretary for persons described in section 102 (a)(1) that have lost, stolen, disclosed, or used in an unauthorized manner or for an unauthorized purpose the protected health information of a significant number of individuals.

(e) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under section 104, notice of a security breach shall include, to the extent possible—

(1) a description of the protected health information that has been, or is reasonably believed to have been, accessed, disclosed, or otherwise used by an unauthorized person;

(2) a toll-free number that the individual may use to contact the person described in subsection (a) to learn what types of protected health information the person maintained about that individual; and

(3) toll-free contact telephone numbers and addresses for major credit reporting agencies.

(f) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation or cause damage to national security, such notification shall be delayed upon written notice from the Federal law enforcement agency to the person that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), a person shall give notice not later than 30 days after such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall arise in any court against any Federal law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

Subtitle B—Disclosure Under Special Circumstances

SEC. 211. EMERGENCY CIRCUMSTANCES.

(a) GENERAL RULE.—In the event of a threat of imminent physical or mental harm to the subject of protected health information, any person may, in order to allay or remedy such threat, disclose protected health information about such subject to a health care provider, health care facility, law enforcement authority, or emergency medical personnel, to the minimum extent necessary and only if determined appropriate by a health care provider.

(b) HARM TO OTHERS.—Any person may disclose protected health information about the subject of the information where—

(1) such subject has made an identifiable threat of serious injury or death with respect to an identifiable individual or group of individuals;

(2) the subject has the ability to carry out such threat; and

(3) the release of such information is necessary to prevent or significantly reduce the possibility of such threat being carried out.

SEC. 212. PUBLIC HEALTH.

(a) IN GENERAL.—A health care provider, health plan, public health authority, employer, health or life insurer, law enforcement official, school or university, or other person described in section 102(a)(1) may disclose protected health information to a public health authority or other entity authorized by public health law, when receipt of such information by the authority or other entity—

(1) relates directly to a specified public health purpose;

(2) is reasonably likely to achieve such purpose; and

(3) is intended for a purpose that cannot be achieved through the receipt or use of deidentified health information.

(b) PUBLIC HEALTH PROTECTION DEFINED.—For purposes of subsection (a), the term "public health protection" means a population-based activity or individual effort, authorized by law, the purpose of which is the prevention of injury, disease, or premature mortality, or the promotion of health, in a community, including—

(1) assessing the health needs and status of the community through public health surveillance and epidemiological research;

(2) implementing public health policy;

(3) responding to public health needs and emergencies; and

(4) any other activities or efforts authorized by law.

(c) LIMITATIONS.—The purpose of the disclosure described in subsection (a) should be of sufficient importance to warrant the potential effect on, or risk to, the privacy of individuals that the additional exposure of protected health information might bring. Any infringement on the right to privacy under this section should use the least intrusive means that are tailored to minimize intrusion on the right to privacy.

SEC. 213. PROTECTION AND ADVOCACY AGENCIES.

Any person described in section 102(a)(1) that creates, accesses, maintains, retains, modifies, records, stores, destroys, or otherwise uses or discloses protected health information under this title may disclose such information to a protection and advocacy agency established under part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) or under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) when such person can establish that there is probable cause to believe that an individual who is the subject of the protected health information is vulnerable to abuse and neglect by an entity providing health or social services to the individual.

SEC. 214. OVERSIGHT.

(a) IN GENERAL.—A health care provider, health plan, employer, law enforcement official, health or life insurer, public health authority, health researcher, school or university, or other person described in section 102(a)(1) may disclose protected health information to a health oversight agency to enable the agency to perform a health oversight function authorized by law, if—

(1) the purpose for which the disclosure is to be made cannot reasonably be accomplished without protected health information;

(2) the purpose for which the disclosure is to be made is of sufficient importance to warrant the effect on, or the risk to, the privacy of the individuals that additional exposure of the information might bring; and

(3) there is a reasonable probability that the purpose of the disclosure will be accomplished.

(b) USE AND MAINTENANCE OF PROTECTED HEALTH INFORMATION.—A health oversight agency that receives protected health information under this section—

(1) shall secure protected health information in all work papers and all documents summarizing the health oversight activity through technological, administrative, and physical safeguards including cryptographic-key based encryption;

(2) shall maintain in its records only such information about an individual as is relevant and necessary to accomplish the purpose for which the protected health information was obtained;

(3) using appropriate encryption measures. shall maintain such information securely and limit access to such information to those persons with a legitimate need for access to carry out the purpose for which the records were obtained; and

(4) shall remove or destroy the information that allows subjects of protected health information to be identified at the earliest time at which removal or destruction can be accomplished, consistent with the purpose of the health oversight activity.

(c) USE OF PROTECTED HEALTH INFORMATION IN JUDICIAL PROCEEDINGS.—

(1) IN GENERAL.—The disclosure and use of protected health information in any judicial, administrative, court, or other public proceeding or investigation relating to a health oversight activity shall be undertaken in such a manner as to preserve the confidentiality and privacy of individuals who are the subject of the information, unless disclosure is required by the nature of the proceedings.

(2) LIMITING DISCLOSURE.—Whenever disclosure of the identity of the subject of protected health information is required by the nature of the proceedings, or it is impracticable to redact the identity of such individual, the agency shall request that the presiding judicial or administrative officer enter an order limiting the disclosure of the identity of the subject to the extent possible, including the redacting of the protected health information from publicly disclosed or filed pleadings or records.

(d) AUTHORIZATION BY A SUPERVISOR.—For purposes of this section, the individual with authority to authorize the oversight function involved shall provide to the disclosing person described in subsection (a) a statement that the protected health information is being sought for a legally authorized oversight function.

(e) USE IN ACTION AGAINST INDIVIDUALS.—Protected health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, an administrative, civil, or criminal action or investigation directed against the individual, unless the action or investigation arises out of and is directly related to—

(1) the receipt of health care or payment for health care;

(2) a fraudulent claim related to health; or

(3) oversight of a public health authority or a health researcher.

SEC. 215. DISCLOSURE FOR LAW ENFORCEMENT, NATIONAL SECURITY, AND INTELLIGENCE PURPOSES.

(a) ACCESS TO PROTECTED HEALTH INFORMATION FOR LAW ENFORCEMENT, NATIONAL SECURITY, AND INTELLIGENCE ACTIVITIES.—A person described in section 102(a)(1), or a person who receives protected health information pursuant to section 211, may disclose protected health information to—

(1) an investigative or law enforcement officer pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grand jury subpoena, civil subpoena, civil investigative demand, or a court order under limitations set forth in subsection (b); and

(2) an authorized Federal official for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401 et seq.) and implementing authority (Executive Order 12333), or otherwise by law.

(b) REQUIREMENTS FOR COURT ORDERS FOR ACCESS TO PROTECTED HEALTH INFORMATION.—A court order for the disclosure of protected health information under subsection (a)(1) may be issued by any court that is a court of competent jurisdiction and shall issue only if the investigative or law enforcement officer submits a written application upon oath or equivalent affirmation demonstrating that there is probable cause to believe that—

(1) the protected health information sought is relevant and material to an ongoing criminal investigation, except in the case of a State government authority, such a court order shall not issue if prohibited by the law of such State;

(2) the investigative or evidentiary needs of the investigative or law enforcement officer cannot reasonably be satisfied by deidentified health information or by any other information; and

(3) the law enforcement need for the information outweighs the privacy interest of the individual to whom the information pertains.

(c) MOTIONS TO QUASH OR MODIFY.—A court issuing an order pursuant to this section, on a motion made promptly by a person described in subsection (a)(1) may quash or modify such order if the court finds that information or records requested are unreasonably voluminous or if compliance with such order otherwise would cause an unreasonable burden on such entities.

(d) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no order for the disclosure of protected health information about an individual may be issued by a court under this section unless prior notice of the application for the order has been served on the individual and the individual has been afforded an opportunity to oppose the issuance of the order.

(2) NOTICE NOT REQUIRED.—An order for the disclosure of protected health information about an individual may be issued without prior notice to the individual if the court finds that notice would be impractical because—

(A) the name and address of the individual are unknown; or

(B) notice would risk destruction or unavailability of the evidence, intelligence, counter-intelligence, or other national security information.

(e) CONDITIONS.—Upon the granting of an order for disclosure of protected health information under this section, the court shall impose appropriate safeguards to ensure the confidentiality of such information and to protect against unauthorized or improper use or disclosure.

(f) LIMITATION ON USE AND DISCLOSURE FOR NATIONAL SECURITY, INTELLIGENCE, AND OTHER LAW ENFORCEMENT INQUIRIES.—Protected health information about an individual that is disclosed under this section may not be used in, or disclosed to any entity for use in, any administrative, civil, or criminal action or investigation directed against the individual, unless the action or investigation arises out of, or is directly related to, the law enforcement, national security, or intelligence inquiry for which the information was obtained.

(g) DESTRUCTION OR RETURN OF INFORMATION.—When the matter or need for which protected health information was disclosed to an investigative or law enforcement officer, a Federal official authorized for the conduct of lawful intelligence, counter-intelligence, and other national security activities, or authorized Federal official, or grand jury has concluded, including any derivative matters arising from such matter or need, the law enforcement agency, authorized Federal official, or grand jury shall either destroy the protected health information, or return it to the entity from which it was obtained.

(h) REDACTIONS.—To the extent practicable, and consistent with the requirements of due process, a law enforcement agency shall redact personally identifying information from protected health information prior to the public disclosure of such protected information in a judicial or administrative proceeding.

(i) EXCEPTION.—This section shall not be construed to limit or restrict the ability of law enforcement authorities to gain information while in hot pursuit of a suspect or if other exigent circumstances exist.

SEC. 216. NEXT OF KIN AND DIRECTORY INFORMATION.

(a) NEXT OF KIN.—A health care provider, or a person that receives protected health information under section 211, may disclose protected health information about health care services provided to an individual to the individual's next of kin, or to another entity that the individual has identified, if at the time of the treatment of the individual—

(1) the individual—

(A) has been notified of the individual's right to object to such disclosure and the individual has not objected to the disclosure; or

(B) is in a physical or mental condition such that the individual is not capable of objecting, and there are no prior indications that the individual would object; and

(2) the information disclosed is relevant to health care services currently being provided to that individual.

(b) DIRECTORY INFORMATION.—

(1) DISCLOSURE.—

(A) IN GENERAL.—Except as provided in paragraph (2), with respect to an individual who is admitted as an inpatient to a health care facility, a person described in subsection (a) may disclose information described in subparagraph (B) about the individual to any entity if, at the time of the admission, the individual—

(i) has been notified of the individual's right to object and has not objected to the disclosure; or

(ii) is in a physical or mental condition such that the individual is not capable of objecting and there are no prior indications that the individual would object.

(B) INFORMATION.—Information described in this subparagraph is information that consists only of 1 or more of the following items:

(i) The name of the individual who is the subject of the information.

(ii) The general health status of the individual, described as critical, poor, fair, stable, or satisfactory or in terms denoting similar conditions.

(iii) The location of the individual within the health care facility to which the individual is admitted.

(2) EXCEPTION.—Paragraph (1)(B)(iii) shall not apply if disclosure of the location of the individual would reveal specific information about the physical or mental condition of the individual, unless the individual expressly authorizes such disclosure.

(c) DIRECTORY OR NEXT-OF-KIN INFORMATION.—A disclosure may not be made under this section if the disclosing person described in subsection (a) has reason to believe that the disclosure of directory or next-of-kin information could lead to the physical or mental harm of the individual, unless the individual expressly authorizes such disclosure.

SEC. 217. HEALTH RESEARCH.

(a) REGULATIONS.—

(1) IN GENERAL.—The requirements and protections provided for under part 46 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), shall apply to all health research.

(2) EFFECTIVE DATE.—Paragraph (1) shall not take effect until the Secretary has promulgated final regulations to implement such paragraph.

(b) EVALUATION.—Not later than 24 months after the date of enactment of this Act, the Secretary shall prepare and submit to Congress detailed recommendations on whether written informed consent should be required, and if so, under what circumstances, before protected health information can be used for health research.

(c) RECOMMENDATIONS.—The recommendations required to be submitted under subsection (b) shall include—

(1) a detailed explanation of current institutional review board practices, including the extent to which the privacy of individuals is taken into account as a factor before allowing waivers and under what circumstances informed consent is being waived;

(2) a summary of how technology could be used to strip identifying data for the purposes of research;

(3) an analysis of the risks and benefits of requiring informed consent versus the waiver of informed consent;

(4) an analysis of the risks and benefits of using protected health information for research purposes other than the health research project for which such information was obtained; and

(5) an analysis of the risks and benefits of allowing individuals to consent or to refuse to consent, at the time of receiving medical treatment, to the possible future use of records of medical treatments for research studies.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with individuals who have distinguished themselves in the fields of health research, privacy, related technology, consumer interests in health information, health data standards, and the provision of health services.

(e) CONGRESSIONAL NOTICE.—Not later than 6 months after the date on which the Secretary submits to Congress the recommendations required under subsection (b), the Secretary shall propose to implement such recommendations through regulations promulgated on the record after opportunity for a hearing, and shall advise the Congress of such proposal.

(f) OTHER REQUIREMENTS.—

(1) OBLIGATIONS OF THE RECIPIENT.—A person who receives protected health information pursuant to this section shall remove or destroy, at the earliest opportunity consistent with the purposes of the project involved, information that would enable an individual to be identified, unless—

(A) an institutional review board has determined that there is a health or research justification for the retention of such identifiers; and

(B) there is an adequate plan to protect the identifiers from disclosure consistent with this section.

(2) PERIODIC REVIEW AND TECHNICAL ASSISTANCE.—

(A) INSTITUTIONAL REVIEW BOARD.—Any institutional review board that authorizes research under this section shall provide the Secretary with the names and addresses of the institutional review board members.

(B) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to institutional review boards described in this subsection.

(C) MONITORING.—The Secretary shall periodically monitor institutional review boards described in this subsection.

(D) REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall report to Congress regarding the activities of institutional review boards described in this subsection.

(g) LIMITATION.—Nothing in this section shall be construed to permit protected health information that is received by a researcher under this section to be accessed for purposes other than research or as authorized by the individual that is the subject of such protected health information.

SEC. 218. JUDICIAL AND ADMINISTRATIVE PURPOSES.

(a) IN GENERAL.—A person described in section 102(a)(1), or a person who receives protected health information under section 211, may disclose protected health information—

(1) pursuant to the standards and procedures established in the Federal Rules of Civil Procedure or comparable rules of other courts or administrative agencies, in connection with litigation or proceedings to which an individual who is the subject of the information is a party and in which the individual has placed his or her physical or mental condition at issue;

(2) to a court, and to others ordered by the court, if in response to a court order issued by a court of competent jurisdiction in accordance with subsections (b) and (c); or

(3) if necessary to present to a court an application regarding the provision of treatment of an individual or the appointment of a guardian.

(b) COURT ORDERS FOR ACCESS TO PROTECTED HEALTH INFORMATION.—A court order for the disclosure of protected health information under subsection (a) may be issued only if the person seeking disclosure submits a written application upon oath or equivalent affirmation demonstrating by clear and convincing evidence that—

(1) the protected health information sought is necessary for the adjudication of a material fact in dispute in a civil proceeding;

(2) the adjudicative need cannot be reasonably satisfied by de-identified health information or by any other information; and

(3) the need for the information outweighs the privacy interest of the individual to whom the information pertains.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no order for the disclosure of protected health information about an individual may be issued by a court unless notice of the application for the order has been served on the individual and the individual has been afforded an opportunity to oppose the issuance of the order.

(2) NOTICE NOT REQUIRED.—An order for the disclosure of protected health information about an individual may be issued without notice to the individual if the court finds, by clear and convincing evidence, that notice would be impractical because—

(A) the name and address of the individual are unknown; or

(B) notice would risk destruction or unavailability of the evidence.

(d) OBLIGATIONS OF RECIPIENT.—A person seeking protected health information pursuant to subsection (a)(1)—

(1) shall notify the individual or the individual's attorney of the request for the information;

(2) shall provide the health care provider, health plan, health oversight agency, employer, insurer, health or life insurer, school or university, agent, or other person involved with a signed document attesting—

(A) that the individual has placed his or her physical or mental condition at issue in litigation or proceedings in which the individual is a party; and

(B) the date on which the individual or the individual's attorney was notified under paragraph (1); and

(3) shall not accept any requested protected health information from the health care provider, health plan, health oversight agency, employer, insurer, health or life insurer, school or university, agent, or other person until the termination of the 10-day period beginning on the date notice was given under paragraph (1).

SEC. 219. INDIVIDUAL REPRESENTATIVES.

(a) In General.—Except as provided in subsections (b) and (c), a person who is authorized by law (based on grounds other than an individual's status as a minor), or by an instrument recognized under law, to act as an agent, attorney, proxy, or other legal representative of an individual, may, to the extent so authorized, exercise and discharge the rights of the individual under this Act.

(b) Health Care Power of Attorney.—A person who is authorized by law (based on grounds other than being a minor), or by an instrument recognized under law, to make decisions about the provision of health care to an individual who is incapacitated, may exercise and discharge the rights of the individual under this Act to the extent necessary to effectuate the terms or purposes of the grant of authority.

(c) No Court Declaration.—If a physician or other health care provider determines that an individual, who has not been declared to be legally incompetent, suffers from a medical condition that prevents the individual from acting knowingly or effectively on the individual's own behalf, the right of the individual to access or amend the health information and to authorize disclosure under this Act may be exercised and discharged in the best interest of the individual by—

(1) a person described in subsection (b) with respect to the individual;

(2) a person described in subsection (a) with respect to the individual, but only if a person described in paragraph (1) cannot be contacted after a reasonable effort or if there is no individual who fits the description in paragraph (1);

(3) the next of kin of the individual, but only if a person described in paragraph (1) or (2) cannot be contacted after a reasonable effort; or

(4) the health care provider, but only if a person described in paragraph (1), (2), or (3) cannot be contacted after a reasonable effort.

(d) Rights of Minors.—

(1) INDIVIDUALS WHO ARE 18 OR LEGALLY CAPABLE.—In the case of an individual—

(A) who is 18 years of age or older, all rights of the individual under this Act shall be exercised by the individual; or

(B) who, acting alone, can consent to health care without violating any applicable law, and who has sought such care, the individual shall exercise all rights of an individual under this Act with respect to protected health information relating to such health care.

(2) INDIVIDUALS UNDER 18.—Except as provided in paragraph (1)(B), in the case of an individual who is—

(A) under 14 years of age, all of the individual's rights under this Act shall be exercised through the parent or legal guardian; or

(B) 14 through 17 years of age, the rights of inspection, supplementation, and modification, and the right to authorize use and disclosure of protected health information of the individual shall be exercised by—

(i) the individual where no parent or legal guardian exists;

(ii) the parent or legal guardian of the individual; or

(iii) the individual if the parent or legal guardian determined that the individual has the sole right the control their health information.

(e) Deceased Individuals.—

(1) APPLICATION OF ACT.—The provisions of this Act shall continue to apply to protected health information concerning a deceased individual.

(2) EXERCISE OF RIGHTS ON BEHALF OF A DECEASED INDIVIDUAL.—A person who is authorized by law or by an instrument recognized under law, to act as an executor or administrator of the estate of a deceased individual, or otherwise to exercise the rights of the deceased individual, may, to the extent so authorized, exercise and discharge the rights of such deceased individual under this Act. If no such designee has been authorized, the rights of the deceased individual may be exercised as provided for in subsection (c).

(3) IDENTIFICATION OF DECEASED INDIVIDUAL.—A person described in section 216(a) may disclose protected health information if such disclosure is necessary to assist in the identification of a deceased individual.

TITLE III—OFFICE OF HEALTH INFORMATION PRIVACY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subtitle A—Designation

SEC. 301. DESIGNATION.

(a) In General.—The Secretary shall designate an office within the Department of Health and Human Services to be known as the Office of Health Information Privacy (referred to in this section as the "Office"). The Office shall be headed by a Director, who shall be appointed by the Secretary.

(b) Duties.—The Director of the Office shall—

(1) receive and investigate complaints of alleged violations of this Act;

(2) provide for the conduct of audits where appropriate;

(3) provide guidance to the Secretary on the implementation of this Act;

(4) provide guidance to health care providers and other relevant individuals concerning the manner in which to interpret and implement the privacy protections under this Act (and the regulations promulgated under this Act);

(5) prepare and submit the report described in subsection (c);

(6) consult with, and provide recommendation to, the Secretary concerning improvements in the privacy and security of protected health information and concerning medical privacy research needs; and

(7) carry out any other activities determined appropriate by the Secretary.

(c) Standards for Certification.—

(1) Establishment.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Director of the Office and the Director of the Office of Civil Rights, shall establish and implement standards for health information technology products used to access, disclose, maintain, store, distribute, transmit, amend, or dispose of protected health information in a manner that protects the individual's right to privacy, confidentiality, and security relating to that information.

(2) STAKEHOLDER PARTICIPATION.—In establishing the standards under paragraph (1), the Secretary shall ensure the participation of various stakeholders, including patients and consumer advocates, privacy advocates, experts in information technology and information systems, and experts in health care.

(d) Report on Compliance.—Not later than January 1 of the first calendar year beginning more than 1 year after the establishment of the Office under subsection (a), and every January 1 thereafter, the Secretary, in consultation with the Director of the Office, shall prepare and submit to Congress a report concerning the number of complaints of alleged violations of this Act that are received during the year for which the report is being prepared. Such report shall describe the complaints and any remedial action taken concerning such complaints and shall be made available to the public on the Internet website of the Department of Health and Human Services.

Subtitle B—Enforcement

CHAPTER 1—CRIMINAL PROVISIONS

SEC. 311. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) In General.—Part I of title 18, United States Code, is amended by adding at the end the following:

"CHAPTER 124—WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION

"SEC. 2801. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

"(a) Offense.—The penalties described in subsection (b) shall apply to a person that knowingly and intentionally—

"(1) obtains, uses, or attempts to obtain or use protected health information relating to an individual in violation of title II of the Health Information Privacy and Security Act; or

"(2) discloses or attempts to disclose protected health information to another person in violation of title II of the Health Information Privacy and Security Act.

"(b) Penalties.—A person described in subsection (a) shall—

"(1) be fined not more than $50,000, imprisoned not more than 1 year, or both;

"(2) if the offense is committed under false pretenses, be fined not more than $250,000 or imprisoned not more than 5 years, or both; or

"(3) if the offense is committed with the intent to sell, transfer, or use protected health information for commercial advantage, personal gain, or malicious harm, be fined not more than $500,000, imprisoned not more than 10 years, or any combination of such penalties.

"(c) Subsequent Offenses.—In the case of a person described in subsection (a), the maximum penalties described in subsection (b) shall be doubled for every subsequent conviction for an offense arising out of a violation or violations related to a set of circumstances that are different from those involved in the previous violation or set of related violations described in such subsection (a).".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following new item:

"Sec. 2801. Wrongful disclosure of protected health information."

SEC. 312. DEBARMENT FOR CRIMES AND CIVIL VIOLATIONS.

(a) PURPOSE.—The purpose of this section is to prevent and deter instances of intentional criminal actions that violate criminal laws that are designed to protect the privacy of protected health information in a manner consistent with this Act.

(b) DEBARMENT.—Not later than 270 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary, shall promulgate regulations and establish procedures to permit the debarment of health care providers, health researchers, health or life insurers, employers, or schools or universities from receiving benefits under any Federal health program or other Federal procurement program if the managers or officers of such persons are found guilty of violating section 2801 of title 18, United States Code, have civil penalties imposed against such officers or managers under section 321 in connection with the illegal disclosure of protected health information, or are found guilty of making a false statement or obstructing justice related to attempting to conceal or concealing such illegal disclosure. Such regulations shall take into account the need for continuity of medical care and may provide for a delay of any debarment imposed under this section to take into account the medical needs of patients.

(c) CONSULTATION.—Prior to publishing a proposed rule to implement subsection (b), the Attorney General shall consult with State law enforcement officials, health care providers, patient privacy rights' advocates, and other appropriate persons, to gain additional information regarding the debarment of persons under subsection (b) and the best methods to ensure the continuity of medical care.

(d) REPORT.—The Attorney General shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report concerning the activities and debarment actions taken by the Attorney General under this section.

(e) ASSISTANCE TO PREVENT CRIMINAL VIOLATIONS.—The Attorney General, in cooperation with any other appropriate individual, organization, or agency, may provide advice, training, technical assistance, and guidance regarding ways to reduce the incidence of improper disclosure of protected health information.

(f) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local governmental agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person, in a civil, criminal, or administrative proceeding.

CHAPTER 2—CIVIL SANCTIONS

SEC. 321. CIVIL PENALTY.

A health care provider, health researcher, health plan, health oversight agency, public health agency, law enforcement agency, employer, health or life insurer, school or university, agent or other person described in section 102(a)(1), who the Secretary, in consultation with the Attorney General, determines has substantially and materially failed to comply with this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(1) in a case in which the violation relates to title I, to a civil penalty of not more than $500 for each such violation, but not to exceed $5,000 in the aggregate for multiple violations;

(2) in a case in which the violation relates to title II, to a civil penalty of not more than $10,000 for each such violation, but not to exceed $50,000 in the aggregate for multiple violations; or

(3) in a case in which such violations have occurred with such frequency as to constitute a general business practice, to a civil penalty of not more than $100,000.

SEC. 322. PROCEDURES FOR IMPOSITION OF PENALTIES.

(a) INITIATION OF PROCEEDINGS.—The Attorney General, in consultation with the Secretary, may initiate a proceeding in United States District Court to recover a civil money penalty under section 321. The Attorney General may not initiate an action under this section with respect to any violation described in section 321 after the expiration of the 6-year period beginning on the date on which such violation was alleged to have occurred. The Attorney General may initiate an action under this section by filing a complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(b) SCOPE OF PENALTY.—In determining the amount or scope of any penalty sought pursuant to section 321, the Attorney General shall take into account—

(1) the nature of claims and the circumstances under which they were presented;

(2) the degree of culpability, history of prior offenses, and financial condition of the person against whom the claim is brought; and

(3) such other matters as justice may require.

(c) RECOVERY OF PENALTIES.—

(1) IN GENERAL.—Civil money penalties imposed under this section may be recovered in a civil action in the name of the United States brought in United States district court for the district where the claim was presented, or where the claimant resides, as determined by the Attorney General. Amounts recovered under this section shall be paid to the United States and deposited as miscellaneous receipts of the Treasury of the United States.

(2) DEDUCTION FROM AMOUNTS OWING.—The amount of any penalty may be deducted from any sum then or later owing by the United States or a State to the person against whom the penalty has been assessed.

(d) INJUNCTIVE RELIEF.—Whenever the Attorney General in consultation with the Secretary has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under section 321, the Attorney General may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty if any such penalty were to be imposed or to seek other appropriate relief.

(e) AGENCY.—A principal is jointly and severally liable with the principal's agent for penalties under section 321 for the actions of the principal's agent acting within the scope of the agency.

SEC. 323. CIVIL ACTION BY INDIVIDUALS.

(a) IN GENERAL.—Any individual whose rights under this Act have been knowingly or negligently violated may bring a civil action to recover—

(1) such preliminary and equitable relief as the court determines to be appropriate; and

(2) the greater of compensatory damages or liquidated damages of $5,000.

(b) PUNITIVE DAMAGES.—In any action brought under this section in which the individual has prevailed because of a knowing violation of a provision of this Act, the court may, in addition to any relief awarded under subsection (a), award such punitive damages as may be warranted.

(c) ATTORNEY'S FEES.—In the case of a civil action brought under subsection (a) in which the individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

(d) LIMITATION.—No action may be commenced under this section more than 3 years after the date on which the violation was or should reasonably have been discovered.

(e) AGENCY.—A principal is jointly and severally liable with the principal's agent for damages under this section for the actions of the principal's agent acting within the scope of the agency.

(f) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—An action shall be brought under subsection (a) in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; and

(B) may be found.

(g) ADDITIONAL REMEDIES.—The equitable relief or damages that may be available under this section shall be in addition to any other lawful remedy or award that may be available.

SEC. 324. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State law to prosecute violations of consumer protection laws, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a person in a practice that is prohibited under this subtitle, the State or local law enforcement agency on behalf of the residents of the agency's jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle; or

(C) obtain civil penalties of not more than $1,000 per day per individual whose personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $50,000 per day.

(2) NOTICE.—

(A) IN GENERAL.—Prior to filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General and Secretary—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by a State attorney general under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this paragraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and a copy of the complaint to the Attorney General and Secretary as soon after the filing of the complaint as practicable.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General in consultation with the Secretary, shall, have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) intervene in an action brought under subsection (a)(2); and

(3) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 325. PROTECTION FOR WHISTLEBLOWER.

(a) PROHIBITION AGAINST DISCRIMINATION.—An employer may not discharge, demote, suspend, threaten, harass, retaliate against, or in any other manner discriminate or cause any employer to discriminate against an employee in the terms and conditions of employment because of any lawful act committed by the employee to provide information or cause information to be provided to a State or Federal official relating to an actual or suspected violation of this Act by an employer or an employee of an employer.

(b) ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—Any employee or former employee who alleges discharge or discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint under subparagraph (A), and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURES.—

(A) IN GENERAL.—Except as provided in this paragraph, the complaint procedures contained in section 42121(b) of title 49, United States Code, shall apply with respect to a complaint filed under paragraph (1)(A).

(B) EXCEPTION.—With respect to a complaint filed under paragraph (1)(A), the notification provided for under section 42121(b)(1) of title 49, United States Code, (as required under subparagraph (A)) shall be made to the person named in the complaint and to the employer.

(C) BURDEN OF PROOF.—The legal burdens of proof contained in section 42121(b) of title 49, United States Code, shall apply to an action brought under paragraph (1)(B).

(D) STATUTE OF LIMITATIONS.—An action shall be filed under paragraph (1)(B), not later than 2 years after the date on which the alleged violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—If the district court determines in an action under subsection (b)(1) that a violation of subsection (a) has occurred, the court shall order any relief necessary to make the employee whole.

(2) COMPENSATORY DAMAGES.—Relief in any action under subsection (b)(1) shall include—

(A) reinstatement of the employee to the employee's former position with the same seniority status that the employee would have had but for the discrimination;

(B) payment of the amount of back pay, with interest, to which the employee is entitled; and

(C) the payment of compensation for any special damages sustained by the employee as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(d) RIGHTS RETAINED BY THE EMPLOYEE.—Nothing in this section shall be construed to diminish or eliminate the rights, privileges, or remedies available to an employee under any Federal or State law, or under any collective bargaining agreement.

(e) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation; or

(2) knowingly or recklessly provides materially false information to an individual or entity described in subsection (a).

(f) DEFINITIONS.—In this section:

(1) EMPLOY.—The term "employ" has the meaning given such term under section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) for the purposes of implementing the requirements of that Act (29 U.S.C. 201, et seq.).

(2) EMPLOYEE.—The term "employee" means an individual who is employed by an employer.

(3) EMPLOYER.—The term "employer" means any person who employs employees, including any person acting directly or indirectly in the interest of any employer in relation to an employee and includes a public agency.

(g) GENERAL PROHIBITION AGAINST RETALIATION.—A person described in section 102(a)(1), or any other person that receives protected health information under this title, may not adversely affect another person, directly or indirectly, because such person has exercised a right under this Act, disclosed information relating to a possible violation of this Act, or associated with, or assisted, an individual in the exercise of a right under this Act.

TITLE IV—MISCELLANEOUS

SEC. 401. RELATIONSHIP TO OTHER LAWS.

(a) FEDERAL AND STATE LAWS.—Nothing in this Act shall be construed as preempting, superseding, or repealing, explicitly or implicitly, other Federal or State laws or regulations relating to protected health information or relating to an individual's access to protected health information or health care services, if such laws or regulations provide protections for the rights of individuals to the privacy of, and access to, their health information that is greater than those provided for in this Act.

(b) PRIVILEGES.—Nothing in this Act shall be construed to preempt or modify any provisions of State statutory or common law to the extent that such law concerns a privilege of a witness or person in a court of that State. This Act shall not be construed to supersede or modify any provision of Federal statutory or common law to the extent such law concerns a privilege of a witness or entity in a court of the United States. Authorizations pursuant to section 202 shall not be construed as a waiver of any such privilege.

(c) CERTAIN DUTIES UNDER LAW.—Nothing in this Act shall be construed to preempt, supersede, or modify the operation of any State law that—

(1) provides for the reporting of vital statistics such as birth or death information;

(2) requires the reporting of abuse or neglect information about any individual;

(3) regulates the disclosure or reporting of information concerning an individual's mental health; or

(4) governs a minor's rights to access protected health information or health care services.

(d) FEDERAL PRIVACY ACT.—

(1) MEDICAL EXEMPTIONS.—Section 552a of title 5, United States Code, is amended by adding at the end the following:

"(w) CERTAIN PROTECTED HEALTH INFORMATION.—The head of an agency that is a health care provider, health plan, health oversight agency, employer, insurer, health or life insurer, school or university, or other entity who receives protected health information under section 218 of the Health Information Privacy and Security Act shall promulgate rules, in accordance with the requirements (including general notice) of subsections (b)(1), (b)(2), (b)(3), (c), (e) of section 553 of this title, to exempt a system of records within the agency, to the extent that the system of records contains protected health information (as defined in section 4 of such Act), from all provisions of this section except subsections (b)(6), (d), (e)(1), (e)(2), subparagraphs (A) through (C) and (E) through (I) of subsection (e)(4), and subsections (e)(5), (e)(6), (e)(9), (e)(12), (l), (n), (o), (p), (r), and (u).".

(2) TECHNICAL AMENDMENT.—Section 552a(f)(3) of title 5, United States Code, is amended by striking "pertaining to him," and all that follows through the semicolon and inserting "pertaining to the individual".

(e) HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.—The standards governing the privacy and security of individually identifiable health information promulgated by the Secretary of Health and Human Services under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 shall remain in effect to the extent that they are consistent with this Act. The Secretary shall amend such Federal regulations as required to make such regulations consistent with this Act.

SEC. 402. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Unless specifically provided for otherwise; this Act shall take effect on the date that is 12 months after the date of the promulgation of the regulations required under subsection (b), or 30 months after the date of enactment of this Act, whichever is earlier.

(b) REGULATIONS.—Not later than 12 months after the date of enactment of this

Act, or as specifically provided for otherwise, the Secretary shall promulgate regulations implementing this Act.

Keeping Patients' Details Private, Even From Kin

(By Jane Gross)

An emergency room nurse in Palos Heights, Ill., told Gerard Nussbaum he could not stay with his father-in-law while the elderly man was being treated after a stroke. Another nurse threatened Mr. Nussbaum with arrest for scanning his relative's medical chart to prove to her that she was about to administer a dangerous second round of sedatives.

The nurses who threatened him with eviction and arrest both made the same claim, Mr. Nussbaum said: that access to his father-in-law and his medical information were prohibited under the Health Insurance Portability and Accountability Act, or Hipaa, as the federal law is known.

Mr. Nussbaum, a health care and Hipaa consultant, knew better and stood his ground. Nothing in the law prevented his involvement. But the confrontation drove home the way Hipaa is misunderstood by medical professionals, as well as the frustration—and even peril--that comes in its wake.

Government studies released in the last few months show the frustration is widespread, an unintended consequence of the 1996 law.

Hipaa was designed to allow Americans to take their health insurance coverage with them when they changed jobs, with provisions to keep medical information confidential. But new studies have found that some health care providers apply Hipaa regulations overzealously, leaving family members, caretakers, public health and law enforcement authorities stymied in their efforts to get information.

Experts say many providers do not understand the law, have not trained their staff members to apply it judiciously, or are fearful of the threat of fines and jail terms—although no penalty has been levied in four years.

Some reports blame the language of the law itself, which says health care providers may share information with others unless the patient objects, but does not require them to do so. Thus, disclosures are voluntary and health care providers are left with broad discretion.

The unnecessary secrecy is a "significant problem," said Mark Rothstein, chairman of a privacy subcommittee that advises the Department of Health and Human Services, which administers Hipaa. "It's drummed into them that there are rules they have to follow without any perspective," he said about health care providers. "So, surprise, surprise, they approach it in a defensive, somewhat arbitrary and unreasonable way."

Susan McAndrew, deputy director of health information privacy at the Department of Health and Human Services, said that problems were less frequent than they once had been but that health care providers continued to hide behind the law. "Either innocently or purposefully, entities often use this as an excuse," she said. "They say 'Hipaa made me do it' when, in fact, they chose for other reasons not to make the permitted disclosures."

Mr. Rothstein, one of Hipaa's harshest critics, has led years of hearings across the country. Transcripts of those hearings, and accounts from hospital administrators, patient advocates, lawyers, family members, and law enforcement officials offer an anthology of Hipaa misinterpretations, some alarming, some annoying:

Birthday parties in nursing homes in New York and Arizona have been canceled for fear that revealing a resident's date of birth could be a violation.

Patients were assigned code names in doctor's waiting rooms—say, "Zebra" for a child in Newton, Mass., or "Elvis" for an adult in Kansas City, Mo.—so they could be summoned without identification.

Nurses in an emergency room at St. Elizabeth Health Center in Youngstown, Ohio, refused to telephone parents of ailing students themselves, insisting a friend do it, for fear of passing out confidential information, the hospital's patient advocate said.

State health departments throughout the country have been slowed in their efforts to create immunization registries for children, according to Dr. James J. Gibson, the director of disease control in South Carolina, because information from doctors no longer flows freely.

Teaching staff to protect records is easier than teaching them to share them, said Robert N. Swidler, general counsel for Northeast Health, a nonprofit network in Troy, N.Y., that includes several hospitals.

"Over time, the staff has become a little more flexible and humane," Mr. Swidler said. "But nurses aren't lawyers. This is a hyper-technical law and it tells them they may disclose but doesn't say they have to."

Many experts, including critics like Mr. Rothstein and proponents like Ms. McAndrew, distinguish different categories of secrecy.

There are "good faith nondisclosures," as when a floor nurse takes a phone call from someone claiming to be a family member but cannot verify that person's identity. Then there are "bad faith nondisclosures," like using Hipaa as an excuse for not taking the time to gather records that public health officials need to help child abuse investigators trying to build a case.

Most common are seat-of-the-pants decisions made by employees who feel safer saying "no" than "yes" in the face of ambiguity.

That seemed to be what happened to his own mother, Mr. Rothstein said, when she called her doctor's office to discuss a problem. She was told by the receptionist that the doctor was not available, Mr. Rothstein said, and then inquired if the doctor was with a patient or out of the office. "I can't tell you because of Hipaa," came the reply. In fact the doctor was home sick, which would have been helpful information in deciding whether to wait for a call back or head for the emergency room.

The law, medical professionals and privacy experts said, has had the positive effect of making confidentiality a priority as the nation moves toward fully computerized, cradle-to-grave medical records.

But safeguarding electronic privacy required a tangle of regulations issued in 2003, followed last year by 101 pages of "administrative simplification."

Senator Edward M. Kennedy, Democrat of Massachusetts, a sponsor of the original insurance portability law, was dismayed by the "bizarre hodgepodge" of regulations layered onto it, several staff members said, and by the department's failure to provide "adequate guidance on what is and is not barred by the law." To that end, Mr. Kennedy, along with Senator Patrick M. Leahy, Democrat of Vermont, plans to introduce legislation creating an office within the Department of Health and Human Services dedicated to interpreting and enforcing medical privacy.

"In this electronic era it is essential to safeguard the privacy of medical records while insuring our privacy laws do not stifle the flow of information fundamental to effective health care," Mr. Kennedy said.

This spring, the department revised its Web site, www.hhs.gov/ocr/hipaa, in the interest of clarity. But Hipaa continues to baffle even the experts.

Ms. McAndrew explained some of the do's and don'ts of sharing information in a telephone interview:

Medical professionals can talk freely to family and friends, unless the patient objects. No signed authorization is necessary and the person receiving the information need not have the legal standing of, say, a health care proxy or power of attorney. As for public health authorities or those investigating crimes like child abuse, Hipaa defers to state laws, which often, though not always, require such disclosure. Medical workers may not reveal confidential information about a patient or case to reporters, but they can discuss general health issues.

Ms. McAndrew said there was no way to know how often information was withheld. Of the 27,778 privacy complaints filed since 2003, the only cases investigated, she said, were complaints filed by patients who were denied access to their own information, the one unambiguous violation of the law.

Complaints not investigated include the plights of adult children looking after their parents from afar. Experts say family members frequently hear, "I can't tell you that because of Hipaa," when they call to check on the patient's condition.

That is what happened to Nancy Banks, who drove from Bartlesville, Okla., to her mother's bedside at Town and Country Hospital in Tampa, Fla., last week because Ms. Banks could not find out what she needed to know over the telephone.

Her 82-year-old mother had had a stroke. When Ms. Banks called her room she heard her mother "screaming and yelling and crying," but conversation was impossible. So Ms. Banks tried the nursing station.

Whoever answered the phone was not helpful, so Ms. Banks hit the road. Twenty-two hours later, she arrived at the hospital.

But more of the same awaited her. She said her mother's nurse told her that "because of the Hipaa laws I can get in trouble if I tell you anything."

In the morning, she could speak to the doctor, she was told.

The next day, Ms. Banks was finally informed that her mother had had heart failure and that her kidneys were shutting down.

"I understand privacy laws, but this has gone too far," Ms. Banks said. "I'm her daughter. This isn't right."

A hospital spokeswoman, Elena Mesa, was asked if nurses were following Hipaa protocol when they denied adult children information about their parents.

She could not answer the question, Ms. Mesa said, because Hipaa prevented her from such discussions with the press.

Mr. KENNEDY. Mr. President, it is a privilege to join my friend and colleague Senator LEAHY in introducing the Protection of Health Information Privacy and Security Act of 2006. Protecting the privacy of patients' health information is a major priority in health reform, and I look forward to the enactment of this legislation to do so.

In 1996, the Senate enacted HIPAA, the Health Insurance Portability and

Accountability Act, which I introduced with Senator Kassebaum. That law gave Americans the ability to continue their health insurance when they changed jobs. It has become clear, however, that the privacy rules under the act have not succeeded in protecting patients adequately.

Since HIPAA became law, numerous privacy bills to protect personal health information have been introduced in Congress, but none of them has been enacted.

In fact, the HIPAA law required the Secretary of Health and Human Services to develop privacy regulations if Congress failed to enact privacy rules by August 1999. When Congress did not act, the Department of Health and Human Services prescribed privacy rules, but its authority to do so under HIPAA was limited to regulating only the privacy-related activities of three specific "covered entities," health care providers, payers, and clearinghouses. Other entities, such as schools, employers, and health agencies, can be regulated only indirectly, as business associates of covered entities, even though many of them also possess confidential health data.

This indirect oversight has made it very difficult to enforce implementation of the Department's safeguards for entities other than the three specifically listed in the HIPAA privacy rule. The result is that Americans continue to be at risk of having their personal medical records and other confidential health information wrongly distributed and exposed without their authorization, and often even without their knowledge.

One common problem involves domestic and offshore outsourcing. HIPAA-covered entities and business associates can hire outside companies, either in the U.S. or in other countries, to do work for them. The tasks of those outside companies may require them to obtain personal health information. There is widespread concern, however, that once this private information leaves the original holder, the legitimacy of any subsequent disclosure of it becomes much more difficult to enforce.

Obviously, we need to revise our approach to health information privacy in order to protect the rights of those who rely on their doctors and their Government to safeguard their private information.

The pending health information technology bill, S. 1693, was the subject of much discussion on this issue. Some feel that the bill should include more extensive privacy regulations than it does. But that measure is not the best vehicle to restructure health-information privacy. Attempting to rewrite privacy rules through health IT legislation would be a piecemeal approach to correcting the shortcomings of privacy protections. The Health Information Privacy and Security Act presents an opportunity to make comprehensive improvements to health privacy protections. Addressing health information privacy through this legislation will ensure the security of patients' information, in any form, electronic or otherwise.

The bill that Senator LEAHY and I are introducing today corrects the longstanding errors in the ways in which confidential patient information is handled and distributed. We live in a time when Americans are increasingly aware of breaches of their privacy. It is essential for us to enact effective reforms to protect all Americans from further infringements on their health privacy.

The system now in place allows much of importance to fall through the cracks. Enforcement has been inadequate. The Office for Civil Rights of the Department of Health and Human Services, which is responsible for the enforcement of HIPAA, has received more than 20,000 complaints, but it has not imposed any civil penalties in response. The Department of Justice has effectively prosecuted only four criminal violations of HIPAA.

A few examples illustrate the problem. In June 2006, the Centers for Medicare and Medicaid reported that the health information of 17,000 Americans whose insurance plans are provided by Humana, Inc. was at risk because of unsecured computer data. Last September, the Government Accountability Office urged Medicare to implement stronger oversight over the transmission of private health records. A GAO survey had found that almost half of all responding Medicare Advantage contractors admitted to recent breaches of privacy of health records. In addition, the number of health plan providers that identified themselves as "mostly compliant" with HIPAA's privacy regulations decreased from 91 percent in 2005 to 85 percent in 2006. These findings demonstrate that patients' right to know and authorize who views their medical information is being neglected.

Americans live in a democracy where they believe, rightly, that they themselves should have the power to decide when, and to whom, their health information is disclosed. The bill we are introducing today will better enable Federal privacy rules to fulfill that expectation.

This bill complements and strengthens Federal privacy regulations by adding more effective oversight and individuals' access to their own personal information. It requires the Secretary of the Department of Health and Human Services to revise the HIPAA Privacy Rule to make it consistent with this act.

The bill gives each American the full ability to obtain and modify any of their health records, whether the records are carried by one of the HIPAA Privacy Rule's three "covered entities" or by any other entity. Except in rare cases, authorization by an individual is required before any other person or entity can disclose, obtain, or use that individual's protected health information.

The bill also addresses the existing outsourcing problem by improving transparency. Any entity that entrusts outside agents or overseas providers with personal health information must publish their names and ensure that they abide by the required privacy and security measures.

The act requires all entities that deal with protected health information in any way to implement safeguards to protect that information. Such entities must also maintain safeguards that are up-to-date with current technology.

Any entity that possesses or obtains an individual's protected health information is required to give that individual a notice of privacy rights and practices, including the individual's right to be alerted if a security breach concerning the information occurs. Individuals are also promised a clear description of who will have access to their personal health information and how the information will be used. In this way, people will always be aware of what is going on with their private information. They will feel more secure about it, and be more secure.

The bill also establishes a demonstration grant program to help those who have low health literacy or limited english-language proficiency to exercise their privacy rights and avoid cultural or linguistic barriers.

This Act also creates a new office in the Department of Health and Human Services, the Office of Health Information Privacy, which will oversee investigations of alleged violations and verify compliance with the act. This office will also be responsible for establishing and implementing standards and product certifications for systems and networks that handle protected health information. Until now, many entities have been confused about how to implement health privacy regulations. This new office will help them understand Federal privacy rules, so that they can conduct their business accordingly.

Federal privacy regulations now in place also make it difficult to prosecute illegal activities. The Office of Health Information Privacy will be charged with resolving this problem. It will do so in part by instituting penalties for wrongful sharing or use of private health information by any entity.

Overall, a delicate balance must be struck. On one hand, we must allow the sharing of information necessary for effective health care. At the same time, however, we must protect Americans' right to have their health records and

individual health information kept private. For too long, the balance has been tilted too far against patient privacy, and our bill is a needed effort to correct that imbalance.

Americans deserve stronger guarantees of patient privacy, more helpful guidelines for security implementation, and more dependable enforcement and penalties for the misuse of protected health information. I look forward to the early enactment of this legislation to achieve these important goals.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 274—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LEWIS V. BAYH

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 274

Whereas, in the case of Lewis v. Bayh, Case No. 07-CV-0939 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendant Senator Evan Bayh;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members, officers, and employees of the Senate in civil actions relating to their official responsibilities; Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Evan Bayh in the case of Lewis v. Bayh.

SENATE RESOLUTION 275—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 275

Resolved, That the following be the minority membership on the Committee on Armed Services for the remainder of the 110th Congress, or until their successors are appointed:

Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, Mr. Martinez, and Mr. Corker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2314. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table.

SA 2315. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2316. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2317. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2318. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2319. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2320. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2321. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2322. Mr. KYL (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2323. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2324. Mr. HAGEL (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2325. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2326. Mr. CARDIN (for himself, Mr. BIDEN, Mr. STEVENS, Mr. BAYH, Mrs. CLINTON, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. KERRY, Mr. VITTER, Mr. ISAKSON, Mr. LAUTENBERG, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2327. Mr. KENNEDY proposed an amendment to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

SA 2328. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table.

SA 2329. Ms. MURKOWSKI proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

SA 2330. Mr. KENNEDY proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

TEXT OF AMENDMENTS

SA 2314. **Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:**

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

"(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

"(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

"(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

"(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to prevent the illegal downloading or peer-to-peer distribution of intellectual property.

"(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

"(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

"(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).".

SA 2315. **Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. LAND CONVEYANCE, LEWIS AND CLARK UNITED STATES ARMY RESERVE CENTER, BISMARCK, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the United Tribes Technical College all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2 acres located at the Lewis and Clark United States Army Reserve Center, 3319 University Drive, Bismarck, North Dakota, for the purpose of supporting Native American education and training.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) EXPIRATION.—The reversionary interest under paragraph (1) shall expire upon satisfaction of the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such subsection for a period of not less than 30 years following the date of the conveyance.

(B) The United Tribes Technical College applies to the Secretary for the release of the reversionary interest.

(C) The Secretary certifies, in a manner that can be filed with the appropriate land recordation office, that the condition under subparagraph (A) has been satisfied.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the United Tribes Technical College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the United Tribes Technical College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the United Tribes Technical College.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 2316. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF UNCONVENTIONAL FUEL.

(a) PROCUREMENT AUTHORIZED.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2922g. Procurement of unconventional fuel

“(a) LONG TERM CONTRACTS FOR UNCONVENTIONAL FUEL.—The Secretary of Defense may enter into contracts for the procurement of unconventional fuel. The term of any contract under this section may be such period as the Secretary considers appropriate, but not more than 25 years.

“(b) WAIVER AUTHORITY.—(1) In procuring unconventional fuel, the Secretary may waive the application of any provision of law prescribing procedures to be followed in the formation of contracts, prescribing terms and conditions to be included in contracts, or regulating the performance of contracts if the Secretary determines that—

“(A) the waiver is necessary to procure such unconventional fuel for Government needs; and

“(B) In case of a contract in excess of 5 years, it would not be possible to procure such unconventional fuel from the source in an economical manner without the use of a contract for a period in excess of five years.

“(2) Any waiver that is applicable to a contract for the procurement of unconventional fuel under this subsection may also, at the election of the Secretary, apply to a subcontract under that contract.

“(c) PRICING AUTHORITY FOR UNCONVENTIONAL FUEL PURCHASED FROM DOMESTIC SOURCES.—(1) The Secretary shall ensure that any purchase of unconventional fuel under a contract under this section is cost effective for the Department of Defense.

“(2) The Secretary may procure unconventional fuel from domestic sources at a price higher than comparable petroleum products, or include a price guarantee for the procurement of unconventional fuel from such sources, if the Secretary determines that—

“(A) such price is necessary to develop or maintain an assured supply of unconventional fuel produced from domestic sources; and

“(B) supplies of unconventional fuel from domestic sources cannot be effectively increased or obtained at lower prices.

“(d) OBLIGATION OF FUNDS.—At the time of award of any contract for the procurement of unconventional fuel under this section in excess of one year, the Secretary may obligate annually funds sufficient to cover the annual costs of the contract. In the event that funds are not available for the continuation of the contract in any subsequent years, the contract shall be cancelled or terminated. The Secretary may fund any cancellation or termination liability out of funds originally available at the time of award, funds currently available at the time termination liability is incurred, or funds specifically appropriated for those payments.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘domestic source’ means a facility (including feedstock) located physically in the United States that produces or generates unconventional fuel.

“(2) The term ‘unconventional fuel’ means transportation fuel that is derived from a feedstock other than conventional petroleum and includes transportation services related to the delivery of such fuel.”.

(b) CLERICAL AMENDMENT.—The table of sections for at the beginning of subchapter II of chapter 173 of such title is amended by adding at the end the following new item:

“2922g. Procurement of unconventional fuel.”.

SA 2317. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 518. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of any State, upon the approval of the Secretary of Defense, may order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b) for the purpose of securing such border; and

(2) to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The following activities are authorized under this subsection:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a Border Patrol agent or an officer of United States Customs and Border Protection.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may only perform activities in another State under subsection (a) pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, may coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, shall coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorizéd activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—

(1) IN GENERAL.—Nondeadly force may be used by members of the National Guard stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien pursuant to subsection (b)(12).

(2) NONDEADLY FORCE DEFINED.—In this subsection, the term "nondeadly force" means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.—The term "State along the southern land border of the United States" means each of the following States:

(A) Arizona.

(B) California.

(C) New Mexico.

(D) Texas.

(i) DURATION OF AUTHORITY.—The authority of this section shall expire on the date on which operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367).

SA 2318. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 518. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367), the Governor of any State, upon the approval of the Secretary of Defense, shall order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b) for the purpose of securing such border; and

(2) to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The following activities are authorized under this subsection:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a Border Patrol agent or an officer of United States Customs and Border Protection.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may only perform activities in another State under subsection (a) pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, shall coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, shall coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—

(1) IN GENERAL.—Nondeadly force may be used by members of the National Guard stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien pursuant to subsection (b)(12).

(2) NONDEADLY FORCE DEFINED.—In this subsection, the term "nondeadly force" means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.—The term "State along the southern land border of the United States" means each of the following States:

(A) Arizona.

(B) California.

(C) New Mexico.

(D) Texas.

(i) DURATION OF AUTHORITY.—The authority of this section shall expire on the date on which operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109-367).

SA 2319. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle __—BORDER SECURITY COOPERATION

SEC. ___. RECRUITMENT OF FORMER MILITARY PERSONNEL.

(a) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to paragraph (1) to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee on the Judiciary of the House of Representatives.

SEC. ___. TECHNOLOGICAL ASSETS.

(a) PROCUREMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Homeland Security shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter to be known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this subsection.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary of Homeland Security and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of Defense, shall submit a report to Congress that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. ___. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in United States Customs and Border Protection (referred to in this section as "CBP").

(b) DEFINITIONS.—In this section:

(1) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—The term "covered members and former members of the Armed Forces" means—

(A) members of the reserve components of the Armed Forces; and

(B) former members of the Armed Forces who separated from service in the Armed Forces during the previous 2 years.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required under subsection (a), the Secretary of Homeland Security and the Secretary of Defense shall consider such incentives, whether monetary or otherwise and whether or not authorized under existing law, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of such report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in CBP after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to CBP as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with CBP.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required under subsection (a) shall include—

(1) a description of various monetary and non-monetary incentives considered for purposes of the report;

(2) an assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the CBP after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2); and

(3) any other matters that the Secretaries jointly consider appropriate.

SA 2320. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. ESTABLISHMENT OF ADDITIONAL STRYKER BRIGADE COMBAT TEAM.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by $317,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard, as increased by subsection (a), $317,000,000 may be available for the establishment of a Stryker Brigade Combat Team composed of elements of the California National Guard, the Nevada National Guard, and the Oregon National Guard.

SA 2321. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they were exposed to drinking water contaminated with tetrachloroethylene (PCE) at levels well above the maximum safety level established by the Environmental Protection Administration.

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than 120 days after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they were exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR studies of the Tarawa Terrace and Hadnot Point water distribution systems of the drinking water contamination to which they were exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress finds that notification and survey efforts related to the drinking water contamination described in this section are necessary due to the duration of exposure and negative health impacts of these contaminants.

(2) NATIONAL OPINION AND RESEARCH COUNCIL HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the National Opinion and Research Council, in conjunction with ATSDR, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may be associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to, but not substitution for, direct notification of individuals described under subsections (a), (b), and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for fiscal year 2008 to carry out this section.

SA 2322. Mr. KYL (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. OPERATION JUMP START.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $400,000,000 may be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for Operation Jump Start.

SA 2323. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

SEC. 4002. DEFINITIONS.

In this division—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(d) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the General Services Administration; and

"(vi) the Office of Management and Budget; and

"(C) 4 representatives of veterans service organizations, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through increased use of contract reservations, expanded mentor-protégé assistance, and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

"(E) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting "any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37," after "any women's business center operating pursuant to section 29,".

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

"(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(3) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4), requiring matching funds, shall not apply to grants awarded under this section.

"(f) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount—

"(A) not less than $75,000 per fiscal year; and

"(B) not greater than $300,000 per fiscal year.

"(g) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

"(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program authorized by this section only with amounts appropriated in advance specifically to carry out this section.".

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.".

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SA 2324. Mr. HAGEL (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. SYNTHETIC FUEL TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Synthetic fuel technologies are mature, known technologies that are used around the world.

(2) With sizable coal reserves, the United States is ideally suited for the use of synthetic fuel technologies to produce alternatives for petroleum products.

(3) It is in the best interest of the national security of the United States to develop and commercialize a synthetic fuels industry.

(b) DEPARTMENT OF DEFENSE REQUIREMENTS FOR UTILIZATION OF SYNTHETIC FUEL.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2263. Fuel: minimum requirements for utilization of synthetic fuel

"(a) IN GENERAL.—Of the total amount of fuel utilized by the Department of Defense in a calendar year, the percentage of such fuel that is synthetic fuel shall be the percentage as follows:

"(1) In the first applicable utilization year, 5 percent.

"(2) Except as provided in subsection (c), in any year after the first applicable utilization year, a percentage that is 5 greater than the percentage of utilization in the preceding year under this section.

"(b) FIRST APPLICABLE UTILIZATION YEAR.—For purposes of subsection (a)(1), the first applicable utilization year for synthetic fuel shall be the earlier of the following:

"(1) The first calendar year after the Secretary Defense certifies to Congress that at least 50 percent of the aircraft fleet of the Department has the proven capability to utilize synthetic fuel without—

"(A) any adverse effect on the aircraft engines of such fleet;

"(B) any adverse effect on the overall performance of the aircraft; and

"(C) any adverse effect on health and safety of the aircrew, passengers, and maintenance crew.

"(2) 2017.

"(c) EXCEPTION.—If as of December 31 of any year in which subsection (a) is in effect the average price of crude petroleum (as determined by the Secretary of Energy in 2007 constant dollars) is less then $40 per barrel, paragraph (2) of that subsection shall not be operative in the succeeding year.

"(d) MAXIMUM PERCENTAGE.—(1) The maximum percentage of the fuel utilized by the Department that is required by this section to be synthetic fuel is 50 percent.

"(2) Nothing in paragraph (1) shall be construed to limit the percentage of fuel utilized by the Department that is synthetic fuel.

"(e) SYNTHETIC FUEL DEFINED.—In this section, the term 'synthetic fuel' means the following:

"(1) A fuel made using the Fischer-Tropche process.

"(2)(A) Subject to subparagraph (B), a fuel made using any of the following feedstocks:

"(i) Coal.

"(ii) Natural gas.

"(iii) Petcoke.

"(iv) Biomass.

"(B) A fuel made using a feedstock referred to in clauses (ii) through (iv) is a synthetic fuel only if the British thermal unit (Btu)content per gallon of the fuel so made is equal to or greater than the British thermal unit content per gallon of synthetic fuel made using coal as a feedstock.

"(3) Any other fuel jointly specified by the Secretary of Defense and the Secretary of Energy for purposes of this section but only if the British thermal unit content per gallon of the fuel so specified is equal to or greater than the British thermal unit content per gallon of synthetic fuel made using coal as a feedstock in a Fischer-Tropche process.".

(2) CLERICAL AMENDMENT.—The table of section at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2263. Fuel: minimum requirements for utilization of synthetic fuel.".

(c) COMMERCIAL AIRCRAFT STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Energy and the Administrator of the Federal Aviation Administration, conduct a study on aircraft engines and airframes for non-fighter aircraft, including commercial aircraft, to determine the quantity of fuel produced using synthetic fuel technology that may be used without compromising health, safety, or longevity of such engines and airframes, including an analysis of any environmental benefits from using the fuel.

(2) REPORT.—Not later than 180 days after the date of the completion of the study under paragraph (1), the Secretary of Defense shall submit to Congress a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretary of Defense.

(d) SYNTHETIC FUEL DEFINED.—In this section, the term "synthetic fuel" has the meaning given that term in section 2263(e) of title 10, United States Code (as added by subsection (b)).

SA 2325. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. LIMITATIONS ON REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

Not more than 40 missiles may be removed from the 564th Missile Squadron until the later of the following dates:

(1) The date of the submittal to Congress of a report by the Department of Defense that identifies additional missions (including additional missions for any of the Armed Forces) that could be located at Malmstrom Air Force Base, Montana.

(2) December 31, 2008.

SA 2326. Mr. CARDIN (for himself, Mr. BIDEN, Mr. STEVENS, Mr. BAYH, Mrs. CLINTON, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. KERRY, Mr. VITTER, Mr. ISAKSON, Mr. LAUTENBERG, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting after chapter 1103 the following new chapter:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Tax-exempt status required as condition of charter.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.
"120112. Definition.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 120102. Purposes

"The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

"(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

"(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

"(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

"(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

"(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

"(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"§ 120107. Tax-exempt status required as condition of charter

"If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

“§ 120108. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

“§ 120109. Service of process

“The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

“§ 120110. Liability for acts of officers and agents

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

“§ 120111. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

“§ 120112. Definition

“For purposes of this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

“1201. Korean War Veterans Association, Incorporated .... 120101”.

SA 2327. Mr. KENNEDY proposed an amendment to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Higher Education Access Act of 2007”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

TITLE I—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. TUITION SENSITIVITY.

(a) AMENDMENT.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by striking paragraph (3).

(b) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out the amendment made by subsection (a), $5,000,000 for fiscal year 2008.

SEC. 102. PROMISE GRANTS.

(a) AMENDMENT.—Subpart 1 of part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

“SEC. 401B. PROMISE GRANTS.

“(a) GRANTS.—

“(1) IN GENERAL.—From amounts appropriated under subsection (e) for a fiscal year and subject to subsection (b), the Secretary shall award grants to students in the same manner as the Secretary awards Federal Pell Grants to students under section 401, except that—

“(A) at the beginning of each award year, the Secretary shall establish a maximum and minimum award level based on amounts made available under subsection (e);

“(B) the Secretary shall only award grants under this section to students eligible for a Federal Pell Grant for the award year; and

“(C) when determining eligibility for the awards under this section, the Secretary shall consider only those students who submitted a Free Application for Federal Student Aid or other common reporting form under section 483 as of July 1 of the award year for which the determination is made.

“(2) STUDENTS WITH THE GREATEST NEED.—The Secretary shall ensure grants are awarded under this section to students with the greatest need as determined in accordance with section 471.

“(b) COST OF ATTENDANCE LIMITATION.—A grant awarded under this section for an award year shall be awarded in an amount that does not exceed—

“(1) the student's cost of attendance for the award year; less

“(2) an amount equal to the sum of—

“(A) the expected family contribution for the student for the award year; and

“(B) any Federal Pell Grant award received by the student for the award year.

“(c) SUPPLEMENT NOT SUPPLANT.—Grants awarded from funds made available under subsection (e) shall be used to supplement, and not supplant, other Federal, State, or institutional grant funds.

“(d) USE OF EXCESS FUNDS.—

“(1) FIFTEEN PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by 15 percent or less, then all of the excess funds shall remain available for making grant payments under this section during the next succeeding fiscal year.

“(2) MORE THAN FIFTEEN PERCENT.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by more than 15 percent, then all of such funds shall remain available for making such grant payments but grant payments may be made under this paragraph only with respect to awards for that fiscal year.

“(e) AUTHORIZATION AND APPROPRIATION OF FUNDS.—

“(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out this section—

“(A) $2,620,000,000 for fiscal year 2008;

“(B) $3,040,000,000 for fiscal year 2009;

“(C) $3,460,000,000 for fiscal year 2010;

“(D) $3,900,000,000 for fiscal year 2011;

“(E) $4,020,000,000 for fiscal year 2012;

“(F) $10,000,000 for fiscal year 2013; and

“(G) $3,200,000,000 for each of the fiscal years 2014 through 2017.

“(2) AVAILABILITY OF FUNDS.—Funds appropriated under paragraph (1) for a fiscal year shall remain available through the last day of the fiscal year immediately succeeding the fiscal year for which the funds are appropriated.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

TITLE II—STUDENT LOAN BENEFITS, TERMS, AND CONDITIONS

SEC. 201. DEFERMENTS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking “3 years” and inserting “6 years”.

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking “3 years” and inserting “6 years”.

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking “3 years” and inserting “6 years”.

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking “3 years” and inserting “6 years”.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to the loans made to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 202. STUDENT LOAN DEFERMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M)(iii) (20 U.S.C. 1078(b)(1)(M)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking “not in excess of 3 years”;

(2) in subclause (II), by striking “; or” and inserting a comma; and

(3) by adding at the end the following:

“and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or”.

(b) DIRECT LOANS.—Section 455(f)(2)(C) (20 U.S.C. 1087e(f)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking “not in excess of 3 years”;

(2) in clause (ii), by striking “; or” and inserting a comma; and

(3) by adding at the end the following:

“and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or”.

(c) PERKINS LOANS.—Section 464(c)(2)(A)(iii) (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking “not in excess of 3 years”;

(2) in subclause (II), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

“and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);”.

(d) APPLICABILITY.—Section 8007(f) of the Higher Education Reconciliation Act of 2005 (20 U.S.C. 1078 note) is amended by striking “loans for which” and all that follows through the period at the end and inserting “all loans under title IV of the Higher Education Act of 1965.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 203. INCOME-BASED REPAYMENT PLANS.

(a) FFEL.—Section 428 (as amended by sections 201(b) and 202(a)) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking “income contingent” and inserting “income-based”; and

(ii) in subparagraph (E)(i), by striking “income-sensitive” and inserting “income-based”; and

(B) by striking clause (iii) of paragraph (9)(A) and inserting the following:

“(iii) an income-based repayment plan, with parallel terms, conditions, and benefits as the income-based repayment plan described in subsections (e) and (d)(1)(D) of section 455, except that—

“(I) the plan described in this clause shall not be available to a borrower of an excepted PLUS loan (as defined in section 455(e)(10)) or of a loan made under 428C that includes an excepted PLUS loan;

“(II) in lieu of the process of obtaining Federal income tax returns and information from the Internal Revenue Service, as described in section 455(e)(1), the borrower shall provide the lender with a copy of the Federal income tax return and return information for the borrower (and, if applicable, the borrower's spouse) for the purposes described in section 455(e)(1), and the lender shall determine the repayment obligation on the loan, in accordance with the procedures developed by the Secretary;

“(III) in lieu of the requirements of section 455(e)(3), in the case of a borrower who chooses to repay a loan made, insured, or guaranteed under this part pursuant to income-based repayment and for whom the adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, the borrower shall provide the lender with other documentation of income that the Secretary has determined is satisfactory for similar borrowers of loans made under part D;

“(IV) the Secretary shall pay any interest due and not paid for under the repayment schedule described in section 455(e)(4) for a loan made, insured, or guaranteed under this part in the same manner as the Secretary pays any such interest under section 455(e)(6) for a Federal Direct Stafford Loan;

“(V) the Secretary shall assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under this part (other than an excepted PLUS Loan or a loan under section 428C that includes an excepted PLUS loan), for a borrower who satisfies the requirements of subparagraphs (A) and (B) of section 455(e)(7), in the same manner as the Secretary cancels such outstanding balance under section 455(e)(7); and

“(VI) in lieu of the notification requirements under section 455(e)(8), the lender shall notify a borrower of a loan made, insured, or guaranteed under this part who chooses to repay such loan pursuant to income-based repayment of the terms and conditions of such plan, in accordance with the procedures established by the Secretary, including notification that—

“(aa) the borrower shall be responsible for providing the lender with the information necessary for documentation of the borrower's income, including income information for the borrower's spouse (as applicable); and

“(bb) if the borrower considers that special circumstances warrant an adjustment, as described in section 455(e)(8)(B), the borrower may contact the lender, and the lender shall determine whether such adjustment is appropriate, in accordance with the criteria established by the Secretary; and”;

(2) in subsection (e)—

(A) in the subsection heading, by striking “INCOME-SENSITIVE” and inserting “INCOME-BASED”;

(B) in paragraph (1)—

(i) by striking “income-sensitive repayment” and inserting “income-based repayment”; and

(ii) by inserting “and for the public service loan forgiveness program under section 455(m), in accordance with section 428C(b)(5)” before the semicolon; and

(C) in paragraphs (2) and (3), by striking “income-sensitive” each place the term occurs and inserting “income-based”; and

(3) in subsection (m)—

(A) in the subsection heading, by striking “INCOME CONTINGENT” and inserting “INCOME-BASED”;

(B) in paragraph (1), by striking “income contingent repayment plan” and all that follows through the period at the end and inserting “income-based repayment plan as described in subsection (b)(9)(A)(iii) and section 455(d)(1)(D).”; and

(C) in the paragraph heading of paragraph (2), by striking “INCOME CONTINGENT” and inserting “INCOME-BASED”.

(b) CONSOLIDATION LOANS.—Section 428C (20 U.S.C. 1078-3) is amended—

(1) in subsection (a)(3)(B)(i)(V), by striking “for the purposes of obtaining an income contingent repayment plan,” and inserting “for the purpose of using the public service loan forgiveness program under section 455(m),”;

(2) in subsection (b)(5)—

(A) in the first sentence, by striking “, or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender,” and inserting “, or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m),”; and

(B) in the second sentence, by striking “income contingent repayment under part D of this title” and inserting “income-based repayment”; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking “of graduated or income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary.” and inserting “of graduated repayment schedules, established by the lender in accordance with the regulations of the Secretary, and income-based repayment schedules, established pursuant to regulations by the Secretary.”; and

(ii) in the second sentence, by striking “Except as required” and all that follows through “subsection (b)(5),” and inserting “Except as required by such income-based repayment schedules,”; and

(B) in paragraph (3)(B), by striking “income contingent repayment offered by the Secretary under subsection (b)(5)” and inserting “income-based repayment”.

(c) DIRECT LOANS.—Section 455 (as amended by sections 201(c) and 202(b)) (20 U.S.C. 1087e) is further amended—

(1) in subsection (d)—

(A) in paragraph (1)(D)—

(i) by striking “income contingent repayment plan” and inserting “income-based repayment plan”; and

(ii) by striking “a Federal Direct PLUS loan” and inserting “an excepted PLUS loan or any Federal Direct Consolidation Loan that includes an excepted PLUS loan (as defined in subsection (e)(10))”; and

(B) in paragraph (5)(B), by striking “income contingent” and inserting “income-based”; and

(2) in subsection (e)—

(A) in the subsection heading, by striking “INCOME CONTINGENT” and inserting “INCOME-BASED”;

(B) in paragraphs (1), (2), and (3), by striking “income contingent” each place the term appears and inserting “income-based”;

(C) in paragraph (4)—

(i) by striking “Income contingent” and inserting “Income-based”; and

(ii) by striking “Secretary.” and inserting “Secretary, except that the monthly required payment under such schedule shall not exceed 15 percent of the result obtained by calculating the amount by which—

“(A) the borrower's adjusted gross income; exceeds

“(B) 150 percent of the poverty line applicable to the borrower's family size, as determined under section 673(2) of the Community Service Block Grant Act,

divided by 12.”;

(D) in paragraph (5), by striking “income contingent” and inserting “income-based”;

(E) by redesignating paragraph (6) as paragraph (8);

(F) by inserting after paragraph (5) the following:

“(6) TREATMENT OF INTEREST.—In the case of a Federal Direct Stafford Loan, any interest due and not paid for under paragraph (2) shall be paid by the Secretary.

“(7) LOAN FORGIVENESS.—The Secretary shall cancel the obligation to repay an outstanding balance of principal and interest due on all loans made under this part, or assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under part B, (other than an excepted PLUS Loan, or any Federal Direct Consolidation Loan or loan under section 428C that includes an excepted PLUS loan) to a borrower who—

“(A) makes the election under this subsection or under section 428(b)(9)(A)(iii); and

“(B) for a period of time prescribed by the Secretary not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 of the following requirements with respect to each payment made during such period:

“(i) Has made the payment under this subsection or section 428(b)(9)(A)(iii).

“(ii) Has made the payment under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

“(iii) Has made a payment that counted toward the maximum repayment period under income-sensitive repayment under section 428(b)(9)(A)(iii) or income contingent repayment under section 455(d)(1)(D), as each such section was in effect on June 30, 2008.

“(iv) Has made a reduced payment of not less than the amount required under subsection (e), pursuant to a forbearance agreement under section 428(c)(3)(A)(i) for a borrower described in 428(c)(3)(A)(i)(II).”;

(G) in the matter preceding subparagraph (A) of paragraph (8) (as redesignated by subparagraph (E)), by striking “income contingent” and inserting “income-based”; and

(H) by adding at the end the following:

“(9) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-based repayment may choose, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.

"(10) Definition of excepted PLUS loan.—In this subsection, the term 'excepted PLUS loan' means a Federal Direct PLUS loan or a loan under section 428B that is made, insured, or guaranteed on behalf of a dependent student.".

(d) Conforming Amendments and Technical Corrections.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(H) (20 U.S.C. 1077(a)(2)(H))—

(A) by striking "or income-sensitive"; and

(B) by inserting "or income-based repayment schedule established pursuant to regulations by the Secretary" before the semicolon at the end; and

(2) in section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)), by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)".

(e) Transition Provision.—A student who, as of June 30, 2008, elects to repay a loan under part B or part D of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) through an income-sensitive repayment plan under section 428(b)(9)(A)(iii) of such Act (20 U.S.C. 1078(b)(9)(A)(iii)) or an income contingent repayment plan under section 455(d)(1)(D) of such Act (20 U.S.C. 1087e(d)(1)(D)) (as each such section was in effect on the day before the date of enactment of this Act) shall have the option to continue repayment under such section (as such section was in effect on such day), or may elect, beginning on July 1, 2008, to use the income-based repayment plan under section 428(b)(9)(A)(iii) or 455(d)(1)(D) (as applicable) of the Higher Education Act of 1965, as amended by this section.

(f) Effective Date and Applicability.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

TITLE III—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 301. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) Amendment.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended—

(1) in the matter preceding clause (i), by striking "insures 98 percent" and inserting "insures 97 percent";

(2) in clause (i), by inserting "and" after the semicolon;

(3) by striking clause (ii); and

(4) by redesignating clause (iii) as clause (ii).

(b) Effective Date.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 302. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent'; and

"(II) beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '24 percent'.".

SEC. 303. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) Elimination of Status.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) Conforming Amendments.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007, except that section 428I of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of this Act) shall apply to eligible lenders that received a designation under subsection (a) of such section prior to October 1, 2007, for the remainder of the year for which the designation was made.

SEC. 304. DEFINITIONS.

(a) Amendments.—Section 435 (20 U.S.C. 1085) is amended—

(1) in subsection (o)(1)—

(A) in subparagraph (A)(ii), by striking "100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size"; and

(B) in subparagraph (B)(ii), by striking "to a family of two" and inserting "to the borrower's family size"; and

(2) by adding at the end the following:

"(p) Eligible Not-for-Profit Holder.—

"(1) Definition of eligible not-for-profit holder.—The term 'eligible not-for-profit holder' means an eligible lender under subsection (d) (except for an eligible lender described in subsection (d)(1)(E)) that requests a special allowance payment under section 438(b)(2)(I)(vi)(II) and that is—

"(A) a State of the United States, or a political subdivision thereof, or an authority, agency, or other instrumentality thereof (including such entities that are eligible to issue bonds described in section 1.103–1 of title 26, Code of Federal Regulations, or section 144(b) of the Internal Revenue Code of 1986);

"(B) an entity described in section 150(d)(2) of such Code that has not made the election described in section 150(d)(3) of such Code;

"(C) an entity described in section 501(c)(3) of such Code; or

"(D) a trustee acting as an eligible lender on behalf of an entity described in subparagraph (A), (B), or (C),

except that no entity described in subparagraph (A), (B), or (C) shall be owned or controlled in whole or in part by a for-profit entity.

"(2) Prohibition.—In the case of a loan for which the special allowance payment is calculated under section 438(b)(2)(I)(vi)(II) and that is sold by the eligible not-for-profit holder holding the loan to a for-profit entity or to an entity that is not an eligible not-for-profit holder, the special allowance payment for such loan shall, beginning on the date of the sale, no longer be calculated under section 438(b)(2)(I)(vi)(II) and shall be calculated under section 438(b)(2)(I)(vi)(I) instead.

"(3) Regulations.—Not later than 1 year after the date of enactment of the Higher Education Access Act of 2007, the Secretary shall promulgate regulations in accordance with the provisions of this subsection.".

(b) Applicability.—The amendment made by subsection (a)(1) shall only apply with respect to any borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 305. SPECIAL ALLOWANCES.

(a) Reduction of Lender Special Allowance Payments.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking "(iii), and (iv)" and inserting "(iii), (iv), and (vi)"; and

(2) by adding at the end the following:

"(vi) Reduction for loans disbursed on or after October 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

"(I) for loans held by an eligible lender not described in subclause (II)—

"(aa) by substituting '1.24 percent' for '1.74 percent' in clause (ii);

"(bb) by substituting '1.84 percent' for '2.34 percent' each place the term appears in this subparagraph;

"(cc) by substituting '1.84 percent' for '2.64 percent' in clause (iii); and

"(dd) by substituting '2.14 percent' for '2.64 percent' in clause (iv); and

"(II) for loans held by an eligible not-for-profit holder—

"(aa) by substituting '1.99 percent' for '2.34 percent' each place the term appears in this subparagraph;

"(bb) by substituting '1.39 percent' for '1.74 percent' in clause (ii);

"(cc) by substituting '1.99 percent' for '2.64 percent' in clause (iii); and

"(dd) by substituting '2.29 percent' for '2.64 percent' in clause (iv).".

(b) Increased Loan Fees From Lenders.—Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

"(2) Amount of loan fees.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007.".

TITLE IV—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

SEC. 401. LOAN FORGIVENESS FOR PUBLIC SERVICE EMPLOYEES.

Section 455 (as amended by sections 201(c), 202(b), and 203(c)) (20 U.S.C. 1087e) is further amended by adding at the end the following:

"(m) Repayment Plan for Public Service Employees.—

"(1) In general.—The Secretary shall cancel the balance of interest and principal due, in accordance with paragraph (2), on any eligible Federal Direct Loan not in default for an eligible borrower who—

"(A) has made 120 monthly payments on the Federal Direct Loan after October 1, 2007, pursuant to any combination of—

"(i) payments under an income-based repayment plan under section 455(d)(1)(D);

"(ii) payments under a standard repayment plan under section 455(d)(1)(A); or

"(iii) monthly payments under a repayment plan under section 455(d)(1) of not less than the monthly amount calculated under section 455(d)(1)(A); and

"(B)(i) is employed in a public service job at the time of such forgiveness; and

"(ii) has been employed in a public service job during the period in which the borrower makes each of the 120 payments described in subparagraph (A).

"(2) LOAN CANCELLATION AMOUNT.—After the conclusion of the employment period described in paragraph (1), the Secretary shall cancel the obligation to repay, for each year during such period described in paragraph (1)(B)(ii) for which the eligible borrower submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings were less than or equal to $65,000, 1/10 of the amount of the balance of principal and interest due as of the time of such cancellation, on the eligible Federal Direct Loans made to the borrower under this part.

"(3) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE BORROWER.—The term 'eligible borrower' means a borrower who submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings is less than or equal to $65,000.

"(B) ELIGIBLE FEDERAL DIRECT LOAN.—The term 'eligible Federal Direct Loan' means a Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Loan, or a Federal Direct Consolidation Loan if such consolidation loan was obtained by the borrower under section 428C(b)(5) or in accordance with section 428C(a)(3)(B)(i)(V).

"(C) PUBLIC SERVICE JOB.—In this paragraph, the term 'public service job' means—

"(i) a full-time job in public emergency management, government, public safety, public law enforcement, public health, public education, public early childhood education, public child care, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services (including prosecution or public defense), public library sciences, public school library sciences, or other public school-based services; or

"(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b).".

SEC. 402. UNIT COST CALCULATION FOR GUARANTY AGENCY ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended—

(1) by striking "Account" and inserting the following:

"(1) FOR FISCAL YEARS 2006 AND 2007.—For each of the fiscal years 2006 and 2007, account"; and

(2) by adding at the end the following:

"(2) FOR FISCAL YEAR 2008 AND SUCCEEDING FISCAL YEARS.—

"(A) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B).

"(B) AMOUNT DETERMINATION.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

"(i) establish the per-loan cost basis amount by dividing the total amount of account maintenance fees paid under subsection (a)(3) for fiscal year 2006 by the number of loans under part B that were outstanding for that fiscal year; and

"(ii) for subsequent fiscal years, adjust the amount determined under clause (i) as the Secretary determines necessary to account for inflation.".

TITLE V—FEDERAL PERKINS LOANS

SEC. 501. DISTRIBUTION OF LATE COLLECTIONS.

Section 466(b) (20 U.S.C. 1087ff(b)) is amended by striking "March 31, 2012" and inserting "September 30, 2012".

TITLE VI—NEED ANALYSIS

SEC. 601. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as follows:

"(D) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478):

"(i) for academic year 2009-2010, $3,750;

"(ii) for academic year 2010-2011, $4,500;

"(iii) for academic year 2011-2012, $5,250; and

"(iv) for academic year 2012-2013, $6,000;".

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

"(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478):

"(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2)—

"(aa) for academic year 2009-2010, $7,000;

"(bb) for academic year 2010-2011, $7,780;

"(cc) for academic year 2011-2012, $8,550; and

"(dd) for academic year 2012-2013, $9,330; and

"(II) for married students where 1 is enrolled pursuant to subsection (a)(2)—

"(aa) for academic year 2009-2010, $11,220;

"(bb) for academic year 2010-2011, $12,460;

"(cc) for academic year 2011-2012, $13,710; and

"(dd) for academic year 2012-2013, $14,960;".

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Paragraph (4) of section 477(b) (20 U.S.C. 1087qq(b)(4)) is amended to read as follows:

"(4) INCOME PROTECTION ALLOWANCE.—The income protection allowance is determined by the tables described in subparagraphs (A) through (D) (or a successor table prescribed by the Secretary under section 478).

"(A) ACADEMIC YEAR 2009-2010.—For academic year 2009-2010, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$17,720	$14,690			
3	22,060	19,050	$16,020		
4	27,250	24,220	21,210	$18,170	
5	32,150	29,120	26,100	23,070	$20,060
6	37,600	34,570	31,570	28,520	25,520

NOTE: For each additional family member, add $4,240. For each additional college student, subtract $3,020.

"(B) ACADEMIC YEAR 2010-2011.—For academic year 2010-2011, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$19,690	$16,330			
3	24,510	21,160	$17,800		
4	30,280	26,910	23,560	$20,190	
5	35,730	32,350	29,000	25,640	$22,290
6	41,780	38,410	35,080	31,690	28,350

NOTE: For each additional family member, add $4,710. For each additional college student, subtract $3,350.

"(C) ACADEMIC YEAR 2011-2012.—For academic year 2011-2012, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$21,660	$17,960			

"Income Protection Allowance—Continued

Family Size	Number in College				
	1	2	3	4	5
3	26,960	23,280	$19,580		
4	33,300	29,600	25,920	$22,210	
5	39,300	35,590	31,900	28,200	$24,520
6	45,950	42,250	38,580	34,860	31,190

NOTE: For each additional family member, add $5,180. For each additional college student, subtract $3,690.

"(D) ACADEMIC YEAR 2012–2013.—For academic year 2012–2013, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
.	$23,630	$19,590			
3	29,420	25,400	$21,360		
4	36,330	32,300	28,280	$24,230	
5	42,870	38,820	34,800	30,770	$26,750
6	50,130	46,100	42,090	38,030	34,020

NOTE: For each additional family member, add $5,660. For each additional college student, subtract $4,020.".

(d) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) REVISED TABLES.—

"(A) IN GENERAL.—For each academic year after academic year 2008–2009, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of such sections, subject to subparagraphs (B) and (C).

"(B) TABLE FOR INDEPENDENT STUDENTS.—

"(i) ACADEMIC YEARS 2009–2010 THROUGH 2012–2013.—For each of the academic years 2009–2010 through 2012–2013, the Secretary shall not develop a revised table of income protection allowances under section 477(b)(4) and the table specified for such academic year under subparagraphs (A) through (D) of such section shall apply.

"(ii) OTHER ACADEMIC YEARS.—For each academic year after academic year 2012–2013, the Secretary shall develop the revised table of income protection allowances by increasing each of the dollar amounts contained in the table of income protection allowances under section 477(b)(4)(D) by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.

"(C) TABLE FOR PARENTS.—For each academic year after academic year 2008–2009, the Secretary shall develop the revised table of income protection allowances under section 475(c)(4) by increasing each of the dollar amounts contained in the table by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10."; and

(2) in paragraph (2), by striking "shall be developed" and all that follows through the period at the end and inserting "shall be developed for each academic year after academic year 2012–2013, by increasing each of the dollar amounts contained in such section for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 602. AUTOMATIC ZERO IMPROVEMENTS.

(a) IN GENERAL.—Section 479(c) (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking "20,000" and inserting "$30,000"; and

(2) in paragraph (2)(B), by striking "$20,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 603. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

The third sentence of section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by inserting "or an independent student" after "family member"; and

(2) by inserting "a change in housing status that results in homelessness (as defined in section 103 of the McKinney-Vento Homeless Assistance Act)," after "under section 487,".

SEC. 604. DEFINITIONS.

(a) IN GENERAL.—Section 480 (20 U.S.C. 1087vv) is amended—

(1) in subsection (a)(2)—

(A) by striking "and no portion" and inserting "no portion"; and

(B) by inserting "and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax," after "1986,";

(2) in subsection (d)—

(A) by redesignating paragraphs (1), (2), (3) through (6), and (7) as subparagraphs (A), (B), (D) through (G), and (I), respectively, and indenting appropriately;

(B) by striking "INDEPENDENT STUDENT.—The term" and inserting "INDEPENDENT STUDENT.—

"(1) DEFINITION.—The term";

(C) by striking subparagraph (B) (as redesignated by subparagraph (A)) and inserting the following:

"(B) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;

"(C) is an emancipated minor or is in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;";

(D) in subparagraph (G) (as redesignated by subparagraph (A)), by striking "or" after the semicolon;

(E) by inserting after subparagraph (G) (as redesignated by subparagraph (A)) the following:

"(H) has been verified as an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) during the school year in which the application is submitted, by—

"(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

"(ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; or

"(iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or"; and

(F) by adding at the end the following:

"(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under paragraph (1)(I) based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.";

(3) in subsection (e)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) special combat pay.";

(4) in subsection (f), by striking paragraph (3) and inserting the following:

"(3) A qualified education benefit shall be considered an asset of—

"(A) the student if the student is an independent student; or

"(B) the parent if the student is a dependent student, regardless of whether the owner of the account is the student or the parent.";

(5) in subsection (j)—

(A) in paragraph (2), by inserting ", or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code," after "1986"; and

(B) by adding at the end the following:

"(4) Notwithstanding paragraph (1), special combat pay shall not be treated as estimated financial assistance for purposes of section 471(3)."; and

(6) by adding at the end the following:

"(n) SPECIAL COMBAT PAY.—The term 'special combat pay' means pay received by a member of the Armed Forces because of exposure to a hazardous situation.".

SEC. 605. AUTHORIZATION AND APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 for fiscal year 2008 for the Department of Education to pay the estimated increase in costs in the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) resulting from the amendments made by sections 603 and 604 for award year 2007-2008.

TITLE VII—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 701. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484(r) (20 U.S.C. 1091(r)) is amended—

(1) in the table in paragraph (1), by inserting "while such student is enrolled in an institution of higher education and receiving financial assistance under this title" after "of a controlled substance" each place the term appears;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(4) INTERACTION WITH FAFSA.—The Secretary shall not require a student to provide information regarding the student's possession or sale of a controlled substance on the Free Application for Federal Student Aid (FAFSA) or any other common financial reporting form described in section 483(a).".

(b) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2008 for the Department of Education to pay the estimated increase in costs in the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) resulting from the amendments made by subsection (a) for award year 2007-2008.

TITLE VIII—MISCELLANEOUS

SEC. 801. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"PART I—COMPETITIVE LOAN AUCTION PILOT PROGRAM; STATE GRANT PROGRAM

"SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE FEDERAL PLUS LOAN.—The term 'eligible Federal PLUS Loan' means a loan described in section 428B made to a parent of a dependent student.

"(2) ELIGIBLE LENDER.—The term 'eligible lender' has the meaning given the term in section 435.

"(b) PILOT PROGRAM.—The Secretary shall carry out a pilot program under which the Secretary establishes a mechanism for an auction of eligible Federal PLUS Loans in accordance with this subsection. The pilot program shall meet the following requirements:

"(1) PLANNING AND IMPLEMENTATION.—During the period beginning on the date of enactment of this section and ending on June 30, 2009, the Secretary shall plan and implement the pilot program under this subsection.

"(2) ORIGINATION AND DISBURSEMENT; APPLICABILITY OF SECTION 428B.—Beginning on July 1, 2009, the Secretary shall arrange for the origination and disbursement of all eligible Federal PLUS Loans in accordance with the provisions of this subsection and the provisions of section 428B that are not inconsistent with this subsection.

"(3) LOAN ORIGINATION MECHANISM.—The Secretary shall establish a loan origination auction mechanism that meets the following requirements:

"(A) AUCTION.—The Secretary administers an auction under this paragraph for each State under which eligible lenders compete to originate eligible Federal PLUS Loans under this paragraph at all institutions of higher education within the State.

"(B) PREQUALIFICATION PROCESS.—The Secretary establishes a prequalification process for eligible lenders desiring to participate in an auction under this paragraph that contains, at a minimum—

"(i) a set of borrower benefits and servicing requirements each eligible lender shall meet in order to participate in such an auction; and

"(ii) an assessment of each such eligible lender's capacity, including capital capacity, to participate effectively.

"(C) TIMING AND ORIGINATION.—Each State auction takes place every 2 years, and the eligible lenders with the winning bids for the State are the only eligible lenders permitted to originate eligible Federal PLUS Loans made under this paragraph for the cohort of students at the institutions of higher education within the State until the students graduate from or leave the institutions of higher education.

"(D) BIDS.—Each eligible lender's bid consists of the amount of the special allowance payment (including the recapture of excess interest) the eligible lender proposes to accept from the Secretary with respect to the eligible Federal PLUS Loans made under this paragraph in lieu of the amount determined under section 438(b)(2)(I).

"(E) MAXIMUM BID.—The maximum bid allowable under this paragraph shall not exceed the amount of the special allowance payable on eligible Federal PLUS Loans made under this paragraph computed under section 438(b)(2)(I) (other than clauses (ii), (iii), (iv), and (vi) of such section), except that for purposes of the computation under this subparagraph, section 438(b)(2)(I)(i)(III) shall be applied by substituting '1.74 percent' for '2.34 percent'.

"(F) WINNING BIDS.—The winning bids for each State auction shall be the 2 bids containing the lowest and the second lowest proposed special allowance payments, subject to subparagraph (E).

"(G) AGREEMENT WITH SECRETARY.—Each eligible lender having a winning bid under subparagraph (F) enters into an agreement with the Secretary under which the eligible lender—

"(i) agrees to originate eligible Federal PLUS Loans under this paragraph to each borrower who—

"(I) seeks an eligible Federal PLUS Loan under this paragraph to enable a dependent student to attend an institution of higher education within the State;

"(II) is eligible for an eligible Federal PLUS Loan; and

"(III) elects to borrow from the eligible lender; and

"(ii) agrees to accept a special allowance payment (including the recapture of excess interest) from the Secretary with respect to the eligible Federal PLUS Loans originated under clause (i) in the amount proposed in the second lowest winning bid described in subparagraph (F) for the applicable State auction.

"(H) SEALED BIDS; CONFIDENTIALITY.—All bids are sealed and the Secretary keeps the bids confidential, including following the announcement of the winning bids.

"(I) ELIGIBLE LENDER OF LAST RESORT.—

"(i) IN GENERAL.—In the event that there is no winning bid under subparagraph (F), the students at the institutions of higher education within the State that was the subject of the auction shall be served by an eligible lender of last resort, as determined by the Secretary.

"(ii) DETERMINATION OF ELIGIBLE LENDER OF LAST RESORT.—Prior to the start of any auction under this paragraph, eligible lenders that desire to serve as an eligible lender of last resort shall submit an application to the Secretary at such time and in such manner as the Secretary may determine. Such application shall include an assurance that the eligible lender will meet the prequalification requirements described in subparagraph (B).

"(iii) GEOGRAPHIC LOCATION.—The Secretary shall identify an eligible lender of last resort for each State.

"(iv) NOTIFICATION TIMING.—The Secretary shall not identify any eligible lender of last resort until after the announcement of all the winning bids for a State auction for any year.

"(J) GUARANTEE AGAINST LOSSES.—The Secretary guarantees the eligible Federal PLUS Loans made under this paragraph against losses resulting from the default of a parent borrower in an amount equal to 99 percent of the unpaid principal and interest due on the loan.

"(K) LOAN FEES.—The Secretary shall not collect a loan fee under section 438(d) with respect to an eligible Federal Plus Loan originated under this paragraph.

"(L) CONSOLIDATION.—

"(i) IN GENERAL.—An eligible lender who is permitted to originate eligible Federal PLUS Loans for a borrower under this paragraph shall have the option to consolidate such loans into 1 loan.

"(ii) NOTIFICATION.—In the event a borrower with eligible Federal PLUS Loans made under this paragraph wishes to consolidate the loans, the borrower shall notify the eligible lender who originated the loans under this paragraph.

"(iii) LIMITATION ON ELIGIBLE LENDER OPTION TO CONSOLIDATE.—The option described in clause (i) shall not apply if—

"(I) the borrower includes in the notification in clause (ii) verification of consolidation terms and conditions offered by an eligible lender other than the eligible lender described in clause (i); and

"(II) not later than 10 days after receiving such notification from the borrower, the eligible lender described in clause (i) does not agree to match such terms and conditions, or provide more favorable terms and conditions to such borrower than the offered terms and conditions described in subclause (I).

"(iv) CONSOLIDATION OF ADDITIONAL LOANS.—If a borrower has a Federal Direct PLUS Loan or a loan made on behalf of a dependent student under section 428B and seeks to consolidate such loan with an eligible Federal PLUS Loan made under this paragraph, then the eligible lender that originated the borrower's loan under this paragraph may include in the consolidation under this subparagraph a Federal Direct

PLUS Loan or a loan made on behalf of a dependent student under section 428B, but only if—

"(I) in the case of a Federal Direct PLUS Loan, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions that would otherwise be available to the borrower if the borrower consolidated such loans in the loan program under part D; or

"(II) in the case of a loan made on behalf of a dependent student under section 428B, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions offered by an eligible lender other than the eligible lender that originated the borrower's loans under this paragraph.

"(v) SPECIAL ALLOWANCE ON CONSOLIDATION LOANS THAT INCLUDE LOANS MADE UNDER THIS PARAGRAPH.—The applicable special allowance payment for loans consolidated under this paragraph shall be equal to the lesser of—

"(I) the weighted average of the special allowance payment on such loans, except that such weighted average shall exclude the special allowance payment for any Federal Direct PLUS Loan included in the consolidation; or

"(II) the result of—

"(aa) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period; plus

"(bb) 1.59 percent.

"(vi) INTEREST PAYMENT REBATE FEE.—Any loan under section 428C consolidated under this paragraph shall not be subject to the interest payment rebate fee under section 428C(f).

"(c) COLLEGE ACCESS PARTNERSHIP GRANT PROGRAM.—

"(1) PURPOSE.—It is the purpose of this subsection to make payments to States to assist the States in carrying out the activities and services described in paragraph (7) in order to increase access to higher education for students in the State.

"(2) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $25,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

"(3) PROGRAM AUTHORIZED.—

"(A) GRANTS AUTHORIZED.—From amounts appropriated under paragraph (2), the Secretary shall award grants, from allotments under paragraph (4), to States having applications approved under paragraph (5), to enable the State to pay the Federal share of the costs of carrying out the activities and services described in paragraph (7).

"(B) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(i) FEDERAL SHARE.—The amount of the Federal share under this subsection for a fiscal year shall be equal to ⅔ of the costs of the activities and services described in paragraph (7).

"(ii) NON-FEDERAL SHARE.—The amount of the non-Federal share under this subsection shall be equal to ⅓ of the costs of the activities and services described in paragraph (7). The non-Federal share may be in cash or in-kind, and may be provided from a combination of State resources and contributions from private organizations in the State.

"(C) REDUCTION FOR FAILURE TO PAY NON-FEDERAL SHARE.—If a State fails to provide the full non-Federal share required under this paragraph, the Secretary shall reduce the amount of the grant payment under this subsection proportionately.

"(D) TEMPORARY INELIGIBILITY FOR SUBSEQUENT PAYMENTS.—

"(i) IN GENERAL.—The Secretary shall determine a State to be temporarily ineligible to receive a grant payment under this subsection for a fiscal year if—

"(I) the State fails to submit an annual report pursuant to paragraph (9) for the preceding fiscal year; or

"(II) the Secretary determines, based on information in such annual report, that the State is not effectively meeting the conditions described under paragraph (8) and the goals of the application under paragraph (5).

"(ii) REINSTATEMENT.—If the Secretary determines a State is ineligible under clause (i), the Secretary may enter into an agreement with the State setting forth the terms and conditions under which the State may regain eligibility to receive payments under this subsection.

"(4) DETERMINATION OF ALLOTMENT.—

"(A) AMOUNT OF ALLOTMENT.—Subject to subparagraph (B), in making grant payments to States under this subsection, the allotment to each State for a fiscal year shall be equal to the sum of—

"(i) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the poverty line applicable to the resident's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States; and

"(ii) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States.

"(B) MINIMUM AMOUNT.—No State shall receive an allotment under this subsection for a fiscal year in an amount that is less than ½ of 1 percent of the total amount appropriated under paragraph (2) for such fiscal year.

"(5) SUBMISSION AND CONTENTS OF APPLICATION.—

"(A) IN GENERAL.—For each fiscal year for which a State desires a grant payment under paragraph (3), the State agency with jurisdiction over higher education, or another agency designated by the Governor of the State to administer the program under this subsection, shall submit an application to the Secretary at such time, in such manner, and containing the information described in subparagraph (B).

"(B) APPLICATION.—An application submitted under subparagraph (A) shall include the following:

"(i) A description of the State's capacity to administer the grant under this subsection and report annually to the Secretary on the activities and services described in paragraph (7).

"(ii) A description of the State's plan for using the grant funds to meet the requirements of paragraphs (7) and (8), including plans for how the State will make special efforts to provide such benefits to students in the State that are underrepresented in postsecondary education.

"(iii) A description of how the State will provide or coordinate the non-Federal share from State and private funds, if applicable.

"(iv) A description of the existing structure that the State has in place to administer the activities and services under paragraph (7) or the plan to develop such administrative capacity.

"(6) PAYMENT TO ELIGIBLE NONPROFIT ORGANIZATIONS.—A State receiving a payment under this subsection may elect to make a payment to 1 or more eligible nonprofit organizations, including an eligible not-for-profit holder (as defined in section 438(p)), or a partnership of such organizations, in the State in order to carry out activities or services described in paragraph (7), if the eligible nonprofit organization or partnership—

"(A) was in existence on the day before the date of enactment of the Higher Education Access Act of 2007; and

"(B) as of the day of such payment, is participating in activities and services related to increasing access to higher education, such as those activities and services described in paragraph (7).

"(7) ALLOWABLE USES.—

"(A) IN GENERAL.—Subject to subparagraph (C), a State may use a grant payment under this subsection only for the following activities and services, pursuant to the conditions under paragraph (8):

"(i) Information for students and families regarding—

"(I) the benefits of a postsecondary education;

"(II) postsecondary education opportunities;

"(III) planning for postsecondary education; and

"(IV) career preparation.

"(ii) Information on financing options for postsecondary education and activities that promote financial literacy and debt management among students and families.

"(iii) Outreach activities for students who may be at risk of not enrolling in or completing postsecondary education.

"(iv) Assistance in completion of the Free Application for Federal Student Aid or other common financial reporting form under section 483(a).

"(v) Need-based grant aid for students.

"(vi) Professional development for guidance counselors at middle schools and secondary schools, and financial aid administrators and college admissions counselors at institutions of higher education, to improve such individuals' capacity to assist students and parents with—

"(I) understanding—

"(aa) entrance requirements for admission to institutions of higher education; and

"(bb) State eligibility requirements for Academic Competitiveness Grants or National SMART Grants under section 401A, and other financial assistance that is dependent upon a student's coursework;

"(II) applying to institutions of higher education;

"(III) applying for Federal student financial assistance and other State, local, and private student financial assistance and scholarships;

"(IV) activities that increase students' ability to successfully complete the coursework required for a postsecondary degree, including activities such as tutoring or mentoring; and

"(V) activities to improve secondary school students' preparedness for postsecondary entrance examinations.

"(vii) Student loan cancellation or repayment (as applicable), or interest rate reductions, for borrowers who are employed in a high-need geographical area or a high-need profession in the State, as determined by the State.

"(B) PROHIBITED USES.—Funds made available under this subsection shall not be used to promote any lender's loans.

"(C) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State may use not more than 2 percent of the total amount of the Federal share and non-Federal share provided under this subsection for administrative purposes relating to the grant under this subsection.

"(8) SPECIAL CONDITIONS.—

"(A) AVAILABILITY TO STUDENTS AND FAMILIES.—A State receiving a grant payment under this subsection shall—

"(i) make the activities and services described in clauses (i) through (vi) of paragraph (7)(A) that are funded under the payment available to all qualifying students and families in the State;

"(ii) allow students and families to participate in the activities and services without regard to—

"(I) the postsecondary institution in which the student enrolls;

"(II) the type of student loan the student receives;

"(III) the servicer of such loan; or

"(IV) the student's academic performance;

"(iii) not charge any student or parent a fee or additional charge to participate in the activities or services; and

"(iv) in the case of an activity providing grant aid, not require a student to meet any condition other than eligibility for Federal financial assistance under this title, except as provided for in the loan cancellation or repayment or interest rate reductions described in paragraph (7)(A)(vii).

"(B) PRIORITY.—A State receiving a grant payment under this subsection shall, in carrying out any activity or service described in paragraph (7)(A) with the grant funds, prioritize students and families who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act).

"(C) DISCLOSURES.—

"(i) ORGANIZATIONAL DISCLOSURES.—In the case of a State that has chosen to make a payment to an eligible not-for-profit holder in the State in accordance with paragraph (6), the holder shall clearly and prominently indicate the name of the holder and the nature of its work in connection with any of the activities carried out, or any information or services provided, with such funds.

"(ii) INFORMATIONAL DISCLOSURES.—Any information about financing options for higher education provided through an activity or service funded under this subsection shall—

"(I) include information to students and the students' parents of the availability of Federal, State, local, institutional, and other grants and loans for postsecondary education; and

"(II) present information on financial assistance for postsecondary education that is not provided under this title in a manner that is clearly distinct from information on student financial assistance under this title.

"(D) COORDINATION.—A State receiving a grant payment under this subsection shall attempt to coordinate the activities carried out with the payment with any existing activities that are similar to such activities, and with any other entities that support the existing activities in the State.

"(9) REPORT.—A State receiving a payment under this subsection shall prepare and submit an annual report to the Secretary on the program under this subsection and on the implementation of the activities and services described in paragraph (7). The report shall include—

"(A) each activity or service that was provided to students and families over the course of the year;

"(B) the cost of providing each activity or service;

"(C) the number, and percentage, if feasible and applicable, of students who received each activity or service; and

"(D) the total contributions from private organizations included in the State's non-Federal share for the fiscal year.

"(10) SUNSET.—The authority provided to carry out this subsection shall expire on September 30, 2009.

"(d) FINANCIAL LITERACY PROGRAM ESTABLISHED.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit or for-profit organization, or a consortium of such organizations, with a demonstrated record of effectiveness in providing financial literacy services to students at the secondary and postsecondary level.

"(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (6), the Secretary shall award grants to eligible entities to enable the eligible entities to increase the financial literacy of students who are enrolled or will enroll in an institution of higher education, including providing instruction to students on topics such as the understanding of loan terms and conditions, the calculation of interest rates, refinancing of debt, debt management, and future savings for education, health care and long-term care, and retirement.

"(3) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

"(4) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

"(5) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include the following:

"(A) A detailed description of the eligible entity's plans for providing financial literacy activities and the students and schools the grant will target.

"(B) The eligible entity's plan for using the matching grant funds, including how the funds will be used to provide financial literacy programs to students.

"(C) A plan to ensure the viability of the work of the eligible entity beyond the grant period.

"(D) A detailed description of the activities that carry out this subsection and that are conducted by the eligible entity at the time of the application, and how the matching grant funds will assist the eligible entity with expanding and enhancing such activities.

"(E) A description of the strategies that will be used to target activities under the grant to students in secondary school and enrolled in institutions of higher education who are historically underrepresented in institutions of higher education and who may benefit from the activities of the eligible entity.

"(6) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $10,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

"(e) SECONDARY SCHOOL GRADUATION AND COLLEGE ENROLLMENT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

"(i) IN GENERAL.—The term 'eligible local educational agency' means a local educational agency with a secondary school graduation rate of 70 percent or less—

"(I) in the aggregate; or

"(II) applicable to 2 or more subgroups of secondary school students served by the local educational agency that are described in clause (ii).

"(ii) SUBGROUPS.—A subgroup referred to in clause (i)(II) is—

"(I) a subgroup of economically disadvantaged students; or

"(II) a subgroup of students from a major racial or ethnic group.

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium of a nonprofit organization and an institution of higher education with a demonstrated record of effectiveness in raising secondary school graduation rates and postsecondary enrollment rates.

"(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (7), the Secretary shall award grants to eligible entities to enable the eligible entities to carry out activities that—

"(A) create models of excellence for academically rigorous secondary schools, including early college secondary schools;

"(B) increase secondary school graduation rates;

"(C) raise the rate of students who enroll in an institution of higher education;

"(D) improve instruction and access to supports for struggling secondary school students;

"(E) create, implement, and utilize early warning systems to help identify students at risk of dropping out of secondary school; and

"(F) improve communication between parents, students, and schools concerning requirements for secondary school graduation, postsecondary education enrollment, and financial assistance available for attending postsecondary education.

"(3) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the funds—

"(A) to implement a college-preparatory curriculum for all students in a secondary school served by the eligible local educational agency that is, at a minimum, aligned with a rigorous secondary school program of study;

"(B) to implement accelerated academic catch-up programs, for students who enter secondary school not meeting the proficient levels of student academic achievement on the State academic assessments for mathematics, reading or language arts, or science under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, that enable such students to meet the proficient levels of achievement and remain on track to graduate from secondary school on time with a regular secondary school diploma;

"(C) to implement an early warning system to quickly identify students at risk of dropping out of secondary school, including systems that track student absenteeism; and

"(D) to implement a comprehensive postsecondary education guidance program that—

"(i) will ensure that all students are regularly notified throughout the students' time in secondary school of secondary school graduation requirements and postsecondary education entrance requirements; and

"(ii) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial assistance and other State, local, and private financial assistance and scholarships.

"(4) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

"(5) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in-kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

"(6) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(7) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $25,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.".

SA 2328. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

"(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

"(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

"(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

"(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to prevent the illegal downloading or peer-to-peer distribution of intellectual property.

"(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

"(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

"(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).".

SA 2329. Ms. MURKOWSKI proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

On page 55, line 23, strike "$25,000,000" and insert "$113,000,000".

SA 2330. Mr. KENNEDY proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike subparagraph (G) of section 401B(e)(1) of the Higher Education Act of 1965, as added by section 102(a) of the Higher Education Access Act of 2007, and insert the following:

"(G) $3,650,000,000 for fiscal year 2014;

"(H) $3,850,000,000 for fiscal year 2015;

"(I) $4,175,000,000 for fiscal year 2016; and

"(J) $4,180,000,000 for fiscal year 2017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Increasing Government Accountability and Ensuring Fairness in Small Business Contracting," on Wednesday, July 18, 2007, beginning at 2 p.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, July 18, 2007 from 10:30 a.m.-12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following interns in my office be allowed floor privileges during today's session of the Senate: Erin McGuire, Maureen McGuire, Owen Thal, Samantha Currier, and Sonia Russo.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that Jack Kammerer, a fellow in my office, be granted the privilege of the floor during the remainder of the debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, on behalf of Senator DODD, I ask unanimous consent that his fellow, Taniesha Woods, be granted the privilege of the floor during the consideration of the higher education reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that Ann Clough, a detailee in my office, be granted the privileges of the floor for the remainder of the debate on H.R. 2669.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 96-114, as amended, appoints the following individual to the Congressional Award Board: Adam Ruiz of Kentucky.

AUTHORIZING SENATE LEGAL COUNSEL

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 274 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) to authorize representation by the Senate Legal Counsel in the case of Lewis v. Bayh.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a pro se civil action filed against Senator EVAN BAYH, in which plaintiff alleges, as best as can be pieced together from the complaint, which offers no factual support, that the Senator intervened in the processing of plaintiffs FOIA request to the Department of the Treasury to block access to documents in order to protect the identities of constituents whose names would have been revealed in the documents and who, according to plaintiff, had violated plaintiffs civil and constitutional rights.

This resolution authorizes the Senate Legal Counsel to represent Senator

BAYH in this suit and to move for its dismissal on both threshold jurisdictional grounds and failure to state a claim on the merits.

I urge the Senate to approve this important legislation.

Mr. KENNEDY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas, in the case of Lewis v. Bayh, Case No. 07-CV-0939 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendant Senator Evan Bayh;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Evan Bayh in the case of Lewis v. Bayh.

MAKING MINORITY PARTY APPOINTMENTS

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 275, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 275) was agreed to, as follows:

S. RES. 275

Resolved, That the following be the minority membership on the Committee on Armed Services for the remainder of the 110th Congress, or until their successors are appointed:

Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, Mr. Martinez, and Mr. Corker.

PASSPORT BACKLOG REDUCTION ACT OF 2007

Mr. KENNEDY. Madam President, I ask that the Chair lay before the Senate a message from the House on S. 966, the Passport Backlog Reduction Act of 2007.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

S. 966

Resolved, That the bill from the Senate (S. 966) entitled "An Act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passport Backlog Reduction Act of 2007".

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph—

"(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

"(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), including assistance related to the investigation of fraud in connection with an application for a passport."; and

(2) in paragraph (2)—

(A) by striking "The authority" and inserting "(A) The authority"; and

(B) by adding at the end the following new subparagraphs:

"(B) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(i) of paragraph (1) shall terminate on September 30, 2008.

"(C) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(ii) of paragraph (1) shall terminate on September 30, 2009.".

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 19, 2007

Mr. KENNEDY. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, July 19; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; and the Senate then resume consideration of H.R. 2669.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Madam President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:09 p.m., adjourned until Thursday, July 19, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 2007:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

SEAN R. MULVANEY, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JOHN MARSHALL, RESIGNED.

THE JUDICIARY

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE JAMES DIXON PHILLIPS, JR., RETIRED.

CATHARINA HAYNES, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE HAROLD R. DEMOSS, JR., RETIRED.

SHALOM D. STONE, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE SAMUEL A. ALITO, JR., ELEVATED.

JOHN DANIEL TINDER, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE DANIEL A. MANION, RETIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ROBERT R. ALLARDICE, 0051
BRIGADIER GENERAL HERBERT J. CARLISLE, 9032
BRIGADIER GENERAL WILLIAM A. CHAMBERS, 4404
BRIGADIER GENERAL KATHLEEN D. CLOSE, 0404
BRIGADIER GENERAL CHARLES R. DAVIS, 8766
BRIGADIER GENERAL JACK B. EGGINTON, 1743
BRIGADIER GENERAL DAVID W. EIDSAUNE, 1271
BRIGADIER GENERAL ALFRED K. FLOWERS, 6659
BRIGADIER GENERAL MAURICE H. FORSYTH, 5072
BRIGADIER GENERAL MARKE F. GIBSON, 9313
BRIGADIER GENERAL PATRICK D. GILLETT, JR., 1889
BRIGADIER GENERAL FRANK GORENC, 1011
BRIGADIER GENERAL JAMES P. HUNT, 1379
BRIGADIER GENERAL LARRY D. JAMES, 8187
BRIGADIER GENERAL WILLIAM N. MCCASLAND, 7469
BRIGADIER GENERAL KAY C. MCCLAIN, 8464
BRIGADIER GENERAL ROBERT H. MCMAHON, 9824
BRIGADIER GENERAL WILLIAM J. REW, 8665
BRIGADIER GENERAL KIP L. SELF, 6874
BRIGADIER GENERAL LARRY O. SPENCER, 6720
BRIGADIER GENERAL ROBERT P. STEEL, 8263
BRIGADIER GENERAL JAMES A. WHITMORE, 0618
BRIGADIER GENERAL BOBBY J WILKES, 4523
BRIGADIER GENERAL ROBERT M. WORLEY II, 4398

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MAZEN ABBAS, 0171
MARIE ADAMS, 9592
SYED AHMED, 1190
EDGARDO ALICEA, 9742
MUSTAFA M. ALIKHAN, 1634
SHANE ANDERSON, 9656
TERRENCE M. ANDERSON, 7900
JARED M. ANDREWS, 8418
GREGORY K. APPLEGATE, 2996
NORRIS A. BALDWIN, 4892
BRIAN R. BARHORST, 7210
DINGANE BARUTI, 0401
ROGER BAUTISTA, 3873
RUSSELL BEAR, 0948
STEPHEN BECKWITH, 7711
JENNIFER L. BELL, 1128
JESSICA L. BELL, 0275
CHAD L. BENDER, 4749
TRISHA K. BENDER, 0889
JASON W. BENNETT, 9356
EDWARD C. BERGEN, 5090
TODD A. BERGLAND, 6892
BRYAN D. BERKEY, 6117
SHANE BEZZANT, 0908
WAYNE A. BLEVINS, JR., 6998
KIM BLUMBERG, 9058
ROBERT C. BONTREGER, 0823
MATTHEW J. BOREN, 8614
NICI E. BOTHWELL, 3156
REBECCA A. BOUCHER, 4511
DAVID M. BRENNEN, 7767
MATTHEW S. BRICE, 3168
CLARK J. BRIXEY, 6818
DAIN BROOKS, 5638
BRANDON D. BROWN, 2527
CARLA A. BROWN, 0502
JAMES M. BROWN, 1510
MICHAEL BROWN, 2108

THERON G. BRYANT, 9117
MICHAEL T. BURTIS, 5682
NYLES BURTON, 0507
JORGE L. CABRERA, 1743
FRANKLIN E. CALDERA, 4434
BRYCE E. CALVIN, 8748
SALVATORE CARBONARO, 9551
MISTY D. CARLSON, 1156
THADDEUS A. CARNINE, 1817
HOBART CARR, 1557
ALISON C. CELIS, 4076
NATHAN C. CHANDLER, 1245
CHIH C. CHANG, 5662
SUYOUNG CHANG, 2508
MELISSA CHIASSON, 9412
SANJAY CHOPRA, 9181
PAUL CHUNG, 3358
AUTUMN CLARK, 9946
FRANCIS A. CLARKSON, 6447
MARK A. CLIFFORD, 6124
CHRISTOPHER P. CLINKSCALES, 0879
CLYDE C. CLYBOURN, 2989
KEVIN E. COATES, 4434
JASON COLEMAN, 9319
JACOB F. COLLEN, 8468
TROY COON, 6292
ADRIENA V. COTHRON, 5524
DAVID CRANDALL, 9871
JOHN M. CSOKMAY, 6907
DANIEL CUADRADO, 0587
MICHAEL S. CURTIS, 5152
JEAN C. DALLEYRAND, 0899
DOMINIQUE DAVENPORT, 5520
EVELYN DAVIS, 1861
BRIAN DECASTRO, 6875
PATRICK DEPENBROCK, 3268
BRIAN C. DERRICK, 0205
MARK DOANE, 6157
JUSTIN P. DODGE, 3075
FRANCISCO DOMINGUEZ, JR., 0421
STEVEN DONNELLY, 5637
SHANNON DUBLE, 6895
DAVID DURUSSEL, 9414
JEREMY M. EAGER, 9132
NICOLE M. EHRHARDT, 9960
TRACY L. EICHEL, 4889
VEGA H. ELIZONDO, 9803
DANIEL EMERSON, 1787
DAVID N. ESCOBEDO, 8312
CULPEPPER M. EVANS, 9459
PAUL M. FAESTEL, 9354
BYRON J. FALER, 2418
DEAN R. FELLABAUM, 3934
ALLEN D. FIELDS, 1892
ARTEMUS FLAGG II, 7884
ELIZABETH Y. FLANIGAN, 9533
ANDREW FONG, 7346
DAVID M. FRECCERO, 0291
EVERETT T. FULLER, 1310
WILLIAM R. FULTON, 1961
LEVI FUNCHES, 6204
DANIEL GALLAGHER, 4579
REBECCA A. GARFINKLE, 9331
BENJAMIN J. GEORGE, 2529
MARIA D. GERBER, 8430
ELIZABETH GIESE, 0019
RUSSELL GIESE, 5172
MATTHEW R. GRAFENBERG, 8161
RICHARD M. GRAVES, 7006
ANNE C. GRIEVES, 6568
ADAM GROTH, 2617
CHRISTOPHER GROVE, 3361
REY D. GUMBOC, 7034
JOHN A. GUZZO, 7490
PHILIP W. HAEDGE, 8629
AARON HANEY, 9914
MARK HARRINGTON, 7815
PENELOPE J. HARRIS, 2400
STANSIL T. HARRIS, 2490
PATRICK T. HARRISON, 6186
JOSHUA D. HARTZELL, 2578
SUSAN L. HAWLEY, 3298
BRET R. HAYMORE, 0175
ALAN F. HELMBOLD, 8115
JEFFERY M. HENDERSON, 1123
CHAD S. HENDRICKSON, 6380
PETER M. HENNING, 3281
DAVID C. HILE, 3411
LISA HILE, 2334
JONATHAN HINDMAN, 9854
SEAN J. HIPP, 0664
MICHAEL C. HJELKREM, 9014
MATTHEW H. HOEFER, 9281
ROBERT L. HORNSBY, 4645
JOHN R. HUGHES, 6736
ADAM L. HUILLET, 8298
DAVID M. HURST, 6129
FRANK P. HURST, 5386
ROBERT L. HUTTON, 5767
JENNIFER R. HYDES, 0925
GREGORY IVERSON, 2833
ROSALY W. JIRAU, 9092
GENE JOE, 3477
CHRISTOPHER S. JOHNSON, 1378
JEREMY N. JOHNSON, 6162
DANIEL W. KANG, 6477
YANG E. KAO, 7328
JASON KARO, 0367
DAVID S. KAUVAR, 3654
KIMBERLY C. KEHOE, 3579
OLGA KENNEDY, 4598
SAMEER D. KHATRI, 8489
STEVEN W. KHOO, 5403
CHRISTOPHER S. KING, 2265
KEVIN KING, 8242
RITA L. KOESTER, 5535
DANA M. KOSMALARUNKLE, 8577
SHEPHARD KOSUT, 9361
LYNNE C. KRAMER, 5677
ANJALI N. KUNZ, 5343
JEFFREY S. KUNZ, 3225
CHRISTOPHER KWUN, 6316
BENJAMIN W. LACY, 6890
GREGORY LACY, 2040
SHAWN L. LAFERRIERE, 9125
JASON S. LANHAM, 4648
ALISON L. LATTU, 3184
MATTHEW A. LAUDIE, 9537
DAVID LAYER, 8864
DONALD LAZARUS, 2309
HAMILTON S. LE, 9060
ANDREW B. LEE, 9115
JULIE W. LEMMON, 4890
WILLIAM LEWIS, 4936
JULIA T. LIM, 8654
DEREK LISTON, 0084
HELENA A. LONGIN, 5397
EDWARD M. LOPEZ, JR., 0564
ARGELIO L. LOPEZROCA, 9745
JASON LOWE, 7786
STEVEN LUCAS, 5416
ERIK K. LUNDMARK, 3519
JONATHAN B. LUNDY, 5052
JOSEPH M. LURIA, 3852
MICHELLE L. LUTTER, 0991
STEVEN A. LYNCH, 6377
CHRISTINA J. LYONS, 1968
CHRISTOPHER V. MAANI, 6166
EDWARD MANIGAULT, 8249
RODD E. MARCUM, 7132
PETER K. MARLIN, 9808
JAMES MARTIN, 2748
ANTHONY MARTINEZ, 5187
LUIS J. MARTINEZ, 6798
DAVID A. MASNERI, 4994
SHANNON M. MASNERI, 2242
SARAH MASON, 0885
SHAILI MATTA, 8126
CHARLIE MATTESON, 6508
BRADFORD K. MATTHEWS, 0792
GABRIELLE MAYBEE, 6131
DANIRA H. MAYES, 0358
NEIL A. MCDONALD, 6627
PATRICK MCHUGH, 1687
HARKIRTIN K. MCIVER, 0943
KRISTI MCKINNEY, 7875
JENNIFER A. MCNEAR, 2763
CHRISTOPHER MCNEIL, 8976
JOHN J. MCPHERSON, 9227
GARY E. MEANS, 3678
JEFFERY C. MEINERS, 2548
MIRIAM S. MEKO, 7759
JEFFREY S. MEYER, 5735
CAELA MILLER, 5109
JOSE J. MIRANDA, 4151
MONICA MIRCHANDANI, 6955
MICHAEL A. MOAK, 6995
RUPAL M. MODY, 8395
BEEZER W. MOOLJI, 3183
RYAN T. MOORE, 8804
ANDREW R. MORGAN, 7419
GEORGE R. MOUNT, 0841
THORNTON MU, 9227
TERRY L. MUELLER, 6126
DAWN F. MUENCH, 5479
PETER D. MUENCH, 8874
JAMALAH A. MUNIR, 7951
KEITH P. MYERS, 4838
ANICETO J. NAVARRO, 7771
NAVEED A. NAZ, 8252
REMINGTON L. NEVIN, 5440
DANA R. NGUYEN, 7399
BRETT NIELSON, 0876
MATTHEW J. NIMS, 0920
NICHOLAS J. NOCE, 9770
MICHAEL NUZZO, 9277
ROBERT L. OAK, 9462
KERRY OBRIEN, 5363
JAMES O. OYEKAN, 2935
NICOLE N. PAPA, 5129
LYNN T. PARENTE, 0176
JAMES J. PARK, 7893
MICHAEL H. PARK, 8717
JEFFREY T. PARKER, 4323
JONATHAN R. PARKS, 5594
BRIAN M. PARNES, 6490
JOHN PEASE, 8989
SUZETTE W. PENG, 0107
CHRISTOPHER T. PERRY, 9981
TRAVIS PFANNENSTIEL, 2158
JOHN H. PHILLIPS, JR., 3825
RYAN J. PLANK, 4581
TAYLOR POWELL, 9969
TRAN QUAN, 4008
SHANNON R. RAINEY, 0640
WILLIAM RALSTON, 8065
ERIC W. RAWIE, 0658
JEFFREY REA, 4031
WILLIAM RECUPERO, 4312
MICHAEL J. REGAL, 9089
JASON A. REGULES, 1796
LILANE REIFENBERG, 6045
JASON RIGONI, 7597
GERALD RILEY, 4680
JOHN P. RINARD, 2332
JEFFREY L. ROBERTSON, 4282
LARRY ROBINSON, 8966
NIA L. ROBINSON, 9395
MARTHA ROELLIG, 6522
AMY E. ROSS, 1570
CAROL ROWE, 8583
DAVID RUFFIN, 5423
JENNIFER R. RUSSELL, 7401
BRETT SACHSE, 9183
KIRK SAHAGIAN, 9164
DENNIS M. SARMIENTO, 2998
JERMAL SCARBROUGH, 9709
DAVID N. SCHRIER, 7744
BRIAN S. SCHULTZ, 4663
DAVID J. SCHWARTZ, 4245
JAMES T. SCHWARTZ, 4165
JASON SCISM, 9271
DEREK K. SEAQUIST, 9618
JEFF SEEBACH, 7215
ERIN SHAW, 9689
HENRY SHIH, 9358
ROBERT SHIH, 2377
RAJESH K. SHOOR, 8574
WILLIAM J. SHORT, 6645
NATHAN M. SHUMWAY, 4553
JOSEPH SHVIDLER, 6391
CARL G. SKINNER, 3873
RICHARD M. SLUSHER, 3837
MATTHEW C. SMITH, 5918
PATRICK SMOCK, 9055
MICHELE A. SOLTIS, 5782
NICOLE M. SOTO, 3552
SEAN A. SPANGLER, 9282
DARREN C. SPEARMAN, 4691
MICHAEL P. STANY, 7702
JOEL Z. STENGEL, 2702
JOSEPH STERBIS, 0208
JUSTIN J. STEWART, 6490
DARRYL D. STINSON, 6667
KATHLEEN STORNELLI, 1784
BRENDA L. STRYJEWSKI, 4661
TOIHUNTA STUBBS, 6314
MICHAEL A. STUPARICH, 3901
ALEXANDER SUTHERLAND, 4441
SCOTT SWASEY, 9578
TIMOTHY L. SWITAJ, 0490
GUY H. TAKAHASHI, 7230
CHRISTY R. TAOKA, 6491
STEVEN TAYLOR, 2938
ARTIN TERHAKOPIAN, 0731
WESLEY M. THEURER, 8168
JOHN E. THOMAS, 7521
ROY F. THOMAS, 3945
SARA B. THOMSON, 9123
JAIME L. TORRES, 2640
DAVID B. TROWBRIDGE, 0770
SE Y. UM, 0547
VAHAG VARTANIAN, 2108
GANESH R. VEERAPPAN, 2507
JOSEPH VICKARYOUS, 5422
CHARLES WAKEFIELD, 6315
KATRINA E. WALTERS, 4425
AVA B. WALTON, 5448
SCOTT M. WATERMAN, 3430
JAMES A. WATTS, 3164
LUKE WEBB, 3630
RAE A. WEBER, 4857
JOHN WIERZBICKI, 3515
MICHAEL A. WIGGINS, 3111
CASON R. WILKERSON, 5305
RAYMOND S. WILSON, 2230
BRIAN WOEBKENBERG, 1373
KATHARINE E. WOLCOTT, 7915
LIAM M. WONG, 9873
FELICIE G. WYATT, 5606
BRADLEY ZAGOL, 7967
THOMAS B. ZANDERS, 0719
JOHN K. ZAUGG, 6592
TAMATHA F. ZEMZARS, 2375

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL J. ALLANSON, 1498
EVANGELINE F. ALLEN, 8538
PAUL M. BARFKNECHT, 1806
MARK I. BISBEE, 9159
JEFFREY W. BLEDSOE, 9684
BRADLEY D. BUCHANAN, 1934
LYNN M. CARLTON, 5924
ANN M. CASE, 7800
NOELLE COLLETTA, 6301
KIP L. COWELL, 9847
CAREY L. COX, 2590
DANIEL J. CROSBY, 2628
DAVID R. CRUMBLEY, 8076
EVE D. CURRIE, 6972
KAREN L. ECARIUS, 5736
STACIA L. FRIDLEY, 3410
JEANNETTE I. GARCIA, 7035
KATHLEEN M. GRUDZIEN, 9782
SHARI D. HULBERT, 2469
CAROL B. HURLEY, 1332
AMANDA S. JOHN, 3993
JEFFERY S. JOHNSON, 9298
RAYMOND W. JOHNSON, 3146
MICHELE A. KANE, 3962
JEANA M. KANNE, 4830

SHARI D. KENNEDY, 8470
KRISTIN L. KLIMISCH, 5655
JOSEPH V. KOSHIOL, 0666
DEBORAH A. KUMAROO, 6433
RICHARD F. KUTSCHMAN, 4297
VENNESSA LAKE, 2698
SUSANNE M. LEMAIRE, 1079
KENDRA A. T. MANNING, 4551
BRIAN L. MCCANN, 6812
WENDY M. MCCRAW, 4648
TERRY M. MCGUIRK, 9479
BLAIR T. MILES, 3332
SHIRLEY O. MOONE, 6265
JEAN M. MURRAY, 7653
ROBERT T. OBYRNE, 5210
ALDA M. OCONNOR, 0709
ROBERT D. POLLEY, JR., 6400
BENNY A. POWELL, 8916
CHERYL E. RAY, 2971
CHRISTOPHER J. REDDIN, 0810
MANUEL SANTIAGO, 0130
DAVID F. SARTORI, 4513
MICHAEL J. A. SERVICE, 3033
PAMELA L. STOUT, 6566
DANIEL M. SWISSHELM, 3450
PATRICIA M. TAYLOR, 2413
SUSAN M. TOYAMA, 9244
ROBERT J. TURSI, 1579
ROBINETTE L. TYLER, 5746
SUSAN A. UNION, 3292
JANINE Y. WOOD, 0315

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARIA L. AGUAYO, 7589
ROLFE E. ASHWORTH, 1744
JEANINE M. AVANT, 7005
ALEXANDER W. BARLAS, 4761
GREGOR S. BO, 1601
CHARLES E. BOWERS, 2357
STEVEN J. BOWSER, 8228
TIM J. DEWITT, 1262
RALPH H. FIELD, 7996
DANIEL W. GRIPPO, 5182
ANDREW M. HASCALL, 3184
ERIC J. HAWN, 7901
RICHARD D. HAYES III, 8180
BRYAN E. HELLER, 1302
PATRICK A. HOCHSTEIN, 5105
MICHAEL D. KENNEY, JR., 8242
DOUGLAS W. KING, 4324
MICHAEL LEWIS, 3791
R. A. Z. LIM, 8559
SCOTT D. LOESCHKE, 6070
GILBERT B. I. MANALO, 9692
JASON T. MATHIS, 1215
JAMES G. MEYER, 3463
JAYSON D. MITCHELL, 2524
FRANCIS S. MULCAHY, 5694
JAY A. MURPHY, 8392
WILLIAM J. PIERCE, 8057
RICHARD L. PRINGLE, 7464
CHRISTOPHER H. REHKOP, 6085
TIMOTHY J. ROGERS, 6682
RUSSELL V. SEIGNIOUS, 4757
MICHAEL R. TASKER, 2181
DANIEL P. TURNER, 2934
GREGORY G. VINCI, JR., 4964
WILLIAM L. WHITMIRE, 3166
STEVEN T. ZIMMERMAN, 2158

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ANTONY BERCHMANZ, 7164
RICHARD A. BONNETTE, 6281
ROGER L. BOUMA, 7021
DAVID O. BYNUM, 6674
KEVIN J. DEELEY, 7178
JOHN V. DICKENS III, 4521
CAMERON H. FISH, 2138
STANLEY W. FORNEA, 6946
MICHAEL W. GORE, 6088
JEROME A. HINSON, 1716
DANIEL E. MCKAY, 7218
JOEL S. MORTON, 4440
STEVEN R. MOSES, 9989
TIMOTHY J. OSWALD, 5811
TIMOTHY J. POWER, 1563
CURTIS PRICE, 2445
KIMBERLY SAWATSKY, 6565
FRANK W. SHEARIN III, 3608
JOHN M. SHIMOTSU, 1395
PATRICK W. SMITH, 1520
STEVEN C. SMITH, 6997
BRIAN J. STAMM, 4372
THOMAS R. STEWART, 8630
KEVIN J. SWEENEY, 6661
MELVIN H. UNDERWOOD, 4545
ROGER E. VANDERWERKEN, 0697
GLEN WOOD, 1337

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ERIC J. BACH, 2147
BRIAN R. BALDUS, 1773
ANTHONY A. BARGER, 8346
THOMAS P. BASTOW, 0068
WILLIE H. BEALE, 8119
TIMOTHY L. BENESH, 1214
JASON A. BRIDGES, 7724
PATRICK S. BROWN, 4388
PATRICK A. BURSON, 7438
KEVIN N. CARADONA, 1218
JOHN H. CLARK, 0340
DANIEL D. DAVIDSON, 1278
JUSTIN D. DEBORD, 1473
WALTER C. DEGRANGE, 2531
GLENN T. DIETRICK, 4066
ROY A. DRAKE, 8495
TIMOTHY P. DUDLEY, 9262
DION D. ENGLISH, 9349
MARK A. ESCOE, 9874
MARC P. GAGE, 2582
BRIAN J. GINNANE, 2436
PHILLIP A. GIST, 0363
THOMAS E. GRAEBNER, 2478
CODY L. HODGES, 7293
CHONG HUNTER, 6435
CHARLES E. HURST, 3089
JAMES P. INGRAM, 7008
DONALD A. JACKSON, 5946
STEPHEN L. JENDRYSIK, 3350
ROBERT A. KEATING, 8311
CHRISTOPHER D. LIGHT, 1672
JAMES R. MACARANAS, 6027
BRIAN J. MALLOY, 2166
EDWARD J. MCFARLAND, 1268
ERIC A. MORGAN, 7456
MICHELLE D. MORSE, 2415
WILLIAM T. MURRAY, 5891
DAVID F. MURREE, 5717
CHRISTOPHER T. NELSON, 3870
JAMES A. NEUMAN, 7208
FRANK E. NEVAREZ, 2196
HARRY X. NICHOLSON, 2118
MICHAEL P. OCONNELL, 3795
WILLIAM J. PARRISH, 6035
AARON D. POTTER, 6475
JEFFREY W. RAGGHIANTI, 7210
HERMAN S. ROMERO, 1674
BRIAN V. ROSA, 7867
MARK J. RUNSTROM, 5058
COLLEEN C. SALONGA, 9032
BRIAN G. SCHORN, 0092
BRETT M. SCHWARTZ, 9093
LINDA M. SPANGLER, 1139
ROGELIO L. TREVINO, 7483
BRETT A. WAGNER, 5962
JEROME R. WHITE, 6340
RICARDO WILSON, 4246
WILLIAM B. ZABICKI, JR., 6088

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ELIZABETH M. ADRIANO, 3798
ADDIE ALKHAS, 4679
TRACY T. ALTLAND, 8898
RANDY L. BALDWIN, 9755
SEAN P. BARBABELLA, 5814
RAYMOND R. BATZ, 8938
CHARMAGNE G. BECKETT, 3814
WILLIAM A. BECKMAN, 5942
JERRY L. BERMAN, 3037
RICHARD L. BIGGS, 4296
CHAD BRADFORD, 9603
FREDERICK R. BRANDON, 8948
ROBERT F. BROWNING, 6213
PIERRE A. BRUNEAU, 8641
RALPH E. BUTLER, 2422
MICHAEL E. CARDENAS, 7682
REBECCA S. CARLIN, 9103
HYUNMIN W. CHO, 9957
THOMAS S. CHUNG, 0965
BENJAMIN W. CILENTO, 7615
RICHARD W. CLINE, 4561
STEVEN T. COBERY, 1879
CHRISTINA J. COLLURABURKE, 1763
TERESA M. COX, 9630
DONALD S. CRAIN, 6418
WILLIAM E. CRAMER, 0906
KARA L. CRISMOND, 3002
DAVID L. CUTE, 3484
MICHAEL S. DANFORTH, 3333
KIMBERLY D. DAVIS, 5961
MICHAEL W. DELANEY, 2532
DAVID W. DURKOVICH, 3566
TIMOTHY W. DWYER, 6018
JAMES A. ELLZY, 7939
STEVEN J. ESCOBAR, 7504
DENNIS J. FAIX, 0327
JAMES M. FARMER, 7597
MICHAEL A. FAVATA, 8380
EARL A. FRANTZ, 2234
JAMES J. GEORGE, 8350
JOHN L. GRIMWOOD, 0663
HAROLD L. GROFF, 9369
FRANCIS X. HALL, 6191
TIMOTHY R. HASTINGS, 2696
NEAL A. HEIMER, 0897
REID D. HOLTZCLAW, 9847
SUEZANE L. HOLTZCLAW, 3467
CHEUK Y. HONG, 5510
DENNIS W. JOHNSON, 0815
JOHN J. KEELING, 3452
DERMOT N. KILLIAN, 6751
SHAWN D. KOSNIK, 6161
SHYAM KRISHNAN, 9155
DAVID C. KRULAK, 4334
LAURENCE J. KUHN, 9369
LEONARD J. KUSKOWSKI, 3522
CHRISTOPHER B. LANDES, 5852
MICHAEL D. LAPPI, 4688
JAMES V. LAWLER, 4330
WILLIAM T. LENNARD, 1488
WILLIAM D. LEONARD, 9046
PETER M. LUNDBLAD, 4502
JOHN A. LYNOTT, 8755
KEVAN E. MANN, 8991
JOSEPH J. MARTIN, 8253
PATRICK M. MCELDREW, 8348
NICOLE K. MCINTYRE, 7543
JOSEPH R. MCPHEE IV, 6616
GEORGE W. MIDDLETON, 1720
ERICA K. MILLER, 0398
CATHLEEN S. MILLS, 2182
JOHN E. MOORE, 5380
THOMAS W. MOORE, 6191
TIFFANY S. NELSON, 4168
MARK M. NGUYEN, 9235
JAMES P. OBERMAN, 0945
TIMOTHY W. OHARA, 4240
ANGELIQUE OLSZOWKA, 4059
JAMES R. PATE, 5665
LISA A. PEARSE, 7702
KATHARINA PELLEGRIN, 3260
CHRISTIAN T. PETERSEN, 9004
DOUGLAS E. PETERSON, 7338
TIMOTHY J. PHILLIPS, 2319
MICHAEL E. PICIO, 9765
RALPH H. PICKARD, 3048
EMERICH D. PIEDAD, 2424
BRYN J. H. REINA, 7566
TED E. ROBERTSON, 4525
NANETTE L. ROLLENE, 2868
SARA L. SALTZSTEIN, 9321
TAMARA K. SCALISE, 2594
BRIAN R. SCHNELL, 2373
VERNON F. SECHRIEST, 7984
DAVID P. SHAPIRO, 2405
DONALD W. SHENENBERGER, 5824
STUART H. SHIPPEY III, 3194
ANTHONY N. SILVETTI, 1823
JOHN C. SIMS, 5694
CRAIG R. SPENCER, 1173
JOSEPH J. SPOSATO, 2526
MICHAEL S. SULLIVAN, 0802
MICHAEL G. SWANSON, 1409
SALLY G. TAMAYO, 6042
AARON M. TAYLOR, 2416
KRISTOPHER P. THIBODEAU, 2299
GREGORY T. THIER, 0068
DAVID C. THUT, 3279
JEFFREY A. TJADEN, 8589
JEFFREY M. TOMLIN, 1658
KEITH K. VAUX, 7934
HARVEY B. WILDS, 0734
MICHAEL D. WITTENBERGER, 4886
LAWRENCE J. YENNI, 7500
FREDERICK E. YEO, 0505
SCOT A. YOUNGBLOOD, 8638

NOMINATIONS

Executive nomination received by the Senate July 18 (legislative day of July 17), 2007:

THE JUDICIARY

ROBERT M. DOW, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE CHARLES P. KOCORAS, RETIRED.

EXTENSIONS OF REMARKS

IN WELCOMING THE PRESIDENT OF POLAND TO THE UNITED STATES

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. EMANUEL. Madam Speaker, I rise today to welcome President Lech Kaczynski of Poland to our nation's capital. After taking office in December of 2005, President Kaczynski has strengthened Poland's already close ties with the United States.

Under the leadership of President Kaczynski, Poland has been one of the United States closest allies in strengthening democracy in Europe. Poland is a partner in the war against terrorism and provides support and stability to American efforts throughout the world.

President Kaczynski is scheduled to meet with President Bush today, and both presidents plan to discuss the possible inclusion of Poland in the Visa Waiver Program. As I have said before, Poland is a first class friend of the United States, and should not be treated like a second-class citizen.

I look forward to working with President Kaczynski and President Bush in modernizing the Visa Waiver Program to provide our closest international partners the opportunity to travel to the United States while simultaneously strengthening our security.

President Kaczynski's leadership has been vital to continuing the dialogue between Poland and the United States on important issues ranging from the war on terror to economic issues, and I look forward to continuing to work with his government.

On behalf of the more than 110,000 residents of the Fifth Congressional District of Polish decent, I welcome President Kaczynski to Washington and thank him for his fine work and commitment to democracy.

HONORING GENERAL MARIANO GUADALUPE VALLEJO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the 200th anniversary of the birth of General Mariano Guadalupe Vallejo. General Vallejo was instrumental in the creation of a free California and the drafting of the State constitution, and was the first great legislator from northern California.

Mariano Vallejo was born on July 4, 1807 in Monterey, then the capital of Spanish California. After Mexico gained independence from Spain in 1821, Vallejo joined the newly formed Mexican Army in California, where he served for the remainder of Mexican rule. As a successful commander, Vallejo was given command of the Presidio in San Francisco, where he was charged with defending northern California and pushing back against Russian advances along the coast. He founded a presidio in Sonoma as a military outpost to extend Mexican influence into the northern Bay Area. He also began construction of a casa grande in the town square, part of which remains today.

In 1835, Vallejo was drawn into politics when his nephew Juan Alvarado, falsely claiming to act on orders from Vallejo, precipitated an uprising against the unpopular Mexican Governor. The uprising was successful, and Vallejo traveled to Monterey where he was appointed Comandante General of the Free State of Alta California. Subsequent recognition by the Federal Government in Mexico City confirmed this, and General Vallejo remained in charge of California's military.

As the military commander of northern California, General Vallejo witnessed firsthand the incompetence of Mexican Federal rule, and he became convinced of the need to remove California from Mexico. His interest in promoting the settlement and development of northern California made him reluctant to enforce the Mexican laws dealing with foreigners moving into the area, and he often issued passports on the spot to new groups of settlers crossing into California. In 1842 General Vallejo was removed from military command in California and replaced by Manuel Micheltorena, who presided over the decline of order in the State, ultimately leading to revolt against Mexican rule.

On June 14, 1846, the Bear Flag Revolt began outside General Vallejo's casa grande in Sonoma, and he was taken prisoner and removed to Sutter's Fort in the Central Valley. He remained there for more than a month, and upon agreeing not to participate in the war with Mexico, he was allowed to return home. In early 1849 during American military rule, spurred by increasing chaos from the Gold Rush and the sudden massive flow of people into the State, Vallejo joined other residents of the area to form a council for governing northern California. This quickly translated into election to represent the Sonoma area at the State constitutional convention in Monterey.

At the State convention, Vallejo pressed the other delegates on a number of key issues, including banning slavery in the State, which succeeded, and voting rights for Native Americans who owned property, which failed. He also gave generously from his personal wealth to offer support for the establishment of a legal commission. Finally, he was part of the delegation that brought the proposed constitution to the military governor, Bennett Riley, for final approval. After voters in California approved the new constitution and California was admitted to the United States as the 31st State, Vallejo was elected as a State senator.

During his time in the State Senate, Mariano Vallejo led a number of initiatives to continue the work he had done at the State's constitutional convention. He sponsored an act which would have allowed better government for the Native American population, and he spoke strongly against a measure which would have excluded free Blacks from the State. He also led the effort to establish a tax to fund free schooling in California. Finally, he donated land for the State Capital to be established at the north end of the Bay Area. This area, now the city of Vallejo, was the site of the capitol from 1852–53, but was moved thereafter to Sacramento.

After his departure from public life, Vallejo oversaw his remaining business ventures even as his lands were eaten away by claims from new settlers moving into the State. Later in his life he finally had the opportunity to travel to the eastern United States, where he saw Washington, DC, Philadelphia, and Boston, satisfying a life-long desire to witness the birthplace of American democracy. His final contribution to California was a vast set of collected writings on Native Americans and californios, which is now in the collections of the University of California.

Madam Speaker and colleagues, it is appropriate at this time that we recognize the remarkable life of General Mariano Guadalupe Vallejo, and acknowledge the contributions he made to the establishment of statehood for California.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. SLAUGHTER. Madam Speaker, I was unable to be present for rollcall votes 625, 626, 627, 628, and 629. Had I been present, I would have voted "no" on rollcall vote 625, "no" on rollcall vote 626, "no" on rollcall vote 627, "no" on rollcall vote 628, and "yea" on rollcall vote 629.

A TRIBUTE TO GILDA BOJORQUEZ-GJURICH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to an outstanding member of the Los Angeles-area business and civic community and a woman of true distinction, Gilda Bojorquez-Gjurich.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Raised in east Los Angeles, Gilda graduated from Garfield High School and Woodbury University in Burbank, where she majored in accounting. Following graduation, she put her education to work, pursuing a career as a general contractor and becoming a partner in an Alhambra-based construction firm. It was a successful and top-rated venture, reflecting her keen business sense and her ability to break through the glass ceiling as a woman in the construction industry.

Complementing her success in the business community, Gilda has spent decades making extensive civic contributions, serving on the board of directors for various nonprofit organizations and working to improve the lives of those less fortunate in the greater Los Angeles community.

For many years, Gilda has been a key member of Las Madrinas, an informal group of dedicated advocates mentoring the young women at Ramona Continuation High School in east Los Angeles. She has provided financial resources, and recruited volunteers and role models to help inspire and guide these young women working to turn their lives around in the school's alternative learning environment.

In 1989 Gilda became a founding member of Hispanas Organized for Political Equality, HOPE, and she continues to play a dynamic and influential role in the organization. Over the past two decades, HOPE has become a vibrant nonprofit, nonpartisan organization committed to ensuring political and economic parity for Latinas through leadership, advocacy, and education.

In 1991 Gilda cofounded HOPE's annual symposium entitled, A Proud Past . . . A Powerful Tomorrow. To date, the symposium has welcomed more than 3,000 Latinas who have come together to learn about issues important to our community Gilda was also instrumental in getting local, county, and State officials to declare the annual symposium date as Latina History Day, celebrated on the second Friday in March to commemorate the historic achievements of Latinas.

Gilda was also pivotal in the growth and success of the Mexican American Opportunity Foundation, established in 1963 to serve disadvantaged individuals and families in the Los Angeles area. She was chair of the foundation's National Hispanic Women's Conference, and is credited with helping the group become a multi-million dollar organization that serves more than 100,000 low-to-moderate income Latinos throughout seven counties in California providing high quality social services and programs to those communities where need is the greatest. Gilda continues to serve on the board of directors for the organization.

While her advocacy on behalf of Hispanics has made her a loved and well known figure throughout Los Angeles, Gilda has also served with distinction and earned recognition at the State and national level. Over the years, she has served three Presidents in appointed positions, including her appointments to the Commission on International Women's Year, the National Advisory Council on Women's Educational Programs, and as an emissary to evaluate the revolution in Nicaragua. California Governor Gray Davis presented her with a commendation for exemplary community service in recognition of her years of service on behalf of her fellow Angelenos.

Madam Speaker, I ask my colleagues to join me in paying tribute to Gilda as she celebrates her 80th year and a lifetime of commitment to the economic empowerment of Los Angeles communities and Latinas across the Nation. Gilda exemplifies what it is to be a role model—not just for Latinas, but for all Americans. Latino families in Los Angeles, the State and the Nation are truly fortunate to have such a devoted advocate, and I am equally blessed by her friendship that I look forward to cherishing for many years to come.

STATEMENT BY DR. NORMAN E. BORLAUG

HON. TOM LATHAM

OF IOWA

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. LATHAM. Madam Speaker, Mr. BOSWELL and I would like to submit the following statement from Dr. Norman E. Borlaug for the Congressional Record.

NORMAN E. BORLAUG: STATEMENT ON THE OCCASION OF THE CONGRESSIONAL GOLD MEDAL CEREMONY, UNITED STATES CAPITOL, JULY 17, 2007

It is a great honor to be awarded the Congressional Gold Medal, in recognition of my work to feed a hungry world. I thank members of Congress for giving me an opportunity to comment on the challenges and complexities of feeding a world of 10 billion people who I expect will be living on the planet Earth sometime this century.

When I was born—in 1914—there were only 1.6 billion people on Earth. Today, we are 6.5 billion and growing by 80 million per year. The task of feeding this growing population has been made more complex, since agriculture is now being asked not only to produce food, feed and fiber, but also raw materials for bio-fuels. Thus, there is no room for complacency for those of us working on the food front.

I am now in my 63rd year of continuous involvement in agricultural research and production in low-income, food-deficit developing countries. I have worked with many scientists, political leaders, and farmers to transform food production systems. Any achievements I have made have been possible through my participation in this army of hunger fighters. There are too many to name, but you know who you are. I thank you for your dedication and assistance all of these years. I also thank my family, and my late wife Margaret, for the understanding and unselfish support you have given me.

The Green Revolution was a great historic success. In 1960, perhaps 60 percent of the world's people felt hunger during some portion of the year. By the year 2000, the proportion of hungry in the world had dropped to 14 percent of the total population. Still, this figure translated to 850 million men, women and children who lacked sufficient calories and protein to grow strong and healthy bodies. Thus, despite the successes of the Green Revolution, the battle to ensure food security for hundreds of millions of miserably poor people is far from won.

THE GREEN REVOLUTION

The breakthroughs in wheat and rice production in Asia in the mid-1960s, which came to be known as the Green Revolution, symbolized the beginning of a process of using agricultural science to develop modem techniques for the Third World. It began in Mexico with the "quiet" wheat revolution in the late 1950s. During the 1960s and 1970s, India, Pakistan, and the Philippines received world attention for their agricultural progress. In the 1980s and 1990s, China, home to one fifth of the world's people, has been the greatest success story. China today is the world's biggest food producer and its crop yields are approaching those of the United States with every successive year. However, it is almost certain, that China and India—home to one third of the world's people—will become the largest agricultural importers in the coming decades, as their economies shift from being agrarian to industrial.

Critics of modem agricultural technology invariably turn a blind eye on what the world would have been like without the technological advances that have occurred, largely during the past 50 years. For those whose main concern is protecting the "environment," let's look at the positive impact that the application of science-based technology has had on land use. If the global cereal yields of 1950 still prevailed in 2000 we would have needed nearly 1.2 billion ha of additional land of the same quality—instead of the 660 million ha that was used—to achieve the global harvest of that year. Obviously, such a surplus of land was not available, and certainly not in populous Asia, where the population had increased from 1.2 to 3.8 billion over this period. Moreover, if more environmentally fragile land had been brought into agricultural production, the impact on soil erosion, loss of forests and grasslands, biodiversity and extinction of wildlife species would have been enormous and disastrous.

At lest in the foreseeable future, plants—and especially the cereals—will continue to supply much of our increased food demand, both for direct human consumption and as livestock feed to satisfy the rapidly growing demand for meat in the newly industrializing countries. It is likely that an additional 1 billion metric tons of grain will be needed annually by 2025, just to feed the world, let alone fuel its vehicles. Most of this increase must come from lands already in production through yield improvements. Fortunately, such productivity improvements in crop management can be made all along the line—in plant breeding, crop management, tillage, water use, fertilization, weed and pest control, and harvesting.

AFRICA'S FOOD PRODUCTION CHALLENGES

More than any other region of the world, African food production is in crisis. High rates of population growth and little application of improved production technology during the last two decades resulted in declining per capita food production, escalating food deficits, deteriorating nutritional levels, especially among the rural poor, and devastating environmental degradation. While there are more signs since 2000 that smallholder food production is beginning to turn around, this recovery is still very fragile.

Sub-Saharan Africa's extreme poverty, poor soils, uncertain rainfall, increasing population pressures, changing ownership patterns for land and cattle, political and social turmoil, shortages of trained agriculturalists, and weaknesses in research and technology delivery systems all make the task of agricultural development more difficult. But we should also realize that to a considerable extent, the present food crisis is the result of the long-time neglect of agriculture by political leaders. Even though agriculture provides livelihoods to 70–85 percent of the people in most countries, agricultural and rural development has been given low priority. Investments in food distribution and marketing systems and in agricultural research and education are woefully inadequate. Furthermore, many governments pursued and continue to pursue a policy of providing cheap food for the politically volatile urban dwellers at the expense of production incentives for farmers.

In 1986 I became involved in food crop technology transfer projects in sub-Saharan Africa, sponsored by the Nippon Foundation and its Chairman, the late Ryoichi Sasakawa, and enthusiastically supported by former U.S. President Jimmy Carter. Our joint program is known as Sasakawa-Global 2000, and has operated in 14 sub-Saharan African countries the past 20 years. We have assisted several million small-scale farmers to grow extension demonstration plots for basic food crops: maize, rice, sorghum, millet, wheat, cassava, and grain legumes.

The recommended production technologies come from national and international agricultural research organizations, and include: (1) The use of the best available commercial varieties or hybrids (2) proper land preparation and seeding to achieve good stand establishment, (3) proper application of the appropriate fertilizers and, when needed, crop protection chemicals, (4) timely weed control, and (5) moisture conservation and/or better water use if under irrigation. We also work with participating farm families to improve on-farm storage of agricultural production, both to reduce grain losses due to spoilage and infestation and to allow farmers to hold stocks longer to exploit periods when prices in the marketplace are more favorable. Virtually without exception, farmers obtain grain yields that are two to three times higher on their demonstration plots than has been traditionally the case. Farmers' enthusiasm is high and political leaders are taking much interest in the program.

Despite the formidable challenges in Africa, the elements that worked in Latin America and Asia will also work there. With more effective seed, fertilizer supply and marketing systems, hundreds of millions of smallholder farmers in Africa can make great strides in improving the nutritional and economic well being of their populations. The biggest bottleneck that must be overcome is lack of infrastructure, especially roads and transport, but also potable water and electricity. In particular, improved transport systems would greatly accelerate agricultural production, break down tribal animosities, and help establish rural schools and clinics in areas where teachers and health practitioners are heretofore unwilling to venture.

CROP RESEARCH CHALLENGES

Crop productivity depends both on the yield potential of the varieties and the crop management employed to enhance input and output efficiency. Agricultural researchers and farmers worldwide face the challenge during the next 25 years of developing and applying technology that can increase the global cereal yields by 50–75 percent, and to do so in ways that are economically and environmentally sustainable. Much of the yield gains will come from applying technology "already on the shelf" but yet to be fully utilized. But there will also be new research breakthroughs, especially in plant breeding to improve yield stability and, hopefully, maximum genetic yield potential.

While we must continue to push the frontiers of science forward, we also must be mindful of the need to protect the gains already made. Agriculture is a continuing struggle against mutating pathogens and insects. A clear example is the new race of stem rust that has emerged in East Africa, which is capable of devastating most of the world's commercial bread wheat varieties. Ironically, I began my career in agricultural science combating stem rust some 60 years ago and I am now in the twilight of my life, once again facing my old nemesis. There hasn't been a major stem rust epidemic for more than 50 years, since the virulent race called 15B devastated much of the North America wheat crop during 1950–54. Out of that crisis came new forms of international cooperation in plant breeding, which led to accelerated development around the world of high-yielding, disease-resistant, broadly adapted wheat varieties. However, in the ensuing years, complacency, increasing barriers to international exchange of plant breeding materials, declining budgets, staff retirements and discontinuity in training programs, has resulted in a much weakened system. This has been evident in the slow international response to a very serious new stem rust race, called Ug99, first spotted in Uganda and Kenya in the late 1990s. Ug99 has now escaped from Africa and begun its migration to North Africa and the Middle East. It won't be long before it reaches South Asia and later China, North America and the rest of the wheat-growing world. Wheat scientists are now scrambling to control this disease before it gains a foothold and causes catastrophic losses to the livelihoods of several hundred million wheat farmers and widespread global wheat shortages that will affect prices and the welfare of several billion consumers. Since 2005, excellent collaboration has been forthcoming from the USDA, key land grant universities, and USAID. A far-reaching research program is being considered by a major U.S. foundation located in Seattle that if approved could solidify and accelerate the progress to date. As part of this research effort we also hope to identify why rice, alone among the cereals, is immune to the rust fungi, and then use biotechnology to transfer this genetic immunity from rice to wheat and other cereals. If we are successful in this quest, the scourge of rust, mentioned in the bible, could finally be banished from the Earth.

WHAT CAN WE EXPECT FROM BIOTECHNOLOGY?

During the 20th Century, conventional plant breeding has produced—and continues to produce—modern crop varieties and hybrids that have contributed immensely to grain yield potential, disease and insect resistance, stability of harvests and farm incomes, while sparing vast tracts of land for other uses, such as wildlife habitats, forests, and outdoor recreation.

The majority of agricultural scientists including myself anticipate great benefits from biotechnology in the coming decades to help meet our future needs for food, feed, fiber, and bio-fuels. Promising work, now utilizing the powerful new tools of biotechnology, is also under way to develop greater tolerance of climatic extremes, such as drought, heat, and cold. Such research is likely to become more important in the future as the world experiences the effects of climate change. We must also persist in scientific efforts to raise maximum genetic yield potential to increase food production on lands currently in use while protecting against serious negative environmental impacts.

Seventy percent of global water withdrawals are used for irrigating agricultural lands, which account for 17 percent of total cultivated land yet contribute 40 percent of our global food harvest. Expanding the area under irrigation is critical to meeting future food demand. However, competing urban demands for water will require much great efficiencies in agricultural water use. Through biotechnology we will be able to achieve "more crop per drop" by designing plants with reduced water requirements and adoption of improved crop/water management systems.

Developing country governments need to be prepared to work with—and benefit from—the new breakthroughs in biotechnology. Regulatory frameworks are needed to guide the testing and use of genetically modified crops, which protect public welfare and the environment against undue risk. They must be cost effective to implement yet not be so restrictive that science cannot advance.

Since the private sector patents its life science inventions, agricultural policy makers must be vigilant in guarding against too much concentration of ownership and also be concerned about equity of access issues, especially for poor farmers. These are legitimate matters for debate by national, regional and global governmental organizations.

Even with private sector leadership in biotechnology research I believe that governments should also fund significant public research programs. This is not only important as a complement and balance to private sector proprietary research, but is also needed to ensure the proper training of new generations of scientists, both for private and public sector research institutions.

U.S. agriculture is being asked to produce more food, feed, fiber and now biofuels, while protecting the environment and not greatly increasing land use. Science is ready for the task, but science will not succeed without wise and adequate support from the U.S. Department of Agriculture (USDA) and its congressional committees. Traditional programs of research and education at USDA and in the land grant universities must continue. Congress must also invest more generously in fundamental research to learn more about the cellular and molecular events that determine how plants and animals reproduce, grow and fight off stresses such as drought, cold and disease. Most of these major innovations will start first with acquiring deeper fundamental understanding.

Getting the most from fundamental research will require changes in the culture of decision making in public agricultural institutions. Leading scientists must be involved in deciding which programs have scientific merit and in setting realistic scientific priorities. There should be a council, like those of the National Institutes of Health, where scientists and stakeholders can pool their wisdom in recommending research priorities. Building such changes into the current farm bill is a high priority.

EDUCATING URBANITES ABOUT AGRICULTURE

The current backlash against agricultural science and technology evident in some industrialized countries is hard for me to comprehend. How quickly humankind becomes detached from the soil and agricultural production! Less than 4 percent of the population in the industrialized countries (less than 2 percent in the USA) is directly engaged in agriculture. With low-cost food supplies and urban bias, is it any wonder that consumers don't understand the complexities of re-producing the world food supply each year in its entirely, and expanding it further for the nearly 80 million new mouths that are born into this world annually? I believe we can help address this "educational gap" by making it compulsory in secondary schools and universities for students to take courses on agriculture, biology, and science and technology policy.

One exciting high school program, in which I am personally involved, is the World Food Prize Youth Institute program originated by Des Moines philanthropist Juan Ruan and led by the World Food Prize Foundation. Each year, more than a 100 high school students, mainly from Iowa but now expanding to other states and countries, convene at the George Washington Carver auditorium at Pioneer Hybrid Company headquarters in Johnston, Iowa, with teachers and parents, to present their well-researched essays on about how to increase the quantity, quality, and availability of food around the world. They make these presentations in front of past and present World Food Prize laureates and other experts, and lively discussions ensue. Each year, a select few graduating seniors win travel fellowships to go to a developing country where they live and work at an agricultural research institute, and learn first hand about hunger and poverty, and the role that science and technology can play to alleviate these calamities. It is especially gratifying to see the growth and development of these young, mostly female, summer interns. It literally is a life-changing experience for them, and it shows in their performance at university and in career selections. More programs like this are needed, so that future generations of Americans have a better sense about the complexities and challenges of feeding a growing world.

AGRICULTURE AND THE ENVIRONMENT

As the pace of technological change has accelerated the past 50 years, the fear of science has grown. Certainly, the breaking of the atom and the prospects of a nuclear holocaust added to people's fear, and drove a bigger wedge between the scientist and the layman. Rachel Carson's book Silent Spring, published in 1962, which reported that poisons were everywhere, also struck a very sensitive nerve. Of course, this perception was not totally unfounded. By the mid 20th century air and water quality had been seriously damaged through wasteful industrial production systems that pushed effluents often literally into "our own backyards."

We all owe a debt of gratitude to environmental movement in the industrialized nations, which has led to legislation over the past 40 years to improve air and water quality, protect wildlife, control the disposal of toxic wastes, protect the soils, and reduce the loss of biodiversity. However, these positive environmental trends are not found in the developing countries, where environmental degradation, especially in Africa, threatens ecological stability if not reversed.

There is often a deadlock between agriculturalists and environmentalists over what constitutes "sustainable agriculture" in the Third World. This debate has confused—if not paralyzed—many in the international donor community who, afraid of antagonizing powerful environmental lobbying groups, have turned away from supporting sciencebased agricultural modernization projects still needed in much of smallholder Asia, subSaharan Africa, and Latin America. This deadlock must be broken.

We cannot lose sight of the enormous job before us to feed 10 billion people, 90 percent of whom will begin life in a developing country, and many in poverty. Only through dynamic agricultural development will there be any hope to alleviate poverty and improve human health and productivity, and reducing political instability.

CLOSING COMMENTS

Thirty seven years ago, in my acceptance speech for the Nobel Peace Prize, I said that the Green Revolution had won a temporary success in man's war against hunger, which if fully implemented, could provide sufficient food for humankind through the end of the 20th century. But I warned that unless the frightening power of human reproduction was curbed, the success of the Green Revolution would only be ephemeral.

It took some 10,000 years to expand food production to the current level of about 5 billion tons per year. By 2050, we will likely need to nearly double current production again. This cannot be done unless farmers across the world have access to high-yielding crop production methods as well as new biotechnological breakthroughs that can increase the crop yields, dependability, and nutritional quality. Indeed, it is higher farm incomes that will permit small-scale farmers in the Third World to make desperately needed investments to protect their natural resources. As Kenyan archeologist Richard Leakey likes to reminds us, "you have to be well-fed to be a conservationist." We have to bring common sense into the debate on agricultural science and technology and the sooner the better!

The United States is the greatest agricultural success story of the 20th Century. Through science and technology and farmer ingenuity, American agriculture has achieved levels of productivity second to none. We also have a great tradition, especially in earlier decades, of helping low-income; food-deficit nations to get their own agricultural systems moving. Our private agri-businesses have invested heavily in the development of productivity-enhancing technology, not only to the benefit of this country but also around the world. American public institutions—the land-grant universities and colleges, the USDA, and the U.S. Department of State—have play key roles in the transformation of subsistence agriculture, especially in Asia and Latin America. This has been good for the American people and the world. Lest we forget, world peace will not be built on empty stomachs or human misery.

I would be remiss if I did not thank the Administration for establishing the USDA Borlaug Fellows program in 2004, in my honor, at the time of my 90th birthday. This is an international program that actively engages universities like my own Texas A&M University, my alma mater, the University of Minnesota, and many other of our fine land grant universities and colleges. The Borlaug fellows program also has links to the international agricultural research centers located abroad and to private agro-industry.

The aim is to provide relatively young scientists from developing countries with opportunities to travel to the USA to gain practical experience and upgrade their technical skills at advanced agricultural laboratories. So far, USDA has been able, with the assistance of USAID, to piece together funding for about 150 Borlaug fellows to come to the United States each year. With more permanent funding, along the lines of the Fulbright program, USDA and the partner universities could implement a more substantial range of learning and personal development opportunities for young scientists and agricultural leaders from developing countries. This would be good for the individual recipients, their sponsoring institutions and countries, and also, I believe, for America. Texas A&M University and Ohio State University have been working through the National Association of State Universities and Land Grant Colleges (NASULGC) to prepare a more substantial proposal for consideration by Congress.

My plea today to the members of Congress and to the Administration is to re-commit the United States to more dynamic and generous programs of official development assistance in agriculture for Third World nations, as was done in the 1960s and 1970s. Evershrinking foreign aid budgets in support of smallholder agriculture, and especially to multilateral research and development organizations such as the International Maize and Wheat Improvement Center (CIMMYT) where I have worked for 40 years, as well as its sister research institutes under the Consultative Group for International Agricultural Research (CGIAR), are not in our nation's best interest, nor do they represent our finest traditions.

As you chart the course of this great nation for the future benefit of our children, grandchildren, and great-grandchildren, I ask you to think more boldly and humanely about the Third World and develop a new version of the Marshall plan, this time not to rescue a war-torn Europe, but now to help the nearly one billion, mostly rural poor people still trapped in hunger and misery. It is within America's technical and financial power to help end this human tragedy and injustice, if we set our hearts and minds to the task.

TRIBUTE TO DAVID B. WHITMORE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. MCHUGH. Madam Speaker, I rise today with great sadness to note the recent passing of David B. Whitmore, who not only was an invaluable member of my staff but also an irreplaceable friend, and to extend my deepest sympathies to his wife, Rosan, and the rest of their family.

Dave was born and raised in Watertown, New York, which is also my hometown. After we graduated from Watertown High School together in 1966, Dave went to Grahm Junior College in Boston, Massachusetts, where he earned his bachelors degree in broadcasting.

Thereafter, Dave worked in film production and sales before returning to the North Country. At that time he and Rosan were wed in 1969 and began to raise three beautiful children, Scott, Kristin, and Kerry. Dave then began working for the New York State Farm Bureau and eventually became the organization director before he took up his duties to serve the people of northern New York as a regional representative of my congressional office.

It is hard to overstate the excellence of Dave's public service. In addition to his deep knowledge of agriculture, which is vitally important to northern New York's economy, Dave understood and loved people as he worked hard to use his experience and talents to help them on a daily basis.

Likewise, words are inadequate to express how much his family and I will miss him nor how much we appreciated his integrity, work ethic, ability, generosity, and the contributions he made during his life. All of us in central and northern New York have lost a tireless advocate and a dear friend. He will be deeply missed by many.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on July 16, 2007:

H.R. 1980, to authorize appropriations for the Housing Assistance Council. On Motion to Suspend the Rules and Pass, I would have voted "aye."

H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007. On Motion to Suspend the Rules and Pass, as Amended, I would have voted "aye."

H.R. 799, Appalachian Regional Development Act Amendments. On Motion to Suspend the Rules and Pass, as Amended, I would have voted "nay."

TRIBUTE TO NEW VETERANS AND PURPLE HEART RECIPIENTS MEMORIAL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mrs. CAPITO. Madam Speaker, I rise today to pay tribute to a new memorial in my district that honors our veterans and Purple Heart recipients.

The new memorial was unveiled July 9, 2007 at the Veterans Affairs Hospital in Martinsburg, WV. The ceremony was officiated by the Martinsburg Chapter 646 of the Military Order of the Purple Heart.

The Purple Heart and Veterans Memorial is 1 of 2 in West Virginia and 1 of 110 throughout the whole Nation to honor our military men and women. Former Martinsburg VA Director Fernando Rivera came up with the idea after he visited a similar memorial in the neighboring State of Maryland. The Martinsburg Chapter 646 of the Military Order of the Purple Heart worked with the VA center to build the memorial at the main entrance of the facility.

Cy Kammeier, commander of the Martinsburg Chapter 646 of the Military Order of the Purple Heart, dedicated the memorial to "those who gave some, and for the next of kin, those who gave all."

As this year brings the 75th anniversary of the revival of the Purple Heart, it gives me a great privilege to recognize those who helped make this memorial a success. I am honored to serve the citizens of the Second District of West Virginia, many of whom continue to proudly represent our State in the Armed Forces. Memorials like the one in Martinsburg are a reminder of the sacrifices that so many men and women have made in order to protect our freedoms and liberties throughout our Nation's history.

HONORING DAVID CLARENBACH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. BALDWIN. Madam Speaker, as the State of Wisconsin celebrates the 25th anniversary of the Nation's first Gay and Lesbian Civil Rights Act, I rise today to honor the courageous individual who authored this historic legislation, David Clarenbach.

David Clarenbach is a seasoned veteran of local, state, and national politics. He won his first term as a Dane County Supervisor at the age of 18, and was elected to the Madison Common Council in 1974. He served in the Wisconsin State Assembly from 1975 to 1993, and was Speaker pro tem from 1983 to 1993. In 1992 David was a Democratic Congressional candidate from Wisconsin's Second District.

Throughout his career, David Clarenbach has been intimately involved in the growth and development of the LGBT civil rights movement. During his tenure in the Wisconsin Legislature he wrote the Gay and Lesbian Civil Rights Act of 1982, the first in the Nation to include gay and lesbian people in statewide anti-discrimination laws. He authored Wisconsin's Hate Crimes Act, which was upheld unanimously by the U.S. Supreme Court. He sponsored a Bill of Rights for people with AIDS and HIV infection. And, in 1983, he authored the Consenting Adults Act, legalizing all sexual activity between consenting adults in private, thus repealing the state's sodomy prohibitions. He has served as a consultant and mentor to openly gay and lesbian candidates throughout the country.

Bringing together his vast experience in policy development, legislative relations, and grassroots organizing, on February 3, 1981, then Wisconsin State Representative David Clarenbach introduced Assembly Bill 70 to include discrimination based on sexual orientation in the state's prohibition on discrimination in employment, housing, and public accommodations. At the time only 41 municipalities and 8 counties in the United States offered limited protections against discrimination based on sexual orientation. In explaining the bill, Representative Clarenbach stated that "the right of private sexual preference among adults should be considered inherent . . . he or she should be guaranteed the basic human right to live without harassment or discrimination." The bill was endorsed by a broad coalition of clergy, religious denominations, and medical and professional groups.

In October 1981, Assembly Bill 70 was approved by the Wisconsin State Assembly by a vote of 50 to 46, and in February 1982, the Wisconsin State Senate approved the proposal by a vote of 19 to 13. Later that month, Republican Governor Lee Sherman Dreyfus signed Assembly Bill 70 into law, making Wisconsin the first in the Nation to enact a civil rights statute covering sexual orientation.

For his tenacity, his skills, and most of all, his courage, I join with all of Wisconsin in saluting David Clarenbach.

FREEDOM FOR CARLOS MANUEL HERNÁNDEZ REYES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Carlos Manuel Hernández Reyes, a political prisoner in totalitarian Cuba.

Mr. Carlos Manuel Hernández Reyes is a member of the John Paul II Peace and Justice Movement and a member of the Pedro Luis Boitel Civic Resistance Movement, an organization named for a legendary, heroic Cuban political figure who died in a hunger strike in 1972. The primary objective of the movement is to urge the Cuban tyranny to grant amnesty to all prisoners of conscience and to abolish "political" crimes in totalitarian Cuba. Because of Mr. Hernández Reyes' steadfast belief in human liberty and his dream of freedom for the people of Cuba, who have for too long been enslaved by the nightmare that is the totalitarian regime, he has been a constant target of the tyranny's repressive machinery.

Because of his belief in inalienable rights and his dream that the people of Cuba deserve freedom and democracy, Mr. Hernández Reyes was arrested by state security thugs on March 15, 2007 on grotesque charges of "disrespect," which amounted to nothing more than refusing to live out the regime's mandated propaganda. For his supposed "crime" Mr. Hernández Reyes was maliciously "sentenced" to one year in the totalitarian gulag.

I remind my colleagues that, under the Cuban totalitarian regime, any freedom of expression or effort to display truth or opinion that is not in step with the regime's mandated lies, is met with swift and violent repression. Upon his "sentencing" Mr. Hernández Reyes was moved by mule to the Tres Veredas concentration camp in Guantanamo, Cuba. Madam Speaker, Tres Veredas is an infernal dungeon where men are herded and treated as animals, with little if any contact with the outside world, the camp being a three to four hour walk from the nearest town and almost only reachable by mule.

Madam Speaker, Mr. Hernández Reyes languishes in an unventilated, dank, and rancid smelling room without water, electricity, or sunlight. Recently, Mr. Hernández Reyes was able to communicate to human rights activist Francisco Hernández Gomez that there was a rampant outbreak of diarrhea among the prisoners. No one bothered to investigate the source of their illness or make the minimal effort of transporting prisoners to a hospital or clinic for diagnosis. Instead they were "treated" by a nurse at the facility itself without access even to electricity.

Madam Speaker, this is only one episode of the criminally abhorrent injustices continually carried out on countless innocent Cubans just 90 miles from our shores. And yet, though the tyranny has attempted to destroy Mr.

Hernández Reyes, he will never cease in his commitment to freedom for Cuba. My Colleagues, we must demand the immediate release of Carlos Manuel Hernández Reyes and all prisoners of conscience in totalitarian Cuba.

HONORING SERGEANT NICHOLAS WALSH

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the life of SGT Nicholas Walsh and pay tribute to his patriotic service to our Nation.

As a team leader with Charlie Company, 1st Reconnaissance Battalion, 1st Marine Division, Sergeant Walsh bravely led fellow Marines on special operations missions in Iraq's Al Anbar Province. On May 26, while on a mission in Fallujah, Sergeant Walsh tragically lost his life.

After graduating from John Carroll High School in Birmingham, Alabama, Nicholas Walsh followed in the footsteps of a number of his family members and joined the Marines. Sergeant Walsh served 4 years before leaving the Marines. He married his wife Julie and started a family. Two years after leaving the Marines, Sergeant Walsh re-enlisted in the Corps he loved so much.

Like so many of our brave men and women in uniform, Sergeant Walsh often demurred at being identified as a hero. When asked if he would like to be buried at Arlington he responded: "No way; that place is for people better than me. That place is for heroes." Madam Speaker, Sergeant Walsh is a hero. He is a hero for his selfless service to our Nation. He is a hero for paying the ultimate price for freedom and liberty.

Today, I echo the words written by neighbors of Sergeant Walsh's parents, Maggie and Jerry: "We know that no words we could say can comfort you, but our thoughts are with you and our hearts ache for you." Our hearts ache for Sergeant Walsh's wife Julie, his sons Triston and Tanner, and the many loved ones and friends Sergeant Walsh leaves behind.

Madam Speaker, Sergeant Walsh is a true hero. Today, with a heavy heart, I extend to Sergeant Walsh's family my deepest sympathies. I urge my colleagues to join me in honoring the patriotism and selfless sacrifice of SGT Nicholas Walsh.

TRIBUTE TO MR. JACK KESSLER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize the accomplishments of a constituent of mine, Mr. Jack Kessler; specifically his forty-two years of service as President of the Putnam County Library Board.

As the board's founding President, Jack oversaw the birth of the county's library which in 1961 consisted of little more than a bookmobile and storage house. From those humble beginnings, however, the library blossomed. By the time Jack retired, after 4 decades of leadership, the Putnam County Library had grown to comprise five buildings, including four branches servicing communities across the county.

Jack left another, more direct, legacy when he retired. His daughter Jackie now serves as the library's director. Noting the family connection, Jack jokes he always has more than enough books to read.

Madam Speaker, for much of American history local libraries have provided communities with opportunities for advancement through education. Putnam County Library's branches, summer programs and volume after volume of books has benefited generations of West Virginia residents. The most enduring aspect of Jack Kessler's legacy is the benefit for generations yet to come.

I thank Jack for his years of service and Putnam County is fortunate to call Jack one of its own.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, July 16, 2007, I was unable to cast my votes on H.R. 1980, H.R. 1982, and H.R. 799.

Had I been present for rollcall No. 630 on suspending the rules and passing H.R. 1980, to authorize appropriations for the Housing Assistance Council, I would have voted, "aye."

Had I been present for rollcall No. 631 on suspending the rules and passing H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007, I would have voted, "aye."

Had I been present for rollcall No. 632 on suspending the rules and passing H.R. 799, the Appalachian Regional Development Act Amendments, I would have voted, "aye."

INTRODUCTION OF LEGISLATION TO REFORM FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING OPERATIONS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. NORTON. Madam Speaker, today I introduce a bill that I believe Congress must pass forthwith to assure that Federal Protective Service, FPS, guard contractors are capable, responsible, and ethical as required by the Federal Acquisition Regulations. It was clear to me that this bill was necessary when a vital security contractor issue emerged from our Subcommittee on Economic Development, Public Buildings and Emergency Management hearing on June 21, 2007. A security guard contractor had failed to pay its guards from FPS funds. At the hearing we learned that Weldon Waites, who had served five years in prison for money laundering and fraud, was the de facto owner, with his wife, of STARTECH, despite federal law barring felons from owning companies that do business with the federal government. In fact, it was Waites, not his wife, who came forward to defend the company after it failed to pay its 600 D.C.-based guards despite receipt of funds from FPS for payment. Mr. Waites' testimony concerning his operational control of the company was nothing short of a case study in evasion of existing law by merely taking advantage of obvious loopholes. Today I am filing the Federal Protective Service Guard Contracting Reform Act to prohibit FPS from contracting with any security guard service that is "owned, controlled or operated by an individual who has been convicted of a felony." My bill would eliminate proxy ownership of vital FPS contracting operations by relatives or spouses. The bill would be effective immediately upon passage and therefore would mean that FPS would be required to dismiss any felon exercising control over any FPS contracting operation now, not merely future contractors.

My bill reminds us that we must not lose sight of the mission of private contract guards who serve the federal government—to guard federal employees and sites as vital as nuclear plants and military posts against terrorism and crime, and in the case of Jenkins Security, two secure federal power plants here. The STARTECH example of unpaid contract guards and apparent misuse of federal funds directed to pay guards demonstrated why federal law requires these businesses have a "satisfactory record of integrity and business ethics."

Contract security officers are a critical component of federal strategies to protect the safety and security of federal employees and vital federal facilities. In the federal sector, security guards, many of whom carry guns, are as essential to protecting federal employees and sites as members of FPS. Although not a replacement for public law enforcement officers, whether local police officers, or FPS law enforcement officers, private security guards, like peace officers, are engaged in counter-terrorism activities in the post 9/11 environment. It was 9/11 and the creation of the Department of Homeland Security that led to the transfer of the FPS from the General Services Administration to the new Department of Homeland Security. Since the transfer, however, FPS has become even more dependant on contract guards, who have grown rapidly to 15,000, while the number of FPS guards is down from an authorized 1,450 to about 1,000. In passing appropriations for FPS this year, the Appropriations Committee indicated that the administration is seeking to totally eliminate FPS, the official police force for federal government work sites and facilities. The Appropriation Committee took action that assures that FPS officer levels as of 2006 will remain in place unless certain strong conditions are met. Today's legislation concerning the vitality and integrity of contracting operations assume even greater importance in light of FPS downsizing.

I urge my colleagues to support this legislation.

A TRIBUTE TO JOAN CACCAMO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn resident Ms. Joan Caccamo. Joan received her bachelor of science degree in Management from St. Francis College in Brooklyn in 1983; she later earned a master's degree with a specialty in Administration and Supervision from Fordham University.

Joan taught Business Education and Computer Science for 12 years and worked as a high school director of development and is currently employed as the assistant director of recreation, intramurals and athletics as well as a senior woman administrator at Brooklyn College.

Joan continues to give back to her community. She is currently the department president of the American Legion Auxiliary who has chosen for her special project the Special Olympics of New York. Under her leadership, members of the American Legion have donated more than $40,000 to the project. Joan has traveled throughout New York State visiting 62 counties promoting Special Olympics, veterans', children's, and community issues.

Joan's accomplishments are many and include; the Empire Girl's Program service as housemother, vice-chair and chair of the Veterans' Affairs and Rehabilitation, certified leadership instructor, and the winner of the Public Relations Chair National Award.

Madam Speaker, I would like to recognize Ms. Joan Caccamo who has given more than 40 years of volunteer service. I'd also like to honor her for her accomplishments as a teacher and caring member of the American Legion Auxiliary.

Madam Speaker, I urge my colleagues to join me in paying tribute to Ms. Joan Caccamo.

INTRODUCTION OF COLORADO FOREST MANAGEMENT IMPROVEMENT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Colorado Forest Management Improvement Act of 2007, legislation intended to facilitate a coordinated response to beetle infestation in Colorado's forest lands. In shaping it, we have also attempted to develop a model that could be useful as a response to similar problems in other States.

This bill is cosponsored by all of my Colorado colleagues here in the House, and Senator SALAZAR is introducing an identical bill that is cosponsored by Senator ALLARD. So this is legislation supported by our entire delegation in Congress.

As we are daily reminded, in Colorado and other Rocky Mountain States the risk of severe wildfires is very real. Partly, this is because of drought. But there are other contributing factors.

One is that for many years, the Federal Government's policy emphasized fire suppression, even though fire is an inescapable part of the ecology of western forests like those in Colorado. Today, in many parts of the forests there is an accumulation of underbrush and thick stand of small diameter trees that is greater than would be the case if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno. The problem has been made worse by our growing population and increasing development in the places where communities meet the forests—the so-called "wildland-urban interface." And when you add the effects of widespread infestations of insects, you have a recipe for even worse to come.

I have put a priority on reducing the wildfire risks to our communities since I was elected to Congress. In 2000, with our then colleague, Representative Hefley, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with State and local partners, identified at greatest risk of fire—the so-called "red zones." Concepts from that legislation were included in the National Fire Plan developed by the Clinton administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since then, in Colorado there has been very welcome progress in developing community wildfire protection plans and focusing fuel-reduction projects in the priority "red zone" areas, two important aspects of the new law. But at the same time nature has continued to add to the build up of fuel in the form of both new growth and dead and dying mature trees. And now there is an additional factor—increasingly widespread infestations of bark beetles.

Many species of bark beetles, such as the mountain pine beetle, are native to our forests. They place stress on trees by burrowing through the bark. If a tree is healthy, it can defend itself by producing sap to repel and expel the invaders. But if the defense fails, the insects lay their eggs in the woody material below the bark. Once the eggs hatch, they feed on the tree's fiber and disrupt the flow of water and nutrients from the tree's roots to its needles and branches. In addition, the invading insects bring in fungi and other invaders that further damage the tree. If enough insects are able to penetrate the tree and lay eggs, the tree dies. The offspring then mature and fly to another tree and the cycle begins anew.

These insects are a natural component of forest ecosystems. They help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. And when forests are healthy and there are adequate supplies of water, the insects' effects are relatively low-scale and isolated. But under the right conditions—such as during drought conditions or when there are dense stands of even aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red.

That is what has been happening in many mountainous areas in Colorado. And more and more our mountain communities find themselves in uncomfortable proximity to acres of dead trees, turned rust red by the insects and adding to their concerns about the danger of catastrophic wildfires.

Last year, I worked to develop a response, starting with a meeting in Winter Park that was attended by local elected officials, homeowners, timber industry representatives, Forest Service officials, ski area employees, and other Coloradans. They offered observations on the extent of this problem and proffered suggestions on ways to better respond to it. Based on information gathered at that meeting, consultations with experts, and other conversations, draft legislation was developed that Representative SALAZAR and I circulated widely so we could obtain further comments and suggestions. And in March 2006, we introduced the Rocky Mountain Forest Insects Response Enhancement and Support Act, also called the Rocky Mountain FIRES Act.

After that, other Members of Colorado's delegation in Congress, in both chambers, also proposed legislation. Senator SALAZAR introduced a measure similar to the Rocky Mountain FIRES Act, and other legislation was proposed by other delegation members.

Then, recognizing that this is an issue affecting the entire State and best addressed by a unified approach, we all agreed to work together to attempt to develop a single bill that all of us could support.

After very lengthy discussions, that consensus has now been achieved and the result is the bill being introduced today.

Its goal is not to eradicate insects in our forests—nor should it be, because insects are a natural part of forest ecosystems. Instead, it is intended, first, to facilitate more rapid responses to the insect epidemic where that is needed to reduce the wildfire threats to our communities; and second, to promote research on ways to improve the health of our forest lands.

The bill includes a variety of provisions intended to further facilitate both the development and implementation of community wildfire protection plans and to enable the Forest Service and Interior Department, in cooperation with State and local authorities and other partners, to do more to reduce the threat of very severe wildfires. It also includes provisions to support research aimed at improving the long-term health of our forests as well as provisions to make it easier for Coloradans—including both small businesses and individual property owners—to assist the Federal, State, and local agencies in working toward the reduction of fire risks and improvement of forest health.

Madam Speaker, I want to express my personal appreciation for the cooperative and collaborative approach of my Colorado colleagues—in the Senate as well as here in the House of Representatives—as we have worked together to develop this legislation.

The result is not perfect. Not every provision is equally desirable to each of us, and the bill does not include all that it might if anyone of us had been the sole author. For example, I strongly supported requiring that in Colorado the federal agencies must continue to give at least the same priority to funding fuel-reduction projects in the wildland-urban interface as they are doing now. However, that was not acceptable to all, so I reluctantly agreed to its omission in order to reach a delegation consensus.

But this is a good, strong bill that I think deserves enactment, and I will do all I can to achieve that result.

Madam Speaker, for the information of our colleagues, here is a more detailed description of the bill:

DETAILED DESCRIPTION

TITLE I—AMENDMENTS TO THE HEALTHY FORESTS RESTORATION ACT

The Healthy Forests Restoration Act, enacted in 2003, includes provisions to expedite fuel-reduction—that is, removal of vegetation (including trees) that provide fuel for severe wildfires—from Federal lands. Title I of the new Colorado bill includes these changes to that law:

Sec 101. Community Wildfire Protection Plan Assistance—This section, based on a provision of the Udall-Salazar "Rocky Mountain FIRES" bill of 2006, would authorize grants to at-risk communities in Colorado for preparing, revising, or implementing community wildfire protection plans. Grant funding is provided through part of the Federal share of the receipts from leases of federal minerals. Funding under this section is set at $5,000,000 per year for fiscal year 2008 through fiscal year 2012.

Section 102. Central Collection Points—This section, based on a provision of the Udall-Salazar Rocky Mountain FIRES bill of 2006, would amend the establishment of collection points for vegetative material from hazardous fuels treatment projects. Material placed at one of these points can be sold, donated, or otherwise made available to anyone who will remove it. If any of the material is sold, the money will go to help pay for thinning work to reduce fire risks.

Section 103. Biomass Commercial Utilization Grant Program—This section, based on a provision of the Udall-Salazar Rocky Mountain FIRES bill of 2006, would reauthorize and broaden a program of grants for owners and operators of facilities that use biomass for energy production, or other commercial purposes. The authorization level is $5,000,000 per year for fiscal years 2008 through 2012.

Section 104. Healthy Forest Partnerships—This section is based on a recent Administration legislative proposal. It would authorize the Forest Service or the Department of the Interior to designate Healthy Partnership Zones in Colorado at the request of the State or local governments. These zones would include both Federal land and adjacent nonfederal land at risk of uncharacteristically severe damage from wildfire or an outbreak of insects or diseases that requires multiple activities to reduce the threat. Designation of a partnership would be done with public participation and would last for no more than 5 years.

Within Partnership Zones the relevant Federal agency could partner with the State, a local government, or an Indian Tribe to prepare and implement eligible projects. Projects covered include hazardous fuel reduction projects; treatment of insect-infested trees; and the restoration of forest lands, rangelands, or watersheds.

Contracts under this section could be implemented under streamlined procedures. Priority would be given to projects that have been developed with collaborative community input and that are consistent with community wildfire protection plan. A Federal agency could not act on private land without the owner's consent.

TITLE II—COLORADO FOREST HEALTH MEASURES

Section 201. Research and other Activities—This section is based on provisions of Senator Allard's and Rep. Musgrave's "Headwaters Protection and Restoration Act" of 2006. It provides for grants to support research regarding—(1) marketing of forest products; (2) treatments for high elevation forests, and (3) steps to increase utilization of science and consideration of community needs in development of treatment strategies. The section also provides incentives for building infrastructure capacity such as; length of stewardship contracts, identifying markets for non-traditional forest products, grants and low-cost loans for small business that utilize wood from forests in Colorado. Directs the Secretary to examine the possible utilization of biomass as a renewable fuel source and how this could affect the Clean Air Act.

Section 202. Colorado Forest Health Fund—This section is also based on the Allard-Musgrave 2006 "Headwaters Protection and Restoration Act." It would establish a Colorado Forest Health Fund to which would be credited part of federal receipts from federal timber sales in Colorado—$2 million or half of all such receipts, whichever is greater—as well as any funds specifically appropriated for the fund. The funds would be deposited in an interest bearing account and up to $2 million per year would be available to pay for measures to improve forest health and to reduce hazardous fuels in Colorado. The section authorizes appropriation of up to $2,000,000 per year.

Section 203. Grants for Colorado Fuels for Schools Program—This is also based on the Allard-Musgrave bill. It would authorize grants to the State of Colorado for feasibility studies regarding the use of biomass boilers to heat schools and other public buildings in Colorado and to assist with the installation and operation of these boilers. This section authorizes appropriations of up to $5 million per year for fiscal years 2008 through 2012.

Section 204. Stewardship Contracts in Colorado—This is a new section. It would authorize longer-term Stewardship Contracts—up to 20 years in duration—for fuel-reduction projects in Colorado. It also includes technical provisions requested by the Forest Service regarding the implementation of requirements related to potential cancellation liability.

Section 205. Good Neighbor Agreements in Colorado—This is also based on the Allard-Musgrave bill. It would make permanent existing authority for "good neighbor" agreements between Federal agencies and private land owners in Colorado and Utah.

Section 206. Preparation of Fire-Danger Maps—This is a new section. It would direct the Forest Service to work with the State Forest Service to map fire threatened areas in Colorado using geospatial technologies.

Section 207. Truck Weights—This is a new section. It would allow the State of Colorado to permit vehicles with a gross weight in excess of 80,000 pounds (but not more than the state's overall maximum gross weight limit) to haul dead or diseased timber and other forest materials removed from Colorado forests in order to reduce fire hazards.

TITLE III—TAX PROVISIONS

Section 301. Extension of Tax Credit for Electricity Produced From Biomass—This section is based on legislation introduced by Rep. Beauprez and is also similar but not identical to a provision of the 2006 Udall-Salazar "Rocky Mountain FIRES Act." It would extend an existing biomass electricity production tax credit (now scheduled to expire on January 1, 2009) until January 1, 2030.

Section 302. Partial Exclusion from Gross Income Payments Received for Certain Hazardous Fuel Reduction Projects—This section is similar to a provision of the 2006 Udall-Salazar "Rocky Mountain FIRES Act." It would allow a taxpayer to exclude from taxable income money received from the Federal Government as compensation for hazardous fuel reduction work. The exclusion would be for up to $10,000 for a single return, $20,000 for a joint return.

Section 303. Deduction of Certain Expenditures in Connection with Implementation of Community Wildfire Protection Plans—This is a new section. It would allow individuals to deduct funds they expend for hazardous fuel reductions that are done as part of a wildfire protection plan from their income taxes. It allows for the exclusion of up to $10,000 for a single return or $20,000 for a joint return.

TRIBUTE TO U.S. ARMY PRIVATE FIRST CLASS JOSHUA S. MODGLING

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Army Private First Class Joshua Stephen Modgling. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Joshua, born January 3, 1985 in Rapid City, South Dakota, was the son of Air Force parents. Joshua grew up all around the country, including my congressional district. His mother, Julie Montano, resides in Mira Lorna, California where Joshua attended high school. Joshua was assigned to the 1st Battalion, 30th Infantry Regiment, 2nd Brigade Combat Team of the 3rd Infantry Division at Fort Stewart, Georgia. His unit conducts missions out of Forward Operating Base Falcon to find improvised explosive devices. Joshua was driving an armored Buffalo mine sweeper on June 19, 2007, when he was killed by a bomb. On July 6, 2007, he was laid to rest next to his brother, Ryan, at Riverside National Cemetery.

In reading about Joshua's life, I was impressed by his devotion to family and love of sports. Joshua's father, Keith, describes a young man who developed an early interest in explosives; an interest that found a home as a combat engineer in the Army. He is survived by his parents; his sisters Kellilynn, Courtney and Michelle; brothers, Christopher and Kenneth; stepfather, Serefino; and grandmother, Virginia.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Joshua, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Modgling family had to lay Joshua to rest was probably the hardest moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Private First Class Modgling's mother, father, sisters, brothers and all his relatives have given a part of themselves in the loss of their loved one and I hope they know that their son, brother, and grandson, the goodness he brought to this world and the sacrifice he has made, will be remembered.

RECOGNIZING THE ACCOMPLISHMENTS OF JOHN H. CHRISTENSEN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Mr. John H. Christensen of Reston, VA, for his service to the Defense Logistics Agency, DLA, as Chief of Logistics Research and Development at DLA Headquarters. He has served one of this Nation's most important agencies admirably, administering virtually all of the DLA's Research and Development initiatives and Industrial Base programs that have supported our soldiers in combat.

A graduate of the University of Florida, Mr. Christensen received his bachelor's degree in environmental engineering in 1979. Additionally, he has obtained two master's degrees, one from Virginia Tech in systems engineering and the other from the Industrial College of the Armed Forces in national resource strategy.

Prior to his current assignment, Mr. Christensen served as the first Program Manager of the Department of Defense, DOD, Electronic Mall, a single point acquisition center for off-the-shelf goods found in the commercial marketplace. His leadership helped bring a set of competing prototypes into a single operating system to provide for easy access, multiple searches, and cross-store shopping and ordering among millions of items from over hundreds of sources, all of which can accept credit card orders. The DOD Electronic Mall now generates millions of dollars each month in support of agency missions.

As chief of the Logistics Research and Development at Headquarters, Mr. Christensen is responsible for two major program elements; Manufacturing Technology Research and Development, and also Logistics Research and Development. The Manufacturing Technology element consists of programs in Castings, Forgings, Industrial Plant Equipment, Operational Rations, and Military apparel. Logistics Research and Development includes a drive in Medical Readiness, Aging Aircraft, Supply Chain Management, and Competitive Sustainment. Additionally, the Industrial Base responsibilities include Waterstoppers, Surge and Sustainment, the Rapid Manufacturing Initiative, and all statutory programs related to the Industrial Base.

Having been in federal service for nearly 30 years, Mr. Christensen's career has been marked by sustained progression. Having served a 3-year tour as the Assistant Officer in charge of the Naval Fuel Depot in Yokusha, Japan, with the United States Navy, he then went on to serve 2 years as the first Program Manager of the Department of Defense E-Commerce Program, and lastly served 7 years as the Chief of the Logistics Research and Development Division with DLA. Mr. Christensen has remained a committed member of the Naval Reserves, and he holds the rank of Commander with over 26 years of combined service.

Madam Speaker, I wish to commend Mr. Christensen for his many years of service to our Nation and I am proud to have him live in Virginia's 8th Congressional District. The Nation will lose a proud servant when he leaves office on August 31, 2007. I wish him and his wife, Mary, Godspeed in his retirement.

CONGRATULATING FETZER VINEYARDS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to pay special tribute to a proud corporate citizen from California's First Congressional District. I am pleased to announce that Fetzer Vineyards, an environmentally conscious grower, producer and marketer of wines, has been named a 2007 Brand With a Conscience in recognition of its sustainable practices and social responsibility in winemaking.

Candidates for this award, given annually by the Medinge Group, an international think-tank on branding and business, are evaluated on the basis of reputation, accountability and an assessment of expressed values of sustainability. Fetzer has long been known as an environmentally responsible brand and joins companies such as Whole Foods and the Virgin Group in receiving this honor.

Initiatives to improve the winery's energy efficiency and sustainability practices began in the 1980's with the Fetzer family and have continued to thrive with the support of Brown-Forman Corporation, its parent company since 1992. Among its many accomplishments, the vineyard has reduced its waste by 93 percent since 1991, is annually recognized as one of the top ten recycling companies in California and has been using 100 percent renewable power since 1999. Fetzer is also known for its extensive use of solar power, bio-fuel and its adoption of company-wide recycling programs. Fetzer has the largest solar array in the wine industry, consisting of 4,300 solar panels covering 75,000 sq ft.

This most recent accolade compliments a collection of awards recognizing Fetzer's commitment to environmentally conscious practices. In 1999 Fetzer received the Business Ethics Magazine Award for Environmental Excellence and the United States Environmental Protection Agency Climate Wise Partnership Award. In 2003, California's Environmental Protection Agency selected Fetzer to receive the Governor's Award for Environmental and Economic Leadership. Fetzer Vineyards has been acknowledged as Salmon Safe and touted for Fish Friendly Farming practices. In 2007, Fetzer received its 13th WRAP (Waste Reduction Awards Program) award.

Fetzer is renowned for its triple-bottom line business approach, evaluating the impact of business decisions upon the employees and the environment along with economic considerations. As the largest grower of organic wine grapes in northern California, Fetzer carries on its tradition of using healthier vines and a more natural wine making process to produce wines that are recognized as being good for the planet and good for the palate.

With this award, Fetzer will serve as a model for companies striving to establish environmentally conscious business practices both locally and on a wider national and international scale.

Madam Speaker, I ask my colleagues to join me in congratulating Fetzer on its recognition as a 2007 Brand With a Conscience and to applaud its tireless efforts as a world-class organization and champion of sustainable business practices. I am proud to represent them.

TRIBUTE TO NORMAN BORLAUG

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. ELLISON. Madam Speaker, it is with great humility that I rise today to honor Norman Borlaug, the noted agricultural scientist and plant pathologist. Mr. Borlaug's contribution to humanity cannot be overstated. No one can be entirely certain how many lives he is responsible for saving, but the number often noted is well over 1 billion people—an unprecedented feat in world history. The honorary titles and acclimations Mr. Borlaug has received throughout his illustrious career are too many to enumerate, and such a list would be too prestigious to truncate. Instead, I simply request that the record state how pleased and honored I am to be able to stand here today and recognize the occasion of Mr. Borlaug's receiving the highest honor this body can bestow, the Congressional Gold Medal. It's doubtful that this institution could find a more deserving recipient.

Mr. Borlaug came from humble roots, working on his family farm until the age of 19. After some prodding from his grandfather, Nels Olson Borlaug, he enrolled at the University of Minnesota. One cannot help but wonder whether his grandfather knew when he advised his grandson, "you're wiser to fill your head now if you want to fill your belly later on," how literally Mr. Borlaug would take it.

Affording a college education can be difficult, and was especially so for Mr. Borlaug, who obtained his undergraduate degree during the Great Depression. Despite the best efforts of the federal government towards relief and recovery, times were still rough, and many of the men he worked with were literally starving. Mr. Borlaug would later recall how much food meant to the young men he worked with—17- and 18-year-olds who had for months and months been unsure where their next meal would come from. Mr. Borlaug later noted how he "saw how food changed them . . ." and how ". . . all of this left scars on me."

There is no doubt that Mr. Borlaug understood the importance of something as simple as food in peoples lives, how it brought hope as well as nourishment to the impoverished and less fortunate. Toward the end of World War II, he rejected offers that would double his salary so he could research wheat in Mexico. Devastating crop yields in the early 1940s had led the country to resort to importing up to 60 percent of its wheat. Various plant diseases decimated entire crops, bringing discouragement and fear to the lives of Mexico's farmers. Mr. Borlaug was determined to make sure that Mexico could feed itself through a new kind of strong, high yield wheat.

Wheat is naturally long-stemmed, and if the wheat is too heavy, the stem cannot bear the load and the crop collapses and spoils. This spoilage was common, especially if a farmer attempted to use modern fertilizers. After numerous attempts and years of trial and error, Mr. Borlaug was able to cross a strain of dwarf wheat—which is shorter and has a thicker, stronger stalk—with regular wheat. Due to the prevention of losses from disease and top-heavy spoilage, yields tripled. By 1956, Mexico was able to be totally self-sufficient in wheat production.

In the sixties and seventies, demographers and environmentalists were predicting that India and Pakistan would inevitably face widespread hunger, resulting in millions upon millions of deaths due to famine and starvation. As India and Pakistan raced towards deadly conflict over the Kashmir region, both countries were headed toward an even more deadly famine. Rather than dodge the war zone, Mr. Borlaug headed toward the conflict, his team working fields in sight of falling artillery shells. As Borlaug's "Green Revolution" swept across Asia, tensions of famine and instability eased. Due to Mr. Borlaug's ingenuity and perseverance, both countries are now self-sufficient producers of cereals.

The environmental benefits of Mr. Borlaug's techniques have saved 100 million acres of untouched land from being plowed to grow crops, preserving the natural habitat of an area equivalent to that of the entire State of California. Since 1961, worldwide land devoted to growing wheat has increased by only 4 percent, while output has increased 2.3 times over, saving countless acres of natural habitat worldwide for future generations.

As Mr. Borlaug receives the Congressional Gold Medal, we are recognizing both his previous accomplishments as well as those yet to come. Mr. Borlaug is continuing his efforts to end famine and hunger in the developing world by spreading his efforts to African nations long plagued by food insecurity. There are further mountains to move, further horizons to reach, further fear to extinguish and further hope to bring. Madam Speaker, it is a pleasure to be able to honor Mr. Borlaug not just as a product of the University of Minnesota, or as a great scientist or instructor, or as a great American, though he is all of these things. It's a bigger honor to recognize him as a man who saw people starving when they didn't have to—who in the process of an act of human compassion, single-handedly changed the world. Mr. Borlaug, on behalf of the State of Minnesota, the United States of America, and a grateful world, I thank you.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, on Thursday, July 12, 2007, the House of Representatives voted on H.R. 1851, the Section 8 Voucher Reform Act of 2007. I was present for the series of Roll Call Votes 625 through 629. However my "AYE" vote on final passage of H.R. 1851 (Roll Call Vote No. 629) was not recorded.

Had the electronic voting tabulator recorded my vote, the record would have demonstrated an aye vote on final passage of H.R. 1851 (Roll Call Vote No. 629).

IN RECOGNITION OF THE APPLING COUNTY BULLDAWG BB GUN TEAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. KINGSTON. Madam Speaker, the Appling County Bulldawg BB Gun Team won 1st Place in the International BB Gun Championship Match in Bowling Green, KY this past weekend. Jordan Vaughn won First Place in the Jaycee international BB Gun Championship. Trevor Causey won second and the NRA World Record in the sitting position shooting a perfect 100 with 8 center shots.

The team won National Champion with the most points averaged together. The team won the special BB Gun trophy that is being held at the 4H office, and will be passed to each Donor Business for recognition. There were a total of 33 teams representing 22 different states. They won by a huge margin of 53 points with an overall total of 2382. (As I understand it, you have to sit, stand, kneel, or lay down to shoot for points.) The team members were Jordan Vaughn, Trevor Causey, Dustin Stipe, Brittany Hardwick, Jordan Roberson with two alternates: Wade Edwards and Hallie Hardwick. The team coaches were Tim Toler, Bob McDonald and Daniel Edwards.

The senior members have worked very hard to accomplish this goal. This is the first time a Georgia team has ever won the International Match and we are very proud of these kids!

AMERICA NEEDS MORE ENERGY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. HALL of Texas. Mr. Speaker, America needs more energy.

Today we import around 60 percent of our oil from OPEC countries, many of which shield our enemies and disagree with our way of life. But we find ourselves dependent on these countries to supply the energy we need. We continue to import a lion's share of our energy from these countries, while refusing to increase our domestic energy supply.

Much of the energy legislation being proposed by my Democratic colleagues turns a blind eye to the reality that our economy depends on fossil fuels. Opponents of oil and gas continue to sponsor legislation to raise taxes on our domestic energy producers and refiners. Making American energy more expensive than foreign sources defies logic.

Comprehensive energy solutions must include provisions to promote all sources of energy. We must invest in research and development for technologies to promote the use of renewable and alternative sources of energy for the future, but at the same time we must also support the domestic oil and gas industry in order to reduce our dependence on foreign oil.

The oil industry works just like other sectors of the economy, through the laws of supply and demand. Demand is increasing and has been for years, yet we are not increasing our domestic output. Refineries are operating at near-capacity and we haven't built any new ones since 1976. Congress needs to start realizing that fossil fuels are going to continue to be our major source of energy for decades to come, and make policy to reflect this reality.

As Ranking Member of the Science and Technology Committee, I strongly support a diverse portfolio of investments in both short-term and long-term energy R&D. I believe that one day, renewable and alternative sources of energy will provide America with energy on a widespread scale.

However, it will be years, if not decades, before these investments can help America achieve energy independence. In the meantime, we must be realistic about what makes our cars run and our light bulbs glow. We must not legislate to make headlines. We need to build on comprehensive energy policies that recognize the importance of all energy sources, including fossil fuels, to ensure national energy security.

IT'S TIME TO SET A DATE TO BRING OUR TROOPS HOME

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. SCHAKOWSKY. Madam Speaker, I would like to submit this insightful editorial from the Chicago Sun-Times for the RECORD. The Sun-Times has accurately and incisively captured the frustrations of the residents of the Chicagoland area, and of Americans around the country. They are tired of this ill-planned and ill-executed war, and they believe that it is time to "set a date to bring our troops home."

[From the Chicago Sun-Times, July 16, 2007]

DEADLINE IN IRAQ: IT'S TIME TO SET A DATE TO BRING OUR TROOPS HOME

Americans of all political leanings want to understand when our involvement in Iraq will end. We have waited patiently for the positive results the president has repeatedly promised. We have looked for improvements following shifts in military strategy, the approval of benchmarks, the last-ditch surge.

No matter how much wishful thinking President Bush indulged in last week in finding "a cause for optimism" in the White House report on progress in Iraq, Americans heard little to give them confidence that things are improving. The president should face reality and put before the American people a plan to conclude our direct involvement in Iraq. We need to understand the end game.

Are Iraq's political leaders any closer to resolving their deep, divisive differences? Are they any closer to providing security and basic services for the people? No, on both counts. There has been no real progress toward meeting eight of 18 crucial benchmarks.

There is, however, progress in Congress toward forcing Bush's hand. The Democratic controlled House voted to require the United States to withdraw most combat troops from Iraq by April 1. Then two leading Republican senators, John Warner of Virginia and Richard Lugar of Indiana, called for Bush to present a contingency plan for Iraq to Congress by Oct. 16.

Threatened with opposition from more Republicans, the president is pulling out all political stops to keep ahead of that trend. At his worst, he has resorted to recycling cheap scare tactics—warning that the terrorist threat to Americans, on American soil, will increase dramatically the minute we pull soldiers from Iraq.

In lashing Congress for trying to "run the war," Bush might have been lashing Americans who expressed their ardent opposition to the war at the polls last November. He wants us to wait until Gen. David Petraeus and Ambassador Ryan Crocker release their progress report on Iraq in September before reaching any conclusions. Our concern is if their findings don't jibe with his policy, the president will come up with more reasons for Americans to withhold judgment. To wait some more.

Some have argued that setting a deadline will give the enemy a target date, allowing the enemy to lie in wait. But not having a plan risks further inciting Americans against the war. It could lead an exasperated Congress to make rash ultimatums that would put soldiers more at risk than if the president initiated a rational plan now.

The president has had more than enough time to develop and articulate an exit strategy in Iraq. Everyone wants to minimize the mess we'll leave behind. If April 1 doesn't work for the president, what date will? How long does he envision that we'll have to stay? The answer can no longer be "indefinitely." The American people need a plan, and they need it now.

NORMAN BORLAUG AND THE CONGRESSIONAL GOLD MEDAL

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. LOEBSACK. Madam Speaker, today Norman Borlaug received the Congressional Gold medal, the highest civilian award that Congress may bestow. I'm extremely proud to be able to celebrate this great honor with Dr. Borlaug, a native Iowan and a true humanitarian.

Dr. Borlaug was born on his grandparent's farm in Saude near Cresco, Iowa. The lessons he learned there stayed with him throughout his life.

His desire for knowledge and his dedication to helping those in need led him to Mexico after his studies. There he worked tirelessly and created high yield wheat varieties which enabled the country to become self-sufficient and improved the lives of countless poor farmers.

Dr. Borlaug became the "Father of the Green Revolution," and in 1970 he was recognized for his extraordinary advancements in agriculture and received the Nobel Peace Prize.

He continues to work to alleviate hunger across the world and has saved countless lives. He is truly deserving of the Congressional Gold medal. Dr. Borlaug is an inspiration to us all.

PATSY T. MINK FELLOWSHIPS ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to introduce the Patsy T. Mink Fellowships Act. This bill continues the legacy of our dear colleague from Hawaii and is in honor of her work on behalf of equal opportunities in education.

Patsy Mink faced many challenges as a woman in higher education and she was a leader promoting equal opportunities for all women. The situation is better today, but there is still a long way to go.

Thirty-two percent of doctoral-age Americans are African-American or Hispanic, but only 11 percent of doctoral degrees awarded to Americans are awarded to African-Americans or Hispanics.

In such critical fields as engineering and science, that number is nine percent.

Women earn only about one-quarter of doctoral degrees in math and physical sciences and only one-sixth in engineering.

Only 38 percent of full time faculty are women, and that percent decreases as women seek advancement.

For example, only 30 percent of tenured faculty and 21 percent of full professors are women. In engineering, math, and physics, only about five percent of full professors are women.

Similarly, African-Americans represent only four percent of full or associate professors and Hispanics represent only two percent.

The Woodrow Wilson Fellowship Foundation recently cited fewer institutional fellowships for minority students as a primary reason for the decline in the number of minority students pursuing doctorates.

The lack of minority and women professors, especially in math, science, and engineering, is the result of fewer of these individuals studying those subjects in high school, college, and graduate school.

The Patsy T. Mink Fellowships will increase diversity among college professors by authorizing fellowships for minorities and women doctoral students who agree to teach in higher education for one year for each year of their fellowship.

I ask my colleagues to support the Patsy T. Mink Fellowships Act, both to keep America's promise of equal educational opportunity and to protect our economic and national security.

COMMENDING THE WATERS FAMILY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today on behalf of the 1.5 million families who are living with autism in this country today. The Waters family, from my district is one of those families. They know firsthand about the difficulties of raising a child with autism. They have risen to the challenge, however, raising a beautiful, 6-year-old daughter, Candace. They have also dedicated their work to raising awareness about their daughter's condition and building a support network for other families around the country living with autism.

Robert and Sandy Waters have created a radio show on Autism One Radio, a nonprofit, charity organization that was created by a small group of parents of children with autism. The Waters' radio show, "The Candy Store," provides music, art, inspiration, and information to inspire, educate, and help parents guide their children. They have written a song titled "Faith, Love, and Hope" for their daughter. The song has inspired and influenced parents, organizations, and politicians around the world.

People like Robert and Sandy Waters play an increasingly important role, as autism is one of the fastest-growing developmental disabilities in the world, and affects 1 in every 150 children born today. With proper education, training, and community living options, however, individuals with autism can lead productive lives, contribute to their communities, and reach their fullest potential. Unfortunately, however, understanding, services, and research lag behind the needs of our Nation's families.

With further research, scientists hope to establish biomedical markers and environmental links that will allow for earlier diagnosis and treatment. Additionally, researchers intend to look into the possibility of a vaccine and attempt to find the treatment programs that are most successful. As research opens up new treatment possibilities, we must also provide education in order to change public perception of autism and those individuals living with the disease.

Again, I would like to commend the work of the Waters family. I urge all citizens to become educated about autism and join in the effort to increase awareness and support for those living with this condition.

HONORING THE 50TH ANNIVERSARY OF LOWELL AND CAROLYN DAUGHTRY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. HENSARLING. Madam Speaker, today I would like to honor the 50th wedding anniversary of Lowell and Carolyn Daughtry.

Lowell was born in Titus County, Texas. He attended Mt. Pleasant High School and graduated from University of Texas at Tyler. After college, Lowell worked in the accounting office at the Continental Can Plant for fourteen years. He then worked in sales at Tyler Pipe for three years. Lowell rounded out his career working at the United States Post Office in Azalea Station, finally retiring in 2002.

Carolyn is a native of Tyler, Texas. She graduated from Tyler High School in 1957 and went on to the University of Texas at Tyler. Carolyn worked for Coca Cola in the marketing department, where she advanced from head bookkeeper to Manager of Automatic Buffet/Coca Cola, becoming the first female manager. She then went to work for Buford Television/Friendship Cable as Vice President and General Manager, responsible for building over 40 television systems for Buford. While there, she bought, sold, and managed over 60 franchised areas. In 1991, Carolyn left Buford to work for Harron Cablevision as their Texas manager, overseeing 60 systems. Through Harron, she negotiated and bought the rights to Direct Television in 13 counties.

Lowell and Carolyn had 2 daughters; Rhita and Mikki. Rhita lives with her family in Canton, Texas. Sadly, Mikki passed in March, 1993 leaving behind her husband Kyle and their 2 sons Ross and Luke. Her memory is cherished by all those she left behind.

Lowell and Carolyn can be found working on their farm, happily tending their garden and traveling. I might note that Lowell now serves as Elder at the Chandler Church of Christ and Chaplain for the VanZandt AARP, for whom Carolyn is President.

As the Congressional representative of Ben Wheeler, Texas, it is my distinct pleasure to honor the 50th wedding anniversary of Lowell and Carolyn Daughtry today in the United States House of Representatives.

HOUSE OF REPRESENTATIVES—*Wednesday, July 18, 2007*

The House met at 10 a.m.

The Reverend Martin B. Lavengood, Wesley Enhanced Living at Evangelical Manor, Philadelphia, Pennsylvania, offered the following prayer:

Lord God, we thank You for giving us the means to govern ourselves as free people. Keep us ever mindful of the rights and liberties which hallow our life. Watch over and protect all those who serve to defend them.

We pray especially for our Representatives who serve in this Chamber. Endow them with Your wisdom to choose the issues we must face; give them the courage and the strength to make the difficult decisions; fill them with Your charity that they may enter into a spirit of compromise; give them the grace to work for the higher good in their deliberations with other bodies. In all their efforts, may they remember both the rich and the poor whom they are called to serve; shield them from the temptations of power which beckon incessantly; and at the end of the day may they enter into Your rest, Lord God of Hosts.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND MARTIN B. LAVENGOOD

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Madam Speaker, it's my pleasure to welcome Reverend Martin Lavengood and to thank him for the prayer he just delivered, and to welcome his family and many residents of the Evangelical Manor who are here today.

Reverend Lavengood has a long and honorable history of service to the community. Prior to being ordained in 1991, Reverend Lavengood taught high school English in New York. Shortly after his ordination, he studied in Jerusalem as the first Roberta Rudin Scholar for Jewish-Christian Studies. After his experience in Israel, the reverend returned to the United States and became active in prison ministry while serving in parishes in New York and Indiana.

In 2003, Reverend Lavengood moved to Philadelphia where he became a chaplain at the University of Pennsylvania Hospital. While working there, he developed an interest in ministering to people of all ages, especially the elderly. This interest led him to his current position as chaplain of the Wesley Enhanced Living at Evangelical Manor in Philadelphia, where he's honored, he says, to serve members of the World War II generation.

I commend Reverend Lavengood for his service to seniors and for taking time to come to Washington and offering this prayer before the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further 1-minute speeches on each side of the aisle.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Madam Speaker, I rise today to salute the House of Representatives for passing H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007.

Now, more than ever, public safety employees are being stretched to capacity. With the deployment of our National Guard to Iraq, our local communities are being asked to respond to emergencies with often depleted resources and manpower.

Our local first responders represent the highest in public service. By providing them with collective bargaining rights, we can help these patriotic men and women secure adequate equipment, ensure workplace safety, and promote pay and benefits that will allow us to recruit the best and brightest to these important professions. This legislation represents an effort to put words into action.

Madam Speaker, our Nation's firefighters, police officers, and EMS personnel do right by the American people every day, keeping our families and communities safe. It is high time that we honor their service by enacting this legislation and providing them with the Federal resources they need to do their job.

CONGRATULATING SHAW FARMS ON THEIR 200TH ANNIVERSARY

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to congratulate Shaw Farms on their 200th anniversary. Shaw Farms, located along State Route 131 in Miami Township, Claremont County, Ohio, is home to the region's finest summertime produce. It is best known for its sweet corn, tomatoes, melons, beans, squash and cucumbers. Shaw Farms began operating during the tenure of Thomas Jefferson. Think about that, the tenure of Thomas Jefferson, and has continually operated as a family farm since 1807. It is one the oldest family farms in Ohio.

Today the family farm is run by Jerry and Jean Shaw, with the help of their children and grandchildren. Through the hard work of the Shaw family, much of greater Cincinnati relies on them for their produce.

Summertime produce is not the only thing the Shaw family is known for. Each October, thousands of visitors, including many eager school children come to the family's Fall Festival, which is known for its pumpkins, hayrides and farm animals.

This weekend the Shaws are hosting a bicentennial bash to help celebrate their amazing accomplishment. In the spirit of the Shaw family, they have invited everyone in the area to enjoy their success. Of course many of the items for which they are well known will be on their menu.

The Shaw family's fresh produce and family entertainment is truly an asset to all the communities in southern Ohio.

Mr. Speaker, please join me in wishing the Shaw Farms a happy 200th anniversary, continued success, and let's wish them at least 200 more years in Ohio.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LET'S NOT OVERSTAY OUR WELCOME IN IRAQ

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, last night the Senate stayed in session and they're probably still in session because they can't get an agreement to discuss the resolution, the bill that this House has already passed, a similar one to end the war in Iraq and redeploy our troops and bring our troops home.

This House, on several occasions, has passed bills with benchmarks to respond to the American people's wishes and end this horrific war. The Senate hasn't been able to do it because they need 60 votes to avoid filibuster. That's what they have going on now.

And that's the problem, Mr. Speaker, is the procedures in the Senate, and that's why we're still in this horrific war, a war where the Prime Minister of Iraq has said he can provide for the security of his country by January 1 and he does not need our troops.

Mr. Speaker, I would suggest that Emily Post's rule should be invoked. When you're a visitor and your host says you're no longer needed and no longer wanted, you pack your bags and you go home. I would advise the President, Mr. Speaker, to listen to Emily Post and be a good visitor and bring our troops home and stop losing lives needlessly.

THE THREAT IS REAL AND WE MUST REMAIN VIGILANT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday morning the National Intelligence Estimate report was released outlining threats to the United States over the next several years. I am grateful that since September the 11th counterterrorism efforts have stopped terrorists from additional attacks on American soil.

The report confirms that the threat to America is real, and al Qaeda has intensified efforts to attack the United States. I appreciate the brave men and women worldwide in the fight in the global war on terrorism so that we do not face another attack here at home. They are fighting to protect American families, and their presence in Iraq and Afghanistan is vital to this effort which al Qaeda has identified as the central front.

The report reiterates the threat to the United States and the significance of our mission in Iraq. We must remain on the offense everywhere and remember that the threat to our Nation is real. Al Qaeda is like a cancer which must be stopped at all sources or it will spread.

In conclusion, God bless our troops, and we will never forget September the 11th.

THE AMERICAN PEOPLE WANT TO START BRINGING OUR TROOPS HOME

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, by overwhelming majorities, the American people are demanding a change of course in Iraq. After 5 years of a failed Bush administration strategy to bring peace and stability to Iraq, the American people are fed up with the way that is jeopardizing our national security, our military strength and our Nation's fiscal future.

The American people no longer listen to the President when he says the situation in Iraq is improving. And they received more proof last week that the President's new way forward strategy, the so-called surge, is only inflaming Iraq's civil war. Casualties among U.S. forces have surged and the political process in Iraq has halted. The President's policy has produced few results on the ground, and yet he is asking both the American people and the Congress for more time.

Mr. Speaker, President Bush has had 4 years to make his policy work, and the situation is not getting any better. It's time that we get back to fighting the real global war on terror so that al Qaeda does not continue to gain strength in Afghanistan and Pakistan. The Senate has a chance today to follow our lead, listen to the American people and begin bringing our troops home.

NEWS FROM THE BATTLE FOR IRAQ

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, news from the war in Iraq: The Iraq interim assessment report of progress states that sectarian murders in Baghdad are down from what they were in January. Many Iraqis are now coming forward with information to help root out terrorists from their hiding places.

On the local level, citizens are forming neighborhood watch groups and young Iraqis are joining the army and the police forces. Measured progress continues in Iraq. The surge strategy has only recently been completely implemented, and it seems that we are seeing positive signs.

A policy of surrender and failure in securing Iraq would hold catastrophic consequences for the United States and the Iraqi people. We should be focused on victory, not pandering to the "peace at any price crowd."

Those who want retreat, defeat and withdrawal while in the midst of this battle for Iraq have yet to understand that there are consequences for appeasement, and they are bad for the United States and the Iraqi people. Retreat will not bring victory and it will never bring peace.

And that's just the way it is.

ALL NIGHT SENATE SESSION

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, the Senate was in session all night long because Senate Republicans refuse to allow a fair up or down vote on an amendment that would redeploy our troops by April of next year.

Today, Senate Democrats want a vote on an amendment offered by Senators LEVIN and REED, but Republicans are using the filibuster to prevent a fair majority vote. Do Senate Republicans really want to obstruct the process on the most critical issue of our time?

The American people are demanding change in Iraq, and while a majority of Senate Republicans refuse to listen, nearly a dozen Republicans have said the administration must change its strategy in Iraq. These Republicans need to realize that their words are important, but they will only have meaning if they choose to act and support the Levin-Reed amendment.

We all know that President Bush has no intention of making any changes in his war policy, and so it is up to Congress to force that change, which is why last night's all-night debate in the Senate was so important. Let's hope wayward Senate Republicans are finally listening.

□ 1015

THE DEMOCRATIC MAJORITY AND THE LARGEST TAX INCREASE IN OUR NATION'S HISTORY

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, some years ago the story was told about the mean-spirited old Grinch who tried to steal the joy of Christmas. Well, it is not Christmas, but you might as well almost think it was a Christmas present when you take a look at the American economy that has been strengthened by the tax cuts of a number of years ago.

This boom that the Republicans set in place has added 46 months of straight growth in job creation. The unemployment rate is at a very low 4.5 percent. The Dow has just made all kinds of records at crossing the 14,000 mark, and the deficit has been cut in half.

In the face of this good news, the Democrats have passed a $392 billion tax increase, the biggest tax increase in the history of our country. And just like the Grinch, the Democrats seem to be wanting to steal our economic joy.

We must not allow the Democrats to steal the joy of the American families.

EGYPT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute.)

Mr. CHANDLER. Mr. Speaker, I rise today to talk about problems that have arisen on the border between Egypt and Gaza.

Since the Hamas military took over all power in Gaza there has been massive smuggling of arms into Gaza along the border with Egypt, often by the use of tunnels that are proliferating along the border.

The Egyptian government has made efforts to curb the smuggling by closing the border between their country and Gaza and by assigning more security personnel to patrol the border. However, the border remains porous in many areas and weapons continue to find their way across the border and into the hands of Hamas fighters.

With fears of refugees pouring into Egypt from Gaza and fears that Hamas will escalate its attack on Israel, this situation has become both a security and a humanitarian concern. Egypt has vowed to partner with Israel, the United States, and the European Union to work toward a solution.

While part of the solution will be immediate increases in security forces at the border, a long-term solution is also needed. Egypt must take responsibility for the actions of its own people, and Israel must support Egypt's good-faith efforts.

I hope we can come to some resolution of this problem.

NATIONAL RIDE YOUR MOTORCYCLE TO WORK DAY

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, today is National Ride Your Motorcycle to Work Day, and just a few minutes ago, I proudly rode a Harley Davidson Roadking to the steps of the Capitol building.

Motorcycle riding has been a passion of mine for many years, since my 20th birthday, and a proud member of the American Motorcyclist Association I am, as well as the Harley Owners Group. I can attest that responsible riding has many unique recreational benefits for millions of Americans.

During this session of Congress, we are looking for ways to break our dependence on foreign oil, develop alternative fuels, and increase domestic conservation. Motorcycles are excellent alternatives to current forms of transportation because they offer both fuel efficiency and greater enjoyment for the commuter.

I encourage all Americans to learn more about the recreational and environmental benefits of responsible motorcycle riding by visiting American Motorcyclist Association's Web site and availing themselves of the motorcycle rider safety training program.

KEEP GROWING THE ECONOMY, NOT THE BUREAUCRACY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday the Dow Jones Industrial Average rose above 14,000 for the first time ever. What a proud moment for all of us.

For many of us it is not a surprise. This strong economy is a direct result of the pro-growth Republican policies that we are fighting for every day on this floor. It is a sign of continued and growing investor confidence, and it shows that when taxes are low and Americans choose how and where to spend more of their money they will choose to invest in America and make us stronger.

This isn't a victory for Wall Street or for big business; it is a victory for Americans. Over half of all Americans are invested in the stock market. More and more Americans want to participate in this strong and growing economy. So they need a Federal Government that respects those wishes, not one that will raise their taxes to pay for out-of-control spending.

Let's keep this economy on the right track. Let's rein in spending. Let's focus on growing our economy rather than Washington's bureaucracy. That is what Americans want.

A HISTORY LESSON ON THE AUTO INDUSTRY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the Democratic leadership in both this House and the United States Senate have made a conscious decision to bankrupt the domestic United States auto industry by forcing an antiquated CAFE standard on them.

And I just want to remind my colleagues what this industry has meant to America.

Over 100 years ago, Henry Ford built the Model T, which brought automobiles to the masses, created opportunities that built America's middle class, and fundamentally changed our Nation.

During World War II, Michigan was known as the Arsenal of Democracy because we had the manufacturing capability to build the armaments that literally led the world to peace. For 2 years we didn't even build automobiles because we were building tanks and jeeps and B-24 bombers. And as we surrender our manufacturing capabilities to Japan and China, we had better hope that we never need the ability again to build armaments because we will be at the mercy of these foreign countries.

After 9/11, when everyone was concerned that our economy would go into a tailspin, the American automobile industry, the domestic auto industry, offered zero interest financing, which, as GM said, has kept America rolling.

I will never apologize for defending the domestic auto industry against the Democratic leadership.

THANK YOU AND WELCOME HOME, RED BULL DIVISION

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, the Minnesota Red Bulls are not an energy drink, but let me tell you about what an amazing energy force they have been for our freedom in the United States.

They are now returning home from the longest continuous deployment of any U.S. military unit during Operation Iraqi Freedom.

The Red Bulls hail from the 1st Brigade, 34th Infantry Division of the Minnesota National Guard based in Bloomington, Minnesota.

Mr. Speaker, these men and women are true citizen soldiers. They have put service to their country ahead of their family, of their friends, and their careers since September of 2005.

During their deployment, let me tell you what the Red Bulls have done for our country, Mr. Speaker. They completed 5,200 combat logistical patrols. They secured 2.4 million convoy miles, and they discovered 462 improvised explosive devices prior to detonation. In addition, they completed 137 reconstruction projects and helped start two Iraqi newspapers for the local population that covered stories on these reconstruction projects.

On behalf of a grateful Nation and a free world, we welcome back the Minnesota Red Bulls and we thank you.

CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION PROGRAM

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, as the House continues its consideration of the Labor-HHS appropriations bill today, I urge all my colleagues to support funding for the Children's Hospital Graduate Medical Education program.

Even though this amount is lower than the amount suggested by some of us in the 109th Congress, the $307 million in this appropriation bill will go to training and educating graduate medical students who will help our children at our children's hospitals across this Nation.

Especially close to my heart is my godson, Kyle, who at 18 months old was diagnosed with cancer and for the last 12 years has survived and has been helped and aided by these graduate medical students.

So I urge my colleagues, please support this bill. It is so critical to the health of our children.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore (Mr. WELCH of Vermont). Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3043.

□ 1025

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 17, 2007, amendment No. 5 printed in the CONGRESSIONAL RECORD by the gentleman from Texas (Mr. SESSIONS) had been disposed of and the bill had been read through page 42, line 21.

AMENDMENT OFFERED BY MR. GRAVES

Mr. GRAVES. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAVES:

Page 42, line 12, after the dollar amount, insert "(reduced by $125,000,000".

Page 42, line 13, after the dollar amount, insert "(reduced by $125,000,000)".

Page 84, line 24, after the dollar amount, insert "(increased by $125,000,000)".

Mr. GRAVES. Madam Chairman, let me begin by thanking the chairman and ranking member of the Appropriations Committee for working together in a true bipartisan fashion to begin providing a long overdue down payment to special education funding. In particular, I want to thank Ranking Member WALSH for his amendment in committee to provide a $335 million increase in special education funding for fiscal year 2008.

When the Individuals with Disabilities Education Act was signed into law more than 30 years ago, the Federal Government committed to pay the States 40 percent of the costs of providing services to students covered under this act. However, for three decades the Federal Government has often provided less than half the money promised.

What has this shortfall meant? For one, it has meant higher taxes at the State and local levels and less funding for other education programs as States and local governments struggle to make up the shortfall in Federal resources.

The amendment I introduce today builds on the bipartisan cooperation of the House Appropriations Committee by providing a further $125 million increase in funding for IDEA part B grants to the States. To pay for my amendment, I offset the cost by reducing a portion of the U.S. contribution to the Global Fund. My amendment helps us fulfill our commitment to funding special education while also providing a small increase in funding to the Global Fund as was provided last year. I don't take this money from any domestic program. These funds are dedicated to an overseas program, and they still see a $1 million increase over last year.

My amendment sets the right priorities for our Nation's children with special needs, and I urge support from all of my colleagues. Again, I would thank the chairman and ranking member for their hard work on this.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, frankly, I am looking for my ranking minority member. But until he gets here let me take a little time and say that I would simply suggest to the gentleman, if he thinks this is a good idea, that he take this idea up with the President of the United States.

What this committee has tried to do both on this subcommittee and on the Foreign Operations Subcommittee is to respect and work with the administration in their effort to provide global leadership to deal with the AIDS epidemic around the world. And the fact is that this item in this bill is a critical piece of the President's program.

Given our disarray around the world because of Iraq, I think it is a wonderful exception when we can be seen to be providing constructive leadership in the world on something. And certainly, although I have many differences with the President, this is one area where I think he has exercised significant leadership.

□ 1030

And I think it would undercut our standing yet again in the world if we were to withdraw this funding.

I just think that we've struck a good balance with respect to this program. I think both subcommittees have tried to see to it that we meet our international responsibilities.

You and I are very lucky human beings. Our souls were, thanks to God, infused in a body that lives in the United States. If they had been infused in a body that was born in Africa or in Asia or in some of the other hot spots in the world in terms of these diseases, I think we would take a look at this issue in a quite different way.

This program provides the only real leadership in the world to attack this program. I think it would be a horrendous mistake if we were to adopt the gentleman's amendment. I would urge defeating the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GRAVES. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to general medical sciences, $1,966,019,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to child health and human development, $1,273,863,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to eye diseases and visual disorders, $677,039,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act (42 U.S.C. 241, 243, 281 et seq.) with respect to environmental health sciences, $652,303,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to aging, $1,062,833,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to arthritis and musculoskeletal and skin diseases, $516,044,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to deafness and other communication disorders, $400,305,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to nursing research, $139,527,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to alcohol abuse and alcoholism, $442,870,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to drug abuse, $1,015,559,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to mental health, $1,425,531,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to human genome research, $493,996,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to biomedical imaging and bioengineering research, $303,318,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to research resources and general research support grants, $1,171,095,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to complementary and alternative medicine, $123,380,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to minority health and health disparities research, $202,691,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act (42 U.S.C. 287b)), $67,599,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to health information communications, $325,484,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act (42 U.S.C. 238j) to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act (42 U.S.C. 286d) and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,114,422,000, of which up to $14,000,000 shall be used to carry out section 214 of this Act, of which $110,900,000 shall be for continuation of the National Children's Study, and of which $495,153,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (42 U.S.C. 282a): *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That no more than $500,000 shall be available to carry out section 499 of the Public Health Service Act(42 U.S.C. 290b): *Provided further*, That amounts appropriated to the Common Fund shall be in addition to any amounts allocated to activities related to the Common Fund through the normal research priority-setting process of individual institutes and centers: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: *Provided further*, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act (42 U.S.C. 300cc-41(a)(5)(B)).

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act (42 U.S.C. 290aa et seq., 300w et seq.) ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), and section 301 of the PHS Act (42 U.S.C. 241) with respect to program management, $3,272,928,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act (42 U.S.C. 290bb-32(f)(2)), no funds appropriated for carrying out section 520A are available for carrying out section 1971 of such Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act (42 U.S.C. 238j): (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x-21 et seq.) to fund section 1935(b) of such Act (42 U.S.C. 300x-35(b)) relating to technical assistance, national data, data collection, and evaluation activities, and further that the total available under this Act for activities under such section 1935(b) shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX of such Act; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act (42 U.S.C. 300x-1 et seq.) to fund section 1920(b) of such Act (42 U.S.C. 300x-9(b)) relating to technical assistance, national data, data collection, and evaluation activities, and further that the total available under this Act for activities under such section 1920(b) shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX of such Act; (3) $16,000,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.

AMENDMENT NO. 29 OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. WHITFIELD:

Page 49, line 25, before the period insert "*Provided further*, That, of the funds made available under this heading, $10,000,000 is for carrying out section 399O of the Public Health Service Act (42 U.S.C. 280g-4)".

Mr. WHITFIELD. Madam Chairman, in 2005, the U.S. Congress adopted the National All Schedules Prescription Electronic Reporting Act, which was signed into law by the President in 2005. The amendment at the desk simply provides funding of $10 million for this authorized program. The $10 million is taken from the Secretary's Management Account, so the offset is taken care of.

On March 29 of this year, 2007, Chairman DINGELL, Ranking Member BARTON and the chairman and ranking member of every subcommittee of Energy and Commerce, as well as other Members, sent a letter to Chairman OBEY and Ranking Member LEWIS requesting that they consider funding this program. And we had hoped that it would be included in this HHS appropriation bill because NASPER, as passed by the Congress, is located and placed at HHS.

Now, the Appropriations Committee on another bill has provided funding for an unauthorized drug monitoring program located at the Department of Justice. That program is primarily based and focused on law enforcement. And we do not object to that program in any way, but I might say that last year, for 2007 and 2006, money was made available for both the NASPER program at HHS and the Department of Justice program, which is more based on law enforcement. The NASPER program really addresses the prescription drug addiction problem and helps physicians work with patients and makes physicians aware of prescriptions that those patients have. So last year we were quite pleased that both programs were funded. And we were disappointed that this year's program, the authorized program, was not funded; the unauthorized program was funded.

And so we come today and ask the chairman of the Appropriations Committee and the ranking member, both of whom have worked diligently on a very complicated bill that provides great services to our country, we come this morning and ask them to consider funding this authorized program.

I might add that Secretary Leavitt testified for it. We had 2 years of hearings on this program. Secretary Leavitt endorsed it. Former Secretary Tommy Thompson endorsed it. And as I said, we're not asking that they defund the unauthorized program because we know that it's doing a good job, but we're simply saying the Energy and Commerce Committee had 2 years of hearings, passed this legislation. It passed the Senate overwhelmingly. The President signed it. It was funded last year, and we strongly request that the chairman consider funding it again this year.

Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I rise in reluctant opposition to my friend's amendment.

The gentleman's amendment really is unnecessary, and it duplicates work that the Justice Department is engaged in under the Prescription Drug Monitoring Grant Program.

I understand that primarily, as a result of the efforts of Mr. ROGERS of Kentucky, the Justice Department has been operating for several years, running a grant program to assist States in building and enhancing prescription drug monitoring systems, facilitating the exchange of information among States, and providing technical assistance and training for effective State programs.

The Office of Justice Programs runs this grant program, along with the assistance and technical expertise of the Drug Enforcement Administration and is currently funded at $7.5 million.

From all accounts, the Justice Department effort is well run and effective. For that reason, I ask Members to oppose this amendment, which would set up a competing and duplicative program.

Madam Chairman, I yield back the balance of my time.

Mr. STUPAK. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. STUPAK. Madam Chairman, I rise today in support of Mr. WHITFIELD's amendment that would amend funding for the National All Schedules Prescription Electronic Reporting Act, or NASPER.

Two years ago, Congress passed NASPER and it was signed into law, making it the only statutory authorized program to assist States in combating prescription drug abuse of controlled substances through prescription drug monitoring programs. Congress realized that more needed to be done to aid States to set up or improve State systems that enable authorities to identify prescription drug abusers, as well as the problem doctors who betray their high ethical standards of their profession by over or incorrectly prescribing prescription drugs.

The new law, NASPER law, authorized $10 million in fiscal year 2008 and $10 million each year through fiscal year 2010. Although NASPER has been signed into law, Congress has yet to appropriate funds to the HHS for this program for the past 3 years. Given the existence of this authorized program, it would seem to be inappropriate not to fund NASPER, while funding unauthorized prescription drug monitoring programs. By doing this, Congress sets a bad precedent in sanctioning the creation and continued operation of Federal programs through the appropriation process.

NASPER was passed with bipartisan support after many years of hard work by many Members on both sides of the aisle and those of us who are on the Energy and Commerce Committee. NASPER is the only solution which will assist physicians, establish minimum standards for State prescription drug monitoring programs, and substantially reduce prescription drug abuse.

I urge all my colleagues to support the Whitfield amendment.

Madam Chairman, I yield back the balance of my time.

Mr. PALLONE. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chairman, I rise in support of the Whitfield amendment to fund NASPER, the National All Schedules Prescription Electronic Reporting Act, which the gentleman from Kentucky and I sponsored in the last Congress.

As was mentioned already, this is the authorized program that would deal with this issue. And I don't want to get into necessarily contrasting this with the other program that the gentleman from New York mentioned, but I do think it's necessary to understand that this program is authorized and it's not funded. I mean, obviously we should be funding programs that are authorized, not those that are not.

But beyond that, the bottom line is that the NASPER program mandates that States participate in the program. We only have about 22 States now that are participating, so I would certainly argue that the status quo with this alternative Justice Department program simply is not working. If we want more States to get involved, we need to fund the authorized program.

During the time since August of 2005 when this became law and has not been funded, during this time since then prescription drug abuse has reached an all-time high, with an estimated 9 million Americans using prescription drugs for nonmedical purposes. Most disturbing is the fact that there is an epidemic of prescription drug abuse among teenagers. So if the argument is that the existing Justice Department program is working and we don't need to fund this authorized program, I think the facts show very much the opposite.

NASPER will ensure that prescription drugs are only being used for medical purposes. With better monitoring and tracking systems, people will not be able to seek multiple prescriptions or cross State lines to get prescriptions filled without their provider knowing. NASPER reaches across State lines, with timetables and benchmarks aimed at eliminating the problem of prescription drug abuse. It's a public health program in the Department of Health and Human Services, where it belongs, not in the Justice Department. And most important, it is the only statutorily authorized program to assist States in combating prescription drug use.

Right now, a lot of the program is with doctors. The Justice Department program doesn't really help doctors prevent this epidemic. Also, the Justice Department program is totally focused on enforcement, not on trying to get people more involved in the States at a preventive level dealing with the doctors. We have enforcement as well, but it's not the only thing.

I would simply say that we've made this pledge a couple of times. My understanding is that this amendment is going to be withdrawn. But I just need to ask the appropriators, please consider the fact that in the future we need to address this. This needs to be affected. The other program that's in effect now is not doing the job. We simply ask that you collectively take a look at this and figure out how to do it so we can get funding for the NASPER program, which is the one that the Congress authorized and which will address this epidemic effectively. We're not having an effective response right now.

With that, Madam Chairman, I would yield back the balance of my time.

Mr. WHITFIELD. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WHITFIELD. I would say to the chairman of the Appropriations Committee and the ranking member that we didn't really want to force this issue this morning. But it is a program, as has been said, we spent 2 years having hearings on this program. It mandates States to adopt these programs. We feel like it is a great program. It was funded last year, and we would respectfully request that at conference maybe the chairman and ranking member would work with us in trying to address the issue.

Mr. OBEY. Will the gentleman yield?

Mr. WHITFIELD. Yes, sir.

Mr. OBEY. Let me simply say that we sort of feel like we're caught in the middle of this one because Mr. LEWIS, the ranking member of the Appropriations Committee, gave us a lecture yesterday about how we should avoid duplicative programs.

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Then, today, this amendment would have the effect of creating in one department a program that is virtually identical to a program that already exists in another department. So we can't win, no matter how we deal with the issue. I don't care which agency this is in. I just want it to be wherever it would be run the most efficiently and effectively.

I am certainly willing to discuss with anybody involved in the issue how we resolve this issue. We didn't put it in in the first place. It was put in by, as you know, a person from your party from your own State.

So we are happy to work with all of you, but I don't want to get cross-wised between two people from the same State. I don't want to be standing here accepting an amendment that creates a duplicative program.

So I think the most constructive result would be if the gentleman would withdraw his amendment and we try to work this out down the line, so that if it is not in the right place, we can talk about how to get it in the right place.

Mr. WHITFIELD. Chairman OBEY, I am going to withdraw the amendment, but I would like to make this point: This is an authorized program that we are talking about. We had 2 years of hearings on this project. There is some sentiment in the Congress, I believe today, that the appropriators seem to authorize on their appropriations bill when it is convenient for them.

Madam Chairman, I am going to withdraw the amendment because of the respect that I have for the gentleman from Wisconsin and the ranking member, as well as the Member from Kentucky that was talked about.

I do believe that this is an effective program. We look forward to working with you as we continue through the process to try to resolve it in some way.

Mr. OBEY. If the gentleman will yield further, if I can simply say again, on this side of the aisle I feel like I am being whipsawed. This was in the other bill because we were trying to accommodate a Republican Member of the House who felt strongly that it ought to be in that bill. Now we are being criticized by another Republican from the same State because we accommodated the other Republican. I can't go in both directions at the same time, which is why I don't seek to have this program in any department. I don't care where it is.

I would just as soon that you settle your differences with your colleague from your own State, and when you have, come and see me. I will try to work with whoever is the winner of the rassling match.

Mr. WHITFIELD. Madam Chairman, I thank the gentleman. I am here as an advocate for the Energy and Commerce Committee.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act (42 U.S.C. 241 et seq., 299 et seq.), and part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), $329,564,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed $47,064,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,630,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008, for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 of the Social Security Act (42 U.S.C. 1396s) on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 1844 and 1860D–16 of the Social Security Act (42 U.S.C. 1395w, 1395w–116), sections 103(c) and 111(d) of the Social Security Amendments of 1965 (42 U.S.C. 426a(c), 1395i–1), section 278(d) of the Tax Equity and Fiscal Responsibility Act of 1982 (42 U.S.C. 426 note), and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act (42 U.S.C. 401(g)), $188,828,000,000.

In addition, for making matching payments under section 1844 of the Social Security Act (42 U.S.C. 1395w), and benefit payments under 1860D–16 of such Act (42 U.S.C. 1395w–116), not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,230,163,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act (42 U.S.C. 401(g)); together with all funds collected in accordance with section 353 of the Public Health Service Act (42 U.S.C. 263a) and section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w–27(e)(2)), funds retained by the Secretary pursuant to section 1893(h)(1)(C) of the Social Security Act (42 U.S.C. 1395ddd(h)(1)(C)), and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with section 9701 of title 31, United States Code, from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $163,800,000, to remain available until September 30, 2009, is for Medicare contracting reform activities of the Centers for Medicare and Medicaid Services: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services shall collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395s–27(e)(2)) and from eligible organizations with risk-sharing contracts under section 1876 of such Act (42 U.S.C. 1395mm) pursuant to section 1876(k)(4)(D) of such Act (42 U.S.C. 1395mm(k)(4)(D)).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act (42 U.S.C. 401(g)), of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in titles I and II of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), with oversight activities including those activities listed in section 1893(b) of the Social Security Act (42 U.S.C. 1395www(b)); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which

$21,140,000 is for the Medicaid program integrity activities; and of which $36,690,000 is for the Department of Justice: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act (42 U.S.C. 1395i(k)(5)) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act as in effect before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.

For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $682,000,000, notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act (8 U.S.C. 1521–1524) and section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for carrying out section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), and for carrying out the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) $650,630,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), $2,137,081,000 shall be used to supplement, not supplant, State general revenue funds for child care assistance for low-income families: *Provided*, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a), $1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), sections 310 and 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10409, 10416), the Native American Programs Act of 1974 (42 U.S.C. 2991a et seq.), title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.) (adoption opportunities), sections 330F and 330G of the Public Health Service Act (42 U.S.C. 254c–6, 254c–7), the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note), sections 261 and 291 of the Help America Vote Act of 2002 (42 U.S.C. 15421, 15461), subpart 1 of part B of title IV and sections 413, 1110, and 1115 of the Social Security Act, for making payments under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), sections 439, 473B, and 477 of the Social Security Act, and the Assets for Independence Act (42 U.S.C. 604 note), and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988 (42 U.S.C. 9926), $9,125,940,000, of which $9,500,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act (42 U.S.C. 673b) and may be made for adoptions completed before September 30, 2008: *Provided*, That $6,963,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That $701,125,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $64,350,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $15,720,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $10,890,000 shall be for payments to States to promote access for voters with disabilities, and of which $4,830,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

Mr. HOLT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. HOLT:

Page 58, line 21, insert after the dollar amount the following: "(increased by $21,000,000)".

Page 60, line 12, insert after the dollar amount the following: "(increased by $21,000,000)".

Page 60, line 13, insert after the dollar amount the following: "(increased by $15,00,000)".

Page 60, line 15, insert after the dollar amount the following: "(increased by $6,000,000)".

Page 63, line 4, insert after the first dollar amount the following: "(reduced by $21,000,000)".

Mr. HOLT. Madam Chairman, as you may know, the funding authorized for the Help America Vote Act of 2002, known as HAVA, for disability access and protection and advocacy payments, was never fully appropriated. Section 261 of HAVA authorized $100 million in disability access funding to make polling places accessible to individuals with disabilities and to provide them with information about the accessibility of polling places.

I am sure the Chair and my colleagues would agree, it is important for equality under the law that all voters have good access to voting.

In addition, section 291 authorized $10 million annually for fiscal years 2003 through 2006 and such sums as necessary thereafter to pay for the protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities, including the process of registering to vote, casting a vote and gaining access to polling places. To date, only $55 million of that amount has been appropriated under HAVA to fund accessibility, and only $22 million has been appropriated to fund protection and advocacy systems.

Voting is indeed the cornerstone of our democracy, and unless all eligible voters are assured access to the polls, that fundamental right and the integrity of our electoral system generally are severely undermined. Therefore, I seek to amend the bill to provide $15 million in funding for accessibility under section 261 of HAVA, and an additional $6 million in funding for protection and advocacy systems under section 291 of HAVA, for a total increase of $21 million. This would result, as you can quickly calculate, in several hundred thousand dollars per State to assist in voting for voters with disabilities.

I urge my colleagues to support this increase.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I understand the motivation behind this amendment. The gentleman wants to provide additional funding for a very legitimate purpose. It is something we should have done a long time ago, and I understand that. But having said that, I am simply tired of having to defend administrative accounts from people on both sides of the aisle.

So I am not going to object to the amendment, but I do want to point out to the gentleman, as I will point out to many other Members who offer similar amendments today, that this committee is being whipsawed. We are being told by the White House that there is too much money in this bill, yet virtually every amendment that has been offered, save one, has been motivated principally by a desire to increase rather than decrease funds in this bill. This is another similar amendment. While I recognize that it has an offset, it is a "let's pretend" offset, just like a number of the offsets were last night.

Anybody who understands how government works needs to understand that if an agency is a grant-making agency and if you gut its administrative budget, then there ain't going to be nobody in the agency to issue the grants in the first place. Therefore, I want Members who offer these amendments to understand that even if they are accepted, when we go to conference we are going to have to make very large adjustments, and a lot of what is adopted on the House floor, if it is based on some of these "let's pretend" offsets, will in fact wind up on the cutting room floor by the time we get back from conference. That is just a practical fact of life.

Madam Chairman, as I say, I will not object to the gentleman's amendment, but I don't want anyone to be under any illusion that we can fund all of these additional wonderful things by simply going to the administrative budgets of the agencies, because occasionally you need somebody in that office to turn on the light.

Mr. HOLT. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Jersey.

Mr. HOLT. Madam Chairman, I thank the gentleman for his agreement, and simply ask that he continue, as he always has, to stand up for the American ideal of equality for all at the polling place.

Mr. OBEY. Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. I will be very brief, Madam Chairman. I absolutely agree with the chairman's statement. It is a responsible statement. We can't continue to do the nice things on the one hand by looking like we are putting more money into a program, and at the same time cutting the fat, muscle and limbs of the departments that are supposed to administer these programs. So I support the chairman's contention. We will deal with this in conference.

Madam Chairman, I yield back the balance of my time.

Mr. KENNEDY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Madam Chairman, I just want to commend the chairman for the work that this committee has done to achieve the very purpose that this amendment that the gentleman from New Jersey has proposed.

□ 1100

Frankly, we have this year on July 26 the anniversary of the Americans With Disabilities Act, and we have taken many steps backward as a Nation in guaranteeing the civil rights of all Americans with disabilities. Clearly that means we need to guarantee nothing special for people with disabilities, just the same rights. Guaranteeing equal access regardless of ability is what we need to do in this country.

This amendment seeks to do that; but I might add, so does the underlying bill. I hope that Members listening to this debate do not come away with the understanding that it is because of amendments like this that we are accomplishing it. The underlying bill, if people were to see it and really look at it, does so much to offer independence and hope to people who previous to this bill were denied many opportunities because of previous budgetary priorities that shut people out in this country.

So I want to commend the chairman and the ranking member for producing a good bill that goes along the same lines as this amendment by opening up the doors of opportunity to all Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. HENSARLING:

Page 58, line 21, after the dollar amount, insert "(reduced by $8,000,000)".

Mr. HENSARLING. Madam Chairman, if my ears did not deceive me, I think I heard the distinguished chairman of the Appropriations Committee either observe or lament that with one exception, every amendment offered on this bill, its purpose was to increase spending. If that was a lamentation, I certainly share his angst. Not wanting to disappoint, I am coming to the floor with several amendments that are designed to do just the opposite, spend less of the people's money to try to save hardworking American taxpayers more, let them keep more of what they earned.

Now, Madam Chairman, this is a modest amendment, but it represents a very, very important principle. Today, right now, the Federal Government is spending $23,289 per family. This is the highest level spent in real inflation-adjusted terms since World War II.

Earlier this year, the Democrat budget resolution included the largest single tax increase in American history which when fully put in place would put $3,000, an average of $3,000, additional tax burden on the average American family. And now even if Congress were for some reason to just disband today and add no new government, just the government programs we have on automatic pilot threaten to double taxes on the next generation. So we need to find every opportunity that we can today to save the poor beleaguered taxpayer even more money.

Madam Chairman, I do not myself know exactly how many Federal programs exist. I have seen one estimate, I believe, from the Heritage Foundation that we have over 10,000 Federal programs spread across 600 different agencies. I defy any man, woman or child to tell me what each and every one of them does. Some of them I am sure do good things; but the question is given the fiscal challenges that we face, are they truly a priority.

Madam Chairman, some may have even completed their mission. And some, perhaps like the amendment that I am offering today, are actually duplicative. This is a modest amendment that would save the American taxpayer $8 million. In this particular program, ostensibly, funding is used for training and technical assistance in developing and managing water facilities. But the Office of Management and Budget has recommended that this particular program be eliminated, stating that "the program is duplicative of other Federal entities such as the Bureau of Reclamation's rural water program which is responsible for water and wastewater treatment facilities." That is from the Office of Management and Budget.

So we ought to make sure that we are not simply engaging in legislation by symbolism. I know every single program has a lofty-sounding name to help some constituency that is important to us. But we have to look beyond that and see if it is actually achieving its purpose, are there other programs that are also achieving its purpose as well. And according to the Office of Management and Budget, this program is duplicative of other programs.

So we have to ask ourselves a very important question. In light of the fact that the Federal Government has never ever spent since World War II so much money of the American family, $23,289, given that the Democrat budget resolution includes the single largest tax increase in history, given that although the national deficit has come down, not due to any spending discipline but due to the fact that we are awash in tax revenues, we still have a tax deficit. So it is a simple question: Do we want to fund a program that the administration considers duplicative given that if we don't, either the funds are coming from the Social Security trust fund, and many of my colleagues have pledged not to do that, if it is not coming from that, it is going to add to this $3,000-per-American-family tax burden, or more debt will be passed on to our children.

I believe we ought to use this opportunity to eliminate one duplicative Federal program and return $8 million to the American taxpayer.

Madam Chairman, I yield back the balance of my time.

Mr. JACKSON of Illinois. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JACKSON of Illinois. I was going to yield a minute of my time to the gentleman from Texas to explain his amendment. I appreciate his speech, and I thought the gentleman's speech was a thoughtful speech. He has come to the floor consistently on every appropriations bill in an effort to save money, but I would like to yield to the gentleman just so he can tell us what his amendment does in this bill. If the gentleman would be kind enough to explain that to us, we would appreciate it over here on the majority.

Mr. HENSARLING. I thank the gentleman for yielding.

If I was not clear, this amendment would save the American taxpayer $8 million. It would remove a duplicative program, according to OMB, the Rural Community Facilities Program. I don't need a minute to explain what the amendment does. That is it. I certainly apologize to my colleague if I was unclear as to the purpose of the amendment or how it operates.

Mr. JACKSON of Illinois. I appreciate the gentleman and his analysis.

At least as I read page 58, line 21, the gentleman seeks to reduce by $8 million section 501 of the Refugee Education Assistance Act of 1980 and section 505 of the Family Support Act of 1988. That reduction the committee fundamentally opposes in part because of Refugee Education Assistance Act of 1980 and the Family Support Act of 1988 are reputable programs that have provided an enormous benefit to the American taxpayer. That is precisely why it is in the bill. And it is specifically in the section of the bill "Children and Families Services Programs" because of its enormous benefit to the American taxpayer.

I appreciate the gentleman's effort at fiscal accountability and fiscal responsibility, and the gentleman has clearly led a crusade through every single one of these appropriations bills, but I would encourage Members to oppose the Hensarling amendment.

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. Madam Chairman, I tell the gentleman, in my State, I will give you a perfect example of where this would make a difference.

In a rural part of my State we had a contamination of our well water, and it was a contamination because of the MTBE, the chemical that goes into gasoline. I might add under the Republican majority, you all indemnified the oil and gas industry from lawsuits so that my community can't get the justice it deserves so it can clean up its wastewater and make due reparation to my constituents. What they had to do is they had to go down to the local high school to take showers. They had to attach a pump through the fire department to the next-door community.

Now under this section of the bill, this is a public health hazard. You know why, because even at home when they turn on the water, they were getting lesions on their skin because the shower water was giving them lesions. Even when they turned on the steam, the children were breathing in the steam and were getting asthma attacks. Now if you are wondering what the nexus is, this is what the nexus is between your amendment and health and why infrastructure makes an enormous difference in providing clean, safe drinking water to rural communities.

Now I don't come from a very rural State so you might think that it is kind of interesting that I would come up and speak on behalf of this. I would think that your State would probably benefit a lot more from this. Your constituents must be wondering about you offering an amendment against a section that would benefit your State more than it does mine. Frankly, this is an important program.

If anything in this country, we haven't invested enough in infrastructure. Mr. JACKSON, I'm sure, has talked to his mayors and local community leaders, and they have told him that their infrastructure is falling apart. I would just commend all of us to say that if we have to do anything, we have to do more in the way of infrastructure, not less.

Mr. JACKSON of Illinois. Reclaiming my time, I want to make sure, and I appreciate the gentleman from Rhode Island's thoughts on the subject, but I want to make sure that this amendment is going to the heart of Refugee Education Assistance Act of 1980 and Family Support Act of 1988.

Madam Chairman, I yield back the balance of my time.

Mr. PENCE. Madam Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. Madam Chairman, I rise in strong support of the Hensarling amendment. I love a good debate. It is a great privilege for me to be able to come to the floor at a time when Mr. KENNEDY and Mr. JACKSON are here. I find them to be two of the most forceful and effective advocates of their view in the Congress in the majority, and so I welcome this opportunity to join in the debate. And I thank the gentleman from Texas who is consistently the strongest advocate for fiscal discipline and reform in the House of Representatives.

I will leave aside for the moment the whole question of which party forced the requirement of MTBE to be added to gasoline and created the regulatory challenges that the gentleman refers to, and just get to the larger question here.

Madam Chairman, we have an $8 trillion national debt. This is an amendment to cut $8 million. And it is being forcefully opposed. I think for anyone who would be looking on the people's House today, that is a rather dramatic comparison. Let me repeat that again. The Hensarling amendment, facing the stark reality of $8 trillion in national debt, comes to the floor with an idea to ask the Federal Government to do without spending $8 million.

The new majority, and I congratulate them again on securing the majority in the Congress, the American people spoke. But I do remember the new majority pledged no new deficit spending. I remember promises by this new majority in last year's campaign season that we would pay as we go in the Federal budget. If there was to be spending increases, they would be offset by cuts in other areas.

Yet this legislation, the bill is $7 billion over the 2007 request, $10.2 billion over the President's request, and it follows seven other pieces of legislation all of which have increased spending. And some of which, Madam Chairman, I have supported, but not all.

And it does seem to me as I walked here to this floor, I passed one sign after another in front of the offices of some of my most distinguished Democrat colleagues that bear the number $8 trillion writ large. If we are to be concerned about $8 trillion, will we not support an effort to cut $8 million?

□ 1115

That's the choice here today and whether the gentleman from Illinois, who I deeply respect, considers that this $8 million to be an enormous benefit, might there not be States and local governments that could make up for that, with the recognition that we are creating a burden for future generations of Americans that we ought not to create?

So I support the Hensarling amendment. It is the least we can do to take a step backwards.

I want to associate myself with the distinguished chairman of this committee who rose earlier to say, and I'm quoting now, that he was tired of defending administrative accounts with amendments by people who were coming to ask for more spending in other areas.

It is greatly to the credit of the gentleman from Texas that he is coming to this floor simply asking that we not spend this money. There's no other amendment or no other spending request that he's making in this regard, and it's what the American people ask us to do.

In fact, I would close, Madam Chairman, simply by saying I think the American people are tired of the national debt. I think they're tired of the sea of red ink. I think they were tired of it when my party had control of the place, and as the gentlewoman knows, I was one of the strongest opponents of wasteful government spending when my own party was in charge.

And so I hope my colleagues on the other side of the aisle know the gentleman from Texas and myself and other colleagues, we come to this floor with sincerity of purpose and with consistency that we think government ought to live within its means and pay its bills, and we think we ought to balance budgets. And the Hensarling amendment simply asks that we might cut $8 million as a modest response to $8 trillion in national debt.

And I challenge my colleagues, in the spirit of goodwill, let's make this statement, let's start in the direction of fiscal discipline and reform or, for heaven's sake, Madam Chairman, and I say with a smile, let's take the signs down from the hallways. Let's stop pretending that we worry about the national debt if we cannot come together as a Congress and as a nation and accept an $8 million cut to deal with an $8 trillion national debt.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Drone on, drone on, O ship of State. That's what I'm tempted to recite when I hear these repetitious dronings on bill after bill after bill.

Let me simply say, I think it is legitimate for individual Members of this body to offer amendments in order to illustrate their concern about a larger question. I've done that many times myself in this institution.

But I think that after 3 weeks of hearing the same point made again and again, we understand that these gentlemen believe that we are putting too much money into education and health care and science and other areas that we regard as crucial investments, and that's a perfectly legitimate position to have. But please spare me the sanctimony, spare me the nonsense that somehow these amendments will contribute in any meaningful way to significant deficit reduction.

Let me simply point out, if people were interested in significant deficit reduction, they would not be supporting an Iraqi war which has already spent over $400 billion and which we'll spend another 140 billion bucks by the time we pass the President's supplemental. They would not be insisting that we provide $57 billion in tax cuts to people making a million bucks a year. No, they don't argue about those two things.

What do they do? They come to the floor and squawk about an $8 million program to help the poorest rural communities in this country get basic services like sewer and water. I represent many towns in my District with populations of less than a thousand people. At least half the households in many of those towns are headed either by senior citizens or a woman with a low income, and that means that when they get hit with the DNR order to clean up their water or clean up their sewer, they do not have the tax base to proceed, and they don't have technical expertise even to know how to begin going about it.

We've got a $385 billion backlog in this country of sewer and water needs, and yet we're hearing these complaints about this tiny little program and what terrible abuse it is for the taxpayer.

Imagine a congressional committee trying to do something to help poor communities deal with their sewer and water problems. Isn't that awful? Isn't that wasteful? Good God, Almighty, we ought to be putting that $8 million into the pockets of millionaires in additional tax cuts, right? At least that's what their record shows they believe. Nonsense.

I'm getting up once on this amendment, but I don't intend to continually get up in what is a filibuster by amendment. So I wanted to get that off my chest once, and then I'm just going to sit back and let people drone on, drone on, O ship of State, and occasionally I might even listen.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 42 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 42 offered by Mr. HENSARLING:

Page 58, line 21, after the dollar amount, insert "(reduced by $5,000,000)"

Mr. HENSARLING. Madam Chairman, I listened intently to the distinguished chairman of the committee, as I do whenever he is on the floor. Apparently he does not like amendments that increase spending in this bill, and apparently he doesn't like amendments that decrease the spending in the bill. So apparently he doesn't like amendments. So that much is clear.

Second of all, Madam Chairman, when I come down to the floor in efforts to try to save taxpayers money, let them keep more money for their education programs, their health care programs, their energy programs, sometimes we're told that, well, this is so draconian, you know, to try to save this much money. And then other times we're told, well, this is just a piddling little amount.

Well, I'm reminded first of a famous quote from the late Senator Everett Dirksen, a billion here, a billion there, pretty soon we're talking about real money. I'm even talking about more modest amounts today.

But there's a fundamental principle involved here, and the fundamental principle is that we have a Federal budget growing way beyond the ability of the family budget to pay for it. Make no mistake about it, Madam Chairman, government will be paid for. It's either going to be paid for in the short term by continuing to raid the Social Security Trust Fund, which is what's going to happen if this particular amendment fails. It will be funded by the single largest tax increase in American history which my friends on the other side of the aisle, the Democrat majority, has done in their budget, or perhaps it may even be funded by sending more debt to our children and grandchildren.

I think we should look for every opportunity. Given the challenges that we face, the Comptroller General of America has said we are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living. Never happened before in the history of America.

So, Madam Chairman, I make no apologies for, to use the distinguished chairman's term, droning on about what fiscal perils lay in wait for future generations if we don't start now. And then, again, it's a little bit like Goldilocks and the three bears. Either the porridge is too hot or the porridge is too cold. When is the porridge just right to try to save the family budget from the onslaught of the Federal budget?

So when we have the Office of Management and Budget single out a number of different programs, and I certainly think that their expertise in this area is great, to single out certain programs that, one, have outlived their usefulness; number two, are not meeting their objective; or number three, are duplicative, I think amendments are in order for the people's House to save the people money.

We have to quit engaging again in the fact of legislation by symbolism. It has a lofty name or it has a lofty purpose, well, let's look at what's actually happening to the money.

So this is a modest amendment, and I admit it's modest. I've tried to save big chunks of money and haven't been terribly successful there, and so we're going to attempt to save little chunks of money and perhaps set a precedent here.

So this amendment is designed to save the American taxpayer $5 million by hopefully zeroing out the account of a program which the Office of Management and Budget has said does not have performance standards. They do not have performance standards to assess their impact or are too narrowly focused to have a major benefit. They duplicate other Federal programs and award grants on a noncompetitive basis.

Now, ostensibly this program is a job opportunities program for low-income individuals, but I happen to know that practically every single one of my colleagues on the other side of the aisle voted against the tax relief that has created 8 million new jobs in our economy, which is an undeniable fact. That's truly the best job opportunity program for low-income individuals.

And I know that this body recently voted against the maximum opportunity to create an artificial wage to deny some people their opportunity to get on the lowest rung of the economic ladder.

There's a lot of ways that we can help low-income people with job opportunities, but one more duplicative program that awards grants on a noncompetitive basis is not it. Let's not raid the Social Security Trust Fund. Let's not be a part of the largest single tax increase in American history. Let's save the American people $5 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act (42 U.S.C. 629f), $345,000,000 and for section 437 of such Act (42 U.S.C. 629g), $89,100,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,082,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) and section 398 of the Public Health Service Act (42 U.S.C. 280c–3), $1,417,189,000.

□ 1130

AMENDMENT NO. 44 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mr. HENSARLING:

Page 62, line 20, after the dollar amount, insert "(reduced by $21,400,000)".

Mr. HENSARLING. Madam Chairman, again we have another modest amendment aiming at saving the American taxpayer, in this case $21.4 million. Again, we have a program that has a very lofty name, Preventive Health under the Administration of Aging. But I think that, again, the program needs to be put in the larger context.

We are being asked now to provide in this particular appropriations bill $152 billion in discretionary funding, one of the largest bills that will come to the people's House. It has, I believe, a 4.8 percent increase over last year, when I assure you, American families who are being asked to pay for this did not enjoy a 4.8 percent increase.

We, once again, have another portion of the Federal budget growing beyond the ability of the family budget to pay for this. So we all know that this is a part of a plan that will increase an additional $26 billion for domestic programs under the budget resolution of the Democrat majority, on top of the $6 billion that has been added to the current year omnibus, on top of the $17 billion in nonwar emergency spending they have added to the Iraq war supplemental.

Again, I recall the words of the distinguished chairman of the Appropriations Committee, referring to those of us who may drone on about attempting to save the Federal taxpayer money, but there are also those who seemingly use the same old argument that government knows how to spend money better than the American family.

Somehow, if we take money away from American families, that's an investment. But if they somehow keep it, well, that's waste, or somehow that's going to bring down the government to its knees. I just don't buy that argument. Somehow we are supposed to believe in the roughly 10,000 Federal programs spread across 600 different agencies, growing at roughly twice the rate of inflation, growing beyond the ability of the family budget to pay for it, that somehow, somehow, every single penny of Federal expenditures is sacrosanct. Yet there is nothing sacrosanct about the money we take away from the American people to pay for that.

Now, the funds in this particular program are awarded to States and territories that supposedly educate older Americans about the importance of healthy lifestyles, a very noble purpose. But I would note with the exception of, I think, two, maybe three States, every single one of them is running a surplus.

We are granting money to 95, 98 percent of the States that are running the surplus, while the Federal Government continues to run a deficit. Although that deficit is coming down because we are awash in tax revenues, it certainly hasn't been from any spending disciplines. The bottom line is we are running a deficit, and we are handing out money to States that are running surpluses.

Again, this is a program that the Office of Management and Budget says should not be funded: "It is duplicative of services that States can provide to the Administration on Aging's community-based supportive services program."

I have heard nobody address or take the opposite viewpoint of OMB and say the program is duplicative. So maybe they approve of duplication. If they think that OMB has got it wrong, I would be interested in hearing that particular argument or that particular debate.

Furthermore, OMB says that AOA and visions integrating, prevention is an underlying principle in its core programs and that is better than the current mechanism of providing a small funding stream of unfocused seed money through the Preventive Health Services Program. Again, I feel we have too much legislation by symbolism.

We should never forget, when we are talking about the lofty purposes, that this will provide in vital investments and health care. Let's remember the vital investments in health care that the American people have. I mean, they are going to have to pay for this.

Again, I often hear from my constituents, like Joyce in Tennessee Colony, Texas, says, "Please do what you can to stop the wasteful spending. I am retired and disabled. I am raising my three grandchildren and now one great grandchild. I sometimes can't afford my own medicine."

So here we have a choice. We can take money away from Joyce in Tennessee Colony, take money away from her health care program, to engage in this particular program which OMB says is duplicative.

I have heard from David in the city of Garland.

The CHAIRMAN. The gentleman's time has expired.

Mr. KENNEDY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Madam Chairman, I think this is a perfect, perfect example of a gentleman offering an amendment where he knows the cost of something but the value of nothing.

If he were to visit any congregate meal site in his district or were to visit any of the Meals-on-Wheels programs in this country and was able to see what a difference those programs make in people's lives, he would understand that it was these kinds of programs that saved the taxpayer money.

I guess, by this amendment, he is saying what a waste it is for us to pay for someone's illness. Let's put off paying for their illness until they get really sick. Then they have got to get hospitalized. Then let's pay for it through Medicare.

Frankly, the former Speaker Newt Gingrich, every modern health care magazine, Republican Presidential contender Tommy Thompson, former HHS director, every leader and study in health care knows we ought to be going in the opposite direction. It's all about health. In case anybody has not been looking, our health care system is an acute care system. It's a sick care system. We need to be going preventive care. We need to be going health care. We need to be going chronic care management.

What in the world are we thinking by considering that we are going to actually go back to the dark days where we are going to actually spend more money on the back door to wait until people get sick as opposed to trying to prevent people from coming in and getting sick in the first place. I find this amendment absolutely mind boggling that it would even be offered as an excuse for saving money.

Quite frankly, it will end up costing the taxpayer money. Tragically, more than costing us money, it will cost us lives. It will cost us lives, and it will cost us misery amongst those senior citizens who are going to have to suffer the consequences of the cutbacks that this amendment will propose. I think that's a very unfortunate thing.

I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Madam Chairman, as I understand Mr. HENSARLING's amendment, he goes at the heart of the Administration on Aging, section 204 of the report, and these programs, including supportive service centers, preventive health, are protection for vulnerable and older Americans that are at the heart of the bill. It's clear to me that according to the Health and Human Services budget in brief that consumer empowerment, healthy lifestyles, community living incentives, are a critical part of taking care of families and their caregivers. And I just don't know where the gentleman arrives at the numbers that he seeks to cut in the bill.

The committee learned through exhaustive testimony from the Office of the Secretary of Health and Human Services the importance of funding this program. As the gentleman, Mr. HENSARLING knows, the President has sought to fund the program, and the committee has worked in a Republican and Democrat bipartisan way, sought to increase the program, and so we are going to stick with this number.

I want to thank the gentleman from Rhode Island for yielding me the time. I am encouraging members of the committee to oppose the Hensarling amendment.

Mr. KENNEDY. Madam Chairman, reclaiming my time.

I am pleased that in other bills that we are going to be taking up this year, we are going to be offering, the Democrats, medical home legislation that will allow us to invest in preventive medicine. Because we, as Democrats, believe we need to not rearrange the deck chairs on this Titanic of our health care system.

We need to reinvent our health care system and invest in health care, which is broken in this country, and start investing in prevention and not go down this road that has gotten us in so much trouble to begin with, and that is try to take care of the problem after it's already broken. Let's take care of people first and keep them out of the hospital.

Unfortunately, this amendment goes a great deal of distance in the wrong direction, not the right direction.

Madam Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENTAL MANAGEMENT

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United

States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $363,224,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act without application of the limitation of section 2010(c) of such title XX: *Provided further*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

AMENDMENT OFFERED BY MR. FERGUSON

Mr. FERGUSON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FERGUSON:

Page 63, line 4, after the first dollar amount, insert "(reduced by $10,000,000) (increased by $10,000,000)".

Mr. FERGUSON. Madam Chairman, I rise in strong support of the Ferguson-Langevin amendment that will set aside $10 million for implementation and to fund the Lifespan Respite Care Act.

I know the gentleman from Rhode Island, Mr. LANGEVIN, will be speaking on this amendment as well. I really want to praise him and thank him for his great leadership on this issue over the years. He and I have worked together as friends and partners on this issue in particular. I have great respect and admiration for the work that he has done on this issue.

Together, we have worked to pass the Lifespan Respite Care Act. It was unanimously approved by this Chamber and the Senate last Congress. It deserves the funding necessary to launch this critically important program. Funding the Lifespan Respite Care Act will, for the first time, establish a national policy to help our Nation's 50 million family caregivers who provide daily care for their loved ones with disabilities or chronic conditions or illnesses.

This program allows families to care in home for their loved ones instead of an institutionalized setting. In-home family caregivers provide minute-by-minute special assistance to their loved ones due to disability or critical illness or chronic condition.

Family caregivers are remarkable people. They make extraordinary sacrifices to help those who they love so dearly.

I saw an example of this firsthand in my own family. Ten years ago my mom was diagnosed with cancer. For 6 years I got to watch my dad as he cared for my mom through this very difficult struggle with cancer. Three years ago yesterday she lost that battle with cancer, but it was a great example to our family and so many others that we know of a great example of a family caregiver who made extraordinary sacrifices. There are some 50 million people just like my dad who provide care for a loved one in their own family.

These are folks who may not be blessed with a support structure that we had in our family. We had my siblings and me and others in our family who were able to give my dad a break when he needed a break from that family caregiving. There are many people in our country who are not fortunate enough to have that support structure around them. They are desperately in need of a break from time to time.

While the benefits that come from in-home care can be enormous, for caregivers and for that loved one who is ill, the cost for the family caregiver, from emotional to financial, can really be overwhelming. Lifespan Respite Care will provide much-needed breaks for caregivers who are providing intense and exhaustive care 24 hours a day. An occasional break can literally be a lifesaver.

I had a conversation with a constituent from my district, Ms. Pinter, who told me that caring for her special-needs child can be a very joyful but also can be a very challenging experience. You know what? She is exactly right.

Two-thirds of caregivers report physical or mental health care problems linked to their own caregiving. Recent studies have found that family caregivers suffer poor health or even higher mortality rates than nonfamily caregivers. Currently our Nation lacks a coordinated approach between different levels of government or advocacy groups to aid those who are in need of respite care.

Respite care is in short supply or doesn't exist at all in some areas of our country. This legislation and these funds would change that.

Funding the Lifespan Respite Care Act would improve coordination and access for respite care to recruit and train respite care providers, would aid family caregivers regardless of age or disability or their family situation, help them to find and pay for respite services. Through competitive grants, States would get funding to make quality respite care available and accessible regardless of age or disability or family situation.

Respite care improves the health and the well-being of caregivers and reduces the risk of abuse or neglect. Importantly, it also delays or even avoids more costly hospitalizations or placements in nursing homes or in foster care.

I want to thank all of the family caregivers in our Nation who provide tireless care for their loved ones, and I also want to extend my thanks to the numerous groups and organizations around this country in their exhaustive effort to establish this Lifespan Respite Care program. Providing relief to our Nation's family caregivers is long overdue.

I urge my colleagues to support this amendment. Once again, I am pleased and honored to have worked with the gentleman from Rhode Island (Mr. LANGEVIN) on this important legislation.

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Madam Chairman, I yield back the balance of my time

Mr. LANGEVIN. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. LANGEVIN. Madam Chairman, I am pleased to rise in strong support of the Ferguson-Langevin amendment. Last year, I was so pleased to work closely with Mr. FERGUSON to ensure the passage of the Lifespan Respite Care Act, which will offer relief to so many family caregivers across the country.

I had the privilege of traveling with Mr. FERGUSON to Iraq going back a couple of years now, and I know his personal commitment to this issue. He shared the story with me about his mom, and so I know, as in my case as well as with Mr. FERGUSON, this is certainly a very personal issue that we have personal knowledge about and we care passionately about. So I am pleased to join him today and in the effort to direct funding now for this important program. As I mentioned, I know firsthand what a difference a dedicated caregiver can make in the life of a person with a disability or chronic condition.

Family caregiving is an essential yet often overlooked aspect of our Nation's health care system. The ability to live at home and remain a part of one's community can make a tremendous difference in a person achieving independence, recovery, or treatment. And whether they are caring for a child with a behavioral disorder or a parent with ALS or a spouse with multiple sclerosis, we all know someone who is a family caregiver. They live in all of our communities and they are often silent heroes, ensuring family stability and helping those who struggle with disease or disability to avoid more costly out-of-home placements.

We were so excited last year when this Congress really took a bold initiative in enacting the Lifespan Respite Care Act, and it gave hope to so many families across America. Today, this amendment that we are proposing directs $10 million toward the Lifespan

Respite Care Act, which would authorize grants to make quality respite care available and accessible to family caregivers regardless of age or disability. So it is exciting if we can actually put now the funding into the Lifespan Respite Care Act that we so desperately need to help America's families who are providing this type of care in the home.

I urge all of my colleagues who are so supportive of the passage of this bill to vote in favor of the Ferguson-Langevin amendment.

I also want to commend my colleague Mr. FERGUSON, the gentleman from New Jersey, for his passion and dedication on this issue. It has truly been a team effort. And, again, I urge my colleagues to support it.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, again, I feel required to make the same comments that I made on a previous amendment that was offered about one-half hour ago.

This amendment seeks to do a very worthy thing: It seeks to increase support for respite care. God knows, having watched my mother-in-law for 7 years, having watched my father-in-law take care of her every day, God knows that anyone who has ever seen something like that understands that we need a lot more respite care.

But having said that, I want again to use this amendment to illustrate what is happening on this bill, because here is what the amendment says:

Page 63, line 4: After the first dollar amount insert, reduce by $20 million, increase by $20 million.

Now, what the amendment really does is simply to serve as a vehicle by which these two worthy Members can raise the issue that there is not enough money in this bill for respite care. And you know what? There isn't. And there isn't enough money in this bill for CDC; there isn't enough money in this bill for NIH; there isn't enough money in this bill for education; there isn't enough money in this bill for Pell Grants; there is not enough money in this bill to sufficiently reduce the Social Security backlog; there is not enough money in this bill to keep all the Social Security offices open that are closing around the country. And, yet, the administration is sending out a letter telling Members of Congress that they ought to vote against this bill because there is too much money.

Now, I don't fault the two gentlemen at all for using this device in order to raise their concerns; it is about the only thing they can do. But the fact is, as chairman of this committee, I have an obligation to point out to the House and to the occasional other person who might be listening that Members are being forced to go through these kinds of machinations because instead of meeting our obligations to the most needy people, the most vulnerable people in this society, we are instead squirting away billions of dollars on an Iraq war and billions more dollars in tax cuts for persons who make over $1 million a year.

The day that we decide not to do that, the day that we decide that we are not going to spend $150 billion more in Iraq this year, the day that we decide that we are not going to put tax cuts for millionaires ahead of the needs of our disabled and ahead of the needs of our isolated seniors, then that is the day when amendments like this will be real, because then there will be sufficient room in the budget to do what we ought to be doing on these programs.

Again, I will not stand in the way of this amendment because it is a worthy cause. But, understand, this is not a real offset; it doesn't add any new money to this account; and when we go to conference, we are going to have to jettison much of what is adopted on the floor because, like this amendment, in reality, because of budget constraints, it ain't real.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FERGUSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FERGUSON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $65,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $13,302,000: *Provided*, That in addition to amounts provided herein, $48,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $44,687,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under section 228 of title 18, United States Code.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $757,291,000, of which not to exceed $22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(7)(B)).

For expenses necessary to prepare for and respond to an influenza pandemic, $948,091,000, of which $870,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $5,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the United States Agency for International Development, the United Nations International Children's Emergency Fund, or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are promptly notified of the transfer.

(INCLUDING TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act (42 U.S.C. 300cc–40b(d)(3)).

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act (42 U.S.C. 1001 et seq.) unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act (42 U.S.C. 1001 et seq.) shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:

(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR)" may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 217. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 218. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

SEC. 219. None of the funds appropriated in this Act may be used to administer to any child under 3 years of age an influenza vaccine during the 2008–2009 influenza season for which thimerosal is listed on the labeling as an ingredient.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") (20 U.S.C. 6301 et seq.) and section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2), $16,016,318,000, of which $7,698,807,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009 for academic year 2008–2009: *Provided*, That $6,808,971,000 shall be for basic grants under section 1124 of ESEA (20 U.S.C. 6333): *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A of ESEA (20 U.S.C. 6334): *Provided further*, That $3,094,562,000 shall be for targeted grants under section 1125 of ESEA (20 U.S.C. 6335): *Provided further*, That $3,094,260,000 shall be for education finance incentive grants under section 1125A of ESEA (20 U.S.C. 6337): *Provided further*, That $9,330,000 shall be to carry out sections 1501 and 1503 of ESEA (20 U.S.C. 6491, 6493): *Provided further*, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

Mr. FERGUSON. Madam Chairman, I ask unanimous consent that the request for a recorded vote on the Ferguson amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The amendment is adopted.

AMENDMENT NO. 36 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 77, line 6, after the dollar amount, insert "(reduced by $46,500,000)".

Page 77, line 7, after the dollar amount, insert "(reduced by $46,500,000)".

Page 83, line 14, after the dollar amount, insert "(increased by $46,500,000)".

Page 83, line 15, after the dollar amount, insert "(increased by $46,500,000)".

Page 83, line 17, after the dollar amount, insert "(increased by $46,500,000)".

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today with an amendment to restore funding for the State grants portion of the Safe Drug and Preschool and Communities program to the fiscal year 2007 level.

These grants are an essential part of drug prevention and funds essential in effective services, including peer resistance and social skills training, parent education, student assistance, and education about emerging drug needs. This program serves 97 percent of our Nation's schools, and it is the only program that provides funding for universal prevention of all of our Nation's school-aged youth.

The success of this program has been documented by numerous States and local agencies. It is extremely effective and has contributed to a 23 percent decline in drug use among youth over the past 5 years. It is important to keep drug prevention as a priority. Historically, when funding for drug prevention is cut, drug use amongst youth surges. This program also provides coordinated school and community-based efforts to target emerging drug trends among community members.

As a result, this program has made significant contributions to reducing methamphetamine and black tar heroin use among school-aged youth in many States throughout the country. Over the past 2 years, in Dallas, Texas, we have had 23 teens die from overdoses of a black tar heroin mixture that is called cheese with Tylenol PM, and we work with DEA and local merchants and all around trying to get some handle on it. But through the Safe and Drug-Free Schools and Communities program, local antidrug coalitions have partnered with schools throughout to hold prevention conferences in order to combat this growing epidemic.

□ 1200

They have targeted both students and parents to raise awareness surrounding this issue and have also held town hall meetings for teenagers. I have held one myself.

Without the infrastructure provided by this program, the antidrug coalitions would have little if any access to these students and parents, and the heroin problem would have undoubtedly increased.

This issue of emerging drug trends is not isolated. And while drug use among school-age children has declined, emerging drug trends continue to rise. We've recently seen new drugs aimed at our children, such as the candy-flavored meth and cocaine in many States, including Texas, California, Arkansas, Nevada, and Alabama. Without strong and effective prevention programs, these growing epidemics will have a devastating impact on the educational performance of students nationwide.

As you're aware, drug prevention is critical to ensuring the overall academic success of our youth. Studies have found that lower reading and math scores are linked to peer substance abuse. Our Nation cannot afford to see alcohol and drug use or violence rise above their current levels.

I urge my colleagues to vote for this amendment to restore the funding for the Safe and Drug Free Schools and Communities Program to the 2007 level. $46.5 million was reduced, and, Madam Chairman, I do have an offset. The offset for the Safe and Drug Free Schools and Communities Program will come from the Reading First program.

The Reading First program has been mired by allegations of financial conflicts of interest and cronyism and is currently under investigation by the Department of Justice. The Office of Inspector General and the U.S. Department of Education have found numerous legal and ethical violations in how Reading First has steered funds toward favored programs. There has been also conflicts of interest in hiring and the promotion of commercial reading materials. This mismanagement has already resulted in the program being cut by more than 60 percent of fiscal year 2008.

Just a few examples of this mismanagement include the Office of Inspector General found that the program administrator had improperly promoted commercial reading programs potentially in violation of Federal law. The Office of Inspector General analyzed hundreds of e-mails and concluded that the Department's program officials failed to maintain a controlled environment that exemplified management integrity and accountability.

They found that the Madison School District in Wisconsin had substantial data.

The CHAIRMAN. The gentlewoman's time has expired.

Ms. EDDIE BERNICE JOHNSON of Texas. I move the adoption of this amendment, Madam Chairman.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I rise in opposition to this amendment. I certainly can't support further cuts to the Reading First program. It's been cut by $629 million. Further cutting this bill adds insult to injury.

There have been problems with the program. There have been abuses. And if laws have been broken, the Inspector General will bring charges against those violators. But we shouldn't punish small children and their teachers for those abuses.

We have a need in this country to teach children how to read. I don't think anyone could deny that.

So Madam Chairman, for that reason, I will not support any further cuts to a program that teaches those kids to read. And, in fact, I suspect by the time we get to conference, when some of these issues are clarified, we'll be adding money back to this program.

For that reason, I oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, let me simply say again, as I have several times today, I am sympathetic to the goal of the gentlewoman's amendment, and I appreciate the fact that she did not craft her amendment in a way which would go after general departmental administrative costs. I appreciate that concession on the part of the gentlewoman.

Having said that, again, I will not personally object to the amendment because I understand what she is trying to do. But I definitely want to make clear what the gentleman from New York said, that there's only so far that you can cut any of these programs.

I happen to have insisted on a very deep cut in Reading First because of the abuse that occurred of the taxpayer funds in that account. But having said that, it's our hope that, frankly, and the House needs to know this, it's our hope that by the time we get to conference, we will have worked out enough of an understanding with the administration about the corrections that are needed so that we don't have to take the deep cuts that are in the bill now. But we are not yet at that point, so I think people who are bringing these amendments to the floor need to understand that many of them will not survive, simply for the same reason that I said earlier, that this bill is still short of the funds necessary to fund deserving programs such as that pointed out by the gentlewoman from Texas.

Madam Chairman, I yield back the balance of my time.

Mr. JACKSON of Illinois. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. JACKSON of Illinois. I yield to the gentlelady from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me say to the gentleman who objected, I truly understand his objection on the reading program. However, statistics have shown that if these young people are under the influence of drugs, that's where they fall. And if we could prevent this drug usage, it probably will let some of the ability come through.

I know that it's difficult, but this is a very serious problem, and these cuts will hurt very severely in areas, primarily in school districts where we've had even young people having the ability to sell drugs to another young person. Obviously, it's coming from somewhere else.

But in Dallas, we have not found a single child that has experimented with this "cheese" that has survived. And we do have parents involved. We'll have to discontinue this program if we don't have these funds. And I would just plead with you to help find these funds somewhere, if you have a severe objection to it coming from this area.

But I felt that if the area's funding was not being handled correctly, it could be placed in a program that's going very well, that has influenced the decrease of 23 percent drug usage among our youth in the last 5 years. And I have grave concern about allowing this to go on without the assistance that's needed.

As I said earlier, I have worked with the FBI. They're working with merchants to try to get some of the Tylenol PM and the other off the market in these areas. It is a serious undertaking in the area. And all of our law enforcement people are involved.

But our schools cannot continue this without the funding. And that's the reason why I plead for understanding for this funding.

Mr. JACKSON of Illinois. I yield back the balance of my time.

Mr. KENNEDY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Madam Chairman, I just want to commend the lady from Texas for her amendment, and say that I know how many years she spent before coming to Congress dedicated to this issue.

We had a hearing in her district around this issue of mental health and addiction and alcoholism, and we heard from the law enforcement community themselves in her district testify to the fact that over 70 percent of the children in the juvenile justice system were there because of drugs and alcohol. And, frankly, this is a scourge on our schools, and we can't just wish it away by saying, just say no. Just say no won't work. We need to employ resources, and that's what this bill, this amendment, seeks to do.

And, frankly, when you have 20 million people in this country addicted, and you have nearly 10 percent of those people, children, you have a serious problem in this country. We better get about trying to address it, and this amendment seeks to try to do that. And I commend the gentlelady for her amendment and support it.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALSH OF NEW YORK

Mr. WALSH of New York. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH of New York:

On page 78, line 3, before the period insert the following:

"*Provided further*, That for the purpose of determining adequate yearly progress for a specific school or school district, the Secretary shall include English language proficiency scores for students deemed to be English language learners only after such students complete their third year of instruction in English as a second language"

Mr. WALSH of New York (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, my amendment, which I intend to withdraw, is very simple. It would prohibit the Department of Education from counting test scores for English language learners against school districts until after the student completes 3 years of English language instruction.

In our subcommittee's hearing, with Secretary Spellings, I raised some concerns regarding English Language Arts

Test that student learning to speak English as a second language were given this year.

In my home State, there are over 192,000 immigrant students learning English, the majority of whom are in kindergarten through third grade. In the city of Syracuse, my hometown, we have an elementary school in which 43 percent of the kids are English language learners learning English as a second language.

I recognize that there are benefits to monitoring ELL student achievement on an annual basis. But school systems should not be penalized for student scores after only 1 year of instruction.

I'd like to state emphatically that we need to make sure that all of our kids speak and read English proficiently. It is essential to their ability to compete in a very competitive society and a very competitive world. And it is essential to the long-term viability of the American culture that we can all speak to each other in the same tongue.

But I've learned other languages myself, some better than others, and it took me more than 1 year to be considered proficient.

Let's not punish our schools, declaring them failing, before they've spent enough time to teach English thoroughly to our kids. So although I intend to withdraw this amendment, it would be my hope that Chairman MILLER and Ranking Member MCKEON are aware of this problem and will take steps to address it when we reauthorize No Child Left Behind.

Mr. OBEY. Would the gentleman yield?

Mr. WALSH of New York. I would be happy to yield to the chairman.

Mr. OBEY. I want to underscore that I agree with my friend from New York and to emphasize that in parts of my own State, school districts face similar problems. In fact, I would bet this problem exists all over the country.

Furthermore, I understand that school districts face a similar issue with respect to the test scores of students receiving special education services. So I'd like to suggest to the gentleman from New York that we sign a joint letter to the authorizing committee requesting that they address this serious issue in the No Child Left Behind reauthorization that they're expected to soon consider.

Mr. WALSH of New York. Reclaiming my time, I would be pleased to join with my chairman in signing that letter, and thank him for his support, knowing that as chairman of the full committee and of the subcommittee, his voice will be heard on the authorization committee.

Mr. SHADEGG. Will the gentleman yield?

Mr. WALSH of New York. I'd be happy to yield.

Mr. SHADEGG. I understand the gentleman intends to withdraw the amendment. However, I want to rise in strong support of the amendment. As the gentleman knows, we live on opposite sides of the country, you in New York and I in Arizona. But the essence of your amendment says we should not be judging these schools until they've had a chance to, in fact, educate these children in a second language. And judging them after only 12 months, as the gentleman clearly pointed out, is unrealistic and punishing the school, which means to punish all the students at that school and all the parents of those students and all of the teachers and administration officials at that school by evaluating those children and holding them accountable after only 12 months is unrealistic.

I would be happy to join in your letter, and I commend the gentleman for offering the amendment.

Mr. WALSH of New York. I thank the gentleman very much for his vote of confidence in the amendment. I would be happy to work with him on that communication with the authorization committee.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), $1,278,453,000, of which $1,140,517,000 shall be for basic support payments under section 8003(b) of such Act (20 U.S.C. 7703(b)), $49,466,000 shall be for payments for children with disabilities under section 8003(d) of such Act (20 U.S.C. 7703(d)), $17,820,000 shall be for construction under section 8007(a) of such Act (20 U.S.C. 7707(a)), $65,700,000 shall be for Federal property payments under section 8002 of such Act (20 U.S.C. 7702), and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008 of such Act (20 U.S.C. 7708): *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of such Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B) of such Act), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II (20 U.S.C. 6601 et seq.), part B of title IV (20 U.S.C. 7171 et seq.), part A of title V (20 U.S.C. 7201 et seq.) and subparts 6 and 9 of part D of title V (20 U.S.C. 7253 et seq., 20 U.S.C. 7259 et seq.), part A of title VI (20 U.S.C. 7301 et seq.) and part B of title VI (20 U.S.C. 7341 et seq.), and part B of title VII (20 U.S.C. 7511 et seq.) and part C of title VII (20 U.S.C. 7541 et seq.) of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602); the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 et seq.); and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), $5,678,002,000, of which $4,059,441,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $411,630,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of ESEA (20 U.S.C. 7301, 7301a): *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA (20 U.S.C. 6751 et seq.) may be used for subgrants described in section 2412(a)(2)(B) of such Act (20 U.S.C. 6762(a)(2)(B)): *Provided further*, That $56,257,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $34,376,000 shall be available to carry out part D of title V of ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under ESEA (20 U.S.C. 7259c): *Provided further*, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and for the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight, and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That $3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Georgia:

Page 80, line 2, after the first dollar amount and after the second dollar amount, insert "(reduced by $21,000,000)".

Page 82, line 6, after the first dollar amount, insert "(increased by $21,000,000)".

Page 82, line 13, after the dollar amount, insert "(increased by $21,000,000)".

Page 82, line 15, after the dollar amount, insert "(increased by $21,000,000)".

Mr. PRICE of Georgia. Madam Chairman, this amendment is offered in an effort to try to reprioritize monies between two separate funds related to gaining high-quality teachers in our Nation, the Teacher Incentive Fund and the Teacher Quality State Grants.

□ 1215

The Teacher Incentive Fund, my amendment would increase the funding for that by $21 million. When the 2007 fiscal year budget was adopted or the appropriations bill adopted, receipt was $2 million. The request from the President for this year was $199 million, and the bill before us includes a provision for $99 million, $100 million less than the President's request.

As opposed to the Teacher Quality State Grants, which received last year $2.8 billion, the President's request was for $2.7 billion and the bill before us includes a provision for $3.1 billion, $400 million more than the request by the Department.

Teacher quality, Madam Chairman, is certainly the most important school-related factor influencing student achievement. The No Child Left Behind Act reflects this and one of the central tenets is putting a highly qualified teacher in every classroom. Congress now has a greater opportunity to take teacher quality initiatives a step further by increasing funding for the Teacher Incentive Fund, a program that rewards highly effective teachers and rewards results.

The Teacher Incentive Fund allows States and school districts to apply for Federal grants in order to develop and implement performance-based compensation systems for both teachers and principals. With the Teacher Incentive Fund, educators who improve student achievement in the classroom are provided with financial rewards such as bonuses and increasing salaries. In 2006, the Teacher Incentive Fund and Congress provided $100 million for the new program; however, in 2007 it received only $2 million, and this is for a program that has shown very successful and rewarding results.

There is certainly a need for the fund and to date 34 grantees have received money. But the Department of Education has received nearly 150 applications. More resources would mean more districts would be able to establish performance-based compensation systems.

Looking at the workforce, it is estimated that more than 2 million teachers will need to be hired over the next decade. Research has shown that performance pay can be effective at recruiting and retaining highly qualified teachers. So the Teacher Incentive Fund will encourage a talented pool of individuals to go into the field of teaching.

Again, this is a reprioritization, a movement of $21 million from the Teacher Quality State Grants, which is slated to receive $3.1 billion to the Teacher Incentive Fund, which would then receive $120 million. By doing so, this money can be directly given to local districts to create compensation systems and therefore recruit and reward outstanding teachers. Nothing wrong with rewarding the best and brightest when it comes to educating our children.

I urge adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I rise to support the gentleman from Georgia in his amendment. And the overall focus of his amendment is to do two things, first of which is what Congress should be asked to do by all of our constituents in all our districts from all across this country, and that is to take their hard-earned dollars that they send to us in the form of tax revenue and to prioritize them into the most efficient manner and into the most efficient programs and into the most efficient methodologies in order to get those programs effectuated for the good of the citizens. And that is what this amendment does.

In accord with the opinion of the administration, there are a number of programs now in existence essentially attempting to do the same thing. Here with regard to education, essentially trying to lift up the quality of education in this country, a laudable goal obviously; secondly, to lift up the quality of teachers in the classroom, again a laudable goal obviously. But we are asked to prioritize this to make sure that those dollars actually get to those programs and effectively down to the teachers, where it can do the most good. The gentleman from Georgia's amendment would do just that.

One of the fundamental flaws in the No Child Left Behind program is to take away the issue of authority and local control from the frontlines, and that is the classroom and that is the teacher, and shift it someplace else. The fundamental flaw with No Child Left Behind is to say that the parents should not be involved in making the decisions or the teachers should not be the ones making the ultimate decisions on how we educate our children, but it should be the bureaucrats down in Washington and unelected at that.

We need believe that the focus should be shifted back to the parents, back to the teachers, for those who are the people on the frontlines, those are the people who are having the day-to-day interaction with our children.

When you think about it, if you have kids in school or if you have neighbors with kids in school and they have a problem in the classroom, where is the first place that they go to to try to resolve that problem? They go into the schoolhouse and into the classroom and talk to the teacher. They want to get to the bottom of it right then and there. And ultimately it is a matter of making sure that that teacher is the best qualified teacher that you can actually have in that classroom.

Parents do not go to Washington, DC, and speak with the U.S. Department of Education to try to resolve some difficulty they have in their classroom. Parents do not come down here to speak with the Secretary of Education to deal with difficulties they have in their classroom. They go to the teacher. And they sit down and work things out to try to get to the heart of it and the root of the cause of the problem.

And the gentleman from Georgia realizes this. And he realizes that in order to make a better classroom where more learning can occur, where we can have better schoolhouses and classrooms, where we can raise up the quality of education, it is to raise up the quality of our teachers. The gentleman from Georgia's amendment does just that by ending programs that are ineffective, ineffectual, and don't get the job done, and transfers them over to those programs that do get the job done. In this matter we should all be commending the gentleman and support his amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I must confess a certain degree of confusion about this amendment. I always had the impression that good Republicans like block grants, and I also had the impression that thoughtful Republicans favor as much local control as possible. And yet this amendment would have us running in the opposite direction.

What this amendment would do is it would take the dollars in question out of a program which provides aid to all States in the Union and instead reserve that money for use in just the few States who have bought into the approach that is supported by these two gentlemen.

One of my favorite quotations is from Eric Sevareid, who used to be on CBS News a few years ago, and he said, "It is important to maintain the courage of one's doubts in an age of dangerous certainties."

And I have to say that I have a lot of doubts about what is the most effective way to teach children. I don't think I have all the answers. I don't think this House has all the answers. So I don't think we ought to be dictating to States what answers they seek in their teacher quality programs.

The virtue of the committee approach, as opposed to the approach suggested by the amendment, is that

States can use the money in the block grant as it is provided in the committee bill and they can use it for any variety of techniques, including the one that is being promoted by the two gentlemen pushing this amendment. It seems to me that at a time when we are already questioning the rigidity of No Child Left Behind, and I must confess I voted for No Child Left Behind but with serious reservations and I will not vote to renew it unless those reservations are corrected, but it just seems to me that at a time when we are recognizing that No Child Left Behind is needlessly rigid, we should not be piling on to that rigidity with additional pieces of our own.

So with that I would simply urge Members to allow States to continue to have the flexibility that they have under the committee approach, and I would urge a "no" vote on the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. HENSARLING. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield to the gentleman from Georgia, the sponsor of the amendment.

Mr. PRICE of Georgia. I thank the gentleman for yielding.

I appreciate the Chair's comments and I agree with him that we don't have all the answers. I would suggest, however, that what this amendment does is more appropriately prioritize moneys based upon the concerns and recommendation of the Department of Education. The fundamental difference between the two programs, the Teacher Quality State Grants, which is a program that in many areas gets excellent results, the differences are two that this amendment addresses:

One is that the overwhelming portion of the money that is available has been put into the Teacher Quality State Grants, moving from $2.8 billion last year to $3.1 billion this year, as opposed to the Teacher Incentive Fund, which would move from a high of $100 million in the last 2 years to $99 million this year, in essence a flat appropriations.

The other main difference is that the Teacher Incentive Fund rewards results. It rewards performance. It rewards teachers and schools who are actually gaining those high quality results that we desire for all students across our Nation.

So I would respectfully disagree with the Chair, that this is not prescriptive in its formula and the only rigidity that it has in it is that it requires results. So, hopefully, the House will see that the sense in looking at performance, looking at quality teachers, looking at what they are doing in the classroom and the results that they are getting, and rewarding that kind of performance makes sense. I would suggest that that is what most of us have said at home when we talk to our constituents and that this amendment aligns the actions of this House with what we have told our constituents we would be supporting here in the House of Representatives.

So I appreciate the time, and I encourage, again, my colleagues to support this amendment.

Mr. HENSARLING. Madam Chairman, reclaiming my time, I thank the gentleman for his leadership. I compliment him on the amendment. I urge its adoption.

Madam Chairman, I yield back the balance of my time.

Mr. REGULA. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. First of all, Madam Chairman, I want to express my appreciation to the chairman of the committee for including funding for the teacher incentive fund. It is so vitally important to the inner cities to be able to attract the best teachers and this fund can be used by school districts to do just that.

Too often in the school systems, the best teachers tend to flee to the suburbs and they also flee to the good schools. Where we really need the top notch teachers are in the inner cities because our cities are really facing a crisis in the sense that their percentage of those who do not finish high school is growing and is a terrible waste of human capital. We can't afford that.

And one of the important things is to get these students in the early years, first grade, kindergarten, second grade, third grade, to like school and to like to learn, and that takes a quality teacher. And this program, and thanks to the chairman we have the 99 million dollars and this proposal for some additional, allows schools to give some financial incentives to the really top notch teachers to take on that responsibility.

I have an instance in my district where a handicapped teacher has inspired a class in a low-income neighborhood and it has made a world of difference in the lives of these young people.

So I just want to express, again, my appreciation to the chairman and for the interest of the gentleman from Georgia in the Teacher Incentive program because I think it is one of the vital challenges in addressing the dropout rate in the big cities to ensure that these students get a taste for education and they enjoy the experience and they stay with it. I am hopeful that the States will use these funds in that way, to give incentives to the very best teachers to go into the toughest areas and inspire young people.

I will add that the Teach for America program does a great job in that respect because they send their Teach for America candidates into very difficult situations.

I hope that we can address the dropout rate prospectively when we have a nation where 31 percent statistically do not finish high school and we know it is much larger in the cities. So there is the challenge, and this program, which the chairman was gracious enough to include in the original bill, is one of the keys to addressing that problem. So I, again, commend the chairman and also the gentleman from Georgia for their concern to inspire and make it attractive for the quality teachers to teach in difficult situations.

The teacher is where it is. If you ask any group, as I do when I give a speech, how many of you had a teacher, maybe two that made a difference in your life? And every hand will go up, and that says so eloquently that we want to have teachers in the toughest situations where their students will at some time in the future say, yes, I had a teacher that made a difference in my life.

□ 1230

That's why I'm here. That's why I finished high school. That's why I press on.

I went into a charter school where there was a Teach for America Teachers and it was in one of the toughest parts of the city. And the teacher there said, as we walked through the door, these were fifth graders, "What do we do in 2010 or 2011?" Without missing a beat, every student said, "We go to college." Now, if I had done that 5 years ago or 3, they would have said, "What? What do we do? I don't know. Drop out, probably."

So I want to again commend the chairman for many parts of this bill that are important to giving teachers inspiration and making schools better so that whomever is here 25 years from now will not be saying that 31 percent of the students in the United States drop out. We can ill afford that in the competitive world in which we live.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. JACKSON of Illinois. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 80, line 2, after each dollar amount, insert "(reduced by $33,907,000)".

Mr. GARRETT of New Jersey. Madam Chairman, I rise today to offer an amendment that mirrors the President's budget request to eliminate funding in the bill for the Alaskan Native Education Equity Program. By so doing this, it will save our Nation's taxpayers $33.9 million.

Now, as with many of the programs that you will be hearing us discussing both yesterday and today and in the future, this program does, in fact, support a worthwhile goal, and that is providing additional educational services to Alaskan Natives. The services provided to Alaskan Natives that are students through this program, however, are redundant of many of the other types of programs that are provided through various other agencies, most notably through the Department's other education programs.

See, our funding priorities must be exactly that. When we come together as a conference and then as a body to support appropriation bills, we are called upon by the American taxpayers to set those things, priorities, just as the American family budget is created each day, each week, each month in American families across their country and they sit down at their kitchen table to decide what are their priorities when it comes to spending their hard-earned dollars.

They have educational interests in mind as well. They may have children that they have to decide whether they're going to be sending them to college this year or next, to a high-priced college or a moderate-priced college, et cetera. They have to set priorities when it comes to how much money will they be able to set aside in their savings account for educational purposes. Or if their kids are in a K–12 system, whether it's public school or private school, likewise, the American public has to set their own priorities, decide how much money they can set aside if they choose to send their kids to a private school. Or if their kids are going to a public school, how much money will they set aside so that they can spend on their children when it comes to educational purposes for extracurricular activities or supplements to the school program.

American families are called upon to do this every single day, every single week of the year with their budget. And all we are asking right now is that the U.S. Congress and the Senate do the exact same thing with their hard-earned tax dollars that they've entrusted to us. In this matter, what we are doing is saying we have several programs, the same laudable goals. We are eliminating one and shifting the dollars to the another so that the program gets done.

I would now like to bring my colleagues' attention to a recent report by the Nonpartisan Tax Foundation. This report details how much money each State taxpayer contributes in Federal dollars and how much money each State taxpayer receives back. This is very interesting, especially if you come from the State of New Jersey, as I do.

According to this report, Alaska, which is the subject of this amendment, ranks second in the Nation, getting $1.80 back for every $1 that the taxpayers up there pay in Federal taxes. In contrast, my good State of New Jersey ranks dead last. We receive back a paltry 63 cents back for every dollar that a New Jersey taxpayer sends to Washington. What does that mean? That means that New Jersey taxpayers, working just as hard as the taxpayers up in the great State of Alaska are, are sending one dollar in with their paycheck each week, or multiple dollars as it is. But at the end of the day, when they see how Congress appropriates those dollars, New Jerseyans find out that they're only getting back 63 cents on the dollar.

Conversely, we look up to Alaska, the subject of this amendment. How much does every taxpayer get back from the dollar that they contribute to the good of the country and the State? They get back $1.80. It's a fairness issue, quite honestly, Madam Chairman. Where are our dollars going?

And with the new Democratic majority passing the largest tax increase in American history recently in its budget, the burden on New Jersey taxpayers will only continue to rise. Yet at the same time, we are providing nearly $40 million for redundant services in a State that is already nearly on a 2–1 ratio on every dollar that it sends to Washington.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. GARRETT of New Jersey. Let me just finish this thought.

Mr. JACKSON of Illinois. I have a parliamentary inquiry, Madam Chairman. There is a problem with the amendment that is at the desk.

The CHAIRMAN. Will the gentleman from New Jersey yield for a parliamentary inquiry?

Mr. GARRETT of New Jersey. I am not yielding. I am finishing my thought.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. GARRETT of New Jersey. Madam Chairman, and I will be brief, we must remember that every dollar that we send to Washington comes out of that proverbial "family budget" that I referenced before. So when duplicate programs like this come before us, we should put ourselves in the shoes of the family in the same situation.

So, do you think that families would go out, families from the other side of the aisle would go out and spend their hard-earned tax dollars on a month's worth of groceries and then go out and eat every single night of the week? I don't think so. That would be duplicative. They would be spending money on the exact same thing. American families don't do that; neither should Congress. That doesn't make much sense to me, Madam Chairman, and quite frankly, neither does the funding of multiple Federal programs do the same.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBEY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Madam Chairman, I have a parliamentary inquiry before the gentleman begins.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. JACKSON of Illinois. Madam Chairman, at the desk, the amendment that the gentleman was speaking to concerned Native Hawaiians, but the gentleman spoke about Alaskans. And I asked the Clerk if he had the amendment that the gentleman was speaking about on Native Alaskans and he said he did not have that amendment. So I'm trying to figure out, are we responding to the Native Hawaiian language for $33,907,000, which is what is at the desk, or the gentleman's argument about Alaskans, which is not at the desk? And that is my inquiry.

The CHAIRMAN. Without objection, the Clerk will re-report the amendment.

The Clerk read the amendment.

Mr. JACKSON of Illinois. Madam Chairman, that's about Hawaiians.

The CHAIRMAN. Did the Clerk report the intended amendment?

Mr. GARRETT of New Jersey. Madam Chairman, there are two amendments at the desk. The amendment that I was speaking on is my amendment, which goes to the issue of Native Alaskans. The gentleman may be referring to another subsequent amendment that will later on refer to Native Hawaiians. It's the same page, same line, same dollar amount, so I can understand the confusion.

Mr. JACKSON of Illinois. I thank the Chair.

Mr. OBEY. Madam Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 5 minutes remaining.

Mr. OBEY. Madam Chairman, let me simply say that I have only been to Alaska once in my life. I have certainly never been in an Alaskan school. But my grandfather taught me a long time ago, and I'm sure you have heard this many times in your own lives, but he used to say that nothing is more expensive in the long run than a badly educated child. And I don't care if that child comes from New Jersey or Wisconsin or Hawaii or Alaska, a badly educated child is a menace to society. Why, just imagine a badly educated child could grow up to be elected as a Member of Congress from New Jersey or Wisconsin. They could come into this Chamber filled full of all sorts of half-baked ideas, and the Congress would be plagued with having to spend hours and hours dealing with those ideas. I'm sure I've presented a few of the bad ideas myself to this House in that time.

The point is that Alaska may seem remote and far away, but the fact is that there are special children who do have special needs. Does anyone really believe that we are spending enough on Indian education programs around the whole country, for instance? And yet, we're told by the administration that we ought to eliminate the program for Alaska Native students because they benefit from the Indian education programs. Well, I've got tribes in my own State, and I know how inadequate some of those schools are, though they're trying the best they can.

I would simply say that if the authorizing committee wants to deauthorize this program, then fine, but I see no purpose right now in singling out one special group of children for exclusion from this bill and this account. I can think of a lot of things that go on in Alaska that I would just assume see stopped before I would see them stop educating children with special needs. I wish that they would take a different approach, for instance, on their highway aids. I think that their lack of judgment on that score has embarrassed the entire Congress. But I don't think that the Indian children or the Native Alaskan children who are educated under this should wind up being the principal victims of that action by the State of Alaska.

I sense in this House that people are touchy about voting for anything for Alaska since that happened. Well, I don't want these kids to be unlucky enough to run into accidents that started out to happen to somebody else. So it seems to me that the wise course is to reject the gentleman's amendment and allow the authorizing committee to determine whether or not this program ought to continue or not.

Madam Chairman, I yield back the balance of my time.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. I would like to recognize my good friend from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia.

And let me just begin to reference the chairman's comment as far as whether we should be excluding one set of children from this. Well, that's exactly the point; I believe that we should not be excluding any children. And the language in the bill that is before us right now excludes the children of 49 other States.

□ 1245

As the Representative of the Fifth District of New Jersey, I am concerned. I come to the floor because this underlying bill excludes the children from the State of New Jersey with this special extra funding. Let me assure the gentleman there are children with special needs in the State of New Jersey, and there are children with special needs in the State of Wisconsin as well. They are excluded from the Alaska Native Education Program. I am trying to bring fairness to the overall program, which is also what the administration is trying to do.

Let me make that point by sharing with you this comment. The Alaska Native Education Program is authorized by the ESEA of 1965 and they are subject to the reauthorization. But the administration was not recommending reauthorization and, accordingly, funded it at zero. The administration, as do I, recognizes the importance of ensuring that the Alaska Native students receive appropriate educational services. This request is consistent with the administration policy of increasing resources for high-priority programs by eliminating small categorical programs that have a limited effect, such as this.

In addition, the services provided to Alaska Native students through this program are redundant with many of the programs through the Department's Indian Education Program already being funded.

School districts that wish to implement programs and services tailored to the educational and cultural needs of the Alaska Native students are able to use funds already provided under other Federal programs in the 2008 budget. That includes $1 billion in direct support for the education of Indians and Alaska Natives in addition to the significant funds that are provided to those students who receive services through broader Federal programs; grant programs such as title I grants to local educational agencies and special grants.

Further, let me point this out as well: Alaska Native students will also benefit in addition to $1 billion that I also already referenced. They will also benefit from the Department of Indian Education Programs, which provide more than $118 million, $118 million, in formula grants to school districts and competitive grants for demonstration and professional development programs as well.

You see, these programs already serve as the Department's principal vehicle for addressing those unique educational and culture-related needs which the gentleman from Wisconsin is referring to.

The bottom line is there are already programs established that address those concerns that the gentleman from Wisconsin raises. The administration recognized this and already requested appropriations of $1 billion overall, plus the $118 million in special formula grants.

So it is our position, in line with the administration, that we do need to address those specific needs of those children who are in unique circumstances such as we find with Native American Indians in Alaska. But we do not need to do it in a redundant manner.

Finally, I would just conclude by saying the gentleman from Wisconsin is correct. We do not want to have children not being educated, regardless of what State they come from, whether it is from New Jersey, the good State of Georgia, the good State of Wisconsin or Alaska. But we are not doing the children any favor whatsoever if we do not appropriate the dollars in a manner that effectively gets that job done. This amendment works to effectuate and ensure those kids get properly educated.

Mr. WESTMORELAND. I want to thank my friend from New Jersey for offering this amendment. I hope this House will see fit to pass it.

But let me say this: I think as we talk about children and education, that from my background, and I have a high school education, I attended college for a short period of time prior to being married, but let me say this: What I have found is that education is best from the local level, and I don't know that the Federal Government can really take some of these programs and put them down into a local school district and say here is this money, use it for this purpose or you don't get the money.

To me, it would be much better if some of this money were set down in a block grant to the State and let the State identify the problems and especially the funding problems that they have and be able to administer the money.

Madam Chairman, I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Madam Chairman, I am standing here today speaking for young people in Alaska. I am sure that when Mr. YOUNG gets the opportunity, he will be down here to speak for them, too.

I wasn't aware of the fact that the young children in Alaska needed the tender mercies of the gentleman from New Jersey to speak for them. I would think that the children in New Jersey have all they can do, considering the level of the rhetoric I have heard for the last few minutes, to get the best education possible there. The Congress is certainly not being well informed about it today.

I most certainly agree with the other gentleman who said that education is best left to the local level. How about letting the gentleman from Alaska, or any other place where they understand what the educational needs of their children are, handle it at their level? That would be the way to take care of it.

Mr. GARRETT of New Jersey. Will the gentleman yield?

Mr. ABERCROMBIE. No, I will not yield. You had more than enough time to make your case.

Madam Chairman, I am going to make a case for those children and the children in Hawaii and the children in every other State and area in this country who deserve the support of this Congress. I have heard talk already down here today about taxes being paid. You don't think taxes are being paid in Alaska or in Hawaii or elsewhere?

When you talk about local programs, I have the local programs that we have in Hawaii. I am sure Mr. YOUNG has the local programs that we have in Alaska. I haven't examined them in New Jersey, but, as I say, I have heard the rhetoric for the last few minutes. Maybe I had better go up there and give them a hand.

Now, I respect every Member of this floor, and I expect to receive the same in return. When the State of Hawaii came into the Union, one of the protocols of the Admissions Act is the requirement that we recognize and take care of our Hawaiian children. We have programs that are geared towards that. We have Historically Black Colleges in this country. We have established over the past few decades studies in various backgrounds, ethnically, culturally, racially. We have caucuses in this Congress that recognize the various backgrounds from which our people come.

Hawaii, I can tell you, just as Alaska is, because I have visited Alaska and have had an opportunity to speak with the teachers and schoolchildren in Alaska, we are a multi-cultural, multi-racial, multi-ethnic country. We are a multi-racial, multi-ethnic, multi-background, rainbow state in Hawaii, and we recognize those backgrounds and we try to take care of it in our educational processes.

All we are asking for is the opportunity here to help fund local programs that have local assistance as well. That is done in program after program after program.

Now, if the gentleman does not care to have the Federal Government fund anything for education in the United States, that is his prerogative. I recognize that and respect that. I don't approve of it, and I hope the Congress won't approve of it. But to have any Member come into another State without any notice to anybody that they are going to do it, by the way, a courtesy that I would extend to anybody in here, I have to find out about it by osmosis that this is being done, it is shameful and it needs to be stopped and it needs to have an end put to it.

Now, if the gentleman has specific objections to anything being done in Alaska, he should have taken it up with the gentleman from Alaska. That is minimum courtesy in this body. But to come on the floor and make the kind of accusations that are made today is an insult to the gentleman from Alaska and an insult to the Appropriations Committee and an insult to the House of Representatives.

If there are objections to anything in the next one that comes up, I hope that whoever offers that amendment with Hawaii would have had the courtesy to sit down with me and with Representative HIRONO and specifically state what their objections were, so that we might be able to accommodate them, had they legitimacy and foundation. That is the minimum we can expect from one another.

This is a shameful process. I hadn't realized until right now that we could solve the educational problems in this country if we could just keep those Alaskan kids from getting a dime for any program that has been put together by Representative YOUNG and the local educators in Alaska.

The CHAIRMAN. The gentleman's time has expired.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Chairman, I thank the Chair, and I appreciate the gentleman's passion. I would suggest, however, that each of us are elected to this House to determine best how we should use our vote, to either concur or disagree with the manner in which this body spends hard-working American taxpayer money. So I wouldn't criticize anybody for coming to the floor and providing their assessment of priorities as to where they believe hard-earned American taxpayer money ought to be spent.

I am pleased to yield to my good friend from New Jersey for a comment.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia, and I would just make reference to the gentleman from Hawaii. I believe he misstates the intent of the legislation here when he says that the intent is to make sure that Alaska or Hawaii, and this bill is only on Alaska, does not get a dime. As my testimony indicated, Alaska will continue to get more than a dime, as the President's budget request included $1 billion in direct support for the education of Indian and Alaskan Natives. That is more than one dime.

Native Alaskans will also get $118 million in formula grants to school districts, competitive grants for demonstration and professional development programs. That is more than one dime.

Finally, to the gentleman from Hawaii's first point, which he agreed with the previous comment that education is best done locally and that the folks of Alaska know best about how to educate their children and the folks from Hawaii know best how to educate their children, I would presume he would agree the people from New Jersey also know how best to educate their children.

I would ask the gentleman from Hawaii, if he truly believes that, would he support our initiatives and my initiative in the LEARN Act to allow States to opt out of the cumbersome regulations of education from the Federal level and keep their dollars in Hawaii and keep their dollars in Alaska so they would be in the best position to educate their children.

Mr. PRICE of Georgia. I thank my friend for offering the amendment, and I thank him for his explanation. There is no desire to remove all funding in this area. That would be a different debate and a different discussion. That is not the debate we are having right now.

Madam Chairman, I do want to point out the larger picture, the bigger picture we are talking about here, and that is the issue of fiscal responsibility and the issue of responsibly spending taxpayer money, hard-earned American taxpayer money.

I was pleased to hear the chairman of the Appropriations Committee say to the gentleman from New Jersey that if the committee determined that those funds ought not be authorized, that they would be pleased to remove those funds, or something like that.

I would point out to the gentleman and to my colleagues that on page 302, 303, 304, and 305 of the report of the Committee on Appropriations, there is a paragraph that is headed "Appropriations Not Authorized By Law." I would suggest that we revisit these items and require that they be authorized.

"Pursuant to clause 3(f)(1)(B) of rule XIII of the Rules the House, the following table lists the appropriations in the accompanying bill," this bill we are talking about right now, "which are not authorized by law for the period concerned."

It may be helpful, Madam Chairman, for individuals to hear which ones are not authorized, not talking about the quality of those programs or the need for them, but the fact that this is a process that has come about where we are appropriating money for many programs which are in fact not authorized.

Department of Labor, for example, Training and Employment Services, not authorized since 2003. Appropriations in this bill, $3.5 billion.

Not authorized in this bill, the Veterans Workforce Improvement Program, not authorized since 2003. Appropriated in this bill, $1.649 billion.

□ 1300

National Health Service Corps, not authorized since 2002, again not talking about the appropriateness of the appropriation itself, but whether or not the process is such that it ought not be authorized prior to carrying out the appropriation. In this bill, $131 million.

Not authorized in this bill, Healthy Start, not authorized since 2005. In this bill, $120 million.

Not authorized in this bill, Rural Health Outreach Grants, not authorized since 2006. Funding in this bill to a level of $52.9 million.

Not authorized in this bill, cancer registries, not authorized since 2003. In this bill, funded at the rate of $47.9 million.

Not authorized in this bill, oral health promotion, not authorized since 2005. Funding in this bill, $13.1 million.

Not authorized in this bill, substance abuse and mental health services programs, not authorized since 2003. Funding in this bill, $3.26 billion.

Madam Chairman, the list goes on and on, and I draw my colleagues' attention to it, because I would agree with the chairman of the Appropriations Committee that we ought to be concerned about what is authorized by the authorizing committees and whether or not appropriations ought to be spent for items that are not authorized.

But the challenge for us is to spend responsibly, spend hard-earned taxpayer money responsibly.

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Wisconsin.

Mr. OBEY. I just want to thank the gentleman for bringing to the attention of the House again the fact that the authorizing committees have failed to do so much work in past years.

Mr. YOUNG of Alaska. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. My friends, this is a sad day in this body. Apparently the students of New Jersey are trying to take money from Alaskan students, pitting State against State instead of talking about education.

I am a little bit chagrined with the gentleman from New Jersey. This is supposed to be a House of honor. You didn't tell me you were going to offer this amendment. You didn't talk to the gentleman from Hawaii on the amendment. You are attacking two States that are not contiguous to the United States. This is a harmful thing to do. We are a new State. I have poverty that you don't even think of, and yet you say you want my money, my money for my students that need to be educated to go to New Jersey.

That is a sad day for this House.

I want to thank the chairman and the ranking member of the Appropriations Committee for putting this in the bill. And if we continue this, we will be called biting one another, very much like the mink in my State that kill their own. There is always another day when those who bite will be killed, too, and I am very good at that.

I just think it is a disgrace to have one State, the education of one State, being pitted against another State. This is education. These are needy students, a minority that has been neglected, has not been helped to the degree they should have been over the centuries. I can truthfully say and pridefully say we have been good in the last years, over the last 35 years. I have provided education and supported education. My people have risen and become leaders because this Congress saw the wisdom of us providing us money.

And now we have an individual from a State that doesn't have the greatest reputation in the world trying to take money from one State to give to another State. If that is the case, then let's just all have a big donnybrook right here. I'm ready. I'm really ready because what we are doing is dead wrong.

I told the gentleman here about 2 years ago, shame on you. Shame on you. Shame on each one of you. And the guys that are trying to not spend money and the guys that are trying to balance the budget, to take and attack education in States, Hawaii and Alaska, that have the least representation as far as numbers go. And if there is guilt here, it is because I have been able to represent my State better than New Jersey. I would suggest New Jersey ought to elect some new Congressmen, I suggest respectfully, that can do the job. I believe that is really true. If they can't do the job, elect somebody new. I have done it. I am going to continue to do it. I am going to fight for my State, and I am going to fight for my State every time.

Mr. GARRETT of New Jersey. Mr. Chairman, is it appropriate for the speaker to say that the people from New Jersey should be electing——

The Acting CHAIRMAN (Mr. CAPUANO). Does the gentleman from Alaska yield for a parliamentary inquiry?

Mr. YOUNG of Alaska. I have not yielded. I will not yield.

Mr. GARRETT of New Jersey. I make a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. GARRETT of New Jersey. Is it a violation of parliamentary decorum by suggesting that a Member not be reelected in the State of New Jersey?

Mr. YOUNG of Alaska. I don't know what the gentleman is talking about. I just said they were not well represented. Respectfully, if I can say that. I don't name anybody's name. I don't mention anybody. I don't specifically mention any names. And that is not why.

For the rest of you that continue this constant harping on this floor about cutting monies from other areas under the guise of balancing the budget, I say shame on you, too. I say shame on you because we are not doing the legislative process any good.

Regardless of who is in power in this House, Democrat or Republican, we should be leading this Nation and we are at a standstill now. That is one reason our ratings are very low, totally, and that is a shame. Because we do have the work of this Nation that we should be doing and we should be addressing and we should take care of it.

I don't agree with everything that side does. We should not always agree on everything, but we should have the ability to get together and solve problems and to legislate, and we have not done that. So I am a little frustrated. And like I say, those that bite me will be bitten back.

Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Is it appropriate political decorum for a Member to say that he represents his State in a better manner than the entire delegation of another State represents their State?

The Acting CHAIRMAN. The Chair is unable to rule on such remarks after other debate has ensued.

Mr. GARRETT of New Jersey. Further parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Is there a manner in which I can rephrase the question so that the Chair will be able to answer the question or comment on the previous speaker's statements?

The Acting CHAIRMAN. The Chair can only rule on such words if a timely point of order is made.

Mr. GARRETT of New Jersey. I'm sorry, I didn't hear the last part.

The Acting CHAIRMAN. The Chair is unable to rule on words between Members previously spoken in debate, absent a timely point of order or demand that such words be taken down.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have noticed that the last several speakers on the House floor were rather strident in their comments, engaged in ad hominem attacks and perhaps at least one of them could have had their words taken down.

Having served in this body for several years, I have yet to discover any direct correlation between the stridency with which one delivers their message and the righteousness behind their cause.

Many have come here to say that somehow House decorum demands that one speak to another Member before offering an amendment that somehow may be injurious to their district's interests. In all of the years I have served in this body, I have yet to have somebody come to me and explain to me ahead of time how their amendment, how it impacts the people in the Fifth Congressional District of Texas.

Yet every day we see something like the largest tax increase in history, which certainly has a terrible impact on the hardworking people of the Fifth Congressional District of Texas. Nobody sought out my permission before they brought that particular piece of legislation to the floor.

We have pieces of trade legislation, or it should be called anti-trade legislation, coming to the floor, harming my cow-calf operators in the Fifth District of Texas. Nobody seeks my permission or acquiescence before that legislation is brought to the floor.

We have legislation imposing death taxes on people who have worked their whole life to build small businesses in the Fifth Congressional District of Texas. Nobody seeks my acquiescence or permission before bringing that legislation to the floor.

I also noticed that an earlier speaker referred to the funds in this amendment as "my money." Well, isn't that a fascinating concept, "my money." I thought it was the taxpayers' money, many of whom reside in the State of New Jersey. Many of whom reside in the State of Texas.

I am interested why we seem to have on top of all the other education funds we have, and it is not exactly like this is an area of Federal funding that has gone lacking, since 1995, the elementary and secondary education budget function has increased 147 percent. That is about the highest increase of any budget function in that period of time.

I wonder, Mr. Chairman, maybe we ought to go out and create a special education fund for New Jersey and for Texas and for Arkansas and Maine and New Hampshire. Why don't we create one for all 50 States. Then what we can do is we can go ahead with the Democrats' plan for the largest tax increase in history, and we can take all of this money away from American families. Then Washington can keep, say, a third of it in administration cost and waste and inefficiency, and then we can design these programs with our State names on them, take credit for it, and then hand it back to the taxpayers, whose money it is in the first place.

So I want to salute the gentleman from New Jersey for his courage, for his steadfast leadership on this issue, his dedication to education, his dedication to fiscal responsibility, and for coming and suffering these ad hominem attacks. That, Mr. Chairman, is what is truly shameful about this particular moment.

I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Texas for yielding for just a moment.

As the Representative from the Fifth District of the State of New Jersey, I remind the gentleman from Alaska that the State of New Jersey has 13 congressional Representatives from both sides of the aisle. And so when the gentleman from Alaska makes reference to our Representatives from the State of New Jersey not doing their job and not appropriately representing the people of the State, I remind him that it is an accusation not against simply this one gentleman who is standing at the microphone right now proposing this one amendment, but it is an entire body of 13 gentlemen from both sides of the aisle who I say, and I commend both Representatives from the Democrat and the Republican side of the aisle, for appropriately and admirably representing the good citizens from the State of New Jersey.

My colleagues from the other 12 districts do not need to be defended against these rash accusations by the gentleman from Alaska. But I do come to the floor now to appropriately defend them, nonetheless.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. FOXX. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentlelady for yielding.

I also take up the comment that the gentleman from Texas was just making reference to which the gentleman from Alaska stated in his statement what was "my money" or it is Alaska's money. Well, maybe that is the problem we have had in this Congress for too long, even when Republicans were in the majority and now that the Democrats are the majority, too. Too many Members of Congress see the dollars that we appropriate here not as the taxpayers' dollar, but see it as their very own personal checking account. Maybe that is the fundamental problem that we have with why we spend more and more each year.

I remember when the Democrats were running for office this past election. They were railing against the Republican Party, that we were the party out of control, spending more and more and more. If they were elected to office, they would come here and rein things in when it came to spending. And I served on the Budget Committee when the Democrats were in the minority, and how they railed against us from the other side of the aisle. And at times I even agreed with them on some of the charges that they made, that we were spending too much money.

And now when the Democrats take control, what do they do? Give us the largest tax increase in U.S. history, and we see spending continue to go through the roof. Where do those dollars come from? They come from American taxpayers, from the family budgets, from men and women in Alaska and New Jersey and across this country, working hard just to get by, and yet they are being forced by the Democrats' tax increases to send more dollars here to Washington.

When the gentleman from Alaska comes forth and says it is "my money," maybe that is why in some respects when there are projects that are appropriated such as bridges to nowhere and the like, the American public says that is our dollars going to Washington, and it shouldn't be looked at for just such frivolous things as this.

☐ 1315

The amendment that's before us right now is an appropriate amendment to say that the hard-earned tax dollars should go to programs that are necessary but be spent in an effective manner.

Members from all 50 States see the need to educate our children. Members from all 50 States, including the State of New Jersey, see the need to deal with the issue of Alaska native students, and that is why this administration has already requested appropriations of $1 billion for that, $118 million in other categorical aids such as that. So all we are doing is saying make sure that those dollars that come from New Jersey and elsewhere are spent effectively.

Finally, to close on this point of "my money," maybe the gentleman from Alaska was not listening at the opening of my comments when I said that New Jersey taxpayers send a dollar to Washington and only get 63 cents back on the dollar, whereas his constituents, yes, they do much better. They send a dollar to Washington and then they get $1.80 back.

I would ask the gentleman from Alaska and other Members from the Democrat side of the aisle, where do they think that other 80 cents on the dollar is coming from? I will tell you it's coming from the good, hardworking taxpayers from the State of New Jersey and Connecticut and New York that are donor States to States like Alaska, that we are subsidizing their programs.

I would ask the gentleman from Alaska to refrain from, therefore, referring to it as his money. It is the taxpayers in the Fifth Congressional District and the rest of New Jersey, whether you're in a Democrat district or Republican district, who are helping fund these programs.

Ms. FOXX. I want to just say I am very concerned when there is an attitude here in the Congress that it is our money to spend. I want to make sure that nobody ever forgets that we are the stewards of money that we legally steal from the people of this country. We take it from them under duress, and we have a tremendous responsibility to make sure that that money is being spent well.

There's no such thing as Federal dollars. It's all money that belongs to the American taxpayers, and we're up here confiscating a great deal of their money and deciding how to spend it. And it's up to us to make sure that we spend it very, very carefully and very, very fairly.

The Constitution provides for no role for the Federal Government in education. We're already overstepping our bounds, and if we're going to overstep our bounds, we better be extraordinarily careful in that respect.

Mr. Chairman, I yield back my time.

Mr. RYAN of Ohio. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Chairman, I just wanted to make a point here because I think what just happened on this House floor 5 minutes ago was extraordinary.

For a member of the Republican Party to get up and defend what has happened here and the investments that we're making I think exposes what's been going on here for the last several months, is that we have a fringe group, Mr. Chairman, of Members of this Congress who consistently get up and try to pin Members against each other, try to find specific programs and somehow expose somebody as somehow being irresponsible. And I think it's extraordinary what happened here, that we have an extreme group in this Congress that consistently tries to divide us when we're trying to get the people's work done.

This is the United States of America, and the gentleman from New Jersey benefits from the Federal court system that helps Wall Street thrive. It's the rule of law in this country that is funded by the taxpayer, courts, judges, buildings, the rule of law, and that allows Wall Street to benefit. That allows citizens in New Jersey to earn a good living and to pay taxes.

And we have Members from Texas, Mr. Chairman, the great investment that this country has made into that great State, NASA, the universities, Texas has benefited from those investments.

Members from the West, where the West wouldn't even exist, we have congressional districts that wouldn't exist if it wasn't for the investment of the Federal Government to build dams. The Colorado River Basin Project—there wouldn't be congressional districts in the West if it wasn't for the Federal investment.

We're the United States of America, for God's sake, and let's stop trying to divide each other. Let's recognize that this bill has been supported unanimously from the Appropriations Committee, Democrats and Republicans, and I want to thank the distinguished Member from New York who put so much thought and concern into this bill, the gentleman from Ohio (Mr. REGULA) and gentleman from Ohio (Mr. HOBSON), who have consistently tried to make investments and recognize that people in Alaska, kids in Alaska need help, and I'm okay with that. I've never been to Alaska but we have needs.

Let's stop trying to divide each other and stop the lectures of fiscal responsibility. The mess we're in is here because of $3 trillion in debt that our friends have borrowed from China and Japan and OPEC countries over the past 6 years; borrowed more money, Mr. Chairman, from foreign interests than every President and Congress before them combined.

So enough of the lectures on fiscal responsibility. We're here now. Let's make these investments. Let's compete in a global economy by making these investments. We're competing against 1.3 billion people in China, 1.2 billion people in India. We need to make these investments. We only have 300 million people in this country. They need to be educated. They need to be healthy, and they need to live in a clean environment. That's what this bill does.

Mr. Chairman, I yield back the balance of my time.

Mr. SHADEGG. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. SHADEGG. Mr. Chairman, I would like to point out that this is supposed to be a healthy debate, and quite frankly, I don't think Members on either side should criticize Members for coming to the floor and debating issues.

The gentleman from New Jersey raised, I believe, a legitimate issue, and that is the issue of the equity of people from one State paying in much more money to the Federal Government than they get back versus people from another State getting much more money back from the Federal Government than they pay in and questioning a particular program. That's the kind of debate that is supposed to occur here. It's the kind of debate that should occur here.

Indeed, I think everyone on this floor acknowledges we have a problem with having spent too much money. We have a problem with too much debt, and I think the people on this side of the aisle have tried to make the point that at some point we need to stop that spending or slow that spending, and I believe the people who have carried forward this discussion, at least from this side of the aisle, have readily acknowledged that a great deal of that overspending occurred on our watch. We're not trying to point blame, but we do have a duty to come here and debate our financial priorities and debate our jobs.

Mr. WESTMORELAND. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, I thank the gentleman for yielding. I thank my friend from New Jersey for offering this amendment because I did not know that this would open up the types of discussions that it has, but I think it's great for this body.

My friend from Ohio, Mr. RYAN, who, Mr. Chairman, I stood up on that podium and listened to many nights with the 30-something group, that talked about the spending of the Republicans, I hope he will come back now and talk about the largest tax increase in the history of this country. He talked about dividing Members, and I stood there, Mr. Chairman, right where you're at, and I listened to the rhetoric that was designed to divide Members.

And talking about a spending and what's a good investment, I don't know when we were in the majority party why the things we weren't doing wasn't a good investment. Now, all of the sudden spending $11 billion more than the President's recommendation is a good investment. So spending more money is a good investment, and he's talking about that we borrowed money from foreign countries. I don't agree with that, but you know what, they probably won't borrow money from a foreign country. You know what they're going to do, Mr. Chairman? They're going to go up on your taxes. They have passed and are passing appropriations bills, other pieces of legislation that's going to cause this country to have the largest tax increase in history.

So I want to thank him for bringing this up, and I want to thank the gentleman from New Jersey for bringing this up because this is a perfect example that we have to prioritize, and we all have different ideas about prioritizing. We all have different ideas about who's writing a budget, if it's a good investment or if it's wasteful spending.

So, I support the gentleman's amendment because I don't think that those children in Alaska, regardless if a Member of my party says it or not, or the children of Hawaii need special exception and more money than my kids, my special need kids in the Third District of Georgia.

So I thank the gentleman from Arizona for yielding, and I yield back.

Mr. SHADEGG. Mr. Chairman, I'm happy to conclude this by simply noting that no Member who brings an amendment to an appropriations bill is criticizing the ranking member or the chairman of that committee. Indeed, I think it's a long-standing tradition and an honorable one in this body that appropriations bills come to the floor under an open rule so that we can have these discussions, and the votes reflect the will of the Nation as they should.

So I want to make it clear that I don't believe that by the gentleman from New Jersey or myself or any other Member of this body, any Member on the majority side, offering an amendment, and there have been amendments offered, in doing so that they are in any way criticizing the good hard work. Indeed, I think we're honoring the tradition of the Appropriations Committee in that these are, in fact, brought to floor under an open rule, and we have full and open debate which I think is what the American people want.

And I compliment the Chairman of the committee and I compliment the ranking member of the committee for their hard work in doing their jobs.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Mr. LOEBSACK. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the gentleman from Wisconsin.

The Acting CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. LOEBSACK. Mr. Chairman, for decades during the Cold War, hundred of thousands of Department of Energy employees, including thousands of workers at the Iowa Army Ammunition Plant in my district, worked diligently at our Nation's nuclear weapons facilities. These men and women worked with radioactive and other hazardous materials, and some ultimately sacrificed their health for the security of our Nation.

In response, Congress enacted the Energy Employees Occupational Illness Compensation Program Act to provide compensation and medical benefits to these former nuclear employees. The intent of this act was to honor and care for Cold War veterans who became ill while working at the Iowa Army Ammunition Plant and other DOE facilities.

However, due to mismanagement and delays, the compensation program has only paid 11,829, or 23 percent, of the 51,188 claims that have been filed nationwide. My constituents, and thousands of former DOE employees like them, have been subjected to bureaucratic red tape and unfair burdens of proof, delaying their compensation and even, in some cases, preventing them from filing claims.

Congress made clear in enacting the compensation program that our Nation's Cold War heroes should be justly compensated for the illnesses they contracted while serving our country. Sadly, the Department of Labor has failed to ensure that the claims are properly processed and approved.

Mr. Chairman, I respectfully request your assistance in asking the Department of Labor to report to Congress on the administration of the Energy Employees Occupational Illness Compensation Program, and specifically, I believe it is vital that the Secretary provide Congress with information concerning, first, the length of time it takes to process and evaluate a claim; second, the reasons behind the current backlog in processing these claims; third, the staffing of the relevant offices assigned to administer the program; fourth, the quality of communication with claimants; fifth, the process through which claims are approved or denied, as well as the oversight currently in place to assure that claims are handled properly; and sixth, the possibility of providing greater assistance through the Department of Labor to those wishing to file claims, many of whom are elderly and in poor health.

Our Nation's former nuclear workers are truly among the unheralded heroes of the Cold War. We owe them and their families better than bureaucratic red tape, and I would greatly appreciate your assistance in assuring that the Department of Labor remains committed to providing these workers with the recognition, treatment and compensation they deserve.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LOEBSACK. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for raising this important issue. The purpose of the Energy Employee Occupational Illness Compensation Program is to fairly compensate our Nation's former nuclear workers for illnesses they contracted while serving our country.

Former Department of Energy employees who are now elderly and ill have been subjected to bureaucratic run-arounds by the agencies responsible for adjudicating their claims. The Department of Labor is responsible for administering compensation for these former nuclear workers, and I concur with the gentleman from Iowa that a report from the Secretary detailing the administration of the compensation program would provide Congress with highly valuable insight into the agency's implementation of the program.

Streamlining and expediting the method through which claims are processed and compensation provided is in the best interests of the families and claimants to whom our country owes its deepest gratitude and respect.

I'd be happy to work with the gentleman to request this information from the Department and to ensure that the true intent of the program is being carried out with due diligence by the administration.

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Mr. LOEBSACK. Reclaiming my time, I thank the chairman for his willingness to address this important issue and look forward to working with him.

Mr. Chairman, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. I rise to associate myself with the comments of Chairman OBEY and Mr. LOEBSACK of Iowa.

The American workers who fell ill during service to our country must be justly compensated in a reasonable period of time. As you have said, these men and women are American heroes. They really made a difference for our country.

I have been an outspoken critic, both in the Appropriations Subcommittee and in my district, of EEOICPA's lack of removing the bureaucratic hurdles faced by claimants. I thank my two colleagues and join them in requesting the Department of Labor to provide this information.

Mr. LOEBSACK. Reclaiming my time, I thank the gentleman and look forward to working with him on this issue.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), $124,000,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by section 1504 (20 U.S.C. 6494), part G of title I (20 U.S.C. 6531 et seq.), subpart 5 of part A of title II (20 U.S.C. 6651) and part C and part D of title II (20 U.S.C. 6671 et seq., 20 U.S.C. 6751 et seq.), and part B (including subpart 2), part C, and part D of title V (20 U.S.C. 7221 et seq., 20 U.S.C. 7231 et seq., and 20 U.S.C. 7241) of the Elementary and Secondary Education Act of 1965 ("ESEA"), $992,354,000: *Provided*, That $10,695,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of ESEA (20 U.S.C. 6651(c)): *Provided further*, That from funds for subpart 4 of part C of title II (20 U.S.C. 6721 et seq.), up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That $258,988,000 shall be available to carry out part D of title V of ESEA (20 U.S.C. 7241 et seq.), of which $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one nonprofit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities.

AMENDMENT OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FOXX:

Page 82, line 6, after the first dollar amount, insert "(reduced by $10,000,000)".

Page 82, line 13, after the dollar amount, insert "(reduced by $10,000,000)".

Page 84, line 24, after the dollar amount, insert "(increased by $10,000,000)".

Page 84, line 25, after the dollar amount, insert "(increased by $10,000,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

Ms. FOXX. Mr. Chairman, my amendment would reduce funding for the Fund for the Improvement of Education by $10 million, while increasing IDEA State grants by $10 million.

Transferring these funds will ensure that Congress does not create a new unauthorized $10 million grant program for "full-service community schools" with the Fund for the Improvement of Education, a program which was specifically mentioned in the committee report. We should not be using appropriations bills to authorize programs.

It appears that language in the committee report for this program has been taken from legislation introduced by the House majority leader, as well as in the Senate by Senator NELSON. Their bill would create a $200 million full-service community school grant program.

What exactly is a full-service community school? According to the underlying funding bill, it's a "public elementary or secondary school that coordinates with community-based organizations and public-private partnerships to provide students, their families and the community access to comprehensive services."

The language specifies that the grants must be used to provide not fewer than three services selected from a variety of selective services, including community service, service learning opportunities, nutrition services, job training and career counseling, primary health and dental care, mental health counseling services adult language, including instruction in English as a Second Language.

I am concerned we are moving schools away from focusing on the basics, academics. Our schools still have room for much improvement in ensuring all students are proficient in the basics of math, reading, writing, science and history. So why is the Federal Government sending money to turn schools into social, medical, educational job training hubs?

I am also concerned about the unsettling prospect of having adult, nonfamily members of the community regularly visiting school grounds for job training and medical and mental health services when young children and teenagers are present. Combining schools with health care and other social services for community residents poses a danger to students that would need to be addressed in any future legislation.

Since 1965, Congress has increased the role of the Federal Government in public primary and secondary education, as well as in higher education. If history has taught us anything about education, it's that the proliferation of Federal programs and regulations has not improved education. In a time where the Federal Government continues to spend more and more and expand its reach with very limited results, I question the need for us to meddle in affairs such as this.

With this in mind, my amendment would transfer $10 million from the Fund for the Improvement of Education to IDEA grants. These grants help States and localities pay for the rising cost of special education for 6.9 million children with disabilities.

While my amendment adds only a small amount to these State grants, any amounts are helpful in fully funding Congress' commitment to fund 40 percent of the average per-pupil excess cost of educating students with disabilities.

IDEA part B grants to States is funded at only $11.29 billion, which is $7 billion or 41 percent below the 2007 authorized level of $19.2 billion. I urge my colleagues to vote for this amendment to ensure that any full-service community school legislation goes forward through the proper authorizing process, not through the appropriations process, and we put money where it's desperately needed, as we all know from hearing from the schools in our districts.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. In reserving my point of order, I would like to ask a question of the gentlewoman. Does she have a score from the CBO?

Ms. FOXX. I do. We would actually save $1 million with this amendment.

Mr. OBEY. So the CBO indicates that the amendment is outlay neutral?

Ms. FOXX. Yes.

Mr. OBEY. If that is the case, then I withdraw my reservation.

The Acting CHAIRMAN. The reservation of a point of order is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. There are two problems I have with this amendment. First of all, it seeks to cut $10 million from an item in the bill which is meant to establish full-service community schools. These are supposed to be schools which test the concept of making schools neighborhood centers which include early childhood education, remedial education, academic enrichment activities, programs that promote parental involvement and family literacy, mentoring and other youth development programs. It's meant to be a much more holistic educational experience than is usually found in an individual school. We believe that that deserves an opportunity to be tested.

Secondly, I would simply say that, lest this amendment be portrayed as an amendment that does anything significant for special education, I want to point out that this is an especially marginal amendment. The damage it does to the neighborhood school concept that we are trying to explore in the bill is far larger than the negligible impact that it has on the special education program.

What I mean by that is this: Special education is an $11 billion program. This amendment adds $10 million to it. It is another one of those symbolic amendments which I think ought to be placed in context.

The committee has already increased this account by $500 million. It is $800 million above the President, and it seems to me that, by comparison, the amendment is demonstrably but a blip on the radar screen in comparison to the funds that we have already put in this bill.

Now, I know that many of these amendments can be offered, and they can be converted into nice, sweetly packaged 30-second TV spots which tend to leave the impression that a Member has done something significant. Unfortunately, this amendment doesn't fit into that category of being significant, and it may make a very good television spot, but I doubt it's going to be very meaningful in the scheme of things.

I would ask for a "no" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Mr. Chairman, I would like to speak in support of this amendment. I hadn't intended to, but I think it's a good amendment, partially because it provides additional funds to IDEA.

In committee, we amended the bill to add $335,000,000 more to IDEA. This is a small one, but it's helpful. More importantly, this concept of community schools is a wonderful concept. But that's what we have committees for, committees of jurisdiction, to vet these ideas.

In my hometown of Syracuse, there's lots of talk about community schools. Remembering that primary and secondary education is a responsibility of the municipality, the county and the State and not of the Federal Government is an important thing to consider. A community school in Syracuse is very different than a community school in Maryland or California or Arizona.

But more importantly than all of that is that our schools, especially our inner-city schools, are having a very difficult job graduating the kids now. In fact, many of our urban schools aren't even graduating 50 percent of the kids who start in ninth grade. That's a fact. No one is comfortable with that fact, but it is a fact.

So why would you provide or require or suggest to a school that is already only attaining 50 percent of its responsibility with its primary task, why would you give them additional work? Why would you give them additional responsibilities? Maybe there's good reason for that, but there is certainly a committee structure. The education committee has plenty of experts and staff to try to determine the best way to approach this.

I admire the author of the concept's ingenuity, but this really needs to go through committee to have proper authorization. Absent that, I think this is a good idea. Ten million dollars will go into a program that everyone knows needs more money, that we are putting additional burdens on those local school districts by not providing this money. It would provide some relief to them to meet their primary task of educating our kids. So I think this is a very good amendment. I strongly support it.

Mr. Chairman, I yield at this time to the author of this amendment such time as she may consume.

Ms. FOXX. I appreciate the ranking member for yielding time to me.

I want to say that I am very troubled by the fact that the terms that are being used here that we want to test, creating holistic educational experiences, that's one of the problems, again, with the Federal Government being involved in the education process. It is not up to us to be doing that. The testing needs to be done at the local level.

There are programs. North Carolina has a tremendous number of programs where it's working through community centers, sometimes at schools, most of the time not, where they are trying to do these kinds of things. We don't need to be funding this at the Federal level. If the States want to do it, they ought to be doing it.

I think that calling this a symbolic amendment is a denigration it doesn't deserve. This is a serious amendment. We are violating our processes. We are violating what we say we are going to do here. Appropriations bills should not be authorizing bills. We separate that process.

I have not been here very long, and I know I don't know all the rules and the way things are done, but I noticed that the chairman reserved a point of order, but they were able to the waive points of orders in order to authorize. So when the majority wants to break the rules, it easily breaks the rules to try to accomplish what it wants to accomplish when it can't accomplish it the other way. So I am very concerned about it. I think this is a very valid amendment done very seriously.

I haven't sat over here for a couple of hours and haven't worked on this for many hours to think that it is frivolous or simply symbolic. It's an important thing. And I don't appreciate the amendment being denigrated in the way it has been denigrated by the chairman of the committee.

Mr. WALSH of New York. Mr. Chairman, I yield back the balance of my time.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, this concept of community schools Mr. WALSH correctly refers to is a concept that is present in many States, many communities.

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My wife Judy was the supervisor of early childhood education in Prince Georges County, Maryland, just down the road. She started a concept in our county of full service schools, community schools. There are now 24 Judy Centers in the State of Maryland. Maryland has paid for them, started them.

The problem with a full service community school, as Judy found out and as all of us know, is the turf battles. The turf battles are ferocious. Some people have made fun of the fact that it takes a village to raise a child. Now, obviously, hopefully every child has a good parent. But we have many services available to make sure that our young people, when they get to the ninth grade, are ready to succeed in the ninth and 10th and 11th and 12th grades. But those services in many communities are discordant and not coordinated. So the concept of a full service or a community school is to bring together services, not in a forced way, but in a cooperative way.

Now, the gentlelady refers to the authorization on the appropriation bill. I know that the ranking member is shocked by that ever happening. I remember, perhaps before the gentlelady got here, when Bill Frist added 40 pages in the dead of night of authorizing language to an appropriation bill just a few years ago to preclude insurance company liability.

The fact of the matter is this $10 million in NIE is to encourage, facilitate cooperation, not to mandate spending more money; but to encourage educators, social services, child care providers, other services, as they have in the State of New York. I have visited some of them in the city.

So I would hope that we would not take this $10 million and add it to an $11 billion program. A critically important program, the gentlelady is absolutely correct, but it is a program that is funded $800 million more than President Bush asked for by this bill. And in order to add that $10 million to an $11 billion program, you will undermine the effort to see if we can create cooperation, in effect magnifying the role of each as they cooperate with one another. That is the concept, and it is a concept that works.

Superintendent Grasmick in my State has talked about this concept all over this country. I have talked about it to Secretary Spelling; I have talked about it to their predecessors. In fact, we did pass a bill through the House that didn't make it through conference which LYNN WOOLSEY had sponsored which had this concept. It is a concept that the Education and Labor Committee is now considering. They may go much broader than this.

But this is what NIE is all about. It is trying to facilitate better ways to deliver education to our children. And I remind the gentleman from New York, who is my friend and I am pleased to see him as the ranking member, but we do participate significantly in the education of children in this country, particularly children at risk. That is what this attempts to do as well, to magnify the services available, coordinate them, bring them together so they are accessible by people who can't get in their car at $3.15, and drive from this place to the other place to the other place to get services for their children.

So I would hope, ladies and gentlemen of this House, that we would reject this amendment. I thank the chairman for including this provision in the bill, and I would hope that the amendment would be rejected.

Mr. FERGUSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FERGUSON. I yield to the gentlelady from North Carolina.

Ms. FOXX. I thank my colleague for yielding to me. And I want to say again that I am sorry that my colleague from Maryland is not aware of this really excellent program that exists in North Carolina called Smart Start, which did this back in 1995, where we pulled together these different agencies to work together on this very good concept. But it is being done in States without Federal dollars, and I would urge the people in Maryland to look at that concept and deal with it.

I want to say that I am very concerned again, not by your comments but by the comments of the chairman, about the denigration of the allocation of $10 million as negligible. That is the attitude of people from Washington that adding $10 million is negligible. That is hard for people who are paying their taxes every day to understand that. I am sure that the teachers and parents of special needs students who are getting just a small percentage of money already authorized by this Federal Government to do what we are demanding that they do, they are not getting all their money.

Now, I commend the majority party for increasing the spending in this area, but it is the biggest complaint that I get when I talk to people about what is happening in education and the Federal role. So I think we need to put every dime we can possibly find into authorized programs already that are not spending what they should be spending. And I would say, I find it hard to look in the eyes of the parent of a special needs child or the teacher of a special needs child and say: We had an opportunity to give you 10 million more dollars and it was turned down; because they are there, and they need it.

Mr. FERGUSON. Reclaiming my time, I would be happy to yield to the majority leader.

Mr. HOYER. I would simply say to the gentlelady, it so happens I have known two of your Governors pretty well, once as a young person, Terry Sanford, and as a contemporary of Jim Hunt, who was a good friend of mine for the last 45 years.

You mentioned the programs that you have in North Carolina. BOBBY ETHERIDGE, of course one of the former superintendents of your State's system, your State has been an innovative, progressive leader in education and Jim Hunt has been one of the educational leaders in our country. I have no doubt, because I have worked with him over the last 20 years that I have been in Congress on various programs while he was Governor and since then, that, yes, you have moved ahead in North Carolina, but you have also done it in partnership with many Federal programs. I know that because I have worked with your Governor on that. I simply wanted to make that point. Again, this is a partnership. And I thank my friend for yielding.

Mr. FERGUSON. Mr. Chairman, I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, I would like to engage the distinguished chairman, Mr. OBEY, in a colloquy regarding strengthening of the Children's Graduate Medical Education Program, as well as enhancing Federal support for health information technology.

PARLIAMENTARY INQUIRY

Mr. WALSH of New York. Mr. Chairman, I would like to state a parliamentary inquiry.

The Acting CHAIRMAN. Does the gentlewoman yield for that purpose?

Ms. ESHOO. I do.

Mr. WALSH of New York. The question is, have we disposed of the pending amendment before the Committee?

The Acting CHAIRMAN. We have not.

Mr. WALSH. Is this statement by the gentlelady from California in regards to this amendment?

The Acting CHAIRMAN. Apparently not.

Mr. WALSH of New York. I would respectfully request that we return to the amendment before we continue the conversation.

The Acting CHAIRMAN. The gentlewoman has begun.

Ms. ESHOO. I am sorry, I didn't hear.

The Acting CHAIRMAN. The gentleman is correct. However, the gentlewoman has begun her statement. At the conclusion of her remarks, the Chair will put the question on the amendment.

Ms. ESHOO. I will be as brief as possible so that we can get back to what was being debated.

I want to thank Mr. OBEY for including $307 million for the Children's Graduate Medical Education Program. While this amount is less than the $330 million authorized by Congress last year, it is obviously a good improvement over the levels proposed by the President, which is $110 million, and the Senate Appropriations Committee, which is $200 million.

The reason I wanted to have the colloquy is to go on record, urge the chairman to do everything he can to not only maintain the House's funding level when the bill goes to conference, and perhaps even be able to do more.

I think that we all have a healthy understanding of what the Children's Hospitals GME represents. It has been an outstanding success. It is important to note that Children's Hospitals receive 80 percent of what other teaching hospitals receive on average from Medicare's Graduate Medical Education Program.

In recent years, Children's Hospitals have been able to sustain and improve their training programs so that the shortages of pediatric specialists in our country can be addressed. The program has also indirectly strengthened Children's Hospitals as premier pediatric centers of excellence. They are the safety net for low-income children in their communities and they are the centers of pediatric research as well.

So I want to thank the chairman for everything he has done to fully fund the program this year, and I would be happy to yield to him.

Mr. OBEY. Let me simply say I agree with the gentlelady from California. The Children's GME is integral to ensuring a stable future for our children's hospitals and is a sound investment in children's health. I certainly will do everything I can to ensure that sufficient funding levels for Children's Hospitals GME are retained in conference.

Ms. ESHOO. I thank the chairman. I also want to raise the issue about my strong support for increased funding for Health Information Technology, often referred to as Health IT.

The adoption, I believe, of electronic health record systems I think will have a profound effect on the health care delivery in our country. I believe it will enhance patient safety, reduce medical errors, and improve the quality of care.

For several years, the administration and the Congress have not committed enough funds to make this promise a reality in our country. I recognize the continued commitment to HIT that is in this year's Labor-HHS bill, $61 million, and I think we need to make a greater investment to make this a reality because it not only needs to be launched effectively, because we have to have interoperability, and without it we really won't have a Health IT system.

So I want to thank the committee, most especially the chairman, for weeding through what is really a difficult bill to put together because we are constrained moneywise. But if there is any opportunity at conference, I want to urge optimizing that possibility.

Mr. OBEY. Mr. Chairman, I simply want to thank my colleague from California for bringing this important matter to the attention of the House. The gentlelady is a strong advocate for the establishment of a robust and interoperable health information technology network, and I want to work with her. I will be pleased to consider this funding need should additional funds become available in conference.

Ms. ESHOO. I thank the gentleman from Wisconsin.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

The Clerk will read.

□ 1400

AMENDMENT NO. 49 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I have a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. SHADEGG. I was standing and I have an amendment that goes to page 82.

The Acting CHAIRMAN. Does the gentleman have the amendment at the desk?

Mr. SHADEGG. Yes, I do.

The Acting CHAIRMAN. The gentleman was on his feet when the Clerk was reading.

The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 49 offered by Mr. SHADEGG: Page 82, line 6 after the first dollar amount, insert "(reduced by $10,695,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the amendment be read, not designated.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

Mr. SHADEGG. Mr. Chairman, I hope that this is a simple and straightforward amendment. It is premised on the notion, not that the program doesn't work, but rather, that when the task is finished, the funding should stop.

This program, the Advanced Credentialing Program, was established by the Congress to develop teacher standards and to have those standards developed by the National Board for Professional Teaching Standards or other nationally certification or credentialing organizations. That task has, in fact, been accomplished.

The National Board for Professional Teaching Standards, a private body, has received more than $180 million from the Department of Education since 1991. These Federal funds supported the development and implementation of the certification standards and assessments in 24 different academic fields. That task has now been completed.

In addition, since the legislation called for such standards to be established by other nationally recognized certification or credentialing organizations, the Department awarded $32.8 million in a 5-year grant to the American Board for the Certification of Teacher Excellence. That board will receive the final year of its funding in Fiscal Year 2007.

By Fiscal Year 2008, the American Board for the Certification of Teacher Excellence will have successfully completed the development and implementation of its teacher credential system. As a result, State and local teaching organizations, educational agencies, will have not one but two different sets of standards to pick from, one developed by the National Board for Professional Teaching Standards and one developed by the American Board for the Certification of Teacher Excellence. I believe when the task has been completed, it is important that we stop the funding.

I want to make clear that the purpose of this amendment is not to eliminate funding for States to encourage teachers to receive advanced degrees or to assist them in that endeavor.

My wife is a teacher. She has a master's degree. She received her advanced credentialing in order to improve her education and her ability to serve as a teacher, but the task has now been accomplished.

The Department, as well, supports giving States and districts more tools to help them identify and retain effective teachers. Indeed, the 2008 budget requests $2.8 billion for the improving teacher quality State grants program and an additional $199 million for the teacher incentive program. These programs combined provide flexible sources for State and local education agencies to use to improve their teacher recruitment and retention systems according to their own needs.

The goal of this amendment is to simply acknowledge that the creation of the standards has been accomplished and accomplished by two different entities, the National Board for Professional Teaching Standards (NBPTS) and the American Board for the Certification of Teacher Excellence.

In addition, I would note for anyone concerned about this that the effects of the NBPTS credential system on student achievement have been somewhat mixed. There are studies that show it has been somewhat helpful. However, the studies have found the positive effects are very small and that they are neither large enough nor consistent enough to justify further Federal funding beyond that which is provided in the existing $2.8 billion for improving teacher quality State grants, and the $199 million that I already referred to in teacher incentive fund training.

I do wish, at this point, that I had reallocated the $10.7 million that would be saved by this amendment to Individuals with Disabilities Education Act (IDEA). Having listened to the discussion of the last bill, I note that IDEA is underfunded. It has all been underfunded, and I wish that I had cast this amendment in that fashion. I did not do so but I, nonetheless, would encourage its adoption and would encourage, perhaps, those at conference to take that $10.7 million and to add it to IDEA funding.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. OBEY. I withdraw my point of order.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I can't believe my ears. I just thought I heard the gentleman say that IDEA was underfunded. I'm shocked. I've never heard the gentleman say that anything was underfunded before.

Mr. SHADEGG. Will the gentleman yield?

I certainly believe IDEA is underfunded. I know in my school districts in my schools there is a crying need.

Mr. OBEY. Let me take back my time because I only have 5 minutes. But I agree with the gentleman. Many programs are underfunded in this bill.

Let me simply say, Mr. Chairman, that I would certainly support the gentleman's amendment if I thought that we had all of the excellent teachers in the country that we need, but the fact is we don't.

This is not a program that should be cut back or eliminated. This is a program that works. This is a program which helps teach trainers to go through rigorous certification processes. They are star teachers. They go back to their school districts, they become lead teachers in their schools, and I hardly think that that is damaging the national interest.

And I must also confess a certain amount of confusion, because just about an hour ago we were told by a series of Members that we should support the teacher incentive program because we needed to incentivize teachers to increase their skills. And now we have a program that does just that and identifies teachers based on merit, and we're told we ought to cut back the program.

Let me simply say that if you take a look at the way this program has been evaluated, the National Boards for Professional Teaching Standards tells us that this program raises student achievement. It inspires deeper learning. It improves teacher practice. It creates transformative professional development, and it helps these schools to retain teachers.

Let me say that there is a tiny increase in this program. That increase is aimed at helping teachers from low-income schools get master teacher certification.

We've been told for years that the toughest thing to do in education is to get your best teachers to go into your poorest schools or the schools in your poorest neighborhoods. This is a program that's effective in doing that. We ought not to throw the baby out with the bath water.

I would urge opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. WESTMORELAND:

Page 82, line 6 after the first dollar amount, insert "(reduced by $23,533,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order, and I would ask unanimous consent that the Clerk read the amendment.

The Acting CHAIRMAN. A point of order is reserved.

Without objection, the Clerk will report the amendment.

There was no objection.

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The point of order is withdrawn.

Mr. WESTMORELAND. Mr. Chairman, this is a simple amendment. We've listened to the other side talk about, I guess, some of us maybe being disingenuous or doing different things with this amendment. And the gentleman from Ohio talked about a fringe group over here, and I'm happy to be part of that fringe group. The Republican Study Committee I guess is who he was talking about in that we're trying to look after the taxpayers' money.

For the past 12 years, I would have to admit, although I've only been here three of those years, that we spent too much money. We expanded government too much, and we didn't do what we should have been doing. But it's good, because I think a lot of people woke up after the last election and realized that we had lost our brand of being fiscal conservatives, being responsible with the taxpayers' money, because it's not our money, it's their money, they work hard for it every day, and that we need to be more responsible with it.

And I think that the President got that message. And in this budget, he cut the funding for the writing instruction. It's $23.5 million, or a very, very small percentage of the $152 billion budget that the majority party is offering for this appropriations bill, which is $11 billion more than the President offered. And, you know, it doesn't hurt to zero a program out if it's not working or not doing its job, or if the money can better be spent somewhere else in a different program, something that has more advantages for more people.

Under titles II, III and IV of the Elementary and Secondary Education Act, the Federal Government provides extensive support to States and operates numerous programs designed to enhance teacher recruiting and training.

While many of these programs provide important services, States would be well served to receive this funding in the form of a block grant with increased flexibility to use these funds on the programs most needed in that State.

Mr. Chairman, I know from talking to my local school board superintendents and school board members that they certainly agree with that. No Child Left Behind, while working in a lot of situations, has cost them more money, really, to implement those programs than they receive in Federal dollars because a lot of that money is, has to be spent in a certain area.

This would be an opportunity that we could take this very, very small amount out. The President recommended a zero. It was funded at $21.7 million last year, so there's been a 10 percent increase this year, and just zero the program out.

And so it's a pretty simple amendment. It puts back the writing instruction program back to zero, where the President put it, and I hope that my colleagues will finally decide, let's vote for one thing that actually cuts something.

I know one appropriations bill, Mr. Chairman, we were talking about, and I believe the chairman of the committee said they had cut 250 programs. And I asked for a list of those programs. Haven't received it yet. So, hopefully this will encourage him to support this amendment, because it is zeroing out a program, and also get me the list of the other 250 programs that this Congress has cut so far this year.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, let me assure the gentleman that his party did not lose the last election because they did too much for education. Rather, they lost the last election, in my view, because the public so clearly understood that their party preferred to put spending $57 billion in tax cuts for people who make over $1 million to providing decent funding for education.

□ 1415

And the public understood that the other party preferred to spend $600 billion in Iraq rather than spending a small portion of that at home for science and health care and the like to meet some of the needs of our own people. That is why the gentleman's party lost the last election, not because they did too much for education but because they were out of touch.

Having said that, let me simply say that this amendment eliminates funding for the National Writing Project. I would simply point out that this program supports teacher training programs so that teachers can help students write effectively and school districts match those funds dollar for dollar.

I must say all of us have large turnover of our staff here on Capitol Hill. The number one problem that I have in my office and the number one problem I have heard so many other Members comment on is that when young people come in and interview for jobs, they don't know how to write.

When both of my sons went away to college, at least my oldest son asked me, "Dad, what do you think is the most important thing to learn?"

And I said, I think the most important thing to learn is how to write because if you can write clearly, it means you are thinking clearly, and if you are thinking clearly, it means you can communicate. And I would say that I don't think that this country is over blessed with a number of great writers. I also must say if you listen to some of the congressional speeches written by our staffs, you would certainly agree that we need more help in writing in this country.

So let me simply say that I understand that we are engaged in a little filibuster by amendment. But nonetheless, I wanted to take this time to simply urge Members to vote against this amendment. If you believe in raising the quality of discourse in this country, you have to start with writing, and that is what this program tries to do.

I would urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II (20 U.S.C. 6711 et seq.), part A of title IV (20 U.S.C. 7101 et seq.), subpart 2 of part D of title V (20 U.S.C. 7245), subpart 3 of part D of title V (20 U.S.C. 7247), and subpart 10 of part D of title V (20 U.S.C. 7261 et seq.) of the Elementary and Secondary Education Act of 1965 ("ESEA"), $714,075,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided*, That $300,000,000 shall be available for subpart 1 of part A of title IV of ESEA (20 U.S.C. 7111 et seq.) and $222,335,000 shall be available for subpart 2 of part A of title IV of ESEA (20 U.S.C. 7131 et seq.), of which $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies, and institutions of higher education, in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That $158,422,000 shall be available to carry out part D of title V of ESEA (20 U.S.C. 7241 et seq.): *Provided further*, That of the funds available to carry out subpart 3 of part C of title II of ESEA (20 U.S.C. 6711 et seq.), up to $12,072,000 may be used to carry out section 2345 (20 U.S.C. 6715) and $3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

AMENDMENT NO. 52 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. BRADY of Texas:

Page 83, lines 14 and 15, after each dollar amount, insert "(reduced $72,674,000)".

Mr. BRADY of Texas. Mr. Chairman, the Carol White Physical Education Program was named after a long-standing and dedicated public servant here on Capitol Hill. Carol White, a long-time Chief of Staff for Senator TED STEVENS, who aptly named this program because they have dedicated their lives to trying to make this country better inside our schools and out. This program provides the funding basically to help schools initiate and expand their physical education programs, which is just a great goal, and many of the grants have been used for playground equipment on schools.

Physical education is important. I think we all know that. Our young people are becoming more and more static between video games and television shows and sometimes lack of outdoor recreation. We are seeing more obesity. It is important that PE be part of an integral curriculum of our schools. In fact, our States and local districts have targeted PE as an area that they want to reintroduce back to the curriculum for our children.

The only reason I raise this program up is to have some type of thoughtful debate about who should fund PE programs and, more importantly, what should our Federal priorities be.

I ask that because I know that today we are running a deficit. We have a major national debt. I know that every dollar that we spend above the deficit, and we will run a deficit again with the budget we are discussing today, but I know that every dollar that goes to our public debt is picked up by these same children we are trying to help where it will result in a tax increase for families. So it seems right and proper that we scrutinize every program regardless of how much we might admire the person it is named after.

This program has been rated by the program assessment rating tool as the results not demonstrated at this point. I imagine that is why the President did not request funding for it. Like the chairman, who has identified apparently 200 or more programs for dismissal, we have to make tough choices.

What we are seeking here is a simple question. In our rural schools and our smaller schools, they have the money to buy playground equipment or to build a swingset for kids. What they don't have is money to hire a special needs teacher. What they don't have is money to help kids read and write at grade level. What they don't have is money to help try to prevent the dropouts that are hitting our schools and a case where nearly half of our minorities in eighth grade or ninth and graduating to 12th grade. It just seems to me that from the Federal funding level, our local schools can afford a playground set. What we need to help them with is what they can't afford, which are teachers to help our special needs kids; equipment to help our kids with disabilities; teachers in science, in math, and technology subjects; food for kids who come to school hungry. Despite the merits and the goal which are so laudable for this program, it seems to me that we ought to set our highest priorities to help schools with what they cannot do today, which really is to help our kids read and write, to help our special needs students reach their potential, to try to stop this horrendous dropout rate in America.

So I would propose that we, as the President suggested, not fund this program, reserve those resources. And, again, these are tough choices you always have to make through the process. It is not much fun either way. I am sure the chairman did not delight in cutting any of the programs that he had proposed. It is just a way that we try to get closer to a balanced budget and try to prioritize where we fund our schools and our kids and, again, try to make the greatest use of every tax dollar we have.

Mr. Chairman, I yield back the balance of my time.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. McCOLLUM of Minnesota. Mr. Chairman, the gentleman's amendment is not a healthy amendment.

As you pointed out, our children are more complacent than ever. Sometimes it is because of video games. In some parts of the country, it is because the streets aren't safe. In other parts of the country, it is because children are latchkey and moms and dads want to know where they are while they are working. So obesity is becoming a huge problem in this country. And in order for children to really be ready and prepared to learn, they have to be physically fit. They go together. I taught school. They go hand in hand.

The CDC has made childhood obesity and the obesity that is already occurring with adults a challenge for our country to get ahold of if we are going to be competitive, if we are going to have a healthy workforce, and if we are going to control our health care costs. What has happened with the No Child Left Behind Act, it was under funded by this Congress. It didn't come up with the dollars that the President promised. So school district after school district after school district, in order to balance their ledger with this unfunded mandate, have been cutting arts and they have been cutting physical education.

Now, I am pleased to hear that in your district you are able to maintain a phys ed teacher and you are able to maintain the things that you need to keep your children fit. But district after district has been cutting phys ed in order to pay for the unfunded tests in No Child Left Behind. And childhood obesity is a problem.

This might be the first generation that does not live as long as their parents. Now, my children and the children in my neighborhood, I would like to see them not only outlive me but outlive me in a very, very healthy lifestyle. And physical education is part of learning, mind and body, in order to be productive and healthy. This is going to keep America healthy, but it is also going to keep our health care costs down, which we know we have to get under control.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would just like to bring to the House the following facts: We have been at this bill now for the better part of yesterday. We have been on this bill since 10:30 this morning, and we have been trying to negotiate a unanimous consent agreement so that Members might be able to leave here tomorrow night. I know there is a CODEL of Members going to Iraq but I want to put them on notice now. I doubt very much that you are going to make it unless you want to miss a lot of votes because as things are developing, I am told that right now, because of the insistence that a number of amendments, which we have heard time and time again, will still be subjected to 40 minutes' debate time even though there are five similar amendments, each of which will take about 40 minutes. When you calculate it all, it comes out to about 800 minutes of debate time. That means roughly 13 hours. By the time you account for slippage, the time it takes for Members to be recognized, the time it takes for them to find their amendments, you have to add about another 5 hours plus your voting time.

What that means is that if we continue until 1 o'clock this morning, it will still probably be required for Members to be here until about 8 o'clock or later tomorrow night, which means that we will finish just in time for you to all miss your planes.

I just wanted you to know that so that if you think that you would like to see another result, you talk to individuals who right now seem to think that 40 minutes' time on a repetitive amendment is more important than ending a filibuster by amendment.

Two years ago when this bill was on the floor, it took about 12 hours. At this rate it will take about three times that amount of time. So I want Members who are coming up to me asking me about whether they are going to be able to make their planes or their CODELs, I want them to understand that if they miss them, I want them to know who to blame because it is not going to be me.

□ 1430

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I will not use the whole 5 minutes. I just want to make one point.

The gentlelady from Minnesota, I believe, who was just speaking, I want to concur with a portion of her remarks with, A, the remarks with regard to the physical problem with childhood obesity in the country, and that is of a concern nationally. And, B, the problem that she set out with regard to NCLB not funding to the level necessary so that school districts across the country are put in what you might call a catch-22 situation.

And a catch-22 is, okay, do we, A, comply with NCLB? In which case we spend a lot of our own money on tests, fourth and 8th grade reading and math tests; or, B, if you don't comply with it, then of course you get written up in the local newspaper because your school failed, or your school didn't do very well on the test and you've become an underperforming school. And, instead, provide the funds where you would like to put them, which may well be in physical education programs.

So I concur with her comments on that and suggest that the solution to the problem may be multifaceted. Part of it is the gentleman's amendment right here can be one aspect to address it. And I support the gentleman's amendment to make sure that the dollars that are coming from the Federal Government go to those programs that are effectively getting the job done, including the issue of physical education and childhood obesity and what have you. And just like all the other amendments, I'm sure the gentleman will concur that you want to make sure that the money goes to those programs that really accomplish something, and are not duplicative.

The other aspect of the problem, however, is with NCLB and the burden that they put on the schools as saying, do I do this or do I do that; do I comply with NCLB, or do I do what I really want to do locally? And I think the answer to that is to say this: NCLB is just too top town, ordering the schools, basically you've got to do this or you've got to do that when, with all due respect to all the educated, I'll say bureaucrats, who are in the U.S. Department of Education and in all due respect to the Secretary of Education, a very nice lady and well-intentioned, the people who really can decide where the dollars can be spent best is the teacher in the classroom, the local school board in conjunction with the parents. They know whether their school has more of a problem in the area of childhood obesity than other schools. I find that, from the studies that I've seen, that it is in certain areas of States and certain demographic regions as opposed to other ones. Those are the people who really know how to decide these things.

And so I would concur with the gentlelady from Minnesota and suggest that the solution is, A, put the money where the dollar should go to effectively; and, B, get out from under the rubric of NCLB and just let the schools, the teachers, the parents, the local school boards first and foremost make those decisions, because they know best.

Mr. Chairman, I yield back the remainder of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The amendment was rejected.

Mr. SHULER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. SHULER. Mr. Chairman, I rise to enter into a colloquy with the chairman of the committee, Mr. OBEY.

Mr. OBEY. I'm happy to engage the gentleman.

Mr. SHULER. Mr. Chairman, Oconaluftee Job Corps Center in Cherokee, North Carolina, has served a vital role in providing opportunity and direction to the young people of western North Carolina. This center has operated under the control of the National Parks Service along with the Harpers Ferry Job Corps Center and the Great Onyx Jobs Corps Center in Mammoth Cave, Kentucky.

Mr. Chairman, all 3 of these centers face uncertain future. Earlier this year, the Department of Labor closed the Oconaluftee center without warning, citing safety concerns. The U.S. Forest Service has expressed interest in fixing these safety concerns and reopening the Oconaluftee center. The U.S. Forest Service has also proposed to assume management of the other 2 centers. The National Park Service has stated it is willing to transition these 3 centers to the Forest Service.

The U.S. Forest Service has a longstanding tradition of quality and service in the Appalachian region.

Mr. Chairman, the Senate Interior Appropriations bill contains language directing the Park Service to transfer control of these 3 Job Corps centers to the U.S. Forest Service. The community surrounding the Oconaluftee Job Corps Center is in favor of this transition.

Mr. Chairman, would you be willing to work with me to ensure that this language is included in the final conference version of this bill?

Mr. OBEY. If the gentleman would yield, I would like to thank the gentleman for bringing to our attention the important work that the U.S. Forest Service has done in running its 19 Job Corps centers.

I have reviewed the provision in the Senate Interior Appropriations bill. I support retaining the language in conference that directs the Secretaries of the Interior and Agriculture to execute an agreement to transfer the 3 Job Corps centers currently administered by the National Park Service to the U.S. Forest Service.

I hope the Department of Labor will recognize the merits of this approach which I understand was successful in another case involving the Mingo Job Corps Center in Missouri several years ago.

I also understand that the Secretaries of Interior and Agriculture support this approach and expect to work cooperatively with the Secretary of Labor on this matter.

Mr. SHULER. Mr. Chairman, thank you for your continued cooperation and help.

Mr. OBEY. I thank the gentleman.

Mr. SHULER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.), $774,614,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C) of such Act (20 U.S.C. 6821(c)(1)(C)).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), $12,310,831,000, of which $5,467,594,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $6,641,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $11,880,000 shall be for the activities authorized by section 674(c)(1)(D) of such Act: *Provided further*, That the amount for section 611(b)(2) of such Act (20 U.S.C. 1411(b)(2)) shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of such Act (20 U.S.C. 1419(d)(2)(B)) or the percentage increase in the funds appropriated under section 611(i) of such Act (20 U.S.C. 1411(i)).

AMENDMENT OFFERED BY MR. FERGUSON

Mr. FERGUSON. Mr. Chairman, I offer an amendment.

Mr. OBEY. Mr. Chairman, I reserve a point of order, and I would ask that the Clerk read the amendment. We don't have a copy.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FERGUSON:

Page 84, line 24, after the aggregate dollar amount insert "(increased by $50,000,000)".

Page 92, line 17, after the first dollar amount insert "(reduced by $50,000,000)".

Mr. FERGUSON. Mr. Chairman, I rise today to offer this amendment to this important bill that would add an additional $50 million to help American students who require special education.

First, I want to commend the chairman of the committee and the ranking member for their outstanding efforts to recognize that insufficient funds for special education that are so desperately needed in this country, I know that in committee they added an additional $335 million to IDEA, the Individuals with Disabilities Education Act. But having talked to and listened to the stories from teachers and educators and parents from my district and elsewhere who work in special education in my home State of New Jersey, I believe we must try to do even more, and we can certainly do more to recognize the important needs of these particular students and these particular programs.

Mr. Chairman, Congress, in 1975, enacted the landmark IDEA, the Individuals with Disabilities Education Act, which mandated that every student, including those students who have special needs or disabilities will receive a quality and appropriate public education. The law also committed the Federal Government to contribute 40 percent of special education costs, which are often several times higher than the cost of educating other students.

Washington, of course, has never met this long-standing, but unfulfilled, commitment to aid States in paying for special education. And as a former teacher, I know firsthand the value of education for every student and the importance of ensuring that every child, including those who have disabilities, experience the thrill of learning.

School administrators and teachers and parents all across my district tell me that more special education funding is needed to meet the growing demands in our schools. As teachers seek to improve academic standards and accountability, increased Federal special education funding is critically important to help schools to meet these important obligations to special education students and their families.

Washington, as we know, has never met that 40 percent funding threshold. And while Federal education funding has increased by more than 258 percent between 1995 and 2006, this year it still only represents 17.2 percent of the cost of serving students with disabilities.

My home State of New Jersey is a national leader in special education. Parents with kids who have special needs and disabilities literally move into our State. They come to New Jersey, particularly parents who have children with autism, they literally move to New Jersey so their kids can enroll in our State's special education programs.

This year alone, New Jersey education officials estimate that they're going to spend more than $4 billion in combined Federal, State and local funds to administer special ed programs to almost 250,000 students. Of course there's more than 7 million students nationwide who qualify for these programs.

Mr. Chairman, I have been in this House for 6½ years. And I know that certain years funding levels for special education have been increased and other years they have not been increased. It can be fairly characterized as kind of going in fits and starts. Some years we've made big and new investments, and other years, frankly, we haven't.

Six years ago, when I first came to this House and to this Chamber, the first bill I ever introduced in this body was a bill that would fully fund our special education classrooms. I did it with the gentleman from Rhode Island (Mr. KENNEDY). He and I have worked together, and I know many others have worked together, to work to fully fund our special education classrooms. Indeed, today I remain and I am the lead Republican sponsor of legislation right now that would fully fund our special education classrooms. But despite many of our best efforts, we have not reached that goal yet. And I know that the chairman, the gentleman from Wisconsin, and the ranking member, Mr. WALSH from New York, they have made extraordinary efforts toward this goal as well.

The spirit of this amendment, my amendment, is to make for this year one additional effort to move us in the right direction. Like many of you, I've been in these classrooms. I've observed some of our special needs kids in action. I've seen the heroic efforts of their parents and their teachers and the administrators who work so hard to give them the chance at success in life that they really need and deserve.

We've done some to help them. And this bill today, frankly, does even more. But thanks to the efforts of Chairman OBEY and Mr. WALSH, and others, I really know we are working hard toward this goal. But I respectfully ask that we try to do just a little bit more this year, and by approving this amendment we will be able to do that.

I ask my colleagues respectfully to support this important amendment so that we can say we did everything we probably could to help these students who need that extra chance in life.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman continue to reserve?

Mr. OBEY. I withdraw my reservation of the point of order and move to strike the last word.

The Acting CHAIRMAN. The reservation of the point of order is withdrawn.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, let me simply ask the House one question: Do we really know everything that we need to know about how children learn? Do we really know enough about how children learn to guarantee that every child will perform to their maximum ability and potential? I think the answer to that is obvious: we obviously don't.

There is no great political constituency for educational research. But you know it's a funny thing, in any field of endeavor, research is what separates bull gravy from intelligent approaches to issues. That's what research does: it helps lead one to a right understanding of a problem.

What this amendment is, frankly, it's another television ad. What this amendment does is to pretend that it does no damage to education by eliminating $50 million out of the educational research budget. It then puts it into special education.

We have a lot of posing for holy pictures on this floor by Members who are trying to escape the fact that the White House is asking them to vote against this bill because the White House claims there is too much money in the bill when, in fact, every single one of these amendments demonstrates that our own Republican Members know that there is not enough money in this bill to fund programs like special education unless you make damaging cuts to other portions of the bill. And I would suggest that we not do that.

The President cut special education in his budget by $291 million. We have added $800 million in the committee bill to that, and we're $509 million over last year.

I would also point out that this is a 10 percent cut, if this amendment passes, in the research account. And I would point out that this amendment would cut the National Center for Education Statistics, which is the premier educational statistical operation in the country. This amendment would even cut Federal research funds for special education. Do we really know so much about the needs of special education kids that we're going to cut that research? I don't think so.

I think the responsible vote is "no," and I urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FERGUSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FERGUSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.), and the Helen Keller National Center Act (29 U.S.C. 1901 et seq.), $3,279,743,000: *Provided*, That $30,452,000 shall be used for carrying out the Assistive Technology Act of 1998.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

Mr. OBEY. Mr. Chairman, again I reserve a point of order, and I would ask that the Clerk read the amendment.

The Acting CHAIRMAN. The gentleman's point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 85, line 19, after the dollar amount, insert "(reduced by $2,279,000)".

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Mr. GARRETT of New Jersey. Mr. Chairman, I rise right now to offer what really is a modest amendment with the hopes of returning some degree of discipline to the annual appropriation process. When the President submitted his budget request, he proposed the elimination of a number of programs that were duplicative and unable to demonstrate effectiveness or otherwise not worthy of the priority of spending American taxpayers' money.

Generally speaking, with the savings achieved from eliminating ineffective programs, we can use it to do things such as pay off the debt or support programs that have a proven track record of success. I guess that last line I should reiterate: To support programs that already have a track record of success.

As I also often do, I will refer this back and make the analogy back to the American families' budget. This is really no different from what American families do every month at the proverbial dinner table. Think, for example, when it comes to TV. If a family is paying for both cable TV and DirecTV, or what I have in my house, Dish TV, chances are that they would probably decide which service suits them best as a family, and then cut one or both of the other services out. You only need one service coming into the house; cable, Direct, Dish or what have you. That is what a family would do; prioritize them.

Mr. Chairman, given the content of our spending bills, if the Federal Government were a homeowner and how the Federal Government operates now, well, it would pay for both the cable TV, the Dish and DirecTV, and the cable at the same time, satellite, all three or four coming into the house.

If the Federal Government were a family and they continued to operate as they do right now, they would probably decide that they were going to have gas heat in their house and oil heat in their house and electric heat in their house and wood heat as well. It would probably pay to dig for its own water and have a well in the backyard, all the while continuing to pay for city water coming into the house from the front.

That, unfortunately, is how the Federal Government operates itself. I think it is time to change. We do a disservice to the American people by not eliminating duplicative and ineffective programs. It proves that the Federal Government is unaccountable. By increasing the size of the U.S. budget, it takes that money, again, out of the family budget by sending it to Washington as tax dollars.

So the amendment that I am offering now would only reduce this by $2.3 million, out of a $607 billion appropriation. I used the paper before while I was sitting here trying to figure out how much of a percentage of that is. That is a .0002 percentage point reduction. I think what it does do, more importantly, is to make a statement that there are truly areas within the Federal budget where money can be saved.

What my amendment does is restore funding to the level requested in the President's budget. The administration zeroed this account out because it duplicates other Federal programs. The Migrant and Seasonal Farm Workers, the MSFW, Program provides discretionary grants to make comprehensive vocational rehabilitation services available to migrant and seasonal farm workers with vocational disabilities. Now, if I ended right there you would think, well, what is wrong with that?

Well, according to the OMB, here is the problem: This program serves the exact same population and provides the exact same services as another separate Federal program already is doing, and that is the Vocational Rehabilitation State Grants Program. The acronym is VR. The authorizing legislation for the VR State Grants Program contains provisions in it to ensure that State VR agencies must reach out and serve all individuals with disabilities within the State. That includes minorities and unserved and underserved populations.

So what this means is that under the MSFW program, which is what we are talking about here, the Federal Government is in essence micromanaging, if you will, what essentially is a State and local government issue that is provided Federal funds through the VR program. The VR State Grants Program in the bill already is expanded by $36 million on top of the increases that were there before in the fiscal year 2007 levels.

So there is little need to be spending an additional $2.3 million on, yet again, a separate program that does essentially the same thing. The government, you see, does not need to buy both cable TV and satellite TV at the same time. The government does not need to be providing funding for programs that do the exact same thing.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman reserve his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my point of order and would move to strike the last word.

The Acting CHAIRMAN. The gentleman withdraws his point of order.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I wonder if anybody remembers these words: "Whatsoever you do for the least of your brethren, you do for Me." I wonder if anybody remembers those words?

This amendment is truly amazing to me. This amendment is offered by a Member of the House, who, like me, any time he has an ache or a pain or a toothache or is having a bad day, can trot down to the Attending Physician and have the doctors and the nurses check us over to make sure that we are in peachy keen shape. But what does this amendment say? This amendment says to some of the poorest people in the country, our migrant and our farm workers, sorry, you can't have vocational rehabilitation services if you've got a physical problem.

I would like to ask every Member of this House, have you ever picked cucumbers during the summer? Have you ever picked beans? Well, I have. I can tell you it is darn hard work. I used to represent a county by the name of Waushara County—wall to wall irrigation and crops like cucumbers and beans. I used to watch those migrant workers come in and work their tails off to get a few bucks.

Are we really so stingy? Are we really so utilitarian that we are willing to say to workers like that, sorry, Members of Congress are important, so they can get taken care of whenever they have got a physical problem. But oh no, don't you dare waste the taxpayers' money when it comes to some poor devil in the migrant stream or when it comes to their family or kids.

You want to vote for this amendment? You go right ahead. Count me out.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I rise to support this amendment, because fundamentally what we are charged with doing here is being responsible with hard-earned taxpayer money. As the gentleman from New Jersey said, it is not responsible to pay for two programs that do the same thing, which is why the administration in its review looked at this program, which is wonderfully named, perfectly appropriate, has a wonderful mission, but the provisions of this program are being accomplished elsewhere in the Federal Government.

Now, it may be hard for the Chair of the Appropriations Committee to believe that there is some duplication in the Federal Government, but it is not hard for the citizens of the Sixth District of Georgia to believe that there is duplication. The name of the program that accomplishes this same end is the Vocational Rehabilitation State Grants Program.

The goal of the gentleman from New Jersey, I don't believe, is to eliminate the ability to have appropriate programs for migrant and seasonal farm workers. That is not the goal at all. The goal is to responsibly spend hard-earned taxpayer money in accomplishing the appropriate priorities of the Federal Government. So to have anybody come to the floor and say that anybody who would support this amendment desires to end the programs for migrant and seasonal farm workers is simply not true and not the case, and it doesn't appropriately represent the amendment of the gentleman from New Jersey.

Mr. Chairman, I commend him for his desire to make certain that we do not provide duplicative services which are wasteful, wasteful of hard-earned taxpayer money.

I am pleased to yield to my friend from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia for yielding.

To answer the question of the gentleman, yes, I have picked vegetables and I have worked on a farm and I have thrown bales of hay and I have worked in the sweltering heat of greenhouses picking vegetables as well. So, yes, I do have that experience. So, yes, I do know of what I speak, to some extent, but never to the extent, I am sure, of the chairman or some of what the people go through in these situations.

The chairman also makes reference to words about being stingy. You know, it is awfully easy, it is awfully easy, to be a generous individual if you are using somebody else's money, and basically that is what Congress does every single day of the year. We come to the floor with the appropriation bills railing about how much more we are spending than last year and saying how generous we are, when in fact these are not our dollars. Despite the statement of the gentleman from Alaska at the last debate, these are the taxpayers' dollars coming in.

So it is easy to be generous with other people's money. What we here as Members of Congress should therefore do is consider ourselves in a position to be wards of that money, protect it and make sure that it goes to the most effective places.

I refer you now to a statement from the administration with reference to this program to point out the necessity of cutting the funding here and making sure there are funds in similar programs. The administration states this: "This program was established as a demonstration project," a demonstration project, "in the mid-1970s, and it is no longer needed to demonstrate the benefits of these strategies to serve underserved populations such as migrant and seasonal farm workers. Many of the same States have received continued funding over the last 30 years and should be able to effectively serve this population under the VR State Grant Program," that program that has continued to be funded in this underlying legislation, that VR program that sees a $36 million or $37 million increase in the funding.

The gentleman from Georgia, when he speaks to what his constituents feel, I wonder what his constituents would feel when they are told that we have a demonstration project established back in 1970 and we are still following that demonstration project to see whether or not it is necessary to run the program.

Mr. PRICE of Georgia. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. The point about the demonstration project precisely gets to the point of so many of these programs. We do a poor job as a Federal Government in looking at programs that we put in place as pilots or demonstration projects to determine whether or not their effectiveness has been met.

I will have an amendment in a little bit that addresses a program whose mission and goal has been achieved and yet it continues to have money coming from the Federal Government.

I urge my colleagues to support the amendment of the gentleman from New Jersey.

Mr. Chairman, I yield back the balance of my time.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Mr. Chairman, I would just like to address myself to the two gentlemen from New Jersey and from Georgia with a question: Have you ever administered and run a school, a title I school, that has an ESEA program? No.

Mr. Chairman, it is really easy to criticize and throw darts at projects or even employment, if you will, when you have no idea of what you are talking about. I was a principal of two elementary schools. Both were title I schools. Both had ESEA funding. The Federal law at that time, it is probably still in existence, said that Federal funding cannot supplant local funding.

So if you are saying that this is duplicative, it isn't. It is supplementary. It is to enhance the programs that are already existing. And the Federal Government has the responsibility to help programs and help youngsters in this country.

It is common knowledge that the State has the primary responsibility of education in their States, but the Federal Government has responsibility also. And in their good judgment in the past when they established the ESEA programs, they saw the need to help States fulfill their responsibilities.

Mr. Chairman, it is probably easy to poke holes into something you don't know anything about. It is probably even easier to criticize something when you have no experience and no one is going to challenge that.

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Mr. Chairman, I am here to challenge their premise, and would ask my colleagues not to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CAMPBELL of California. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the gentleman yielding. I didn't want to interrupt your comments, so I waited to be yielded time here just to respond to your statements through the Chair.

No, I have not ever administered or run a school. For that matter, I imagine that out of the 435 Members of Congress, there are probably one or two or three who have ever run or administered a school. And I would hate that to be the barometer or the test that we would have to take before we could ever propose an amendment, vote on an amendment, or even consider legislation that comes before the House. If that were the case, programs like the VR program would never be established in the first place. If the test is whether a Member of Congress has experience in it to propose a new program or expand a program, there is not enough educators here or people who have run title I schools to get the backing of legislation in the first place. So I would question the gentleman's premise.

Now the gentleman on the other hand questions our basic premise for supporting this amendment. Our basic premise is that you don't have to actually run the school to know that perhaps the best way to serve a particular segment of our country is to make sure that the dollars go to programs that are up and running and do serve that program.

The administration has looked at this and has seen that the program in place that we are talking about now has been in place since 1970 as a demonstration project. "Demonstration," the word itself connotes the fact that this is temporary in nature.

Since that time, we have the VR program, which I pointed out earlier, maybe the gentleman did not hear my testimony, the VR program handles these same services. In fact, it says: "The activities needed to successfully serve the migrant and seasonal farmwork population do not differ from those that benefit a much wider group of VR consumers." For example, the outreach activities in churches and community centers may be effective for identifying farmworkers with disabilities, what this amendment deals with, but they also assist in identifying other persons with disabilities who visit these places. The hiring of bilingual counselors will assist all consumers who are monolingual in a non-English language, whether they are farmworkers or not. And the provisions of the transportation services for rural areas will benefit all rural residents, whether farmworkers or not.

The bottom line is, our basic premise is, if you are going to serve a segment of the population, in this case individuals with disabilities and migrant farmworkers, let's do so, but let's do so with programs that are already up and running and have a track record. That is what this underlying bill does. It even does it with spending $36 million more. I think we can make sure that program runs and eliminate the duplicative program.

Mr. CAMPBELL of California. Mr. Chairman, I will just add one thing as I have been listening to the general debate here.

It seems that quite often on this floor, particularly on the other side of the aisle, that we measure how much we care about something by how much money we spend on it. If that was the measure of everything, Paris Hilton would be the most well-adjusted kid on the planet.

It is not just how much we spend, but it is whether it is effective. It is whether it is duplicative, as we are alleging in the case of this program. It is whether it is getting the job done.

It doesn't do any good for anybody to spend money that is duplicative or that isn't effective or that wastes a lot of money along the way. That is not good for anybody. So whether it is this program, frankly, or any others, we should, in this House and on this floor, realize that we are stewards of the taxpayers' money, not just spenders of the taxpayers' money, and we should ensure that it is being well spent, not just totally spent.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879 (20 U.S.C. 101 et seq.), $17,573,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $60,757,000, of which $1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act (20 U.S.C. 4357).

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $109,952,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act (20 U.S.C. 4357).

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") (20 U.S.C. 7249), $2,046,220,000, of which $1,247,220,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amounts made available for the Carl D. Perkins Career and Technical Education Act of 2006, $8,000,000 is for the postsecondary career and technical institutions under section 117 of such Act (20 U.S.C. 2327): *Provided further*, That of the amounts provided for Adult Education State Grants, $71,622,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211), 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 of such Act (20 U.S.C. 9253) and $6,638,000 shall be for the National Institute for Literacy under section 242 of such Act (20 U.S.C. 9252): *Provided further*, That $93,531,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA (20 U.S.C. 7249), of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

AMENDMENT NO. 64 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of GEORGIA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. PRICE of Georgia:

Page 87, line 1, strike the comma and insert "and".

Page 87, line 3, strike "and" and all that follows through the first comma on line 5.

Page 87, line 5, after each dollar amount, insert "(reduced by $93,531,000)".

Page 88, line 13, strike the colon and all that follows through page 89, line 3, and insert a period.

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the Clerk read the amendment because unless she does, we have no idea what the amendment is.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. The amendment that the Clerk is currently reading is not one that I am offering.

The Acting CHAIRMAN. Without objection, amendment No. 64 is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C, and part E of title IV of the Higher Education Act of 1965, $17,464,883,000, which shall remain available through September 30, 2009: *Provided*, That, in addition, any amount made available for Academic Competitiveness Grants and National SMART Grants under section 401A of the Higher Education Act of 1965 (20 U.S.C. 1070a–1) for fiscal year 2007 (in an appropriation for such fiscal year or a preceding fiscal year) that is unobligated at the end of fiscal year 2007 shall be available for Pell Grants for the 2008–2009 award year.

AMENDMENT NO. 65 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 65 offered by Mr. PRICE of Georgia:

Page 89, line 7, after the dollar amount, insert "(reduced by $64,987,000)".

Mr. PRICE of Georgia. Mr. Chairman, I apologize for the confusion. I apologize for rising early.

This amendment is a simple amendment. It addresses the Leveraging Educational Assistance Partnership program and would end the funding for this program, saving $65 million of hard-earned taxpayer money. The rationale is, as the administration has described and as has been recommended by the Secretary of Education's Commission on the Future of Higher Education, virtually every State operates programs to a much larger degree than the Federal Government that address this very same issue.

As I mentioned just a moment ago when I rose to another amendment, we here in Washington enact all sorts of pilot programs and all sorts of trial programs, and so very often, in fact probably more often than not, we don't go back and look as a Federal Government to see whether or not the goal or the mission of those programs has been accomplished.

Rarely, in fact, I would suggest, do we see if the goal has been accomplished. This is one in which there has been great success. The mission and the goal of the program has indeed been accomplished. It has accomplished its original objective of stimulating all States to establish need-based post-secondary student grant programs. However, beyond the establishment of these programs, the LEAP program, the Leveraging Educational Assistance Partnership program itself, does little to encourage States to increase their investment in grant aid for their neediest of students or effectively targets this aid to students who could most benefit from it.

When we do look, when the Department of Education and when the Office of Management and Budget performs its assessment and reviews this program, what it says is, at this point, because the mission has been accomplished, the results of any further funding for this program are clearly not demonstrated. So in an effort to achieve again some fiscal responsibility and in an effort to decrease some of the significant waste that does occur at the Federal level, I encourage my colleagues to accept and vote for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have been trying to figure out what we ought to be calling these amendments that have been offered for 2 days. I have concluded that we ought to call them the congressional rubber-stamp amendments, because what is happening is we are seeing amendment after amendment offered that would simply return these funding levels to the exact level recommended by the President.

Now I see story after story indicating that a good many of my friends on the other side of the aisle are anxious to separate themselves from the President these days, but we have evidently a few members of their caucus who are eager to embrace virtually every action and every thought that comes from the White House. I find that very interesting.

The President felt we ought to eliminate this program. What does this program do? This program provides $60 million in grants to States to offer needs-based student scholarships. There are 165,000 students who will benefit from this program, getting scholarships of $1,000. I would simply ask, does anybody really believe that we are providing enough help for working families to send their kids to college?

The Pell Grant program is the major program upon which we rely in order to help students from lower and middle-income families find enough money to go on to college. When that program was in its heyday in the seventies, it provided over 70 percent of the cost of attending a 4-year public university. It provided help in the form of a Pell Grant to meet that percentage of the cost. Today, it is down to a little over 30 percent of the cost. So we have shifted a huge percentage of the cost to working families.

The President's answer in his budget this year was to move Pell Grants from one side of the budget to the other making it, instead of a discretionary program, a mandatory program and in the process decided he was going to pay for the increase in the Pell Grants by eliminating virtually every other student aid program on the books except Pell and Work Study.

I would suggest if you think that is a good idea, go ahead, follow the President over the cliff and vote to deny these 165,000 students the additional help they need. The money that we invest in student aid is returned to this country many times over. We are in a competitive world. Over 50 percent of the jobs that will be offered in this country in the next 7 years are jobs that will require a higher education, and it seems to me instead of running away from that obligation, we ought to be embracing it. This is a very bad idea. I urge defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for obtaining time, and I appreciate the chairman's comments.

Again, the purpose of this amendment is to address wasteful spending. It is a significant responsibility that we have here in the House to make certain that the money we spend, which is hard-earned taxpayer money, is spent wisely. I know there is huge animosity on the other side of the aisle against the President. I think sometimes that animosity actually blinds individuals to some quality work that is coming from the administration. There are high-quality people who work in the administration, this administration, just like every other administration. In fact, there are high-quality people in the Department of Education and there are high-quality people in the Office of Management and Budget who looked at this problem and said that the goals and the mission of this program have, indeed, been accomplished. It was a wonderful program, served a grand purpose, but the goals and the missions have been accomplished. Consequently, it is appropriate, if we are going to be responsible with hard-earned taxpayer money, to end a program that has accomplished its mission, accomplished its goals, and not continue wasteful Federal spending.

□ 1515

So I would urge my colleagues, I know that they can be blinded by animosity for the President and for the administration, but I would urge my colleagues to listen to those hard-working individuals in the Federal Government who are looking at these programs and attempting to find cost savings for the American public so that we can prioritize on other programs.

That's what this amendment does. It seeks to be responsible with hard-earned taxpayer money. I encourage my colleagues to support the amendment, and I yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman.

There is none so blind who shall not see. I appreciate the gentleman from Georgia for coming to the microphones and asking all of us to open our eyes so that we shall see the values of these things, despite the personalities otherwise, and I support the gentleman's amendment from Georgia.

Mr. Chairman, I yield back the balance of my time.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. McCOLLUM of Minnesota. Madam Chairman, the gentleman from Georgia said we can eliminate the LEAP program because missions have been accomplished. The LEAP program is available for the poorest of the poor in this country. It's for people whose family incomes are less than $20,000. Poverty, unfortunately, still goes on in this country.

People who make less than $20,000 need help in order to obtain an education to allow them to be competitive and allow our country to be competitive against other countries which are investing dollar after dollar after dollar into educational opportunities for their individuals.

So the mission hasn't been accomplished until we eradicate poverty. So I would really urge Members to look closely at the language in the LEAP program. It also is matched by State dollars, and I would urge my colleagues to oppose the amendment.

I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ARCURI) having assumed the chair, Mr. CAPUANO, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OBEY. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3043 in the Committee of the Whole pursuant to House Resolution 547, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. PASCRELL regarding funding for Traumatic Brain Injury programs;

An amendment by Mr. NADLER regarding eligibility for 9/11 health programs;

An amendment by Mr. NADLER regarding funding for 9/11 health programs;

An amendment by Mr. BARTON of Texas regarding funding for the National Institutes of Health;

An amendment by Mr. GARRETT of New Jersey regarding funding for certain autism programs;

An amendment by Mr. HOLT regarding funding for math and science partnerships;

An amendment by Mr. COOPER regarding funding for Historically Black Colleges and Universities and Historically Black Graduate Institutions;

An amendment by Mr. FLAKE reducing funding for the Corporation for National and Community Service;

An amendment by Mr. CONAWAY limiting funds for the LIHEAP program until certain conditions are met;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. DINGELL regarding the Deputy Commissioner of the Social Security Administration;

An amendment by Mr. GINGREY limiting funds for Social Security totalization agreements with Mexico;

An amendment by Mr. HARE regarding Critical Access Hospitals;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 4.6 percent, which shall be debatable for 30 minutes;

An amendment by Ms. MOORE of Wisconsin, Mr. SCOTT of Virginia, Mr. COLE of Oklahoma or Ms. SHEA-PORTER regarding the Upward Bound program;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 30 minutes;

An amendment by Mr. PRICE of Georgia reducing funds in the bill by 1 percent, which shall be debatable for 30 minutes;

An amendment by Mr. CAMPBELL of California reducing funds in the bill by 0.25 percent, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY regarding earmarks;

An amendment by Mr. SCOTT of Virginia regarding funding for student drug testing;

An amendment by Mr. LEWIS of Georgia, Mr. WELCH of Vermont, or Mr. WELLER of Illinois regarding certain Medicare regulations;

An amendment by Ms. JACKSON-LEE of Texas regarding the Office of Civil

Rights at the Department of Education;

An amendment by Ms. JACKSON-LEE of Texas regarding Education for the Disadvantaged;

An amendment by Mr. UPTON or Ms. HARMAN regarding use of Energy Star certified light bulbs;

An amendment by Mr. PENCE limiting funds for Planned Parenthood;

An amendment by Mr. EHLERS regarding funding for math and science partnership programs;

An amendment by Mr. GINGREY or Mr. JORDAN of Ohio limiting funds regarding requirements for HPV vaccinations for school admittance;

An amendment by Mr. RYAN of Wisconsin limiting funds for certain Centers for Disease Control Activities;

An amendment by Mr. GARRETT of New Jersey limiting funds for certain international conferences;

An amendment by Mr. KING of Iowa limiting the use of funds to employ workers described in section 274A of the Immigration and Nationality Act;

An amendment by Mr. KING of Iowa limiting the use of funds to sponsor certain events at the Sundance Film Festival;

An amendment by Mr. DAVIS of Kentucky limiting performance bonuses for certain employees of the Centers for Medicare and Medicaid Services and the Social Security Administration;

An amendment by Mr. DAVIS of Kentucky limiting performance bonuses for certain employees of the Centers for Medicare and Medicaid Services and the Social Security Administration unless certain requirements related to Medicare part D are met;

An amendment by Mrs. SCHMIDT limiting funds for title X grantees;

An amendment by Mr. FLAKE limiting funds for the American Jazz Museum in Kansas City, Missouri;

An amendment by Mr. FLAKE limiting funds for the American Ballet Theatre in New York;

An amendment by Mr. FLAKE limiting funds for the Portugese and Lusophone studies at Rhode Island College;

An amendment by Mr. FLAKE limiting funds for the Shedd Aquarium in Chicago;

An amendment by Mr. FLAKE limiting funds for the Kansas Regional Prisons Museum;

An amendment by Mr. FLAKE limiting funds for the Corporation for Jefferson's Poplar Forest in Virginia;

An amendment by Mr. FLAKE limiting funds for the South Carolina Aquarium;

An amendment by Mr. FLAKE limiting funds for the Burpee Museum in Rockford, Illinois;

An amendment by Mr. FLAKE limiting funds for a college preparatory pilot program at Missouri State University;

An amendment by Mr. FLAKE limiting funds for the Exploratorium in San Francisco, California;

An amendment by Mrs. MUSGRAVE limiting funds for attachment therapy;

An amendment by Mr. SOUDER limiting CMS funds for certain Medicare payment activities related to hospital transplant programs;

An amendment by Mr. SOUDER limiting funds of the National Labor Relations Board to recognize a union as the exclusive bargaining representative of employees that has not been elected by a secret-ballot election;

An amendment by Mr. HENSARLING reducing funding for the Centers for Disease Control;

An amendment by Mr. WESTMORELAND limiting funds for the publication of certain student loan applications;

An amendment by Mr. CAMPBELL of California limiting funds for the Charter School Development Foundation;

An amendment by Mr. CAMPBELL of California limiting funds for the City College of New York;

An amendment by Mr. CAMPBELL of California limiting funds for all projects requested by Members of Congress and disclosed pursuant to the rules of the House, which shall be debatable for 20 minutes;

An amendment by Mr. CAMP of Michigan regarding the Medicare Advantage program;

An amendment by Mr. CROWLEY limiting funds for the North Carolina Technology Association Education Foundation;

An amendment by Mr. CROWLEY limiting funds for Alleghany Memorial Hospital;

An amendment by Mr. CROWLEY limiting funds for Caldwell Community College and Technical Institute;

An amendment by Mr. CROWLEY limiting funds for the North Carolina Center for Emerging Technologies;

An amendment by Mr. CROWLEY limiting funds for the Southeastern Center for Emerging Biologic Threats;

An amendment by Mr. HENSARLING regarding education for Native Hawaiians;

An amendment by Mr. BARRETT of South Carolina regarding Byrd Honors Scholarship program;

An amendment by Mr. LAMBORN regarding the Corporation of Public Broadcasting;

An amendment by Mr. HENSARLING regarding Twin Cities Public Television for the Minnesota Digital Public Media Archive;

An amendment by Mr. HENSARLING regarding West Los Angeles College, Culver City, California;

An amendment by Mr. HENSARLING regarding Families in Schools, Los Angeles, California; and

An amendment or amendments by Mr. OBEY regarding funding.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations and its Subcommittee on Labor, Health and Human Services, Education, and Related Agencies in each such capacity each may offer one pro forma amendment for the purpose of debate); and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON H.R. 3074, DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110-238) on the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3043.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. CAPUANO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) had been postponed, and the bill had been read through page 89, line 15.

Pursuant to the order of the House of today, no further amendments to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. STEARNS of Florida.

An amendment by Mr. JINDAL of Louisiana.

An amendment by Mr. BARTON of Texas.

An amendment by Mr. GRAVES of Missouri.

Amendment No. 41 by Mr. HENSARLING of Texas.

Amendment No. 42 by Mr. HENSARLING of Texas.

An amendment by Mr. PRICE of Georgia.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Ms. FOXX of North Carolina.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS:

Page 33, line 25, after the aggregate dollar figure insert "(increased by $12,500,000)".

Page 90, line 7, after the first dollar amount insert "(increased by $12,500,000)".

Page 97, line 16, after the aggregate dollar amount insert "(reduced by $25,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 242, not voting 12, as follows:

[Roll No. 647]

AYES—182

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boyda (KS)
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—242

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Hinchey
Kucinich
Reynolds
Slaughter
Souder
Tancredo
Westmoreland

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Messrs. SCOTT of Georgia, LYNCH, KILDEE, GENE GREEN of Texas, DAVIS of Illinois, PICKERING, and HILL changed their vote from "aye" to "no."

Messrs. BACHUS, GERLACH, and GOHMERT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. JINDAL

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. JINDAL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JINDAL:

Page 33, line 25, after the aggregate dollar amount insert "(reduced by $37,200,000) (increased by $37,200,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 217, not voting 12, as follows:

[Roll No. 648]

AYES—207

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX).
Spratt
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Hinchey
Jones (OH)
Kucinich
McMorris Rodgers
Slaughter
Souder
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that they have 1 minute remaining to vote.

☐ 1558

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, on rollcall Nos. 647 and 648, I was absent meeting with the military on Niagara Air Base. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARTON of Texas:

Page 36, beginning at line 5, strike "*Provided further*, That within" and all that follows through the end of the proviso.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 10, as follows:

[Roll No. 649]

AYES—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer

Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bordallo
Brown, Corrine
Buyer
Conyers
Cramer
Davis, Jo Ann
Faleomavaega
Kucinich
Souder
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1603

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GRAVES

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. GRAVES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 224, not voting 9, as follows:

[Roll No. 650]

AYES—203

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—224

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Holt
Kucinich
Souder
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1607

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 58, noes 370, not voting 8, as follows:

[Roll No. 651]

AYES—58

Akin
Bachmann
Bachus
Barrett (SC)
Biggert
Bilbray
Blackburn
Boehner
Burton (IN)
Campbell (CA)
Cantor
Chabot
Culberson
Deal (GA)
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Hensarling
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
Keller
Lamborn
Mack
Marchant
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Sullivan
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—370

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Kucinich
Souder
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 1611

Mr. GINGREY changed his vote from "aye" to "no."

Mr. BURTON of Indiana changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 42 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 80, noes 347, not voting 9, as follows:

[Roll No. 652]

AYES—80

Akin
Bachmann
Bachus
Barrett (SC)
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lungren, Daniel E.
Mack
Manzullo
Marchant
McHenry
McKeon
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Sullivan
Thornberry
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—347

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw

Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Bilbray
Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Kucinich
Souder
Tancredo

□ 1617

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. PELOSI was allowed to speak out of order.)

EXTENDING SYMPATHY TO BRAZIL IN WAKE OF PLANE CRASH TRAGEDY

Ms. PELOSI. Mr. Chairman, last evening the airport at São Paolo, Brazil was a scene of a terrible tragedy that took the lives of as many as 200 people. Among those lost was a member of the Chamber of Deputies, Representative Julio Redecker, the Brazilian House minority leader.

As fate would have it, many of us here today were scheduled to have a meeting with him and the President of the Chamber of Deputies here in the Capitol. Of course, the tragedy in Brazil and the loss of Representative Redecker changed those plans, very sadly.

Moments ago I spoke with the Brazilian President of the Chamber of Deputies, Arlindo Chinaglia; and Brazil's Ambassador to the United States, Antonio Patriota. I conveyed to them the deepest sympathy of the Members of the House of Representatives to the people of Brazil, to the family of Representative Redecker. They were, I think, very comforted by the fact that I told them that later today, now, we would have a moment of silence and extend our sympathy to the people of Brazil for the terrible loss of 200 people and, of course, the special sympathy to our friend in the Chamber of Deputies and to the family of Representative Redecker for the loss of the minority leader of that important chamber.

I now ask that the House observe a moment of silence in remembrance of Julio Redecker and all of those who lost their lives in Brazil yesterday evening.

The Acting CHAIRMAN. Members will rise and the House will observe a moment of silence.

Ms. PELOSI. Mr. Chairman, if I may convey our condolences to his widow, Salete Redecker.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 274, not voting 13, as follows:

[Roll No. 653]

AYES—149

Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (IL)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goodlatte
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Blunt
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Gerlach

Giffords
Gillibrand
Gillmor
Gonzalez
Goode
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Baird
Bishop (GA)
Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Ellison
Faleomavaega
Gordon
Hall (TX)
Kucinich
Souder
Tancredo

□ 1624

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 352, answered "present" 1, not voting 9, as follows:

[Roll No. 654]

AYES—74

Akin
Bachmann
Bachus
Barrett (SC)
Biggert
Bilbray
Bilirakis
Blackburn
Brown-Waite, Ginny
Campbell (CA)
Cannon
Cantor
Carney
Chabot
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Hall (TX)
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Mack
Miller (FL)
Mitchell
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Space
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Westmoreland
Wilson (SC)

NOES—352

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Bartlett (MD)

NOT VOTING—9

Bishop (UT)
Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Kucinich
Souder
Tancredo

□ 1629

Mr. CANTOR changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. FOXX

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 9, as follows:

[Roll No. 655]

AYES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Bordallo
Brown, Corrine
Cramer
Davis, Jo Ann
Faleomavaega
Kucinich
Musgrave
Souder
Tancredo

□ 1634

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Chairman, I regret that due to a sudden illness I missed rollcall vote No. 630 through vote no. 655. Had I been present, I would have voted "yea" on rollcall votes 630, 631, 632, 633, and 634. I would have voted "no" on rollcall votes 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, and 655.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. The unanimous-consent agreement under which we are now operating means that there will be at least 13 hours of debate on amendments that are contemplated being offered. In addition to the 13 hours that that will take, you almost have to allow for 4 or 5 hours of slippage because of the time it takes for recognition and things like that. So that means that we will have approximately 18 hours, not counting votes, as I calculate it, to dispose of all of the items contained in the unanimous consent request.

Members further need to understand that we will not be on this bill tomorrow morning because the Appropriations Committee has to mark up the Agriculture appropriation bill. That means that if we stay here until 1 o'clock tonight, we might, if we get lucky and if some people decide to drop some amendments, be finished by 8 or 9 o'clock tomorrow night. I wish that we could do it sooner, but I'm not the fellow offering the amendments. So I simply want Members to be aware of what it means.

What we will try to do, and I don't think this is definitely tied down, but Members should be notified shortly when it is, we will try to go until about 8 o'clock and then have another series of votes. And then those of us who are stuck on the committee or stuck offering amendments, we will have to be here after that. That's the only way that we can see about how to proceed, unless people want to be here Friday or Saturday.

So, I just wanted Members to have that happy news before they go to their happy hour.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The maximum Pell Grant for which a student shall be eligible during award year 2008-2009 shall be $4,700.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, to remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, and the Mutual Educational and Cultural Exchange Act of 1961, $2,051,533,000: *Provided*, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso, up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

AMENDMENT NO. 54 OFFERED BY MR. BARRETT OF SOUTH CAROLINA

Mr. BARRETT of South Carolina. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. BARRETT of South Carolina:

Page 90, line 7, after the first dollar amount, insert "(reduced by $40,590,000)".

Mr. OBEY. Would the Clerk read the amendment so we can understand what it is?

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. BARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. BARRETT of South Carolina. Mr. Chairman, this would basically eliminate funding for the Byrd Honors Scholarship program by saving about $40.6 million.

And I guess what I'm here to talk about today, Mr. Chairman, is that this program, which is certainly a merit-based scholarship program, was rated as "results not demonstrated." When we talk about funding, when we talk about scholarships, when we talk about trying to make government more effective and more efficient, I think this is a perfect example, Mr. Chairman, of duplicative services.

I understand the need of helping our high school seniors, and I applaud the effort. But in a time when money is scarce and we're trying to be good stewards of the taxpayers' dollar, doesn't it make sense, Mr. Chairman, to take programs like this, and all other associated programs, take a look at them from the bottom up and look at what is effective?

Why was this particular program rated "results not demonstrated"? Was it because of a lack of funding, Mr. Chairman? Was it because of a lack of information that high school students didn't know what was going on? Was it because of a lack of organization on how the scholarship is administered? I don't know. I don't know these answers.

So all I'm saying is, if we're going to continue to help seniors, and I hope we do, let's try to do it in a more responsible manner. Let's just not create another government program. Let's not create a duplicative service. Let's take a look at what we're doing, how we're doing it, bring things together. It may be that this program needs to be increased, I don't know. It may be that it needs to go away and this money go to a program that is far more effective. All I'm saying is that I think this is the wrong way to go about it.

I think if we took a real hard look at all these programs, we could pull our resources together, we could help our high school seniors much more effectively and maybe, at the same time, save $40.6 million of hard-earned taxpayers' money.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, if you think that there is too much education in this country, then vote for this amendment. If you think that we could use more help to people trying to get an education, then you vote against it.

I think that the only thing wrong with this program in the eyes of the White House is the name of the man that's attached to the program, the distinguished Senator ROBERT BYRD from West Virginia. He sponsored this program, which provides needs-based scholarships all over the country, some 15,000 of them. I happen to think that's a good thing. I think the recipients certainly think it's a good thing. I think the working families of the recipients think it's a good thing.

The gentleman says that the White House Budget Office has ranked this program as "not determined" in terms of effectiveness. I would remind you, this is the same White House that is claiming that the surge in Iraq has shown great progress. I hardly think that their judgment ought to serve as the standing judgment of the House.

I also note, by the way, that the White House also ranks as "effectiveness not being determined" IDEA preschool grants, and IDEA Grants for Infants and Families. We've had several efforts on the part of people on that side of the aisle today to increase funding for IDEA. I didn't see them stopping then because the White House didn't think that was such a hot idea. I also see the White House ranks the Federal Work Study program as being "not determined" in terms of adequacy.

With all due respect, I think this country needs all the education it can get. I think it needs all the student aid it can get. And I would therefore urge rejection of the amendment.

Mr. BARRETT of South Carolina. Mr. Chairman, I would like to correct the chairman. This is a merit-based program, not a need-based program.

And I understand that we need all the education we can get. All I'm saying, Mr. Chairman is, is this the best way to spend this money? Can it not be rolled into another program or taken a look at to make sure that we're getting our best bang for the dollar, that we're spending the taxpayers' money wisely, and we're being the most effective helping our high school seniors with a higher education degree?

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. BARRETT).

The amendment was rejected.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

□ 1645

Mr. OBEY. I yield to the gentleman from New York.

Mr. MCNULTY. Thank you, Chairman OBEY.

Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman of the Appropriations Committee and the Labor, Health and Human Services Subcommittee, Mr. OBEY.

Mr. Chairman, today my goal is to draw attention to the backlog of applications for disability benefits at the Social Security Administration. Today, more than 1.3 million Americans are awaiting a decision on their disability cases. SSA is staffed with dedicated, hard-working employees, but due to staffing shortages at the agency, some applicants for disability benefits must wait as long as 3 or 4 years before receiving a decision on their case. Many of these individuals are severely ill or injured, cannot work or have little or no income or access to health care.

American workers pay into the Social Security system with the promise that if they become severely disabled, Social Security will be there for them. Today we are falling far short on that promise. This situation is a direct result of the understaffing of the Social Security Administration in recent years. Other important programs under the Labor, Health and Human Services bill have also been underfunded.

Given these competing needs, I greatly appreciate the chairman's efforts and the committee's effort to include additional funding for SSA in this year's bill. Nonetheless, I believe we should strive to do better in conference.

Mr. OBEY. Mr. Chairman, I share the gentleman's concern about the Social Security disability claim backlog and the hardship it has caused. Under the President's request for SSA, the disability backlog has gotten worse. The funding increase we've included in this bill will keep that from happening and will protect SSA from staffing declines that the agency has seen in recent years.

I would make the point that despite the fact that we were left in a considerable mess with all of last year's domestic appropriation bills not passed when we took over, we still made SSA a priority and included $148 million over the 2006 funding level. In the bill we are debating today, we have included over $401 million above the 2007 level and $100 million more than the presidential request.

Mr. Chairman, I would be happy to work with the gentleman and others, such as Mr. ARCURI, toward increasing the amount for SSA in the conference and in future years.

Mr. MCNULTY. Mr. Chairman, I just want to say to Chairman OBEY that, DAVE, I approached you on this earlier in the year. Your response was immediate and positive. You have provided the additional funding. We hope to get more in conference. But what you have done is going to accrue to the benefit of thousands and thousands of Americans who have been waiting a long, long time for these decisions. On their behalf, I thank you.

Mr. OBEY. Mr. Chairman, I thank the gentleman. Mr. WALSH and I both are concerned about the problem, and we will be happy to work with you.

AMENDMENT OFFERED BY MR. COOPER

Mr. COOPER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COOPER:

Page 90, line 7, increase the first dollar amount by $100,000,000.

Page 90, line 7, further increase the first dollar amount by $25,000,000.

Page 92, line 17, reduce the first dollar amount by $125,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee (Mr. COOPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, there is no Member of this House that I respect more than the chairman of the full committee, Mr. OBEY. He has the toughest job in this body: To chair the full Appropriations Committee, to carry one of the largest bills and to do such a superb job at reconciling the interests of 435 Members of this body from all corners of the Nation. So it is with great regret, Mr. Chairman, that I rise to offer any amendment to this bill. But the need is great.

Historically Black Colleges and Universities all across America need help, and they need help now. And the chairman, to his credit, provides help. He upped the amount by $11 million to $249 million for Historically Black Colleges and Universities. He also has some $57 million for Historically Black Graduate Schools. But, Mr. Chairman, I suggest that is not enough.

That is why my amendment would add $125 million to these marvelous institutions. It is about a 40 percent increase instead of a 4 percent increase in their funding. I would take this money from the Department of Education, their administrative fund. I will admit this is not my favorite place to get the money. But under the rules, I have to get the money at a place in the bill after page 90.

So my intent is this: To give HBCUs, Historically Black Institutions, higher priority and much higher funding. I trust the discretion of the Appropriations Committee to get that money from an appropriate place in the bill.

Mr. Chairman, I yield to my colleague from Memphis, Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Chairman, I would like to thank the distinguished gentleman from Davidson County for yielding and for bringing this amendment. There is still a critical need in this country for Historically Black Colleges and Universities.

In my communities, the finest public school students traditionally are desirous of going to Historically Black Colleges and Universities. We try to keep them in Tennessee with HOPE scholarships. We offer from $4,000 to $5,500 a year to stay in Tennessee. There are fine Historically Black Colleges and Universities: Lemoyne-Owen in my district, Fisk in Nashville, and Knoxville College up in East Tennessee. But most of them want to go out of State and go to Atlanta and come to this area to Historically Black Colleges and Universities. It is still the first choice for most African American students.

We need to fund these schools at a higher level. They have not received increased funding over the last 5 or 6 years to speak of. The need has become greater and greater. These are students who need educational opportunities to move out and into the American dream.

I commend the gentleman from Davidson County for bringing this amendment, I am pleased to support it, and ask the chairman of the Appropriations Committee to see this great need which will help people who have not had an opportunity to share in the American dream as much as they should.

Mr. COOPER. Reclaiming my time, Mr. Chairman, these are marvelous Historically Black Institutions and today they serve a wide spectrum, people of all races and backgrounds. But, most importantly, so many of these students are first-generation college students. They deserve a chance to live the American dream; to become the doctors, the lawyers, the artists, the poets, the engineers and the scientists of the future.

These institutions serve a vital role in our society. As the gentleman from Memphis pointed out, their funding has essentially been frozen for the last 4 or 5 years. To offer them only a 4½ percent increase this year is good, but it is not enough. That is why I think we need to reach deep, to increase the funding substantially, so that they know that the year 2007 was the year in which they saw a dramatic increase as opposed to the prior year of funding freeze.

I have the greatest respect for the chairman of the full committee, Mr. OBEY. My wish is not to add to the difficulty of his task. But so many of these institutions are teetering on the edge. They need help, they need help now, and they need large amounts of help. That is why we have offered this amendment to increase funding for Historically Black Colleges and Universities by $125 million. Please support this amendment.

Mr. Chairman, there is no Member of this Congress I admire more than Chairman OBEY. He has the toughest job in Congress, to lead the entire Appropriations Committee, to carry the single largest appropriations bill of $153 billion, and to reconcile the needs and desires of 435 Members of Congress from all corners of the Nation. Another reason the job is so tough is that Chairman OBEY also has to listen to more blather than anyone else in Congress. So it is with great regret that I rise to offer any amendment to his handiwork.

My amendment would increase the funding for historically Black colleges and universities, and for historically Black graduate schools by $125 million. The chairman's mark already includes $249.5 million for these schools and $57 million for HBGLs, so my amendment offers a 40-percent increase in HBCU funding. My amendment would take that funding from the Department of Education Departmental Management Program Administration Account. I would agree that this is perhaps not the ideal source of funding, but due to procedural rules that limited me to finding offsets after page 90 in the bill, that is the best I was allowed to do.

My intent is to give higher priority—and much higher funding—to historically Black colleges, universities, and graduate schools, and that their increase in funding be offset in ways that the Appropriations Committee deems most appropriate in conference.

The key point is to boost these marvelous historically Black institutions. Most of these schools were born soon after the Civil War and have served America well by training the doctors, lawyers, scientists, poets, business people, professors, engineers, etc. that America needs. Today they serve Blacks, Whites, and a wide range of other races and ethnic backgrounds. Many of these students are first-generation college students trying to live the American dream by getting a good education and a good job. I have the honor of representing three of these institutions in Nashville: Fisk University, Meharry Medical College, Tennessee State University, as well as American Baptist College. But there are dozens of historically black colleges scattered over dozens of States. Many of today's Members of Congress attended these fine schools, and probably would not be in Congress without the education they received from these institutions. All of these historically Black colleges and universities are a vital part of America's history, and our future.

The chairman's mark already gives these historically Black institutions a 4.5 percent increase. I appreciate that, but I cannot help but notice that, after 4 years of no increase in Federal funding, that 4.5 percent is not enough to do the job, in fact, it's not enough to even offset the effects of inflation. These historically Black colleges, universities, and graduate schools need more of an increase than that—much more—to continue their extraordinary mission of reaching the poor, minorities, and the disenfranchised of all races, and to help them get the education they need.

Please support the Cooper amendment to increase Federal aid to historically Black colleges and universities. This is your chance to make sure that everyone has a better chance to live the American dream.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, this amendment, like so many others offered today, demonstrates that the White House is incredibly off base when they tell us that this bill is over-funded. This bill is about 2.5 percent in real terms above last year. The fact that it is so tight and still falls so short of meeting many needs is evidenced by the fact that we have this kind of amendment before us. The only difference between this amendment and several others is that the others have been coming from the minority side of the aisle and this one happens to come from the majority side of the aisle.

But let me simply say that I fully appreciate where the gentleman wants to put the money. It is a good place to put it. There are many other good places to put it. The problem is that it is simply not real to believe that you can decimate the administrative budget of the Department of Education as much as this amendment does.

I am not going to ask people to vote one way or another on this, because no matter which way you vote, you will be wrong, because this amendment, because of the squeeze that we are in, because of the tremendous demand for education help in this country, no matter what you do, someone will be short-changed. It is either the department that is supposed to administer the programs or the programs themselves.

So I sympathize with what the gentleman is trying to do. I cannot honestly say I endorse the amendment, because of the problems, but I think the gentleman's amendment lays out clearly how inadequate this bill still is in terms of meeting the country's responsibilities, especially to those folks in our population who are not, shall we say, the top dogs.

I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, let me thank you, first of all, for your support of Historically Black Colleges and Universities over the years. In subcommittee I know we did increase this a significant amount.

The gentleman's amendment which he has presented today is worthy of consideration. I just want to say why, as a person from California, Historically Black Colleges and Universities are important.

Several years ago, the Governor of the State of California ended affirmative action. Very few African American and Latino students now are able to attend the University of California, and that is a tragedy. What we have found is that the majority of African American students now are going from California to Historically Black Colleges and Universities. They have saved the day for our young people in California. So I am very clear on what may or may not happen. I look forward to working with you and the chairman as we go to conference on this.

But I just want to say on behalf of those African American students in California, that they need as many opportunities as they can get because of what happened in terms of the decimation of equal opportunity programs and initiatives that would allow them into the University of California.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I rise today with the gentleman from Tennessee, my good friend, Mr. WAMP, for the purpose of engaging the chairman in this colloquy about the National Youth Sports Program. While my purpose for rising today is to discuss the merits of NYSP, I would also like to commend the chairman on the work that the committee has done in crafting such a respectable bill before us. The subcommittee was able to restore several programs that otherwise would have been eliminated, while also increasing important investments in much-needed areas such as No Child Left Behind, IDEA, and the Community Services Block Grant.

I am disappointed, however, that this year, due to funding constraints, the National Youth Sports Program was not funded in this appropriations bill. The National Youth Sports Program program is an educational partnership that has worked successfully for over 37 years. It provides low-income children ages 10 to 16 a 5-week summer program offering sports and academic programs at colleges and universities nationwide.

While touring the NYSP program on the UW-Eau Claire and UW-LaCrosse campuses in my district on several occasions, I have witnessed firsthand how this program reaches beyond academics and sports to provide opportunities for learning about good nutrition, developing leadership skills and developing good character.

In previous years, the program served approximately 76,000 children at 201 colleges and universities across the country. The loss in Federal funding, however, has had a dramatic effect on the program's operation. It is expected there will only be 50 programs and 10,000 students participating this summer nationwide.

In our home State of Wisconsin, close to 1,600 young people once participated in this program, yet this year, unfortunately, that figure has dramatically declined to approximately 400 children.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding to me and I commend him for his work on this important bill.

As you know, our Nation is facing a major health care crisis because of childhood obesity. Due to a significant decline in physical activity by our Nation's youth, a growing number of children are experiencing illnesses and the other health problems, such as Type II diabetes, hypertension and respiratory problems. The rise in obesity-related health conditions also has high economic costs and has greatly increased health care spending, both mandatory and discretionary.

□ 1700

As the social and economic costs of childhood obesity increase, the number of children engaging in physical activity is drastically decreasing and many schools are even cutting back on physical education programs because of budgetary concerns. It is critical that we focus our efforts on funding for physical activity at this time to fight this epidemic of childhood obesity and improve the health of our children.

Mr. Chairman, the National Youth Sports Program is a vital program that promotes physical activity and provides children with the leadership and academic skills to improve their well-being. Due to the elimination of funding for NYSP next fiscal year, many children in Tennessee and throughout the country will lose the opportunity to participate in this important program. I simply ask that you work with us to ensure that proper funds are allocated to NYSP and the promotion of physical activity as we go to conference.

Mr. OBEY. Mr. Chairman, I am familiar with the NYSP program given the fact of that the University of Wisconsin-Superior in my district hosted a program in 2005. I acknowledge the good work that the program has accomplished, and I am looking forward to working with both the gentlemen.

Mr. KIND. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. KIND. As the chairman is aware, earlier this year we sent a bipartisan letter to the committee requesting an $18 million appropriation for NYSP, and given the importance of this program to many children throughout the country and the fact that NYSP has successfully leveraged Federal funding to secure substantial matching community investments, we would hope that if funding is found on the Senate side, that both the House and the chairman would be supportive of the funding level coming out of the Senate in conference.

It is also our hope that in the future NYSP will receive an outreach of support to continue its agenda for organizations that specialize in assisting at-risk youth. This program is too vital for the health and well-being of our young people for it to be left unfunded for another year.

Mr. OBEY. Let me say, I hope anything is funded on the Senate side. I would like to thank both gentlemen for their passion and attention to this program, and I will be happy to join both of you in encouraging reauthorization of this program.

Mr. KIND. I thank the chairman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I yield to the gentleman from New York.

Mr. ARCURI. I rise to enter into a colloquy with the distinguished chairman.

My intention today is to raise awareness of the Members of the House of Representatives surrounding the issue of administrative budget of the Social Security Administration and the impact it has on real people across America. Because previous Congresses have failed to meet the basic funding requirements of the Social Security Administration, the agency is in the process of closing field offices to try to rein in costs. One of those field offices is in my district, the 24th Congressional District of New York in the city of Auburn. Auburn serves as a population base for rural Cayuga County; and of the approximately 81,000 residents in that county, nearly 20,000, or 25 percent, are on Social Security, that is, they receive benefits.

Closing the field office in Auburn, New York, means that those 20,000 beneficiaries, most of whom are elderly, will need to drive to the next nearest offices in Syracuse or Geneva, New York. Public transportation in this area is inadequate, and this potential closing will mean that many residents will simply not have access to a Social Security Administration office for face-to-face interviews. Staff of the Social Security Administration has explained that the services can be provided by phone or through the Social Security Administration online system, but for these financially vulnerable beneficiaries, these were not real options.

I don't believe that the Social Security Administration should close or consolidate field offices until the agency reports back to Congress regarding the number of recipients who would be negatively impacted and allow the Congress to thoroughly review the economic analysis of potential field office realignment, consolidation, or closing proposals.

Mr. OBEY. I share the gentleman's concern about the Social Security Administration budget. Since January, the committee has provided $550 million in additional resources. It has come in large part because of requests of people like yourself who have constantly reminded us of the problem.

In the bill we are debating today, the committee has included over $400 million above the 2007 level and $100 million more than the administration's request. Years of underfunding SSA and the other programs in this bill, such as No Child Left Behind, IDEA, and NIH, cannot be remedied in any one year, but we are certainly doing the best we can to accelerate.

Mr. ARCURI. I understand you are making every effort to reverse the trend of underfunding the Social Security Administration to ensure that the agency can keep up with the increasing work loads due to the retirement of the first crop of the baby boomers and on the increasing backlog and disability claims.

I hope we will be able to work together as this bill moves forward to make certain that the SSA has adequate funding to keep the field offices open, especially in expansive rural districts like mine, the 27th in New York, and provide Social Security benefits that keep the elderly and those with disabilities out of poverty.

Mr. OBEY. I will be happy to continue to work with the gentleman in conference in the future to obtain the highest level possible for SSA. I know it is a very important problem.

Mr. ARCURI. I thank the chairman and his fine staff for all the help you have been on this issue in your efforts to keep the Social Security field offices open, for your willingness to work on increasing Social Security funding in conference. These efforts will make a real difference in the lives of thousands of Americans not only in my district but around the country.

Mr. WALSH of New York. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH of New York. Let me also thank the chairman for his foresight in providing additional resources. There is a $400 million increase to the Social Security Administration to provide this invaluable service to our constituents.

I thank the gentleman from New York for his leadership. I represented the city of Auburn for 10 years. Due to the vagaries of reapportionment, Mr. ARCURI is now their Representative, but I still have constituents who go there and rely upon that office. It is a good office, well served, well staffed. It is a professional staff, and it is needed.

So I thank him for standing up for the people of Auburn. I do, too, and the rest of the people of Cayuga County and that region who rely so heavily on that office. I thank the chairman for providing the additional resources.

Mr. ARCURI. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. ARCURI. I would just like to thank the ranking member for all of his help, my colleague and friend from New York. You have done a great job in upstate New York and in serving the Auburn area, and I thank you for your support.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (20 U.S.C. 130aa et seq.) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.), section 208 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9607), and section 664 of the Individuals with Disabilities Education Act (20 U.S.C. 1464), $535,103,000, of which $293,144,000 shall remain available until September 30, 2009.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act (20 U.S.C. 3401 et seq.), including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $394,487,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act (20 U.S.C. 3413), $93,771,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act (20 U.S.C. 3422), $53,239,000.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools; the pairing of schools; or the clustering of schools; or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—

(1) to assess whether a covered individual or entity has a potential financial interest in, or bias towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and

(2) to disclose the existence of any such potential financial interest or bias.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.

(c) DEFINITION.—For purposes of this section, the term "covered individual or entity" means—

(1) an officer or professional employee of the Department of Education;

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

AMENDMENT NO. 33 OFFERED BY MR. HOLT

Mr. HOLT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. HOLT:

Page 96, after line 22, insert the following:

SEC. 307. The amounts otherwise provided by this title are revised by reducing the amount made available for "Departmental Management—Program Administration", and increasing the amount made available for "School Improvement Programs" (for carrying out activities authorized by part B of title II of the Elementary and Secondary Education Act of 1965), by $25,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chairman, this amendment is intended to make it possible for more teachers throughout America to have the professional development that we have promised them in science, math and technology education.

You may know that under No Child Left Behind, the Elementary and Secondary Act reauthorization, that was the Eisenhower Program that provided teacher training and professional development, was changed to Math and Science Partnership. Subsequently, the funding was cut to about a quarter of what had previously been provided, and it has never recovered.

I recognize that the committee under Chairman OBEY's leadership has tried to get back that lost ground that was lost under previous leadership. Nevertheless, the teachers and hence the students are not getting what they need. Whether you look at the "Rising Above the Gathering Storm" report of the National Academy of Sciences or the Congress's own Innovation Agenda or the President's Competitive Initiative, we are all saying, in fact leaders of this country are yelling and screaming that we must do better in science and math education for our competitiveness, for our quality of life. If we are to do that, we must help the teachers with their professional development.

Funding prior to No Child Left Behind for math and science teacher development was $485 million. Currently under this appropriations bill in front of us, the funding for the successor programs for math and science teacher professional development is $182 million. Again, I recognize what the committee has been trying to do. It is not enough. We owe it to the students. We owe it to the teachers. But even more, we owe it to our society.

If our economy is to grow, if our productivity is going to grow, we must do better in math and science education. This is one of the important steps as recommended by the Glen Commission on Elementary and Secondary Education, as recommended by the National Academy of Sciences, as recommended by so many, including so many in this room. So I urge the adoption of my amendment which would put $25 million additional dollars into the Math and Science Partnership.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Earlier today, the gentleman had a previous amendment which tried to put money in a worthy program, and I expressed then my concern about the offset. I must do the same thing on this occasion.

The point I'm making is while I certainly understand why the gentleman wants to add the funds that he wants to add, I simply cannot continue to buy into the idea that we can take all of these items out of administrative budgets. It simply is not responsible. Of course, I don't think it is responsible for the White House to claim that this bill is underfunded either. These programs are very good programs.

But Members are going through this elaborate dog and pony show, or some would call it cock and bull story, because they are prevented from doing what they know should really happen, which is we should be expanding some of these programs without gouging others.

I simply cannot support this amendment and I would not at all urge Members to vote for it not because the funding that the gentleman seeks isn't worthy, but because the solution that the gentleman lays out isn't real, unless you think that we can have agencies run programs with no desks and no lights and no phones and no personnel, nobody to cut the checks and no policy direction.

□ 1715

So, with that, I yield back the balance of my time and regretfully indicate my opposition to the amendment.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I yield time to the distinguished gentleman from Michigan (Mr. EHLERS), who has shown such great interest and leadership in this issue regarding math and science education.

Mr. EHLERS. Madam Chairman, I thank the gentleman for yielding. I have rushed down to the floor to support this amendment, and a little history is helpful at this point.

When No Child Left Behind was written, it removed Eisenhower funding from the program. We had been putting in over $400 million per year for Eisenhower funding, most of which went to math and science education. I had written a formula into the bill as it left the House which put Math-Science Education in great shape and maintained roughly the same funding that the Eisenhower program had. However, the Senate removed that provision, and ever since then we have been funding math and science education at considerably lower figures than we did before No Child Left Behind was written.

In this particular bill, the Department of Education has received a substantial boost, No Child Left Behind has received a substantial boost, but the funding for math and science education has remained level, and that just doesn't make sense.

We know from the statistics and the measurements, and the international tests that have been made, that our students are not able to compete with students from other countries at the 12th grade high school level. We are far behind, and we have made a valiant effort in this body to improve that situation.

I have started the STEM, Science, Technology, Engineering and Math, Education Caucus. Well over 100 Members of Congress have joined us because they support the need for improving math and science education. If we are serious about competing with other countries in innovation and development, and getting our manufacturing up to snuff, we have to improve our K–12 education, and that is what this amendment is all about.

I very strongly support the amendment, and I urge the body to adopt this amendment. With that, I yield back.

Mr. WALSH of New York. I thank the gentleman.

Briefly, Madam Chairman, this is a real dilemma. We just cut the administrative budget by $125 million for historically black colleges. This is another $25 million.

The need is clearly there. I think the subcommittee's done a good job providing funds, but it is a dilemma and I think Members are going to have a tough decision to make on this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Education Appropriations Act, 2008".

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") (42 U.S.C. 4950 et seq.) and the National and Community Service Act of 1990 ("1990 Act") (42 U.S.C. 12501 et seq.), $768,905,000, of which $313,054,000 is to carry out the 1973 Act and $455,851,000 is to carry out the 1990 Act: *Provided*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E (42 U.S.C. 5028 et seq.) of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12653 et seq.), none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) $122,521,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: *Provided further*, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601 et seq.), upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12571(d)(2)); (3) $37,125,000, to remain available until September 30, 2009, shall be for service-learning programs authorized under subtitle B of title I of the 1990 Act (42 U.S.C. 12521 et seq.); and (4) $12,000,000 shall be to provide assistance to State commissions on national and community service, under 126(a) of the 1990 Act (42 U.S.C. 12576(a)) and notwithstanding 501(a)(4) of the 1990 Act (42 U.S.C. 12681(a)(4)).

AMENDMENT NO. 55 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Madam Chairman, as the designee of the gentleman from Texas (Mr. HENSARLING), I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Mr. OBEY. Madam Chairman, I ask unanimous consent that the Clerk read all amendments so that we know which ones are at the desk. I think both the minority and the majority would like to know that.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 55 offered by Mr. SHADEGG:

Page 97, line 16, after the first dollar amount, insert "(reduced by $255,625,000)".

Page 97, line 17, after the dollar amount, insert "(reduced by $255,625,000)".

Page 98, line 20, after the dollar amount, insert "(reduced by $55,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Madam Chairwoman, I yield myself 3 minutes.

Madam Chairwoman, this is an issue with which we're all very familiar. We've just heard some interesting debate on the floor here. My colleague, Mr. COOPER, offered I think an excellent amendment to increase the funding for Historically Black Colleges and made a very strong case for that. He noted that he was not able to designate a source for that and that it would require $125 million in funds.

We just discussed the importance of science education and the need for funding for that amendment, and the Chairman of the full committee has made the point that there simply aren't enough funds to accomplish these purposes.

I would suggest that this amendment is something that we could look to find those funds. It strikes funds for the AmeriCorps program, saving some $255.6 million. That is double the amount of money needed to fund or to plus up the funding for Historically Black Colleges requested by Mr. COOPER and, therefore, would leave room for the science funding that was just advanced.

I would suggest that, while well-intentioned, the AmeriCorps program simply does not achieve its goal. It has been plagued throughout its history with paying volunteers for programs that are inappropriate, and I will recite some of those, but more importantly, it denigrates the notion of volunteerism.

This Nation has been known since its inception for its grand tradition of volunteerism, going back to Alexis de Toqueville, who wrote about America and the volunteers of this Nation. It simply is important for Americans to volunteer, and the notion of this program to pay young people to volunteer simply makes no sense.

Let me talk about some of the abuses. AmeriCorps volunteers have been paid to lobby against the voter-approved California initiative to put violent criminals in prison for life after their third violent crime.

AmeriCorps volunteers, if you can call them that since they're paid, have been paid to disrupt Republican political events while working for the liberal advocacy group Acorn. Don't just trust me; it's a fact.

AmeriCorps volunteers have been paid to press for rent control in cities across our Nation.

AmeriCorps workers, not really volunteers, have also been paid to seek expanded Federal housing subsidies and to enroll more people in welfare programs.

Indeed, Citizens Against Government Waste, the watchdog group here in Washington, has vigilantly tracked many examples where AmeriCorps funds have been abused, and Citizens Against Government Waste issued a report saying that AmeriCorps has become a showcase for the waste and abuse inherent in many federalized civic sub-enterprises.

Both private and public investigators have determined that AmeriCorps' financial books are unauditable. AmeriCorps' own Inspector General years ago documented cases in which recruits received funds for working at a McDonald's while being paid for not working at all and for working while they were in prison.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, this is a very simple amendment that I will only take 2 minutes to discuss.

It eliminates all funds for AmeriCorps. It denies opportunities to 73,000 individuals to earn college assistance awards through serving their community.

It may not suit the gentleman's fancy that these folks volunteer and are paid, but I would suggest that it's a whole lot better than having people who don't volunteer at all.

Secondly, the gentleman cites what he considers to be abuses of the program. You know, when I looked at the Congress, I've seen abuse by Mr. Cunningham, I've seen abuse by Mr. Ney. In the old days, I saw abuse by Mr. Hayes, and a few other Members, but you know what, I didn't see anybody move to shut down the entire Congress because of the abuses of a few idiots. And I would suggest that we ought to apply the same standards to AmeriCorps that we apply to the Congress.

Mr. SHAYS. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Connecticut.

Mr. SHAYS. Madam Chairman, I'd like to speak on this amendment. I couldn't get to the floor fast enough. I have immense respect for my colleague from Arizona, but I think that he has confused the issues in a way that's very powerful until you look at it.

This is a service program, and we're asking young people to serve their country. They're given a minimum wage. The last I knew people need food and money in order to stay somewhere. To ask an 18- or 19-year-old young person to serve without having the ability to buy food and to live somewhere strikes me as pretty remarkable. I view this as service just as I view serving in the military as service.

This is something they do because they want to be part of a higher cause and we designed this program so it wasn't a one-size-fits-all. It's not this big government program.

What we designed this program to do is to allow each of the States to create programs through nonprofit organizations and others, and we allow the States to choose which programs they want to fund. And that means you're going to have a lot of good programs and you are going to have some bad programs. You're going to have programs that really do a terrific job and some programs that don't do a good job.

I congratulate the former administration for its willingness to design a Republican kind of program, a program that has a competitive model. You compete for these dollars on the State level, a program that allows you to have excellence at the risk of having something that may not work well.

And what my colleague described about the failures of this institution doesn't mean we get rid of Congress because of some of the jerks that have served here and some of the outrageous things they have done. You find out where there are mistakes and you change them. So when there is a program that isn't auditable, we made sure that we audit these programs.

I am a Peace Corps volunteer, but I confess that when I served overseas, they provided me housing and I confess that when I served overseas they provided me money to buy food.

I was called a Peace Corps volunteer, and the reason why I felt that I was a volunteer was I was giving 2 years of my life in service to others. I deferred my career to some extent while my wife and I served in the Peace Corps and I think Mr. WALSH could say the same thing.

Americorps is a program that takes 18, 19, 20-year-old kids who may never have had work before, gives them an opportunity to have work under a mentored program by various nonprofit organizations. You should see these kids, the thrill and the excitement that they have in being part of this program.

Mr. SHADEGG. Madam Chairman, parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Wisconsin yield for an inquiry? The gentleman from Wisconsin's time has expired.

Does the gentleman from Arizona have an inquiry?

Mr. SHAYS. I have an inquiry. Had his time expired before I was interrupted?

The CHAIRMAN. It had just expired at that time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I yield to the gentleman from Connecticut so he can wrap up. I see Mr. HONDA, another Member on his feet, who also wants to comment.

☐ 1730

Mr. SHAYS. The bottom line to my point is, you take these young kids who in many cases have never had the opportunity to work, who work at a minimum wage, are providing a service in the community and are setting aside money for their college tuition. There is a stipend given to them for schooling. We have programs where we give a Pell Grant to a student who doesn't do a darn thing. These young kids have to earn it.

I would just like my colleague from Arizona to rethink what he has said and what he is asking for. I would hope that the gentleman would reconsider.

I thank the gentleman for yielding me the time.

Mr. WALSH of New York. Madam Chairman, I yield to the gentleman from California.

Mr. HONDA. I appreciate the three speakers here. I think we are all ex-Peace Corps volunteers.

I think the other aspect of AmeriCorps is very much like Peace Corps in that we have invested in folks like ourselves, and the return on the investment has paid many, many times over a service to our country, a service to our community, and I think that the kind of investment that we are looking at in AmeriCorps is the same. And the kinds of monies that have been spent for us as Peace Corps volunteers was what we call subsistence allowance to allow us to be able to do the kind of work we do. Coming home, we have been able to share our experiences and fulfill the third mandate, and that was to return back home and give back to our communities. I suspect that this is the same thing that the young people in the AmeriCorps are experiencing.

It's a great investment of tax dollars.

Mr. WALSH of New York. I thank the gentleman for his comments.

I think it's interesting to note that there are three returned Peace Corps volunteers here today, one Democrat, two Republicans. In the Congress, there are three of each, three Republicans, three Democrats.

But, more importantly, our appetite for public service was not whetted just by Peace Corps. It certainly broadened our lives. I joke with people. I never crossed Main Street in Syracuse from the east side to the west side until I was 16 years old. I went to college, went into the Peace Corps. The world got a lot bigger.

I have come back, and I have met people in every walk of life who were Peace Corps volunteers. I suspect the same will happen with AmeriCorps volunteers. In fact, 90 percent, almost 90 percent of former AmeriCorps volunteers come back and volunteer on their own. They continue to provide, to work in public service. They continue to support organizations in their own community. This is a citizen-building organization. So few of our young people today focus on what they can do for their country. This is a great way to get them to focus on it.

It's $250 million, a lot of money, but it's an investment. You hear that a lot, but you can see the investment. Whether you agree with our politics or not, you can see the investment paid off, in that individuals like ourselves from very different backgrounds wound up here at the highest level of public service.

My hope is that this program will continue to produce young Americans who are idealistic, but realistic enough to know that they have to work hard to serve their community and give back something to their society. So I have great respect for my colleague and my friend from Arizona. I just strongly disagree. Volunteerism is alive and well because of programs like this. We need to maintain it and retain it.

Madam Chairman, I yield back the balance of my time.

Mr. SHADEGG. Madam Chairman, I yield myself the balance of my time.

I honor each of the gentlemen here who were Peace Corps volunteers. I recognize that they, indeed, may have been inspired to become pure volunteers, unpaid volunteers, as a result of their service in the Peace Corps. But I think what is sad about this debate is we haven't really discussed the issue I raised.

My colleague from Connecticut says he is for a program where they are paid a stipend to live and how they couldn't volunteer unless they were paid some living expense or unless they were paid for some food expense. Unfortunately, that's not the structure of the AmeriCorps program. The AmeriCorps program we are debating today, and the one that I am challenging the funding for and suggesting how funding could be better used, provides wages to the AmeriCorps so-called volunteers.

If we want to create a separate program, I am in favor of that. If we want to encourage volunteers by paying them a stipend instead of wages, by providing them housing instead of wages, then we might not distort the meaning of volunteerism, but we don't do that.

That's not what this program does. This program pays them wages, and as in the example I cited, it pays them wages in some cases to do work for which they are being paid, to work at a McDonald's. It seems to me that if you want to inspire volunteerism, which I encourage and encouraged in my opening remarks, then let's inspire volunteerism.

If you want to provide a stipend for housing, let's provide a stipend for housing. If you want to provide a stipend for meals, let's provide a stipend for meals. But don't call wages a stipend for housing or meals. These are wages to which these people are paid. I suggest people that do volunteer in this country, and there are millions, to set up a government program to say the only people that volunteer are people who are encouraged to volunteer by being paid to do so diminishes all of us and all of the volunteers in this country.

I wholeheartedly agree that if we want to revise AmeriCorps and make it a program which encourages volunteers and pays them to volunteer and pays them a stipend for a living, including housing and/or food, absolutely. But to pay them wages is wrong. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHADEGG. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12681 (a)(4)) and under section 504(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084(a)), including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under section 3109 of title 5, United States Code, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978 (5 U.S.C. App.), $5,512,000, to remain available until September 30, 2008.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act of 1990 (42 U.S.C. 12604 (b)(7)).

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12581(d)(5)(B)) to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act (42 U.S.C. 12571).

SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.

SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(8)) may apply to the Corporation for a waiver of application of section 140(c)(2) (42 U.S.C. 12594(c)(2)).

SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990 (42 U.S.C. 12651g(a)).

SEC. 407. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e) (42 U.S.C. 12571(d) and (e)), 131(e) (42 U.S.C. 12583(e)), 132 (42 U.S.C. 12584), and 140(a), (d), and (e)(42 U.S.C. 12594(a), (d), and (e)) of the National and Community Service Act of 1990.

SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) (42 U.S.C. 12571(e)) or the member support Federal share limitations in section 140 (42 U.S.C. 12594) of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.

AMENDMENT NO. 56 OFFERED BY MR. LAMBORN

Mr. LAMBORN. Madam Chairman, as the designee of Mr. HENSARLING, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. LAMBORN:

Page 103, strike line 7 and all that follows through the comma on page 104, line 12.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Madam Chairman, today I rise to offer an amendment that recognizes the difficult fiscal situation facing our government. The Labor-HHS appropriations bill comes in at $7 billion over last year's level and $10.8 billion over the President's request.

As I have and others have said during this process, taxpayers are being asked to pay more in taxes because Congress is not willing to make hard choices and balance our spending with our income.

In fact, my Democratic colleagues feel it is necessary to burden the American taxpayer with the largest tax increase in history in order to fund these out-of-control and runaway spending bills. This amendment, in particular, would make the tough choice of maintaining fiscal prudence by eliminating funding in the bill for the Corporation for Public Broadcasting, saving $420 million for the taxpayer.

The President, in his budget request, asked for zero. The most recent appropriation a year ago was for $400 million.

Now, the Corporation for Public Broadcasting gets 85 percent of its budget from sources other than this Federal budget, so only 15 percent of its budget is reliant on what is appropriated here.

Also, the appropriation is made 2 years in advance. That's a curious situation. I don't know if it applies to very many other sectors in our budget, but with a 2-year advance notice, the corporation would have plenty of time to make the adjustments necessary to adjust to the zeroing out of this budget amount.

Now, where could this money be made up from if the corporation needs that extra funding? There are many sources that it has available. It is very successful in its type of programming, for the most part. I believe that through further corporate sponsorship and commercial sponsorship, through using the popular programming like Sesame Street to generate some income like we do in the free market of our economy, that 15 percent could easily be made up.

Lastly, let me make the constitutional argument. I see in the Constitution that there are enumerated powers that our Federal Government is supposed to be doing. The Federal Government is supposed to provide for the common defense. The Federal Government is supposed to regulate interstate commerce, coin money, do the U.S. mail, and there are things like that, but I don't see providing entertainment as part of our constitutional powers and responsibilities that the Federal Government is supposed to do.

Hollywood is plenty good at doing that and other sectors of the private part of our economy. I just don't think that that's the Federal role for government, especially when the American taxpayer is being asked in this budget process that we're going through right now to come up with deficit spending.

Already, the appropriations bills that have come before this House are $20 billion over what the President has asked, and we are looking at a large deficit in the next year as a result.

I ask that this amendment be adopted.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, what this amendment does is eliminate all of the funds for the Corporation for Public Broadcasting. I think that would be a very ill-advised thing to do. This Congress has spoken on funding for that organization many times. It has had strong support, often bipartisan support.

The gentleman complains about the fact that it is advance funded. It is advance funded for two reasons: number one, so that you can assure some kind of political independence from political pressure, and, secondly, because programmers need advance time in order to plan their programming.

The advance funding concept was begun 31 years ago by that notorious big spender Jerry Ford when he was President, my good friend, my good buddy.

If this amendment passes, 1,150 public radio and TV stations will be hurt. That will fall especially hard on rural stations. I don't think that's a good idea. I don't think we ought to do anything that would lead us 1 inch more toward a world in which the only kind of news we got was from the commercial stations feeding us the lately breathless news about Britney Spears, Donald Trump and Rosie O'Donnell. I would like to see a little bit better than that, and I think we get it from public broadcasting.

As far as the gentleman talking about taxes, we have seen Republican after Republican march down here like good little young Republicans in their college days repeating their mantra about taxes when this bill has nothing to do with taxes. They are all dutifully parroting their words like the Chinese used to do from Mao's Little Red Book. It's no more impressive now than it was then.

Let me just simply say that for someone to support spending $600 billion on the war in Iraq and spend $57 billion in tax cuts for millionaires and then somehow to suggest that the 2 percent difference in this bill between the President and us somehow has something to do with fiscal irresponsibility is a joke. The American people know it, and so do the Members of this House.

I yield to the gentleman from Oregon.

□ 1745

Mr. BLUMENAUER. I appreciate the gentleman's eloquence and his courtesy in allowing me to speak on this. And he is absolutely right; there has been a longstanding process of advanced funding to give our public broadcasting stations the ability to move forward.

He talks about it only being 15 percent of the budget. That 15 percent of the budget is critical, particularly for small and rural areas. There will always be public broadcasting in Denver or San Francisco or New York, but this money, these grants speak to the very heart of the ability to deal with sparsely populated areas from coast to coast. These are the people that would be punished if this ill-advised amendment were passed.

And, last but not least, he advances the notion that somehow this is just providing entertainment. I would strongly suggest that the gentleman offering this amendment go visit his public broadcasting system, because you will find that it is not just entertainment. Public broadcasting is culture, it is education, it is public safety. Indeed, this is the backbone in many parts of the country of emergency communications network. The notion that somehow this is only Big Bird and entertainment, and all we have got to do is commercialize public broadcasting more, misses the essence of why we have broad bipartisan support for public broadcasting.

I strongly urge rejection of this ill-advised amendment on behalf of 110 bipartisan members of the Public Broadcasting Caucus, over 100 of whom signed the letter to the appropriators supporting this budget. It is the 15 percent that is most critical for rural America. It is the advanced funding that provides the stability for things like the Ken Burns commentary. And it is not about just providing entertainment, it is education, it is culture, it is public safety. Public broadcasting is providing a voice for America, a noncommercial independent voice that is too often sadly lacking. It isn't available anyplace else in the gazillion channels on our cable networks.

And I appreciate the gentleman's courtesy.

Mr. OBEY. I yield back the balance of my time.

Mr. LAMBORN. Madam Chairman, how much time is left?

The CHAIRMAN. The gentleman has 90 seconds.

Mr. LAMBORN. I yield 30 seconds to the gentleman from Texas, Representative GOHMERT.

Mr. GOHMERT. Madam Chairman, I would like to address one thing very quickly that the chairman used. I could probably ask that his words be taken down. But to accuse us of parroting as Mao's little underlings did is offensive, and it reminds me of one of my mother's favorite expressions: I believe we have got the pot calling the kettle black.

Mr. LAMBORN. Madam Chairman, I also wanted to say that I serve on the Veterans' Affairs Committee, and we struggle over there with budget needs for our veterans, both those who are in conflict now and will soon become veterans, those going back as far as World War II, and this $420 million would go a long way toward helping our veterans.

I am not saying that the Corporation for Public Broadcasting should suffer. They can turn around and find corporate sponsorship, commercial opportunities. They could easily make up for that in the free market; and they are successful, and they would easily do that.

So I just say that this funding should not be the responsibility of the American taxpayer.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. I rise in opposition to the amendment.

Madam Chairman, we have been down this road before. I believe public television has an important role to play both culturally and, more importantly, educationally. And as my colleague from Oregon mentioned, this is an essential and growing aspect of our public safety system and our ability to communicate.

In Rochester, New York, WXXI is using its digital signal to provide a network for local public service organizations, public safety organizations, first responders, not only for communication but for training, and also to help in coordinating large-scale emergency activities so that everyone is communicating within the same network and on the same bandwidth. So it is a very flexible system.

I have had my issues with the Corporation for Public Broadcasting. I had a very serious disagreement with them over the publication of what I thought was a very important movie regarding the lack of response by moderate Muslims to the radical Islamic fundamentalist zealots who are around the world today. The story I thought was a very well-told story, and it wasn't resolved certainly in my favor and in my view. But that aside, this would be a mistake to support this amendment, and for other reasons I oppose the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LAMBORN. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Clerk will read.

The Clerk read as follows:

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act of 1947 (29 U.S.C. et seq.), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act (5 U.S.C. chapter 71), $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding section 3302 of title 31, United States Code, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $8,096,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act (20 U.S.C. 9101 et seq.), and the National Museum of African American History and Culture Act (20 U.S.C. 80 et seq.), $264,812,000, to remain available until September 30, 2008.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act (42 U.S.C. 1395b–6), $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,113,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act of 1947 (29 U.S.C. 141–167 et seq.), Equal Access to Justice Act, Fair Labor Standards Act, Government in the Sunshine Act, Postal Service Reorganization Act, Freedom of Information Act, and the Privacy Act, $256,988,000: *Provided*, That none of the funds available under this Act available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152 (3)), and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203(f)), and including in such definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act (45 U.S.C. 151 et seq.), including emergency boards appointed by the President, $12,992,000, of which $750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,696,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n (d)), $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76 (45 U.S.C. 231n note); and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76 (45 U.S.C. 231n note).

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act (45 U.S.C. 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.), $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978 (5 U.S.C. appendix), not more than $7,606,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act (42 U.S.C. 401(m), 417(g), 428(g), and 1320b–1(b)(2)), $28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act (42 U.S.C. 1301 et seq., 1381 et seq.), section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)), $26,948,525,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,347,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)), from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under title II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) and for conducting redeterminations of eligibility under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000, for additional continuing disability reviews and redeterminations of eligibility.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act (42 U.S.C. 1382e(d)) or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $27,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)) from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and expenses".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under section 46.204(b) of title 45, Code of Federal Regulations, and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2401 et seq.) may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.

SEC. 519. The Department of Labor and the Department of Health and Human Services shall provide congressional budget justifications for their fiscal year 2009 budget requests in the format and level of detail used by the Department of Education in its fiscal year 2008 congressional budget justifications.

SEC. 520. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to develop guidelines, policies, or procedures, or to pay the compensation of employees of the Social Security Administration, to administer Social Security benefit payments, under any agreement between the United States and any foreign country establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of such foreign country, which would be inconsistent with existing statutory law.

SEC. 521. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. OBEY (during the reading). Madam Chairman, I ask unanimous consent that the remainder of the bill through page 125, line 2 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds in this Act may be used for the following:

Children Uniting Nations, Los Angeles, CA;

Crisis Nursery of the Ozarks, Springfield, MO;

Jefferson County, Golden, CO;

New York Center for Children, New York, NY:

Shelter for Abused Women, Winchester, VA;

Arrowhead Economic Opportunity Agency, Virginia, MN:

Augusta Levy Learning Center, Wheeling, WV;

Beth El House, Alexandria, VA;

Children's Home Society of South Dakota, Sioux Falls, SD;

Christian Outreach of Lutherans, Waukegan, IL;

City of Detroit, MI;

City of Fort Worth, TX;

City of San Jose, CA;

Cliff Hagan Boys and Girls Club—Mike Horn Unit, Owensboro, KY;

Communities In Schools, Bell-Coryell Counties, Inc., Killeen, TX;

Covenant House Florida, Ft. Lauderdale, FL;

Eisner Pediatric and Family Medical Center, Los Angeles, CA;

Every Citizen Has Opportunities, Inc., Leesburg, VA;

Family Center of Washington County, Montpelier, VT;

First 5 Alameda County, San Leandro, CA;

Friendship Circle of the South Bay, Redondo Beach, CA;

Greater New Britain Teen Pregnancy Prevention, Inc., New Britain, CT;

Hamilton-Madison House, New York, NY;

Healthy Learners Dillon, Columbia, SC;

Helping Children Worldwide, Herndon, VA;

Hennepin County Human Services and Public Health Department, Minneapolis, MN;

Hillside Family of Agencies, Rochester, NY;

Hope Village for Children, Meridian, MS;

Horizons for Homeless Children, Boston, MA;

Kingsborough Community College, Brooklyn, NY;

L.I.F.T. Women's Resource Center, Detroit, MI;

Lawrence County Social Services, New Castle, PA;

Lutheran Social Services, Duluth, MN;

Marcus Institute, Atlanta, GA;

Mary's Family, Orlean, VA;

Mecklenburg County, Charlotte, NC;

Missouri Bootheel Regional Consortium, Portageville, MO;

Monterey County Probation Department, Salinas, CA;

Nashua Adult Learning Center, Nashua, NH;

National Energy Assistance Directors' Association, Washington, DC;

Network for Instructional TV, Inc., Reston, VA;

Nurses for Newborns Foundation, St. Louis, MO;

Organization of the NorthEast, Chicago, IL;

Pediatric Interim Care Center, Kent, WA;

Public Health Department, Solano County, Fairfield, CA;

Sephardic Bikur Holim of Monmouth County, Deal, NJ;

Services, Immigrant Rights and Education Network, San Jose, CA

Southern Illinois University, Carbondale, IL;

Stephen F. Austin State University, Nacogdoches, TX;

Susan Wesley Family Learning Center, East Prairie, MO;

TLC for Children and Families, Inc., Olathe, KS;

United Way Southeastern Michigan, Detroit, MI;

University of Central Missouri, Warrensburg, MO;

Visitation Home, Inc., Yardville, NJ;

Allied Jewish Federation of Colorado, Denver, CO;

Amalgamated Warbasse Houses, Inc., Brooklyn, NY;

California Senior Legal Hotline, Sacramento, CA;

Durham-Chapel Hill Jewish Federation, Durham, NC;

Howard Brown Health Center, Chicago, IL;

Jewish Community Services of South Florida, North Miami, FL;

Jewish Family and Children's Service of Minneapolis, Minnetonka, MI;

Jewish Family Service of New Mexico, Albuquerque, NM;

Jewish Family Service, Los Angeles, CA;

Jewish Family Services of Delaware, Inc., Wilmington, DE;

Jewish Federation of Central New Jersey, Scotch Plains, NJ;

Jewish Federation of Greater Monmouth County, NJ;

Jewish Federation of Greater New Haven, Woodbridge, CT;

Jewish Federation of Middlesex County, South River, NJ;

Jewish Social Service Agency, Fairfax, VA;

Shenandoah Area Agency on Aging, Front Royal, VA;

United Jewish Communities of MetroWest, NJ, Parsippany, NJ;

University of Florida, Gainesville, FL;

Adler Aphasia Center, Maywood, NJ;

Advocate Good Shepard Hospital, Barrington, IL;

Alameda County Public Health Department, Office of AIDS Administration, Oakland, CA;

Baylor College of Medicine, Houston, TX;

Bayside Community Center, San Diego, CA;

Berean Community & Family Life Center, Brooklyn, NY;

Bienestar Human Services, Inc., Los Angeles, CA;

Boys and Girls Club of Delaware County, Jay, OK;

California State University-Fullerton, Fullerton, CA;

Charles R. Drew Wellness Center, Columbia, SC;

Charter County of Wayne, Michigan, Detroit, MI;

Chez Panisse Foundation, Berkeley, CA;

Children's Hunger Alliance, Columbus, OH;

Columbus Children's Research Institute, Columbus, OH;

County of Marin, San Rafael, CA

CREATE Foundation, Tupelo, MS;

DuPage County, Wheaton, IL,

East Carolina University, Brody School of Medicine, Greenville, NC;

El Puente, Brooklyn, NY;

Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY;

Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY;

Georgia Chápter of the American Lung Association, Smyrna, GA

Haitian American Association Against Cancer, Inc., Miami, FL;

Healthy Eating Lifestyle Principles, Monterey, CA;

Home Instruction Program for Preschool Youngsters—Florida, Coral Gables, FL;

Ingalls Development Foundation, Harvey, IL;

International Rett Syndrome Association, Clinton, MD;

Kips Bay Boys and Girls Club, Bronx, NY;

Long Island University, Brooklyn, NY;

Louisville Department of Public Health and Wellness, Louisville, KY;

Middle Tennessee State University, Murfreesboro, TN;

Myositis Association, Washington, DC;

Natividad Medical Center, Salinas, CA;

Nevada Cancer Institute, Las Vegas, NV;

North Shore Health Project, Gloucester, MA;

Plymouth State University, Plymouth, NH;

Providence Cancer Center, Portland, OR;

Pulmonary Hypertension Association, Silver Spring, MD;

San Antonio Metropolitan Health District, San Antonio, TX;

SHAREing and CAREing, Astoria, NY;

Silent Spring Institute, Newton, MA;

Southeastern Center for Emerging Biologic Threats, Atlanta, GA;

St. Elizabeth's Medical Center, Wabasha, MN;

St. Francis Medical Center Foundation, Lynwood, CA;

St. John's Regional Medical Center, Oxnard, CA;

St. John's Well Child and Family Center, Los Angeles, CA

University of Arizona College of Medicine, Tucson, AZ;

University of Findlay Center for Public Health Preparedness, Findlay, OH;

University of North Texas Health Science Center, Fort Worth, TX;

University of South Florida, Tampa, FL;

University of Texas Pan American, Edinburg, TX;

University of Texas, Brownsville, TX;

Virgin Islands Perinatal Inc., Christiansted, VI;

Voorhees College, Denmark, SC;

Wayne County Department of Public Health, Detroit, MI;

WestCare Foundation, Las Vegas, NV;

Yale New Haven Hospital, New Haven, CT;

YBH Project, Inc., Albany, GA;

Access Health, Inc., Muskegon, MI;

Bedford Ride, Bedford, VA;

Bi-State Primary Care Association, Concord, NH;

City and County of San Francisco Department of Public Health, San Francisco, CA;

City of Detroit, MI;

City of Waterbury, CT;

Gadsden County, FL, Quincy, FL;

Jefferson Area Board for Aging, Charlottesville, VA;

Orange County's Primary Care Access Network, Orlando, FL;

Piedmont Hospital, Atlanta, GA;

Thurston-Mason County Medical Society, Olympia, WA;

Valley Hospice, Inc., Steubenville, OH;

ABC Unified School District, Cerritos, CA;

Academy for Urban School Leadership, Chicago, IL;

Action for Bridgeport Community Development, Inc., Bridgeport, CT;

African-American Male Achievers Network, Inc., Inglewood, CA;

Akron Public Schools, OH;

Alamance-Burlington School District, Burlington, NC;

All Kinds of Minds, Chapel Hill, NC;

American Ballet Theatre, New York, NY;

Amistad America, New Haven, CT;

An Achievable Dream, Inc., Newport News, VA;

Angelo State University, San Angelo, TX;

Apache County Schools, St. Johns, AZ;

Arab City Schools, Arab, AL;

AVANCE, Inc, El Paso, TX;

AVANCE, Inc., Del Rio, TX;

AVANCE, Inc., Waco, TX;

Barat Education Foundation, Lake Forest, IL;

Bay Haven Charter Academy Middle School, Lynn Haven, FL;

Baylor University, Waco, TX;

Best Buddies International, Miami, FL;

Best Buddies Maryland, Baltimore, MD;

Best Buddies Rhode Island, Providence, RI;

Big Top Chautauqua, WI;

Boise State University, Boise, ID;

Bowie State University, Bowie, MD;

Boys & Girls Club of Hawaii, Honolulu, HI;

Boys & Girls Town of Missouri, Columbia, MO;

Boys and Girls Club of San Bernardino, CA;

Bradford Area School District, Bradford, PA;

Brookdale Community College, Lincroft, NJ;

Bushnell Center for the Performing Arts, Hartford, CT;

California State University Northridge, CA;

California State University, San Bernardino, CA;

Canton Symphony Orchestra Association, Canton, OH;

Carnegie Hall, New York, NY;

Central County Occupational Center, San Jose, CA;

Central Pennsylvania Institute of Science and Technology, State College, PA;

Centro de Salud Familiar Le Fe, El Paso, TX;

Charlotte County School District, Port Charlotte, FL;

Charter School Development Foundation, Las Vegas, NV;

City of Fairfield, CA;

City of Gadsden, AL;

City of Hayward, Hayward, CA;

City of Indianapolis, Indianapolis, IN;

City of Newark, Newark, CA;

City of Pawtucket School Department, Pawtucket, RI;

City of Pembroke Pines, FL;

City of San Jose, CA;

City of San Jose, CA;

City of Springfield, MO;

City of Whittier, Whittier, CA;

City School District of New Rochelle, New Rochelle, NY;

Clark County School District, Las Vegas, NV;

Clark County School District, Las Vegas, NV;

Clovis Unified School District, Clovis, CA;

College Summit, Inc., Washington, DC;

Communities in Schools—Northeast Texas, Mount Pleasant, TX;

Communities in Schools of Cochran and Bleckley County, Cochran, GA;

Communities in Schools of Coweta, Inc., Newnan, GA;

Communities in Schools of Fitzgerald-Ben Hill County, Fitzgerald, GA;

Communities in Schools of Tacoma, Tacoma, WA;

Communities in Schools, Austin, TX;

Communities in Schools, San Fernando Valley, Inc., North Hills, CA;

Community Development Commission of the County of Los Angeles, Monterey Park, CA;

Community Service Society, New York, NY;

Connecticut Technical High School System, Middletown, CT;

Contra Costa College, San Pablo, CA;

Cooperative Educational Service Agency No. 11;

Cooperative Educational Service Agency No. 12, Ashland, WI;

Cooperative Educational Service Agency No. 5, Portage, WI;

Cooperative Educational Service Agency No. 9, Tomahawk, WI;

County of San Diego, San Pasqual Academy, Escondido, CA;

Cuyahoga County Board of County Commissioners, Cleveland, OH;

Delaware Department of Education, Dover, DE;

Detroit Youth Foundation, Detroit, MI;

DNA EpiCenter, Inc., New London, CT;

Duval County Public Schools, Jacksonville, FL;

Edgar School District, Edgar, WI;

Edison and Ford Winter Estates Education Foundation;

Education Partnership, Providence, RI:

Education Service Center, Region 12, Hillsboro, TX;

Ennis Independent School District, Ennis, TX ;

Envision Schools, San Francisco, CA;

Erskine College, Due West, SC;

Exploratorium, San Francisco, CA;

Fairfax County Public Schools, Fairfax, VA;

Fairfax County Public Schools, Falls Church, VA;

Fairhope Center for the Arts, Bay Minette, AL;

Families In Schools, Los Angeles, CA;

Fayetteville Technical Community College, Fayettevile, NC;

Forward in the Fifth, Somerset, KY;

Friends of the Children National, Portland, OR;

George B. Thomas, Sr. Learning Academy, Inc., Bethesda, MD;

Girl Scouts of the USA, New York, NY;

Graham County Schools, Safford, AZ;

Guam Public School System, Hagatna, GU;

Hamilton Wings, Elgin, IL;

Harris County Department of Education, Houston, TX;

Harvey Public School District 152, Harvey, IL;

Hawaii Department of Education, Honolulu, HI;

Hawk Mountain Sanctuary Association, Kempton, PA;

Helen Keller International, New York, NY;
High Plains Regional Education Cooperative, Raton, NM;
Hillside Family of Agencies, Rochester, NY;
Hoke County Schools, Raeford, NC;
Houston Independent School District, Houston, TX;
I KNOW I CAN, Columbus, OH;
In Tune Foundation Group, Washington, DC;
Independent School District 181, Brainerd, MN;
Institute for Student Achievement, Lake Success, NY;
Institute for Student Achievement, Lake Success, NY;
Iowa City Community School District, Iowa City, IA;
Ivy Tech Community College of Indiana—Southeast, Madison, IN;
Jacob Burns Film Center, Pleasantville, NY;
Jazz at Lincoln Center, New York, NY;
Jefferson County Public Schools, Golden, CO;
Jersey Shore Area School District, Jersey Shore, PA;
JFYNetWorks, Boston, MA;
JFYNetWorks, Boston, MA;
Joplin School District, Joplin, MO;
Jumpstart for Young Children, Inc., Boston, MA;
Jumpstart for Young Children, San Francisco, CA;
Kelberman Center, Utica, NY;
KIPP Foundation, San Francisco, CA;
KIPP Foundation, San Francisco, CA;
KIPP Foundation, San Francisco, CA;
La Crosse School District, La Crosse, WI;
Learning Point Associates/North Central Regional Education Laboratory, Naperville, IL;
Lee Pesky Learning Center, Boise, ID;
Lemay Child & Family Center, St. Louis, MO;
Los Angeles Conservation Corps, Los Angeles, CA;
Louisiana Arts and Sciences Museum, Baton Rouge, LA;
Louisiana Tech University, Ruston, LA;
Lower East Side Conservancy, New York, NY;
Madison County Schools, Richmond, KY;
Mesa Unified School District, Mesa, AZ;
Military Heritage Center Foundation, Carlisle, PA;
Miller County Development Authority, Colquit, GA;
Milton S. Eisenhower Foundation, Washington, DC;
Milwaukee Public Schools, Milwaukee, WI;
Minnesota Humanities Commission, St. Paul, MN;
Mississippi University for Women, Columbus, MS;
Missouri State University, Springfield, MO;
Monroe County School District, Key West, FL;
Montgomery County Public Schools, Rockville, MD;
Mote Marine Laboratory, Sarasota, FL;
Mount Hood Community College, Gresham, OR;
National Center for Electronically Mediated Learning, Inc., Milford, CT;
National Council on Crime and Delinquency, Oakland, CA;
National Cued Speech Association, Bethesda, MD;
National Flight Academy, Naval Air Station Pensacola, FL;
National Resource Center for Deafblindness, East Greenville, PA;
National Teacher's Hall of Fame, Emporia, KS;
Neighborhood Youth Association, Venice, CA;
New Mexico Public Education Department, Santa Fe, NM;
Newton Public Schools, Newton, KS;
North Carolina Agricultural and Technical University, Greensboro, NC;
North Carolina Central University, Durham, NC;
North Carolina Symphony, Raleigh, NC;
North Carolina Technology Association Education Foundation, Raleigh, NC;
North Philadelphia Youth Association, Philadelphia, PA;
Northeast Louisiana Family Literacy Interagency Consortium;
Northern Tier Industry & Education Consortium, Dimock, PA;
Norwich Public School System, Norwich, CT;
Oakland Unified School District, Oakland, CA;
O'Neill Sea Odyssey, Santa Cruz, CA ;
OneWorld Now!, Seattle, WA;
Ossining Union Free School District, Ossining, NY;
Parent Institute for Quality Education, San Diego, CA;
PE4life, Kansas City, MO;
PE4life, Kansas City, MO;
People for People, Philadelphia, PA;
Peru State College, Peru, NE;
Philadelphia Academies, Inc., Philadelphia, PA;
Pinal County Education Service Agency, Florence, AZ;
Polk County Public Schools, Bartow, FL;
Port Chester—Rye Union Free School District, Port Chester, NY;
Project GRAD USA, Philadelphia, PA;
Purdue University Calumet, Hammond, IN;
Queens Theatre in the Park, Flushing, NY;
Renwick Public Schools, Andale, KS;
Rio Rancho Public Schools, Rio Ranch, NM;
Riverside Community College, Riverside, CA;
Riverside County Office of Education, Riverside, CA;
Rockdale County Public Schools, Conyers, GA;
Rose-Hulman Institute of Technology, Terre Haute, IN;
Salesian Boys and Girls Club of Los Angeles, CA;
San Bernardino City Unified School District, San Bernardino, CA;
San Bernardino County Superintendent of Schools, San Bernardino, CA;
San Joaquin County, Stockton, CA;
San Mateo County, Redwood City, CA;
School Board of Broward County, Fort Lauderdale, FL;
Schultz Center for Teaching and Leadership, Jacksonville, FL;
Selden/Centereach Youth Association, Selden, NY;
Silver Crescent Foundation, Charleston, SC;
Sociedad Latina, Roxbury, MA;
Southwestern University, Georgetown, TX;
Springboard for Improving Schools, San Francisco, CA;
Springfield Public School District No. 19, Springfield, OR;
St. Mary's County Public Schools, Leonardtown, MD;
State of Nevada Department of Education;
Summit Educational Resources, Getzville, NY;
Susannah Wesley Community Center, Honolulu, HI;
Tampa Metropolitan YMCA, Tampa, FL;
Texas Southern University, Houston, TX;
Tomas Rivera Policy Institute, Los Angeles, CA;
Town of Cumberland, Cumberland, RI;
Towson University, Towson, MD;
Tracy Joint Unified School District, Tracy, CA;
Tri-County Educational Service, Wooster, OH;
Trumbull County Educational Service Center, Niles, OH;
Tulsa Public Schools, Tulsa, OK;
Union County Public Schools, Monroe, NC;
Union Free School District of the Tarrytowns, Sleepy Hollow, NY;
University of Akron, Akron, OH;
University of Alabama, Tuscaloosa, AL;
USD 259, Wichita Public Schools, Wichita, KS;
Valle Lindo School District, South El Monte, CA;
Venango Technology Center, Oil City, PA;
Vision Therapy Project, Casper, WY;
Visually Impaired Preschool Services, Louisville, KY;
Washington College, Chestertown, MD;
Washington State University, Tacoma, WA;
WE CARE San Jacinto Valley, Inc., San Jacinto, CA;
West Contra Costa Unified School District, Richmond, CA;
White-Williams Scholars, Philadelphia, PA;
Widener University, Chester, PA;
Wildlife Information Center, Inc., Slatington, PA;
Williamsburg County First Steps, Kingstree, SC;
Yonkers Public Schools, Yonkers, NY;
Youngstown City School District, OH;
Youngstown State University, Youngstown, OH;
YWCA of Gary, Gary, IN;
Adelante Development Center, Albuquerque, NM;
Agudath Israel of America Community Services, Inc., Brooklyn, NY;
Arc of Blackstone Valley, Pawtucket, RI;
Bellingham Technical College, Bellingham, WA;
Bismarck State College, Bismarck, ND;
Brookdale Community College, Lincroft, NJ;
Capital IDEA, Austin, TX;
Center for Employment Training, San Jose, CA;
Central Carolina Tech College, Sumter, SC;
Central Maine Community College, Auburn, ME;
Chinese-American Planning Council, New York, NY;
City College of San Francisco, San Francisco, CA;
City of Alexandria, VA;
City of Baltimore, MD;
City of Milwaukee, WI;
City of Palmdale, Palmdale, CA;
City of Suffolk, VA;
City of West Palm Beach, FL;
Clarian Health Partners, Indianapolis, IN;
College of Southern Maryland, La Plata, MD;
Community Learning Center, Fort Worth, TX;
Des Moines Area Community College, Arkeny, IA;
Dillard University, New Orleans, LA;
East Los Angeles Community Union, Los Angeles, CA;
Easter Seals Arc of Northeast Indiana, Inc., Fort Wayne, IN;

Edgar Campbell Foundation, Philadelphia, PA;

Employment & Economic Development Department of San Joaquin County, Stockton, CA;

Essex County Community Organization, Lynn, MA;

Foundation of the Delaware County Chamber, Media, PA;

Goodwill of Southern Nevada, North Las Vegas, NV;

Greater Akron Chamber, Akron, OH;

Groden Center, Providence, RI;

Guam Community College, Mangilao, Guam;

Hamilton County Government, Chattanooga, TN;

Home of Life Community Development Corp., Chicago, IL;

Homecare Workers Training Center, Los Angeles, CA;

International Fellowship of Chaplains, Inc., Saginaw, MI;

Iowa Valley Community College, Marshalltown, IA;

Ivy Tech Community College of Indiana—Columbus Region, Indianapolis, IN;

Ivy Tech Community College of Indiana Lafayette, Indianapolis, IN;

Kansas City Kansas Community College, Kansas City, KS;

Kent State University/Trumbull County, Warren, OH;

Louisiana Delta Community College, Monroe, LA;

Louisiana National Guard, Carville, LA;

Manufacturing Association of Central New York, Syracuse, NY;

Massachusetts College of Pharmacy and Health Sciences, Manchester, NH;

McHenry County Community College, Woodstock, IL;

Minot State University, Minot, ND;

Mission Language and Vocational School, San Francisco, CA;

Neighborhood First Program, Inc., Bristol, PA;

NewLife Academy of Information Technology, East Liverpool, OH;

North West Pasadena Development Corp., Pasedena, CA;

Northcott Neighborhood House, Milwaukee, WI;

Oakland Community College, Bloomfield Hills, MI;

Opportunity, Inc., Highland Park, IL;

Our Piece of the Pie, Hartford, CT;

Parish of Rapides Career Solutions Center, Alexandria, LA;

Philadelphia Shipyard Development Corporation, Philadelphia, PA;

Piedmont Virginia Community College, Charlottesville, VA;

Poder Learning Center, Chicago, IL;

Precision Manufacturing Institute, Meadville, PA;

Project One Inc., Louisville, KY;

Project QUEST, Inc., San Antonio, TX;

PRONTO of Long Island, Inc., Bayshore, NY;

Schoenbaum Family Enrichment Center, Charleston, WV;

Schuylkill Intermediate Unit 29, Marlin, PA;

South Bay Workforce Investment Board, Hawthorne, CA;

Southeast Missouri State University, Cape Girardeau, MO;

Southern University at Shreveport, Shreveport, LA;

Southside Virginia Community College, Alberta, VA;

Southwestern Oklahoma State University, Weatherford, OK;

St. Louis Agency on Training and Employment, St. Louis, MO;

Towson University, Towson, MD;

United Mine Workers of America, Washington, PA;

University of West Florida, Pensacola, FL;

Veteran Community Initiatives, Inc., Johnstown, PA

Vincennes University, Vincennes, IN;

Wayne County, NY Planning Department, Lyons, NY;

West Los Angeles College, Culver City, CA;

Women Work and Community, Augusta, ME;

A.O. Fox Memorial Hospital, Oneonta, NY;

Access Community Health Network, Chicago, IL;

Adirondack Medical Center, Saranac Lake, NY;

Adrian College, Adrian, MI;

Adventist GlenOaks Hospital, Glendale Heights, IL;

Adventist Health, Roseville, CA;

Alamo Community College System, San Antonio, TX;

Alaska Addictions Rehabilitation Services, Inc., Wasilla, AK;

Alderson-Broaddus College, Philippi, WV;

Alice Hyde Medical Center, Malone, NY;

Alleghany Memorial Hospital, Sparta, NC;

Alle-Kiski Medical Center, Natrona Heights, PA;

Alliance for NanoHealth, Houston, TX;

AltaMed Health Services Corp., Los Angeles, CA;

American Oncologic Hospital, Fox Chase Cancer Center, Philadelphia, PA;

LBJ Medical Center, American Samoa;

Amite County Medical Services, Liberty, MS;

Arnold Palmer Hospital, Orlando, FL;

Ashland County Oral Health Services, Ashland, OH;

Asian Americans for Community Involvement, San Jose, CA;

Association for Utah Community Health, Salt Lake City, UT;

Atlantic Health Systems, Florham Park, NJ;

Avis Goodwin Community Health Center, Dover, NH;

Avista Adventist Hospital, Louisville, CO;

Bad River Tribe of Lake Superior Chippewa, Odanah, WI;

Ball Memorial Hospital, Muncie, IN;

Baltimore City Health Department, Baltimore, MD;

Baltimore Medical System, Baltimore, MD;

Baptist Health Medical Center—Heber Springs, Heber Springs, AR;

Barnert Hospital, Paterson, NJ;

Barnes-Kasson County Hospital, Susquehanna, PA;

Barre Family Health Center, Barre, MA;

Bay Area Medical Clinic, Marinette, WI;

BayCare Health System, Clearwater, FL;

Baylor Research Institute, Dallas, TX;

Bayonne Medical Center, Bayonne, NJ;

Baystate Health Systems, Springfield, MA;

Beaumont Hospital, Royal Oak, MI;

Belmont University, Nashville, TN;

Bemidji State University, Bemidji, MN;

Benedictine Hospital, Kingston, NY;

Benefis Healthcare, Great Falls, MT;

Berea Health Ministry Rural Health Clinic, Inc., Berea, KY;

Bloomington Hospital Foundation, Bloomington, IN;

Bloomsburg Hospital, Bloomsburg, PA;

Blount Memorial Hospital, Maryville, TN;

Boone Hospital Center, Columbia, MO;

Boriken Neighborhood Health Center, New York, NY;

Boscobel Area Health Care, Boscobel, WI;

Boston Medical Center, Boston, MA;

Boston University Medical School, Boston, MA;

Bridge Community Health Clinic, Wausau, WI;

Bridgeport Hospital, Bridgeport, CT;

Brockton Neighborhood Health Center, Brockton, MA;

Brookside Community Health Center, San Pablo, CA;

Brunswick County, Bolivia, NC;

Bryan W. Whitfield Hospital, Demopolis, AL;

Bureau County Health Clinic, Princeton, IL;

Cactus Health Services, Inc., Sanderson, TX;

California Hospital Medical Center, Los Angeles, CA;

California State University, Bakersfield, CA;

Camillus House, Inc., Miami, FL;

Canonsburg General Hospital, Canonsburg, PA;

Cape Cod Free Clinic and Community Health Center, Mashpee, MA;

Capital Park Family Health Center, Columbus, OH;

Cardinal Stritch University, Milwaukee, WI;

Carolinas HealthCare System, Charlotte, NC;

Carroll County Regional Medical Center, Carrollton, KY;

Carroll County Youth Service Bureau, Westminster, MD;

Center for Health Equity, Louisville, KY;

Central Wyoming College, Riverton, WY;

CentroMed, San Antonio, TX;

Champlain Valley Physician's Hospital, Plattsburgh, NY;

Charles A. Dean Memorial Hospital, Greenville, ME;

Chatham County Safety Net Collaborative, Savannah, GA;

Cherry Street Health Services, Grand Rapids, MI;

Children's Friend and Family Services, Salem, MA;

Children's Home of Pittsburgh, Pittsburgh, PA;

Children's Hospital and Clinics of Minnesota, Minneapolis, MN;

Children's Hospital and Health System, Milwaukee, WI;

Children's Hospital at Albany Medical Center, Albany, NY;

Children's Hospital Medical Center of Akron, Akron, OH;

Children's Hospital of Orange County, Mission Viejo, CA;

Children's Hospital of The King's Daughters, Norfolk, VA;

Children's Hospital, Denver, CO;

Children's Hospitals and Clinics of Minnesota, Minneapolis, MN;

Children's Medical Center, Dayton, OH;

Children's Memorial Hospital, Chicago, IL;

Children's National Medical Center, Washington, DC;

Children's Specialized Hospital, Mountainside, NJ;

Chippewa Valley Hospital, Durand, WI;

Chiricahua Community Health Centers, Inc., Elfrida, AZ;

Christian Health Care Center of New Jersey, Wyckoff, NJ;

Christian Sarkine Autism Treatment Center, Indianapolis, IN;

Christus Santa Rosa's Children's Hospital, San Antonio, TX;

Cincinnati Children's Hospital Medical Center, Cincinnati, OH;

Citrus County Board of County Commissioners, Inverness, FL;

Travis County Hospital District, City of Austin, TX;

City of Chesapeake, VA;

City of Hueytown, AL;

City of Oakland, CA;

City of Stockton, CA;

City of Stonewall, OK;

Clarion Health Center, Clarion, PA;

Cleveland Clinic Huron Hospital, East Cleveland, OH;

Cobb County Government, Marietta, GA;

Coffeyville Regional Medical Center, Coffeyville, KS;

Coles County Council on Aging, Mattoon, IL;

College Misericordia, Dallas, PA;

Collier County, Naples, FL;

Colorado State University, Fort Collins, CO;

Columbia Memorial Hospital, Hudson, NY;

Columbus Children's Hospital, Columbus, OH;

Columbus Children's Hospital, Columbus, OH;

Communi Care, Inc., Columbia, SC;

Community College of Aurora, Aurora, CO;

Community Dental Services, Albuquerque, NM;

Community Health Care, Tacoma, WA;

Community Health Center of Franklin County, Turners Falls, MA;

Community Health Works, Forsyth, GA;

Community Hospital of Bremen, Bremen, IN;

Community Hospital TeleHealth Consortium, Lake Charles, LA;

Community Medical Centers, Stockton, CA;

Comprehensive Community Action Program (CCAP), Cranston, RI;

Connecticut Hospice, Inc., Branford, CT;

Cook Children's Medical Center, Fort Worth, TX;

Cooperative Education Service Agency 11 Rural Health Dental Clinic, Turtle Lake, WI;

County of Modoc Medical Center, Alturas, CA;

County of Peoria, Peoria, IL;

County of San Diego, CA;

Crousee Hospital, Syracuse, NY;

Crowder College-Nevada Campus, Nevada, MO;

Crozer-Chester Medical Center, Upland, PA;

Cumberland Medical Center, Crossville, TN;

Dartmouth-Hitchcock Medical Center, Lebanon, NH;

Delaware Technical and Community College, Dover, DE;

Denver Health and Hospital Authority, Denver, CO;

Des Moines University and Broadlawns Medical Center, Des Moines, IA;

Detroit Primary Care Access, Detroit, MI;

Dixie County, Cross City, FL;

Dodge County Hospital, Eastman, GA;

Drew County Memorial Hospital, Monticello, AR;

DuBois Regional Medical Center, DuBois, PA;

East Carolina University, Greenville, NC;

East Tennessee Children's Hospital, Knoxville, TN;

East Tennessee State University College of Pharmacy, Johnson City, TN;

Easter Seals of Mahoning, Trumbull, and Columbiana Counties, Youngstown, OH;

Eddy County, NM;

Edgemoor Hospital, Santee, CA;

Eisenhower Medical Center, Rancho Mirage, CA;

El Proyecto del Barrio, Arleta, CA;

El Proyecto del Barrio, Winnetka, CA;

Elizabeth City State University, Elizabeth City, NC;

Emerson Hospital, Concord, MA;

Englewood Hospital and Medical Center, Englewood, NJ;

Excela Health, Mt. Pleasant, PA;

Fairfield Medical Center, Lancaster, OH;

Fairview Southdale Hospital, Edina, MN;

Family and Children's Aid, Danbury, CT;

Family Behavioral Resources, Greensburg, PA;

Family Center of the Northern Neck, Inc., White Stone, VA;

Family Health Center of Southern Oklahoma, Tishomingo, OK;

Family HealthCare Network, Visalia, CA;

Family Medicine Spokane, Spokane, WA;

Florida Hospital College of Health Sciences, Orlando, FL;

Florida Institute of Technology, Melbourne, FL;

Florida Southern College, Lakeland, FL;

Floyd Valley Hospital, Le Mars, IA;

Freeman Health System, Joplin, MO;

Fulton County Medical Center, McConnellsburg, PA;

Gardner Family Health Network, Inc., San Jose, CA;

Gaston College, Health Education Institute, Dallas, NC;

Gateway to Care, Houston, TX;

Gertrude A. Barber Center, Erie, PA;

Glen Rose Medical Center, Glen Rose, TX;

Glendale Adventist Medical Center, Glendale, CA;

Glens Falls Hospital, Glens Falls, NY;

Grady Health Systems, Atlanta, GA;

Grandview Hospital, Dayton, OH;

Greater Hudson Valley Family Health Center, Inc., Newburgh, NY;

Greater New Bedford Community Health Center, New Bedford, MA;

Griffin Hospital, Derby, CT;

Gritman Medical Center, Moscow, ID;

Gundersen Lutheran Health System, West Union, IA;

Gunderson Lutheran, Decorah, IA;

Halifax Regional Health System, South Boston, VA;

Hamilton Community Health Network, Flint, MI;

Hampton University, Hampton, VA;

Harris County Hospital District, Houston, TX;

Harris County Hospital District, Houston, TX;

Harris County Hospital District, Houston, TX;

Harris County Hospital District, Houston, TX;

Harris Methodist Erath County Hospital, Stephenville, TX;

Hatzoloh EMS, Inc., Monsey, NY;

Hawkeye Community College, Waterloo, IA;

Healing Tree Addiction Treatment Solutions, Inc., Sterling, CO;

HEALS Dental Clinic, Huntsville, AL;

HealthCare Connection, Cincinnati, OH;

HealthEast Care System, St. Paul, MN;

Heartland Community Health Clinic, Peoria, IL;

Hektoen Institute for Medical Research Beloved Community Wellness Program, Chicago, IL;

Helen DeVos Children's Hospital, Grand Rapids, MI;

Henry Mayo Newhall Memorial Hospital, Valencia, CA;

Highland Community Hospital, Picayune, MS;

Highlands County, Sebring, FL;

Holy Name Hospital, Teaneck, NJ;

Home Nursing Agency, Altoona, PA;

Hormel Foundation, Austin, MN;

Hospice of Northwest Ohio Toledo Center, Toledo, OH;

Hospice of the Western Reserve, Cleveland, OH;

Houston County Hospital District, Crockett, TX;

Howard Community College, Columbia, MD;

Hudson Alpha Institute for Biotechnology, Huntsville, AL;

Hudson Headwaters Health Network, Inc., Glens Falls, NY;

Humility of Mary Health Partners, Youngstown, OH;

Humphreys County Memorial Hospital, Belzoni, MS;

Hunterdon Medical Center, Flemington, NJ;

Hunter's Hope Foundation, Orchard Park, NY;

Huntsville Hospital, Huntsville, AL;

Hurley Medical Center, Flint, MI;

Idaho Caring Foundation, Inc., Boise, ID;

Idaho State University, Pocatello, ID;

Illinois Masonic Medical Center, Chicago, IL;

Illinois Primary Health Care Association, Springfield, IL;

India Community Center, Milpitas, CA;

Indiana University Bloomington, IN;

Indiana University School of Medicine, Gary, IN;

Indiana University School of Medicine, Indianapolis, IN;

Indiana University Southeast, New Albany, IN;

Inland Behavioral Health Services, Inc., San Bernardino, CA;

Institute for Family Health, New Paltz, NY;

Institute for Research and Rehabilitation, Houston, TX;

INTEGRIS Health, Oklahoma City, OK;

Intermountain Healthcare, Salt Lake City, UT;

Jameson Hospital, New Castle, PA;

Jasper Memorial Hospital, Monticello, GA;

Jefferson Regional Medical Center Nursing School, Pine Bluff, AR;

Jenkins County GA Hospital, Millen, GA;

John Wesley Community Health Institute, Bell Gardens, CA;

Johnson Memorial Hospital, Stafford Springs, CT;

Johnston Memorial Hospital, Smithfield, NC;

Kalamazoo Valley Community College, Kalamazoo, MI;

Kennedy Krieger Institute, Baltimore, MD;

Kent State University Stark Campus, North Canton, OH;

Kent State University, Ashtabula, OH;

Kilmichael Hospital, Kilmichael, MS;

Kirkwood Community College, Cedar Rapids, IA;

Knox Community Hospital, Mount Vernon, OH;

La Clinica de la Raza, Oakland, CA;

La Rabida Children's Hospital, Chicago, IL;

Lake Erie College of Osteopathic Medicine, Erie, PA;

Lakeland Community College, Kirtland, OH;

Lamar University, Beaumont, TX for the Community and University Partnership Service;

Lanai Women's Center, Lanai City, HI;

Laurens County Health Care System, Clinton, SC;

Lawrence Hospital Center, Bronxville, NY;

League Against Cancer, Miami, FL;

Liberty County, FL, Bristol, FL;

Liberty Regional Medical Center, Hinesville, GA;

Limestone Community Care, Inc. Medical Clinic, Elkmont, AL;

Lincoln Community Health Center, Durham, NC;

Lincoln Medical and Mental Health Center, Bronx, NY;

Lodi Memorial Hospital, Lodi, CA;

Loretto, Syracuse, NY;

Los Angeles Orthopaedic Hospital, Los Angeles, CA;

Louisville Metro Department of Public Works, Louisville, KY;

Lourdes Medical Center of Burlington County, Willingboro, NJ;

Loyola University Health System, Maywood, IL;

Lucile Packard Children's Hospital, Palo Alto, CA;

Madison Center, South Bend, IN;

Madison County Memorial Hospital, Rexburg, ID;

Madison County, Virginia City, MT;

Madison St. Joseph Health Center, Madisonville, TX;

Maine Center for Marine Biotechnology, Gulf of Maine Research Institute, Portland, ME;

Maine Primary Care Association, Augusta, ME;

Manchester Memorial Hospital, Manchester, CT;

Marana Health Center, Marana, AZ;

Marias Medical Center, Shelby, MT;

Marquette General Hospital, Marquette, MI;

Marshalltown Medical and Surgical Center, Marshalltown, IA;

Mary Scott Nursing Center, Dayton, OH;

Maryland State Dental Association, Columbia, MD;

Maryville University, St. Louis, MO;

Mason County Board of Health, Maysville, KY;

Massachusetts College of Pharmacy and Health Sciences, Worcester, MA;

Maury Regional Hospital, Columbia, TN;

Meharry Medical College, Nashville, TN;

Memorial Hermann Baptist Beaumont Hospital, Beaumont, TX;

Memorial Hermann Healthcare System, Houston, TX;

Memorial Hermann Southwest Hospital, Houston, TX;

Mendocino Coast District Hospital, Fort Bragg, CA;

Menominee Indian Tribe of Wisconsin, Keshena, WI;

Mercy College of Northwest Ohio, Toledo, OH;

Mercy Health Foundation, Durango, CO;

Mercy Hospital Grayling, Grayling, MI;

Mercy Hospital, Buffalo, NY;

Mercy Medical Center, Redding, CA;

Mercy Medical Center-House of Mercy, Des Moines, IA;

Mercy Memorial Hospital, Monroe, MI;

Mercy Ministries Health Center, Laredo, TX;

Mercy Suburban Hospital, Norristown, PA;

Methodist Hospital of Southern California, Arcadia, CA;

Methodist Hospital, Houston, TX;

Metropolitan Hospital, New York, NY;

MetroWest Medical Center Framingham Union Hospital, Framingham, MA;

Miami Beach Community Health Center, Miami Beach, FL;

Middle Tennessee State University, Murfreesboro, TN;

Middlesex Community College, Lowell, MA;

Middletown Regional Hospital, Middletown, OH;

Mid-Ohio FoodBank, Columbus, OH;

Miles Community College, Miles City, MT;

Mission Hospitals, Asheville, NC;

Missouri Delta Medical Center, Sikeston, MO;

Monroe Clinic, Monroe, WI;

Monroe County Hospital, Forsyth, GA;

Montefiore Medical Center, Bronx, NY;

Montgomery Area Nontraditional Equestrians, Pike Road, AL;

Morehead State University, Morehead, KY;

Morris Heights Health Center, Inc., Bronx, NY;

Morton Hospital and Medical Center, Taunton, MA;

Mount Nittany Medical Center, State College, PA;

Mount Vernon Hospital, Mount Vernon, NY;

Mount Wachusett Community College, Gardner, MA;

Muhlenberg Community Hospital, Greenville, KY;

Naugatuck Valley Community College, Waterbury, CT;

Nebraska Hospital Association Research and Education Foundation, Lincoln, NE;

New York College of Osteopathic Medicine, Old Westbury, NY;

New York Presbyterian Hospital, New York, NY;

Newark Beth Israel Medical Center, Newark, NJ;

Newark-Wayne Community Hospital, Newark, NY;

Newport Hospital, Newport, RI;

Newton Memorial Hospital, Newton, NJ;

Niagara Falls Memorial Medical Center, Niagara Falls, NY;

Norman Regional Health System, Norman, OK;

NorthEast Ohio Neighborhood Health Services, Inc., Cleveland, OH;

Northeast Wisconsin Technical College, Green Bay, WI;

Northern Dutchess Hospital, Rhinebeck, NY;

Northern Westchester Hospital, Mount Kisco, NY;

Northland Medical Center, Princeton, MN;

Northwest Community Health Care, Pascoag, RI;

Northwest Hospital Intermediate Care Unit, Randallstown, MD;

Northwest Kidney Centers, Seattle, WA;

Northwest Nazarene University, Nampa, ID;

Northwestern Memorial Hospital, Chicago, IL ;

Oakland University School of Nursing, Rochester, MI;

Oaklawn Adult Group Home, Goshen, IN;

Oakwood Healthcare System Foundation, Dearborn, MI;

Ocean Beach Hospital, Ilwaco, WA;

Ohio State University Comprehensive Cancer Center, Columbus, OH;

Ohio State University Medical Center, Columbus, OH;

Oklahoma University College of Medicine-Tulsa, Tulsa, OK;

Olympic Community Action Program, Port Angeles, WA;

Oregon Coast Community College, Newport, OR;

Osceola County Health Department, Poinciana, FL;

Osceola Medical Center, Osceola, WI;

Our Lady of Lourdes Memorial Hospital, Binghamton, NY;

Palisades Medical Center, North Bergen, NJ;

Palmetto Health Foundation, Columbia, SC;

Parkland Health Center, Farmington, MO;

Passavant Area Hospital, Jacksonville, IL;

Pattie A. Clay Regional Medical Center, Richmond, KY;

Pee Dee Healthy Start, Florence, SC;

Peninsula Hospital Center, New York, NY;

People, Inc., Williamsville, NY;

Peralta Community College, Oakland, CA;

Person Memorial Hospital, Roxboro, NC;

Phoenix Children's Hospital, Phoenix, AZ;

Children's Health Center/Emergency Shelter, Placer County, Auburn, CA;

Pointe Coupee Better Access Community Health, New Roads, LA;

Ponce Center of Autism, Municipality of Ponce, PR;

Powell County Medical Center, Deer Lodge, MT;

Powell Valley Health Care, Powell, WY;

Prairie Star Health Center, Hutchinson, KS;

Preston Memorial Hospital, Kingwood, WV;

Project Access Spokane, Spokane, WA;

ProMedica Continuing Care Service Corporation, Adrian, MI;

Provena Saint Joseph Hospital, Elgin, IL;

Providence Health System, Anchorage, AK;

Putnam Hospital Center, Carmel, NY;

Quebrada Health Center, Municipality of Camuy, PR;

Quincy Valley Medical Center, Quincy, WA;

Rancho Santiago Community College District, Santa Ana, CA;

Reading Hospital School of Nursing, West Reading, PA;

Reformed Presbyterian Woman's Association, Pittsburgh, PA;

Regional Children's Hospital, Johnson City, TN;

Rhode Island Quality Institute, Providence, RI;

Rio Arriba County, Espanola, NM;

Riverside County Regional Medical Center, Moreno Valley, CA;

Riverside County Regional Medical Center, Moreno Valley, CA;

Riverside Health System, Newport News, VA;

Roosevelt Hospital, New York, NY;

Rosebud Sioux Tribe, Rosebud, SD;

Roswell Park Cancer Institute, Buffalo, NY;

Rural Health Technology Consortium Rush University Medical Center, Chicago, IL;

Saginaw Valley State University, University Center, MI; Saint Mary's Health Care, Grand Rapids, MI;

Sam Rogers Health Clinic, Kansas City, MO;

San Antonio Hospital Foundation, Upland, CA;

San Francisco Medical Center Outpatient Improvement Programs, Inc., San Francisco, CA;

San Mateo Medical Center Emergency Department, San Mateo County, Redwood City, CA;

San Ysidro Health Center, San Ysidro, CA;

Sandoval County, Bernalillo, NM;

Santa Rosa Memorial Hospital, Orange, CA;

Schneck Medical Center, Seymour, IN;

Scotland Memorial Hospital, Laurinburg, NC;

Seattle Cancer Care Alliance, Seattle, WA;

Sharp Rehabilitation Services, San Diego, CA;

Shasta Community Health Center, Redding, CA;

Shawano County Rural Health Initiative, Shawano, WI;

Sidney Health Center, Sidney, MT;

Sierra Nevada Memorial Foundation, Grass Valley, CA;

Sistersvile General Hospital, Sisterville, WV;

Skagit Valley Hospital Cancer Care Center, Mount Vernon, WA;

Soldiers and Sailors Memorial Hospital, Wellsboro, PA;

Somerset Medical Center, Somerville, NJ;

South Broward Hospital District, Hollywood, FL;

South Carolina HIV/AIDS Council, Columbia, SC;

South Nassau Communities Hospital, Oceanside, NY;

South Shore Hospital, South Weymouth, MA;

Southampton Hospital, Southampton, NY;

Southeast Alabama Medical Center, Dothan, AL;

Southeast Community College, Cumberland, KY;

Southeast Missouri State University, Cape Girardeau, MO;

Southern Methodist University, Dallas, TX;

Southern Vermont Recreation Center Foundation, Springfield, VT;

Southwest Tennessee Community College, Memphis, TN;

St James Hospital and Health Centers, Chicago Heights, IL;

St. Agnes Hospital, Fresno, CA;

St. Ambrose University, Davenport, IA;

St. Anthony Community Hospital, Warwick, NY;

St. Anthony Hospital, Chicago, IL;

St. Anthony Memorial Health Centers, Hammond, IN;

St. Bernard Health Center, Inc., Chalmette, LA;

St. Bernardine Medical Center, San Bernardino, CA;

St. Camillus Health and Rehabilitation Center, Syracuse, NY;

St. Catharine College, St. Catharine, KY;

St. Charles Parish, LaPlace, LA;

St. Clair Hospital, Pittsburgh, PA;

St. Claire Regional Medical Center, Morehead, KY;

St. Elizabeth Medical Center, Utica, NY;

St. Francis Hospital, Escanaba, MI;

St. Francis Medical Center, Trenton, NJ;

St. James Parish Hospital, Lutcher, LA;

St. John's North Shore Hospital, Harrison Township, MI;

St. Joseph of the Pines, Southern Pines, NC;

St. Joseph Regional Medical Center, South Bend, IN;

St. Joseph's Hospital Mercy Care Services, Atlanta, GA;

St. Joseph's Hospital, Buckhannon, WV;

St. Joseph's Hospital, Savannah GA;

St. Joseph's Regional Medical Center, Paterson, NJ;

St. Joseph's/Candler Health System, Savannah, GA;

St. Luke's Quakertown Hospital, Quakertown, PA;

St. Luke's Regional Medical Center, Ltd. Boise, ID;

St. Mary Medical Center Foundation, Langhorne, PA;

St. Mary Medical Center, Apple Valley, CA;

St. Mary's Hospital Foundation, Grand Junction, CO;

St. Mary's Hospital, Madison, WI;

St. Mary's Medical Center, Huntington, WV;

St. Mary's Regional Medical Center, Reno, NV;

St. Patrick Hospital and Health Sciences Center, Missoula, MT;

St. Peter's Hospital Foundation, Albany, NY;

St. Petersburg College, St. Petersburg, FL;

St. Vincent Hospital, Billings, MT;

St. Vincent's Charity Hospital, Cleveland, OH;

St. Vincent's Medical Center, Bridgeport, CT;

St. Xavier University, Chicago, IL;

Stamford Hospital, Stamford, CT;

Stark Prescription Assistance Network, Canton, OH;

State Fair Community College, Sedalia, MO;

Stewart-Marchman Center, Inc., Daytona Beach, FL;

Stony Point Ambulance Corps, Stony Point, NY;

Summers County Commission, Hinton, WV;

Swedish Covenant Hospital, Chicago, IL;

Sylvan Grove Hospital, Jackson, MS;

Tangipahoa Parish, Loranger, LA;

Tarleton State University, Stephenville, TX;

Tarrant County Infant Mortality Task Force, Ft. Worth, TX;

Taylor Regional Hospital, Hawkinsville, GA;

Temple Health and Bioscience Economic Development District, Temple, TX;

Teton Valley Hospital and Surgicenter, Driggs, ID;

Texas A&M University—Kingsville, Kingsville, TX;

Texas Institute for Genomic Medicine, College Station, TX;

West Texas Center for Influenza Research, Education and Treatment, Texas Tech University;

Health Sciences Center, El Paso and Lubbock, TX;

Texas Tech University Health Sciences Center, Lubbock, TX;

Thomas Jefferson University Breast Cancer Center, Philadelphia, PA;

Thomason General Hospital, El Paso, TX;

Thundermist Health Center, Woonsocket, RI;

Tohono O'odham Nation, Sells, AZ;

Toledo Children's Hospital, Toledo, OH;

Tomorrow's Child/Michigan SIDS, Lansing, MI;

Town of Argo, AL;

Translational Genomics Research Institute, Phoenix, AZ;

Transylvania Community Hospital, Inc., Brevard, NC;

Tulare District Hospital, Tulare, CA;

Tuomey Healthcare System, Sumter, SC;

Twin City Hospital, Dennison, OH;

Union Hospital, Terre Haute, IN;

Uniontown Hospital, Uniontown, PA;

Unity Health Care, Washington, DC;

University Community Hospital/Pepin Heart Hospital, Tampa, FL;

University Health System, San Antonio, TX;

University of Alabama, Tuscaloosa, AL;

University of Arizona Medical Center, Tucson, AZ;

University of Arkansas for Medical Sciences, Little Rock, AR;

University of Arkansas for Medical Sciences, Little Rock, AR;

University of Arkansas Medical School Cancer Research Center, Little Rock, AR;

University of California, Davis Health System, Sacramento, CA;

University of Chicago Hospitals, Chicago, IL;

University of Illinois College of Medicine, Peoria, IL;

University of Iowa, Iowa City, IA;

University of Iowa, Iowa City, IA;

University of Kansas Research Center, Lawrence, KS;

University of Massachusetts Memorial Medical Center, Worcester, MA;

University of Memphis, Memphis, TN;

University of Miami, Miami, FL;

University of Michigan Health System, Ann Arbor, MI;

University of North Alabama, Florence, AL;

University of North Texas, Denton, TX;

University of Northern Colorado, Greeley, CO;

University of South Florida, Tampa, FL;

University of Tennessee of Chattanooga, Chattanooga, TN;

University of Texas Southwestern Medical Center, Dallas, TX;

University of Texas Southwestern Medical Center, Dallas, TX;

University of Virginia Health System, Charlottesville, VA;

University of Wisconsin-Oshkosh, Oshkosh, WI;

Utah Navajo Health System, Inc., Montezuma Creek, UT;

Valley Cooperative Health Care, Hudson, WI;

Vanguard University Nursing Center, Costa Mesa, CA;

Village Network Boys' Village Campus, Wooster, OH;

Virtua Memorial Hospital Burlington County, Mount Holly, NJ;

Visiting Nurse Association Healthcare Partners of Ohio, Cleveland, OH;

Wadsworth Rittman Hospital Foundation, Wadsworth, OH;

Wake County, Raleigh, NC;

Washington County, GA, Regional Medical Center, Sandersville, GA;

Washington Hospital Center, Washington, DC;

Washington Parish, Bogalusa, LA;

Wayne Memorial Hospital, Jesup, GA;

West Jefferson Medical Center, Marrero, LA;

West Shore Medical Center, Manistee, MI;

West Side Community Health Services, St. Paul, MN;

West Virginia University Hospital, Morgantown, WV;

Western North Carolina Health System, Asheville, NC;

Whidden Memorial Hospital, Everett, MA;

White County Memorial Hospital, Monticello, IN;

White Memorial Medical Center, Los Angeles, CA;

White Plains Hospital Center, White Plains, NY;

Whiteside County Department of Health, Rock Falls, IL;

Whittemore Peterson Institute for Neuro-Immune Disease, Sparks, NV;

Wind River Community Health Center, Riverton, WY;

Wing Memorial Hospital, Palmer, MA;

Winneshiek Medical Center, Decorah, IA;

Wolfson Children's Hospital, Jacksonville, FL;

Woodhull Medical and Mental Health Center, Brooklyn, NY;

Woodruff County Nursing Home, McCrory, AR;

Wyoming County Community Hospital, Warsaw, NY;

YMCA of Central Stark County, Canton, OH;

York Memorial Hospital, York, PA;

Youth Crisis Center, Jacksonville, FL;

Zucker Hillside Hospital, Glen Oaks, NY;

Alma Family Services, Monterey Park, CA;

Bronx-Lebanon Hospital, New York, NY;

Community Health Partnership, Santa Clara, CA;

Hunterdon Medical Center, Flemington, NJ;

Louisiana State University Health Sciences Center, Shreveport, LA;

Marymount University, Arlington, VA;

Nassau University Medical Centers, East Meadow, NY;

National Hispanic Medical Association, Washington, DC;

Prince George's County, Upper Marlboro, MD;

St. Luke's Community Free Clinic, Front Royal, VA;

Thurston-Mason County Medical Society, Olympia, WA;

Alabama Institute of the Deaf and Blind, Talladega, AL;

Albany State University, Albany, GA;

American Speech-Language-Hearing Foundation, Rockville, MD;

Anne Arundel Community College, Arnold, MD;

Armstrong Atlantic State University, Savannah, GA;

Asnuntuck Community College, Enfield, CT;

Azusa Pacific University, San Bernardino, CA for nursing programs;

Bellevue Community College, Bellevue, WA;

Bemidji State University, Bemidji, MN;

Bennett College for Women, Greensboro, NC;

Berkshire Community College, Pittsfield, MA;

Bluegrass Community and Technical College, Winchester, KY;

Broward Community College, Broward County, FL;

Bucknell University, Lewisburg, PA;

Buena Vista University, Storm Lake, IA;

Butler Community College, Andover, KS;

Caldwell Community College and Technical Institute, Hudson, NC;

California Baptist University, Riverside, CA;

California Polytechnic State University, San Luis Obispo, CA;

California State University—Channel Islands, Camarillo, CA;

California State University—Fullerton, Fullerton, CA;

Campbell University, Buies Creek, NC;

Central Arizona College, Coolidge, AZ;

Central Florida Community College, Ocala, FL;

Central Methodist University, Fayette, MO;

Central Piedmont Community College, Charlotte, NC;

Central Washington University, Ellensburg, WA;

Chemeketa Community College, Salem, OR;

City College of New York, NY, Charles B. Rangel Center for Public Service;

Clark State Community College, Springfield, OH;

Clayton College and State University, Morrow, GA;

Clover Park Technical College, Lakewood, WA;

College of Lake County, Grayslake, IL;

College of Southern Idaho, Twin Falls, ID;

College of Southern Maryland, LaPlata, MD;

College of the Canyons, Santa Clarita, CA;

College Success Foundation, Issaquah, WA;

Community College of Allegheny County, Pittsburgh, PA;

Community College of Beaver County, Monaca, PA;

Consensus Organizing Center, San Diego, CA;

Coppin State University, Baltimore, MD;

Darton College, Albany, GA;

Delaware County Community College, Media, PA;

Des Moines Area Community College, Des Moines, IA;

DeSales University, Center Valley, PA;

Eastern Illinois University, Charleston, IL;

Eastern Shore Community College Industrial Maintenance Program, Melfa, VA;

Eckerd College, St. Petersburg, FL;

Edison College, Charlotte County Campus, Punta Gorda, FL;

El Camino College, Torrance, CA;

Elmira College, Elmira, NY;

Florida Campus Compact, Tallahassee, FL;

Florida Gulf Coast University, Ft. Myers, FL;

Focus: HOPE, Detroit, MI;

Franklin Pierce College, Rindge, NH;

Frontier Community College, Fairfield, IL;

Ft. Valley State University, Ft. Valley, GA;

Gadsden State Community College, Gadsden, AL;

Gateway Community and Technical College, Ft. Mitchell, KY;

Gateway Community College, New Haven, CT;

Gila County Community College, Globe, AZ;

Grace College, Winona Lake, IN;

Greenfield Community College, Greenfield, MA;

Harcum College, Bryn Mawr, PA;

Harrisburg Area Community College, Harrisburg, PA;

Harrisburg University of Science and Technology, Harrisburg, PA;

Herkimer County Community College, Herkimer, NY;

Hiwassee College, Madisonville, TN;

Holy Family University, Philadelphia, PA;

Huntington Junior College, WV;

Huston-Tillotson University, Austin, TX;

Institute for Advanced Learning and Research, Danville, VA;

Ivy Tech Community College, Evansville, IN;

Jackson State University, Jackson, MS;

James Rumsey Technical Institute, Martinsburg, WV;

Kent State University, New Philadelphia, OH;

King's College, Wilkes-Barre, PA;

La Sierra University, Riverside, CA;

Lackawanna College, Scranton, PA;

Lake City Community College, Lake City, FL;

Latino Institute, Inc., Newark, NJ for its Latino Scholars Program;

Lewis and Clark Community College, Godfrey, IL, for its National Great Rivers Research and Education Center;

Lincoln College, Lincoln, IL for training, material acquisition and purchase of equipment;

Lincoln Memorial University College of Osteopathic Medicine, Harrogate, TN for curriculum development;

Linn-Benton Community College, Albany, OR for science and health equipment and technology;

Lorain County Community College, Elyria, OH for its library and community resource center, which may include equipment and technology;

Los Angeles Valley College, Valley Glen, CA for its Solving the Math Achievement Gap program;

Advocating Change Together, Inc., St. Paul, MN;

City of North Miami Beach, FL, North Miami Beach, FL;

Jewish Vocational and Career Counseling Service, San Francisco, CA;

Vocational Guidance Services, Cleveland, OH;

Access Community Health Center, Bloomingdale, IL;

Advocate Health Care, Oak Brook, IL;

Alfred University, Alfred, NY;

American Red Cross, Lower Bucks County Chapter, Levittown, PA;

City and County of San Francisco Department of Public Health, San Francisco, CA;

City of Los Angeles, CA;

Community Rehabilitation Center, Inc., Jacksonville, FL;

Family Services of Greater Waterbury, Waterbury, CT;

Family Support Systems Unlimited, Inc., Bronx, NY;

Fulton County Department of Mental Health, Atlanta, GA;

Heartland Health Outreach, Inc., Chicago, IL;

Helen Wheeler Center for Community Mental Health, Kankakee, IL;

Holy Spirit Hospital, Camp Hill, PA;

Indiana Wesleyan University, Marion, IN;

Jewish Association for Residential Care, Farmington Hills, MI;

Kids Hope United, Waukegan, IL;

New Image Homeless Shelter, Los Angeles, CA;

Pacific Clinics, Arcadia, CA;

Prime Time House, Inc., Torrington, CT;

Ruth Rales Jewish Family Service, Boca Raton, FL ;

Ventura County Probation Office, Ventura, CA;

Ventura County Sheriff's Department, Thousand Oaks, CA;

Youthville, Wichita, KS;

Community Foundation for Greater New Haven, New Haven, CT;

Fighting Back Partnership, Vallejo, CA;

Institute for the Advanced Study of Black Families, Oakland, CA;

Operation SafeHouse, Riverside, CA;

Partnership for a Drug-Free America, New York, NY;

Shiloh Economic Development Center, Bryan, TX;

South Boston Community Health Center, South Boston, MA;

YMCA of the East Bay, Richmond, CA;

City of Las Vegas, NV;

City of Oxford, Oxford, MS;

Fulton County, Atlanta, GA;

Gavin Foundation, South Boston, MA;

Glide Foundation, San Francisco, CA;

Metro Homeless Youth Services of Los Angeles, Los Angeles, CA;

Minnesota Indian Women's Resource Center, Minneapolis, MN;

Nassau University Medical Center, East Meadow, NY;

Sandhills Teen Challenge, Carthage, NC;

Sheriffs Youth Program of Minnesota, Inver Grove Heights, MN;

Talbert House, Cincinnati, OH;

Trumbull County Lifelines, Warren, OH;

Union Station Foundation, Pasadena, CA;

United Way of Treasure Valley, Boise, ID;

Wayne County Academy, Alpha, KY;

WestCare Kentucky, Ashcamp, KY;

Thurgood Marshall Legal Education Opportunity Program;

B.J. Stupak Olympic Scholarship Program;

Advanced Credentialing Program (National Board for Professional Teaching Standards);

Civic Education Program (Center for Civic Education and National Council on Economic Education);

Arts in Education Program (VSA Arts and John F. Kennedy Center for the Performing Arts);

National Technical Institute for the Deaf;

Dislocated Workers National Reserve (National Center on Education and the Economy);

Susan Harwood Training Grant Program (Institutional Competency Grants).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Chairman, this is I guess what I would call a put up or shut up amendment for the House.

It is difficult for the press to cover budget stories because they are complicated. It is difficult for the press to cover stories about policy because they are complicated. But it is a whole lot easier for the press and for individual Members of this House to complain about some other Member, or in the case of the press any Member, trying to do something in his district, or in the case of a House Member complaining about somebody trying to do something in a different district.

We have a constitutional right to direct spending. In fact, that is the primary power of the Congress, to direct the executive branch in the spending of the taxpayers' money. The executive branch in fact directs far more spending than does the Congress, and yet I recognize a Member's individual right to object to any direct spending that is engaged in by the Congress or the executive branch.

I would like to put that discussion in perspective. The last year that I was chairman of the Appropriations Committee this bill had no earmarks when it left the House. During the 12 years that the Republicans controlled this House, earmarks exploded to over 3,000.

In this bill, we have cut earmarks back to 1,300. We have cut the dollar amount in this bill for earmarks back to a very small amount, less than half of the amount that was in the bill 2 years ago. In fact, as the percentage of the total bill, earmarks make up two-tenths of 1 percent. Two-tenths of 1 percent. And yet, the debate on that two-tenths of 1 percent has dominated in the press and dominated the congressional debate. That is ridiculous.

But I am tired of having the committee serve as a punching bag for members of the press or Members of this body. I will be happy to play this issue flat, or I will be happy to play it round.

□ 1800

I'll be happy to bring a bill to the House floor with these earmarks, or without them. Those who know me well in this House know that I deeply resent the time that we have to take dealing with earmarks, and they know that the reason that I urged that we cut earmarks to 50 percent of the previous level 2 years ago is not because I thought they were impure, but because I thought they were beginning to be so numerous that they were unmanageable.

So today I'm going to give the House a choice. We've got lots of amendments pending before us on individual earmarks. I'm going to give the House a choice. I want the House to choose whether it wants to proceed with earmarks or not. If it does, then it will reject the amendment that I sent to the desk. If it doesn't want to proceed with these earmarks, then you can save a whole lot of time by knocking them all out with one vote. I invite you to put up or shut up, and make up your mind.

I will be a neutral player in this. I will offer the amendment, and I will vote present so that I'm not pushing people to vote either for or against eliminating these earmarks.

But I want, before we move to individual earmark debate, I want to know whether the House itself takes responsibility for the decision to move ahead with earmarks, or whether it doesn't. And if they want to decide no, be my guest. It will make my life a whole lot easier.

It will do one thing that will bother me at night.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBEY. It will give total authority to the executive branch, and that is not a healthy thing.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I rise in opposition to the gentleman's amendment, and I do so knowing full well that this earmark issue is a very, very controversial issue these days.

What prompts me to oppose the amendment is that I believe, having served here for now my 19th year, that the Constitution was very clear. The power of the purse resides in the Congress, in the House of Representatives. The Appropriations Committee is responsible for allocating those funds. Members of Congress know their districts and the needs of those districts better than anyone else does.

Now, historically the administration has, through its budget director and its department heads, directed spending through the budget resolution in conjunction with Members of Congress and the budget committee. And I respect that.

But they need to respect our priorities also. And I think all Members should respect the priorities of those individual Members who know their districts best.

I think, as the chairman mentioned, this is a very small percentage of the overall Federal budget, remembering that the discretionary portion of the budget is only one-third of the entire Federal budget. And earmarks are a small percentage, less than 1 percent, I believe, of that discretionary portion of that one-third of the Federal budget.

But these dollars make a difference in communities. They help with economic development; they provide housing where the Federal programs just don't fit.

I came here as a city councilman. I saw all kinds of Federal programs that did not work for my community. And I said to myself, if I ever get to Washington and I have the ability to affect Federal policy, to make it more flexible, to make it work for my community, I will do that.

Now, my dad served as mayor of Syracuse and then came here and served for three terms. He was here when revenue sharing began. Revenue sharing was all about helping local communities direct spending so that it better suited their needs. That was under the Nixon administration. It was a breakthrough. It was Federalism taken to its lowest common denominator so that the cities and the counties had the ability to make a difference and get some of those taxpayer dollars back and put them to work in their communities.

So I think that the chairman is making a point here. I hope Members will oppose this amendment.

And let me just say this: for the 40 years that the Democratic Party controlled the Congress, they may not have had earmarks in these bills, but they were not pure as the driven snow, Madam Chairman. The way they did it in the old days was the old bulls, who were primarily from the southern part of the country, who served as Chairs of the full committees and subcommittees on appropriations, and were here for 25, 30, 40 years, they would just put the money in the bill. They knew where the money was. The chairman of that Department knew where the money was; and after the bill was signed, the chairman called up that Department Secretary and said, here's where you're going to spend the money.

Now, what we did, I suppose, is we made a mistake by democratizing this process. We opened it up. We Republicans opened it up so that all Members would have the same opportunity, maybe not as much money, but the same opportunity to help their local communities.

And, yes, there has been abuse. But the Members who've abused this, by and large, go to jail, and that's as it should be. If they break the rules, if they benefit themselves, if they stoke their own greed with taxpayers' dollars, they belong in jail.

But let's not bring this whole appropriations process into question, because there is a rotten apple in every barrel, and we've got to find them out, and we do. And the system works in that respect.

So let's oppose this amendment. We'll take votes on the individual earmarks. There's going to be lots of amendments to talk about. Those Members will come and they will defend them and, hopefully, make good arguments for them.

But let's defeat this amendment and get back to work.

Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'll claim time in opposition, but I have a feeling that I'm being talked into this rather quickly. By the end of this, I'll be very much in support. In fact, this is one of the best amendments already I think I've ever heard.

The distinguished chairman of the Appropriations Committee mentioned that when he left the committee over a decade ago there were no earmarks in this bill. That's commendable. That's wonderful. We should go back to that.

A Member just a few minutes ago talked about how critical this program was that somebody sought to cut funding for. Critical. Has to be there. I think we need a reminder that there were no House earmarks in this bill last year. No Labor-HHS earmarks. The world didn't come crashing to a halt. The year before that there were no earmarks in Labor-HHS because of political problems with it. The planets, as far as I know, stayed in orbit.

We don't need these earmarks. I mean, when you look at the list that they'll soon be offering here for an exploratorium in San Francisco, corporation for Jefferson's poplar forest, for expansion of exhibits and research, money for the Burpee Museum in Rockford, Illinois, or the Shedd Aquarium in Chicago, or for the American Jazz Museum or American Ballet Theater, are these things that the Federal Government has to be funding, or are they things that could be funded at the local level or by private entities?

Are we simply supplanting the free market or private funding with more Federal funding here?

The gentleman, distinguished chairman of the Appropriations Committee, makes a great point that it is our prerogative. We have the power of the purse. And we do. The problem with earmarking, in its contemporary form, is that we are circumventing the process here. We are telling the Federal agencies, we don't like what you're doing and so we'll one-up you. We'll make appropriations equally suspect to what you're doing, instead of saying, you know, that was a bad way to spend money, we're going to cut your funding. We're going to call you into hearings and ask you to explain why you're spending money irresponsibly. That is perfectly proper. We should be doing that.

But, instead, what we're doing is saying, you think you can spend money willy-nilly; we'll show you. We're going to put 15,000 earmarks in this year, as we did a couple of years ago.

I make no excuses for the Republican Party here. Earmarks have grown and became out of control on our watch. As the gentleman pointed out, there were some 1,400 earmarks in all appropriation bills in 1994. In 2005 or 2006, I believe there were over 15,000. That's inexcusable. That's part of the reason we Republicans are here squarely in the minority today. That doesn't excuse us for saying, all right, we're still going to put 1,300 earmarks in this bill.

The distinguished chairman of the Appropriations Committee wisely said weeks ago, we simply cannot police this process. We don't have enough staff on the Appropriations Committee. And he offered an alternative suggestion that we wait and find out what the earmarks were. None of us liked that alternative suggestion, but the premise was correct. We can't police these things.

Just yesterday I came with an amendment to the Energy and Water bill, and we found out that the center for which the earmark was intended doesn't even exist. We've gone from the bridge to nowhere to the center that's nowhere. And still we funded it. We got only 98 votes opposed because of log-rolling that takes place here.

So I certainly sympathize with what's going on here, and I appreciate the gentleman for what he's doing. We have a time-honored practice here in Congress of authorization, appropriation and oversight. Earmarking, in its contemporary form, circumvents that process, where we kick out authorization, we kick out oversight and we just appropriate. We do far too little of the authorizing and oversight, and we just appropriate. Whenever you do 1,300 earmarks in a bill, that's what you're doing. And I would submit that these haven't been scrubbed.

Another earmark that I was to propose yesterday, the authors of the earmark came just before and withdrew, actually offered their own amendment to strip the earmark I was going to seek to limit funds for because it hadn't been adequately scrubbed, and they probably knew that it couldn't withstand the scrutiny that came on the House floor.

But here we are, there's no way we can offer amendments for 1,300 earmarks. We'd test the patience of the Members and this whole body. We can't do that. But neither can we, or should we go forward and simply approve these as if every Member who has an earmark has a right to it.

So I would urge adoption of the amendment.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I want to make one thing perfectly clear. I indicated, when I offered this amendment, that I would vote "present." And the reason I want to do that is because I want every Member of this House to vote for or against this bill on final passage on the basis of what they think of it on the merits.

And I want, both by my "present" vote and by my comments here, to make it perfectly clear to Members on both sides of the aisle that no matter how they vote on the issue of earmarks and no matter how they vote on the issue of substance, I don't intend to let one affect the other.

I don't care whether Members vote to include earmarks or exclude them. And I will not do what was done to us 3 years ago when, after we voted against the Labor-H bill because we thought it provided inadequate funding for many national responsibilities, that virtually every single one of the earmarks for Democrats were stripped from the bill because of that vote.

So as far as I'm concerned, as long as I'm in charge of this subcommittee, there will be no log-rolling with respect to this issue. As far as I'm concerned, this is an individual vote of conscience and of practical judgment on the part of each Member of the House.

With respect to the record of Congress, Congress has earmarked funds since the beginning of the Republic. At least four of the appropriation bills are, by their nature, project oriented, so they must contain congressional earmarks.

And I want to point out, if we're going to start making comparisons, the HHS Department, just 2 years ago, had $1.9 billion in funds that they shoveled out without being shoveled out on a competitive basis. That is the same, that is the executive branch functional equivalent earmarking. It is directed spending, whether it occurs in the Congress or in the executive branch. And the action of that Department alone represented direct spending in the amount seven times as large as the amount contained in this bill tonight on behalf of the Congress.

So I want Members to vote however you want. But as I said, as far as I'm concerned, this is a put-up-or-shut-up amendment. If you want earmarks, vote for them. If you don't, vote against them. Either way I'll be a happy man.

Madam Chairman, I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

☐ 1815

AMENDMENT NO. 40 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 40 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the following:

Children Uniting Nations, Los Angeles, CA;

Crisis Nursery of the Ozarks, Springfield, MO;

Jefferson County, Golden, CO for child abuse prevention and treatment programs;

New York Center for Children, New York, NY;

Shelter for Abused Women, Winchester, VA;

Arrowhead Economic Opportunity Agency, Virginia, MN;

Beth El House, Alexandria, VA;

Children's Home Society of South Dakota, Sioux Falls, SD;

Christian Outreach of Lutherans, Waukegan, IL;

Individual Development Account, City of Detroit, MI;

Early childhood resource centers, City of Fort Worth, TX;

Services for New Americans program, City of San Jose, CA;

Cliff Hagan Boys and Girls Club—Mike Horn Unit, Owensboro, KY;

Communities In Schools, Bell-Coryell Counties, Inc., Killeen, TX;

Covenant House Florida, Ft. Lauderdale, FL;

Eisner Pediatric and Family Medical Center, Los Angeles, CA;

Every Citizen Has Opportunities, Inc., Leesburg, VA;

Family Center of Washington County, Montpelier, VT;

First 5, Alameda County, San Leandro, CA;

Friendship Circle of the South Bay, Redondo Beach, CA;

Greater New Britain Teen Pregnancy Prevention, Inc., New-Britain, CT;

Hamilton-Madison House, New York, NY;

Healthy Learners Dillon, Columbia, SC;

Helping Children Worldwide, Herndon, VA;

Hennepin County Human Services and Public Health Department, Minneapolis, MN;

Hillside Family of Agencies, Rochester, NY;

Hope Village for Children, Meridian, MS;

Horizons for Homeless Children, Boston, MA;

New American's Center, Kingsborough Community College, Brooklyn, NY;

L.I.F.T. Women's Resource Center, Detroit, MI;

Lawrence County Social Services, New Castle, PA;

Lutheran Social Services, Duluth, MN;

Marcus Institute, Atlanta, GA;

Mary's Family, Orlean, VA;

Mecklenburg County, Charlotte, NC;

Missouri Bootheel Regional Consortium, Portageville, MO;

Monterey County Probation Department, Salinas, CA;

Nashua Adult learning Center, Nashua, NH;

National Energy Assistance Directors' Association, Washington, DC;

Network for Instructional TV, Inc., Reston, VA;

Nurses for Newborns Foundation, St. Louis, MO;

Organization of the NorthEast, Chicago, IL;

Pediatric Interim Care Center, Kent, WA;

Public Health Department, Solano County, Fairfield, CA;

Sephardic Bikur Holim of Monmouth County, Deal, NJ;

Stephen F. Austin State University, Nacogdoches, TX, Southern Illinois University, Carbondale, IL;

Susan Wesley Family Learning Center, East Prairie, MO;

TLC for Children and Families, Inc., Olathe, KS;

United Way Southeastern Michigan, Detroit, MN;

Midwest Clinic for Autism Spectrum Disorders, University of Central Missouri, Warrensburg, MO;

Visitation Home, Inc., Yardville, NJ;

Allied Jewish Federation of Colorado, Denver, CO;

Amalgamated Warbasse Houses, Inc., Brooklyn, NY;

California Senior Legal Hotline, Sacramento, CA;

Durham-Chapel Hill Jewish Federation, Durham, NC;

Howard Brown Health Center, Chicago, IL;

Jewish Community Services of South Florida, North Miami, FL;

Jewish Family and Children's Service of Minneapolis, Minnetonka, MN;

Jewish Family Service of New Mexico, Albuquerque, NM;

Jewish Family Service, Los Angeles, CA;

Jewish Family Services of Delaware, Inc., Wilmington, DE;

Jewish Federation of Central New Jersey, Scotch Plains, NJ;

Jewish Federation of Greater Monmouth County, NJ;

Jewish Federation of Greater New Haven, Woodbridge, CT;

Jewish Federation of Middlesex County, South River, NJ;

Jewish Social Service Agency, Fairfax, VA;

Shenandoah Area Agency on Aging, Front Royal, VA;

United Jewish Communities of Metro West, NJ, Parsippany, NJ;

National Center on Smart Technology, University of Florida, Gainesville, FL;

Adler Aphasia Center, Maywood, NJ;

Advocate Good Shepard Hospital, Barrington, IL;

Alameda County Public Health Department, Office of AIDS Administration, Oakland, CA;

Vannie E. Cook Jr. Cancer Foundation, Baylor College of Medicine, Houston, TX;

Bayside Community Center, San Diego, CA;

Berean Community & Family Life Center, Brooklyn, NY;

Bienestar Human Services, Inc., Los Angeles, CA;

Boys and Girls Club of Delaware County, Jay, OK;

Center for Prevention of Childhood Obesity, California State University-Fullerton, Fullerton, CA;

Charles R. Drew Wellness Center, Columbia, SC;

Charter County of Wayne, Michigan, Detroit, MI;

Chez Panisse Foundation, Berkeley, CA;

Children's Hunger Alliance, Columbus, OH;

Center for Injury Research and Policy, Columbus Children's Research Institute, Columbus, OH;

Marin Breast County Research, County of Marin, San Rafael, CA;

CREATE Foundation, Tupelo, MS;

County-wide Physical Fitness Assessment Pilot Project, DuPage County, Wheaton, IL;

East Carolina University, Brody School of Medicine, Greenville, NC;

El Puente, Brooklyn, NY;

Friends of the Congressional Glaucoma Caucus Foundation, Lake Success, NY;

Haitian American Association Against Cancer, Inc., Miami, FL;

Healthy Eating Lifestyle Principles, Monterey, CA;

Home Instruction Program for Preschool Youngsters—Florida, Coral Gables, FL;

Ingalls Development Foundation, Harvey, IL;

International Rett Syndrome Association, Clinton, MD;

Kips Bay Boys and Girls Club, Bronx, NY;

Asthma Education Center, Long Island University, Brooklyn, NY;

Louisville Department of Public Health and Wellness, Louisville, KY;

Center for Physical Activity, Middle Tennessee State University, Murfreesboro, TN;

Myositis Association, Washington, DC;

Natividad Medical Center, Salinas, CA;

Nevada Cancer Institute, Las Vegas, NV;

North Shore Health Project, Gloucester, MA;

Partners Enabling Active Rural Living Institute, Plymouth State University, Plymouth, NH;

Providence Cancer Center, Portland, OR;

Pulmonary Hypertension Association, Silver Spring, MD;

San Antonio Metropolitan Health District, San Antonio, TX;

SHAREing and CAREing, Astoria, NY;

Silent Spring Institute, Newton, MA;

Southeastern Center for Emerging Biologic Threats, Atlanta, GA;

St. Elizabeth's Medical Center, Wabasha, MN;

St. Francis Medical Center Foundation, Lynwood, CA;

St. John's Regional Medical Center, Oxnard, CA;

St. John's Well Child and Family Center, Los Angeles, CA;

Interdisciplinary Diabetes Prevention and Management Consortium, University of Arizona College of Medicine, Tucson, AZ;

University of Findlay Center for Public Health Preparedness, Findlay, OH;

Center for Minority Health, Education, Research and Outreach, University of North Texas Health Science Center, Fort Worth, TX;

Initiative to Combat Obesity in Early Childhood, University of South Florida, Tampa, FL;

South Texas Border Health Disparities Center, University of Texas Pan American, Edinburg, TX;

Texas Health Science Center-Houston, School of Public Health, University of Texas, Brownsville, TX;

Virgin Islands Perinatal Inc., Christiansted, VI;

Diabetes Research Initiative, Voorhees College, Denmark, SC;

Wayne County Department of Public Health, Detroit, MI;

WestCare Foundation, Las Vegas, NV;

Yale New Haven Hospital, New Haven, CT;

YBH Project, Inc., Albany, GA;

Access Health, Inc., Muskegon, MI;

Bedford Ride, Bedford, VA;

Bi-State Primary Care Association, Concord, NH;

City and County of San Francisco Department of Public Health, San Francisco, CA;

Detroit Primary Care Access Project, Coleman A. Young Muncipal Center, City of Detroit, MI;

Waterbury Hospital, City of Waterbury, CT;

Gadsden County, FL Quincy, FL;

Jefferson Area Board for Aging, Charlottesville, VA;

Orange County's Primary Care Access Network, Orlando, FL;

Piedmont Hospital, Atlanta, GA;

Thurston-Mason County Medical Society, Olympia, WA;

Valley Hospice, Inc., Steubenville, OH;

ABC Unified School District, Cerritos, CA;

Chicago Academy and Chicago Academy High School, Academy for Urban School leadership, Chicago, IL;

Action for Bridgeport Community Development, Inc., Bridgeport, CT;

African-American Male Achievers Network, Inc., Inglewood, CA;

Akron Public Schools, OH for a Math, Science, and Technology Community;

Alamance-Burlington School District, Burlington, NC;

All Kinds of Minds, Chapel Hill, NC;

American Ballet Theatre, New York, NY;

Amistad America, New Haven, CT;

An Achievable Dream, Inc., Newport News, VA;

Center for Mathematics Education and Innovation, Angelo State University, San Angelo, TX;

Apache County Schools, St. Johns, AZ;

Arab City Schools, Arab, AL;

AVANCE, Inc, El Paso, TX;

AVANCE, Inc., Del Rio, TX;

AVANCE, Inc., Waco, TX;

Barat Education Foundation, Lake Forest, IL;

Bay Haven Charter Academy Middle School, Lynn Haven, FL;

Language and Literacy Center, Baylor University, Waco, TX;

Best Buddies International, Miami, FL;

Best Buddies Maryland, Baltimore, MD;

Big Top Chautauqua, WI;

Idaho SySTEMic Solution, Boise State University, Boise, ID;

Principal's Institute, Bowie State University, Bowie, MD;

Boys & Girls Club of Hawaii, Honolulu, HI;

Boys & Girls Town of Missouri, Columbia, MO;

Boys and Girls Club of San Bernardino, CA;

Automotive Technology Program, Bradford Area School District, Bradford, PA;

Student Success Center, Brookdale Community College, Lincroft, NJ;

Bushnell Center for the Performing Arts, Hartford, CT;

Cal State Northridge Assessment and Accountability, California State University Northridge, CA;

At-Risk Youth Development Program, California State University, San Bernardino, CA;

Cánton Symphony Orchestra Association, Canton, OH;

National Music Education Program, Carnegie Hall, New York, NY;

Central County Occupational Center, San Jose, CA;

Central Pennsylvania Institute of Science and Technology, State College, PA;

Centro de Salud Familiar Le Fe, El Paso, TX;

District Wide Instruction Using Technology, Charlotte County School District, Port Charlotte, FL;

Andre Agassi College Preparatory Academy, Charter School Development Foundation, Las Vegas, NY;

Place to Be After Three Middle School Program, City of Fairfield, CA;

City Schools, City of Gadsden, AL;

Burbank Elementary School, City of Hayward, Hayward, CA;

Indianapolis Center for Education Entrepreneurship, City of Indianapolis, Indianapolis, IN;

Newark Elementary School, City of Newark, Newark, CA for after-school programs;

Jacqueline Walsh School of the Performing and Visual Arts, City of Pawtucket School Department, Pawtucket, RI;

Pembroke Pines—Florida State University Charter School, City of Pembroke Pines, FL;

Early Start/Great Start School Readiness Initiative, City of San Jose, CA;

City of Springfield, MO for the Ready to Learn Program;

City of Whittier, Whittier, CA for after-school programs, which may include equipment;

City School District of New Rochelle, New Rochelle, NY for after-school learning centers;

Clark County School District, Las Vegas, NY for the Education Executive Leadership Program;

Newcomer Academy, Clark County School District, Las Vegas, NV;

Clovis Unified School District, Center for Advanced Research Technology, Clovis, CA;

College Summit, Inc., Washington, DC;

Communities in Schools—Northeast Texas, Mount Pleasant, TX;

Communities in Schools of Cochran and Bleckley County, Cochran, GA;

Communities in Schools of Coweta, Inc., Newnan, GA;

Communities in Schools of Fitzgerald—Ben Hill County, Fitzgerald, GA;

Communities in Schools of Tacoma, Tacoma, WA;

Communities in Schools, Austin, TX;

Communities in Schools, San Fernando Valley, Inc., North Hills, CA;

Community Development Commission of the County of Los Angeles, Monterey Park, CA;

Community Service Society, New York, NY;

Connecticut Technical High School System, Middletown, CT;

Contra Costa College, Bridges to the Future Program, San Pablo, CA;

Cooperative Educational Service Agency No. 11;

Cooperative Educational Service Agency No. 12, Ashland, WI;

Cooperative Educational Service Agency No. 5, Portage, WI;

Cooperative Educational Service Agency No. 9, Tomahawk, WI;

County of San Diego, San Pasqual Academy, Escondido, CA;

Cuyahoga County Board of County Commissioners, Cleveland, OH;

Starting Stronger Early Learning Initiative, Delaware Department of Education, Dover, DE;

Detroit Youth Foundation, Detroit, MI;

DNA EpiCenter, Inc., New London, CT;

Duval County Public Schools, Instructional Technology Program, Jacksonville, FL;

Edgar School District, Computer Technology center, Edgar, WI;

Edison and Ford Winter Estates Education Foundation;

Education Partnership, Providence, RI;

Education Service Center, Region 12, Hillsboro, TX;

Ennis Independent School District, Advanced Via Individual Determination (AVID) Program, Ennis, TX;

Metropolitan Arts and Technology High School, Envision Schools, San Francisco, CA;

Erskine College, Fine Arts Network for Assisting Rural Education, Due West, SC;

Exploratorium, San Francisco, CA;

Franklin Sherman Elementary School, Chesterbrook Elementary School Fairfax County Public Schools, Fairfax, VA;

Fairfax County Public Schools, Falls Church, emergency medical services (EMS) Academy, Fairfax, VA;

Fairhope Center for the Arts, Bay Minette, AL;

Families In Schools, Los Angeles, CA;

Fayetteville Technical Community College, Congressional Scholars Program, Fayetteville, NC;

Forward in the Fifth, Somerset, KY;

Friends of the Children National, Portland, OR;

George B. Thomas, Sr. Learning Academy, Inc., Bethesda, MD;

Girl Scouts of the USA, Fair Play Initiative, New York, NY;

Graham County Schools, Safford, AZ.;

Guam Public School System, Chamorro language instruction program, Hagatna, GU;

Hamilton Wings, Elgin, IL;

Harris County Department of Education, Cooperative for After-School Enrichment, Houston, TX;

Harvey Public School District 152, Harvey, IL;

Hawaii Department of Education, Honolulu, Assistance to Low-Performing Schools, HI;

Hawk Mountain Sanctuary Association, Kempton, PA;

Helen Keller International, New York, NY;

High Plains Regional Education Cooperative, Raton, NM;

Work-Scholarship Connection Youth Employment Training Academy, Hillside Family of Agencies, Rochester, NY;

Hoke County Schools, technology equipment, Raeford, NC;

Houston Independent School District, Houston, TX;

I KNOW I CAN, Columbus, OH;

In Tune Foundation Group, Washington, DC;

Independent School District 181, Brainerd Teacher Support System, Brainerd, MN;

Wyandanch High School, Institute for Student Achievement, Lake Success, NY;

Institute for Student Achievement, Lake Success, NY;

Iowa City Community School District, ICCDS Technology Based Early Literacy Program, Iowa City, IA;

Ivy Tech Community College of Indiana—Southeast, Madison, IN;

Jacob Burns Film Center, Pleasantville, NY;

Jazz at Lincoln Center, New York, NY;

Jefferson County Public Schools, Technology Instruction, Golden, CO;

Jersey Shore Area School District, Jersey Shore, PA;

JFYNetWorks, Boston, MA;

Malden, Revere, and Framingham, MA;

Joplin School District, Joplin, MO;

Jumpstart for Young Children, Inc., Boston, MA;

Jumpstart for Young Children, San Francisco, CA;

Kelberman Center, Utica, NY;

KIPP Foundation, San Francisco, CA;

KIPP Delta College Preparatory School, Helena, AR;

21st Century Community Learning Center, Logan Middle School, La Crosse School District, La Crosse, WI;

Learning Point Associates/North Central Regional Education laboratory, Naperville, IL;

Lee Pesky Learning Center, Boise, ID;

Lemay Child & Family Center, St. Louis, MO;

Los Angeles Conservation Corps, Los Angeles, CA;

Louisiana Arts and Sciences Museum, Baton Rouge, LA;

Louisiana Tech University, IDEA Place and SciTEC Classroom, Ruston, LA;

Lower East Side Conservancy, New York, NY;

Madison County Schools, Computer Lab, Richmond, KY;

Mesa Unified School District, Making Every Student Accountable (MESA), Mesa, AZ;

Military Heritage Center Foundation, Carlisle, PA;

Miller County Development Authority, Colquit, GA;

Milton S. Eisenhower Foundation, Washington, DC;

Milwaukee Public Schools, Community Learning Centers, Milwaukee, WI;

Minnesota Humanities Commission, St. Paul, MN;

Mississippi University for Women, Columbus, MS;

Missouri State University, Springfield, MO;

Monroe County School District, Technology Plan, Key West, FL;

Montgomery County Public Schools, Transition of Scientists from the Laboratory to the Classroom Project, Rockville, MD;

Mote Marine Laboratory, Sarasota, FL;

Mount Hood Community College, Child Development Center, Gresham, OR;

National Center for Electronically Mediated Learning, Inc., Milford, CT;

National Council on Crime and Delinquency, Oakland, CA;

National Cued Speech Association, Bethesda, MD;

National Flight Academy, Naval Air Station Pensacola, FL;

National Resource Center for Deafblindness, East Greenville, PA;

National Teacher's Hall of Fame, Emporia, KS;

Neighborhood Youth Association, Venice, CA;

New Mexico Public Education Department, Summer Reading and Math Institutes, Santa Fe, NM;

Newton Public Schools, Improvement of Education Program, Newton, KS;

North Carolina Agricultural and Technical University, Suspension Intervention Program, Greensboro, NC;

North Carolina Central University, Academic Enrichment Saturday Academy, Durham, NC;

North Carolina Symphony, Raleigh, NC;

North Carolina Technology Association Education Foundation, Raleigh, NC;

North Philadelphia Youth Association, Philadelphia, PA;

Northeast Louisiana Family Literacy Interagency Consortium;

Northern Tier Industry & Education Consortium, Dimock, PA;

Norwich Public School System, limited English proficiency, Norwich, CT;

Oakland Unified School District, Technology Integration Project, Oakland, CA;

O'Neill Sea Odyssey, Santa Cruz, CA;

OneWorld Now!, Seattle, WA;

Ossining Union Free School District, Ossining, NY;

Parent Institute for Quality Education, San Diego, CA;

PE4life, Kansas City, MO for physical education programs in Titusville;

People for People, Philadelphia, PA;

Peru State College, Peru, Adopt-a-High School Program, NE;

Philadelphia Academies, Inc., Philadelphia, PA;

Pinal County Education Service Agency, Florence, AZ;

Polk County Public Schools, Augmentative and Assistive Technology Support Project, Bartow, FL;

Port Chester—Rye Union Free School District, Port Chester, NY;

Project GRAD USA, Philadelphia, PA;

Purdue University Calumet, Urban Academy, Hammond, IN;

Queens Theatre in the Park, Flushing, NY;

Renwick Public Schools, Technology Program, Andale, KS;

Rio Rancho Public Schools, Cyber Academy, Rio Ranch, NM;

Riverside Community College, School of Nursing/Middle College, Riverside, CA;

Riverside County Office of Education, Riverside, CA;

Rockdale County Public Schools, Conyers, GA;

Rose-Hulman Institute of Technology, Terre Haute, IN;

Salesian Boys and Girls Club of Los Angeles, CA;

San Bernardino City Unified School District, English and Academic Skills for English Learners program, San Bernardino, CA;

San Bernardino County Superintendent of Schools, San Bernardino, CA;

San Joaquin County, Stockton, CA for its San Joaquin A Plus tutoring program;

San Mateo County, Redwood City, CA;

School Board of Broward County, Fort Lauderdale, FL;

Schultz Center for Teaching and Leadership, Jacksonville, FL;

Selden/Centereach Youth Association, Selden, NY;

Silver Crescent Foundation, Charleston, SC;

Sociedad Latina, Roxbury, MA;

Southwestern University, Center for Hispanic Studies, Georgetown, TX;

Springboard for Improving Schools, San Francisco, CA;

Academy of Arts and Academics, Springfield Public School District No. 19, Springfield, OR;

St. Mary's County Public Schools, Science and Technology Academies, Leonardtown, MD;

Elko, Nye, Douglas, Lyon and Churchill school districts, State of Nevada Department of Education;

Summit Educational Resources, Getzville, NY;

Susannah Wesley Community Center, Honolulu, HI;

Tampa Metropolitan YMCA, Tampa, FL;

TSU Lab School, Texas Southern University, Houston, TX;

Tomas Rivera Policy Institute, Los Angeles, CA;

Mayor's Office of Children and Learning, Town of Cumberland, Cumberland, RI;

Towson University, Towson, MD for an education partnership with the City of Baltimore, Baltimore City Public School System and the Cherry Hill community;

Tracy Joint Unified School District, Tracy, CA;

Tri-County Educational Service, Wooster, OH;

Trumbull County Educational Service Center, Niles, OH;

Tulsa Public Schools, Academic Center, Tulsa, OK;

Union County Public Schools, classrooms and labs, Monroe, NC;

Union Free School District of the Tarrytowns, after-school and professional development programs, Sleepy Hollow, NY;

University of Akron, Akron, STEM2 Education and Career Pathways, OH;

University of Alabama, Tuscaloosa, Manufacturing Engineering Education, AL;

USD 259, Wichita Public Schools, Wichita, KS;

Valle Undo School District, Critical Math Technology, South El Monte, CA;

Venango Technology Center, Oil City, PA;

Vision Therapy Project, Casper, WY;

Visually Impaired Preschool Services, Louisville, KY;

Washington College, Chestertown, MD;

Center for Community Education, Enrichment and Urban Studies, Washington State University, Tacoma, WA;

WE CARE San Jacinto Valley, Inc., San Jacinto, CA;

West Contra Costa Unified School District, John F. Kennedy High School Mary Gaddis;

Architecture Construction and Engineering Academy, Richmond, CA;

White-Williams Scholars, Philadelphia, PA;

Widener University, school readiness programs, Chester, PA;

Wildlife Information Center, Inc., Slatington, PA;

Williamsburg County First Steps, Kingstree, SC;

Yonkers Public Schools, Yonkers, after school and summer academic enrichment programs, NY;

Youngstown City School District, pre-apprenticeship program, OH;

Youngstown State University, Rich Center for Autism Technology, Youngstown, OH;

YWCA of Gary, Gary, IN;

Adelante Development Center, Albuquerque, NM;

Agudath Israel of America Community Services, Inc., Brooklyn, NY;

Arc of Blackstone Valley, Pawtucket, RI;

Bellingham Technical College, Bellingham, WA;

Bismarck State College, Instrumentation and Control Program, Bismarck, ND;

Center for Excellence in Technology, Telecommunications and Economic Development, Brookdale Community College, Center for Excellence in Technology, Telecommunications and Economic Development, Lincroft, NJ;

Center for Employment Training, San Jose, CA;

Central Carolina Tech College, Central Allied Health Sciences Center, Sumter, SC;

Central Maine Community College, Precision Manufacturing Advantage, Auburn, ME;

Chinese-American Planning Council, New York, NY;

City College of San Francisco, Welcome Back Center, CA;

City of Alexandria, automotive industry workforce development and training initiative, VA;

City of Baltimore, MD for the Park Heights Partnership for Jobs;

City of Milwaukee, WI for a project to train youth in construction trades;

City of Palmdale, Palmdale, CA for a business resource network to enhance worker skills development;

Suffolk Workforce Development Center, City of Suffolk, VA;

Clarian Health Partners, Indianapolis, IN;

College of Southern Maryland, La Plata, MD;

Community Learning Center, Fort Worth, TX;

Des Moines Area Community College, Arkeny, IA;

Dillard University, New Orleans Workers Initiative, New Orleans, LA;

East Los Angeles Community Union, Los Angeles, CA;

Easter Seals Arc of Northeast Indiana, Inc., Fort Wayne, IN;

Edgar Campbell Foundation, Philadelphia, PA;

Employment & Economic Development Department of San Joaquin County, Stockton, CA;

Essex County Community Organization, Lynn, MA;

Foundation of the Delaware County Chamber, Media, PA;

Goodwill of Southern Nevada, North Las Vegas, NV;

Greater Akron Chamber, Akron, OH;

Groden Center, Providence, RI;

Guam Community College, Mangilao, Guam;

Hamilton County Government, Chattanooga, TN;

Home of Life Community Development Corp., Chicago, IL;

Homecare Workers Training Center, Los Angeles, CA;

International Fellowship of Chaplains, Inc., Saginaw, MI;

Iowa Valley Community College, Education and Training Center, Marshalltown, IA;

Center for Cybersecurity, Ivy Tech Community College of Indiana—Columbus Region, Indianapolis, IN;

Center for Health Information Technology, Ivy Tech Community College of Indiana Lafayette, Indianapolis, IN;

Kansas City Kansas Community College, Workforce Investment demonstration program, Kansas City, KS;

Northeast Ohio Advanced Manufacturing Institute, Kent State University Trumbull County, Warren, OH;

Louisiana Delta Community College, Monroe, LA;

Louisiana National Guard, Carville, LA;

Manufacturing Association of Central New York, Syracuse, NY;

Massachusetts College of Pharmacy and Health Sciences, Healthcare Professional Training Initiative, Manchester, NH;

McHenry County Community College, F.A.S.T. Solutions, Woodstock, IL;

Minot State University, Job Corp Fellowship Training Program, Minot, ND;

Neighborhood First Program, Inc., Bristol, PA;

Newlife Academy of Information Technology, East Liverpool, OH;

North West Pasadena Development Corp., Pasadena, CA;

Northcott Neighborhood House, Milwaukee, WI;

Oakland Community College, Emerging Sectors Educational Consortium, Bloomfield Hills, MI;

Opportunity, Inc., Highland Park, IL;

Our Piece of the Pie, Hartford, CT;

Parish of Rapides Career Solutions Center, Alexandria, LA;

Philadelphia Shipyard Development Corporation, Philadelphia, PA;

Residential Construction Academy, Piedmont Virginia Community College, Charlottesville, VA;

Poder Learning Center, Chicago, IL;

Precision Manufacturing Institute, Meadville, PA;

Project One Inc., Louisville, KY;

Project QUEST, Inc., San Antonio, TX;

PRONTO of Long Island, Inc., Bayshore, NY;

Schoenbaum Family Enrichment Center, Charleston, WV;

Schuylkill Intermediate Unit 29, Marlin, PA;

South Bay Workforce Investment Board, Hawthorne, CA;

Southeast Missouri State University, Economic Workforce Development Program, Cape Girardeau, MO;

Southern University at Shreveport, Allied Health Program, Shreveport, LA;

Southside Virginia Community College, Heavy Equipment training Center, Alberta, VA;

Southwestern Oklahoma State University, Western Oklahoma Business Commercialization Center, Weatherford, OK;

St. Louis Agency on Training and Employment, St. Louis, MO;

Towson University, Towson, MD;

United Mine Workers of America, Career Center, Washington, PA;

University of West Florida, Hometown Heroes Teach Program, Pensacola, FL;

Veteran Community Initiatives, Inc., Johnstown, PA;

Vincennes University, Heavy Equipment Training program, Vincennes, IN;

Wayne County, NY Planning Department, Lyons, NY;

West Los Angeles College, Culver City, CA;

Women Work and Community, Augusta, ME;

A.O. Fox Memorial Hospital, Oneonta, NY;

Access Community Health Network, Chicago, IL;

Adirondack Medical Center, Saranac Lake, NY;

Adrian College, Nursing Program, Adrian, MI;

Adventist GlenOaks Hospital, Glendale Heights, FL;

Adventist Health, Roseville, CA;

Alamo Community College System, San Antonio, TX;

Alaska Addictions Rehabilitation Services, Inc., Wasilla, AK;

Alderson-Broaddus College, Philippi, WV;

Alice Hyde Medical Center, Malone, NY;

Alleghany Memorial Hospital, Sparta, NC;

Alle-Kiski Medical Center, Natrona Heights, PA;

Alliance for NanoHealth, Houston, TX;

AltaMed Health Services Corp., Los Angeles, CA;

American Oncologic Hospital, Fox Chase Cancer Center, Philadelphia, PA;

LBJ Medical Center, American Samoa, Pago Pago, AQ;

Amite County Medical Services, Liberty, MS;

Arnold Palmer Hospital, Orlando, FL;

Ashland County Oral Health Services, Ashland, OH;

Asian Americans for Community Involvement, San Jose, CA;

Association for Utah Community Health, Salt Lake City, UT;

Atlantic Health Systems, Florham Park, NJ;

Avis Goodwin Community Health Center, Dover, NH;

Avista Adventist Hospital, Louisville, CO;

Bad River Tribe of Lake Superior Chippewa, Odanah, WI;

Ball Memorial Hospital, Muncie, IN;

Baltimore City Health Department, Baltimore, MD;

Baltimore Medical System, Baltimore, MD;

Baptist Health Medical Center—Heber Springs, Heber Springs, AR;

Barnert Hospital, Paterson, NJ;

Barnes-Kasson County Hospital, Susquehanna, PA;

Barre Family Health Center, Barre, MA;

Bay Area Medical Clinic, Marinette, WI;

BayCare Health System, Clearwater, FL;

Baylor Research Institute, Dallas, TX;

Bayonne Medical Center, Bayonne, NJ;

Baystate Health Systems, Springfield, MA;

Beaumont Hospital, Royal Oak, MI;

Health Science Center, Belmont University, Nashville, TN;

Bemidji State University, nurse training program, Bemidji, MN;

Benedictine Hospital, Kingston, NY;

Benefis Healthcare, Great Falls, MT;

Berea Health Ministry Rural Health Clinic, Inc., Berea, KY;

Bloomington Hospital Foundation, Bloomington IN;

Bloomsburg Hospital, Bloomsburg, PA;

Blount Memorial Hospital, Maryville, TN;

Boone Hospital Center, Columbia, MO;

Boriken-Neighborhood Health Center, New York, NY;

Boscobel Area Health Care Boscobel, WI;

Boston Medical Center, Boston, MA;

Boston University Medical School, amyloidosis treatment, Boston, MA;

Bridge Community Health Clinic, Wausau, WI;

Bridgeport Hospital, Bridgeport, CT;

Brockton Neighborhood Health Center, Brockton, MA;

Brookside Community Health Center, San Pablo, CA;

Brunswick County, Bolivia, NC;

Bryan W. Whitfield Hospital, Demopolis, AL;

Bureau County Health Clinic, Princeton, IL;

Cactus Health Services, Inc., Sanderson, TX;

California Hospital Medical Center, Los Angeles, CA;

California State University, Department of Nursing, Bakersfield, CA;

Camillus House, Inc, Miami, FL;

Canonsburg General Hospital, Canonsburg, PA;

Cape Cod Free Clinic and Community Health Center, Mashpee, MA;

Capital Park Family Health Center, Columbus, OH;

Cardinal Stritch University, Agape Community Center, Milwaukee, WI;

Carolinas HealthCare System, Charlotte, NC;

Carroll County Regional Medical Center, Carrollton, KY;

Outpatient Mental Health Clinic, Carroll County Youth Service Bureau, Westminster, MD;

Center for Health Equity, Louisville, KY;

Virtual Medical Skills Center, Central Wyoming College, Riverton, WY;

CentroMed, San Antonio, TX;

Champlain Valley Physician's Hospital, Plattsburgh, NY;

Charles A. Dean Memorial Hospital, Greenville, ME;

Chatham County Safety Net Collaborative, Savannah, GA;

Cherry Street Health Services, Grand Rapids, MI;

Children's Friend and Family Services, Salem, MA;

Children's Home of Pittsburgh, Pittsburgh, PA;

Children's Hospital and Clinics of Minnesota, Minneapolis, MN;

Children's Hospital and Health System, Milwaukee, WI;

Children's Hospital at Albany Medical Center, Albany, NY;

Children's Hospital Medical Center of Akron, Akron, OH;

Children's Hospital of Orange County, Mission Viejo, CA;

Children's Hospital of the King's Daughters, Norfolk, VA;

Children's Hospital, Denver, CO;

Mobile Pediatric Health Simulation Center, Children's Hospitals and Clinics of Minnesota, Minneapolis, MN;

Children's Medical Center, Dayton, OH;

Children's Memorial Hospital, Chicago, IL;

Children's National Medical Center, Washington, DC;

Children's Specialized Hospital, Mountainside, NJ;

Chippewa Valley Hospital, Durand, WI;

Chiricaua Community Health Centers, Inc., Elfrida, AZ;

Christian Health Care Center of New Jersey, Wyckoff, NJ;

Christian Sarkine Autism Treatment Center, Indianapolis, IN;

Christus Santa Rosa's Children's Hospital, San Antonio, TX;

Cincinnati Children's Hospital Medical Center, Cincinnati, OH;

Citrus County Board of County Commissioners, Inverness, FL;

Travis County Hospital District, City of Austin, TX;

City of Chesapeake, Pilot Project Use of Technology for Targeted Public Health Intervention, VA;

Senior Citizens' Center, City of Hueytown, AL;

City of Oakland, Oakland Youth Center, CA;

City of Stockton, Community & Health Center/Airport Way, CA;

City of Stonewall, Stonewall Primary Care Clinic, OK;

Clarion Health Center, Clarion, PA;

Cleveland Clinic Huron Hospital, East Cleveland, OH;

Cobb County Government, Marietta Senior Health Center, GA;

Coffeyville Regional Medical Center, Coffeyville, KS;

Coles County Council on Aging, Mattoon, IL;

College Misericordia, Dallas, PA;

Collier County, Health Care Access for the Uninsured, Naples, FL;

Colorado State University, Fort Collins, CO;

Columbia Memorial Hospital, Hudson, NY;

Columbus Children's Hospital, Columbus, OH;

Communi Care, Inc., Columbia, SC;

Community College of Aurora, Combined Position Emission Tomography (PET) and Computer Tomography (CT) Scanner, Aurora, CO;

Community Dental Services, Albuquerque, NM;

Community Health Care, Tacoma, WA;

Community Health Center of Franklin County, Turners Falls, MA;

Community Health Works, Forsyth, GA;

Community Hospital of Bremen, Bremen, IN;

Community Hospital TeleHealth Consortium, Lake Charles, LA;

Gleason House, Community Medical Centers, Stockton, CA;

Comprehensive Community Action Program (CCAP), Cranston, RI;

Connecticut Hospice, Inc., Branford, CT;

Cook Children's Medical Center, Fort Worth, TX;

Cooperative Education Service Agency 11 Rural Health Dental Clinic, Turtle Lake, WI;

County of Modoc, Modoc Medical Center, Alturas, CA;

County of Peoria, Bel-Wood Nursing Home, Peoria, FL;

County of San Diego, Public Health Services, CA;

Crousee Hospital, Syracuse, NY;

Moss Higher Education Center, Crowder College—Nevada Campus, Nevada, MO;

Crozer-Chester Medical Center, Upland, PA;

Cumberland Medical Center, Crossville, TN;

Dartmouth-Hitchcock Medical Center, Lebanon, NH;

Delaware Technical and Community College, Shaping the Future of Delaware Citizens program, Dover, DE;

Denver Health and Hospital Authority, Denver, CO;

Des Moines University and Broadlawns Medical Center, Des Moines, IA;

Detroit Primary Care Access, Detroit, MI;

Dixie County primary care facility, Cross City, FL;

Dodge County Hospital, Eastman, GA;

Drew County Memorial Hospital, Monticello, AR;

DuBois Regional Medical Center, DuBois, PA;

Metabolic Institute, East Carolina University, Greenville, NC;

East Tennessee Children's Hospital, Knoxville, TN;

East Tennessee State University College of Pharmacy, Johnson City, TN;

Easter Seals of Mahoning, Trumbull, and Columbiana Counties, Youngstown, OH;

Eddy County, Regional Substance Abuse Rehabilitation Center, Carlsbad, NM;

Edgemoor Hospital, Santee, CA;

Eisenhower Medical Center, Rancho Mirage, CA;

Azusa Health Center, EI Proyecto del Barrio, Arleta, CA;

EI Proyecto del Barrio, Winnetka, CA;

Elizabeth City State University, School of Mathematics, Elizabeth City, NC;

Emerson Hospital, Concord, MA;

Englewood Hospital and Medical Center, Englewood, NJ;

Excela Health, Mt. Pleasant, PA;

Fairfield Medical Center, Lancaster, OH;

Fairview Southdale Hospital, Edina, MN;

Harmony Center, Family and Children's Aid, Danbury, CT;

Family Behavioral Resources, Greensburg, PA;

Family Center of the Northern Neck, Inc; White Stone, VA;

Family Health Center of Southern Oklahoma, Tishomingo, OK;

Family HealthCare Network, Visalia, CA;

Family Medicine Spokane, Spokane, WA;

Florida Hospital College of Health Sciences, Orlando, FL;

Autism Research and Treatment Center, Florida Institute of Technology, Melbourne, FL;

Floyd Valley Hospital, Le Mars, IA;

Freeman Health System, Joplin, MO;

Fulton County Medical Center, McConnellsburg, PA;

Gardner Family Health Network, Inc., San Jose, CA;

Gaston College, Health Education Institute, Dallas, NC;

Gateway to Care, Houston, TX;

Autism Early Identification Diagnostic and Treatment Center, Gertrude A. Barber Center, Erie, PA;

Glen Rose Medical Center, Glen Rose, TX;

Glendale Adventist Medical Center, Glendale, CA;

Glens Falls Hospital, Glens Falls, NY;

Grady Health Systems, Atlanta, GA;

Grandview Hospital, Dayton, OH;

Greater Hudson Valley Family Health Center, Inc., Newburgh, NY;

Greater New Bedford Community Health Center, New Bedford, MA;

Griffin Hospital, Derby, CT;

Gritman Medical Center, Moscow, ID;

Gundersen Lutheran Health System, West Union, IA;

Gunderson Lutheran, Decorah, IA;

Halifax Regional Health System, South Boston, VA;

Hamilton Community Health Network, Flint, MI;

Hampton University, Cancer Treatment Initiative, Hampton, VA;

Harris County Hospital District, Houston, TX;

Harris Methodist Erath County Hospital, Stephenville, TX;

Hatzoloh EMS, Inc., Monsey, NY;

Hawkeye Community College, Health and Fitness Center, Waterloo, IA;

Healing Tree Addiction Treatment Solutions, Inc., Sterling, CO;

HEALS Dental Clinic, Huntsville, AL;

HealthCare Connection, Cincinnati, OH;

HealthEast Care System, St. Paul, MN;

Heartland Community Health Clinic, Peoria, IL;

Hekloen Institute for Medical Research Beloved Community Wellness Program, Chicago, IL;

Helen DeVos Children's Hospital, Grand Rapids, MI;

Henry Mayo Newhall Memorial Hospital, Valencia, CA;

Highland Community Hospital, Picayune, MS;

Highlands County, Veteran Services Building, Sebring, FL;

Holy Name Hospital, Teaneck, NJ;

Home Nursing Agency, Altoona, PA;

Hormel Foundation, Austin, MN;

Hospice of Northwest Ohio Toledo Center, Toledo, OH;

Hospice of the Western Reserve, Cleveland, OH;

Houston County Hospital District, Crockett, TX;

Howard Community College, Radiologic Technology Program, Columbia, MD;

Hudson Alpha Institute for Biotechnology, Huntsville, AL;

Hudson Headwaters Health Network, Inc., Glens Falls, NY;

Humility of Mary Health Partners, Youngstown, OH;

Humphreys County Memorial Hospital, Belzoni, MS;

Hunterdon Medical Center, Flemington, NJ;

Hunter's Hope Foundation, Orchard Park, NY;

Huntsville Hospital, Huntsville, AL;

Hurley Medical Center, Flint, MI;

Idaho Caring Foundation, Inc., Boise, ID;

Advanced Clinical Simulation Laboratory, Idaho State University, Pocatello, ID;

Illinois Masonic Medical Center, Chicago, IL;

Illinois Primary Health Care Association, Springfield, IL;

India Community Center, Milpitas, CA;

School of Nursing, Indiana University Bloomington, IN;

Northwest Indiana Health Research Institute, Indiana University School of Medicine, Gary, IN;

Indiana University School of Medicine, Indianapolis, IN;

School of Nursing, Indiana University Southeast, New Albany, IN;

Inland Behavioral Health Services, Inc., San Bernardino, CA;

Institute for Family Health, New Paltz, NY;

Institute for Research and Rehabilitation, Houston, TX;

INTEGRIS Health, Oklahoma City, OK;

Intermountain Healthcare, Salt Lake City, UT;

Jameson Hospital, New Castle, PA;

Jasper Memorial Hospital, Monticello, GA;

Jefferson Regional Medical Center Nursing School, Pine Bluff, AR;

Jenkins County GA, Hospital, Millen, GA;

Bell Gardens Health Center, John Wesley Community Health Institute, Bell Gardens, CA;

Johnson Memorial Hospital, Stafford Springs, CT;

Johnston Memorial Hospital, Smithfield, NC;

Kalamazoo Valley Community College, Kalamazoo, MI;

International Center for Spinal Cord Injury facility, Kennedy Krieger Institute, Baltimore, MD;

Kent State University Stark Campus, Health Building, North Canton, OH;

Kent State University, Health and Science Building, Ashtabula, OH;

Kilmichael Hospital, Kilmichael, MS;

Kirkwood Community College, Advanced Medical Simulation Instructional Center, Cedar Rapids, IA;

Knox Community Hospital, Mount Vernon, OH;

San Antonio Neighborhood Health Center, La Clinic de la Raza, Oakland, CA;

La Rabida Children's Hospital, Chicago, IL;

Lakeland Community College, Regional Healthcare Workforce Development Project, Kirtland, OH;

Community and University Partnership Service, Lamar University, Beaumont, TX;

Lanai Women's Center, Lanai City, HI;

Laurens County Health Care System, Clinton, SC;

Lawrence Hospital Center, Bronxville, NY;

League Against Cancer, Miami, FL;

Liberty County, medical offices, FL, Bristol, FL;

Liberty Regional Medical Center, Hinesville, GA;

Limestone Community Care, Inc. Medical Clinic, Elkmont, AL;

Lincoln Community Health Center, Durham, NC;

Lincoln Medical and Mental Health Center, Bronx, NY;

Lodi Memorial Hospital, Lodi, CA;

Loretto in Syracuse, elderly health care facilities, Syracuse, NY;

Los Angeles Orthopaedic Hospital, Los Angeles, CA;

Louisville Metro Department of Public Works, Louisville, KY;

Lourdes Medical Center of Burlington County, Willingboro, NJ;

Loyola University Health System, Maywood, IL;

Lucile Packard Children's Hospital, Palo Alto; CA;

Madison Center, South Bend, IN;

Madison County Memorial Hospital, Rexburg, ID;

Madison County, Nursing Homes, Virginia City, MT;

Madison St. Joseph Health Center, Madisonville, TX;

Maine Center for Marine Biotechnology, Gulf of Maine Research Institute, Portland, ME;

Maine Primary Care Association, Augusta, ME;

Manchester Memorial Hospital, Manchester, CT;

Marana Health Center, Marana, AZ;

Marias Medical Center, Shelby, MT;

Marquette General Hospital, Marquette, MI;

Marshalltown Medical and Surgical Center, Marshalltown, IA;

Mary Scott Nursing Center, Dayton, OH;

Maryland State Dental Association, Columbia, MD;

Center for Science and Health Professions, Maryville University, St. Louis, MO;

Mason County Board of Health, Maysville, KY;

Massachusetts College of Pharmacy and Health Sciences, Worcester, MA;

Maury Regional Hospital, Columbia, TN;

Meharry Medical College, Nashville, TN;

Memorial Hermann Baptist Beaumont Hospital, Beaumont, TX;

Memorial Hermann Healthcare System, Houston, TX;

Memorial Hermann Southwest Hospital, Houston, TX;

Mendocino Coast District Hospital, Fort Bragg, CA;

Family Wellness Center, Menominee Indian Tribe of Wisconsin, Keshena, WI;

Mercy College of Northwest Ohio, Professional Education Division, Toledo, OH;

Mercy Health Foundation, Durango, CO;

Mercy Hospital Grayling, Grayting, MI;

Mercy Hospital, Buffalo, NY;

Mercy Medical Center, Redding, CA;

Mercy Medical Center—House of Mercy, Des Moines, IA;

Mercy Memorial Hospital, Monroe, MI;

Mercy Ministries Health Center, Laredo, TX;

Mercy Suburban Hospital, Norristown, PA;

Methodist Hospital of Southern California, Arcadia, CA;

Methodist Hospital, Houston, TX;

Metropolitan Hospital, New York, NY;

Metro West Medical Center Framingham Union Hospital, Framingham, MA;

Miami Beach Community Health Center, Miami Beach, FL;

Middle Tennessee State University, Center for Physical Activity, Murfreesboro, TN;

Middlesex Community College, Health Education Programs, Lowell, MA;

Middletown Regional Hospital, Middletown, OH;

Mid-Ohio FoodBank, Columbus, OH;

Miles Community College, Pathways to Careers in Healthcare, Miles City, MT;

Mission Hospitals, Asheville, NC;

Missouri Delta Medical Center, Sikeston, MO;

Monroe Clinic, Monroe, WI;

Monroe County Hospital, Forsyth, GA;

Montefiore Medical Center, Bronx, NY;

Montgomery Area Nontraditional Equestrians, Pike Road, AL;

Morehead State University, Healthy Communities Outreach and Demonstration, Morehead, KY;

Morris Heights Health Center, Inc., Bronx, NY;

Morton Hospital and Medical Center, Taunton, MA;

Mount Nittany Medical Center, State College, PA;

Mount Vernon Hospital, Mount Vernon, NY;

Mount Wachusett Community College, Northern Tier Healthcare Simulated Instructional Mannequin System (SIMS), Gardner, MA;

Muhlenberg Community Hospital, Greenville, KY;

Naugatuck Valley Community College, Nursing Program, Waterbury, CT;

Nebraska Hospital Association Research and Education Foundation, Lincoln, NE;

New York College of Osteopathic Medicine, Old Westbury, NY;

New York Presbyterian Hospital, New York, NY;

Newark Beth Israel Medical Center, Newark, NJ;

Newark-Wayne Community Hospital, Newark, NY;

Newport Hospital Newport, RI;

Newton Memorial Hospital, Newton, NJ;

Niagara Falls Memorial Medical Center, Niagara Falls, NY;

Norman Regional Health System, Norman, OK;

NorthEast Ohio Neighborhood Health Services, Inc., Cleveland, OH;

Northeast Wisconsin Technical College, Green Bay, WI;

Northern Dutchess Hospital Rhinebeck, NY;

Northern Westchester Hospital, Mount Kisco, NY;

Northland Medical Center, Princeton, MN;

Northwest Community Health Care, Pascoag, RI;

Northwest Hospital Intermediate Care Unit, Randallstown, MD;

Northwest Kidney Centers, Seattle, WA;

Northwest Nazarene University, Nursing Facility, Nampa, ID;

Northwestern Memorial Hospital, Chicago, IL;

Oakland University School of Nursing, Rochester, MI;

Oaklawn Adult Group Home, Goshen, IN;

Oakwood Healthcare System Foundation, Dearborn, MI;

Ocean Beach Hospital, Ilwaco, WA;

James Cancer Survivorship Center, Ohio State University Comprehensive Cancer Center, Columbus, OH;

Ohio State University Medical Center, Columbus, OH;

Oklahoma University College of Medicine—Tulsa, Tulsa, OK;

Olympic Community Action Program, Port Angeles, WA;

Oregon Coast Community College, Nursing Program, Newport, OR;

Osceola County Health Department, Poinciana, FL;

Osceola Medical Center, Osceola, WI;

Our Lady of Lourdes Memorial Hospital, Binghamton, NY;

Palisades Medical Center, North Bergen, NJ;

Palmetto Health Foundation, Columbia, SC;

Parkland Health Center, Farmington, MO;

Passavant Area Hospital, Jacksonville, IL;

Pattie A. Clay Regional Medical Center, Richmond, KY;

Pee Dee Healthy Start, Florence, SC;

Peninsula Hospital Center, New York, NY;

People, Inc., Williamsville, NY;

Highland Hospital, Peralta Community College, Oakland, CA;

Person Memorial Hospital, Roxboro, NC;

Phoenix Children's Hospital, Phoenix, AZ;

Children's Health Center/Emergency Shelter, Placer County, Auburn, CA;

Pointe Coupee Better Access Community Health, New Roads, LA;

Ponce Center of Autism, Municipality of Ponce, PR;

Powell County Medical Center, Deer Lodge, MT;

Powell Valley Health Care, Powell, WY;

Prairie Star Health Center, Hutchinson, KS;

Preston Memorial Hospital, Kingwood, WV;

Project Access Spokane, Spokane, WA;

ProMedica Continuing Care Service Corporation, Adrian, MI;

Provena Saint Joseph Hospital, Elgin, IL;

Providence Health System, Anchorage, AK;

Putnam Hospital Center, Carmel, NY;

Quebrada Health Center, Municipality of Camuy, PR;

Quincy Valley Medical Center, Quincy, WA;

Rancho Santiago Community College District, Public-Private Medical Education Complex, Santa Ana, CA;

Reading Hospital School of Nursing, West Reading, PA;

Reformed Presbyterian Women's Association, Pittsburgh, PA;

Regional Children's Hospital, Johnson City, TN;

Rhode Island Quality Institute, Providence, RI;

Health Commons, Rio Arriba County, Espanola, NM;

Riverside County Regional Medical Center, Moreno Valley, CA;

Riverside Health System, Newport News, VA;

Roosevelt Hospital, New York, NY;

Rosebud Sioux Tribe, Rosebud, SD;

Roswell Park Cancer Institute, Buffalo, NY;

Rural Health Technology Consortium;

Rush University Medical Center, Chicago, IL;

Saginaw Valley State University, University Center, MI;

Saint Mary's Health Care, Grand Rapids, MI;

Sam Rogers Health Clinic, Kansas City, MO;

San Antonio Hospital Foundation, Upland, CA;

San Francisco Medical Center Outpatient Improvement Programs, Inc., San Francisco, CA;

San Mateo Medical Center Emergency Department, San Mateo County, Redwood City, CA;

San Ysidro Health Center, San Ysidro, CA;

Sandoval County, Telemedicine Project, Bernalillo, NM;

Santa Rosa Memorial Hospital, Orange, CA;

Schneck Medical Center, Seymour, IN;

Scotland Memorial Hospital, Laurinburg, NC;

Seattle Cancer Care Alliance, Seattle, WA;

Sharp Rehabilitation Services, San Diego, CA;

Shasta Community Health Center, Redding, CA;

Shawano County Rural Health Initiative, Shawano, WI;

Sidney Health Center, Sidney, MT;

Sierra Nevada Memorial Foundation, Grass Valley, CA;

Sistersville General Hospital, Sisterville, WV;

Skagit Valley Hospital Cancer Care Center, Mount Vernon, WA;

Soldiers and Sailors Memorial Hospital, Wellsboro, PA;

Somerset Medical Center, Somerville, NJ;

South Broward Hospital District, Hollywood, FL;

South Carolina HIV/AIDS Council, Columbia, SC;

South Nassau Communities Hospital, Oceanside, NY;

South Shore Hospital, South Weymouth, MA;

Southampton Hospital, Southampton, NY;

Southeast Alabama Medical Center, Dothan, AL;

Southeast Community College, Allied health training center, Cumberland, KY;

Southeast Missouri State University, Economic Workforce and Development program, Cape Girardeau, MO;

Southern Methodist University, Southwestern Consortium for Anti-Infective and Virological Research, Dallas, TX;

Southern Vermont Recreation Center Foundation, Springfield, VT;

Southwest Tennessee Community College, Nursing and Biotechnology Program, Memphis, TN;

St. James Hospital and Health Centers, Chicago Heights, IL;

St. Agnes Hospital, Fresno, CA;

St. Ambrose University, Davenport, IA;

St. Anthony Community Hospital, Warwick, NY;

St. Anthony Hospital, Chicago, IL;

St. Anthony Memorial Health Centers, Hammond, IN;

St. Bernard Health Center, Inc., Chalmette, LA;

St. Bernardine Medical Center, San Bernardino, CA;

St. Camillus Health and Rehabilitation Center, Syracuse, NY;

St. Catharine College, Allied Health and Sciences Education Project, St. Catharine, KY;

St. Charles Parish, LaPlace, LA;

St. Clair Hospital, Pittsburgh, PA;

St. Claire Regional Medical Center, Morehead, KY;

St. Elizabeth Medical Center, Utica, NY;

St. Francis Hospital, Escanaba, MI;

St. Francis Medical Center, Trenton, NJ;

St. James Parish Hospital, Lutcher, LA;

St. John's North Shore Hospital, Harrison Township, MI;

St. Joseph of the Pines, Southern Pines, NC;

St. Joseph Regional Medical Center, South Bend, IN;

St. Joseph's Hospital Mercy Care Services, Atlanta, GA;

St. Joseph's Hospital, Buckhannon, WV;

St. Joseph's Hospital, Savannah, GA;

St. Joseph's Regional Medical Center, Paterson, NJ;

St. Joseph's/Candler Health System, Savannah, GA;

St. Luke's Quakertown Hospital, Quakertown, PA;

St. Luke's Regional Medical Center, Ltd., Boise, ID;

St. Mary Medical Center Foundation, Langhorne, PA;

St. Mary Medical Center, Apple Valley, CA;

St. Mary's Hospital Foundation, Grand Junction, CO;

St. Mary's Hospital, Madison, WI;

St. Mary's Medical Center, Huntington, WV;

St. Mary's Regional Medical Center, Reno, NY;

St. Patrick Hospital and Health Sciences Center, Missoula, MT;

St. Peter's Hospital Foundation, Albany, NY;

St. Petersburg College, Orthotics and Prosthetics building, St. Petersburg, FL;

St. Vincent Hospital, Billings, MT;

St. Vincent's Charity Hospital, Cleveland, OH;

St. Vincent's Medical Center, Bridgeport, CT;

St. Xavier University, Chicago, IL;

Stamford Hospital, Stamford, CT;

Stark Prescription Assistance Network, Canton, OH;

State Fair Community College, Science and Allied Health Center, Sedalia, MO;

Stewart-Marchman Center, Inc., Daytona Beach, FL;

Stony Point Ambulance Corps, Stony Point, NY;

Appalachian Regional Healthcare Hospital, Summers County Commission, Hinton, WV;

Swedish Covenant Hospital, Chicago, IL;

Sylvan Grove Hospital, Jackson, MS;

Tangipahoa Parish, Loranger, LA;

Rural Nursing Education Program, Tarleton State University, Stephenville, TX;

Tarrant County Infant Mortality Task Force, Ft. Worth, TX;

Taylor Regional Hospital, Hawkinsville, GA;

Temple Health and Bioscience Economic Development District, Temple, TX;

Teton Valley Hospital and Surgicenter, Driggs, ID;

Texas A&M University—Kingsville, Animal Research Facility, Kingsville, TX;

Texas Institute for Genomic Medicine, College Station, TX;

Texas Tech University Health Sciences Center, El Paso and Lubbock, TX;

Thomas Jefferson University Breast Cancer Center, Philadelphia, PA;

Thomason General Hospital, El Paso, TX;

Thundermist Health Center, Woonsocket, RI;

Tohono O'odham Nation, Sells, AZ;

Toledo Children's Hospital, Toledo, OH;

Tomorrow's Child/Michigan SIDS, Lansing, MI;

Senior Citizens' Center for Health and Wellness, Town of Argo, AL;

Translational Genomics Research Institute, Phoenix, AZ;

Transylvania Community Hospital, Inc., Brevard, NC;

Tulare District Hospital, Tulare, CA;

Tuomey Healthcare System, Sumter, SC;

Twin City Hospital, Dennison, OH;

Union Hospital, Terre Haute, IN;

Uniontown Hospital, Uniontown, PA;

Unity Health Care, Washington, DC;

University Community Hospital/Pepin Heart Hospital, Tampa, FL;

University Health System, San Antonio, TX;

University of Alabama, Tuscaloosa, AL;

University of Arizona Medical Center, Tucson, AZ;

University of Arkansas for Medical Sciences, Little Rock, AR;

Antenatal and Neonatal Guidelines, Education, and Learning System, University of Arkansas for Medical Sciences, Little Rock, AR;

University of Arkansas Medical School Cancer Research Center, Little Rock, AR;

Center for Education, University of California, Davis Health System, Sacramento, CA;

University of Chicago Hospitals, Chicago, IL;

University of Illinois College of Medicine, Peoria, IL;

Public health research and education building, University of Iowa, Iowa City, IA;

Advanced biomedical research institute, University of Iowa, Iowa City, IA;

University of Kansas Research Center, Lawrence, KS;

University of Massachusetts Memorial Medical Center, Worcester, MA;

University of Memphis, Health Building, Memphis, TN;

Center for Research in Medical Education, University of Miami, Miami, FL;

C.S. Mott Children's and Women's Hospitals, University of Michigan Health System, Ann Arbor, MI;

University of North Alabama, Science and Health Facility, Florence, AL;

Center for Computational Epidemiology, University of North Texas, Denton, TX;

National Center for Nursing Education, University of Northern Colorado, Greeley, CO;

University of South Florida, Cancer Clinical Trials Project, Tampa, FL;

University of Tennessee of Chattanooga, Chattanooga, Low Birth Weight Study Project, TN;

University of Texas Southwestern Medical Center, Dallas, TX;

University of Texas Southwestern Medical Center, Dallas, TX;

University of Virginia Health System, Charlottesville, VA;

University of Wisconsin-Oshkosh, Living Healthy Community Clinic, Oshkosh, WI;

Utah Navajo Health System, Inc., Montezuma Creek, UT;

Valley Cooperative Health Care, Hudson, WI;

Vanguard University Nursing Center, Costa Mesa, CA;

Village Network Boys' Village Campus, Wooster, OH;

Virtua Memorial Hospital Burlington County, Mount Holly, NJ;

Visiting Nurse Association Healthcare Partners of Ohio, Cleveland, OH;

Wadsworth Rittman Hospital Foundation, Wadsworth, OH;

Holly Hill Hospital, Wake County, Raleigh, NC;

Washington County, GA Regional Medical Center, Sandersville, GA;

Washington Hospital Center, Washington, DC;

Washington Parish, Bogalusa, LA;

Wayne Memorial Hospital. Jesup, GA;

West Jefferson Medical Center, Marrero, LA;

West Shore Medical Center, Manistee, MI;

West Side Community Health Services, St. Paul, MN;

West Virginia University Hospital, Morgantown, WV;

Western North Carolina Health System, Asheville, NC;

Whidden Memorial Hospital, Everett, MA;

White County Memorial Hospital, Monticello, IN;

White Memorial Medical Center, Los Angeles, CA;

White Plains Hospital Center, White Plains, NY;

Whiteside County Department of Health, Rock Falls, IL;

Whittemore Peterson Institute for Neuro-Immune Disease, Sparks, NV;

Wind River Community Health Center, Riverton, WY;

Wing Memorial Hospital, Palmer, MA Winneshiek Medical Center, Decorah, IA;

Wolfson Children's Hospital, Jacksonville, FL;

Woodhull Medical and Mental Health Center, Brooklyn, NY;

Woodruff County Nursing Home, McCrory, AR;

Wyoming County Community Hospital, Warsaw, NY;

YMCA of Central Stark County, Canton, OH;

York Memorial Hospital, York, PA;

Youth Crisis Center, Jacksonville, FL;

Zucker Hillside Hospital, Glen Oaks, NY;

Alma Family Services, Monterey Park, CA;

Bronx-Lebanon Hospital, New York, NY;

Community Health Partnership, Santa Clara, CA;

Hunterdon Medical Center, Flemington, NJ;

Louisiana State University Health Sciences Center, Shreveport, LA;

Marymount University, Nurse Managed Health Center, Arlington, VA;

Nassau University Medical Centers, East Meadow, NY;

National Hispanic Medical Association, Washington, DC;

Prince George's County, Health Insurance Media Campaign, Upper Marlboro, MD;

St. Luke's Community Free Clinic, Front Royal, VA;

Thurston-Mason County Medical Society, Olympia, WA;

Alabama Institute of the Deaf and Blind, Talladega, AL;

Albany State University, African American Male Initiative, Albany, GA;

American Speech-Language-Hearing Foundation, Rockville, MD;

Anne Arundel Community College, Center for Health, Science, and Homeland Security, Arnold, MD;

Armstrong Atlantic State University, Cyber Security Research Initiative, Savannah, GA;

Asnuntuck Community College, Manufacturing Technology Center, Enfield, CT;

Azusa Pacific University, School of Nursing, San Bernardino, CA;

Bellevue Community College, Building Safer Information Technology project, Bellevue, WA;

Beloit College, Science Building, Beloit, WI;

Engineering technology center, Bemidji State University, Bemidji, MN;

Bennett College for Women, Suspension Intervention Program, Greensboro, NC;

Berkshire Community College, Access to Education Initiative, Pittsfield, MA;

Bluegrass Community and Technical College, Technology Equipment, Winchester, KY;

Broward Community College, Minority Center for Preparedness and Prevention, Broward County, FL;

Bucknell University, Environmental Initiative, Lewisburg, PA;

Buena Vista University, post secondary education online curriculum, Storm Lake, IA;

Butler Community College, technological worker training program, Andover, KS;

Caldwell Community College and Technical Institute, County Teaching Center, Hudson, NC;

California Baptist University, School of Engineering, Riverside, CA;

California Polytechnic State University, Animal Research, San Luis Obispo, CA;

California State University—Channel Islands, Regional Clinical Simulation Technology Laboratory, Camarillo, CA;

Ruby Gerontology Center, California State University—Fullerton, Fullerton, CA;

Campbell University, Advancement for Underrepresented Minority Pharmacists and Pharmaceutical Scientists Program, Buies Creek, NC;

Central Arizona College, Bilingual Nursing Program, Coolidge, AZ;

Central Florida Community College, Equine Studies Curriculum, Ocala, FL;

Central Methodist University, Novel Partnership, Fayette, MO;

Center for Integrated Emergency Response Training, Central Piedmont Community College, Charlotte, NC;

Central Washington University, Wine Quality Testing and Education Initiative, Ellensburg, WA;

Chemeketa Community College, Health Sciences Education Center, Salem, OR;

Charles B. Rangel Center for Public Service, City College of New York, NY;

Clark State Community College, Green County Campus, Springfield, OH;

Clayton College and State University, archival graduate program, Morrow, GA;

Institute for Environmental Sustainability in the Workforce, Clover Park Technical College, Lakewood, WA;

College of Lake County, Family English as a Second Language Program, Grayslake, IL;

College of Southern Idaho, Pro-Tech Program, Twin Falls, ID;

College of Southern Maryland, Construction and Transportation Training, LaPlata, MD;

College of the Canyons, Medical Lab Technician Degree Program, Santa Clarita, CA;

College Success Foundation, Issaquah, WA;

Community College of Allegheny County, Technical Education, Pittsburgh, PA;

Community College of Beaver County, Aviation Sciences Center, Monaca, PA;

Consensus Organizing Center, San Diego, CA;

Coppin State University, School of Nursing, Baltimore, MD;

Darton College, Biomedical Technology Education, Albany, GA;

Delaware County Community College, Science, Engineering, and Technology Complex, Media, PA;

Jasper County Career Academy, Des Moines Area Community College, Des Moines, ID;

Digital Campus Initiative, DeSales University, Center Valley, PA;

Eastern Illinois University, Nursing Program, Charleston, IL;

Eastern Shore Community College Industrial Maintenance Program, Melfa, VA;

Eckerd College, educational technology initiative, St. Petersburg, FL;

Edison College, Nursing Program, Charlotte County Campus, Punta Gorda, FL;

El Camino College, Nursing Program, Torrance, CA;

Teacher Education Enhancement Program, Elmira College, Elmira, NY;

Florida Campus Compact, Tallahassee, FL;

Coastal Watershed Institute, Florida Gulf Coast University, Ft. Myers, FL;

Focus: HOPE, Detroit, MI;

Franklin Pierce College, Bachelor of Science Degree in Nursing Program Development, Rindge, NH;

Frontier Community College, utility lineman training program, Fairfield, IL;

Ft. Valley State University, Teacher Preparation and Research Center, Ft. Valley, GA;

Gadsden State Community College, fiber optic planning and development, Gadsden, AL;

Center for Advanced Manufacturing Competitiveness, Gateway Community and Technical College, Ft. Mitchell, KY;

Gateway Community College, advanced manufacturing center, New Haven, CT;

Gila County Community College, registered nurses program, Globe, AZ;

Grace College, Access to Education for All Program, Winona Lake, IN;

Greenfield Community College, art training and education, Greenfield, MA;

Harcum College, laboratory and teaching facilities, Bryn Mawr, PA;

Harrisburg Area Community College, health department equipment, Harrisburg, PA;

Harrisburg University of Science and Technology, Academic Development and Equipment, Harrisburg, PA;

Herkimer County Community College, Renovation of Science Laboratory, Herkimer, NY;

Hiwassee College, dental hygiene program, Madisonville, TN;

Holy Family University, Teaching with Technology for Nurses Initiative, Philadelphia, PA;

Huntington Junior College, Closed Captioning program, WV;

Huston-Tillotson University, math and science education initiative, Austin, TX;

Institute for Advanced Learning and Research, Danville, VA;

Ivy Tech Community College, equipment and curriculum, Evansville, IN;

Jackson State University, Osteopathic Medical School, Jackson, MS;

James Rumsey Technical Institute, Automotive Technology Martinsburg, WV;

Tuscarawas County campus, Kent State University, New Philadelphia, OH;

King's College, civic engagement and service learning, Wilkes-Barre, PA;

La Sierra University, Science Building, Riverside, CA;

Extension center, Susquehanna County, Lackawanna College, Scranton, PA;

Lake City Community College, Math Initiative, Lake City, FL;

Latino Institute, Inc., Newark, NJ;

National Great Rivers Research and Education Center, Lewis and Clark Community College, Godfrey, IL;

Lincoln College, training equipment and material, Lincoln, IL;

Lincoln Memorial University College of Osteopathic Medicine, Curriculum Development, Harrogate, TN;

Linn-Benton Community College, Science and Health Equipment, Albany, OR;

Lorain County Community College, Library and Community Resource Center, Elyria, OH;

Los Angeles Valley College, Solving the Math Achievement Gap Program, Valley Glen, CA;

Lyon College, emergency equipment, Batesville, AR;

MacMurray College, Technology Upgrades, Jacksonville, IL;

Madonna University, Curriculum Development and Disaster Relief, Livonia, MI;

Gateway Community College, Maricopa County Community College, Tempe, AZ;

Marymount Manhattan College, Minority Teacher Preparation, New York, NY;

Louisiana Academy for Innovative Teaching and Learning, McNeese State University, Lake Charles, LA;

Mesa Community College, Online Registered Nurses Recertification Program, Mesa, AZ;

Metropolitan State University, nursing education programs, St. Paul, MN;

Advanced Technology Center Midland College, Midland, TX;

Midwestern University Chicago College of Pharmacy, Downers Grove, IL;

Institute for Civic Leadership, Mills College, Oakland, CA;

Minnesota State Colleges and Universities, Office of the Chancellor, St. Paul, MN;

Mira Costa Community College District, Nursing Education, Oceanside, CA;

Marine technology center and estuarine education center, Mississippi Gulf Coast Community College, Gautier, MS;

Academic Support Center, Missouri State University-West Plains, West Plains, MO;

Monroe Community College, special needs preparedness training program, Rochester, NY;

Montgomery County Community College, Advanced Technologies Initiative, Blue Bell, PA;

Mount Ida College, Veterinary Technology Program, Newton, MA;

Veterinary Center, Murray State University, Hopkinsville, KY;

Nevada State College, Accelerated Nursing Program, Henderson, NY;

Jane Bancroft Cook Library, New College of Florida, Sarasota, FL;

Public Archaeology Laboratory, New College of Florida, Sarasota, FL;

Strategic Languages Resource Center, New College of Florida, Sarasota, FL;

New Hampshire Community Technical College-Manchester, Manchester, NH;

Niagara County Community College, Nursing Equipment, Sanborn, NY;

North Arkansas College, Center Campus (including the L.E. "Gene" Durand Conference and Workforce Development Center), Harrison, AR;

Center for Engineering Technologies, North Carolina Center for Engineering Technologies, Hickory, NC;

Center for Nanoscience Technology Training, North Dakota State College of Science, Wahpeton, ND;

College of Engineering and Engineering Technology, Northern Illinois University, DeKalb, IL;

METS Center, Northern Kentucky University Research Foundation, Highland Heights, KY;

Northwest Shoals Community College, technology upgrades, Phil Campbell, AL;

Norwich University, Nursing Equipment and Technology, Northfield, VT;

Oakland Community College, International Education Programs, Bloomfield Hills, MI;

Oklahoma Panhandle State University, Water Testing Facility, Goodwell, OK;

Onondaga Community College, equipment and infrastructure upgrades, Syracuse, NY;

OGI School of Science and Engineering, Oregon Health and Science University, Portland, OR;

Owens Community College, First Responder Training Initiative, Toledo, OH;

Palm Beach Community College, technology enhancements, Lake Worth, FL;

Paula and Anthony Rich Center for the Study and Treatment of Autism, Youngstown, OH;

Philadelphia School District, CORE Philly Scholarship Program, Philadelphia, PA;

Center of Excellence for Homeland Security, Pierce College, Tacoma, WA;

Kansas Technology Center, Pittsburg State University, Pittsburg, KS;

Polk Community College, manufacturing and training programs, Winter Haven, FL;

Portland State University, Science Research Teaching, Portland, OR;

Prince George's Community College, Management Information Upgrade, Largo, MD;

Purchase College, State University of New York, Math and Science Programs, Purchase, NY;

Radford University, Medical Graduate School Feasibility Study, Radford, VA;

Rhode Island College, Portuguese and Lusophone Studies Program, Providence, RI;

Richard Stockton College of New Jersey, Curriculum Development, Pomona, NJ;

Richland Community College, Industrial Training Center, Decatur, IL;

Industrial Training Center, Richmond Community College, Hamlet, NC;

Rockford College, technology and telecommunications equipment, Rockford, IL;

Round Rock Higher Education Center, Round Rock, TX;

Rutgers University School of Law-Camden, NJ;

San Jacinto College, Healthcare Education and Training Initiative, Pasadena, TX;

Santa Clara University, Learning Commons and Library, Santa Clara, CA;

Seton Hall University, Life Science and Technology Center, South Orange, NJ;

Siena Heights University, Nursing Program, Adrian, MI;

Silver Lake College, Nursing Program, Manitowoc, WI;

Simpson College, Blank Performing Arts Center, Indianola, IA;

Sparks College, Close Captioning Program, Shelbyville, IL;

St. Bonaventure University, Science Equipment Program, St. Bonaventure, NY;

St. Clair County Community College, Water Quality Technology Program, Port Huron, MI;

St. Francis College, Science, Technology, Engineering and Math Initiative, Brooklyn, NY;

St. Petersburg College, Long Distance Learning Program, St. Petersburg, FL;

State University of New York at Potsdam, Teacher Training Initiative, Potsdam, NY;

Sweetwater Education Foundation, Chula Vista, CA;

Texas Chiropractic College, Pasadena, TX;

Texas State Technical College, Manufacturing Workforce Training, Waco, TX;

Center for the Study of Addiction and Recovery, Texas Tech University, Lubbock, TX;

Tohono O'odham Community College, math and science equipment and instruction materials, Sells, AZ;

Tri-County Community College, Cherokee Center for Applied Technology, Murphy, NC;

Trident Technical College, Nursing Curriculum, Charleston, SC;

Trinity University, Educator's Technology Teaching Laboratories, San Antonio, TX;

University of Arizona, Tucson, AZ;

Matsui Center for Politics and Public Service, University of California at Berkeley, Berkeley, CA;

University of Central Arkansas, technology training initiative, Conway, AR;

Lou Frey Institute of Politics, University of Central Florida, Orlando, FL;

College of Education, University of Florida, Gainesville, FL;

College of Pharmacy, University of Louisiana at Monroe, Monroe, LA;

University of Michigan Depression Center, Ann Arbor, MI;

Teacher Leadership Initiative for School Improvement, University of Montevallo, Montevallo, AL;

American Indian Language Policy Research and Teacher Training Center, University of New Mexico, Albuquerque, NM;

Assistive technology center, University of North Carolina at Wilmington, Wilmington, NC;

University of North Florida, Virtual School Readiness Incubator, Jacksonville, FL;

University of Texas at Tyler, Keeping American Competitive: Consortium for

Science, Technology, Engineering, and Math (STEM), Tyler, TX;

University of Texas Medical Branch at Galveston, Galveston, TX;

University of Virginia Center for Politics, Charlottesville, VA;

University of Wisconsin-Marshfield, Marshfield, WI;

Utah Valley State College, Center for the Study of Ethics, Orem, UT;

Vanguard University Nursing Center, Costa Mesa, CA;

Waldorf College, science equipment and library resources, Forest City, IA;

Weber State University, Teaching Assistant Pathway to Teaching (TAPT) Program, Ogden, UT;

West Central Technical College, workforce development and technical training, Waco, GA;

West Chester University, Nursing Program Development, West Chester, PA;

Wisconsin Association of Independent Colleges and Universities, Madison, WI;

Wittenberg University, Teacher Training Initiative, Springfield OH;

York College City University of New York, York College Aviation Institute, Jamaica, NY;

Aerospace Museum of California Foundation, McClellan, CA;

Alabama School of Math and Science, Mobile, AL;

America's Black Holocaust Museum, Milwaukee, WI;

American Airpower Museum, Farmingdale, NY;

American Jazz Museum, Kansas City, MO;

American West Heritage Center, Wellsville, UT;

Anne Arundel County Trust for Preservation, Inc., Annapolis, MD;

Armory Center for the Arts, Pasadena, CA;

Bandera County, Bandera, TX;

Bellevue Arts Museum, Bellevue, WA;

Boyle County Public library, Danville, KY;

Burpee Museum, Rockford, IL;

Charlotte County, FL, Archival System, Port Charlotte, FL;

Children's Museum of Indianapolis, Indianapolis, IN;

Children's Museum of Los Angeles, Van Nuys, CA;

Cincinnati Museum Center, Cincinnati, OH;

City of Chino Hills, Chino Hills, CA;

College Park Aviation Museum, College Park, MD;

Connecticut Historical Society Museum, Hartford, CT;

Juvenile Hall Library, Contra Costa County, Martinez, CA;

Corporation for Jefferson's Poplar Forest, Forest, VA;

County of San Bernardino, San Bernardino, CA;

Discovery Center of Idaho, Boise, ID;

Everson Museum of Art of Syracuse, Syracuse, NY;

Florida Holocaust Museum, St. Petersburg, FL;

Florida Southern College, Frank Lloyd Wright Preservation Achieve Wing, Lakeland, FL;

George and Eleanor McGovern Library, Dakota Wesleyan University, Mitchell, SD;

George C. Marshall Foundation, Lexington, VA;

George Washington University, Eleanor Roosevelt Papers Project, Washington, DC;

Heard Museum, Phoenix, AZ;

Heckscher Museum of Art, Huntington, NY;

Historic Hudson Valley, Tarrytown, NY;

History Museum of East Ottertail County, Perham, MN;

Impression 5 Science Center, Lansing, MI;

Lola Public Library, Lola, KS;

James A. Michener Art Museum, Doylestown, PA;

Jefferson Barracks Heritage Foundation Museum, St. Louis, MO;

Kansas Regional Prisons Museum, Lansing, KS;

Massie Heritage Center, Savannah, GA;

Metropolitan Library System, Chicago, IL;

Monterey Bay Aquarium, Monterey, CA;

Morris Museum, Morristown, NJ;

Museum of Aviation Foundation, Warner Robins, GA;

Museum of Science and Technology, Syracuse, NY;

Onondaga County Public Library, Syracuse, NY;

Overton County Library, Livingston, TN;

Pennsylvania State Police Historical, Educational and Memorial Museum, Hershey, PA;

Pico Rivera Library, Pico Rivera, CA;

Portfolio Gallery and Education Center, St. Louis, MO;

Ralph Mark Gilbert Civil Rights Museum, Savannah, GA;

Rust College, Archival Equipment, Holly Springs, MS;

Samuel Dorsky Museum of Art, State University of New York at New Paltz, NY;

San Gabriel Library, San Gabriel, CA;

Shedd Aquarium, Chicago, IL;

South Carolina Aquarium, Charleston, SC;

South Florida Science Museum, West Palm Beach, FL;

Texas Tech University, Virtual Vietnam Achieve, Lubbock, TX;

Tubman African American Museum, Macon, GA;

Twin Cities Public Television, St. Paul, MN;

James R. Slater Museum of Natural History, University of Puget Sound, Tacoma, WA;

Yolo County Library, Woodland, CA;

Young At Art Children's Museum, Davie, FL;

Advocating Change Together, Inc. St. Paul, MN;

City of North Miami Beach, FL, North Miami Beach, FL;

Jewish Vocational and Career Counseling Service, San Francisco, CA;

Vocational Guidance Services, Cleveland, OH;

Access Community Health Center, Bloomingdale, IL;

Advocate Health Care, Oak Brook, IL;

Alfred University, Powell Institute for Children and Families, Alfred, NY;

American Red Cross, Lower Bucks County Chapter, Levittown, PA;

City and County of San Francisco Department of Public Health, San Francisco, CA;

City of Los Angeles, supportive housing services, CA;

Community Rehabilitation Center, Inc., Jacksonville, FL;

Family Services of Greater Waterbury, Waterbury, CT;

Family Support Systems Unlimited, Inc., Bronx, NY;

Fulton County Department of Mental Health, Atlanta, GA;

Heartland Health Outreach, Inc., Chicago, IL;

Helen Wheeler Center for Community Mental Health, Kankakee, IL;

Holy Spirit Hospital, Camp Hill, PA;

Institute of Training in Addiction Studies, Indiana Wesleyan University, Marion, IN;

Jewish Association for Residential Care, Farmington Hills, MI;

Kids Hope United, Waukegan, IL;

New Image Homeless Shelter, Los Angeles, CA;

Pacific Clinics, Arcadia, CA;

Prime Time House, Inc., Torrington, CT;

Ruth Rales Jewish Family Service, Boca Raton, FL;

Ventura County Probation Office, Ventura, CA;

Ventura County Sheriffs Department, Thousand Oaks, CA;

Adoption and trauma resource center, Youthville, Wichita, KS;

Community Foundation for Greater New Haven, New Haven, CT;

Fighting Back Partnership, Vallejo, CA;

Institute for the Advanced Study of Black Families, Oakland, CA;

Operation Safe House, Riverside, CA;

Partnership for a Drug-Free America, New York, NY;

Shiloh Economic Development Center, Bryan, TX;

South Boston Community Health Center, South Boston, MA;

YMCA of the East Bay, Richmond, CA;

City of Las Vegas, EVOLVE program, NV;

City of Oxford, Oxford, substance abuse treatment program, MS;

Fulton County government, Atlanta, Project Excell, CA;

Gavin Foundation, South Boston, MA;

Glide Foundation, San Francisco, CA;

Metro Homeless Youth Services of Los Angeles, Los Angeles, CA;

Minnesota Indian Women's Resource Center, Minneapolis, MN;

Nassau University Medical Center, East Meadow, NY;

Sandhills Teen Challenge, Carthage, NC;

Sheriffs Youth Program of Minnesota, Inver Grove Heights, MN;

Talbert House, Cincinnati, OH;

Trumbull County Lifelines, Warren, OH;

Union Station Foundation, Pasadena, CA;

United Way of Treasure Valley, Boise, ID;

Wayne County Academy, Alpha, KY;

WestCare Kentucky, Ashcamp, KY;

Mr. CAMPBELL of California (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. OBEY. Madam Chairman, reserving the right to object, I am not sure we have this amendment. Would the Clerk designate and read the amendment, please?

The CHAIRMAN. The Clerk will continue to read.

Mr. OBEY. Madam Chairman, is this a multi-page amendment, could I ask? If it is, I don't want to delay the House.

The CHAIRMAN. Without objection, the amendment is considered as read.

Mr. DINGELL. Reserving the right to object, and I will not object, at what page and what section is the amendment offered by my good friend from California?

The CHAIRMAN. The amendment is at the end of the bill.

Mr. DINGELL. I thank the Chair.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Madam Chairman, I yield myself such time as I may consume.

I would like the House and certainly the esteemed chairman of the Appropriations Committee, the gentleman from Wisconsin, to know that this amendment is essentially identical to the amendment you just offered and proffered, and it is my intention to ask unanimous consent to withdraw this amendment. However, I would like the opportunity to talk about my rationale behind it.

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. CAMPBELL of California. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Just answer one question. Does it affect every project in the bill?

Mr. CAMPBELL of California. We drafted it with that intention, and it is my intention and expectation that it does.

Mr. OBEY. I thank the gentleman.

Mr. CAMPBELL of California. Madam Chairman, we already had a debate and discussion about whether there should be earmarks and whether there should not be earmarks. And let me just say that as much as I think there are many inappropriate earmarks, I don't think there have to be no earmarks, but I do think that the process under which we do these earmarks now is still flawed.

Now, admittedly, it is frankly, more open than it was last year. But it is still not as transparent and still not as accountable as it should be. And I offered a few suggestions which I will run through quickly, and then I would like to yield to the gentleman from Arizona, as to things that I think we could do in this House in order to make earmarks completely transparent and completely accountable so that this House is not embarrassed by them because, frankly, we have been embarrassed by them in the past, and there are ones I believe that are embarrassing this House that are presently involved in this bill and some other bills and will be in the future.

So my suggestions are simple. First, disclose all the earmark requests. Why should we not do that? When we enter a bill, it is disclosed. It is public knowledge that this is something we are trying to make a change on. If any Member wants to spend the taxpayers' money on something and they want to do an official form where they sign that says they have no financial interest, then why shouldn't that be made public?

Let's put every earmark in the text of the bill. As I believe the gentleman from Wisconsin knows, it is very difficult to write amendments to take all the earmarks out of the bill because they are not actually written in the bill. So let's write them in the bill so that we do that.

And the bill should fully disclose all earmarks with the requesting Member, the amounts, recipients, and the purpose at least a week before we bring them to the floor. We got the certifications less than 24 hours, I think it was only about 12 hours, before we started debate on the last bill. And that is just not enough time to review or make clear what these amendments are.

All earmarks should be available for discussion and open congressional hearing. If there are earmarks in a bill, there should be a congressional hearing on those earmarks. Now, that doesn't mean that if there are 200 that you are going to discuss every one, but certainly every one would be available for discussion at that point.

All earmark programs should be previously authorized by Congress. If not, why do we even have an authorization process? If we are not going to follow it, if you are just going to be able to earmark anything you want, then why do we have an authorization process? And that is what I think is a lot of what has gone wrong with this process.

They should serve a Federal interest or have some Federal nexus. The Federal Government does not, should not, cannot, will not fund every single need and every single desire of every Member and every person in this country. There are lots of things which are properly left to State and local governments and charitable organizations. So we should make it clear that we only spend Federal money on those things with a Federal nexus.

No earmarks outside of a Member's own State. If the point of this is just to do things for your constituency, make sure you are doing things for your constituency.

No earmarks for private entities without some kind of a competitive bid process. I will tell you a story of a defense contractor in my district who came to me and showed me this fine device, and I said, That's great, but how do I know it works? And if I knew it works, how do I know you are the best source for that? And if I knew you were the best source for that, how would I know that this is the right price for that? The answer is I don't think Members can know those things. So if it is a private entity, let's competitively bid it.

Nine, no earmark can be added or increased in conference committee. That is a way to go around all of this. Let's make it that you take the Senate version or the House version but you don't make up a new one.

And, finally, that the dollar amount of any earmark that is reduced by an amendment, that money should be saved to the taxpayer. It should go to debt reduction. It should go to deficit reduction. Congressman CULBERSON had a proposal in the Appropriations Committee, which was defeated, to do exactly that. And why shouldn't we do that? If there is money in a bill and we are not going to spend it on that, let's save it for the taxpayers. That is one of the ways we can reduce this deficit.

So those are some thoughts that I have as to how this process can be improved.

How much time do I have remaining, Madam Chairman?

The CHAIRMAN. The gentleman has 5 minutes remaining.

Mr. CAMPBELL of California. Madam Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Chairman, I won't take 4 minutes, but I just want to commend the gentleman for bringing this forward and having such a thoughtful approach to earmarks.

I should mention what we will hear today, I am sure many, many times, is that Members will come to the floor and say, It is my district, I know it best; and other Members will say, Let's defer to that Member because that Member knows his district better than anybody else, and, therefore, we should defer all spending decisions to that Member.

Let me remind us all, though, that just a couple of weeks ago more than 100 Members from this side of the aisle and 149 Members from that side of the aisle voted to strike an earmark from a Member's district. So I hope that we don't hear that because that is not always the case.

We make policy for the entire country, and we spend the taxpayers' money, and it is not always the case that any Member should have his or her way in their district.

So I think that this is a thoughtful process and I would support this. It looks like that there are conflicting amendments that are similar, and I hope that one of them passes to strike all earmarks from the bill.

Mr. CAMPBELL of California. Madam Chairman, how much time do I have remaining now?

The CHAIRMAN. The gentleman has 4 minutes remaining.

Mr. CAMPBELL of California. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Chairman, I thank the gentleman for yielding, and I certainly thank him for his leadership in this institution on this very, very important subject.

I will be supporting, I suppose, the chairman's amendment. He said he was not interested, I believe, in biasing the decision; so he will vote present, although I think that the distinguished chairman had voted against the gentleman from California's amendment yesterday on another bill. So I am not sure if the outcome hasn't already been prejudiced.

Be that as it may, I have not been opposed to all earmarks. I understand the opportunity and constitutional responsibility that this body has. But as I have observed the process, the process, I believe, more often than not, has led to bad results. And particularly the bad result that I see and why I commend the gentleman from California for his leadership in this area is that I believe, more often than not, we help teach people to become more dependent upon the Federal Government. People who never thought about receiving a Federal earmark now come to their local Member of Congress. There was a time when many individuals would compete in the marketplace of ideas and compete in the marketplace for business and compete in the marketplace for charitable contributions, and now they are being taught they need to compete in the halls of Congress.

I recall dealing with a large major medical research institute in my hometown of Dallas, Texas, that does world renowned science who was always happy to come and compete in a competitive bid process for research dollars at the National Institutes of Health, but they woke up one day and many other institutions instead were receiving earmarks; so now they went out and invested their money in a Washington lobbyist and they started receiving earmarks. I do not necessarily view this as a good thing.

And I wish I had coined the phrase, but our colleague in the other body, the gentleman from Oklahoma, Mr. COBURN, once said that earmarks are the gateway drug to spending addiction. That may not be true in all cases, but it is certainly true in many cases. And more often than not, I fear that they represent a victory of special interests over the general interest. They represent a victory, often, of secrecy over transparency. Even now we are having trouble trying to put the dollar amounts with the Member, with the earmark. Certainly, I don't see the transparency that I thought that we would have seen from the committee on this matter.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CAMPBELL of California. Madam Chairman, I intend to support the gentleman from Wisconsin's amendment. But I do believe, and I hope the gentleman from Wisconsin can hear me, that there is an alternative. There is something between the current very flawed process and no earmarks. I hope that we can engage in a discussion about this. I realize it is too late for it in this appropriations cycle but to discuss in the next appropriations cycle.

Madam Chairman, I ask unanimous consent to withdraw my amendment since it is virtually identical to what the chairman has offered.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 19 OFFERED BY FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 19 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Exploratorium, San Francisco, California, for its Bay Area Science Teacher Recruitment, Retention, and Improvement Initiative.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Innovation and Improvement" is hereby reduced by $300,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would prevent $300,000 from funding the Exploratorium, a science museum in San Francisco, California, and reduces the cost of the bill by a consistent amount.

Madam Chairman, when I came across this earmark, I decided that I would explore why a successful museum like this would request money from the Federal Government. According to the earmark description in the certification letter submitted to committee, the earmark would fund an initiative to promote professional development for science education teachers. But when my staff and I did research on this earmark, we found that a teacher development program already exists at the museum.

According to the museum's Web site, the Teacher Institute trains teachers during the summer sessions, while they participate in a mix of learning experiences designed to help teachers with hands-on activities, inquiry, and strong science content.

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The institute was founded by numerous corporate sponsors and foundations, including the Noyce Foundation and the Bank of America. All of the teachers who attend the Teacher Institute do so with private support. Again, why is the Federal Government funding an initiative that corporations can and do already fund?

The Exploratorium is a science museum that consists of 400 exhibits of art, science and the human perspective. It had over 600,000 visitors just last year. Cost of admission is $14 for adults, $9 for children. Income from government sources, both local and Federal, is almost $12 million. Nearly $9 million was contributed from individuals, corporations and foundations. It hardly seems that this museum is in some kind of financial straits, especially to the point that taxpayers around the country should be asked to help fund a program that would benefit only teachers from one small area of the country.

I don't disagree with the sponsor's desire for qualified science teachers in the classroom. Qualified teachers are necessary. But I do take issue with the increase in spending. This bill represents an increase of over $10 billion above the President's request and more than $2 billion over the Senate bill.

Spending has got to stop somewhere. I urge my colleagues to support this amendment. Again, we are simply stopping $300,000 for a museum that has a budget of some $12 million.

With that, Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Let me simply say, Madam Chairman, that there is nothing in the world more deadly than a dull science teacher. I know from long, personal experience, and so does one of my sons. Let me say that this earmark is meant to correct that problem in at least one area of the country.

The funds that are attacked by this amendment are for the Bay Area Science Teacher Recruitment, Retention and Improvement Initiative, which supports the professional development of the K–12 science teacher workforce of the Bay Area, with a particular focus on the needs of underserved schools. These funds would be used for professional development programs consisting of summer workshops and academic year follow-up activities for 500 science education teachers, online professional development activities, and curriculum development.

This initiative is being conducted by the Exploratorium, a private, nonprofit science museum in San Francisco. It is a longstanding program of professional development for science teachers. It has been awarded more National Science Foundation grants than any other museum. Those funds will significantly increase the number of teachers served.

Recruitment and retention of science teachers is a major problem in the Bay Area, with over 50 percent of new science teachers leaving the workforce within 5 years, causing ongoing shortages, particularly in high-poverty urban school districts.

It is estimated that in the Bay Area urban school districts, more than 40 percent of high school teachers, 60 percent of middle school teachers, and 90 percent of newly hired science teachers are teaching at least one science course for which they are not technically qualified. High school science students in schools serving large minority populations are twice as likely to be taught by an unqualified teacher, according to the National Center for Education Statistics.

This program is consistent with the bipartisan White House and Congressional Priorities for Science, Technology, Engineering and Math, the STEM program, and the U.S. Competitiveness Initiative.

Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. Madam Chairman, I would have hoped that the sponsor of the amendment, which I believe is the Speaker of the House, would have come here to defend it or talk more about it.

That was a nice description, but again, the point isn't whether this is a worthy program or not or whether or not we need science teachers. I've had some rather dull ones as well, and I would rather have ones that are taught well and can teach well. But this museum has $12 million in revenue. This is 300,000 additional dollars given by the Federal Government. Why are we doing this? It's not because it's needed. It's because somebody can.

I would submit that when we are running a deficit like we are in this country and we have the debt like we do, why in the world are we doing this? What possible nexus is there for the Federal Government to come in and supplant private dollars with taxpayer dollars?

With that, I would urge adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. HONDA. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Madam Chairman, it's interesting that folks would be making judgment about what I consider an educational facility. I am a science teacher and a good one. I was a student. I grew up in south Chicago where there were other facilities like the Museum of Science & Industry and the Museum of Natural History, without which, as a youngster, I might have gotten more in trouble if I weren't interested in those facilities. It provided me a place to learn in a very casual way, but it was imprinted in me for my life.

The Exploratorium, I went there as a student when I was in grade school, and I remember all the experiences I had there. And as a science teacher, I took my classes there. $300,000 is a very small investment for a facility like this.

And by the way, I thought that we were always supportive of public/private ventures, and this is one of them. This Exploratorium is not a private facility either. It's open to the public for anyone who wishes to visit it and learn from it. Why, even people from Arizona can come and enjoy the kind of instruction that's in there. For me, it was life-long learning as a science teacher. It was a great facility to engage my students and expand their thinking.

And so I think that this is a wonderful investment. And in the words of people from Silicon Valley, "return on investment is what you get."

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to pay the basic pay of any individual serving as Deputy Commissioner of Social Security, Social Security Administration, whose appointment to such position has not been confirmed by a vote of the Senate pursuant to section 702(b)(1) of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Madam Chairman, the amendment is simple. It's about protecting Social Security. It is about the fox guarding the hen roost. The fox is the new appointee who has been made Deputy Commissioner of Social Security, but who is unconfirmed by the United States Senate. The hen roost is Social Security and the care and concern of millions of Americans, retirees, orphans, widows, persons who are disabled. What we want to do is to see to it that those people who are in charge of Social Security and guard Social Security are friends to the system and not enemies.

Social Security is one of the most extraordinary devices in the history of this country. It is one of the cheapest and the best ways of collecting money, and one of the fairest and the best ways of disbursing it and seeing to it that our senior citizens are protected by their government and that their pensions and that their retirement is made dignified and worthwhile.

The President appointed a fellow by the name of Biggs by a recess appointment, and he was made Deputy Commissioner of Social Security. His name is Andrew Biggs. He has had his appointment opposed by the chairman of the Senate Finance Committee, the chairman said this, "because his support for the failed idea of privatization would reopen a settled debate about the future of Social Security reform."

The amendment simply says no money may be spent on his salary until he has been confirmed; a simple, sensible, decent and proper protection for our retirees.

Mr. Biggs has written dozens of articles in favor of privatization. He has compared Social Security to Enron and claimed that it was on the verge of imminent bankruptcy. He has argued that private accounts are the only solution to fund Social Security over the long term.

He has worked to promote the agenda of privatization of Social Security time after time. Listen to some of the words which he has said: "Social Security reform featuring personal retirement accounts doesn't send just one liberal sacred cow to the slaughterhouse; it sends the whole herd." This was a 1999 paper made by Mr. Andrew Biggs in which his thesis is that the dismantling of Social Security would lead to the dismantlement of all New Deal era programs.

What we are doing by adopting this amendment is putting Mr. Biggs before the Senate Finance Committee for hearings to inquire, is he in favor of Social Security? Does he want to privatize it? Does he want to abolish it?

This amendment will protect Social Security. It will protect retirees. It will see to it that we do not have the fox guarding the hen roost. It will see to it that the hopes and the dreams and the expectations of our senior citizens and those who look forward to Social Security as protection in their retirement years can be assured that there will be a protection for them and that their Social Security benefits will be there when they retire. It also is to assure that within the structure of Social Security there would not be an avowed and announced enemy of Social Security, of the program which protects our senior citizens.

This is a fight which has been before the Congress many times. It's been before the Senate. It has been before the House. The American people have made it plain; they want Social Security protected. They have made it equally plain that they don't want people in charge of Social Security who want to destroy the program or who want to send it, as he has said, to the slaughterhouse.

I think that this is an amendment which you can safely vote for, secure in the knowledge that you are protecting the concerns of your Social Security recipients and of others who believe that Social Security is one of the great and wonderful programs in the history of this country. And you can, in so doing, see to it that this individual is inquired of properly of his attitude with regard to Social Security, and that we can address the question of how Social Security should be protected. Certainly not by the insertion into the structure of the organization which runs it by a man who has consistently displayed hostility to it.

I urge the adoption of the amendment. I urge my colleagues to vote for it. In so doing, you are voting to remove an enemy from Social Security from a responsible position where he can do a great hurt. And you are assuring that you are protecting Social Security for our constituents, for our people, and for our Social Security retirees.

Mr. WALSH of New York. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I think this amendment is somewhat inappropriate, and I say that at my own peril. I have great respect for the chairman of the Commerce Committee. He is a wise man, far wiser than I. He has been here for many, many years. He knows how to make a point. I think he has made it.

I'm aware that this appointment is somewhat controversial, but the best way to get the Social Security Administration to perform as the Congress wishes is to pass laws and to bring them in for oversight hearings. I don't think that a rifle-shot cutting of one individual's salary is the right way to proceed.

I'm not intimately familiar in this case, but this type of amendment does cause me some pause. I can't recall in my years here any time when an amendment like this passed, although the chairman, who has been here far longer than I, could probably cite them.

If we want to deal with this issue of recess appointment, let's do so in an authorizing bill and not in this manner. And for that reason, I would urge a "no" vote on this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, as you know, I have been less than enthusiastic about virtually every amendment offered here today, but this is one exception.

I want to congratulate the dean of the House. He has been a lion for all of the years he has been here in defending Social Security and in pursuing the goal of universal health care for every American.

☐ 1845

Before that, his father played the same role. I am pleased to see that he is carrying on the tradition. For a moment, when the gentleman from Michigan explained this amendment to me, I had doubts about supporting it. But then I recognized the legitimacy of the gentleman's concern, especially because the gentleman in the Social Security Administration in question had been appointed through a recess appointment.

I felt that that process was an indication of disrespect for the congressional prerogatives of this body, or I should say the other body. To express what I mean, I want to simply remind Members that several weeks ago when the amendment was offered by Mr. EMANUEL to eliminate funding for the Office of the Vice President, I voted against that amendment because I thought that members of one institution in the government owe a certain degree of respect to the other institution, even if you don't especially care for the policies of the people who run that institution.

When the Vice President and I talked about the issue, I told him that the reason I had voted that way was simply because there were at least some people in this body still left who respected other institutions of government. I wish that the administration had demonstrated the same respect for this institution when they allowed this gentleman in question to be appointed through a recess appointment without confirmation.

When a program as vital as Social Security is at stake, I think that rather than lecturing each other about how we find a middle road to solve long-term problems of that program, I think the best way to find that middle road is to walk it and to look for ways to cooperate institutionally with the other branch of government. That is certainly what the White House chose not to do in this instance.

It is for that reason that I think that the gentleman's amendment is a wise one, because it reminds both bodies of the need to respect each other's prerogatives. Sometimes they need to be forcibly reminded of that which this amendment would do.

Madam Chairman, I therefore urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REHBERG. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MRS. SCHMIDT

Mrs. SCHMIDT. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. SCHMIDT:

At the end of the bill (before the short title), insert the following:

SEC. ##. None of the funds in this Act shall be made available to any provider of services under title X of the Public Health Service Act (42 U.S.C. 300 et seq.) if it is made known to the Secretary of Health and Human Services that such provider has been found within the preceding 36-month period to have violated State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House today, the gentlewoman from Ohio (Mrs. SCHMIDT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Mrs. SCHMIDT. Madam Chairman, this amendment is very straightforward. It seeks to hold accountable title X grantees who do not abide by State laws that require notification or reporting of child abuse, child molestation, sexual abuse, rape or incest. This issue is not a new one. In 1997, it came to light that title X grantees were not reporting rape, incest, sexual abuse, child abuse and molestations.

In response, Congress included language in the 1999 Labor, Health and Human Services appropriations bill to clarify that title X grantees are not exempt from State reporting laws. This language has been retained since that time. Unfortunately, despite this clarification, some title X grantees still do not appear to be reporting cases of rape and incest.

On May 10th of this year, the Cincinnati Enquirer reported the story of two young ladies who were victims of sexual abuse. One young lady was continually molested by her father. The abuse began when the girl was just 13 years old. In November 2004, she was forced by her father to have an abortion. She says that she told an employee of the abortion clinic that she was being "forced to have sex and do things she didn't want to do." Despite this fact, no report was made. She was sent home with her father to endure another year and a half of sexual abuse.

In another case, a 14-year-old girl was taken by her 21-year-old soccer coach to have an abortion. She allegedly used a junior high school ID and her abuser paid for the procedure with a credit card and driver's license. The abuse was never reported.

According to the story in the Enquirer regarding the second case that I mentioned, a form filled out by Planned Parenthood said, "Patient reports pregnancy is the result of sexual assault by a stranger. After consultation with attorney, report of a crime to the police was not made. Due to physician-patient privilege, we are prohibited from reporting as no severe bodily injury was reported."

The young lady's attorney says that prosecutors in four local counties know of no such exception in reporting requirements.

Mr. Chairman, my amendment is simple. It simply says that title X grantees who have been found by a Federal or State agency or a court of law to have violated State reporting requirements in the preceding 36 months cannot receive Federal title X funds. I urge support for my amendment.

Madam Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. OBEY. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill in violation of clause 2 of rule XXI. The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment requires a new determination.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. SCHMIDT. Madam Chairman, I understand the chairman has objected to my amendment. I am sorry we do not have the opportunity to vote on this very important issue.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act for the National Institutes of Health may be used for activities under section 241(a) of the Public Health Service Act (42 U.S.C. 238j(a)).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Madam Chairman, one of the things I am most proud of in my service in the Congress was the reauthorization on a bipartisan basis of the National Institutes of Health in the last Congress. It is the first time the NIH has been reauthorized in over 13 years. It is the stellar institution for health care research in this country.

As a part of that reauthorization, I promised the stakeholder community that I would support increased funding for NIH this year, and I have done the best I can to follow through on that commitment. Unfortunately, because of the press of funding that this particular appropriation bill has, the NIH increase in H.R. 3043 is only 1.6 percent. I am glad that it is that much. I wish it were more.

The amendment before the body at this point in time would make sure that all of that money actually goes to the NIH. Sadly, a lot of the increase in NIH is going to be immediately siphoned off to two different funds. One is a global AIDS fund, which will take $300 million. The other is called a "tap," which takes about $600 million to another line item outside of NIH. So what this Barton amendment would do was keep that $600 million that would be siphoned off for the tap fund and keep it in the NIH.

I am not opposed to the amount that the appropriators have increased it. I wish it were more. But at least I want to keep as much of that money that has been increased within the NIH. That is what this amendment would do.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I held up this sign from the well yesterday, and I will do so again today. I have the sign hanging in my office, and every time somebody comes in looking for money, I ask them to read it out loud. What the sign says is, "What do you want us to do for someone, besides yourself, that is more important than whatever it is you want us to do for you?" That request includes even medical researchers at universities.

Now, the fact is, this bill contains $750 million over last year, and before that in the continuing resolution we added $620 million to NIH at that time. This bill is $1 billion higher than the President's request for the National Institutes of Health.

Now, everybody loves the National Institutes of Health. I do too. But it does no good to any patient if we only concentrate on putting money in the National Institutes of Health and do not see to it that the information produced by the NIH is disseminated adequately to medical practitioners all over the country.

It also does no good if in the process of squirreling away this money to NIH we do substantial damage to the public health programs of the United States and if we essentially wipe out the one agency which is doing the research to demonstrate to us how to produce the best treatments and how to produce cost savings that will prevent private medical care and Medicare from going bankrupt.

□ 1900

This amendment has all of those problems. This country is consumed about out-of-control health care costs. This amendment would devastate funding for the one agency doing the research necessary to determine the best ways to deliver medical care in order to avoid bankrupting our health care system.

The amendment will also devastate the National Institute for Occupational Safety and Health by cutting 20 percent of the funding provided for NIOSH, the only agency in government that supports occupational safety and health research and brings that research from the laboratory into the workplace.

What we are trying to do in this bill is what has been done for the last 16 years: We take a small percentage of the funds we appropriate to these agencies, and we set that aside for research and for evaluation so that we have a truly holistic approach to health care in this country. It does no good if we do lots of research in the lab and the implications of that research never get out into the doctor's office. It does no good if patients aren't given enough information so that they can question their own treatment. That is what this does.

I would urge strongly, in the strongest possible terms, the rejection of this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chairman, I yield myself 1 minute in rebuttal.

First of all, we are not talking about a small amount of money. The 2.4 percent tap transfer is almost $700 million. That is a lot of money when you are only increasing the NIH 1.6 percent, or $750 million. It doesn't make any sense to me to then take $700 million of that and give to other programs that have their own line items.

One of the programs that the gentleman from Wisconsin talked about has $329 million in its own line item. So we are saying if you are going to increase the NIH, congratulations. We are for it. Let's keep the money in the NIH.

Madam Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Let me thank Mr. BARTON, who has been a tremendous leader in medical research in this country.

I couldn't agree with him more. I think this amendment is of extraordinary importance. I would ask every single Member of Congress to think about who comes into your office, and I guarantee no less than 30 percent, maybe 50 percent, are there for health reasons. They are concerned about cancer, they are concerned about heart, they are concerned about lung, MS, AIDS, whatever it may be. That is who comes into our office.

We need to appropriate whatever funds are necessary in order to try to eliminate these diseases or to make these people's lives better who contract these diseases.

I understand exactly what the gentleman from Wisconsin is saying. He is absolutely right. You do need evaluation, and you do need to be able to understand how to get this information out to the various people who are going to apply this information. I don't believe that is happening particularly well. I do not feel that $700 million is needed for that, and if it is, it shouldn't have to go through NIH and be taken away from NIH, which is what is happening now. It should go directly to HHS or wherever else it needs to go in order to carry out that responsibility. There is a mixup, in my judgment, for these last 16 years in terms of how this funding is handled.

This amendment is absolutely in order, and I would hope that every single Member of Congress who believes in medical research, and I think we all do, and who believes in helping our constituents will support this.

Mr. BARTON of Texas. Am I the only one who has time?

The CHAIRMAN. The gentleman from Texas has 1 minute and the gentleman from Wisconsin has 1 minute.

Mr. BARTON of Texas. Who has the right to close?

The CHAIRMAN. The gentleman from Wisconsin.

Mr. BARTON of Texas. Madam Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I will include a longer statement for the RECORD, but I would like to say that I align myself with Mr. BARTON and Mr. CASTLE. Mr. BARTON described the $700 million that is basically siphoned off the NIH budget. But there is $300 million in addition that goes to the Global Fund. Last time it was $99 million. In this, we are taking another $201 million and siphoning it to the Global Fund. Why not just give it to the Global Fund directly instead of putting it into the NIH budget.

I urge support of Mr. BARTON's amendment, which will prevent funding from being transferred out of the National Institutes of Health and will effectively increase the NIH research budget nearly $700 million.

Each year, 2.4 percent of NIH funding is reallocated for the Evaluation Tap, which provides nearly all the funding for the AHRQ (pronounced ARC), as well as some funding for CDC and SAMHSA.

This leads to nearly $700 million being removed from the NIH allocation each year. Coupled with the $300 million being transferred to the Global Fund, the NIH has already lost nearly $1 billion before it spends its first penny.

I do not oppose funding these other agencies, but it seems to me if Congress deems this to be a priority, we should fund these agencies with their own line items in the budget, not survive by siphoning off funding from other agencies.

I do not believe we should require the NIH to give up part of its budget.

While I appreciate the Chairman and Ranking Member's work in this bill to increase funding for many of our critical health, education and labor programs, I was nonetheless disappointed by the NIH's relatively small increase of $750 million, or 2.5 percent. When the Global AIDS funding is transferred out, the increase is only $549 million, or 1.6 percent.

The Barton Amendment will increase the funding available for the NIH's core function—medical research that saves and improves lives. I strongly urge its adoption.

Mr. BARTON of Texas. Madam Chairman, I am going to yield the balance of my time to the former sheriff from the great State of Washington, Mr. REICHERT.

Mr. REICHERT. I was proud to lead a bipartisan effort with Congressman MARKEY to advocate for long-term investment in NIH research. I am proud to stand here today in support of the Barton amendment. I hope the other 184 Members who joined us in advocating for these funds increase earlier this year will join us today in supporting this amendment. NIH funding is absolutely necessary, and I commend Mr. BARTON for bringing this amendment forward.

Mr. BARTON of Texas. Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I yield to the gentleman from Rhode Island (Mr. KENNEDY) for a unanimous consent request.

Mr. KENNEDY. Madam Chairman, I will submit my remarks for the RECORD in opposition to this amendment. It is outrageous that we would eliminate the Agency for Health Care Research and Quality.

Mr. OBEY. I yield to the distinguished majority leader.

Mr. HOYER. I thank the gentleman for yielding, and I rise in opposition to this amendment.

I rise as someone who has, for 25 years, as a member of the Labor-Health Subcommittee of the Appropriations Committee serving with my friend, Mr. OBEY, supported increases in funding at NIH.

Mr. CASTLE is absolutely right. Many of those who come to our office want to make sure that we invest properly in the research and the basic biomedical research on disease.

John Porter was the chairman of our committee when we doubled the funding of NIH. We did so, of course, over the objections of the Republican budgets, as you may recall, which is why John Porter voted against so many of the Republican budgets because he said it did not sufficiently allow him to do his job. We agreed with him.

I care deeply about the process of discovery at NIH that brings so much hope to all the world for conquering and curing so many diseases that afflict humanity. Let me be clear, this amendment does not help medical research in my opinion. Not because it doesn't give it some more dollars. We have had a billion dollar increase, as you know, over the President's request.

I do not question the gentleman's motive in offering this amendment. I do question the wisdom of the measure which is, after all, what debates are about.

This amendment takes away from the whole spectrum of research, and particularly our ability to translate the research results from that basic research to its application to prevent, treat and cure illnesses that afflict mankind.

While this amendment may sound good, as very frankly some of the amendments that have been offered before which say we are going to take from here and give to there, which sound good on the surface, all of us would like to give more money to NIH. Simply stated, we do not have, however, the luxury of supporting research for the sake of simply having research if we do not translate it, have the statistical data available and the application. I take a backseat to no one in supporting medical research, but to cut funding for other public health service agencies as proposed under this amendment is simply not good policy. It is not good for the health of our people.

If the gentleman would like to offer an amendment to increase funding for NIH without harming other health priorities, then certainly that should be discussed and supported. But let me note that this bill includes a $750 million increase in funding for NIH. I said a billion, which is a billion higher than the President's request.

If we are to take molecules and turn them into miracles, the research that all of us seek, then we must support the long-term quality of our research efforts. I have done so for the last, as I said, 25 years. It is important for us to do so. But I think, frankly, the gentleman's amendment will harm the objective that he ultimately seeks and that Mr. CASTLE spoke of and that all of us support. So I urge defeat of this amendment.

Mr. KENNEDY. Madam Chairman, Mr. BARTON's amendment would increase NIH funding by $650 million by prohibiting NIH from contributing funding through the authorized program evaluation tap to support other Public Health Service agencies.

The Committee has already provided generous increases for NIH—$620 million in the joint funding resolution and $750 million in this bill. That has provided an increase of over 1500 new research grants. The bill's $750 million increase is over $1 billion higher than the President's FY08 request.

This amendment is dangerous because it would eliminate the only agency that is doing research to evaluate and identify what healthcare treatments work, what is safe for patients, and how to control the costs for the medical interventions produced by NIH research—the Agency for Health Care Research and Quality, AHRQ.

Twenty percent of our economy is tied to health care. 42 million seniors are dependent on Medicare for health care, and 50 million Americans are on Medicaid. We desperately need the research that AHRQ provides to improve the quality and cost-effectiveness of the health care services provided through this enormous share of our economy.

Comparative effectiveness research allows us to expand coverage by only paying for what works and using the savings to expand health coverage.

The country is concerned about being consumed by out of control health care costs. This amendment would devastate funding for AHRQ, the one agency doing the research necessary to determine the best ways to deliver medical care in order to avoid bankrupting Medicare and our private health care system.

The amendment will devastate the National Institute for Occupational Safety and Health, NIOSH, by cutting 20 percent of the funding provided for NIOSH—the only agency in government that supports occupational safety and health research and brings that research from the laboratory into the workplace.

In 2005 there were 5,734 workplace injury deaths, 50,000 deaths from occupational diseases and more than 4.2 million workplace injuries in the U.S. In 2006 we saw more than a doubling of coal mine fatalities in the nation's mines. Now is not the time to cut our investments in important health and safety research programs that are critical to our efforts to protect workers from job deaths, injuries and disease.

The amendment would devastate the CDC's ability to track the health status of Americans. Knowledge of, and the ability to understand issues such as infant mortality, obesity risk factors, and childhood diseases will be seriously curtailed if this amendment passes.

While this amendment on its face would appear to provide short-term benefits to university researchers, it would have dramatic and serious long-term consequences for the patients with conditions that NIH research addresses.

Mr. OBEY. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTON of Texas. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 57 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 57 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for Twin Cities Public Television, St. Paul, MN.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Chairman, we have had a number of debates this evening over the subject of earmarks. I have been heard on that, and I have been happy to have been heard on this particular debate. And again, I know there are many worthy expenditures of funds when it comes to earmarks. I do not necessarily believe that they are all bad.

And I must admit, until coming to the floor, I wasn't completely certain what the Minnesota Digital Public Media Archive was. Fortunately, the gentlelady from Minnesota was kind enough to come to me and explain to me exactly what the purpose of the earmark was. I enjoyed our conversation and I appreciated her courtesy, and I want to stipulate this is not a debate on whether or not the gentlelady has a noble purpose for these funds. As explained to me with her enthusiasm, I stipulate there is a noble purpose for these funds.

I am not necessarily going to engage in a debate on whether or not the Twin Cities public television station in St. Paul can make good use of the money, the half a million dollars. I am sure they can, as explained to me by the gentlelady from Minnesota.

And so I want to again make it very clear, and we don't have the time to debate each and every earmark, but every time we expend these funds we have to look at, number one, where is the money coming from, and number two, what is the fiscal health of our Nation. Already the Federal Government is spending over $23,000 per American family. This is only the second time since World War II that the Federal Government has spent so much money.

And right now with just the Federal Government that we have, we are on a collision course to double taxes on the next generation. Don't take my word for it. Go to the Office of Management and Budget, the Congressional Budget Office, or the conservative Heritage Foundation or the liberal Brookings Institute. They will all tell you the same thing.

So we are sitting here with an explosion of spending. Some will say, relatively speaking, this is a small amount of money. Relative to the Federal budget, it is a small amount of money. I am happy to stipulate that. But I still believe that earmarks, although a small portion of the Federal budget, tend to be a large portion of the culture of spending.

Again, I have no doubt this is a worthy project, but I do note that the PBS television station, I believe, gets almost 85 percent of its funding from donations and other public grants. I am led to believe, and if I am incorrect, I invite the gentlelady from Minnesota to correct me, that they receive rather generous support from the taxpayers of the State of Minnesota. But I don't quite know what the compelling Federal purpose is, Federal purpose, money from Federal taxpayers, to fund the Minnesota Digital Public Media Archive.

Look, this isn't a debate on whether or not this is a noble purpose for the money. It is not a debate on whether or not the gentlelady's public television station could do something good with the money. But let's remember where the money is coming from. As long as this Nation is running a deficit, which it is, is this money going to come from raiding the Social Security trust fund yet again, even though I have introduced and supported legislation that would protect that trust fund?

If we run a deficit, we are still borrowing money from the Social Security trust fund. Or as we know in the Democratic budget resolution passed earlier this year, we have the single largest tax increase in American history, over 5 years ramping up to an average of $3,000 per American family.

□ 1915

More spending fuels more taxes. Are we going to increase that greater tax burden on present American families or are we going to pass on more debt to our children? Government will be paid for. This earmark will be paid for one way or another.

And so the question is not whether or not there's a noble purpose. The question is not whether or not they make good use of the funds, but is it a compelling Federal purpose, worthy of sending debt to our children, worthy of taking money away from the Social Security Trust Fund, worthy of being a part of the largest tax increase in history, and I respectfully submit to my colleagues that I believe it is not.

And with that, I yield back the balance of my time.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I speak today on behalf of public television and its contributions to inform our citizens, people of all ages, throughout Minnesota and our Nation, and I look forward to the opportunity to share with the Member of this body what this money will do.

As a Minnesotan, I'm proud of the people in my district and the people throughout my State. They support public television and they're committed to it. On no issue in my 7 years in Congress did I receive more calls from my constituents and from citizens around Minnesota than when the Republican majority tried to cut the funding for public broadcasting.

The people of Minnesota treasure their public television stations, and they support with their own dollars, with State dollars, and they look forward to support from a Federal commitment to ensure that excellent public television programming is available in Minnesota and around this Nation.

Over the past 50 years, Minnesota's award-winning public television stations have produced tens of thousands of hours of local and regional programs that capture our State's history, politics, daily life and culture.

Today, these programs are stored in a physical tape archive. They're not stored digitally because they're old tapes. They're archived. They're locked away, and they're totally inaccessible to the public.

At worst, these videotapes that are stored this way are physically deteriorating. That means these programs could be lost forever if they are not converted to a digital format.

This is about a public investment. Twin Cities Public Television is already investing in the process of converting its tape archive into a fully searchable digital archive. The project involves public television stations across the State: Duluth, Brainerd, Austin and Moorhead.

Once the conversion is completed, all the information will be free and available to anyone, free and available to anyone at any time, anywhere, on the Internet. Programs like Newton's Apple, which was the Mr. Wizard of my children's generation, still has requests from teachers across this country to use those programs in their classrooms. At a time when we're trying to encourage our children to be captured, to be interested in science and math, Newton's Apple being available on the Internet, free to our teachers, free to our families, will make America, I believe, have children more interested in science and math.

This digital archive will be an asset, as I said, for educators and students and all the citizens in Minnesota, not just in science and math but in history, arts and culture. People will be able to access, as I said, around the country and around the world, and I believe that the knowledge put forward by this type of innovative use of digitizing the old tapes will put our Internet to work for democracy around the world as well.

The challenge of preserving information and media for future generations is a 21st century problem, and Congress is just starting to address it. This is an issue for those of us on the Appropriations Committee. We heard time and time again from the Library of Congress and others in hearings this year about this problem.

This is a public-private partnership in Minnesota to preserve public television programs, and this is one of the first of the kind in the Nation.

Minnesota's effort will result in a best practices that can help other stations save two generations of American history and tens of millions of dollars. We will save dollars.

This is an important project that seeks to address a national problem. It will produce benefits far beyond Minnesota, and it will produce benefits long into the future.

Congress should be in the business of taking advantage of opportunities of partnering with States to solve problems that affect our country as a whole, and this is exactly what this project's all about.

This is a partnership to make the problem of saving our history and to turning it into an opportunity for our children and for our families to learn together about the richness of this country.

Madam Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Burpee Museum, Rockford, Illinois, for educational programming and exhibits.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $150,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Illinois (Mr. MANZULLO) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would strike $150,000 for the Burpee Museum in Rockford, Illinois, for educational programming and exhibits and, as mentioned, reduces the cost of the bill by a consistent amount.

Now, I don't want to take a lot of time on these amendments. I know a lot of people want to move pretty quickly.

Let me just say that I know the name, the Burpee Museum, lends itself to a lot of nice jokes about having dry heaves as a taxpayer and paying this or whatever else.

Mr. MANZULLO. Madam Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Illinois.

Mr. MANZULLO. I take personal offense to that. That's the name of the museum. Burpee was the name of an inventor of seeds.

Mr. FLAKE. I apologize.

Mr. MANZULLO. And after him. You should apologize. I accept your apology.

Mr. FLAKE. None was intended. I was just hoping to shorten the conversation here.

But this museum began as a Works Progress Administration project in 1942. It's an old New Deal program. It's still around, and one might question why the museum is still receiving Federal funds, even though the Depression era has come and gone, and the WPA has long since closed up shop.

I spoke to the author of this amendment. I have a great deal of respect for Mr. MANZULLO, and he explained some of the things I had a question about. One was a question about where the funding actually goes, was it to the Burpee Museum or was it to Northern Illinois University that has a paleontology department, and as I understand it, is lending staff to the museum. He clarified that, and I think I understand how that goes now.

My question is, and the gentleman points out as well and I'm sure he will in defense of this earmark, that this is an economically distressed area. There are many around the country, in every district in the country. If the entire district is not economically depressed, certain areas of it are, and it would be difficult, if not impossible, to try to discern by Members of Congress where funding should go and where it should not.

And I simply believe that it's not our place here to do this. In many cases, the accounts that we're earmarking are accounts that there is a competitive process at the Federal agency for the funds to be given out. By earmarking, we circumvent that process and we say, well, we know best so that we can decide who gets this funding.

I don't believe that that's right, and I believe that we should stop the funding for this earmark.

Madam Chairman, I reserve the balance of my time.

Mr. MANZULLO. Madam Chairman, this is a very modest request that's part of an overall strategy to revitalize an economically depressed area of downtown Rockford.

The City of Rockford led the Nation in unemployment in 1980 at 25 percent. We lost 14,000 highly skilled manufacturing jobs at many of our over 1,500 factories in the area.

What this money does, it sets up a paleontology lab, which is an extension of Northern Illinois University, into the Burpee Museum of Natural History itself. This is astonishing because what it is doing, it's moving many of the assets of this great university to a city 30 miles away, and the reason that that lab has been created in Rockford is because of the incredible finds that were made by the university in terms of the paleontologist digs several years ago in Montana with regard to dinosaur projects.

There are currently eight Northern Illinois University faculty and 13 graduate and undergraduate students working on various cutting-edge physical science projects at the Burpee Museum. Thus, the request is ready to be used to support these research projects by Northern Illinois University students and staff utilizing the laboratories at Burpee Museum in Rockford.

With this assistance, Burpee Museum is becoming one of the foremost places in the world to study and view paleontology. What we lost with our manufacturing base we're trying to compensate for in an educational center and people coming to town in order to tour this great center. In fact, tourism is up by 7 percent as a result of the paleontology digs by the museum.

Besides that, the Institute of Museum and Library Services would receive this money, but there is no way to get it through the regular budget. The rules and regulations simply do not allow this type of project to be funded by it.

The Burpee Museum is a center for study. Students are coming from around the world. In fact, recently Burpee and Northern Illinois University co-hosted a scientific symposium. Almost 200 scientists from around the country and from China, Norway and Canada attended this important scientific meeting in Rockford.

I spend, probably, 75 percent of my time working on manufacturing issues. I was born and raised in Rockford. This was a city that refused to die. This was a city that refused to give up. This is a city whose citizens came together and said we have lost so many manufacturing jobs, but we're going to find another way to keep our kids in town to allow them to have jobs there so parents can see their grandkids, and unlike many Midwest towns that gave up, kids just leave the area because of no opportunities. What we're doing here is the creation of this wonderful laboratory to study paleontology to help put Rockford back on the map again.

I believe that this is extremely fair.

Madam Chairman, I reserve the balance of my time.

Mr. FLAKE. Madam Chairman, I'd simply repeat what I said. Virtually every district in the country can accurately say that certain parts of their district are economically depressed. We simply don't have enough money in the Federal Treasury to address all those needs.

So our decision is how do we adequately and equitably distribute funds to the Federal Government. If we make the decision that Federal agencies should fund these projects, then we should stick to the process that we have in place, and that process usually involves competitive bidding, for example. We don't want to give up no-bid contracts, but that's what earmarks by definition typically do.

So I don't think that that is proper here, and with that, I would urge an affirmative vote on the amendment.

Madam Chairman, I yield back my time.

Mr. MANZULLO. Madam Chairman, the Institute of Museum and Library Services does not offer grants for conservation efforts such as what is going on at the museum. It's simply not available, and the issue is, do unelected bureaucrats who answer to no one in this city make all the decisions as to where the money is spent or do Members of Congress who are responsible to our electorate every 2 years have the ability to come in and say this is something worthy of the money that's going to be spent anyway. Because the Flake amendment does not save money. It just puts more money back into the hands of the bureaucrats to spend wherever they should.

So I would obviously oppose this amendment, and I would encourage my colleagues also to vote "no" on the Flake amendment to strike these funds.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

□ 1930

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 14 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for Rhode Island College, Providence, Rhode Island, for development of a Portuguese and Lusophone Studies Program.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Higher Education" is hereby reduced by $100,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would prohibit $200,000 in Federal funds from being used for the Rhode Island College for development of a Portuguese and Lusophone Studies program and reduces the cost of the bill by a consistent amount.

Let me just make a comment on the last comment that was made. It was said that we aren't saving money with these earmarks if we were to strike funding for them.

The way these earmarks are structured, we reduce the cost in the bill by a consistent amount. So whether we save money depends on the Appropriations Committee.

In any case, that's always what we are told, we will never save any money by striking funds for earmarks. That's simply not the case ever, because the Appropriations Committee could simply request less money the following year or the prior year, knowing that earmarks were going to be struck down.

Let me just say, with regard to this earmark, perhaps something was lost in translation. But my understanding is that this program has already been developed. Are we developing a program here that has already been developed, or is this a redevelopment?

According to the Web site, the Rhode Island College officially launched its Institute on Portuguese and Lusophone World Studies in October of 2006. The Web site states that the Institute of Portuguese and Lusophone World Studies is designed to be a nucleus of instruction and interaction for the benefit of its students and the larger Portuguese-speaking community of Rhode Island.

The certification letter submitted to the Appropriations Committee says that the money would be used for the Rhode Island College Lusophone Studies program. But since we don't have any further information, I guess we can assume, and I see that the sponsor of the amendment is here, and can clarify this, that the Lusophone World Studies is the intended recipient of the funds.

Supporters of the earmark will no doubt note that approximately 10 percent of Rhode Island's population is of Portuguese descent. Through foundation donations and private contributions, over $620,000 has been raised to support the new program at Rhode Island College. In fact, Meredith Vieira, a well-known cohost of NBC's Today Show, and a Rhode Island native, serves as the national honorary chairperson of the Community Campaign for Portuguese Studies Endowment Fund. Here is another case where there is a lot of money coming in.

Why in the world do we need to spend more Federal money on it? Why do we need an earmark to divert more funds from our Treasury to programs that seem to exist and subsist fine on their own? In many cases we supplant private or local funds that could be used for this purpose.

Madam Chairman, I reserve the balance of my time.

Mr. KENNEDY. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Madam Chairman, education as a whole is something I don't think we can ever go wrong in investing in, especially at a time when education is more important than ever before in keeping our country competitive in a global economy. What's going to make our workers more competitive is their ability to compete on an international level.

Now, part of that edge is going to be able to be determined whether they are going to be bilingual, whether they are going to be fluent in not just one language, but maybe two languages. It's interesting in our country, especially over the debate the last several weeks, denigrating immigration as if it's something of a drain on our society, that we have lost sight.

The greatest strength of our Nation are our immigrants, especially now. The United States is unique around the world in that we are a country of nations, nations that make up every part of the world. We are uniquely positioned as a Nation to take full advantage of the multiethnic backgrounds of all the people that make up this great country of ours. We have a ready-made market in every part of the world because of all of ethnicities that we have in our country.

Now, in my neighborhood, in Rhode Island, we have a large Portuguese community. The fact of the matter is, we have, in Rhode Island, a large Portuguese community that could be very beneficial to this country's ability to compete internationally.

By 2010, Brazil will be the third largest consumer of American-made products. Now, don't you think it would be a smart move for our country to invest more in Portuguese literacy and fluency? I think so. That's why I am for investing in the language development for the third leading consumer market of American goods that's going to lead to more American jobs right in our hometowns all across America.

This is about building up American jobs here at home. Frankly, I don't understand what the objection is. This is all about investing in our people. We are not running any deficits when we are investing in people. We are making investments, investments that are going to pay huge dividends in the future.

Where is your balance sheet?

You know the cost of everything but the value of nothing. When you look at your balance sheet, you would assume that you can do everything on the sheet. You can just automatically have someone grow up, not get an education, expect to get more out of them than you put into them.

I don't know any business deal where a business person expects to get something more out of a deal than they put into it, except maybe Enron. Is that your kind of politics over there? You expect to get rich quick without even investing?

I don't know, as Democrats we believe that you have to invest in people before you can get a return on your investment. That's what we are doing in this investment in education. We are investing in our workers. We are investing in our people, because we know in order for us to get a return on our investment that is what's going to be the key.

I can give you specific examples in my State where we have bilingual workers who now are able to take what they have learned, thanks to these Portuguese studies, and also take that and be able to teach other people Portuguese and be able to add fluency to their vocabulary and also be able to expand their economic opportunities as well.

I think that's a good thing for this country. It expands the American Dream in this country, and that's why I oppose the gentleman's amendment.

Madam Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman is reminded to address his remarks to the Chair.

Mr. FLAKE. Again, I think something has been lost in translation here. I have no idea what this amendment has to do with Enron. This amendment is simply saying that the Federal Government need not spend money on this program.

This Rhode Island College is a State university, it's my understanding. If the taxpayers in Rhode Island want to decide through their State representatives that it should receive more funding, then by all means it should.

My question is why are we coming here to the Federal Government with all the choices out there. The university that I went to, private university, teaches dozens and dozens of languages. I am sure they would like more funding, but it wouldn't be my place to come in and say, all right, let's have a big earmark for the Afrikaans program or the Chinese program or something else. I just don't think that would be proper. We can't do that.

Last time I checked, we are running a deficit here, and we have a big debt. To try to fund all of these programs simply is not prudent. It has nothing to do with Enron. It has nothing to do with misplaced priorities elsewhere.

It has to do with whether or not the Federal Government should in this case fund an earmark that is circumventing the regular process of authorization and appropriation. There are programs out there through the Department of Education that award grants to universities that have language programs. This is circumventing that process.

Madam Chairman, I yield back the balance of my time.

Mr. KENNEDY. Madam Chairman, the fact of the matter is, we are living in a global economy. We are living in a great country. Whether the person is from Arizona or Rhode Island, the gentleman ought to know that we are all in it together.

As a Federal Government, we have a responsibility to this country. Whether the person comes from one State or another is irrelevant. It's an investment in all of us to invest in this education.

I urge defeat of this amendment.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I have been trying to figure out what to name this operation I have been watching, and I think we ought to name it "Operation Divert Attention."

We have heard comments on a number of occasions now, when Members are offering amendments to strike these tiny items, we constantly hear, oh, we are running a deficit, we have to be fiscally responsible.

Well, if I am looking at the RECORD correctly, the gentleman offering this amendment voted to authorize the President to go to war in Iraq. If I take a look at the RECORD correctly, all three of the gentlemen who have been acting as the point men in going after these projects and in going after other small amendments today, all voted for the 2007 Republican budget resolution.

I would point out it is those budget policies, and those foreign policies, which have given us, counting the supplemental this year, $600 billion in borrowed money spent on the Iraqi war in a case of mistaken identity, where the President mistook that stocky fellow with the mustache, Saddam Hussein, for that tall fellow with the beard, Osama bin Laden, and hit the wrong country by mistake.

I would also say that the three gentlemen who voted for those Republican budget policies are the fellows who voted for tax policies that are watching $57 billion go out the door this year in tax cuts for millionaires.

Then they try to recoup on the deficit front by saying, oh, we ought to save a little piece here and a little piece there. If they had been as concerned about the fiscal impact of their actions, voting for past budget resolutions, and voting for past war resolutions, we wouldn't be sitting here with this deficit today, and this attack on these investments would be even more chuckle-producing than this episode.

Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. My time is yielded back, but I would love to take some time to answer that.

If I could make the point, tax cuts going out the door. Tax cuts never come in the door. That's the difference between tax cuts and spending. You leave it with the taxpayer, or you give it back.

The CHAIRMAN. The gentleman will suspend.

The gentleman did yield back the balance of his time.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

□ 1945

AMENDMENT NO. 59 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 59 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the On Location Entertainment Industry Craft and Technician Training project, West Los Angeles College, Culver City, CA.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Chairman, I do have a number of comments I would like to make about this particular earmark. But before I do, I do feel compelled to address some of the comments by the distinguished chairman of the Appropriations Committee. I think the way to paraphrase what he just said is: You guys spend too much, so we will spend even more. I am not exactly sure about the logic of that particular argument.

I also heard complaints about the war, something that has been debated on this floor, should be debated on this floor, will be debated on this floor. But I would note that the gentleman's party controls both the House and both the Senate; and if his party wants to end funding, they can do that tomorrow. His party is in control of this now.

Last, but not least, the distinguished gentleman complains about tax relief. Last I looked, don't take my word for it, go to the United States Treasury, we are awash in tax receipts. Tax relief has brought us in more tax revenue, because when you let the American people save more and invest more, they go out and they create and they grow the economy. So I think the gentleman's comments were very much misplaced.

Speaking to this particular amendment; one, this particular amendment would eliminate the earmark of $300,000 in funds to the West Los Angeles Times College. From the certification letter, this is to establish a first-of-its-kind entertainment industry craft and technician college job training program to respond to the film and television industry's immediate need for new trained employees.

Previous to coming to floor, I did know a lot about this particular earmark. The sponsor of the earmark, the gentlelady from California, was kind enough to share with me information about it, and I became convinced of a couple of different propositions:

Number one, that she has a very noble purpose for this earmark. Again, I want to stipulate to that.

Number two, I came away, as I did with the last amendment, knowing that not only is there a noble purpose, I have no doubt that some good things could be done with this money.

But like in many of these earmark debates, there tends to be great focus on the good that can be done with this money, but we don't spend a lot of time talking about the harm that can be done with this money. And I know that the gentlelady from California feels that low-income people within her district could benefit from this program. I have no doubt that that is true. But I might point out that there are very many worthy community colleges, for example, in the Fifth Congressional District, who could benefit from this money as well.

Eastfield College, we need a lot of people trained for our high-tech industry, for jobs with companies like Texas Instruments, companies like Raytheon. These monies could be used by Trinity Valley Community College. There are several locations within the Fifth District of Texas. They could help in our burgeoning nursery industry. It is a very agricultural part of my district. So, again, education is good. But the education is going to the one particular district in this particular case, not going to the Fifth Congressional District of Texas. So there are many worthy competing goals for this particular money.

But I really want us to focus upon the fact that although I have no doubt that good things can be done with these funds, all of government must be paid for. And so, again, I think we should use this debate as an opportunity to focus on who is paying the bill. And, again, as long as this Nation is running a deficit and it is down, thanks to the fact we are awash in tax revenues due to tax relief, we are still running a deficit. That means that any earmark, not just the gentlelady's from California, but any, is going to be raiding the Social Security Trust Fund as we continue, unfortunately, a practice from both parties of raiding the Social Security Trust Fund.

In addition, we know that more spending fuels more taxes. And I hear from constituents in my district who have to pay the bills for all these earmarks no matter how worthy they are. I hear from somebody like the Flores family in Garland, Texas. She writes, "Dear Congressman, I am a divorced mother with a child in college and a child in daycare. An increase in taxes would wipe out hope of the first college graduate in the family. Please don't let this happen. Let's hold the budget down. There are a lot of things I can't afford, so I don't buy them. I need government to take the same attitude."

Madam Chairman, I reserve the balance of my time.

Ms. WATSON. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATSON. Madam Chairman, I would first like to thank Chairman OBEY both for his help securing this funding and for giving me this opportunity to defend it here on the floor.

The entertainment industry in Los Angeles is what the auto industry is to Detroit or the oil industry is to Houston, a source of skilled, high-wage jobs for average working class families.

The On Location training program at West Los Angeles Community College seeks to make sure that Los Angeles youth get the skills they need to fill these jobs. The skills we are talking about here are film editing, electrical wiring, lighting, and set design and construction.

At a time when more and more film production is moving offshore, this program ensures that L.A. retains its number one competitive advantage, the highest quality film production workforce in the world. In 1996, when we worked out the welfare reform program for California, we placed the retraining of those coming off welfare in the community colleges, and this is one of the programs that is located there, because we find that people who are returning to the workforce and our veterans, average age 27 years, go to the community college.

Young people in Los Angeles County suffer from one of the highest rates of youth unemployment and violence in the Nation. At last count, the unemployment rate for young people in L.A. County was close to 12 percent.

The On Location program creates opportunities for Los Angeles young people while supporting the most important industry to the southern California economy. This program makes sure that kids of average means can get the technical skills they need to get good jobs working in film and television production.

Earlier, I approached Mr. HENSARLING, who announced his opposition in a press release, and explained that the money in this project doesn't go to Hollywood studios, it goes to West Los Angeles Community College, and the program trains youth in the skills needed in this industry.

I could draw parallels to other community college programs in other people's districts, but I won't do that. So what we want to do is to use these Federal funds, because it is connected to the Federal welfare reform program, to allow this college to prepare our young people to work in an industry that really is the fuel to the economy. It is a $600 billion industry. It not only fuels the economy in California, but it fuels the economy nationwide. So, we need critical investments in education and job training so that we can compete in the global economy.

Rather than seeking to defend the tax cuts for the wealthy, let us work together to support needed investments in job training like the effective On Location program that benefits the average family and the unemployed youth of California.

I yield back the balance of my time.

Mr. HENSARLING. Madam Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. Thirty seconds.

Mr. HENSARLING. Again, I appreciate the gentlelady and her purpose for her amendment. When she spoke about the term "wealthy," if there is an industry in America that is wealthy it is obviously Hollywood. I would hope that they would be able to train their own people. But as I spoke about earlier, Rose Flores of Garland, Texas, doesn't consider herself wealthy, and yet she is staring at an average increase in her taxes of $3,000 a year as she tries to put a child through college, the very first one in her family to ever graduate from college.

Again, we must focus on the cost of these earmarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 15 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the American Ballet Theatre, New York, New York, for educational activities.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Education—Innovation and Improvement" is hereby reduced by $150,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would prohibit $150,000 in Federal funds from being used for the American Ballet Theater in New York for educational activities, and it would reduce the cost of the bill by a consistent amount.

I should point out that it has been said that if we don't spend this money, those faceless bureaucrats will just spend it. This actually reduces it. So it is up to the Appropriations Committee how that money is spent, not the agency itself. But I think that we could be facing the music if taxpayers learn that we are dancing away with their hard-earned money here.

The American Ballet Theater has been home to some of the world's best dancers since 1939. I believe that it holds assets of more than $15 million, $15 million in net assets. Yet, we are being asked to fund $150,000, I believe, to expand outreach by completing in-depth residencies in small and medium-sized communities across the country.

I have an obvious love for the ballet. I am not sure if it is that obvious, but I do like culture, and I think it is good for everyone. But telling taxpayers across the country that they should pony up $150,000 for the American Ballet Theater, an organization that has over $15 million in net assets I think is just a bridge too far.

There are many corporate sponsors involved in the American Ballet Theater, including American Airlines, Saks Fifth Avenue, Superfund Investing, Countrywide Financial. There are many well-known names on the board who contribute themselves. There is a Kennedy who is an honorary chairman; there is a Trump on the board as well.

There is a lot of support out there for this organization. I just fail to see why the Federal taxpayers should be put on the hook for this as well.

I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Chairman, I rise in strong opposition to the Flake amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MALONEY of New York. Madam Chairman, I rise in opposition to this amendment which would cut funding to the American Ballet Theater, which is headquartered in the district I represent.

Last year, the House of Representatives and the Senate showed their support for the American Ballet Theater by passing identical resolutions recognizing the American Ballet Theater's important role as cultural ambassador and America's national ballet company.

An important part of ABT's mission is to expose as many people as possible to high quality ballet. This is at the heart of the request for studio company funding to bring ABT studio company and a host of educational and cultural programs to smaller communities that have limited economic means and access to these cultural benefits.

Educational research strongly suggests that young people who learn about and participate in the arts acquire skills that help them in decision-making, problem solving, creative thinking, and teamwork.

□ 2000

An increasing number of studies also finds that art programs motivate young people to learn, assisting in improving performance in core academic subjects.

For some children, the arts provide the impetus to stay in school until graduation, and for others, inspire them to pursue a college education.

Arts education programs will continue to play an important role as the Nation struggles to improve high school graduation rates, develop pre-kindergarten programs, and counter the achievement gap in urban communities.

The requested funds will allow ABT to expand the studio program's outreach by completing in-depth residencies in small and medium-sized communities in five regions, the Northeast, the Mid-Atlantic, South, Midwest and West. Bringing world-class ballet and education programs, they're a very important part of the ABT's key mission.

More than simply offering performances, a studio company engagement leverages the company's resources to offer a range of educational activities and direct interaction with the company, often partnering with local ballet schools and universities to reach the local dance constituency.

While visiting a community, the studio company works with dance departments within universities and supplies tickets and study guides to local K-12 schools, exposing young people to dance, encouraging movement, physical fitness, creativity, and concentration.

Performing for local schools challenges youth to become more serious about the dance craft, while inspiring and expanding awareness of the possibilities for a career in the performing arts. The local arts community benefits from the experience of hosting ABT.

It appears that my good friend, the gentleman from Arizona, does not support the arts and does not appreciate the importance of arts education to our young people.

As I said, the arts are critical to our children's overall education. Creativity can be taught. This funding allows those communities who do not have the access to the arts to gain the benefits of having world-class arts education brought to them.

This is a worthy project, and I hope my colleagues recognize its importance. I urge the defeat of my friend and colleague's amendment.

Madam Chairman, I reserve the balance of my time.

Mr. FLAKE. I find it curious when it's often said that the gentleman or somebody does not support the arts, does not support education. What would be said if there was a local individual, a philanthropist who gave $10 million to a local university, but did not believe that it was the Federal Government's place to do so? Would that person support education or not? If this is the standard by which people are judged, perhaps not.

But I would submit that it's not a very good standard. Just because you don't believe that it's the Federal Government's place, in this case, to favor what is perhaps the best known ballet company in the country, with net assets of more than $15 million, over perhaps local ballet companies that could maybe use more support. How do we make that choice here? It just doesn't seem right to me.

We have over 1,300 earmarks in this appropriation bill. I just don't know when Congress is going to draw the line.

For the average American taxpayer, I would argue that this $150,000 to the American Ballet Company is too much, or in this case, maybe too, too much.

Madam Chairman, I yield back.

Mrs. MALONEY of New York. The gentleman may not support the opportunity to bring the arts to small communities across the country that may inspire them.

I was very much inspired as a young person, going to the ballet. In fact, I studied for many years to be a professional dancer until I crushed my leg in an automobile accident.

But what the gentleman does support, he talks about what he doesn't support. But what the gentleman did support was a budget that Clinton left President Bush, a surplus well over $5 trillion that has been squandered. And what this gentleman has supported is budgets that have given this country records, but they're the wrong kinds of records.

We now have a record debt over $8 trillion. Every man, woman and child in America owes over $29,000 personally to that debt. And this administration gave this country record deficits, the largest in the history of this country, and the largest trade deficit in the history of this country.

The CHAIRMAN. The gentlewoman's time has expired.

Mrs. MALONEY of New York. That is what the gentleman has supported. What we are supporting in this amendment that I am putting forward is the opportunity for young people in communities across this country to be exposed and taught the arts.

I urge the defeat of the gentleman's amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the South Carolina Aquarium, Charleston, South Carolina, for exhibits and curriculum.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $150,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment prevents $150,000 from going toward programs at the South Carolina Aquarium in Charleston, South Carolina, and reduces the cost of the bill by a consistent amount.

Madam Chairman, when I saw this amendment, or saw this earmark, I thought I was experiencing deja vu here. In the past we've seen earmarks for other aquariums in other appropriations bills. Last year, the Mystic Aquarium received $1 million in the bill allocating funding for the Defense Department. And now we see the South Carolina Aquarium is a beneficiary in the spending bill for the Departments of Labor, Health and Human Services and Education.

This earmark may have found a more appropriate home in this spending bill rather than the Defense bill; but if I were a betting man, I would not bet against seeing other aquarium earmarks in other appropriations bills. It seems to be a trend here that the Federal Government seems to be funding more aquariums across the country, without, I would submit, much of a Federal purpose.

The Web site for the South Carolina Aquarium states that the purpose is to inspire conservation of the natural world by exhibiting and caring for animals, excelling in education and research, and providing an exceptional visitor experience.

This aquarium sells tickets for $16 for adults, $14 for seniors, $8 for children. It also has a sea turtle hospital, sustainable food initiative, which includes sustainable seafood recipe contests and a variety of exhibits.

But I would ask, why do not all aquariums across the country receive similar funding? What is the criteria for picking winners and losers?

This aquarium seems to get favorable treatment over aquariums in Massachusetts, Colorado, Arizona, Kansas, as well as just about every other State. Is this a fair and equitable process?

In addition, here, the case again is that the aquarium has a number of business partners and sponsors. The list reads like a who's who of Fortune 500 companies: BP, Whole Foods, Wells Fargo Home Mortgage.

Why are the taxpayers being asked to be on the hook? Why are we asked to sponsor this aquarium as well?

Madam Chairman, I reserve the balance of my time.

Mr. BROWN of South Carolina. Madam Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes.

Mr. BROWN of South Carolina. Madam Chairman, the earmark I'm here to discuss and defend is for the South Carolina Aquarium located in my district in Charleston, South Carolina.

The South Carolina Aquarium is a nonprofit education and conservation organization that is truly part of the Charleston community. The aquarium is funded by a combination of tickets, concessions and souvenir sales and corporate, government and private funding. The aquarium has more than 80 paid staff, with a complement of more than 300 volunteers.

Funding from this earmark would go towards the development of user-friendly, interactive exhibits and displays, including touch tanks where children can interact with rays, horseshoe crabs, and many other native species from the waters of South Carolina.

Funding would also go towards funding a live feed connection so the children would be able to see into the inaccessible realms of the Hollings Marine Lab, and further development of the South Carolina Sustainable Seafood Initiative, which educates children on fisheries conservation.

Madam Chairman, funding for institutions such as the South Carolina Aquarium are worthwhile investments for the taxpayer. The reason is that with "seed money" organizations such as the South Carolina Aquarium are able to attract corporate donations which amount to much more than the original earmark and prove to be the foundations that our zoos and aquariums are built upon.

If my colleagues would like to research the criteria for projects under the Institution of Museum and Library Services account within this bill, the South Carolina Aquarium project is exactly why the Institute of Museum and Library Services account exists.

And I urge my colleagues, Madam Chairman, to vote "no" on the Flake amendment.

Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 12 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Kansas Regional Prisons Museum, Lansing, Kansas, for educational and outreach programs.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $100,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would prohibit $100,000 from being used to fund educational and outreach programs at the Kansas Regional Prison Museum at Lansing, Kansas. I've often joked that the way we splurge taxpayer funds on thousands of earmarks is a crime. But this earmark gives that sentiment a little new relevance.

It appears that Leavenworth County in Kansas uniquely hosts Federal, State, military and private prisons, and a regional prison museum is proposed to honor that heritage. This prison museum building would be in addition to the existing Lansing Historical Museum, complete with a gallows chamber, replicated cells and a 12- to 14-foot stone wall around the complex.

All told, it appears this prison museum addition would significantly increase the overall display area of the Lansing Historical Museum from roughly 1,500 square feet to nearly 8,000 square feet of display area. Here, I think it is a pretty clear case. It may have some local relevance, but asking taxpayers across the country to pay for a prison museum is probably not a wise use of funds here.

The Kansas director of Americans for Prosperity, a grass-roots organization that focuses on taxpayer issues, called earmarking Federal funds for this project "wasteful Federal spending" and suggested that "if there is truly a market for a prison museum, people who find it interesting should pay for it, not the 99.9 percent of taxpayers who will never visit it."

AFP, or Americans for Prosperity, also suggested that nontaxpayer sources of revenue could be found if there was adequate local support to build an economically viable prison museum in Lansing.

Madam Chairman, I reserve the balance of my time.

Mrs. BOYDA of Kansas. I rise in opposition.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. BOYDA of Kansas. First of all, Mr. FLAKE, I would certainly like to just say thank you so much for this opportunity. I've had a lot of people on both sides of the aisle say that this whole thing is a complete waste of time. And I personally just want to thank you for the opportunity to stand up and talk about Leavenworth County, Kansas. We don't get that opportunity enough.

□ 2015

Actually we have many prisons. We probably have more prisons in Leavenworth County, Kansas, than any other county in the United States. Let me tell you about three of them. Lansing, which is in Leavenworth County, hosts and houses the Kansas State correctional facility for the entire State. Then, of course, we have the United States penitentiary. It is an historic penitentiary, has got some names of people who have been housed there: George "Machine Gun" Kelly; the NFL running back Bam Morris; Leonard Peltier; Fritz Duquesne, a Nazi spy; and Robert Stroud, who later became the Birdman of Alcatraz. So it has a huge history there. But it currently still houses close to 2,000 prisoners for the United States Government, Mr. FLAKE.

Then let me tell you about the detention barracks, which is part of Fort Leavenworth. Actually, for the first time in, say, 50 years, a unit from Fort Leavenworth was actually sent to Iraq because they were so expert in detentions and in handling these kinds of extremely difficult and sensitive issues that they went to Iraq to try to clean up some of the mess that was made by some of the detention problems.

So, Mr. FLAKE, I would just say to you that I don't think this is a joking manner in any way, shape, or form. It is very easy for you to go tell the people of Arizona that you are tough on crime. But let me say that it is a very difficult thing to do, and we take a great deal of pride about it in Kansas. It does take a lot more than talk to say that you are tough on crime.

The local residents are proud of their heritage and rightly so, and they see it as part of their responsibility to preserve this history. Let me talk about what they are doing. They are raising $2 million of private funds for this.

So I am proud. And, again, I just thank you for giving me the opportunity to talk about this. We are asking for $100,000 to add to this museum. But let me talk about one other thing. Mr. FLAKE, I don't know if you understand this.

Mr. WESTMORELAND. Madam Chairman, would the gentlewoman please address the Chair and not a Member?

The CHAIRMAN. The gentlewoman must address her remarks to the Chair.

Mrs. BOYDA of Kansas. Madam Chairman, real life corrections work is sometimes dangerous, and it involves loss of life and injury. This memorial, this museum, will actually be a memorial to those fallen who have, again, at the U.S. penitentiary as well as our State, as well as our fort, and the detention barracks that are there, this memorial will offer an appropriate tribute to the sacrifices that these people have made.

So, again, it is very, very easy to say that we are tough on crime. The men and women who do the corrections work in Leavenworth County, Kansas, understand that it takes a heck of a lot more than talk to get behind this and be tough on crime to be able to do what we know needs to be done in this country.

Again, I am glad to have the opportunity to stand up here. Leavenworth County has a rich tradition. We were part of the border wars when it came to the settling of one of the biggest issues in this country about slavery. We have the United States penitentiary, which is just so intense in its history. We have the Leavenworth, which has played a huge role in keeping our country safe.

So I appreciate this. We would like as many people to come. This is going to be a tourist attraction, and we are inviting as many people as we can to Leavenworth County, Kansas, while we are building this museum and certainly as well as after it is built.

Madam Chairman, I reserve the balance of my time.

Mr. FLAKE. Madam Chairman, again, I don't want to diminish the need that the locals feel to have this museum. People around the country have varying needs and wants for museums, whether it is a teapot museum in North Carolina or a Rock and Roll Hall of Fame in Ohio. Local needs are such and people visit and tourists find that interesting.

But why should the Federal taxpayer be on the hook? When do we say, is there a time at which we say enough is enough, we can't handle any more? Thirteen hundred earmarks. Yes, it is down from the heyday of 2005, and I make no excuses for my own party for doing that. But is it right? When should we say enough is enough and simply say we shouldn't be using Federal taxpayer dollars for these kinds of projects?

Madam Chairman, I yield back the balance of my time.

Mrs. BOYDA of Kansas. Again, Madam Chairman, I would just reiterate that the people of Leavenworth County, Kansas, are proudly working hard to raise $2 million of private funds. And I stand before this body today and am proud to say that $100,000 will go to this. And, again, I am very proud to do this on behalf of Leavenworth County, Kansas, and invite everyone to come see the rich tradition that makes Leavenworth County a great place.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I will just take 1 minute to observe this: The gentleman from Arizona has said, in reference to this project, enough is enough. Let me ask why don't we say enough is enough to spending $600 billion in a futile and fruitless and misguided war in Iraq? Why don't we say enough is enough in putting the needs of millionaires who are going to get $57 billion in tax cuts this year ahead of the needs of average working people with respect to investments in their education, their job training, and their community development and their health care? I think, indeed, enough is enough, but we ought to be saying that about the right things.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 13 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Shedd Aquarium, Chicago, Illinois, for exhibits and community outreach.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $150,000.

The CHAIRMAN. Pursuant to the order of House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would eliminate $150,000 in Federal funds for the Shedd Aquarium in Chicago, Illinois, for exhibits and community outreach.

Shedding some light on earmarks like this should be one of Congress' top initiatives, and I am glad that we have this opportunity to do it.

The certification letter I submitted to the Appropriations Committee by the Member sponsoring the project stated "the funding would highlight the Great Lakes aquatic ecosystem and incorporate community outreach, team mentor and stewardships program."

This is the second largest indoor aquarium in the world containing 8,000 animals, 650 species. An "all access pass" for admission is $23 for adults and $16 for children, and this aquarium gets 2 million visitors annually. According to the Charity Navigator, annual revenue for the Shedd Aquarium in 2004 totaled over $50 million. This is revenue in 2004 totaling $50 million.

In 2004 alone the Shedd Aquarium had over $215 million in net assets and nearly $13 million in excess revenue. Let me read that again. In 2004 alone the Shedd Aquarium had over $215 million in net assets and nearly $13 million in excess revenue.

Why in the world, please tell me, are we giving 150,000 hard-earned Federal tax dollars to a local aquarium that has $13 million in excess revenue in 1 single year? It simply doesn't seem right to me.

The Shedd Aquarium has applied for and has received at least four competitive IMLS grants in the past, but this earmark skirts that process.

Again, we often talk about how we know more about our districts than some faceless bureaucrat in some agency. Well, those faceless bureaucrats in some agency awarded four grants to this institution. But that wasn't enough. They were back for another earmark, where apparently maybe they didn't get the grant this year; so we are going to earmark funds for the organization. Why do we set up a competitive grant program in a Federal agency and then say we are going to go around it by issuing an earmark?

Oftentimes we give earmarks to organizations that fail to get a grant, that fail the competitive process that we have ordered the Federal agency to establish. The oversight process dictates that we actually call in Federal agencies if we don't like the processes that they have set up and tell them to set up a new process or we deny them funding. And for those of us who say that they won't talk to us or those Federal agencies are nonresponsive, cut their funding for a while and see how responsive they become. That is our role, not to compete with the Federal agencies in how we can spend taxpayer dollars without competitive bids or without a process in place.

And I see that those who sponsored the amendment are here.

Madam Chairman, I reserve the balance of my time.

Mr. EMANUEL. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. EMANUEL. Madam Chairman, I was listening to my friend from Arizona, which is a State with a desert that has both Lake Powell and Lake Havasu that have been built with Federal money so they can have water. Talk about Lake Michigan and the other Great Lakes, the largest body of freshwater in all of America, in fact, 90 percent of the freshwater in the United States, 20 percent of the world's freshwater. Thirty-seven million Americans get their daily drinking water from Lake Michigan and other Great Lakes.

The Shedd Aquarium, as you noted, has more visitors, 2 million people, in fact, people from Arizona come to see the Shedd Aquarium. More people visit that aquarium than any other aquarium for the last 10 years.

This program actually has bipartisan support, as you probably know, in the Commerce, State, and Justice bill. My good friend from Illinois (Mr. KIRK), a Republican, got resources to help the Shedd Aquarium.

The reason we are doing this, and you may not have known this and obviously those of us in the Great Lakes States care greatly about it, but BP, British Petroleum, the other day has gotten a waiver now to dump more untreated ammonia in the Great Lakes. It is our greatest national treasure like Yellowstone Park, like the Grand Canyon and others. The freshwater that surrounds Michigan, Indiana, Illinois, Wisconsin, New York, Pennsylvania, and Ohio is a great national treasure. It provides, as I said, 37 million Americans with their daily drinking water. And the Shedd Aquarium educates other people to the importance of the Great Lakes.

And I always noted the State of Arizona actually had a plan on the books, and I think got an earmark for this once, how to build a pipeline from the Great Lakes to provide water to Arizona. You have got a desert; we have got the Great Lakes.

Madam Chairman, I yield 30 seconds to my colleague from Illinois (Mr. KIRK), who has been a supporter of the Shedd Aquarium.

Mr. KIRK. Madam Chairman, I thank my colleague from Illinois for yielding.

I rise in opposition to this amendment because he is exactly right. A detailed review of the Shedd Aquarium shows that it has now become the center for Great Lakes advocacy. We are in the middle of a battle to stop the increase in ammonia and wastewater dumping by British Petroleum, the first new polluter in Lake Michigan. The Shedd is the fort with which we advocate for this protection of the crown jewel of the Midwest ecosystem, and I think this is an essential way to go forward to make sure that we protect the drinking water for over 30 million Americans.

Mr. EMANUEL. Madam Chairman, I yield the balance of my time to my colleague from Illinois (Ms. BEAN).

Ms. BEAN. Madam Chairman, I thank the gentleman for yielding.

And I acknowledge that the Illinois delegation on a bipartisan basis has supported this project. And this project, unlike the one that my colleague from Arizona mentioned, isn't a typical aquarium project. This is focusing on resources that highlight the importance and fragility of our Great Lakes aquatic ecosystem from the Dunes to Chicago's unique urbanized lakefront to the Illinois Beach State Park, where this interactive saltwater and freshwater aquatic biology lesson can take place.

□ 2030

This has bipartisan support. It is timely, given BP's recent announcement that it has received a permit to dump 1,500 pounds of ammonia and almost 5,000 pounds of sludge into Lake Michigan every day.

I am proud to defend this request to protect our largest source of drinking water, not just in Illinois, not just in the country, but in the world.

And my colleague from Arizona and from States like Colorado, who are experiencing severe water shortages, should want us to make sure that we're educating our community how to defend this important national resource.

I would also suggest that, while I respect the gentleman's concern for fiscal responsibility that he shows on this $150,000 request out of a $150 billion bill, he didn't show such restraint in rolling back subsidies to the oil and gas industry for $14 billion earlier in the year. I would suggest that he look elsewhere to promote fiscal responsibility.

I ask my colleagues to join me in opposition.

Mr. FLAKE. I think the gentlelady may want to check the RECORD with regard to an energy bill. I'm not familiar with any that I voted for because they are hugely corporate subsidies.

And let me just say one thing. Charlie brought up, well, you're from Arizona. The Central Arizona Project, the big Federal project, or the Glen Canyon Dam in the 1950s was built largely with Federal funds, as if these were some earmark slipped into a conference report 3 days before the bill came to the floor. Not at all. I mean, no projects were debated more. Nothing went through more authorization, appropriation and now oversight than those projects. I may have voted differently if I were around in the 1950s, but I wasn't.

What we're debating here is whether we should spend $150,000 in Federal funds for a local aquarium in Chicago that in 2004 had $215 million in net assets, $50 million in total revenue, and $13 million in excess revenue. That is the question before us. We can talk about Enron. We can talk about the war. We can talk about anything, but this is what's relevant here, whether the taxpayer should be spending $150,000 for an aquarium, a local aquarium that had $50 million in revenue in 1 year alone. It simply doesn't seem right.

With that, Madam Chairman, I yield back the balance of my time.

Mr. EMANUEL. Here it states, "37 million Americans get their daily drinking water." It's the largest body of fresh water in North America. In fact, it's 90 percent of the water as it relates to body water.

In that effort, this is a bipartisan effort because we are dealing with the contamination of the Great Lakes, and the Shedd Aquarium is at the forefront of preserving and helping us make sure that the Great Lakes are here for future generations.

And the reason the Hoover Dam and other projects are relevant here, not the process about how they were authorized or appropriated, Arizona still seeks Federal subsidies for its water rights, which we still subsidize.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Corporation for Jefferson's Poplar Forest, Forest, Virginia, for expansion of exhibits and outreach.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $200,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would prohibit $200,000, and reduce the cost of the bill by a consistent amount, from being used to expand the exhibits and outreach at Jefferson's Poplar Forest in Forest, Virginia.

Now, I'm sure that Thomas Jefferson himself would appreciate the sentiment about this, but I'm not sure the earmark is consistent with the Jeffersonian philosophy of "limited government," particularly limited Federal intrusion. He talked about a wise and frugal government in his 1801 inaugural address. I'm not sure that this sits well with that philosophy, spending Federal money, $200,000 in this case.

Poplar Forest is an octagonal house, an acreage that was inherited by Jefferson's family. They used it as a retreat in the late 18th and early 19th centuries. Now, I won't take too much time on it, but suffice it to say there is a lot of local support for something like this. It sounds like a great house.

I enjoy going to Monticello and visiting the sites of Thomas Jefferson. I'm sure that this is a fitting reminder of his life work and historical importance, along with a lot of other things that we have. But here again, there is an infinite need around the country for money for projects like this. If you simply ask the sponsoring Members, if you say that it's needed for economic development or tourism, what earmark would ever fail with that kind of criteria? We simply have to have a higher standard here. Does it have a Federal nexus? Can we afford it? Is it consistent with limited government, economic freedom, individual responsibility? That's what we should be asking ourselves here.

Madam Chairman, I reserve the balance of my time.

Mr. WALSH of New York. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. I rise in opposition to this amendment on behalf of the gentleman from Virginia's Sixth Congressional District, Mr. GOODLATTE. He is involved in the markup of the Agriculture bill this evening, and so I would like to place this statement in the RECORD on his behalf.

Madam Chairman, for Members not familiar with Thomas Jefferson's Poplar Forest in Bedford, Virginia, the House was designed in 1806, and the grounds are located about an hour south of Charlottesville in the heart of central Virginia.

This investment of Federal funds will allow the landmark to open to the public 50 acres of hallowed ground once roamed by this farmer, diplomatic, meteorologist, President, and author of the Declaration of Independence; indeed, America's first Renaissance man.

Poplar Forest was an important part of Jefferson's life, a private retreat situated far from the public scrutiny and demands on our Nation's third President. It was his most personal architectural creation and landscape, a place where he came to find rest and leisure, to rekindle his creativity, and to enjoy private time with his family.

Poplar Forest was also a working plantation, critical to his efforts as a farmer. In fact, the area around Poplar Forest is where Mr. Jefferson was forced to retreat while being pursued by British troops.

Today, scholars and historians work on restoring the home to its original design and conduct archeological research on the farming, landscaping and slave life of the grounds. While the staff at Poplar Forest continues to restore the historic land and house, they are working on the first steps of developing the retreat for public use.

As is the case with other historic Presidential sites, it will take time to tap the extraordinary potential of Poplar Forest to provide even more insight into one of America's most influential and public figures whose ideas still influence world debate and even govern rules of decorum on the House floor this evening.

Madam Chairman, while I share the gentleman's desire for fiscal responsibility, I will inform him that the private sector has furnished 84 percent of the funds it has taken to bring Poplar Forest's rescue and development through the initial stages. However, given the clear national role that Thomas Jefferson's legacy plays in our cultural heritage, I believe that Federal investment is prudent. It is vital to preserve this national treasure, which is listed on the National Register of Historic Places, so that all Americans can continue to learn about Jefferson's life and his vision for the future of our country.

I offer this for Mr. GOODLATTE. I'm sure he would be here, but duty calls at the Agriculture Committee.

Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. Madam Chairman, to end this debate tonight on these earmarks, I would just say that there has not been one earmark that has been challenged here tonight that isn't going to a valuable organization as far as I'm concerned. The question is not is there value in that organization or is there value in what this aquarium or what this historic site is doing. The question is should we be paying for it at the Federal level. And I think that's what taxpayers have a hard time with, and I think they should, particularly given the fiscal problems that we're having at the Federal level.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 49 by Mr. SHADEGG of Arizona.

Amendment No. 50 by Mr. WESTMORELAND of Georgia.

An amendment by Mr. FERGUSON of New Jersey.

An amendment by Mr. GARRETT of New Jersey.

Amendment No. 65 by Mr. PRICE of Georgia.

Amendment No. 55 by Mr. SHADEGG of Arizona.

Amendment No. 56 by Mr. LAMBORN of Colorado.

An amendment by Mr. OBEY of Wisconsin.

Amendment No. 19 by Mr. FLAKE of Arizona.

An amendment by Mr. DINGELL of Michigan.

An amendment by Mr. BARTON of Texas.

Amendment No. 59 by Mr. HENSARLING of Texas.

Amendment No. 15 by Mr. FLAKE of Arizona.

Amendment No. 10 by Mr. FLAKE of Arizona.

Amendment No. 12 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 49 OFFERED BY MR. SHADEGG

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 309, not voting 11, as follows:

[Roll No. 656]

AYES—116

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Culberson
Davis, David
Davis, Tom
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Sullivan
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wolf

NOES—309

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry

Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Bordallo
Brown, Corrine
Costa
Davis, Jo Ann
Faleomavaega
Hobson
Jefferson
Meeks (NY)
Stark
Sutton
Tancredo

□ 2104

Messrs. ROTHMAN, GORDON of Tennessee, STEARNS, and BONNER changed their vote from "aye" to "no."

Mr. DANIEL E. LUNGREN of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 50 OFFERED BY MR. WESTMORELAND

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 331, not voting 8, as follows:

[Roll No. 657]

AYES—97

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Neugebauer
Paul
Pearce
Pence
Petri
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—331

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Jefferson
Myrick
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

☐ 2108

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FERGUSON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. FERGUSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 11, not voting 6, as follows:

[Roll No. 658]

AYES—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—11

Dingell
Ehlers
Flake
Hinchey
Hirono
Honda
Johnson, Sam
Mollohan
Moran (VA)
Obey
Olver

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains on this vote.

☐ 2115

Mrs. TAUSCHER, Ms. NORTON, Messrs. PALLONE, MARKEY, UDALL of Colorado, JEFFERSON, MICHAUD, ALLEN, BLUMENAUER, SERRANO, HILL, COOPER, BOYD of Florida, CLAY, KUCINICH, and VISCLOSKY, Ms. McCOLLUM of Minnesota, Mrs. LOWEY, Ms. SLAUGHTER, Ms. WATSON and Ms. WASSERMAN SCHULTZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 95, noes 335, not voting 6, as follows:

[Roll No. 659]

AYES—95

Akin
Bachmann
Bachus
Barrett (SC)
Barrow
Bean
Biggert
Blackburn
Boehner
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Donnelly
Drake
Dreier
Duncan
Ellsworth
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hall (TX)
Heller
Hensarling
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)

McHenry
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Myrick
Paul
Pence
Petri
Poe
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Space
Sullivan
Tanner
Taylor
Walberg
Wamp
Westmoreland
Wilson (SC)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Buchanan
Burgess
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute left on the vote.

☐ 2119

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 65 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 79, noes 349, not voting 8, as follows:

[Roll No. 660]

AYES—79

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Culberson
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Granger
Heller
Hensarling
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Souder
Stearns
Terry
Thornberry
Wamp
Westmoreland
Wilson (SC)

NOES—349

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)

Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Hall (TX)
Stark
Sullivan
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2123

Ms. PRYCE of Ohio changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 55 OFFERED BY MR. SHADEGG

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 334, not voting 6, as follows:

[Roll No. 661]

AYES—96

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Thornberry
Tiahrt
Walberg
Wamp
Westmoreland
Wilson (SC)
Young (FL)

NOES—334

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

☐ 2128

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 56 OFFERED BY MR. LAMBORN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 72, noes 357, not voting 7, as follows:

[Roll No. 662]

AYES—72

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Buyer

Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Dreier
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hastert
Hastings (WA)
Hensarling
Herger
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Thornberry
Tiahrt
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—357

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Pickering
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2132

Mr. STUPAK changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 53, noes 369, answered "present" 8, not voting 6, as follows:

[Roll No. 663]

AYES—53

Akin
Bilbray
Blackburn
Blumenauer
Burgess
Campbell (CA)
Cannon
Chabot
Conaway
Cooper
Costa
Davis, David
Deal (GA)
DeFazio
Delahunt
Feeney
Flake
Fossella
Franks (AZ)
Gohmert
Goode
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Kline (MN)
Lamborn
Linder
Mahoney (FL)
Marchant
Marshall
Miller (FL)
Musgrave
Myrick
Pence
Pitts
Price (GA)
Radanovich
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shimkus
Terry
Thornberry
Tiberi
Westmoreland
Wexler

NOES—369

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch

Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—8

Boehner
Foxx
Garrett (NJ)
Lewis (CA)
Obey
Sessions
Shuster
Sullivan

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

☐ 2136

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 341, not voting 6, as follows:

[Roll No. 664]

AYES—89

Akin
Bachmann
Barrett (SC)
Barrow
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Fallin
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Graves
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—341

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

☐ 2140

Mrs. SCHMIDT changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DINGELL

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. DINGELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 199, not voting 6, as follows:

[Roll No. 665]

AYES—231

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 2143

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 249, not voting 6, as follows:

[Roll No. 666]

AYES—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—249

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney

Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 2148

Mrs. BOYDA of Kansas changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 59 OFFERED BY MR. HENSARLING

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 6, as follows:

[Roll No. 667]

AYES—114

Akin
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Dent
Duncan
Everett
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastert
Heller
Hensarling
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
Marshall
McCarthy (CA)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (FL)

NOES—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains on this vote.

☐ 2152

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 118, noes 312, not voting 6, as follows:

[Roll No. 668]

AYES—118

Akin
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Culberson
Davis, David
Deal (GA)
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
LaTourette
Linder
Lungren, Daniel E.
Mack
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—312

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains on this vote.

□ 2156

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 70, noes 360, not voting 6, as follows:

[Roll No. 669]

AYES—70

Akin
Bachmann
Barrow
Barton (TX)
Bilbray
Blackburn
Boehner
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Graves
Hastert
Heller
Hensarling
Herger
Hunter
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
Miller (FL)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Pence
Petri
Pitts
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Sullivan
Terry
Thornberry
Walberg
Wamp
Waxman
Weldon (FL)
Westmoreland

NOES—360

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett

Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

☐ 2200

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 317, not voting 7, as follows:

[Roll No. 670]

AYES—112

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Cooper
Culberson
Davis, David
Deal (GA)
Dent
Duncan
Feeney
Flake
Forbes
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Thornberry
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)

NOES—317

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Bishop (GA)
Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining on this vote.

☐ 2203

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 68, noes 360, not voting 8, as follows:

[Roll No. 671]

AYES—68

Akin
Bachmann
Barrett (SC)
Barton (TX)
Blackburn
Brown-Waite, Ginny
Burgess
Buyer
Campbell (CA)
Cannon
Castle
Chabot
Coble
Conaway
Cooper
Deal (GA)
Feeney
Flake
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gingrey
Graves
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
Miller (FL)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Price (GA)
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Sullivan
Terry
Thornberry
Weldon (FL)
Westmoreland

NOES—360

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Bordallo
Brown, Corrine
Davis, Jo Ann
Faleomavaega
McCollum (MN)
Murtha
Stark
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

☐ 2208

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN (Mr. LYNCH). The gentleman is recognized for 5 minutes.

Mr. OBEY. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I first want to thank Chairman OBEY for including $50 million for treating the health needs of 9/11 first responders from all over the country in this bill. Without his leadership, the heroes of 9/11 would still be waiting for the Federal funding they so desperately need for medical treatment following their work at Ground Zero. Although this funding is an important step, we need so much more.

Just this morning the New York Times revealed a new study by the Department of Health and Human Services that says that the cost of treating 9/11 illnesses will reach $20 million a month, $20 million a month by the end of this year.

The Federal Government must drastically increase its funding commitment if it is to fulfill its obligation to those suffering the health effects of 9/11. But today's bill is at least a first step.

We have all heard the harrowing stories of those first responders, firefighters, police officers, emergency medical technicians and countless others from all around the country who responded and put their own lives in danger to save others. But they are not the only victims of the environmental disaster that resulted from the attacks on the World Trade Center.

The toxic mixture of asbestos, mercury, benzene, dioxins, jet fuel and other harmful substances landed inside apartments and schools and office buildings. The dust settled onto furniture and carpets and onto curtains and air ducts.

Before buildings in Lower Manhattan had ever been tested to insure that they were safe to reoccupy, residents were urged by the EPA to return to their homes near Ground Zero, and students were sent back to school, where they breathed poisonous dust for months.

Residents and students followed EPA instructions to clean up the dust in their apartments with a "wet mop or a wet rag," a completely inadequate, not to say illegal, method for cleaning up asbestos and other toxic materials.

Students at Stuyvesant High School returned to a building that sat next to enormous piles of toxic debris being carted off to landfills. To this day, there has been no comprehensive testing or cleanup of World Trade Center dust in buildings in Lower Manhattan and Brooklyn and Jersey City. More than 5 years later, an increasing number of residents and students are now becoming ill from 9/11 toxins.

□ 2215

Residents and students, in addition to first responders, should be eligible for 9/11 health funding as our colleagues in the Senate seek to do but this bill does not do.

I had planned to offer an amendment that would have made residents and students eligible for 9/11 health funding, too. I will not offer that amendment tonight, but I will express the hope that the chairman will support, as we go forward, the work to provide treatment to the tens and thousands of residents and students who are now suffering and will suffer the health effects of 9/11. And I hope we will accede to the Senate version of the bill.

On a separate matter, I would also like to say that I am extremely pleased to see that $39 million has been included in this bill for arts and education. In past years I have had to offer amendments to add funds in this area, but for the first time we have a bill before us that does a very good job in arts and education. The funds provided in this bill are vital as they bring the arts to schoolchildren across the country, many of whom would otherwise have no other opportunity to experience the arts.

I again thank the chairman for his initiative in this respect.

Mr. WALSH of New York. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Mr. Chairman, I would just like to remind my good friend and colleague from New York City that I too am a New Yorker and that I was there with a number of Members of Congress and the President after the attack occurred, and I spent a good deal of time talking with the workers, construction workers, the telephone company people, the police and firemen. And the impression of their sacrifice and their commitment to those people who were lost that day was burned into my memory. Ever since that day, it has been a priority of mine to make sure that those individuals were provided for in every way possible.

So I just want to remind my colleague from New York City that I, as a member of the New York delegation from Syracuse, care very deeply about those individuals and providing these funds in this bill was a very high priority of mine, and I thank the chairman for working with me on that.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, first let me thank our chairman for yielding and just say to him once again thank you for a bill which really does make the forward-thinking investments in our Nation that we so critically need.

The values of a country are really demonstrated through its funding priorities, and I think when you look at this subcommittee and the priorities of it, we can really determine what our great Nation values as being a priority. So let me, even though I talked for a few minutes yesterday, I want to make a few general remarks about some additional issues that this bill addresses.

First, let me just briefly discuss how this bill addresses the dropout crisis that this Nation is facing.

Forty years ago the United States was number one in the world in terms of high school graduation rates. Today it ranks seventh. About one-third of the students who enter ninth grade each fall will not graduate from high school within 4 years, if at all. High school students living in low-income families drop out of school at six times the rate of their peers from high-income families.

Dropout rates are especially high in communities of color. Only about 55 percent of African American students and 52 percent of Hispanic students graduate on time from high school with a regular diploma, compared with 78 percent of white students.

Now, in my district in Oakland, California, which is not unlike other districts in urban communities, the graduation rate for African American males is 26 percent, mind you, 26 percent. That is about a 75 percent dropout rate, compared to 57 percent of the graduation rate for white males, which still is deplorable.

We must do better by our children. Nothing less than the future of this country is at stake. Yes, black and Latino and low-income children deserve a piece of the American Dream also. That is why I am so pleased that this bill recognizes that and invests in dropout prevention.

It includes millions of dollars to increase elementary and secondary counseling, a $40 million increase in TRIO, $20 million in GEAR UP. Also we add $125 million in 21st Century Community Learning Centers for before and after-school programs.

And let me just mention and highlight the 77 percent increase in comprehensive school counseling, which involves making sure that our teachers are freed up to do what they do best, and that is teach. This increase allows for counselors, psychologists, social workers, and psychiatrists to really help in our schools in terms of making sure that young people who are demonstrating the need for intervention early on receive the type of assistance before the situation gets out of control. This is so critical in terms of school safety because, of course, many of the issues that we have witnessed around the country in terms of violence on campuses, if we had just intervened earlier with the proper support staff, counselors, social workers, those situations may not have occurred. So I am very pleased that we have an increase for our counseling program.

Another critical issue facing many of our communities is the issue of re-entry and ex-offender programs, which this bill recognizes and makes a modest increase with a little bit over $26 million in reintegration and ex-offender programs and real focuses on youthful offenders. We must do everything to prevent, I mean prevent, the vicious cycle of recidivism in this Nation, and that means working to ensure that re-entry programs are available. So this bill recognizes that employment and mentoring and transitional services do reduce recidivism and help individuals stay out of jail. So this provision is an excellent crime prevention measure which also helps formerly incarcerated individuals get their lives together.

On the issue of HIV/AIDS, of course, this bill provides important increases in funding for our domestic HIV/AIDS programs. Specifically, the addition of $100 million for the Ryan White CARE Act and the additional $3.5 million is especially welcomed given the largely flat funding we have had for this important program.

The state of emergency in my district is a state of emergency as it relates to the African American community and the HIV/AIDS pandemic. We need really to declare a state of emergency nationally. We need a Federal state of emergency as it relates to HIV/AIDS.

Finally, let me just say thank you, Mr. Chairman, for recognizing the fact that there is a disparity in the rates of unemployment in the black community and in the Latino community and in the Native American community and for directing the Secretary of Labor to develop a specific plan to develop these disparities.

Thank you very much for a great bill, Chairman OBEY.

AMENDMENT OFFERED BY MR. DAVIS OF KENTUCKY

Mr. DAVIS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Kentucky:

Page 125, after line 2, insert the following:

SEC. 522. None of the funds made available in this Act may be used to pay a bonus or other performance-based cash award to any employee of the Social Security Administration or the Centers for Medicare & Medicaid Services who holds a position to which such employee was appointed by the President, by and with the advice and consent of the Senate, or a Senior Executive Service position (as defined by section 3132 of title 5, United States Code).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise today to offer an amendment that would restrict funds allocated in this bill from being used to pay a bonus or other performance-based cash award to any employee of the Social Security Administration or the Centers for Medicare and Medicaid Services who is a presidential employee or a member of the Senior Executive Service. Neither agency would ever survive as a private business trying to make a profit based upon their constituent service abilities which are often inefficient and inept.

The premise is simple. Bonus pay is for exemplary work. It is my opinion that the American people are not getting exemplary work from the SSA and the CMS. Therefore, the management of the agency, as in the private sector, should not be eligible for bonus pay and should be accountable for their performance.

In March of 2006, my office received a call from a concerned constituent who was having a problem with the withholding of Medicare part D premiums from his Social Security check. After an intensive investigation by my staff, we discovered that this was a widespread problem that affected hundreds of thousands of Medicare beneficiaries who have changed their prescription drug benefit plans.

After enrolling in a Medicare prescription drug plan during early enrollment and arranging for his premium to be deducted from his Social Security check, my constituent determined that his initial choice of a plan didn't fit his medical needs. He then decided to change his plan and his payment method, opting this time for direct payment instead of deduction from his Social Security check.

However, when he received his check, he realized that his premium for his initial selection was still being withheld. He attempted to address these problems himself with both CMS and SSA. He worked with them for 3 months without success. After contacting my office, my constituent liaison had more than a dozen exchanges with CMS and SSA over the next 6 months. Repeatedly, he was told by one agency that it was the other agency's fault. Several times he was told that the problem had been resolved and it would be reflected in the next Social Security check but never was. By this time our constituent had to live within an enormously reduced Social Security check for 9 months. My office had actively engaged on his behalf for 6 months, and my constituent is frustrated and angry. CMS and SSA say it is not their problem, and my constituent's hard-earned money is unaccounted for.

If the Social Security Administration was able to stop paying the plan provider by April of 2006, which is still an outrageously long period of time, then surely they would have been able to stop the withholding of the plan premium for my constituent 10 months after the fact.

Mr. Chairman, this is not only unacceptable; it is outrageous. For the millions of seniors in Kentucky and across the country that live on a fixed income or who are struggling to make ends meet, unnecessarily withholding these funds can create serious cash-flow problems. It is inappropriate to reward management of these organizations for taking money away from our seniors.

In the roll-out of a program as large as Medicare part D, there are bound to be bumps in the road. That is completely understandable. However, that it should take 11 months to resolve an issue like this is incomprehensible.

This story represents only one of the most egregious examples. The problem is not one of individual case managers in the departments but rather a systemic inefficiency and cultural problem, bureaucratic attitudes that involve shifting blame as opposed to working actively to take responsibility for problems in their departments and then solving them. It often requires multiple inquiries and sometimes several months to even get a status update on a case. Getting to the root of the issue and fixing a problem can take upwards of a year. This is simply unacceptable.

The amendment I wanted to offer would have conditioned the payment of bonuses based on reports to Congress by both agencies detailing how they are addressing these issues. Unfortunately, the Parliamentarian has informed me that such an amendment would constitute changing existing law in an appropriations bill and be subject to a point of order.

Therefore, I am offering only a straight prohibition against the payment of bonuses for the coming fiscal year. I think this is something that both sides of the aisle can agree on. It is my sincere hope that the chairmen and ranking members of the Appropriations, Ways and Means, and Energy and Commerce Committees will work with both agencies and with me to improve the service delivered to our constituents.

If you are going to receive performance-based bonuses, then I think your performance needs to be exceptional. When we are causing seniors frustration and unnecessary problems with their hard-earned money, I don't view that as a satisfactory performance, let alone performance that should be rewarded with a taxpayer-funded bonus.

In conclusion, if you believe that the performance of CMS and SSA exceeds your expectations, then you should oppose this amendment.

However, if you believe, as I do, that both agencies are performing well below expectations in meeting the needs of our senior citizens, then I urge you to support my amendment to prohibit bonus pay for those responsible for running these agencies in the coming fiscal year.

Mr. Chairman, I reserve the balance of my time.

□ 2230

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the amendment offered would not permit the Centers for Medicare and Medicaid Services or the Social Security Administration to pay a bonus or performance-based cash awards to Presidential appointees who are not eligible for bonuses, or to senior executive personnel who are, by definition, eligible for bonuses. Frankly, I don't understand why the gentleman would want to stop CMS or SSA from awarding employees who are eligible for bonuses if they're achieving exemplary performance. The fact is that senior executive service personnel are specifically eligible for bonuses and are paid on the basis of performance.

The gentleman's amendment would overturn the entire personnel policy of the agencies. And I really don't think that makes much sense on the basis of a 10-minute debate at 10:30 at night, especially when this matter is not within the jurisdiction of the Appropriations Committee. This is something which ought to be dealt with by the authorizing committee.

I'm sure that many Members have frustrations with the performance of many agencies from time to time, and I'm sure sometimes we're pulling our hair, but that doesn't mean that we ought to have an across-the-board policy that penalizes people across the board because someone didn't perform up to someone else's standards. So, I would respectfully urge a "no" vote on the amendment.

I would be happy to work with the gentleman. If there is a specific problem which can be ironed out by talking to the agency, I would be happy to help in that respect. But I don't think I will overturn the entire personnel policy of the United States for these people because one Member, on the basis of a 10-minute debate, thinks that that ought to be done.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Kentucky. I appreciate the distinguished chairman's comments and perspective on this.

The one thing that I would share is I think we're dealing with some cultural challenges in the customer service responsiveness of many of the agencies.

Oftentimes in this Chamber, we highlight the poor performance of private corporations in their management, but having worked in helping businesses turn around and reform their practices, one of the things that I've noticed, especially in corporations that are successful in transforming their culture, the executives, the management leadership at those corporations, take personal responsibility and have a significant personal stake in the performance of every level of their department. I think this requires across-the-board change.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Kentucky. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT OFFERED BY MR. HARE

Mr. HARE. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARE:

At the end of the bill (before the short title), insert the following:

SECTION _____. (a) Section 9320(k) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395k note), as amended by section 6132 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following:

"(3) Any facility that qualifies as a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act) shall be treated as being located in a rural area for purposes of paragraph (1) regardless of any geographic reclassification of the facility, including such a reclassification of the county in which the facility is located as an urban county (also popularly known as a Lugar county) under section 1886(d)(8)(B) of the Social Security Act.".

(b) The amendment made by subsection (a) shall apply to calendar years beginning on or after the date of the enactment of this Act (regardless of whether the geographic reclassification of a critical access hospital occurred before, on, or after such date).

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Illinois (Mr. HARE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, my amendment deals with critical access hospitals and their ability to provide crucial surgical services to rural communities.

Recently, three of these hospitals in my district have fallen prey to a narrow interpretation by the Centers for Medicare and Medicaid Services that now prevents them from providing basic surgical services.

The CAH program was created as a Federal reimbursement system for small rural hospitals. Providing cost-based reimbursement through Medicare allows CAHs to be a vital part of the safety net for my small communities in my district. This reimbursement allows these rural hospitals to provide both emergency and primary care services for the elderly and disadvantaged. In particular, CAH reimbursements for Certified Registered Nurse Anesthetists enable tens of thousands of citizens in medically underserved areas to access surgical services every year.

Until December 31, 2006, the CAHs were being reimbursed for CRNA services. Now, in 2007, a new interpretation of the law excludes CAHs whose counties have gone through a reclassification process due to a new census process known as "Lugar counties."

No new law has said that these CAHs should no longer be reimbursed for CRNA services, however. Now CAHs are being denied their CRNA pass-through payments. Most hospitals affected expect to average losses between $45,000 and $100,000; a drop in the bucket in overall health care dollars. But to these hospitals, this effectively terminates their ability to provide emergency surgical services. My amendment would fix the law to ensure that if a hospital is designated as a critical access hospital, then it is reimbursed for CRNA services.

Congress intended for CAHs to assist rural communities with limited access to health care services. I am committed to rectifying this unfair and harmful application of the law.

I would now like to yield to the gentleman from Wisconsin, the chairman of the Appropriations Committee, Mr. OBEY.

Mr. OBEY. Well, let me simply say I would like to be helpful to the gentleman, but my problem is that the gentleman's amendment, I believe, is subject to a point of order. I would hope that the gentleman would withdraw the amendment and we could try to work together with the committee of jurisdiction to try to help get a favorable result for the gentleman's concerns.

Mr. HARE. I thank you, Mr. Chairman.

Reclaiming my time, I want to thank Chairman OBEY for his wonderful work as the leader of our Appropriations Committee, and I look forward to working with you and this Congress to address this serious issue.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. PASCRELL

Mr. PASCRELL. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. PASCRELL:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amounts otherwise provided by this Act are revised by reducing the amount made available for the "Department of Labor Departmental Management Salaries and Expenses", by reducing the amount made available for the "Department of Health and Human Services Departmental Management Office of the Secretary General Departmental Management", by reducing the amount made available for the "Department of Education Departmental Management Program Administration", by increasing the amount made available for the "Department of Health and Human Services Health Resources and Services Administration Health Resources and Services", and by increasing the amount made available for the "Department of Health and Human Services Centers for Disease Control and Prevention Disease Control, Research, and Training" by $424,666, $424,667, $424,667, $1,090,000, and $184,000, respectively.

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PASCRELL. Madam Chairman, I rise to offer an amendment to provide an additional $1,274,000 for programs making up the Traumatic Brain Injury Act, a modest increase for a vital public health program.

Traumatic brain injury is the signature injury of the war in Iraq and Afghanistan. The Congressional Brain Injury Task Force is extremely grateful for the increased funding for both the Department of Defense and the Department of Veterans Affairs to address these needs of our injured servicemembers.

TBI is a civilian epidemic as well. 5.3 million Americans currently living with a long-term disability as a result of TBI and the 1.4 million new TBI cases occurring each year at an annual cost of $60 billion clearly illustrate Congress' responsibility to provide adequate funding for the TBI Act.

The TBI Act is the only Federal law that specifically addresses this major public health problem, provides a foundation for State health departments and Federal agencies to combat the Nation's leading cause of disability for children and adults. Without adequate funding, the program and the progress made to date will be jeopardized, thereby diminishing the Federal investment during the last 10 years and severely limiting the Nation's ability to address the complex needs of individuals with traumatic brain injury.

This funding for the Traumatic Brain Injury Act will help strengthen and improve State systems, preserve and strengthen families, foster community living, and assist States in preventing traumatic brain injury.

Madam Chairman, I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Chairman, let me simply say that I fully support the intent of the gentleman's amendment, and I think our friends on the other side of the aisle do, too. The problem is that, while this is an ongoing program, it is not an authorized program, and that means that under the rules of the House it is subject to point of order, which I'm obligated to lodge. So I would simply ask the gentleman if he would be willing to withdraw his amendment. I'm sure that both sides of the aisle would be willing to try to work between here and conference to find ways to accomplish the purpose of the gentleman's amendment, but at this time, in order to treat everyone fairly, I would feel required to lodge a point of order against the amendment.

Mr. WALSH of New York. Will the gentleman yield?

Mr. PASCRELL. I will yield.

Mr. WALSH of New York. I thank the gentleman for yielding.

I absolutely agree with the chairman; this is an issue that we all feel very deeply about. And in order to be consistent with all Members, if an amendment is out of order, we will enforce the rule. But I will absolutely work with the chairman and with the gentleman from New Jersey to try to remedy this before we get through the conference.

Mr. PASCRELL. I want to thank the chairman and the ranking member.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Madam Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Virginia:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out the student drug testing pilot program of the Department of Education. The preceding sentence does not prohibit the use of funds to complete the evaluation of the program currently taking place and does not prohibit the use of funds to carry out the program if the evaluation determines that the program is cost-effective.

Mr. SCOTT of Virginia (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OBEY. Madam Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Chairman, I yield myself such time as I may consume.

This amendment would restrict funds in the bill from being used to fund the Random Student Drug Testing program run by the U.S. Department of Education. The amendment would allow, however, the evaluation of the program being conducted by the Department to continue, and if the evaluation shows that the program is cost effective, the funding would be restored.

For the past several years, the Department has been using money designated for the Safe and Drug-Free Schools program to conduct random school-based student drug testing programs.

□ 2245

The problem is, Madam Chair, that this program has been studied and found ineffective. In 2003, the National Institute on Drug Abuse conducted a study that found that there was no difference between drug use in schools that tested for drugs and those that did not. The study found that the drug testing at schools did not affect either the prevalence or frequency of drug use.

Furthermore, such testing is very expensive. The cost of these tests can range between $10 and $75 each. Indeed, one school conducting random drug testing found that only a small fraction of its students actually tested positive, resulting in a cost of over $3,000 for every positive result.

My amendment would prohibit money from being spent on the drug testing program until the program has been shown to be cost effective, because we should not be spending taxpayer dollars on programs that are not cost effective. At this point, the drug testing program has not been proven to meet that standard. This amendment would prohibit the Department from wasting the taxpayers' money on student drug testing until the Department shows that the program is cost effective.

Madam Chair, I yield to the gentleman from Wisconsin, who I believe will insist on his point of order.

Mr. OBEY. Madam Chair, I again regrettably will have to insist on the point of order. I understand the gentleman's concerns and I share them. Sometimes I win arguments and sometimes I don't. I take some comfort in the fact that even Babe Ruth struck out over 1,400 times.

Having said that, I would simply say that I would appreciate if the gentleman could withdraw his amendment. If he cannot, then I will have to lodge a point of order against it in order to be consistent in terms of the way we treat all Members.

Mr. SCOTT of Virginia. Madam Chairman, it is my understanding from the Parliamentarian that the point of order would be well taken, so I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GINGREY

Mr. GINGREY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to establish or implement any requirement that individuals receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Madam Chairman, I rise in support of the amendment that I am offering along with the gentleman from Ohio, Representative JIM JORDAN. This amendment would ensure that none of the funds made available in this act may be used to establish or implement any requirement that individuals receive vaccinations of the human papillomavirus, or HPV, as a condition of school admittance or matriculation.

Essentially, the amendment would serve as an incentive to States to keep HPV vaccination programs voluntary and not mandatory.

Madam Chairman, at least 24 States have entertained legislation which takes the unprecedented step of requiring young girls to be vaccinated against HPV. I say "unprecedented" because HPV is not a communicable disease. It is not mumps. It is not measles. You don't get it by sneezing or sharing a juice box over recess. HPV is, in fact, a sexually transmitted disease. As such, vaccination should not be mandatory to attend school.

Indeed, Madam Chairman, we urgently need to address this issue. The Commonwealth of Virginia has already enacted a vaccine mandate into law. The District of Columbia City Council has passed one that is awaiting congressional action.

Madam Chairman, there are many reasons parents and students might object to mandatory HPV vaccination, from age appropriateness, indeed, initially, in the State of Texas it was going to be required for admission to middle school for fifth and sixth graders, and concerns over vaccine safety. I could go on. But whatever the reason, it is a discussion for parents and physicians, not legislators and bureaucrats.

Madam Chairman, excluding children from school for refusal to be vaccinated for a disease that is spread only by sexual intercourse is a serious, precedent-setting action that trespasses on the rights of parents to make medical decisions for their children, as well as on the rights of children to attend school. A mandatory HPV vaccine program improperly and unnecessarily inserts the government into lives of children, parents and physicians.

The American College of Pediatricians is opposed to it. The Association of American Physicians and Surgeons is opposed to it. We need to make sure that these programs are not mandatory.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I am willing to accept the amendment on this side of the aisle because we think that while it is well-intentioned, it has no impact. I would like to explain what I mean. The CDC is responsible for making recommendations for vaccines along with immunization advisory committees. But decisions on whether any vaccine should be a mandatory requirement for school admittance or matriculation is the responsibility of State and local governments and school districts.

The HPV vaccine is recommended for females age 9 to 26. It protects these young women against the cause of the majority of cervical cancers. While it has been made a requirement for schools in some cities and States around the country, these decisions were made locally, not by the CDC or HHS. Because no Federal funds are used to establish such requirements, we do not object to the gentleman's amendment.

Mr. GINGREY. If the gentleman will yield, I say to the gentleman, of course, Federal funds could definitely be used in a situation where a child is eligible for SCHIP or the Medicaid program. In this amendment, Federal dollars would not be used for that purpose.

At this time, Madam Chairman, I would like to yield to my good friend from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman will suspend.

The gentleman from Wisconsin has yielded to the gentleman from Georgia.

Mr. OBEY. I would be happy to yield very briefly, but I would emphasize "briefly" because we've got a lot of work to do yet tonight.

I've seen people lose their amendments on the floor when they didn't accept the acceptance by the committee.

Mr. JORDAN of Ohio. I have put my notes away. I understand.

Madam Chairman, I want to thank the gentleman from Georgia for his work and the chairman for yielding time and the ranking member as well.

Look, this amendment is real simple. It recognizes a fundamental fact: Parents make better decisions than government does. And even though a few parents in some situations make poor decisions about the well-being of their children, in the vast majority of cases they make infinitely better decisions than the government, bureaucrats and politicians ever make.

That is why this is good public policy and why I support the amendment.

Mr. OBEY. Madam Chairman, I yield back my time.

Mr. GINGREY. Madam Chairman, in conclusion, I ask all my colleagues on both sides of the aisle, the chairman is going to accept my amendment, and I hope that everyone else will.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GINGREY. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. OBEY. Madam Chairman, could I ask, did the gentleman ask for a recorded vote?

Mr. GINGREY. To the gentleman from Wisconsin, yes, we did ask.

Mr. OBEY. Then I withdraw the committee's acceptance of the amendment.

Mr. GINGREY. Madam Chairman, I ask unanimous consent to withdraw my request for a recorded vote.

Mr. OBEY. Madam Chairman, I thank the gentleman, and I renew the committee's acceptance of the amendment.

The CHAIRMAN. Without objection, the amendment is agreed to by voice vote.

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. EHLERS

Mr. EHLERS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. EHLERS:

Page 125, after line 2, insert the following:

SEC. 522. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF LABOR—Departmental Management—Salaries and Expenses", and increasing the amount made available for "DEPARTMENT OF EDUCATION—School Improvement Programs" (for activities authorized by part B of title II of the Elementary and Secondary Education Act of 1965), by $15,665,760.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Madam Chairman, I would like to remind everyone that not too many years ago when America was just getting into the space program, we were very excited about launching the first satellite into space when the Russians launched Sputnik. This was a national disgrace. President Eisenhower had to go on national TV to apologize. He set in place a large number of science and math programs to get us caught up with the Russians.

The Eisenhower programs continued for many years until we decided to write No Child Left Behind, and we killed the Eisenhower funding, which was in the neighborhood of $450 million a year to teach teachers how properly to teach math and science.

In its place, we adopted a Math and Science Partnership Program, which operates within the Department of Education. However, the funding, which was authorized at $450 million, which matched the Eisenhower funding of the era before, was never appropriated at a level near that. It has gone up slightly each year.

But this year, even though the appropriations bill increases the No Child Left Behind funding by $8.6 percent, it held the funding for Math Science Partnerships flat, exactly where they were last year. My amendment would increase the Math Science Partnership funding by precisely the same percentage as the entire No Child Left Behind Act was increased.

The offset for this I selected is from the Department of Labor in an area that was funded far above the President's request. I believe this is a reasonable offset. Apparently the CBO agrees. They have scored my amendment as a $10 million savings overall.

So, here I am, proposing an amendment which will improve our math-science education effort in this Nation. I think it will be very advantageous for our teachers and our schools. Furthermore, the offset is appropriate, and the entire amendment saves the Federal Government $10 million.

I strongly urge the adoption of this amendment. I believe it is reasonable and appropriate.

Madam Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chairman, I thank the gentleman for yielding. I also thank him for presenting this amendment, similar to an amendment that I offered earlier in a larger dollar amount. Perhaps this one will have a better chance of success. It still should provide funding for hundreds of teachers in each State, to get some of the professional development that we have promised them that they need and that will help our competitiveness, our quality of life, our economic productivity and the science capacity of our students.

Madam Chairman, we are not doing nearly enough in this area, and everyone says so. We should look for every opportunity to enhance our science and math education, and start by helping the teachers whom we ask to teach these subjects to our students.

□ 2300

Mr. EHLERS. I thank the gentleman for his comments. Let me reinforce. This is a major area of concern. We are losing ground compared to other countries. Numerous international tests have displayed that our students are not doing nearly as well. That explains in part why we are losing business, research funding and manufacturing to other countries which are simply outpacing us in their educational effort.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I am of a split mind on this amendment, just as I was on the previous Holt amendment this evening. I think the goal of the amendment is certainly worthwhile; but at the same time I am trying to follow a responsible course with respect to the ability of executive agencies to function administratively.

So again I would simply say that I think the fact that this amendment is being offered in a way that would draw further funds out of the Department of Labor management accounts is another demonstration that the White House is dead wrong when they say that this bill contains too much money. Virtually every amendment that has been offered tonight on both sides of the aisle has been an amendment, with four exceptions, that relate to the President's budget, they have all been efforts to increase funds. I think that demonstrates that we are substantially short of where we really need to be.

I am not going to mount the barricades to oppose the amendment, but I simply have to observe that while the amendment is certainly worthwhile, the offset that it proposes is really not a real one, and I think we all know when we go to conference we are going to have to repair the administrative budget of the agency.

Having said that, I am not going to ask people to vote against it if they want to engage in those kinds of actions on the executive branch's administrative functions.

Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. I certainly appreciate the chairman's dilemma. I have it also. But I would like to take just a moment to congratulate VERN EHLERS and RUSH HOLT for their leadership. When you come here, there are certain things that are important to you, and when you have an opportunity to effect them, you should. They are consistently supportive of this issue.

This is a national crisis that we have. They are only trying to prepare our kids for the future. And as I understand it, we have already cut the Labor Department by about $4 million. This would be another 15, so approximately an 8 percent reduction in their overall $400 million budget. A slight increase in this, I think, is worth a slight decrease on that side, so I will support the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. EHLERS. Madam Chairman, I thank the gentleman from New York for his comments, and I appreciate his support.

I also appreciate the dilemma of the gentleman from Wisconsin because I previously served on an appropriations committee at the State level and had to fight exactly the same battles and make exactly the same decisions.

Let me just remind everyone here that No Child Left Behind was increased by 8.6 percent. Math and Science Partnership for some reason was left out of that and stayed flat. I am simply asking that it be increased the same amount as No Child Left Behind. I am quite willing to trust the judgment of the chairman of the Appropriations Committee and others in conference to make appropriate adjustments to the Labor Department or wherever else adjustments are needed, but I would certainly appreciate bringing the Math and Science Partnership funding up to exactly the same level that No Child Left Behind has been increased because it is part and parcel of No Child Left Behind.

Madam Chairman, I wish to clarify my comments made during debate on my amendment to reduce the U.S. Department of Labor's Departmental Management—Salaries and Expenses account and increase the U.S. Department of Education—School Improvement Programs' Mathematics and Science Partnerships program by $15.666 million. My amendment added Section 522 to H.R. 3043's General Provisions. It is my intention that all programs within the Labor Department's Departmental Management—Salaries and Expenses account be within the Secretary of Labor's discretion to accommodate this reduction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. GINGREY

Mr. GINGREY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Madam Chairman, on June 29, 2004, the United States Commission of Social Security signed a totalization agreement with the director general of Mexican Social Security Institute to coordinate our Social Security programs.

The Social Security Totalization Agreement with Mexico gives those who have broken our laws the ability to claim Social Security benefits. While current U.S. law prohibits illegal immigrants from receiving Social Security benefits, until 2004 the law did permit illegal aliens to claim credit for work in the United States. If these individuals have amassed over 40 quarters of work, whether their status was legal or illegal, they would be eligible for full benefits.

Considering the ongoing debate over reform and solvency of our Social Security system, it is important to first remove financial incentives to individuals who undermine our immigration laws and then claim benefits, further jeopardizing our U.S. citizens' safety net. The Social Security Administration estimates that this totalization agreement with Mexico would result in 50,000 additional Mexicans qualifying for Social Security benefits in the first 5 years alone. This will only added to the problem of Social Security insolvency.

Without necessary reform, our Social Security system is set to go broke by 2042. Nobody disputes that date. However, Mexicans qualifying for Social Security benefits would cost the system $650 million a year by 2050.

A totalization agreement between the United States and Mexico is good only for Mexico. The Mexican Government requires a citizen, including a United States citizen, to pay into their system 24 years as opposed to 10 in the United States. And because of this disparity, the Social Security Administration estimates that only 3,000 American workers would be able to claim benefits in Mexico compared to the 50,000 Mexicans claiming benefits in the United States.

The United States-Mexico Totalization Agreement, Madam Chairman, is bad policy for an already distressed Social Security system and I believe an irresponsible way to spend the money of the American taxpayer. On top of everything else, the totalization agreement can go into effect without congressional approval because it would automatically become law within 60 days of being filed by the White House if Congress does not act.

With this in mind, I ask my colleagues to support this amendment, the Gingrey amendment, specifically address this problem with Mexico, and remove the incentive for the Social Security Administration to fulfill the United States-Mexico Social Security Totalization Agreement.

Madam Chairman, I reserve the balance of my time.

Mr. BECERRA. Madam Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. BECERRA. I am opposed to the amendment, yes.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BECERRA. Madam Chairman, I would like to say to my friend, Mr. GINGREY, and I think he knows, that there was an amendment accepted in committee that addressed any concern that anyone might have with regard to any type of totalization agreement that this country might sign with a partner, friend, or ally which would require that any totalization agreement conform with existing American law and that no law, including immigration law, could be violated.

Secondly, I think the gentleman is aware or should be aware that there is no way under existing law that anyone who does not have authorization to work in this country, including undocumented immigrants, qualify for receipt of Social Security benefits. Therefore, I would say to the gentleman that his amendment is not only unnecessary, not only overly prescriptive and not only harmful to American workers who are called to service in other countries, including Mexico, and as a result of their service, whether privately or publicly in these other countries, they are paying into a Social Security system which they may never have a chance to benefit from. And when they come home to the U.S., they may never qualify with enough credits, 40 quarters, to qualify for American Social Security benefits. We would harm those American workers here in this country under this amendment.

But beyond all that, I think what the gentleman tried to explains with regard to his concerns relating to undocumented immigration are totally off base because existing law would not allow anyone who works in this country without authorization to collect those Social Security benefits which he seeks to protect.

I would also say that of our 10 largest trading partners, we already have totalization agreements with seven of them. Two of those trading partners don't qualify for totalization agreements, Taiwan and China, because they don't have comparable Social Security systems to ours; and, therefore, we would not have a way to have a compatible system to exchange those benefits among our workers.

The only one of those top trading partners with whom we have not yet finalized a totalization agreement is Mexico. We happen to have totalization agreements with 21 of our allies, partners, and close friends and neighbors, including countries like Korea, Chile, Ireland, Japan, Italy, Spain, and Canada. A totalization agreement with any country, including Mexico, must go through this Congress before it could ever be approved. It would have to go through a public hearing that would be held by the committee of jurisdiction, and each body in this Congress would have an opportunity to vote for disapproval in which case the totalization agreement signed by any administration would not go into effect.

Finally, we must remember that there are millions of American workers who have worked abroad who are impacted by not having a totalization agreement. The estimates are that American workers would benefit to the tune of $140 million, and that is on a yearly basis, if we had a totalization agreement with Mexico because of the large number of Americans who go and work in Mexico.

How much would it cost us to finalize this agreement? The estimates are it would cost us about $105 million, less than we would collect for our American workers.

And for comparison purposes, I should mention that the totalization agreement we have with Canada cost us $197 million in the year 2002 alone.

So this is a good deal for American workers because many of them have given a lot of their service, good service, to this country and other places outside of the U.S. They should have an opportunity to benefit from our Social Security system. They should not be deprived of that opportunity simply because they didn't fulfill those 40 quarters all in the U.S. That is what totalization agreements are about. They have to benefit our country, otherwise they wouldn't be reached. For anyone to say otherwise is to mask an argument, perhaps the issue of immigration, at the expense of American workers who are trying to get their pension and future retirement benefits under Social Security.

So I would hope that the Members here in the House would recognize that we won't reach any totalization agreement with any country unless it is in our interest.

Secondly, it shouldn't be just one country that is singled out if a totalization agreement is bad. It should be with any country that it doesn't benefit us to have this agreement with.

Madam Chairman, I reserve the balance of my time.

Mr. GINGREY. Madam Chairman, I would just say to my friend, the gentleman from California, the totalization agreements we have with other countries, I think there are some 20 other countries, and this totalization agreement with Mexico would cost more than all of those 20 agreements combined at the 50,000 estimate that I gave.

In addition to that, the Social Security Administration estimates the 50,000 number is a significant underestimate. So I feel very strongly that at a time when our Social Security system is in such a dire crisis, needs significant reform, for us to have a totalization agreement with Mexico that in fact of course has already been negotiated and signed for all of those workers prior to 2004; and, no, it doesn't apply to any after 2004, but this is a significant cost that we cannot afford. I urge my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. BECERRA. Madam Chairman, I yield myself the such time as I may consume.

I would say to my friend from Georgia that what he is trying to accomplish has already been included in the bill, and I would urge my friend from Georgia to consider that this looks like he is trying to target just one country in particular at the expense of American workers who happened to have worked for years in Mexico.

With that, I yield 30 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

The CHAIRMAN. The gentleman from California's time has expired.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I yield briefly to the gentleman.

Mr. RODRIGUEZ. Let me just indicate that the gentleman's premise for his amendment is incorrect. I would also just add that Mexico is the number one country that has the largest number of U.S. citizens that are residing within Mexico.

□ 2315

I would also mention to the gentleman that it is one of our major trading partners, and I would ask that as we look at these type of issues. There are 21 other countries that fall into the category. So to treat one differently is, in all honesty, very discriminatory, and I would hope that we would look at that as we move forward, and thank you for yielding.

Mr. OBEY. Madam Chairman, I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GINGREY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I yield to the gentlewoman from Wisconsin.

Ms. BALDWIN. Madam Chairman, I thank the chairman for his courtesy in yielding me time.

In lieu of offering an amendment this evening, I appreciate the opportunity to briefly share with Members a concern regarding the education title of this bill. I have learned that taxpayer dollars in this bill, combined with taxpayer dollars at the State and local level, are used to purchase textbooks printed and manufactured in countries that censor these teaching materials.

Madam Chairman, one of the consequences of outsourcing to cheaper labor sources overseas is that an increasingly large number of American textbooks and educational materials are printed overseas, especially in China, a country which the State Department's 2006 Country Report on Human Rights concludes actively censors all publications.

The State Department's Human Rights report reads, "By law, only government-approved publishing houses are permitted to print books. The State Press and Publications Administration controls all licenses to publish. The Chinese Communist Party exerts control over the publishing industry by preemptively classifying certain topics as off limits."

In addition, "the government does not respect academic freedom and increases controls on political and social discourses at colleges, universities, and research institutes."

Madam Chairman, the Chinese Government is forcing the same censorship on American students and teachers, and let me just explain how this happens.

An American publishing company develops a textbook or any educational material and decides to print it overseas because they can save on printing costs by doing so. But the material content will be censored by the government-sanctioned publishing houses to conform to Chinese requirements. The Dalai Lama, Tiananmen Square, and balanced discussions of Tibet, political freedoms and descriptions of democratic participation and public protest will intentionally be left on the cutting room floor.

And then a well-meaning, well-prepared unsuspecting teacher or school district buys this textbook for their classroom, a textbook which contains no mention of the Dalai Lama and a decidedly altered discussion of politics and culture, even American politics and culture because Chinese censorship laws do not discriminate between Chinese and American texts and contexts.

And ultimately public funds meant to educate our children are simultaneously suppressing human rights and freedoms, and limiting exposure and curriculums on important topics of history, politics and culture.

The same situation exists, with far more harmful consequences, for teacher manuals because if a lesson does not exist in the teacher's curriculum, chances are that the students won't be taught that lesson.

Madam Chairman, the lesson that our students truly need to learn, and which must not be censored, is that State-sponsored censorship should not be supported with public dollars. I hope that my colleagues will join me in future efforts to teach our schoolchildren that ethics and morals and their education are more important, and more valuable, than cheap labor and production costs.

Again, I thank Chairman OBEY for the courtesy of yielding this time.

Mr. OBEY. I thank you very much, and I appreciate the gentlewoman raising this issue. I think it's a very legitimate one, and I hope we pay more and more attention to it.

Madam Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used by the National Labor Relations Board to recognize as the exclusive bargaining representative of employees any labor organization that has not been certified as such by the National Labor Relations Board pursuant to section 9(c) of the National Labor Relations Act (29 U.S.C. 159).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, I yield myself 2 minutes.

This is a very simple amendment, one that we have debated the basic principle in the Education and Labor Committee. This is a funding limitation amendment that would say, under the National Labor Relations Act, the board can only recognize a union if there has been a private ballot vote. The current law basically says this, although they have an option for card check.

This amendment would say that they cannot expend funds to recognize a union that has not been certified through a secret ballot election. It would basically say the board cannot recognize a card checked union as bargaining agent for employees, with the practical effect of requiring that a union be chosen by secret ballot election if it wishes to actually avail itself of any protections under the act.

I believe that the right to have a private vote is very important. I believe that it's very easy to do a shakedown in committee but not on the floor during the debates. We had various amendments regarding penalties. We had various amendments, whether illegals could go on the card check, how intimidation could occur on illegals who signed the card check, from both sides, from management and labor.

I think the only way to have a fair election that we know that people want to form a union is to have a private ballot, and that's the intent of this amendment, to restrict the enforcement of anything not allowing a private ballot.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I rise to speak against the amendment and claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I thank the Chair.

Under this amendment, what this amendment says is that the National Labor Relations Board could not enforce the party's obligation to bargain in good faith following a voluntary recognition. So an employer and an employee can get together, they can voluntarily enter into an agreement by which they have their working relationship, and if they're down the road at some point, one of them wants to bring an action, the employer against the employees or the employees against the employer for not bargaining in good faith, the National Labor Relations Board couldn't enforce that, couldn't take any action.

This is a voluntary agreement. It doesn't even have to be through the card check process. Any voluntary agreement, you're suggesting that somehow these people would not be able to enforce that agreement once it was entered into.

This undermines the rights of potentially millions of American workers that have already organized under voluntary recognition agreements and already engaged in a collective bargaining relationship. These workers may have decades long collective bargaining arrangements already that they have worked under, and then if the most recent contract expires, they would have no enforceable right to go back and enforce their rights under the Souder amendment.

This makes no sense. It's rather incredible to me that under the Souder amendment what we would be doing is inserting the government in a private voluntary agreement between an employer and an employer. I understand the gentleman doesn't like card check, but that's not what this is about. This is about any voluntary agreement that they've entered into, and I don't know why we would be inserting the government at this point.

Madam Chairman, at this point, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I thank my friend for yielding.

This amendment seeks in 7 minutes to undue 72 years of labor law. For 72 years, it's been the law of the land that if an employer and an employee organization voluntarily choose to engage in collective bargaining, they're permitted to do so. This is a process that has led to labor harmony, economic prosperity and growth for the economy. Why we would even consider prohibiting that kind of arrangement from going forward is beyond me.

So I would urge the defeat of the amendment on grounds that it rather recklessly undoes a 72-year process that's worked quite well for both labor and management.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Chairman, I thank the gentleman for yielding.

For 13 years, I cut men's suits at Seaford Clothing Factory in Rock Island, Illinois. I wouldn't be here as a Member of Congress if it were not for my union. My membership in UNITE HERE Local 617 afforded me access to higher wages, good benefits, and invaluable workplace safety protections.

Under the Souder amendment, the NLRB could not enforce either party's obligation to bargain in good faith following a voluntary recognition. This would undermine the rights of potentially millions of workers who have already organized under voluntary recognition agreements and already engaged in collective bargaining relationships.

Majority Sign-Up has been available under the National Labor Relations Act since 1935. It's proven to reduce strife in the workplace, resulting in better labor-management relations. Majority sign-ups also reduce coercion and pressure, compared to NLRB elections, which is why I'm a strong proponent of the Employee Free Choice Act.

As my colleague mentioned, the Souder amendment would force all workers into the broken, unfair, undemocratic election system and strip away the freedom of contract.

I ask all of my colleagues to vote against the Souder amendment which would take a huge step backwards for the rights of American workers, and I thank the gentleman for yielding.

Mr. GEORGE MILLER of California. Madam Chairman, let me just reiterate again, and my two colleagues have said this. Under existing law today, if the employer doesn't like the agreement, the voluntary agreement, or if employees come to them and say, gee, we all want to join a union, here's a majority, whatever it is, the employer says, no, game is over, it's off, it's done. He has a veto, absolute veto, it's over. So the only way you can have this voluntary agreement is if the employer is happy with it.

So, now we have an agreement where the employer's happy, the employees are happy, and they work under it for a number of years, but you cannot ever go and seek enforcement. So apparently what the gentleman is doing, he's just decided he's going to insert the government for only one purpose, and that's the purpose to destroy basic worker rights and the ability to organize the workplace, even if they do it voluntarily and with the consent of the employer.

Now, I know the gentleman's always believed in limited government, and I know the gentleman doesn't think the government should interfere in all these contractual arrangements. Here's a voluntary arrangement and you're going to insert the government for one purpose, to deny the employees their rights under the voluntary agreement which they entered into with an employer who had the veto if he didn't want to enter into it. They can't coerce him into doing it. He has the veto. We should reject this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. SOUDER. Madam Chairman, I yield myself the balance of the time.

First, let me read the amendment. "None of the funds made available in this Act may be used by the National Labor Relations Board to recognize as the exclusive bargaining representative of employees any labor organization that has not been certified as such by the National Labor Relations Board pursuant to section 9(c) of the National Labor Relations Act."

Basically, to have this be ruled in order, I would have liked to have made it more precisely targeted towards just the card check. In effect what this says is that in order to be recognized as an exclusive bargaining representative, you have to have a free election. That is my intent. That is the intent of this.

Now, why do I feel that we need to do this bill at this time? One is we have a separate bill moving through that would in effect deprive workers of America of the right to a private ballot. But secondly, earlier today or yesterday I should say, with my support, unlike many of my Republican colleagues, I believe in the right to association. I supported the police and firemen's right to organize, and it came under suspension, and I voted for.

But here is another card check potential where police and fire would be put in a position where in some cases in towns in my district that oppose this bill, there are five people. With a card check, those people are going to be subject to everybody in town watching who they are, and there's no guarantee if three are pressured into signing that there will be a private ballot.

This amendment, and I understand that there are flaws with this amendment and hopefully we could work this out, but this amendment is basically a card check amendment given the fact that not only do we have one bill moving through, but we also had a bill move through last night on suspension that would in effect potentially have police and firemen unionize across the

United States in areas where they previously hadn't been and a bill that I supported and believe in the right to association but I also believe there should be a private ballot associated with that right to association.

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

□ 2330

Mr. OBEY. I would simply like to read a portion of the letter from Greg Tarpinion from Change to Win. He simply says this: "Since its inception in 1935, the National Labor Relations Act has permitted workers to unionize and their union representatives to be recognized by obtaining signatures in support from a majority of workers to be represented."

Many large companies such as Cingular Wireless, Kaiser Permanente, and Harley-Davidson from my own State have voluntarily recognized their employees' desire for union representation using this type of majority signup procedure. By eliminating any funds for the National Labor Relations Board to enforce the laws, in cases in which the majority signup is used, the Souder amendment would gut this long-standing avenue for worker recognition.

As a result, any unions already recognized and any contracts already bargained with unions that obtained recognition using this method would be thrown into legal limbo, and any otherwise applicable labor law protections would become unenforceable. That, to me, doesn't seem to make very much sense.

I would urge opposition to the gentleman's amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SOUDER. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used by the Centers for Medicare & Medicaid Services to implement the final rule published on March 30, 2007, on page 15275 of volume 72, Federal Register (relating to section 482.82(b) of title 42, Code of Federal Regulations).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, I yield to the chairman.

Mr. OBEY. Madam Chairman, in the interest of saving time in this late evening, on this side we would be happy to accept the gentleman's amendment.

Mr. SOUDER. I thank the chairman. It's something that I believe can be worked with, in a bipartisan manner, worked out in the long term in detail.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Ms. MOORE of Wisconsin:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Madam Chairman, today I offer an amendment cosponsored by Congressman TOM COLE, Congressman BOBBY SCOTT, and Congresswoman CAROL SHEA-PORTER that will prohibit funds from being used to carry out a damaging, unethical Education Department proposed evaluation of a TRIO program, the Upward Bound program.

This amendment will put a halt to this unethical study that deceives students and their families, takes away critical opportunities for them, and sets the program up for failure. This same language is included in the higher education reconciliation bill.

I thank Members from both sides of the aisle for rebuffing the Education Department's repeated, relentless efforts to kill the TRIO Upward Bound program over the past 2 years. Because of the adamant congressional resistance, the Department has now decided that they can simply study the program to death. This is an unethical program.

Madam Chairman, I submit for the RECORD three letters from highly respected institutional review boards that indicate that this is an unethical program and also a letter from 15 highly respected educational associations deeming the study unethical. The FDA regulates these institutional review boards, and it's precisely to protect human beings who are subject to human experimentation.

MEMORANDUM

To: Dr. Beverly Simone, President, Southeastern Community College
From: Rebecca S. Rump, Chair, SCC IRB
Date: June 8, 2007
Re U.S. Department of Education Upward Bound Research of Higher-Risk Students

Following evaluation and consideration of the U.S. Department of Education's project, "Impact Evaluation of Upward Bound's Increased Emphasis on Higher-Risk Students," Southeastern Community College's Institutional Review Board would like to express its concerns with this research and our involvement with the project.

Although we expect that our College's Upward Bound program staff will continue to work with the U.S. Department of Education and the evaluation project, our initial concern is that potential participation in Upward Bound (UB) requires students to participate in the evaluation study. For those students and families who do not want to participate in the study, they can complete forms indicating that decision. Yet, they are still entered into a lottery in which they may not be chosen for UB. The design of the study (with UB very likely serving fewer students due to half of the students being assigned to the control, group) inherently denies services to students that they otherwise would likely receive without the study being conducted. In essence, we question the validity and ethical foundation of a study which induces a negative impact on the program being studied.

Closely related to the fact that this study is not ultimately voluntary is the fact that the control group will only receive token monetary compensation as opposed to the benefits of Upward Bound (UB) despite having participated in the study to the same degree as the experimental group. In essence, by participating in the study some students will not have the opportunity to participate in UB. The project's research design is similar to other experimental-control group designs in which one group is denied a treatment in order to determine the treatment's effect. Typically in such research if the treatment is effective, the control group is immediately given the treatment as an ethical consideration for their being placed randomly in the control group. In the current project, the treatment is the Upward Bound program itself. Students in the control group will not be able to participate in UB due to age considerations after the study, and as the study stands, there is no plan to provide any educational program equivalent to UB after the study to the students in the control condition. Unfortunately, participants who are randomly placed in the control condition and not admitted to UB are not given equivalent compensation to those who are selected to participate in UB. Participants in the control condition wilt be given monetary compensation that simply does no equal the educational and personal benefits of participating in UB. Such inequity simply is not within the realm of ethical treatment of research participants.

Finally, our last concern relates to the language level used in the materials that parents of participating UB students must complete. We presume that many of those parents read at levels below high school. Requiring completion of these materials may discourage participation in the program, a most unfortunate result for the prospective UB participants.

The IRB appreciates the purpose of Upward Bound and understands the institutional decision to participate in the study, but we want you to know our concerns with respect to this research. As always, we appreciate your consideration of our position and your support of ensuring the integrity of research at Southeastern Community College.

CENTRAL COLLEGE
Pella, IA, May 14, 2007.

MEMORANDUM

To: Dr. Paul Naour, Provost
From: Dr. Keith Jones, Institutional Review Board Co-Chair
Re U.S. Department of Education Upward Bound Research of Higher-Risk Students
Date: May 14, 2007

Following evaluation and consideration of the U.S. Department of Education's project, "Impact Evaluation of Upward Bound's Increased Emphasis on Higher-Risk Students," the Institutional Review Board would like to express its concerns with this research and our involvement with the project.

Our initial concern is that potential participation in Upward Bound (UB) for all intents and purposes requires students to participate in the study. For those students and families who do not want to participate in the study, they can complete forms indicating that decision. Yet, they are still entered into a lottery in which they may not be chosen for UB. The design of the study (with UB very likely serving fewer students due to half of the students being assigned to the control group) inherently denies services to students that they otherwise would likely receive without the study being conducted. In essence, we question the validity and ethical foundation of a study which induces a negative impact on the program being studied.

Closely related to the fact that this study is not ultimately voluntary is the fact that the control group will only receive token monetary compensation as opposed to the benefits of Upward Bound (UB) despite having participated in the study to the same degree as the experimental group. In essence, by participating in the study some students will not have the opportunity to participate in UB. The project's research design is similar to other experimental-control group designs in which one group is denied a treatment in order to determine the treatment's effect. Typically in such research if the treatment is effective, the control group is immediately given the treatment as an ethical consideration for their being placed randomly in the control group. In the current project, the treatment is the Upward Bound program itself. Students in the control group will not be able to participate in UB due to age considerations after the study, and as the study stands there is no plan to provide any educational program equivalent to UB after the study to the students in the control condition. Unfortunately, participants who are randomly placed in the control condition and not admitted to UB are not given equivalent compensation to those who are selected to participate in UB. Participants in the control condition will be given monetary compensation that simply does not equal the educational and personal benefits of participating in UB. Such inequity simply is not within the realm of ethical treatment of research participants.

The IRB understands the institutional decision to participate in the study, but we want you to know our concerns with respect to this research. As always, we appreciate your consideration of our position and your support of ensuring the integrity of research at Central College.

THE UNIVERSITY OF UTAH
Salt Lake City, UT, June 13, 2007.

KATHRYN S. FELKER,
Director, Educational Opportunity Programs, University of Utah, Salt Lake City, UT.

DEAR MS. FELKER: I am the Associate Vice President for Research Integrity at the University of Utah. The University of Utah Institutional Review Board (IRB) provided me with information regarding the U.S. Department of Education's plan to evaluate the Upward Bound program. My understanding is that the study has been deemed exempt from local IRB review. Normally our IRB would make that determination and would not defer that responsibility to external agencies. Nevertheless, the study would appear to be exempt under Category 5 of the federal regulations 45 CFR 46. While the IRB will not exert oversight authority for this research, IRB staff have raised a number of concerns about the conduct of this study.

After reviewing this information, I also will express my concerns over the study design. Recruitment of twice as many eligible students than can be served and randomly assigning applicants to intervention and control groups raises serious ethical issues. Assuming this well-established program has shown some evidence of benefit in past assessments, assignment to the control group would deny those benefits, but only after an extensive application process and the development of a relationship with program staff. Then to deny even the possibility of obtaining services from the Upward Bound program in the future may compound the harm and preclude services for which they would otherwise be eligible. Surely there is a better way to conduct an assessment of the program.

The DOE will continue to collect data on the educational outcomes of the children in the control group, although they will not be receiving any services from the program. Further, the consent forms do not indicate an ability to withdraw from the study.

Studies with non-intervention control arms always receive close scrutiny by the IRB because of their ethical complexities. It is incumbent on the investigators to demonstrate that this study design minimizes risks of harm and that other research designs are not feasible. Of course, I was not involved in the discussion over this research design, but it seems highly probable that other approaches could be used to assess the value of the Upward Bound program. I strongly encourage a reassessment of the conduct of this research.

By way of credentials, I will note that I currently serve of the DHHS Secretary's Advisory Committee on Human Research Protections (SACHRP) and so have extensive experience with research ethics and federal regulations governing the protection of human subjects.

Please relay our concerns to the DOE and other federal officials who are involved in governing this project.

Best regards,

JEFFREY R. BOTKIN, M.D., M.P.H.,
Professor of Pediatrics and Biomedical Ethics, Associate Vice President for Research Integrity.

JULY 18, 2006.

Re Upward Bound Program

JAMES F. MANNING,
Acting Assistant Secretary for Postsecondary Education, Department of Education, Washington, DC.

DEAR MR. MANNING: I write on behalf of the higher education associations listed below to comment on the Notice of Proposed Priority for the Upward Bound program published in the July 3, 2006 Federal Register. My colleagues and I have both substantive and procedural problems with the proposed priority to narrow Upward Bourd services to 9th grade students meeting criteria selected by the Department. We especially object to the fact that this process effectively exchanges a congressional priority for an administrative one—a practice we view as precedent-setting and disturbing.

Several aspects of this proposal concern us, among them:

The priority asserted is such a marked departure from existing program design that it effectively substitutes a new program for the one that Congress authorized and provided the funds to operate.

The proposed priority discards the current flexibility to vary the program in accordance with local needs, substituting in its place a monolithic federal vision about whom to serve.

By establishing a priority for a cohort of 9th grade students, the proposal would disenfranchise all of the 10th and 11th graders that Congress intended to be served by the Upward Bound services.

The requirement that 30% of newly-admitted students be "at high academic risk for failure" would deprive certain 9th grade students—those who may do well in school—from receiving the Upward Bound services they may require.

And finally, the proposal creates a troubling gray area between congressional intent as expressed in statutory language—sometimes amplified by report language—and the Department's Constitutional obligation to carry out that intent in a straightforward manner.

We appreciate that the Department is engaged with the problem of reducing the unacceptably high numbers of high school students who drop out prior to graduation. This is an important problem that deserves attention. However, if this priority setting approach is adopted, it is easy to imagine that many other programs administered by the Department will be subject to a wholesale redesign outside the normal legislative and regulatory processes. We strongly urge you to discard this proposed priority setting effort in favor of working with the Congress and the higher education community to develop promising approaches to solving this problem.

Sincerely,

DAVID WARD,
President,
American Council on Education.

On behalf of: American Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, American Council on Education, American Indian Higher Education Consortium, Association of American Universities, Association of Community College Trustees, Association of Jesuit Colleges and Universities, Council for Opportunity in Education, Hispanic Association of Colleges and Universities, National Association for Equal Opportunity in Higher Education, National Association independent Colleges and Universities, National Association of State Universities and Land-Grant Colleges, and National Association of Student Financial Aid Administrators.

Madam Chairman, I yield 2 minutes to one of the cosponsors, Mr. COLE.

Mr. COLE. Madam Chairman, in the interest of time, I will be brief.

Madam Chairman, I rise in support of the Moore amendment to the Labor, Health and Human Services and Education bill.

This amendment, which would defund the evaluation component of the Department of Education's absolute priority, is crafted to spare our teachers from choosing between two values that should never be in conflict, following their Nation's laws and tending to their students' well-being.

I know Oklahoma educators well, and I can tell you that Oklahoma educators are honorable people. If there is a law on the books, they will follow that law to its letter and spirit.

However, I believe that this particular law, that is the Department of Education's absolute priorities, is inconsistent with our teachers' obligation to do what's best for our students. The absolute priority evaluation component would have Upward Bound students recruit twice as many students as they are able to serve. Half of those students would then be directed away from TRIO, becoming a control group to prove or disprove TRIO's effectiveness.

In short, we would raise these children's hope and then use them as guinea pigs to test our own theories and ideas. That's dishonest, it's cynical and it's wrong. I have no question in my mind about the outcome of such an experiment. TRIO would prove to be what it is, one of the most successful ways to encourage and support disadvantaged first-generation college students.

Yet even in the best-case scenario, where TRIO has proven successful, Upward Bound programs across the country would be left with a group of students that would never be able to use their services.

I oppose changing Upward Bound in order to recruit students into the program that could not receive help, giving on the one hand, and taking away with the other. We should aim to put our students and teachers in a position for success, and I believe that we will do so with the passage of the Moore amendment.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Let me simply say that I appreciate our colleagues bringing this to our attention. I know the authorizing committee is dealing with the issue at this time as well on this side of the aisle. We would be happy to accept the amendment.

Mr. WALSH of New York. Would the gentleman yield?

Mr. OBEY. Surely.

Mr. WALSH of New York. We would be happy to accept the amendment also.

Mr. OBEY. I yield to the gentlewoman from California.

Ms. LEE. I want thank the gentlewoman from Wisconsin for her leadership on this issue.

Madam Chairman, when we took this up in the full committee, I raised this with the chairman. At the time, he committed to working with us on this issue. I am glad we have the opportunity to do that this evening.

Members of the Congressional Black Caucus communicated our concern to Chairman OBEY, who understood its importance.

In closing, let me just say that Congress has actually rebuffed attempts to eliminate or replace Upward Bound programs in the past. So the administration did administer these absolute priority initiatives which really does include a very unethical and immoral study at the expense of our young people.

I want to once again thank the gentlelady from Wisconsin for raising this and for making sure that we were aware of all the issues and the facts around this. I want to thank the chairman very much for accepting this tonight.

Ms. SHEA-PORTER. Madam Chairman, I rise today in strong support of this amendment which will put a stop to the unacceptable evaluation component of the Upward Bound Program that turns our Nation's students into guinea pigs for the Department of Education.

This evaluation requires that institutions receiving Upward Bound funds, such as the University of New Hampshire, recruit TWICE as many students than can be served, with the intent to deny half of these applicants and use them as a control group—receiving no Upward Bound assistance at all. I find this bait and switch, which comes at the expense of our students, to be offensive, downright cruel, and—at best—unethical.

I recently introduced H.R. 2700 to suspend this study and prevent the other harmful changes the Administration has made to the Upward Bound program. This amendment to prohibit funding for this study is another means by which we can right this wrong.

The goal of Upward Bound is to support our students in their efforts to obtain a college degree. We must not undermine these efforts with this unethical study.

I urge my colleagues to protect the integrity of this program by standing with us, and our students, by supporting the Gwen Moore-Tom Cole-Bobby Scott-Carol Shea-Porter amendment.

Mr. OBEY. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMP OF MICHIGAN

Mr. CAMP of Michigan. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMP of Michigan:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement any policy prohibiting a Medicare beneficiary from electing during a coverage election period described in section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) to receive health care benefits under title XVIII of such Act through enrollment in a Medicare Advantage plan under part C of such title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CAMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CAMP of Michigan. Madam Chairman, I yield myself such time as I may consume.

I rise in support of my amendment that would preserve Medicare beneficiaries' access to the Medicare Advantage program.

My amendment is simple. It would prohibit the Centers for Medicare and Medicaid Services from implementing any policy that would prohibit a Medicare beneficiary from enrolling in Medicare Advantage, which allows seniors the option of receiving their Medicare benefits through a private health care plan.

Today, 8.3 million Medicare beneficiaries, including millions of low-income minority and rural seniors, are receiving their health benefits through Medicare Advantage. Retired union workers are also attracted to this important program. In fact, in my home State of Michigan, 116,000 retired teachers, janitors, bus drivers and school cafeteria workers are enrolled in a Medicare Advantage plan to the Michigan Public School Employees Retirement System.

Vulnerable beneficiaries choose Medicare Advantage over traditional Medicare because it's often cheaper and comes with better benefits than traditional Medicare, like disease management programs and preventive care.

Low-income seniors are more likely to enroll in Medicare Advantage, relying on the program's lower copayments and free preventive care. Medicare Advantage plans saved beneficiaries an average of $86 per month, compared to what they would have spent in traditional Medicare.

Additionally, Medicare Advantage provides protection against catastrophic health care costs not provided by traditional Medicare. For example, many beneficiaries can choose a Medicare advantage plan that would cap their annual out-of-pocket health care costs at $2,000. Minority beneficiaries are more likely to enroll in Medicare Advantage.

In fact, 40 percent of African Americans and 53 percent of Hispanics who depend on Medicare for their health care are enrolled in Medicare Advantage plans.

The NAACP recognizes the importance of Medicare advantage saying: "By providing more comprehensive benefits and lower cost-sharing than traditional Medicare, Medicare Advantage plans help racial and ethnic minority populations gain access to health care services that are critical to their long-term health and well-being."

For the first time, seniors have access to Medicare Advantage, regardless of whether they live in big cities or in rural America, in districts like mine. Rural seniors have voted with their feet. Enrollment in Medicare Advantage has increased 300 percent since 2004 when just half of rural seniors had a Medicare Advantage plan in their area.

Rural beneficiaries clearly like their new options. Medicare Advantage is helping to provide flexible, affordable, modern health care benefits for minorities, low-income beneficiaries, seniors living in rural areas and union retirees. Congress must ensure that these health care benefits are available to qualifying beneficiaries. I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, we have not had enough time to analyze the most recent version of this amendment. Its apparent innocuousness, frankly, raises my suspicions. It would appear to enforce current law for eligibility to enroll in benefits.

But for this to be offered just at the time that the authorizers are reauthorizing the SCHIP program and considering pay-fors that might include tightening payments to Medicare Advantage providers, it makes me wonder if this is more than a powerful coincidence.

This is certainly not within the jurisdiction of the Appropriations Committee. It most certainly is within the jurisdiction of the Ways and Means Committee. I don't think, given the sensitivity of it, that it ought to be handled in this manner.

So I would certainly intend not to support it. My understanding is also that the Energy and Commerce and Ways and Means Committees are both highly concerned about this amendment. And under these circumstances, I think it would be highly ill-advised for the House to adopt this amendment at this time.

Madam Chairman, I yield back the balance of my time.

Mr. CAMP of Michigan. Madam Chairman, I yield back the balance of my time.

Mr. BECERRA. Madam Chairman, I oppose the amendment and stand to claim the time.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BECERRA. I say to my friend from Michigan, as he knows, and we are working through the process in the Ways and Means Committee to try to figure out how we reform Medicare to make it more available to seniors throughout this country, and at the same time Medicare Advantage to find out a way to finally fund at an adequate level to fund the State health insurance program that is funded by the Federal Government, so that we can somehow find a way to cover the 9 million children in this country who still receive no health insurance coverage, that this amendment seems to do two things.

One is unnecessary, and that is to say that we will try to make sure that no one is denied access to any coverage under a Medicare Advantage plan. I know of nothing that would deprive any individual who seeks to enroll in a Medicare Advantage plan that opportunity to do so.

Secondly, it seems geared to spook seniors who might not know what's going on if they see language or hear that there is some provision in law through the appropriations process that would say that we can't deprive them of an opportunity to apply for a particular type of Medicare coverage. It might seem to lend some credence to those who are trying to make seniors believe that they are going to be deprived of the Medicare benefits.

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There is nothing further from the truth. In fact, every effort that is being made, as the gentleman knows, in the Ways and Means Committee is to actually enhance the benefits that our seniors will receive under Medicare. What we have found is over the years that many Medicare providers are finding it very difficult to stay within the Medicare system because of the lack of reimbursement, or so at least they claim. And in many cases we do find areas of the country that are finding fewer and fewer providers available to Medicare recipients to be able to access their health care.

I would say to the gentleman that if indeed this amendment is targeted at something in particular, it would be great if we could have that identified. But at this stage, I see nothing in the current law or anything on the horizon emanating from the Congress and certainly from our committee that we both serve on, the Ways and Means Committee, that would in any way jeopardize any individual's opportunity to access Medicare coverage through the Medicare Advantage plans that are available. And for that reason I would hope that, if nothing else, seniors who might be watching this debate at this time take nothing from this particular amendment to indicate to them that they should have any reason to fear that anyone would try to deprive them of their Medicare benefits. In fact, what I think they will find is that under the program that will be provided or will come to the Ways and Means Committee will enhance seniors' opportunities to obtain not just adequate medical services through Medicare but enhanced services through Medicare.

Madam Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, I yield to the gentleman from Michigan, and I rise in support of his amendment.

Mr. CAMP of Michigan. Madam Chairman, I thank the gentleman for yielding.

I just want to say that this is really a straightforward amendment. What it simply does is prohibit the Center for Medicare and Medicaid Services from implementing any policy that would prohibit a beneficiary from enrolling in Medicare Advantage.

Now, obviously, if beneficiaries lose access to care by a reduction in funds to the Medicare Advantage program, and thereby benefits being reduced, that is something we want to try to avoid. This is a critically important program that, as I said, ensures millions of seniors that have seen rapid growth, and in particular parts of the country has made really great strides in covering low-income seniors, those in rural and urban areas, those in minority populations that might not otherwise have access to care, and we have seen enrollment increase 300 percent since 2004.

So I think in light of what is going on, it is important to reinforce our support for this strategically important program, but it is a fairly simple and straightforward amendment.

Mr. WALSH of New York. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMP of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

Mr. OBEY. Madam Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Madam Chairman, this is an attempt to do some stuff tonight that will eliminate otherwise doing it tomorrow and perhaps shortening tomorrow.

Amendment after amendment has come before this body seeking to reduce spending out of this appropriations bills. We took some 16 votes earlier this evening. The harsh truth of the matter is, should any of those votes to reduce spending have been successful, the reality is that money would not have been saved. The deficit for 2008 would still be exactly the same as it was under this bill that was presented.

What my amendment would do is to create a sense of Congress that should we be successful in reducing spending coming up out of these appropriations bills, that that money would in fact reduce the deficit; and, hopefully, in the near future when we are in a surplus circumstance, that would increase the surplus as opposed to simply being recycled back through the Appropriations Committee to spend in perhaps some other area, but nevertheless spend that money.

I understand there is a point of order that lies against this, and I will not insist on a ruling from the Chair. But I did want to highlight again on this bill tonight that, should any of my colleagues be successful in getting a vote to reduce spending, that reduction in spending does not actually happen; the money stays in 302(b) allocations and is spent somewhere else. So all of the conversations we have in here on the pros and cons about those issues is really wasted rhetoric under our current set of rules.

Madam Chairman, I would ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for the Low-Income Home Energy Assistance Program may be used while there continues in effect a Federal prohibition on the exploration, leasing, development, or production of oil or natural gas in the Arctic National Wildlife Refuge or the Outer Continental Shelf.

Mr. OBEY. Madam Chairwoman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Madam Chairman, again in an attempt to get a little work done tonight that we would otherwise have to put off until tomorrow, I am offering up an amendment that would say straightforwardly that we will not spend money. None of the funds made available under this act for Low-Income Home Energy Assistance Program would be spent as long as we keep restrictions into place on drilling in ANWR and our intercontinental shelves.

It seems illogical to me to drive the costs of home heating oil and natural gas up by restricting domestic production of those two commodities and, at the same time, try to fill an insatiable demand for LIHEAP funding. We added $400 million in LIHEAP money to the continuing resolution for 2007. This adds another $880 million in LIHEAP spending, again, an insatiable demand for these funds. And, at the same time, we are driving up the cost of that commodity so that the funds that we actually do plow back into LIHEAP don't go as far in terms of buying and giving relief to those folks who qualify for this program.

So while I am not so much opposed to LIHEAP, I am opposed to the illogical public policy of limiting domestic production of crude oil and natural gas through artificial restraints on drilling in those places of the United States where we have our own production and thereby increasing the cost to consumers in States that take advantage of these LIHEAP funds.

So, again, I understand a point of order lies against this. I do not intend to push that to a ruling of the Chair, but I did want to bring to the attention of my colleagues what I believe is the illogical position to take to restrict domestic production of crude oil and natural gas and, at the same time, try to fund as I see it is an insatiable demand for LIHEAP funding.

Madam Chairman, I would ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 30 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise provided in this Act for "DEPARTMENT OF EDUCATION—DEPARTMENTAL MANAGEMENT—Office of Civil Rights" is hereby decreased by $2,000,000 and increased by $2,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the Chair and also thank the Chair of the subcommittee and the ranking member of the subcommittee, and let me just for a moment thank them overall for this bill and mention the $3.3 billion in increased student aid; the $1.3 billion for Health Resources and Services Administration, the primary agency dealing with health care access; the $1 billion for medical research, which includes more research for cancer, diabetes, and Alzheimer's and Parkinson's; $880 million for low-income home energy; $949 million for employment and training services; and $660 million for the community services block grant. I wanted to acknowledge the direction of this bill and my support for it. But let me also acknowledge that there is more work to be done in the Department of Education Office of Civil Rights.

As I read from the report language, it indicates that this office is responsible for enforcing laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive funds from the Department. These laws extend to the 50 State educational agencies and 16,000 local educational agencies as well, 3,500 institutions of higher learning. And that is my concern.

This amendment reduces the amount of money in the area of the administration aspect of the Department of Education, which includes the Office of Civil Rights, to focus on glaring problems that exist in that program. For example, if you look at fiscal year 2005, only 18 percent of the cases that this agency dealt with was in regard to race and national origin. As relates to minorities in special education, 10 cases were initiated, 19 were resolved.

In 2000, the Clinton administration settled a number of OCR cases, Office of Civil Rights cases, segregation cases with Historically Black Colleges. Those cases included schools in Virginia, schools in Texas, schools in Georgia, and a number of others. These particular settlements required compliance, and that means that the Office of Civil Rights was responsible for enforcing the compliance of these agreements by the States that these schools were located in. Sadly, we have found that several schools have suffered from the lack of enforcement of the Department of Education: Texas Southern University in Texas, Morgan State in Maryland, and Florida A&M in Florida.

Without the enforcement of the Office of Civil Rights, the States don't comply with requirements to end discrimination on these historically black colleges. My amendment reinforces the importance of the Office of Civil Rights continuing to enforce strongly the agreements that were made pursuant to segregation or desegregation settlements at the beginning of 2000. I would hope that recognizing the value of education, the value of the 104 Historically Black Colleges, that the Office of Civil Rights would step up their enforcement on the issues dealing with race.

Let me indicate that this is not a question of borrowing from Peter to pay Paul. I do not want to diminish enforcement on issues of disability, age discrimination, on sex discrimination, but I do want to see the increase of enforcement on issues dealing with race where it is necessary.

Unfortunately, in my own State, the Governor of the State was willing to put our Historically Black College in conservatorship even though he recognized that that would eliminate the accreditation of that school. That required an enforcement by the Department of Education and the Office of Civil Rights. They were completely missing in their enforcement responsibilities in that instance.

So, Madam Chairman, it is a simple amendment that reinforces the importance of enforcement in the Office of Civil Rights, broad based and needed, and I would ask my colleagues to support this amendment.

Thank you for this opportunity to speak in support of my amendment to H.R. 3043, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2008, and to commend Mr. OBEY for his leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the Office of Civil Rights, which ensures equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights.

Madam Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. My amendment emphasizes the decrease in funding by $2,000,000 and an increase in funding by $2,000,000 to better assist the Office in their support for Historically Black Colleges and Universities.

Historically Black Colleges and Universities, frequently known as HBCUs are institutions of higher learning that were established before 1964 with the intention of serving the African American community. Oftentimes people talk about HBCUs as if they were all the same, but nothing could be further from the truth. There are more than 100 HBCUs in the United States, and they come in all types and sizes. HBCUs can be public or private, and come in both the two-year and 4-year variety. Some are large, and some are small. HBCUs are located in 20 States, Washington, DC, the Virgin Islands, and in my great city, Houston, TX.

Madam Chairman, one of Texas's great treasures, Texas Southern University (TSU), and like many other HBCUs need our assistance in continuing their legacies in providing superior educational opportunities to deserving young men and women. That mission cannot be accomplished if Congress does not take the appropriate action of validating my amendment into this bill. I am strongly opposed to any action or non-action that would prevent or restrict opportunities to people to gain knowledge away from these educational institutions. HBCUs pride themselves on educating American minorities, especially since there was a time in our Nation's history when people of minority status were withheld from their humane right to education.

Madam Chairman, you may not be aware that there is a serious stigma associated with HBCUs in this Nation. Many stereotypes convey that HBCUs don't prepare students for the real world, or HBCUs have too many financial problems, and even non-HBCUs offer better quality of education. Many States are considering appointing a Conservator, an individual similar to a trustee in a bankruptcy case; the Conservator's duty would be to oversee the governance of the HBCUs in each particular State. This move would be unprecedented, never in the history of this Nation has an HBCU been placed on Conservatorship. This move is essentially a death sentence for all HBCUs. It would further validate the stereotypical stigmas attached to HBCUs around this country.

Madam Chairman, I can tell you first hand that my very own state, Texas, is considering a Conservatorship program for its HBCU, Texas Southern University. This action does not befit the distinguished history of TSU, which includes notable alumni such as two former Members of the U.S. House of Representatives, Barbara Jordan and George "Mickey" Leland, and will exacerbate rather than overcome the challenges facing TSU by demoralizing the faculty, alumni, and student body.

Madam, Chairman, Congress must act to bring restoration back to the HBCU community. Right now as it stands, HBCUs are underfunded and are resource deprived. Many students are unable to access the proper books, supplies and current technology needed to obtain a quality education comparable to predominately white, wealthier institutions. The lack of educational resources will disproportionately affect the type of education students receive attending HBCUs. As a direct result many HBCUs' graduates are unable to compete effectively with the non-HBCU graduates in the workplace; contributing to the ever present socio-economic disaster in America today.

Many of the HBCUs living arrangements for their students lack in comparison to predominately white institutions. HBCUs' dormitories have several maintenance problems, insect infestations, and minimum house upkeep. This type of atmosphere is hardly conducive to the learning environment that students need to excel in their school work.

For all these reasons, Madam Chairman, I urge adoption of my amendment and thank Mr. OBEY for his courtesies, consideration, and very fine work in putting together this excellent legislation.

NAFEO APPEALS TO GOVERNOR PERRY

WASHINGTON, DC.—NAFEO urges Governor Perry to reconsider his decision to eliminate the Texas Southern University, TSU, Board and appoint a conservator for the University. NAFEO President Lezli Baskerville said, "Eliminating the Board would most assuredly impact TSU's accreditation. The SACS Principles of Accreditation require that its accreted institutions have a board of directors. The elimination of the Board could result in public sanction or loss of accreditation. The appointing of a conservator would make matters worse. It would cast a pall on and further destabilize the University." "It would also bode ill for the University's accreditation and deter enrollment and fund development—both of which have been on the rise in recent years. It would have a negative impact on the morale of faculty, administrators, staff, students and alumni. Some may flee," she said. "Surely this is not what Governor Perry intends," Baskerville added.

As the trade association for the presidents and chancellors of all of the nation's Historically Black Colleges and Universities, HBCUs, and predominantly black institutions, NAFEO is uniquely situated to assist TSU through this challenging situation and to return it to its position of preeminence in the higher education community. NAFEO's membership of sitting HBCU and PBI presidents, and its network of former presidents and chancellors, academic vice presidents, business and finance officers, accreditation experts are willing, able and available to work with the Governor, legislators, the state higher education executive officer, TSU's Interim President J. Timothy Boddie, Jr., and others to put in place the structure, systems and personnel necessary to strengthen the institution.

President Baskerville said, "We are particularly concerned that Governor Perry's decision to appoint a conservator mimics a very disconcerting pattern. We have seen it in Florida, where last month the Florida Board of Governors established 'The Task Force on FAMU Financial and Operational Control Issues' and the state university system chancellor said the worst case scenario 'would be a decision not to fund [FAMU]. And without funding, the university would cease to exist.'"

"The trend toward states' expanding academic programs and establishing facility citadels at flagship and other historically white institutions while disinvesting in HBCUs is a problem we must quickly address. One of the challenges for TSU and other HBCUs is that at no time have they been provided public funding that would enable them to be comparable and competitive to their white counterparts. Today, when economic and social freedom are increasingly linked to a postsecondary education, and when the data demonstrate that HBCUs and PBIs are the most cost efficient and in many regards the most effective institutions at preparing disproportionate percentages of traditionally underserved students—the growing populations of the State of Texas and the Nation—states are continuing to invest disproportionately fewer dollars in public HBCUs than in their white counterparts. To be sure, this does not absolve HBCUs from being exemplary stewards of whatever resources they have. It does suggest that while it is critical to examine management issues and to address deficits we must simultaneously examine state policies, practices, appropriations and finance issues to ensure equitable funding that will take away from HBCUs and other under-funded institutions the need to continue doing more with less than their white counterparts and stretching disproportionately fewer dollars to remain competitive. This often leads to financial and other business practices that get under-funded institutions into difficulty." NAFEO will send representatives to Texas later this week to meet with its members there and other stakeholders to learn more about how NAFEO can play a central role in assisting Texas Southern through this challenging time and return it to its traditional luster.

I yield back the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I would simply say, in the interest of time, I will forgo any comments and simply say that, on this side, we have no objection to the gentlewoman's amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise provided in this Act for "DEPARTMENT OF EDUCATION--EDUCATION FOR THE DISADVANTAGED" is hereby decreased by $2,000,000 and increased by $2,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, as I indicated, I support this underlying bill and thank the chairman and ranking member for the work that they have done.

All of us are concerned as we move forward with educating our children, particularly in the primary and secondary school. As I work with teachers and students and families regarding public school education, one of the great concerns has been the fallout of the Leave No Child Behind. I realize that going forward we will be looking at a reform of that legislation, but I thought it was important in the reduction and increase in funding in areas dealing with disadvantaged children, disadvantaged education opportunities to emphasize the importance of providing teaching, teaching and student relationships, over testing.

Let me cite for you the dropout rates in the Hispanic and African American communities' percent of all dropouts.

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Black and non-Hispanic, 27.2 percent, and the population is only 14 percent. Hispanic, 20.8 percent dropout, and the population is 15.8 percent. Much of that dropout came as a result of standardized testing when the students did not pass and, therefore, did not return back to high school.

My amendment is simple. What it offers is an emphasis on teaching children, disadvantaged children, teaching more than testing, relating to the teacher-student relationship and providing teacher-based tests.

Might I offer just a brief comment that indicates Texas Parents, Teachers Unhappy with Standardized Testing. What we need is a comprehensive approach to stop the high dropout rate, as this particular legislation has had. But, more importantly, to evaluate the idea of testing as opposed to teaching.

I would ask my colleagues to support this amendment to emphasize the importance of thwarting the high dropout rate among Hispanics and African Americans and to emphasize the importance of teaching disadvantaged children so that they remain in school and to develop tests by teachers that will be more related to the subject that the student is learning.

I ask my colleagues to support this amendment.

Let me first thank my distinguished colleague Chairman OBEY for his extraordinary leadership and guidance in crafting this bill.

H.R. 3043 will play a crucial role in addressing and perhaps providing a cure for the many educational ills among this Nation's poorest and most disadvantaged children. I fully support the spirit of the No Child Left Behind Act (NCLB) but I question its effectiveness in leaving no child behind.

Madam Chairman, leaving no child left behind starts with ensuring that all students have adequate resources to meet their particular circumstances. That is why I offer my amendment which provides: The amount otherwise provided in this Act for "Department of Education—Title I for the Education of the Disadvantaged for "carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") (20 U.S.C. 6301 et seq.)" is hereby decreased by $2,000,000 and increased by $2,000,000. The purpose of my amendment, which decreases and then increases the funding in Title I for the Education of the Disadvantaged, is to address the special problems and challenges to disadvantaged communities and children posed by the No Child Left Behind Act.

Madam Chairman, NCLB established goals everyone supports: High standards and accountability for the learning of all children. But NCLB is falling short of its goals for many reasons. Let's examine the purpose of NCLB which includes the following:

To improve teacher and principal quality through research supported innovation in teacher and principal preparation programs;

To increase the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and

To foster an environment of collaboration among Pre-kindergarten through 12 school districts and universities and their units that prepare teachers and school administrators.

Madam Chairman, regardless of the purpose of the bill, the reality is that a rigid one-size-fits-all approach to accountability does not work. Improving student learning is of vital importance, and we must be fully committed to creating great public schools with high academic standards for all students. Every child should be learning and succeeding in school, but the record reflects that many minority and disadvantaged students are struggling, and the reasons are as diverse and complex as the students themselves.

Madam Chairman, all across this great nation the high school dropout rates of disadvantaged and underserved students are steadily increasing. Moreover, many school administrators are under-representing the number of high school dropouts. In my home state of Texas nearly it has been reported that 119,400 students fail to graduate with their peers each year. African-Americans and Hispanics suffer disproportionately. The rate of graduation for African-American students is 62 percent and 58 percent for Hispanics; while the rates of graduation for Asian and White students are 87 percent and 76 percent, respectively. This dismal reality not only cost individual students the opportunity to reach their goals, but also cost individual states and the entire country in a number of ways:

Dropouts from the class of 2006 cost the state more than $31 billion in lost wages, taxes, and productivity over their lifetimes.

If Texas's likely dropouts from the class of 2006 graduated instead, the state could save more than $1.6 billion in Medicaid and expenditures for uninsured care over the course of those young people's lifetimes.

If Texas's high schools and colleges raise the graduation rates of Hispanic, African-American, and Native-American students to the levels of white students by 2020, the potential increase in personal income would add more than $46.5 billion to the state economy.

Increasing the graduation rate and college matriculation of male students in Texas by only 5 percent could lead to combined savings and revenue of almost $691 million each year by reducing crime-related costs.

Madam Chairman, we can reduce these costs exponentially by closing the achievement gaps between underserved students and those who are well served. Closing student achievement gaps is one of the most pressing challenges facing public education. Educators, with the support of the community, must reach all students—students from multiple ethnic, racial, language, and economic backgrounds; students of both genders; and students of comparable ability who are not currently achieving at equal academic levels.

Madam Chairman, student accountability is very important; however, if we are to hold all students to the same high standards, we must provide all students with the same level of opportunity to reach those high standards. In particular among minority and underserved communities, it is clear that providing children a quality education will take more than just imposing rigorous testing standards and stringent teacher evaluations. Indeed, it will take a village including school staff, parents, business and community leaders, legislators, and other education groups to fulfill our responsibility of helping a diverse array of students meet high standards. We all know that not all students are situated equally financially, socially or emotionally. Many students are severely limited in their level of academic achievement by virtue of their low-income and impoverished financial status.

Madam Chairman, minority students also have cultural and language limitations. It is extremely crucial to remember that improving educational achievements within minority and underserved communities requires the need to address culture, language, and economic differences within the educational curriculum. Helping learners make the link between their culture and the new knowledge and skills they encounter inside school is at the heart of ensuring that all students achieve at high levels. In addition, appreciation of diverse cultures is a philosophical concept built on the American ideals of freedom, justice, equality, equity, and human dignity.

We have the opportunity to truly make a difference in student achievement among all our children and leave absolutely no child behind if we provide: Free, universal preschool; smaller class sizes; a qualified and caring teacher in every classroom; a challenging curriculum; ample resources for all public schools, including those that serve poor and minority students; involved parents.

We can achieve this through my amendment. I strongly urge all of my colleagues to support this amendment which will give the disadvantaged students in this country the chance to perform at the highest peak of their educational potentials.

TABLE 1.—EVENT DROPOUT RATES AND NUMBER AND DISTRIBUTION OF 15- THROUGH 24–YEAR-OLDS WHO DROPPED OUT OF GRADES 10–12, BY SELECTED BACKGROUND CHARACTERISTICS: OCTOBER 2005

Characteristic	Event dropout rate (percent)	Number of event dropouts (thousands)	Population enrolled (thousands)	Percent of all dropouts	Percent of population enrolled
Total	3.8	414	10,870	100.0	100.0
Sex					
Male	4.2	233	5,515	56.3	50.7
Female	3.4	181	5,355	43.7	49.3
Race/ethnicity					
White, non-Hispanic	2.8	196	6,897	47.3	63.5
Black, non-Hispanic	7.3	112	1,538	27.2	14.1
Hispanic	5.0	86	1,717	20.8	15.8
Asian/Pacific Islander, non-Hispanic	1.6	6	411	1.5	3.8
More than one race	4.9	12	241	2.9	2.2
Family income					
Low income	8.9	137	1,544	33.1	14.2
Middle income	3.8	228	5,990	55.2	55.1
High income	1.5	49	3,326	11.7	30.6
Age					
15–16	2.1	72	3,347	17.4	30.8
17	2.4	93	3,797	22.5	34.9
18	3.9	105	2,693	25.3	24.8
19	9.1	64	702	15.4	6.5
20–24	24.4	81	331	19.5	3.0
Recency of immigration					
Born outside the 50 states and District of Columbia.					
Hispanic	5.9	25	418	6.0	3.8
Non-Hispanic	5.0	22	440	5.3	4.0
First generation.					
Hispanic	5.5	40	738	9.8	6.8
Non-Hispanic	1.2	9	759	2.2	7.0
Second generation or higher.					
Hispanic	3.7	21	562	5.0	5.2
Non-Hispanic	3.7	297	7,954	71.8	73.2
Region.					
Northeast	3.8	79	2,074	19.1	19.1
Midwest	3.1	80	2,570	19.4	23.6
South	4.4	165	3,754	39.9	34.5
West	3.6	90	2,472	21.7	22.7

TEXAS PARENTS, TEACHERS UNHAPPY WITH STANDARDIZED TESTING

GEORGETOWN.—Parents and educators told school trustees they think the state's standardized achievement tests place too much stress on children and limit what they learn.

Speakers complained about the Texas Assessment of Academic Skills and the Texas Assessment of Knowledge and Skills at a forum held Tuesday by the school board to hear from the public on topics that included elementary grade alignment and teachers salaries.

The TAAS, and the TAKS—which replaces the TAAS in the spring, measure students skills in core subjects. The Texas Education Agency uses exam scores to rate districts and campuses. . . .

Madam Chairman, I yield back the balance of my time.

Mr. OBEY. I move to strike the last word

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. I would simply say again that on this side of the aisle we have no objection to the gentlewoman's amendment.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. We have no objection to the amendment. We accept the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

Mr. CONYERS. Madam Chairman, I rise not to oppose this legislation but to raise a very serious concern about a provision in the bill to mandate that the National Institutes of Health, NIH, change its public access policy for journal articles. Under this provision, the current, voluntary program to provide journal articles to

NIH will now become a federally mandated requirement that private and nonprofit sector copyright owners provide their materials for posting—free-of-charge—by NIH on its publicly available websites.

I sympathize with the laudable goal of widely disseminating the results of publicly-funded research that comprises some of the information contained in these journals. And I am pleased to note that the bill does contain language stating "that the NIH shall implement the public access policy in a manner consistent with copyright law." I trust that this provision will mean that the agency must cooperate with journal owners and authors to assure that their rights are fully protected and that they receive just compensation for this use of their works. .

However, I believe this new mandate will have unintended and negative consequences and will set worrisome precedents that may in the future actually diminish the amount of scientific, technical and medical information available to the public. By severely restricting the scope of protection for a critical class of copyrighted works, this provision could ultimately reduce incentives for publishers to continue to make substantial investments in conducting peer review of research prior to publication.

Finally, this provision could send a mixed message to our trading partners about the importance of intellectual property rights, IPR, to our economy. Such a message may make it difficult to advocate strong IPR protection and enforcement abroad, including the U.S. government's efforts to spread respect for IPR abroad and slow the trend in compulsory licensing of pharmaceutical patents by other nations.

Because this provision contains significant implications for IPR, the Committee on the Judiciary should have been given an opportunity to hold a hearing to further explore the complex issues involved.

Mr. STARK. Madam Chairman, I rise today in strong support of making quality education and health care available to our children. The last 6 years of Republican budgets created numerous human deficits—in health care, education, child care, and social services. This bill takes America in a new direction, beginning to fill those deficits with long overdue investments in Pell Grants, Head Start, public and special education programs and community health centers.

President Bush has threatened to veto this bill because he claims it is fiscally irresponsible. Only in an absurd parallel universe, where Iraq really had weapons of mass destruction, would increasing the amount of Pell Grants so that low-income students can afford college be considered irresponsible. Only in a fictional world, where abstinence-only education actually works, could increasing funding for childcare and Head Start be irresponsible.

In the real world, these investments will generate valuable returns for—our children and our country. Passage of this bill is essential to repairing the safety net and providing our children with the world class education they need to become engaged and productive citizens.

It is critical for the future of public education that the federal government provide states with the support they need to meet the laudable, but difficult goals set by President Bush's own No Child Left Behind Act, NCLB. Unfortunately, the President has negligently underfunded his own law by $50 million. This bill provides a $2 billion increase in K–12 education funding, rejects the President's proposed cuts for special education programs for the 6.9 million students with disabilities, and expands the Child Care Block Grant by $75 million.

Today's legislation also takes a small step toward improving our broken health care system, in which tens of millions of people are uninsured or underinsured. It expands access to health care for 1.2 million people by funding community health centers and state health access grants. This bill also makes overdue investments in the National Institutes of Health by providing funds for 545 new research grants. Such grants fund breakthrough discoveries that can dramatically decrease suffering and disease.

I hope my colleagues recognize that this bill paves the way for a healthier, better educated, and more compassionate society and urge them to join me in voting yes.

Mr. ISRAEL. Madam Chairman, I come to the floor today to compliment the Chairman of the Labor, Health and Human Services and Education Appropriations bill, Mr. OBEY, on preparing an excellent and well-balanced appropriations bill. The large number of meritorious programs included in this bill creates difficult choices and the Chairman has done a great job balancing the competing interests and preparing a good bill for consideration in the full House.

However, on behalf of my constituents I feel compelled to express one concern with regard to language in the bill that would require NIH funded scientists to submit to the NIH their peer-reviewed manuscripts approved for journal publication. While I believe it is important to expand access to articles on government sponsored research, my concern is that such a mandatory policy could harm some nonprofit scientific societies that depend largely on income generated by their journal publications.

A mandatory policy like this could harm journal publishers who make substantial private-sector investments in the peer review, publishing, dissemination and archiving of these research articles. Scientific societies foster and promote our Nation's scientific endeavor, and these societies and their contributions to science should be protected.

I have a substantial scientific publishing organization, the American Institute of Physics, in my district, in Melville, New York. The American Institute of Physics, AIP, was established in 1931 for the purpose of promoting physics and its application to human welfare. AIP is a 501(c)(3) membership corporation of ten physical science and astronomy societies serving a combined membership of more than 125,000 scientists, engineers and students. AIP is a large publisher of physics journals and produces publications of more than 25 scientific and engineering societies through its New York-based publishing division. My concerns on this issue are to protect and support our Nation's scientific infrastructure and a viable export industry. The issue has been highlighted for me by my constituents in Melville, NY.

I also want to voice concerns with the rescission of $335 million from unexpended Workforce Investment Act, WIA, funds included in the bill. I fully support increasing funding for the Individuals with Disabilities Act, IDEA, the program this rescinded WIA funding was redirected towards in an amendment during full committee consideration of the bill. I've advocated for increasing funding for IDEA since I first came to Congress in 2000. However, I am concerned about the use of WIA as an offset.

Unexpended WIA funding is not actually "unspent carryover." It is either obligated for services, such as training, or set aside to respond to mass layoffs and other unpredictable economic events. And the Government Accountability Office, in a study on WIA expenditures, found that WIA funds are spent "much faster than required under the law." WIA regulations give local governments three years to spend Title I–B Adult and two years to spend Youth and Dedicated Worker funds. Local governments have been complying with the law.

Further, carryover was an intentional spending strategy built into WIA as a planned management strategy to assure proper and consistent operation of the workforce system. Since the WIA system must respond to unforeseen economic events such as plant closings, mass layoffs or disaster relief, some funds must be held in reserve to enable immediate response.

This rescission could impact the local workforce system and their ability to train workers. It is estimated that my state's share of the national rescission would be nearly $28 million.

I recognize the tough choices we need to make in a difficult budget environment and believe the Chairman prepared an excellent bill which I was proud to support in committee and I am proud to support today on the floor. And again, I fully support an increase in funding for IDEA. However, I wanted to express this concern regarding WIA rescissions and highlight the impact it can have on states like mine.

Mr. OBEY. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

ADJOURNMENT

Mr. OBEY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes a.m.), the House adjourned until today, Thursday, July 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2581. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diuron; Pesticide Tolerance [EPA-HQ-OPP-2006-0559; FRL-8133-2] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2582. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tobacco Mild Green Mosaic Tobamovirus (TMGMV); Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2006-0313; FRL-8134-5] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2583. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerance [EPA-HQ-OPP-2006-0821; FRL-8133-1] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2584. A letter from the Liaison Officer, DoD 6/15/2007, Department of Defense, transmitting the Department's final rule — Nonprocurement Debarment and Suspension [DoD-2006-OS-0137] (RIN: 0790-AH97) received June 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2585. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Idaho and Washington; Interstate Transport of Pollution [EPA-R10-OAR-2007-0110; FRL-8330-9] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2586. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-0457; FRL-8330-7] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2587. A letter from the Legal Advisor to the Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Service Rules for the 698-806 MHz Band and Revision of the Commission's Rules Regarding Enhanced 911 Emergency Calling Systems, Hearing Aid-Compatible Telephones and Public Safety Spectrum Requirements [WT Docket No. 06-150 CC Docket No. 94-102 WT Docket No. 01-309 WT Docket No. 03-264 WT Docket No. 06-169 PS Docket No. 06-229 WT Docket No. 96-86] received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER, GEORGE: Committee on Education and Labor. H.R. 2831. A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; with an amendment (Rept. 110–237). Referred to the Committee of the Whole House on the State of the Union.

Mr. OLIVER: Committee on Appropriations. H.R. 3074. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–238). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER, GEORGE: Committee on Education and Labor. H.R. 2693. A bill to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl; with an amendment (Rept. 110–239). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. CHABOT, Mr. SCOTT of Virginia, Mr. NADLER, and Mr. DAVIS of Alabama):

H.R. 3073. A bill to provide a mechanism for the determination on the merits of the claims of claimants who met the class criteria in a civil action relating to racial discrimination by the Department of Agriculture but who were denied that determination; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN:

H.R. 3075. A bill to amend the Elementary and Secondary Education Act of 1965 to allow States to count certain students formerly identified as limited English proficient as being within the limited English proficient subgroup, and certain students formerly identified as students with disabilities as being within the students with disabilities subgroup; to the Committee on Education and Labor.

By Mr. BOOZMAN:

H.R. 3076. A bill to amend the Elementary and Secondary Education Act of 1965 to allow States to adopt alternate and modified standards for students with disabilities; to the Committee on Education and Labor.

By Mr. JONES of North Carolina (for himself, Mr. TAYLOR, and Mr. PAUL):

H.R. 3077. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of imported seafood and seafood products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MAHONEY of Florida (for himself, Mr. EMANUEL, Mrs. BOYDA of Kansas, and Mr. KLEIN of Florida):

H.R. 3078. A bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself and Mr. RAHALL):

H.R. 3079. A bill to amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. TURNER (for himself and Mrs. JONES of Ohio):

H.R. 3080. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the remediation of contaminated sites; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. CLAY, Mr. CLEAVER, Mr. JOHNSON of Georgia, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. WALZ of Minnesota, and Ms. WOOLSEY):

H.R. 3081. A bill to amend the Truth in Lending Act to protect consumers from certain practices in connection with the origination of consumer credit transactions secured by the consumer's principal dwelling, and for other purposes; to the Committee on Financial Services.

By Ms. CARSON:

H.R. 3082. A bill to amend title 38, United States Code, to extend the time limitation for the use of entitlement to educational assistance under the Montgomery GI Bill for certain persons actively pursuing a qualifying educational degree or certificate; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE:

H.R. 3083. A bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 3084. A bill to require the Food and Drug Administration to establish a standard for broad-spectrum protection in sunscreen products, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER:

H.R. 3085. A bill to amend the Toxic Substances Control Act to assess and reduce the levels of lead found in child-occupied facilities in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SNYDER:

H.R. 3086. A bill to amend title 28, United States Code, to provide, in the case of certain widows and widowers whose judicial survivors' annuities are terminated on account of remarriage, for the restoration of benefits upon the dissolution of the remarriage; to the Committee on the Judiciary.

By Mr. TANNER (for himself, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. MEEK of Florida, Mr. DELAHUNT, Mr. COSTA, and Ms. SCHWARTZ):

H.R. 3087. A bill to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq; to the Committee on Armed Services.

By Mr. TERRY (for himself, Mr. FEENEY, Mr. PAUL, Mr. SOUDER, and Mr. SAXTON):

H.R. 3088. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 3089. A bill to secure unrestricted reliable energy for American consumption and transmission; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio (for himself, Mr. ROSS, and Mr. BERRY):

H.R. 3090. A bill to amend title XIX of the Social Security Act to limit to class II narcotics the required use of tamper-resistant prescription pads under the Medicaid Program; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 3091. A bill to establish the Patsy T. Mink Graduate Fellow program; to the Committee on Education and Labor.

By Mr. BROWN of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, Mr. INGLIS of South Carolina, Mr. SPRATT, and Mr. CLYBURN):

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina; to the Committee on Natural Resources.

By Mr. EMANUEL (for himself and Mr. EHLERS):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 188. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLAY:

H. Res. 555. A resolution supporting the goals and ideals of National Minority Donor Awareness Day; to the Committee on Energy and Commerce.

By Mr. HULSHOF:

H. Res. 556. A resolution recognizing the Winston Churchill Memorial and Library in Fulton, Missouri, as "America's National Churchill Museum", and commending its efforts to recognize the importance of the historic legacy of Sir Winston Churchill and to educate the people of the United States about his legacy of character, leadership, and citizenship; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

104. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 07-003 supporting the passage of the 2007 Farm Bill and continuing support for the federal food stamp program; to the Committee on Agriculture.

105. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 91 requesting that the Congress of the United States support the passage of the National Guard Empowerment Act of 2007; to the Committee on Armed Services.

106. Also, a memorial of the Legislative Assembly of the State of Oregon, relative to House Joint Memorial No. 19 urging the Congress of the United States to provide funds to transport comfort items on military transports; to the Committee on Armed Services.

107. Also, a memorial of the Legislative Assembly of the State of Oregon, relative to House Joint Memorial No. 6 urging the Congress of the United States to support the establishment of the Ice Age Floods National Geologic Trail; to the Committee on Natural Resources.

108. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 13 urging the Congress of the United States to provide additional appropriations or any other form of assistance to federal agencies and the State of Nevada for the prevention and suppression of wildfires and the rehabilitation of public rangelands destroyed by wildfires in Nevada; to the Committee on Natural Resources.

109. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 190 requesting the Congress of the United States enact H.R. 1287 and S. 671 relating to Filipino Family reunification, or similar legislation, to provide priority issuance of visas to Filipino veterans' children with approved immigration petitions; to the Committee on the Judiciary.

110. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 7 urging the Congress of the United States fully fund the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

111. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 7 urging the Congress of the United States to fully fund the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

112. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 53 memorializing the Congress of the United States and requesting the federal administration fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

113. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1680 urging the Congress of the United States to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection standards and to authorize funding to expedite the improvements; to the Committee on Transportation and Infrastructure.

114. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 58 requesting all branches of the United States Government prohibit the dumping of vessel sewage in federal waters in the vicinity of the Hawaiian Islands Humpback Whate National Marine Sanctuary; to the Committee on Transportation and Infrastructure.

115. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1354 memorializing the Congress of the United States to raise the weight limit on Interstate 95; to the Committee on Transportation and Infrastructure.

116. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 96 expressing opposition to Norfolk Southern Corporation's proposed sale of its rail line between Lansing and Jackson; to the Committee on Transportation and Infrastructure.

117. Also, a memorial of the Senate of the State of Arizona, relative to Senate Memorial No. 1005 urging the Congress of the United States to take action regarding space exploration; to the Committee on Science and Technology.

118. Also, a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 594 memorializing the Congress of the United States to support legislation for veterans' health care budget reform to allow assured funding; to the Committee on Veterans' Affairs.

119. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 53 memorializing the Congress of the United States to enact legislation to increase funding for veterans health programs and to reform budget practices to assure that veterans health care needs are addressed by direct rather than discretionary funding; to the Committee on Veterans' Affairs.

120. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 63 requesting the Congress of the United States to create a replacement for the outdated fast track trade authority system so that United States Trade Agreements are developed and implemented using a more democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; to the Committee on Ways and Means.

121. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1352 memorializing the Congress of the United States to enact the Social Security Fairness Act of 2007; to the Committee on Ways and Means.

122. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1359 memorializing the Federal Aviation Administration and the Congress of the United States to oppose certain federal aviation legislation; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SNYDER introduced a bill (H.R. 3092) for the relief of Kimberly Ruth; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. LUCAS, Mr. LEVIN, Mr. SERRANO, and Mr. WALDEN of Oregon.

H.R. 135: Mr. SCOTT of Georgia.

H.R. 207: Mr. KUCINICH.

H.R. 281: Ms. JACKSON-LEE of Texas.

H.R. 303: Mr. KELLER of Florida.

H.R. 500: Mr. RADANOVICH.

H.R. 503: Ms. HARMAN.

H.R. 513: Mr. PITTS and Mr. BARTLETT of Maryland.

H.R. 522: Mr. ROTHMAN.

H.R. 563: Mr. BROWN of South Carolina.

H.R. 678: Mr. WEXLER.

H.R. 743: Mr. MCNERNEY, Mr. DAVIS of Alabama, and Mr. RYAN of Wisconsin.

H.R. 777: Mr. GRIJALVA.

H.R. 864: Mr. DAVIS of Illinois.

H.R. 887: Mr. DUNCAN.

H.R. 891: Mr. WEXLER.

H.R. 901: Mr. ARCURI.

H.R. 920: Mr. HONDA.

H.R. 946: Mr. ELLISON and Mr. DOGGETT.

H.R. 969: Mr. LOBIONDO, Ms. HERSETH SANDLIN, and Ms. ROYBAL-ALLARD.

H.R. 989: Mr. ROGERS of Kentucky.

H.R. 997: Mr. PETRI and Mr. TURNER.

H.R. 1078: Mr. SAXTON.

H.R. 1102: Mr. STUPAK and Mr. HOLDEN.

H.R. 1177: Ms. HERSETH SANDLIN.

H.R. 1190: Mr. SHAYS, Ms. WATSON, and Ms. FALLIN.

H.R. 1201: Mr. FRANKS of Arizona.

H.R. 1216: Mr. MCNULTY.

H.R. 1222: Mr. KAGEN, Mr. COURTNEY, and Mr. DOGGETT.

H.R. 1223: Mr. KAGEN, Mr. COURTNEY, and Mr. DOGGETT.

H.R. 1248: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1363: Mr. BISHOP of Georgia, Mr. FILNER, Mrs. BOYDA of Kansas, Mr. MEEKS of New York, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1376: Mr. WAXMAN.

H.R. 1399: Mr. TOM DAVIS of Virginia, Mr. BILIRAKIS, Mr. ROGERS of Michigan, and Mrs. MYRICK.

H.R. 1400: Mr. FORTUÑO.

H.R. 1416: Mr. MEEKS of New York.

H.R. 1422: Mr. LOBIONDO.

H.R. 1439: Mr. ALTMIRE.

H.R. 1440: Mr. WAMP and Mr. PASTOR.

H.R. 1459: Ms. SHEA-PORTER and Mr. MCINTYRE.

H.R. 1464: Mr. WEXLER.

H.R. 1514: Mr. CARNAHAN and Ms. MCCOLLUM of Minnesota.

H.R. 1520: Mr. DAVIS of Illinois.

H.R. 1644: Mr. FILNER, Mr. MICHAUD, Ms. SUTTON, Mr. FATTAH, Mr. GENE GREEN of Texas, Mr. BLUMENAUER, Mr. MCNERNEY, Mr. DOYLE, Mr. SERRANO, Mr. PAYNE, Mr. FRANK of Massachusetts, Mr. GRIJALVA, and Mr. DEFAZIO.

H.R. 1647: Mr. KNOLLENBERG, Mr. ACKERMAN, Ms. WATERS, Mr. LOBIONDO, Mrs. MALONEY of New York, and Mr. REYES.

H.R. 1687: Mr. PUTNAM and Mr. SCHIFF.

H.R. 1691: Mr. MORAN of Virginia.

H.R. 1713: Mr. RANGEL and Mr. HINCHEY.

H.R. 1732: Mr. SCOTT of Virginia.

H.R. 1738: Mr. ISRAEL and Mr. HALL of Texas.

H.R. 1754: Mr. GORDON.

H.R. 1756: Mr. MCCOTTER.

H.R. 1760: Mr. MOORE of Kansas.

H.R. 1769: Mr. SALI.

H.R. 1818: Ms. BERKLEY, Mr. GRIJALVA, and Mr. DAVIS of Illinois.

H.R. 1843: Mr. GERLACH.

H.R. 1845: Mrs. SCHMIDT, Mr. MCINTYRE, Ms. SHEA-PORTER, Mr. LATHAM, and Mr. LOEBSACK.

H.R. 1890: Mr. HINCHEY.

H.R. 1937: Mr. ABERCROMBIE, Mr. COBLE, Mr. MILLER of North Carolina, Mr. MICHAUD, and Mr. KINGSTON.

H.R. 1940: Mr. BURGESS.

H.R. 1971: Mr. WEXLER.

H.R. 1992: Mr. OBERSTAR and Ms. DELAURO.

H.R. 2003: Mr. PALLONE, Mr. PASCRELL, Mr. ABERCROMBIE, Mr. HOLT, and Mr. ANDREWS.

H.R. 2049: Mr. HINCHEY.

H.R. 2054: Ms. HERSETH SANDLIN.

H.R. 2060: Ms. ZOE LOFGREN of California and Mr. MILLER of North Carolina.

H.R. 2075: Mr. ALLEN.

H.R. 2092: Mr. JACKSON of Illinois, Mr. SIRES, Mr. HOLT, Mr. HINOJOSA, Mr. CLAY, Mr. DAVIS of Illinois, Mr. HARE, Mr. WEXLER, Ms. DELAURO, and Mr. DELAHUNT.

H.R. 2095: Mr. WEXLER and Ms. MOORE of Wisconsin.

H.R. 2102: Mr. CARNAHAN, Mr. LEWIS of Kentucky, Mr. PLATTS, Mr. CUMMINGS, and Ms. WATSON.

H.R. 2111: Mr. WEXLER.

H.R. 2158: Mrs. CUBIN.

H.R. 2210: Mr. WU.

H.R. 2211: Mr. WEXLER and Mr. BERMAN.

H.R. 2231: Mr. MICHAUD, Mrs. MYRICK, and Mrs. BLACKBURN.

H.R. 2238: Mr. ENGLISH of Pennsylvania.

H.R. 2249: Mr. BURTON of Indiana.

H.R. 2250: Mr. BURTON of Indiana and Mr. TANCREDO.

H.R. 2265: Mr. OLVER.

H.R. 2327: Mr. RUPPERSBERGER and Ms. SCHAKOWSKY.

H.R. 2341: Mr. BOREN.

H.R. 2365: Ms. VELÁZQUEZ and Mr. BAKER.

H.R. 2370: Mr. REYNOLDS and Mr. ROSKAM.

H.R. 2380: Mr. GILCHREST, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROGERS of Kentucky, Mr. MCHUGH, Mr. MCKEON, Mr. WOLF, Mr. MCCOTTER, Mr. WICKER, Ms. BERKLEY, Mr. GARY G. MILLER of California, Mr. MICA, Mr. LATOURETTE, Mr. REICHERT, and Mr. KINGSTON.

H.R. 2449: Mr. DEFAZIO and Mr. MOORE of Kansas.

H.R. 2499: Mr. HONDA.

H.R. 2578: Mr. LUCAS, Ms. SLAUGHTER, Mrs. LOWEY, and Mr. LEWIS of Georgia.

H.R. 2610: Ms. LINDA T. SÁNCHEZ of California, Mr. LARSON of Connecticut, and Mr. ACKERMAN.

H.R. 2611: Mr. MOORE of Kansas.

H.R. 2683: Ms. KAPTUR.

H.R. 2685: Mr. DONNELLY and Mr. LAMPSON.

H.R. 2686: Mr. DONNELLY, Mr. CRAMER, and Mr. LAMPSON.

H.R. 2699: Mr. ALTMIRE.

H.R. 2702: Mr. WYNN.

H.R. 2706: Mr. MCCOTTER.

H.R. 2723: Mrs. CAPPS and Mr. FERGUSON.

H.R. 2729: Mr. MORAN of Virginia.

H.R. 2734: Mr. GILCHREST, Mr. BARTON of Texas, and Mr. ISSA.

H.R. 2746: Mr. WEXLER.

H.R. 2758: Mr. GRIJALVA.

H.R. 2762: Mr. PRICE of North Carolina, Mr. BOREN, Mr. MARSHALL, Mr. CHABOT, Mr. LARSON of Connecticut, Mr. LEVIN, Mrs. DAVIS of California, Mr. FILNER, and Ms. ESHOO.

H.R. 2778: Mr. KING of New York.

H.R. 2794: Mr. GRIJALVA.

H.R. 2809: Ms. MATSUI.

H.R. 2850: Mr. GILCHREST.

H.R. 2857: Mr. SESTAK.

H.R. 2870: Ms. SOLIS.

H.R. 2874: Mr. ALLEN, Mr. SPACE, Mrs. BOYDA of Kansas, and Mr. WELCH of Vermont.

H.R. 2883: Mr. PAUL.

H.R. 2884: Mr. DAVID DAVIS of Tennessee, Mr. AL GREEN of Texas, Mr. GONZALEZ, and Mr. KAGEN.

H.R. 2895: Mr. WALSH of New York, Mr. EMANUEL, Mr. WELCH of Vermont, Mr. HINCHEY, Mr. KILDEE, Mr. LARSON of Connecticut, Mr. FARR, Ms. MCCOLLUM of Minnesota, Mr. ABERCROMBIE, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BLUMENAUER.

H.R. 2905: Mr. PETRI and Mr. WELLER.

H.R. 2910: Mr. BLUMENAUER, Ms. WOOLSEY, Ms. BERKLEY, and Mr. DEFAZIO.

H.R. 2922: Ms. HERSETH SANDLIN.

H.R. 2925: Mr. RUSH.

H.R. 2926: Ms. NORTON, Mrs. CHRISTENSEN, Ms. LEE, Mr. CUMMINGS, Mr. WYNN, Mr. JEFFERSON, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. RUSH, Mr. MEEKS of New York, Mr. PAYNE, Mr. CLYBURN, Ms. KILPATRICK, and Mr. TOWNS.

H.R. 2927: Mr. BACA, Mr. GONZALEZ, Mr. STUPAK, Mr. GENE GREEN of Texas, Mr. BUTTERFIELD, Mr. CUELLAR, Mr. YARMUTH, Mr. MCCOTTER, Ms. CARSON, Mr. RENZI, Mr. PITTS, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. BISHOP of Utah, Mr. AL GREEN of Texas, Mr. RYAN of Ohio, Mr. MATHESON, Ms. KILPATRICK, Mr. MAHONEY of Florida, Mr. TAYLOR, Mr. CONYERS, Mr. BILBRAY, and Mr. POMEROY.

H.R. 2930: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2933: Mr. SARBANES.

H.R. 2934: Mr. LAMPSON and Mr. HILL.

H.R. 2943: Mr. HINCHEY.

H.R. 2954: Mr. DUNCAN and Mr. SULLIVAN.

H.R. 2960: Mr. ALTMIRE.

H.R. 2966: Mr. HALL of New York.

H.R. 3035: Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. HINOJOSA, Mr. KILDEE, Mr. ANDREWS, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HOLT, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3037: Mr. HINCHEY.

H.R. 3041: Mr. DAVIS of Illinois.

H.R. 3046: Mr. CARTER.

H.R. 3051: Mr. UDALL of Colorado.

H.R. 3059: Mrs. MILLER of Michigan.

H. Con. Res. 75: Mr. BAIRD.

H. Con. Res. 137: Mr. AKIN.

H. Con. Res. 138: Mr. WEXLER and Mr. CALVERT.

H. Con. Res. 162: Mr. CARNEY.

H. Con. Res. 163: Mr. GRIJALVA.

H. Con. Res. 176: Mrs. MYRICK, Mr. AL GREEN of Texas, and Mr. WALBERG.

H. Con. Res. 183: Mr. BONNER.

H. Res. 32: Mr. COHEN, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY.

H. Res. 34: Ms. MCCOLLUM of Minnesota, Mr. BARROW, Mr. KUCINICH, Mr. MCDERMOTT, Ms. KAPTUR, and Ms. WOOLSEY.

H. Res. 106: Mrs. GILLIBRAND, Mr. HERGER, and Mr. ARCURI.

H. Res. 111: Mr. MOORE of Kansas, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Mr. WICKER, Mr. LARSEN of Washington, and Mr. SCOTT of Georgia.

H. Res. 146: Mr. FORTUÑO.

H. Res. 235: Mr. MARSHALL and Mr. KAGEN.

H. Res. 373: Mr. PAYNE and Mr. MCCOTTER.

H. Res. 442: Mr. WALSH of New York.

H. Res. 443: Ms. VELÁZQUEZ, Mr. MCCAUL of Texas, Mr. TIERNEY, Ms. HOOLEY, Ms. DEGETTE, Mr. BRALEY of Iowa, Mr. COHEN, Mr. DELAHUNT, Mr. SKELTON, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. OLVER, Mr. HINOJOSA, Ms. DELAURO, Mrs. MALONEY of New York, Ms. LORETTA SANCHEZ of California, Mr. LYNCH, Mr. FILNER, Mr. ORTIZ, and Mr. BRADY of Pennsylvania.

H. Res. 489: Mr. FILNER.

H. Res. 506: Mr. ROYCE, Mr. ANDREWS, Mr. TURNER, Mr. LOBIONDO, Mr. WAMP, Mr. SMITH of New Jersey, Mr. COOPER, Mr. ISRAEL, Mr. SKELTON, Mr. GOHMERT, Mr. PASCRELL, Mr.

ABERCROMBIE, Mr. CALVERT, Mr. LINDER, Mr. AKIN, Mr. SNYDER, Mr. MCCOTTER, Mr. KIRK, and Mr. SHADEGG.

H. Res. 528: Mr. CLAY, Ms. DEGETTE, Ms. CASTOR, Ms. GIFFORDS, Ms. SUTTON, Mr. WU, Mr. TOWNS, Mr. MCNERNEY, Ms. SHEA-PORTER, Mr. LOEBSACK, Mr. COHEN, Mr. LIPINSKI, Mr. HIGGINS, Ms. ROYBAL-ALLARD, Ms. BEAN, Mr. BOYD of Florida, Mr. CAPUANO, Ms. HOOLEY, Mrs. MALONEY of New York, Mrs. TAUSCHER, Mr. KIND, Mr. DAVIS of Alabama, Mr. COOPER, Mr. DONNELLY, Mr. SMITH of Washington, Mr. WAXMAN, Mr. SPACE, Mr. RYAN of Ohio, and Mr. HILL.

H. Res. 539: Mr. GRIJALVA.

H. Res. 541: Mr. UDALL of Colorado.

H. Res. 549: Mr. BURTON of Indiana.

H. Res. 553: Mrs. DRAKE, Mr. WOLF, Mr. CULBERSON, Mrs. EMERSON, and Mr. MARCHANT.

PETITIONS, ETC.

Under clause 3 of rule XII,

98. The SPEAKER presented a petition of the Commission of the City of Key West, Florida, relative to Resolution No. 07-168 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; which was referred to the Committee on Transportation and Infrastructure.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3043

OFFERED BY: MR. FERGUSON

AMENDMENT NO. 66: Page 63, line 4, after the first dollar amount, insert "(reduced by $10,000,000) (increased by $10,000,000)".

H.R. 3043

OFFERED BY: MR. PENCE

AMENDMENT NO. 67: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act shall be available to Planned Parenthood for any purpose under title X of the Public Health Services Act.

EXTENSIONS OF REMARKS

CONGRATULATING THE ST. MARY'S COLLEGE SAILING TEAM ON WINNING TWO 2007 NCAA NATIONAL CHAMPIONSHIPS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. HOYER. Madam Speaker, as the Washington Post so aptly put it last month, "tiny colleges in rural Southern Maryland aren't supposed to win national championships in anything." But apparently, no one told that to the young men and women of the St. Mary's College sailing team, who won 2 out of the 3 legs of the NCAA sailing "triple crown" in 2007.

The Lady Seahawks swept the national title in convincing fashion—besting the next closest competitor by 44 points—and leading sailor and Olympic hopeful, Adrienne Patterson, was named female sailor of the year. In the team race, St. Mary's prevailed in a much closer battle, beating a very strong Yale team by a score of 12 to 11. And while the Seahawk sailors fell just short of their goal of winning all 3 major sailing championships in one year by taking the coed national title as well, they still managed to finish sixth in that leg of the competition and cement their place among the elite sailing teams throughout all of the NCAA.

St. Mary's College had won 10 national titles entering the 2007 season—and its performance in this year's NCAA championships is proof positive its legacy of greatness is not only intact, but growing stronger with each passing year.

Madam Speaker, I rise today to offer my heartfelt congratulations to the 2007 St. Mary's College Seahawks, their fans, their friends and their families. And I wish them all continued success in whatever life holds in store.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. COLE of Oklahoma. Madam Speaker, I was unavoidably detained on rollcall vote number 621, agreeing to H. Res. 533 which was to provide for consideration of H.R. 2956. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. YOUNG of Alaska. Madam Speaker, on rollcall Nos. 607–629 I was absent. I would like the RECORD to show that, had I been present, I would have voted as follows: 607—"no"; 608—"no"; 609—"yes"; 610—"yes"; 611—"yes"; 612—"yes"; 613—"yes"; 614—"yes"; 615—"no"; 616—"yes"; 617—"yes"; 618—"yes"; 619—"yes"; 620—"no"; 621—"no"; 622—"no"; 623—"no"; 624—"no"; 625—"no"; 626—"no"; 627—"yes"; 628—"yes"; 629—"yes."

PROMOTING AMERICAN AGRICULTURAL AND MEDICAL EXPORTS TO CUBA ACT OF 2007

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to ask my colleagues in Congress to lend support to The Promoting American Agricultural and Medical Exports to Cuba Act of 2007 (H.R. 2819). This bill addresses several important issues related to our relationship with Cuba and is intended to remove obstacles to legitimate transactions.

First, it removes pre-payment requirement for U.S. agricultural exports to Cuba. It also allows for direct payments to U.S. banks for purchases by Cuba, instead of third-country banks. From 2000 to 2004, American agricultural producers were allowed to embark on a trading relationship with Cuba. During the 4 year period, agricultural trade with Cuba grew from nothing to being a $380 million dollar trading industry. However through sanctions placed by the administration, this lucrative trading relationship was terminated after the administration placed barriers. Our American agricultural producers have potential to gain much-needed sales revenue in the Cuban market. Our agricultural sector has recently experienced declining sales numbers. Cuba, a new trading partner, will be a good customer and revitalize this area. It seems illogical that while other nations are taking advantage of this lucrative trading opportunity, the administration is denying us access to this opportunity. This bill is about America's right to prosper by participating and competing in international trade.

This legislation provides for the lift of the travel ban and also for the expedited issuance of U.S. visas for Cubans involved in agricultural purchases. As Americans, we pride ourselves on how our liberties are protected and respected by our government. However, banning American citizens to travel to Cuba is a blatant infringement on our democratic freedom to travel without restrictions. It is not appropriate for the government to prevent citizens to visit Cuba. Also, Cuban Americans should have the right to visit their native country without limitations placed on them. Scholars, architects, travelers and students should have an opportunity for cultural exchanges with Cuba.

Another provision included in the bill would eliminate on-site verification requirements for U.S. medicines and medical supplies, which currently is a major impediment on sales. This restriction makes the process of exporting medical goods more costly and difficult.

This act would recognize certain Cuban trademarks, while protecting U.S. trademarks there, by repealing Section 211 of the FY 1999 Omnibus Appropriations Act, which bars U.S. courts from hearing claims by foreign nationals asserting rights to trademarks similar to or associated with expropriated property. Section 211 currently violates the regulations of the World Trade Organization. Cuba has recently threatened to not uphold trademark protection for American companies because of the unfair balance between our country and theirs.

Finally, it also provides proceeds to fund an agricultural export promotion program for agricultural export promotion activities with respect to Cuba during a 5 year period. It is imperative that we find new markets to income opportunities for our farming community; therefore, this bill provides for support of an Agricultural Export Promotion Program with respect to Cuba to be administered by the U.S. Department of Agriculture. This bill would allow us to achieve this.

It is time to depart from our flawed foreign policy on Cuba and normalize our relations with this nation. I strongly urge you to join me in Promoting the American Agricultural and Medical Exports to Cuba Act in 2007.

TRIBUTE TO THE 35TH ANNIVERSARY OF THE MARIN COMMUNITY CLINIC

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. WOOLSEY. Madam Speaker, I rise to recognize the 35th anniversary of the Marin Community Clinic. The Marin Community Clinic has consistently provided high quality primary care to the residents of the community since 1972. Originally established as a free clinic in a Mill Valley Community Church, Marin Community Clinic has grown to become a federally qualified health center serving as a critical source of health care for all residents across Marin County who cannot afford medical insurance.

Throughout my district and across the Nation, the need for health care services among low income and uninsured residents continues to grow. Many residents who cannot afford care turn to hospital emergency rooms as their only health care option. Not only does this fail

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to meet the needs of patients, it also dramatically increases the costs of health care for everyone. Designed to offer a more cost-effective and affordable option than emergency rooms for non-emergency care, Marin Community Clinic receives at least 5–15 referrals from hospitals every day.

Marin Community Clinic also serves as a medical home to over 13,000 patients each year, 95 percent of whom live within 200 percent of the Federal poverty level. Between 1991 and 2007, patient visits have increased from 5,000 to nearly 50,000 annually, representing a 9-fold increase. Currently, 75 percent of the Clinic's patients are women and children. Today, Marin Community Clinic operates one clinic on the grounds of Marin General Hospital in Greenbrae and another clinic in Novato for residents of northern Marin. Next year, the organization plans to open a third clinic in San Rafael to respond to the growing community need for health care and dental services in the community.

As the clinic has grown, the organization has also developed a unique model of care that integrates physicians, nurse practitioners, physician assistants, nurses, mental health clinicians, and case workers to deliver high quality, compassionate care. In addition, Marin Community Clinic also provides preventive health education for early breast cancer detection and for patients with chronic conditions like asthma, diabetes and cardiovascular disease. Marin Community Clinic also operates a "Reach Out and Read" literacy program for children.

I commend Marin Community Clinic for their dedication, commitment and outstanding service for the citizens of Marin County during the last 35 years and I look forward to their continued success in meeting the health care needs with quality care for many more years to come.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: July 16, 2007—rollcall vote 630, on motion to suspend the rules and pass H.R. 1980, to authorize appropriations for the Housing Assistance Council—I would have voted "aye", rollcall vote 631, on motion to suspend the rules and pass, as amended, H.R. 1982, the Rural Housing and Economic Development Improvement Act of 2007, I would have voted "aye", rollcall vote 632, on motion to suspend the rules and pass, as amended, H.R. 799, Appalachian Regional Development Act Amendments—I would have voted "nay."

A TRIBUTE TO THE HONORABLE CAROL ANN CAMPBELL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor my dear friend and City Councilwoman, the Honorable Carol Ann Campbell. Just like the distinguished Speaker of the United States House of Representatives, Carol Ann is the scion of a great political family. Her early years at the side of her father, the famous Edgar Campbell, prepared her well for her future leadership role. But it is her inner strength that plays the biggest part in making her who she is.

Everyone who knows Carol Campbell knows that she is a force of nature. Her drive and tenacity are matched only by her compassion and her loyalty. She has devoted her life to helping others. Her dedication to her neighbors led to tremendous public investment in her district during her time in City Council. Her advocacy on behalf of the African American community led to election of record numbers of judges and other officials. She has been the confidant of speakers, mayors, and governors and of presidents. And I am proud to say that she is my advisor, my strongest supporter and my best friend.

Madam Speaker, there aren't enough hours in the day to list the accomplishments of this great lady. But, I am proud to ask all of my colleagues to join me in saluting her today.

TRIBUTE TO FATHER FRANCIS HUND

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Father Francis Hund, who celebrates his 25th anniversary in the priesthood this Sunday, July 22nd.

Born July 31, 1956 in Paxico, KS, he was the oldest of Wilfred and Margaret Hund's eight children. He graduated from Paxico High School in 1974 and received a bachelor's degree from Benedictine College in Atchison, KS, in 1978, where he majored in music with a focus on organ. Although he had considered a vocation to the priesthood, he hadn't shared his thoughts with his parents; they thought he would be a music teacher until they read his career choice printed in his senior organ recital program!

He was selected to do his seminary studies in Rome at the North American College and was ordained to the priesthood at his home parish in Paxico in 1982. He served as associate pastor at four Shawnee Mission, KS, parishes: Queen of the Holy Rosary, Cure of Ars, St. Joseph; and Holy Trinity, before entering a graduate program in liturgical studies at St. John's University in Collegeville, MN. Returning in 1990 he served three rural parishes at Burlington, Waverly and Westphalia, KS, and was campus minister at Washburn in Topeka.

In 1992, Fr. Francis was appointed pastor of St. Theresa's in Perry, KS, and also St. Aloysius in Meriden, KS in 1993. In addition to pastoring those two parishes, he was appointed Director of the Archdiocesan Office of Liturgy and Worship, a position he held for 9 years prior to his appointment as pastor to Good Shepherd Catholic Church in Shawnee, KS, in 2001. He currently serves this parish of 1,700 families as well as being chairman of the Johnson County Regional Priests and a member of the archdiocesan Priests Personnel Board.

His family currently includes his mother, 2 brothers, 5 sisters, in-laws and 24 nieces and nephews. Madam Speaker, I know that all Members of the House of Representatives join with me in paying tribute to this dedicated servant of God upon the 25th anniversary of his entering the priesthood.

TRIBUTE TO PASTOR WANDA McNEILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. NORTON. Madam Speaker, I recognize Pastor Wanda McNeill for her 17 years of tireless work as Executive Director of Washington, DC's Southeast Ministry, which she helped create in 1990. Pastor McNeill, on the surface, was not an obvious candidate to take on such work in an inner city neighborhood, having been born and raised in Sioux City, Iowa. But Pastor McNeill has touched the lives of thousands in Washington, DC, and this city will be forever grateful for her dedication to those in need. We wish her well and Godspeed as she leaves our Nation's Capital to accept a call to lead a parish in Lake Preston, South Dakota.

Whereas Pastor Wanda McNeill is a spiritual leader who, through her faith in God, has answered His call by dedicating her life's work to serving those in need;

Whereas Pastor Wanda McNeill was born on February 21, 1944 in Sioux City, Iowa, and was raised on a family farm along with her sister Stella by William and Louise Edwards;

Whereas Pastor Wanda McNeill in her earlier life was a foster parent with her late husband Frank McNeill to 12 children;

Whereas Pastor Wanda McNeill earned a Diploma in Nursing at Iowa Lutheran Hospital, Des Moines, Iowa in 1965 and has been a licensed Registered Nurse in Iowa, Maryland, Pennsylvania, and Washington, DC;

Whereas Pastor Wanda McNeill served the citizens of North Carolina as a Vista Volunteer working with low-income families from 1966 to 1968, and then as a public health nurse until 1984, and during that time, founded the Yancey County Hospice Agency in Burnsville, North Carolina in 1982;

Whereas Pastor Wanda McNeill earned a B.S. in professional arts, psychology emphasis, from St. Joseph's College, North Windham, Massachusetts in 1984, graduated from Lutheran Theological Seminary in Gettysburg, Pennsylvania in 1988, was ordained in the Evangelical Lutheran Church in America in

1989, and earned a doctorate of ministry from Lutheran Theological Seminary in Philadelphia, Pennsylvania in 2005;

Whereas Pastor Wanda McNeill has held the positions of Assistant Pastor, Associate Pastor, and Pastor at the Lutheran Church of Reformation in Washington, DC, since 1990 and has served our Capitol Hill neighborhood faithfully for 17 years;

Whereas Pastor Wanda McNeill co-founded a non-profit social justice ministry named Southeast Ministry in the Anacostia neighborhood of southeast Washington, DC, in 1990 in response to expressed community needs for educational, cultural, and employment programs that lead those in need to self-sufficiency;

Whereas Pastor Wanda McNeill through Southeast Ministry has reached thousands of men and women with education and job-related information services, increased their basic education skills and assisted them in passing the GED, prepared them to secure jobs through a curriculum of African-American culture, history, parenting, health and vocational assessment and in placement in training, employment and education;

Whereas Pastor Wanda McNeill's personal decorations include the Community Service Award from Anacostia-Congress Heights Partnership in 1991, Women of Achievement Award from the Zonta Club of Washington, DC, in 2000, and the Bob Woodson Award for special accomplishments from the National Center for Neighborhood Enterprise in 2005;

Resolved, That the United States House of Representatives recognizes Pastor Wanda McNeill for her commitment to a life of service to the citizens of the United States, especially the poor and underprivileged who society has passed by, for her continued dedication to this life-long calling, and for touching the lives of thousands with her work in the poorest neighborhoods of the District of Columbia, our Nation's Capitol.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. BERKLEY. Madam Speaker, because I was out of the country last week on an important diplomatic and constituent services mission, I was unable to vote on rollcall Nos. 607 through 629. Had I been present, I would have voted "aye" on rollcall Nos. 607–610, 613–615, 617–624, and 628–629. I would have voted "no" on rollcall Nos. 611–612, 616, and 625–627.

CONGRATULATING THE KINGDOM OF LESOTHO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of House Resolution 294, which commends the Kingdom of Lesotho for the enactment of a law to improve the status of married women and ensure the access of married women to property rights. Lesotho has made incredible progress towards gender equality, and I hope this Congress will recognize these steps forward.

This landlocked country of about 12,000 square miles has achieved a significant milestone towards gender equality by legally eliminating any deprivation of property rights for women. It gives me great pride to recognize not only the Kingdom of Lesotho, but also the idea that gender equality can be achieved in developing countries. Through the diligent efforts of many women's rights organizations, as well as the Millennium Challenge Corporation, the women of Lesotho now can turn to their court to protect their rights.

I am especially proud that this resolution includes continued support for International Women's Day, which we celebrate annually on March 8. Earlier this year the House passed House Resolution 149, legislation I introduced that supports the goals of International Women's Day. International Women's Day recognizes and honors the women around the world who have fought and continue to struggle for equality in the face of adversity. What is happening in Lesotho is a manifestation of the actions of those persistent women.

I want to again congratulate the Kingdom of Lesotho for enacting this crucial legislation and proving again that gender discrimination is simply unacceptable. I strongly urge my colleagues to join me in recognizing the achievements of Lesotho.

IN MEMORY OF STEPHEN R. DEMBSKI

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. ROTHMAN. Madam Speaker, words can hardly express our admiration and gratitude as we note the tragic passing of an awe-inspiring civil servant. On Sunday, July 15, 2007 the community of Ridgefield Park, the County of Bergen, and the State of New Jersey lost a great hero upon the passing of Stephen R. Dembski, 41, after battling a major fire in neighboring Bogota. I join Steve's family, friends, and the entire community in mourning the loss of such a dedicated public servant.

A devoted husband and father to his wife Nancy and 2 children Kyle and Raymond, Steve was a pillar of our community. Steve came from a long line of firefighters, starting off as a junior firefighter when he was 16, becoming a full-fledged firefighter at the Ridgefield Park Hook and Ladder Company 2 at age 18, and later serving as chief for 2 years. His more than 2 decades of public service and his commitment to his duties as a firefighter reveal his extraordinary dedication to the safety and security of his family, friends, and community.

Firefighters like Steve are willing to give their lives to protect the safety of American citizens and willfully advance to the front lines of danger to provide assistance to those around them. Each time firefighters courageously rush into burning buildings and willingly lay their lives on the line for their fellow citizens, their unshakeable devotion to others leads us to place our lives and priorities in perspective and also helps reaffirm in the hearts of all Americans what is really important in life. Firefighters like Steve are essential to our communities and help to ensure the safety and security of our great Nation. Each firefighter is a testament to the indomitable and caring spirit that drives our nation and makes America the incredible country it is today. This nation owes a tremendous debt of gratitude to Steve Dembski for his service to our community. May God bless the Dembski family.

HONORING DALE D. PETERSON UPON HIS RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. GEORGE MILLER of California. Madam Speaker, my colleague, Mrs. ELLEN O. TAUSCHER, and I rise in honor of Dale D. Peterson who is retiring after more than 40 years of service to his country, our community, and the educational system of Contra Costa County.

After earning a degree from Contra Costa College, Dale Peterson began his long career of public service by enlisting in the United States Marine Corps, serving from 1965 to 1969. Having completed this service to his country, Dale achieved his journeyman status after completing a 4-year electrical apprenticeship.

From 1973 to 1993, Dale worked as general electric contractor, a foreman, and a superintendent. His service during these years involved the responsibilities of managing commercial, residential and industrial electrical construction jobs in Contra Costa County. During this time Dale also served as the Assistant Business Manager of the IBEW Local 302 and on several committees of that same labor union.

For over 20 years, Dale Peterson has continued to share his time and talent with our community by serving on a number of Boards and Councils. His work as a Trustee of the Contra Costa Building Trade Council and as a member of the Contra Costa Central Labor Council reflect Dale Peterson's continued dedication to his fellow tradesmen and the labor movement in this county. Dale's work as a Contra Costa County Library Commissioner and as a member of the Board of Directors for both the East County Business Education Alliance and the Delta Advocacy Foundation demonstrates his enduring commitment to education and educational reform.

In 1991, Dale Peterson became a Parent Education Facilitator at the Family Stress Center where he served for 8 years. In 2000 he enrolled in a Cornell University Course on Mutual Gains Bargaining. Over a period of 2 years, Dale completed three courses on land use planning, urban redevelopment, and environmental and planning law at a UC Berkeley Extension Campus.

Since 2004 Dale Peterson has mobilized the construction industry to support high quality school reform in Contra Costa County and was instrumental in the creation of two high school career academies.

Throughout his illustrious career, Dale Peterson has been a strong and steady voice for labor and education in Contra Costa County. He has always been a champion of youth and community programs and of preparing our children for higher education and the workforce. This continued commitment to labor and education in Contra Costa County have set Dale Peterson apart as a leader in our community.

Today we recognize Dale Peterson's enduring strength, visionary leadership, and his lasting commitment to the workers, students and families of Contra Costa County and our Nation.

Madam Speaker, please join me and my colleague, Mrs. ELLEN O. TAUSCHER, in recognizing Dale D. Peterson as he retires from a long and honorable career.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 19, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 20

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine youth violence, focusing on the efficacy of mentoring children.

SD–116

JULY 23

3 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine energy and democracy, focusing on whether the development of democracy is incompatible with the development of a country's energy resources.

SD–419

JULY 24

9:30 a.m.

Judiciary

To continue oversight hearings to examine the Department of Justice.

SH–216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the protection of children on the internet.

SR–253

Finance

To hold an oversight hearing to examine the government tax policy in farm country.

SD–215

Foreign Relations

To hold hearings to examine the nominations of Michael W. Michalak, of Michigan, to be Ambassador to the Socialist Republic of Vietnam, and Eric G. John, of Indiana, to be Ambassador to the Kingdom of Thailand.

SD–419

Health, Education, Labor, and Pensions

To hold hearings to examine the BioShield and Preparedness programs, focusing on improvements needed for epidemics.

SD–628

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

SD–342

2 p.m.

Veterans' Affairs

Business meeting to markup the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

Room to be announced

2:30 p.m.

Environment and Public Works

Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee

To hold hearings to examine economic and international issues, focusing on global warming policy.

SD–406

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JULY 25

9:30 a.m.

Foreign Relations

To hold hearings to examine S. 732, to empower Peace Corps volunteers.

SD–419

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD–562

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 898, to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention, an original bill entitled, "Newborn Screening Saves Lives Act of 2007", and the nominations of Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education, David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences, and Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts.

Room to be announced

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

SD–342

Small Business and Entrepreneurship

To hold an oversight hearing to examine Gulf Coast disaster loans, focusing on the future of the disaster assistance program.

SR–428A

Joint Economic Committee

To hold hearings to examine the national foreclosure crisis, focusing on subprime mortgage fallout.

SH–216

2 p.m.

Environment and Public Works

Superfund and Environmental Health Subcommittee

To hold an oversight hearing to examine the EPA's Environmental Justice programs.

SD–406

2:30 p.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine United States trade relations with China.

SR–253

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the implementation of the Postal Accountability and Enhancement Act. (Public Law 109–435).

SD–342

JULY 26

10 a.m.

Budget

Business meeting to consider the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

SD–608

Commerce, Science, and Transportation

To hold hearings to examine preparation taken for digital television transition.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To continue hearings to examine the Railroad Safety Enhancement Act.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 31

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

SR-253

9:30 p.m.

Veterans' Affairs

To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.

SD-562

SENATE—*Thursday, July 19, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of Life, as Senators deal with today's challenges, purge their hearts of anything that does not honor You. Remove from them a spirit of division, uniting them in the common task of doing what is best for our Nation and world. When they are tempted to doubt, steady their faith. When they feel despair, infuse them with Your hope. When they don't know what to do, open their minds to a wisdom that can change and shape our times according to Your plan. Replace any cynicism with civility, empowering them to trust You more fully, live for You more completely, and serve You more willingly.

You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Thank you very much, Mr. President.

Today we will be on H.R. 2669, the education reconciliation measure. There are 10 hours of time remaining for that matter. Two amendments were offered yesterday, one by Senator MURKOWSKI, another one by Senator KENNEDY. We will vote on those amendments at around 12 o'clock today.

For this bill, we have two of the most competent managers we could have, Senators KENNEDY and ENZI. It is a great picture for the country: one Senator from the State of Massachusetts, who certainly is known worldwide, and Senator ENZI, who may not be known worldwide, but the Senator from Wyoming is one of the most gentle, competent people I have ever worked with. He is a wonderful man. I know the relationship he and Senator KENNEDY have developed will make it possible to get through this with a minimum amount of strife. I admire both of those men and how they have worked on this bill.

The managers expect other amendments to be offered. As Members are aware, once all time is expired, Members can still offer germane amendments with no debate time and have them voted on. I am hopeful there will not be a vote-arama at the end of the time and Members who have amendments will work with the managers to get those amendments considered during the time limit.

There is no reason we cannot complete this bill by sometime this afternoon.

On the Homeland Security appropriations bill, it is hard to comprehend, but I had to file cloture on that bill, a bill to fund homeland security for our country. There was an objection to our moving to that bill. I hope an agreement is reached where we would not have to vote on cloture tomorrow, which is set. I hope we can complete action on this bill early next week.

SCHIP. I heard on the radio this morning—I had not read the President's letter to the Finance Committee members that he was going to veto the bill. The statement of policy on vetoing bills, it seems they all fit the same pattern. Any time it helps people who are incapable of helping themselves, then the President is anxious to step in.

I heard on the radio today he wanted to veto this legislation because he felt it should be all handled by the private sector. We would not need this legislation if things were handled by the private sector. We have millions of children in America—not in some other country—millions of children in America who have no health care. That is what SCHIP is about.

So I appreciate the work being done on a bipartisan basis by Senators GRASSLEY and BAUCUS and HATCH and ROCKEFELLER, the senior members of that committee and respective subcommittee. They have come up with a bipartisan bill. It is not a bill that everyone is elated about, but it is a good bill that will help provide health insurance for as many as 6 million children. It is too bad that I assume we are going to have to file cloture on that. But we are going to work on SCHIP next week. I would hope we could finish Homeland Security, and maybe even move to another appropriations bill. The Finance Committee is meeting this morning to report out a bipartisan bill that we can take to the floor dealing with health care for millions of American children.

Conference reports. The 9/11 conference report is moving along well. The conferees are meeting today. They hope to move this conference quickly so we can finish it next week.

For the ethics conference, we still do not have the appointment of conferees. I am trying to figure out some other way to complete that; otherwise, we will have the necessary cloture votes to get that to finality. It is a shame it is being held up. It was the No. 1 bill we took up this year. Why? Because it was the No. 1 problem people identified when Congress was elected last November. The culture of corruption was so rampant, that was one of the things people focused on.

While it may not be the No. 1 issue today because of Iraq stepping ahead of it, it is still an extremely important issue, and I think it is a shame we have not been able to go to conference on this measure because of objections from the Republicans.

COLLEGE COST REDUCTION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2669, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Pending:

Kennedy amendment No. 2327, in the nature of a substitute.

Murkowski amendment No. 2329 (to amendment No. 2327), to increase the amount appropriated for the college access partnership grant program.

Kennedy amendment No. 2330 (to amendment No. 2327), to amend the amounts appropriated for Promise grants for fiscal year 2014 through 2017.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

We continue the debate and discussion on the legislation that has been reported out of our Education Committee, which has strong bipartisan support. This legislation is being considered under a time limit, but certainly there is sufficient time to debate any of the kinds of issues or questions dealing with education this morning. We will have the two votes, as the leader has pointed out, at noontime. Senator ENZI and I are both here ready to discuss, debate, and work with any of our colleagues on this legislation. But we are very strong believers in this legislation.

This is the largest assistance to middle-income and working families that we have had since the end of World War II and the GI Bill. This is very substantial help and assistance. I think all of us, when we go home to our States, hear from families who talk about the increased cost of school, the increased cost of tuition, and the increased cost and burden associated with going to college.

We are also very much aware of the necessity of providing additional educational opportunities that are so essential for families, so essential for communities, so essential for States, countries, and the United States in a world economy.

Education is the equivalent, effectively, of hope and opportunity for the young people of this country. We are making a strong downpayment to help and assist the sons and daughters of working families.

My State of Massachusetts is blessed with many fine schools and colleges. About 80 percent of all those who go on to college get some kind of help and assistance over the course of their time they are in college, whether they go to one of our community colleges, one of our fine public colleges, or one of our fine private colleges.

So when we say we are providing help and assistance, through scholarships or through Pell grants, we are making a difference in the opportunities for our fellow citizens.

Our future depends on education. The future of our economy depends upon having educational opportunities. We are building on excellent legislation that was completed in the Congress earlier this year.

The COMPETE Act came through our committee, with the great leadership of Senator BINGAMAN and Senator ALEXANDER. Our bipartisan effort gave additional focus and attention to enhancing the opportunities for young students to study math, science, engineering, and other areas that are particular needs for our country in the future.

This legislation builds upon that legislation in a very important way in terms of opportunity. That is what we wish to talk about briefly again this morning. By enhancing educational opportunities, we are going to strengthen our economy, we are going to be more effective in dealing with globalization, we are going to be more effective in terms of our national security because we are going to have better trained, better equipped personnel and better technology for those who serve in our military forces.

We also will equip the next generation with the ability to ensure that our democratic institutions at the local, State, and Federal levels work more effectively.

So education is the key. We are proud of this legislation and the difference it will make.

This legislation will provide a historic increase in the need-based grant aid. That is the enhanced help and assistance in the Pell program.

We will have better repayment options that cap a borrower's monthly payment at 15 percent of their discretionary income. That means all those who are going to be out there working are never going to pay more than 15 percent of their discretionary income on their student loans. That is particularly important in terms of what we call the public-sector jobs, where there is an enormous need in this country—enormous need. Our society needs more teachers, more emergency management and law enforcement professionals, more public health doctors and nurses, more social workers, more librarians, more public interest lawyers, and more early childhood teachers.

This bill also offers loan forgiveness program for borrowers in public service jobs: After they work as a schoolteacher for 10 years, paying no more than 15 percent of their discretionary income during that time, all their debt—all their debt—will be forgiven.

These are the key elements of this legislation. We want to show what how we have tried to ensure that educational opportunity will be available to all of our fellow citizens here in America—including middle income and particularly the low income families. We know from experience the challenges that are out there.

This chart gives an idea about the increases in tuition at public and private colleges. There have been enormous increases in tuition. We have tried to address that with our increase in Pell grant funds.

I want to take a few moments this morning, though, to talk about the focus we have given to the Pell program. Over 5 million Americans—5 million Americans—all across this country participate in the Pell program. With the commitment we had back in 1965 when we passed the Higher Education Act, we wanted to make education available to all Americans—all Americans and we understood that those who had particular financial needs were from working families. We developed this under the leadership of Senator Pell of Rhode Island, our leader and then-chairman of the Education Committee. His name will be associated with this program for as long as it exists, along with other very worthwhile programs, including the National Endowment for the Humanities programs, the National Endowment for the Arts, and others.

This chart shows the help and assistance in the Pell area. The program targets families who are generally making $50,000 or less. Individuals with moderate income still can gain some benefit, but they are not the target.

Let's look at this chart here. What does it show us? It shows that too few low-income students are prepared to attend college. This shows low income, moderate income, middle income, and high income. You see that those who are completing high school in the higher numbers, they are dependent on income. You see the higher income students are prepared to attend college, and 47 percent of the lower income students are projected to be college-qualified high school students in 2004. I know these statistics are from 2000 and 2004, but we know the result is still the same. These are the figures as a result of publications last year. This shows we can have well-qualified, low-income students, but only 47 percent of them are going to be college qualified, to be able to go on to college.

Once these students graduate from high school, we see what happens. Only 20 percent of them are going to be able to earn a bachelor's degree. Why is it 20 percent? The reason it is 20 percent is because of, by and large, the financial burden. So we have the lower income, moderate income, middle income, and high income. If we are going to be one country with one history and one destiny, one Nation, we have to have at least the opportunity in the areas of education; which is so basic. I think we need it in health care and other areas of public policy as well, but education is key. If we are starting off with a model where income largely determines who will be able to get the education and who will not, we have a divided Nation. If we say we want to give equal opportunity to the citizens of this Nation, we cannot have this kind of disparity.

What have we done now with the proposal? We have said, for those individuals who would be eligible, as I mentioned on those first two charts, we have increased the Pell grant. This will directly help those individuals who are going to be unable to complete their education because of the funding levels. The Higher Education Access Act will build on what we started by increasing the maximum Pell grant to $5,100 next year—a $790 increase—and to $5,400 in 2011. We know that Pell grants have opened the door of opportunity for countless young students over the years. It is imperative for Federal and State legislatures to continue offering financial aid programs to colleges and universities across the county in order to even the playing field for the underserved and disadvantaged. It is an important targeting of resources to those children who are the neediest and need the greatest help, but also individuals who have competency and are able to gain admission to these schools and colleges. They have ability, but they don't have the financial ability. This is targeted to try and help and assist them.

Now, what else are we doing for those individuals? We are going to have the loan forgiveness provisions. How does that work? You have an individual, for example, who has gotten into the grant program and then they borrow some money to complete their education. That individual wants to go on and be a schoolteacher. The annual salary in my State of Massachusetts for a teacher is $35,241. The average loan debt is $18,169. That is about the national average, and it has doubled in the last decade.

So we say we are targeting these resources. Of the $18 billion we have taken from the lenders, we have close to $1 billion, that will go for deficit reduction, and we have taken the other $17 billion, a major portion of which will be used to help and assist those students who are individuals of ability, but who lack the financial help and assistance to go on to fine schools and colleges. We are giving them the bulk of the resources to help and assist them to go to the schools and the colleges.

Then we say—when they graduate, they are going to have a rather sizable debt. These individuals want to give something back to the community, and we find out they want to be a schoolteacher. So if they are $18,000 in debt, how are they going to be able to pay that off?

We say they are going to be starting in what is a public sector area. This is a schoolteacher in this case. They are $18,000 in debt. When we put the cap on the amounts they are going to have to repay of their debt, it is going to save them $732 a year from what they would otherwise have paid—$732 a year—if they go into public service. That is the amount, because of the 15-percent cap that we put on their annual salary. That is a big chunk of change; $732 is a big chunk of change for students just out of college.

Then we say if they did this for 10 years, if they teach for 10 years, then we forgive the remainder of their debt, which is over $8,000. That debt will be forgiven. We reduce their annual yearly payment by $700 and forgive their debt by $8,000. These are individuals who are going into a profession where there is an enormous need. We need to have tens of thousands of teachers within the next decade.

Now this is the chart for a teacher. I can give an example of another public service provider, and I will do that in a minute or two. But this is illustrative of what this legislation does. It is heavy in terms of the targeting, in terms of the Pell programs, and in terms of the loan forgiveness. We also have the provisions, as was brought out during the debate and the discussion, to permit these younger people to earn more when they are in various work-study programs, or working even as they are going to the universities. It used to be if they earned too much, they would lose their need-based aid because they no longer qualified. We give greater flexibility, which will encourage younger people to earn something in addition, that will maybe help them buy more books or help them buy computers. We increase the eligibility for auto-zero from $20,000 to $30,000. It doesn't sound like a great deal, but there will be further opportunities for those who are in working families to be able to participate in this Pell program.

I use this example of a student who will be a public defender. I will put up the list of all of the examples. I am using the example a teacher, but the bill forgives the direct loan graduates of their debt who work for 10 years in any form of public service, including emergency management, public safety, public law enforcement and government, education, early education, and childcare. The need we have now is for teachers. This bill incentivizes people to pursue jobs in early childhood education, among others. That is a key element. If you read the great book "From Neurons To Neighborhoods" by Jack Shonkoff from my State of Massachusetts, it brings together all of the National Academy of Sciences evaluations for the support of children in the earliest months of their lives, let alone the earliest years, and how that helps stimulate the synapses in the child's brain, helps develop the sense of confidence, the sense of inquisitiveness, the sense of capacity for learning, for early childhood education. We have expanded those opportunities in another piece of legislation Senator ENZI and I worked on; the reauthorization of the Head Start Program.

The work of public servants is so important. We have public education, early childhood education, childcare, and all the public services working with the disabled and the elderly. We know the increasing requirements so many of our parents have, in terms of being able to live independently and to live with dignity. So this bill will encourage those who want to work with the disabled and the elderly, or in public interest legal services as prosecutors of the public defense. We want our judicial system to work and to work fairly for people, to give them the kinds of protections but also give them the kinds of defense. Public school libraries, library sciences, and other public school-based service providers. Also, teaching full time at tribal colleges or universities.

We find, as I am sure other Members do, when you go to the fine schools and colleges across this country—I find it in my State of Massachusetts—the amount of volunteerism that is out there among the young people. Many of them go, in my State, into the City Year program, one of the great programs of volunteerism we have had. The program has spread in this country and around the world in many respects. They go into public service programs to help and assist and volunteer at the schools and colleges in the communities. We have a wonderful small college, Stonehill College, and one of their defining aspects as a college is to help young people start nonprofit agencies. They give them help and assistance in how to start nonprofit groups. They, for example, started eight nonprofit groups to try and relieve the problems of hunger in southeastern Massachusetts.

Young people want to get involved. Young people want to make a difference in people's lives. Young people want to provide service. This legislation will do more to give them the opportunity when we have areas of critical need than anything we have done in recent times. This is an area that says, look: You want to work and work in the public—you want to give something back to your community, local community, or State, if you want to do that, we are going to give you help and assistance. We are going to recognize it, and we are going to make it manageable for you to do it. We have the constant illustrations, particularly in medical schools, where the great majority of young medical students in their first year want to become general practitioners—the overwhelming majority. Then by the second year or the third year, that group is down to a handful. Why? Primarily because of student debt. They know when they get out of medical school, they too often are making decisions about their areas of specialty based on the profession that is going to permit them to pay off that student debt, rather than be able to go into a neighborhood health center and to provide help to those who need it.

So we have made this as wide as we could in terms of trying to respond to that sense that is out there in our schools and colleges, in all parts of our country, urban areas and rural areas, to say: Look, if you want to give something back, we are going to make it possible. We are going to give you a greater opportunity for you to go to college, particularly if you are from working families and low-income. We are going to give you a better opportunity to do that. With the amendment of our friend from Alaska, Senator MURKOWSKI, it is going to help and assist States to take many of the younger people who need help and try to give them focus and get them on the pathway to school and colleges. We are going to give that encouragement and help the States.

Many States have established these kinds of nonprofit agencies that do a superb job. We have some in my own State of Massachusetts. They do a breathtaking job in encouraging people to do it. And then we have, in our authorization, the extraordinary work of Senators ENZI and JACK REED to simplify the student loan application and permit people who don't have a lot of student advisers and extra help to be able to use a more simplified form so they can understand what it is to be able to begin to make the application for school and college. We give greater assistance there.

This is all part of the efforts we have been making in our committee in terms of early education. We are going to make the changes to No Child Left Behind, and we are going to try to tie in kindergarten programs. We are going to have a seamless web so that will work more effectively, and those who go to college are going to be able to have met the initial college requirements. We want to try to do that more effectively. All that for another time. But in this legislation, we have gone in this direction.

Mr. President, this is just a brief survey of what I think are the compelling aspects. We decided initially that on higher education, we had to bring in lenders. We were not sure, going back over the years, how much incentives we could provide to the lenders to make sure the system would work. We found out they have made it work, and there are sufficient resources that we are going to continue to give to these lenders to make them profitable. But we can take the resources we have here and target those resources to the students who need it the most. We believe very deeply that educational opportunity is key to individuals' future and our country's future.

If we are going to be one country, as I think all of us believe we should be, we do not want to have the kinds of divisions that are increasingly putting pressure on the young people of this country at the present time. This legislation is doing a very important job in trying to address that situation and, again, I thank all of our colleagues because we have been able to, as Senator ENZI realizes, on the committee, in the areas of education, we have been able to rise above the issues of partisanship. We have had wonderful chairmen, including Senator Stafford from Vermont, and we had Senator Pell from Rhode Island, and we had our colleague, Senator GREGG, and Senator ENZI has been chairman of those committees. We have areas where we have our differences, although I must say I think on our committee we try to find common ground in areas of difference.

In the area of education, which is so important across the board, we have worked very closely together. I think this legislation represents a splendid opportunity to make a real difference for families in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts for his outstanding job of explaining a number of the provisions that are in the bill before us today. This is the reconciliation bill, which has to deal with savings in the budget. We are hoping that anybody who has amendments to it will bring them down. It is a privileged motion, which means there will be a maximum of 20 hours of debate on it. We don't have to do the full 20 hours if there are not 20 hours' worth of amendments. So I hope people will bring the amendments down and get them debated and voted on. There is an essential piece that is not included in reconciliation because it doesn't deal with savings in the mandatory programs. It is actually most of higher education. We need to get to that part too. It should be done in conjunction with the reconciliation bill. For parliamentary reasons, it is difficult for that to happen. We were not able to get to it in the last 2 years. We need to get to it now.

We talk about deficit reduction. This is not the first time we have done deficit reduction. During the last 2 years, we did a major deficit reduction. We took away subsidies from the lenders and put some of that into deficit reduction, and a good chunk of it went into help for students. I don't know whether we ought to use the term "deficit reduction," though. For the most part, what we are doing is spending money, and we are spending money we don't have. So that is why the deficit reduction piece was put in as a piece of legislation, to allow us to actually grapple with trying to save the Federal Government money.

Of course, when it gets into the area of students, it is hard for us to have any constraint, particularly if it appears we are taking it away from students. We are adding to what the students get, just as we did in the last 2 years when we did deficit reduction. We gave parts to deficit reduction from the lenders, which decreased the amount of money we were spending that we didn't have, and we continued to increase some of the programs for students.

That is what we are doing again here, but we are not doing much deficit reduction. There are people who are very concerned about that. We are making a substantial reduction again in lender subsidies. At some point—we don't know what that point is—lender subsidies will get to the point where lenders will not be interested in working with students because it takes employees to do that, it takes facilities to do that, and there is even risk in doing that. All of those have a cost. When the cost exceeds what they are able to take in, they will no longer be interested in it, and without the thousands of people in this Nation who are servicing these loans, as well as informing people how to get them and helping them to get them, there will be a lot of students who will not be able to get the help they need to have.

So we need to be very careful in doing these things. One of the areas we have taken great care has been in instituting a pilot project, and that pilot project is to do, on a portion of the loans we have, set up an auction—to have people actually bid to see what the real dollar number is they would be willing to give up in the way of subsidies in order to have the business at those universities. That will give us a better indication of where the subsidy should be, and I am glad we are doing it in a pilot project way. When you move out into the area of doing something totally different than you did before, it is good to start fairly small, with maybe 10 percent of the loans, so if it isn't quite right, it will not destroy the whole college program. Also, it will give us an indication not only of the process we ought to be using to make it as fair as possible and make sure students are taken care of as well as possible, but it will also give us an indication of things that ought to be done differently.

So I am pleased that we are able to start on a small basis like that instead of a big basis because one of the things that happens when you do a change is that there is an estimate of how much revenue will be saved. There isn't anything really to base that estimate on, but there is an estimate of how much will be saved. What we are doing with this bill is we are spending the estimates of what could be saved. We are not spending what actually will be saved but the estimates of what will be saved. As everybody knows, estimates don't always come out the same in reality. Sometimes they come out bigger and sometimes less. Unfortunately, with the Federal Government, when we are talking about the amount of revenues that will be coming in, we are usually overestimating that, and on the spending side we are underestimating, which means we are spending more than we are taking in and compounding it.

In all of these programs, we have the sense of wanting to do generous things, but we also have a responsibility for making sure we can pay for our generosity. Our goal, of course, is to have as many students as possible have access to college. Money is one of the problems, but there are other problems too.

I wish to speak about the importance of the legislation that is under consideration, but I wish to reiterate the importance of taking up the Higher Education Act reauthorization and, hopefully, doing that right after this reconciliation bill. That is why I encourage people to bring amendments down, so maybe we can yield back some time. There may be time today to cover the other part, which is a bigger part than reconciliation, and it is more important.

The reconciliation bill provides for additional need-based grant aid, and that is a critical component of increasing access and affordability. Additionally, by increasing the income-protection allowance, we have increased the ability of working students to receive Pell grants. That change is particularly important and one I have been sensitive to. I worked during junior high and high school so that I could afford to go to college, and that all counted against me when I tried to apply for any kind of aid. I wasn't eligible for it.

My daughter ran into a similar situation. We made sure all of our kids worked toward their education. She had saved some money, and we always gave them a little incentive: we would match anything they came up with, whether it was scholarships or money they earned and saved. So the first time she applied for any kind of assistance, scholarships, or anything need-based, they said: You know, you have this money in savings, you should have spent that on a car. A car doesn't count. So what are we teaching our kids? Don't save for college, spend your money. That is not right.

We have tried to set it up so that working students have a great ability to receive Pell grants. This change is particularly important as the student population in our colleges become more and more nontraditional. However, it is not only important to ensure that more students enroll in college prepared to learn but that more students have the support they need to complete college with the knowledge and skills necessary to be successful. America's ability to compete in the global economy depends on increasing the number of students entering and completing college.

Of the 75 percent of high school seniors who continue their studies, only 50 percent receive a degree in 5 years, and that is within 5 years of enrolling in college. Only 25 percent of them receive a bachelor's degree or higher.

These numbers are even worse for students from low-income families. Among eighth graders in 1988, only 16 percent of them from low-income families attained a bachelor's degree by the year 2000. The fact is that over four times as many eighth graders from high-income families attain bachelor's degrees as their peers from low-income families. Pell grants are aimed at providing low- and middle-income undergraduate students with resources needed to enroll in college and persist through graduation.

America's competitiveness depends not only on the investment in scientific research and technology but the investment in human capital; that is, our students.

Two years ago, Congress invested the savings it achieved through reconciliation in students by providing $9 billion in new spending for student benefits, including $4 billion in additional need-based grant aid through Academic Competitiveness grants and SMART grants. This grant aid is in addition to the basic Pell grant award for Pell-eligible students.

For first- and second-year undergraduates, the Academic Competitiveness grants are designed for Pell-eligible students who complete a rigorous high school curriculum. These grants are important because recent data shows that slightly less than one-third, 31 percent, of public high school students are prepared for postsecondary education as demonstrated by the academic courses they pursued.

Let me repeat that. These grants are important because recent data shows that slightly less than one-third of all public high school students are prepared for postsecondary education, and that is demonstrated by the academic courses they pursued.

It is also demonstrated by the number of remedial courses they have to take when they get to college. That is something we hope to fix in No Child Left Behind, concentrating on the high school years so there isn't that wasted senior year of education and then there are the courses they have to take in college just to get up to the entry level.

The Academic Competitiveness Grant Program not only provides additional need-based grant aid to low- and moderate-income students, but it encourages those students to take the rigorous high school courses that will enable them to enter college, not needing remedial education. Well-prepared and well-supported students are more likely to persist to degree completion, to succeed in obtaining needed knowledge and skills to compete in the 21st century global economy.

National Science and Mathematics Access to Retain Talent grants, that is SMART grants, are designed for third and fourth year undergraduates majoring in physical, life, or computer sciences, mathematics, technology, engineering, or a critical foreign language. These grants serve a dual purpose, and that is to provide needed grant aid and to encourage students to major in and enter a field where there is a national need.

The reconciliation bill before us today provides for additional need-based grant aid to students as well, through the creation of Promise grants. The provisions of the bill move us in the right direction. Low-income students who are striving to attend college will know there is financial aid available to them to access college or career and technical education.

What is missing from this debate? We have a pretty complete explanation of what is in the bill, but consideration of the rest of the Higher Education Act is essential. The bill before us today focuses on a very narrow slice of the Higher Education Act, one piece which is dependent on the other foundational programs that are not part of reconciliation. We are only seeing a fraction of the higher education picture by debating this bill separately from the larger higher education reauthorization package.

I cannot emphasize enough how essential it is to cover the whole higher education package. By discussing only the reconciliation provisions affecting higher education, we are leaving behind financial aid application simplification. We have touted that a lot, and it needs to be simplified. Previously, in filling out an application for financial aid assistance, it was necessary to do both sides of this long form, using these many instructions. Mr. President, does that look formidable to you? It looks pretty formidable to me. As a result, a lot of people who could qualify for financial assistance have not qualified for financial assistance because they did not do the paperwork, and it is easy to understand why they did not do the paperwork. Who needs all that?

One of the things we have done is to simplify that form so it is both sides of one page. It is much easier to answer. The reason we are able to simplify it is that the questions that are asked on it are the ones that are essential to being able to determine whether the student needs financial aid or not. So it is much more concise. This application gathers a lot of information. We couldn't find out who used the information. So if we don't know who uses it, why gather it? We have simplified that application which should increase the number of students who can fill it out. If we do not do the other higher education package, that will not be done.

There are also student loan disclosure requirements and year-round Pell grants in the reauthorization bill.

Right now a student is limited to a school year rather than year-round. A lot of the technical schools go year-round, which means there is a portion of the year they cannot cover with Pell grants.

There are additional supports for nontraditional students. That is very important. As we are talking about a lifetime of employment, there are a lot of people training and retraining, and they are nontraditional students. They didn't just get out of high school. They are ready to go back and learn something additional. They are usually very motivated people because they understand the importance of what they don't have and what they desperately want.

Graduate and international education would be covered in the other package; financial literacy and better borrower information; privacy protection; also improvements to the Academic Competitiveness grants and SMART grants. We always want to be improving those grants and encouraging the sciences, technology, engineering, math, and medical fields.

There is also a college cost watch list, a little more information for everybody; and quality teacher preparation programs. We need to be encouraging teachers. We are going to lose a lot of them shortly through retirement with the baby boomers, and they need to be replaced. The basis of education is having quality teachers.

We are, once again, faced with the possibility of only dealing with the mandatory spending programs and leaving comprehensive reauthorization of the Higher Education Act undone. I wish we could have combined the two. I guess we still could, but it is not going to happen because reconciliation gets special consideration with a limitation of 20 hours of debate.

We are cutting the bottom line if we do not deal with the quality and substance of the important programs I mentioned. We have to have the whole package. The American success story of higher education is at risk of losing the very qualities that make it great—competition, innovation, and access for all.

Our goal should be to promote innovation and new technologies to keep the cost of college down, to expand the availability of information to keep students and parents in a position where they can make more informed decisions, and improve financial literacy across the board so that students have a better understanding of how they can manage their loans and monthly payments. Schools and colleges have to do more to increase accountability and seek efficiencies that bring down the cost of postsecondary education. When we raise the Pell grant amounts, it doesn't help the students if the cost of college goes up an equal amount or greater.

The complexity of the Federal student aid system has to be tackled. Right now filling out the Free Application for Federal Student Aid prevents many students, as I mentioned, from even considering college. That was never our intent. It is time to make that less complicated than filling out our tax forms, and for an accountant to say that is really something.

Also, it is our responsibility to ensure that students and their families have the information they need to make informed decisions about the investment of time and money they are making to secure a college education. The cost of college has risen dramatically, and at the same time the need for a college education is greater than it has ever been before.

America's students must have the tools they need to complete higher education and to acquire the necessary knowledge and skills to become competitive in the 21st century economy. This can be accomplished, but it will take both the reconciliation and reauthorization bills together to reach that goal.

I am again stating for the record that I hope the Senate Democratic leadership will provide us with an opportunity to have a full and open debate on all aspects of the Higher Education Act. Both pieces are essential to ensuring students have access to a quality education. It is no longer an option whether to pursue college or skills certification that is nationally recognized. Everyone needs to have all the tools to understand and shape their future. They need these options. It cannot happen with just the reconciliation part of the package. The money without the capability doesn't do it.

I look forward to working with Chairman KENNEDY and colleagues on my side of the aisle so we do not let this opportunity pass by once again.

So far we have two amendments that have been submitted. I need to talk a little bit about those two amendments.

One of them is the Murkowski amendment. We have this interesting process under reconciliation. It is supposed to be for deficit reduction, but any time there is deficit reduction, it leaves money hanging out there, and that money can be used in amendments in a number of different ways. It just works on our minds to know that there is money out there that could be spent. So we have a couple of amendments that will use up the money.

There are a lot of people who would prefer we didn't use up the money, especially since we are talking about deficit reduction, which means we are spending more than what we have, so what we are spending is money we don't have. But we are going to take this estimate of excess revenue that we are saving and spend it under both amendments.

The first amendment is a relatively small amount, $176 million over the next 2 years. It does some very important things. Not-for-profit lenders, particularly small ones, might not be able to participate in the auction pilots and, thus, they will lose funding. This will allow them an opportunity to still be able to participate in the college market and conduct outreach and do all the important things those nonprofits are already doing for students, that they lose out on the auction. When we are talking about money around here, $176 million is a micro-dot in the budget.

The other amendment is the Promise Grant Program. It is to spend the outlying money. There is some money that comes in further down the road. It is actually pretty big money, $5.7 billion, and this spends a good portion of it.

So the decision people will have to make is actually whether they want to save any money or whether they want to take some of the money we don't have and put it into some new programs.

I wanted everybody to know what the situation is. From an accounting standpoint, I feel compelled to point that out.

We do have an important bill before us. I hope we can make it through that bill today. I know we can because the rules require us to do that. If we can finish it a little earlier, perhaps we can get to that second package, the one that has good stuff in it, the one that has to be done in order to have a complete package.

I reserve the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, the name of the bill before us today is the College Cost Reduction Act, as it has been called. But just as appropriately it might be called "Restoring the American Dream Act" because that is exactly what is at stake with this critically important bill.

We all know that higher education is the key to success in today's global economy. It is the key to Americans' success as individuals, but it is also the key to America's success as a nation. But over the last 6 years, the cost of college has skyrocketed 40 percent. Meanwhile, the buying power of Federal grant aid has fallen, and too many young students are being forced to turn to private loans with high interest rates.

As a result, college has become a distant, unattainable dream for many Americans. For millions more who are fortunate to attend college, they graduate with two things: a college diploma and a mountain of debt.

With the bill before us today, we intend to reverse these negative trends. We intend to put a college education and a fair shot at the American dream back within the reach of every American, including those of modest means. We might think of this bill as restoring the ladder of opportunity for millions of Americans.

This is a bipartisan bill with support on both sides of the aisle. I thank Senator KENNEDY and Senator ENZI for their bipartisan leadership in getting this bill through committee and getting it to the Senate floor. At the same time, I take pride in the fact that college access for all was one of the six priorities we annunciated last fall.

The crisis in college affordability has grown worse year after year. Year after year, Congress failed to act. Last year, we Democrats said to the American people: You give us the leadership reins and we will chart a new course. We, today, are making good on that promise.

The bill before us will accomplish a number of things. Most importantly, it will increase the maximum Pell grant, and it will increase the income level at which students automatically benefit for the maximum Pell grant. It will encourage public service by providing some loan forgiveness for graduates who go into fields such as teaching, social work, nursing, and service as legal aid lawyers. The bill will give protection to borrowers by capping the monthly payments at 15 percent of discretionary income.

This bill is a classic win-win-win. It is a win for the Government and for students and for taxpayers. For years, we have been concerned about the widespread abuses and excesses within the private student loan industry. What this bill does is cut excess subsidies to the private loan program by $18 billion and channel most of those savings into Pell grants.

Earlier this year, in the fiscal year 2007 joint funding resolution, we were able to increase the maximum Pell grant by $260 to a total of $4,310. That was the first increase in Pell grants in 5 years, since the last time Democrats had the majority and I chaired the Appropriations Subcommittee for Education and Health Programs in 2001.

Now, with the bill before us today, we are pleased to build on that progress by joining with Senator KENNEDY and Senator ENZI to boost the maximum Pell grant to $5,100 next year and $5,400 by 2011.

I also wish to salute Senator KENNEDY for crafting this Senate bill in a way that is a big improvement over the House bill. The House bill cuts interest rates on all student loans. Well, that is very expensive, and it also provides benefits to many who don't need them, such as upper-income families. The Senate bill concentrates the savings on increasing grant aid to low-income students, while providing some loan forgiveness for graduates who enter teaching, nursing, and other important but relatively low-paying jobs.

Bear in mind that before the increase earlier this year, the value of the Pell grants had been drastically eroded since 2001. I wonder if there are any colleges in America that charge the same amount for tuition as they did 6 years ago. I don't think so. In fact, high school guidance counselors tell me that, for the first time, they are seeing kids giving up their dream of college because they simply can't afford it, even with loans and grants.

I recently received a letter from a constituent from Indianola, IA, county seat of my home county. She told me about her daughter who graduated from college last year. Let me quote from this mother's letter.

> We faithfully saved for our daughter's education every month from the time I knew I was pregnant, even during a six-month period when my husband was unemployed. Since Rhiannon needed to attend a specialized college, our savings for her were not nearly high enough. Last year, Rhiannon's monthly loan payment suddenly increased to around $700 a month. How many families can afford to do this? How is this generation of young adults ever to afford the American Dream to own a home? This is not good for the future of our economy, for how will these young people be able to have purchasing power or be able to afford marriage and children? College educations must remain a choice for all of our youth in order for our Nation to compete in this global economy.

This is not an exceptional case. We have all heard similar stories and received similar letters. Today, with the College Cost Reduction Act, we have an opportunity to address the crisis in college affordability in ways that will make a dramatic difference. As I said, the centerpiece in this bill is the significant increase in the maximum Pell grant and the expansion of Pell grant eligibility. Over the years, the Pell Grant Program has been enormously successful. This is America's largest need-based student grant program, and it has given millions of low-income students the opportunity to attend college, many of them the first in their families to do so.

Over the years, the value of the Pell grant has eroded dramatically. Think about this: Two decades ago, the maximum Pell grant covered 51 percent of the cost of tuition, fees, and room and board at a public 4-year college—51 percent. By the 2004–2005 academic year, it covered only 35 percent of those costs, and it has fallen even more over the last couple of years.

In my State of Iowa, two decades ago, the Pell grants covered 61 percent of the average cost of a public 4-year college tuition, fees, and room and board—61 percent. Today, it covers about a third—about 33 percent—of those same costs.

Without adequate Federal grants, students have had to rely increasingly on student loans, many with very high interest rates. More students and their parents are taking out loans and borrowing larger and larger amounts. Today, more than 60 percent of undergraduates at 4-year colleges take out loans, and the average student loan debt is more than $19,000. Indeed, Iowa students at 4-year colleges and universities graduate with an average of $22,727 in debt—the second highest rate in the country, I might add.

Make no mistake, when students graduate from college with a mountain of debt, this has a major impact on their career choices. For many heavily indebted graduates, pursuing public service careers as teachers, social workers, legal aid attorneys or a host of others becomes out of the question. A recent study found that 23 percent of public college graduates and 38 percent of private college graduates would have an unmanageable level of student debt if they tried to live on the starting salary of a teacher.

The burden of student debt also has a big impact on major life decisions. A student loan survey found the probability of owning a home decreases as the level of student debt increases. Well, that makes sense. In a survey, 30 percent of students said they delayed buying a car because of student loan debt, 21 percent said they delayed having children, and 14 percent said they delayed getting married.

I know of one very talented member of my own staff who, even in his mid 30s, was burdened with tens of thousands of dollars of debt while attending law school. He then got married, he and his wife had a couple of children, and he felt increasingly burdened by the debt. He finally had no choice but to leave his relatively modest-paying Senate job for a more lucrative position in the private sector. He concluded this was the only way he would ever be able to pay off his college loan debt so he could then start saving for his own children's college education. I believe there are more and more young people like that—they want to do public service-type jobs, but with the amount of debt they have, they can't afford to do so.

The College Cost Reduction Act is a sound bill. It is a good bill. What is more, it would not cost the taxpayers a dime. As I said, the bill saved $18 billion by cutting wasteful, excessive subsidies to private lenders, and of that amount $17 billion will be used to fund increases to Pell grants and the income-based loan repayment program, with the remaining $1 billion dedicated to deficit reduction.

Predictably, the private lenders have mobilized a small army of lobbyists to argue that reductions in their subsidies would be devastating to their industry. Well, this simply is not true. The fact is that it is high time we eliminated the waste and gross excesses in Federal subsidies to some of these private lenders. Because of those subsidies, the student loan industry has reaped huge profits and become one of the most lucrative industries in America.

Take Sallie Mae, for example, the Nation's largest student lender—fantastically profitable, thanks to these overly generous subsidies over the past 30 years. The corporation now is moving forward with plans to sell itself. This corporation that has been loaning money to students now is going to go private, sell itself, with a windfall of some $25 billion. Together, Sallie Mae chairman Albert Lord and their CEO, Tim Fitzpatrick, have collected total compensation—get this, the two of them—of $367 million since 1999. Two people. And we are wondering why students have such high debts. In fact, as the Washington Post reported a short while ago, Mr. Lord, the Sallie Mae chairman, is currently building his own private golf course on 244 acres in suburban Maryland at a cost of up to $15 million. This is the head, folks, of Sallie Mae, the largest student loan industry in America.

So we shouldn't shed any tears for the private loan companies and their executives. They are doing quite well. Quite frankly, they are going to continue to receive Federal subsidies. They are going to continue to make loans. They are going to continue to make profits. But maybe some of the future CEOs in this industry will have to forgo the luxury of having their own private golf course.

The College Cost Reduction Act is one of the most important pieces of legislation we will consider this year. It will make college affordable for our young people, especially those of modest means. It will go a long way toward ensuring our young people are not overly burdened with student loan debt after they graduate so they can afford to pursue careers that not only benefit them but make the world a better place in which to live. It will put the American dream and that ladder of opportunity once again within the reach of every American.

I urge my colleagues to support this long overdue and vitally important bill. Again, I wish to compliment Senator KENNEDY for so many years of leadership on this issue, especially the issue of education and making sure that college is affordable to our lowest-income students. I thank him, I thank Senator ENZI for working together on this bipartisan bill, and, hopefully, before the day ends at not too late an hour, we can pass this bill and give more hope and opportunity to a lot of these young people I see sitting on the Senate floor and to so many other young people throughout America.

Again, I thank Senator KENNEDY for his outstanding leadership on this issue.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HARKIN. Yes, I will be glad to.

Mr. KENNEDY. I thank the good Senator from Iowa for all his work on our education proposal. He has been a key member of our Committee on Education, and he has not only worked on it in terms of our committee but also as one of the important leaders on the Appropriations Committee to make sure that what we have authorized actually gets funded. I hope the young people in Iowa understand that, because we certainly understand it, and we are very appreciative of it.

Quickly, though, the Senator has outlined in careful detail how we have put the greatest amount of the savings of $18 billion, $17 billion to provide relief for the students in the Pell grants. But I want to underline one other aspect of the program which says that if young people are going to volunteer in terms of public service, they will pay no more than 15 percent of their income in return. Therefore, they will save a good deal of the amount that otherwise they would have to save, and then they will get the loan forgiveness at the end of the day.

I just list here the various areas of public service. His particular interest would be about halfway down, since the Senator from Iowa has also been our great leader dealing with the challenges of disabilities, and also with the elderly—public services for individuals who work with the disabled, also with the elderly, also with independent living issues as our population grows older.

So we have public health and social work in public service agencies, education, early education, childcare, our legal system, public defenders and libraries—working, even in the tribal areas.

As the Senator from Iowa found in his travels around Iowa in many of the schools and colleges, young people welcome the opportunity to be a part of giving something back to the local community, giving something as a teacher or helping the disabled. They are glad to do that. In too many instances, they can't afford to do it because they have too big a debt, but under this bill they will be able to do that, and at the end of the day, a grateful nation will say: If you do it for 10 years, your debt is forgiven.

I ask if the Senator will not agree with me that this is really one of the important provisions in this legislation, one of the compelling provisions? We have tried to provide help and assistance to those in the Pell program, but we are also trying to incentivize and give opportunity to young people who want to give something back to their communities by showing a grateful nation will forgive their debt.

Mr. HARKIN. I thank the Senator for pointing this out. I especially want to underline what the Senator said about the public services for individuals with disabilities and the elderly.

Because of the Olmstead Supreme Court decision, because of what is happening now, as you know, we are moving more and more people out of institutional-based settings and into community-based settings. A lot of these people are going to need some help and personal assistance services to get going so they can earn money and pay taxes.

I often tell the story of my nephew Kelly. Of course, he was injured in the military, so he has always had VA services. But he has a nurse who comes in. He is a paraplegic. He gets up in the morning, a nurse comes in, gets him ready for the day, he goes to work, comes in, and when he gets home at night, someone takes care of him. If it weren't for that, he wouldn't be working and paying taxes. That is, thankfully, because he is in the VA and they do that, but for anybody else who has a disability, they don't get that kind of service.

More and more, we will be working with people, individuals with disabilities, in this sector. A lot of people want to do this. They cannot do this, I say to the Senator, with the mountain of debt they have. They just can't afford to do this work.

The only thing I might disagree with the Senator on, he said this is one of the most important aspects. I think this is "the" most important aspect of the bill.

I would say to the Senator, I started my life as a legal aid lawyer. So many low-income families need assistance, just legal assistance with debts, housing, divorces, family problems. They can't afford it. A lot of young people want to become a legal aid attorney. They may not stay there all their lives, but they would like to do this for a few years. It is public service. They get their feet wet right away in a lot of legal work.

I always tell young people in law school: If you really want to figure out what legal work is all about, become a legal aid attorney out of law school. You will get the cases no one else wants. You will get the cases people have given up on. I tell you, that will make you a better lawyer than anything in your lifetime.

A lot of young people want to do this. They cannot do it with the debt they have now.

Mr. KENNEDY. If the Senator will just look at this chart. You mentioned about the public defender—annual salary, this will be a public defender in Indiana. Here is the average loan debt, probably as a public defender. The average is $19,000 but probably $51,000 if that person has gone to law school. We save them $2,800 a year in loan payments. If we do this for 10 years, I show the Senator from Iowa, if we do it for 10 years, their loan forgiveness is $33,000—$33,000 is forgiven.

Mr. HARKIN. I hope the Senator doesn't mind if I hold one up for Iowa. This is a teacher in Iowa: average salary, $27,284; average loan debt, $27,727.

Here are your monthly payments. Under this bill right now, the relief will be $1,344, and the amount forgiven, $16,057. This is going to be great for teachers, going into teaching in the State of Iowa. I can't speak for what it is like in Massachusetts, but in Iowa we are losing about upwards of a third to half of our teachers in the second or third year because they cannot afford to teach and pay back their loans.

Again, I thank Senator KENNEDY for his great leadership. As I said, this, to me, is the core of what we are trying to do with this bill. It is not only to help these students get the Pell grants to go to college but also so they can pursue their dreams and do the kind of work they want to do, not what they are forced to do because they have a mountain of debt.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Wyoming is recognized.

Mr. ENZI. I yield such time as the two Senators need, until 11:40, which I think has been reserved for the leaders; is that correct?

The PRESIDING OFFICER. That request has not been granted at this time.

Mr. ENZI. OK. I yield them such time as they need to present their amendments.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

AMENDMENT NO. 2337 TO AMENDMENT NO. 2327

(Purpose: To amend the special allowance payments)

Mr. NELSON of Nebraska. Mr. President, I rise alongside my colleague and friend, Senator BURR from North Carolina, on an issue of great importance to America's middle class; that is, the affordability of higher education.

I call up amendment No. 2337.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself and Mr. BURR, proposes an amendment numbered 2337 to amendment No. 2327.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, even at the University of Nebraska, which offers a quality and cost-effective education, the average graduate holds over $16,000 in debt as they enter the working world. That is the equivalent for many starting out of a near mortgage, although they don't own a house. For many students across the Nation, the picture is even more bleak, as students graduate with the equivalent of a home mortgage, in many instances. Over the last 10 years, the problem has grown worse. Average tuition and fees at 4-year public and private institutions have increased by 38 percent.

The class of 2008 will be the largest high school class in U.S. history, with nearly 3.2 million high school graduates facing the decision of whether they can afford to go to college. A key part of that calculation will be the financing options at their disposal, including grants, Federal loans, and private financing.

I applaud Senator KENNEDY for leading the charge, investing additional Federal dollars in Pell grants which provide need-based aid to 5.3 million Americans each year. An estimated 90 percent of Pell grant recipients considered to be dependent upon their parents had family income below $40,000. This provides essential support for many underprivileged families but only starts to address student need as loans are often required to supplement this aid and many middle-class families ineligible for Pell grants are left searching for financing solutions.

In a time of mounting challenges for America's middle class, I urge caution and moderation in cutting funding for the Federal Family Education Loan Program, known as FFEL, on which 8 out of 10 schools rely to serve their students' financial needs at the present time. Eight out of ten schools rely on these private financing situations for students' financial needs.

The Federal Government partners with loan providers to ensure that the student loan marketplace is fully capitalized and students have access to affordable higher education financing options. This market-based approach has solidified access for student loans, preserved attentiveness to the needs of borrowers and schools, while providing valuable discounts to middle-class families.

That said, our amendment preserves significant cuts to the student loan industry. However, it does so in a tempered and moderate manner which bridges the desires of Members on the one hand to increase need-based aid for low-income families and on the other hand to avoid increasing loan costs for millions of families and doing significantly irreparable harm to the public-private FFEL Program. In addition, our amendment preserves the maximum Pell grant levels established in the Higher Education Access Act and does not reduce financial aid for students.

Many will come and speak about past grievances in which a select few in the student loan industry have been involved. I am as troubled as anyone by these past actions, and I applaud the HELP Committee for taking action in the higher education reauthorization bill to make sure these problems do not occur again.

That said, the Federal Family Education Loan, FFEL, has afforded young Americans the opportunity to attend college for over 40 years and is a critical part of making college a reality for many in the middle class. Over the life of a loan, the FFEL Program delivers on average $2,800 in discounts and savings to middle-class Americans. Amazingly often, we speak about the magnitude of student loan cuts as if they will cost nothing. Americans rely on the FFEL Program, and I encourage Members to ask their FFEL schools how valuable the program is for students in their State. Our amendment tempers the FFEL cut, preserving $15.65 billion in reductions to lenders.

Reports are circulating that the Nelson-Burr amendment would set aside less money for Pell grants. What has not been relayed accurately is that the Nelson-Burr amendment increases grant aid to the exact same funding levels as the Higher Education Access Act. The amendment does not degrade the amount dedicated to Pell grants; rather, it uses a different baseline from which the CBO cost calculations are made. We assume the $4,600 Pell grant appropriation which was accommodated in the budget resolution—the same budget resolution which created these reconciliation instructions. This assumption is less than the House of Representatives' Labor, Health and Human Services, and Education appropriations bill which funds it as $4,700 for Pell grant maximum.

Our focus is on the end result for students. A vote for Nelson-Burr not only assures that the most needy families see the same increases in Pell grants but also helps mitigate the damage to competitive student loans that deliver savings to middle-class families and students, many of whom are ineligible for Pell grants and other aid.

Let me make the point clear.

No. 1, 8 out of 10 schools rely on the FFEL Program.

No. 2, we must proceed with caution and moderation in making these cuts because this will reduce the amount of capital available for student loans for middle-class families.

No. 3, these cuts directly impact students' and middle-income Americans' pocketbooks, those who have to rely on loans for higher education.

No. 4, our amendment does not reduce student aid or the maximum Pell grant set out in this bill, as some have said.

I urge my colleagues to join me in supporting the Nelson-Burr amendment. I ask that my colleague, Senator BURR, have whatever remaining time might be required for his remarks.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. I thank my colleague and friend, Senator NELSON. I take the opportunity to thank Senator KENNEDY and Senator ENZI, who have played the leadership in trying to find the balance of what our policies should look like—

the policies of competition, the policies of access, the policies of direct Government loans.

It is not easy when there is so much we want to do, but we are confined by how much money we have to do that. It is my hope, as Senator ENZI said earlier, that we do not stop with this reconciliation bill, that we quickly reauthorize Higher Education. I believe that is absolutely essential, and many things we have in that make a tremendous difference.

Senator NELSON has done a beautiful job of laying out for everybody what is at stake. I suggest to you that what we need to focus on, more than does the loan come from the private sector or from the Federal Government or this or that, is students. This debate is about students. It is about are we going to provide an opportunity for every child in this country who wants to seek higher education, as part of the tools they possess for their competitiveness in the future, are we going to provide that for them regardless of where they come from, regardless of the income of their family, regardless of the school they choose?

Senator NELSON stated very clearly, 80 percent of the schools in the country chose FFELP loans as their No. 1 tool to provide the financing students need to get their education.

Why? Well, one, because they are more competitive in most cases. Those that provide FFELP eliminate the origination fee. They discount the loans. In many cases they are a point or more under what the Government direct loan is.

Now, I would expect some would say since Senator NELSON and I are suggesting that since nonprofits we're reducing by 35 basis points in their spread, and for-profits 50, that 50 they can live with. They may be right. But the fact is that none of us knows. If one lender drops out of the marketplace, we have now constrained the choices and the options every student has.

I think what Senator NELSON and I suggest is, let's do 35 and 35. Let's treat the for-profit and not-for-profit in the same way. In the case of North Carolina, I should be fine with where nonprofits are, because 65 percent of all student loans written in North Carolina are done by the College Fund of North Carolina, a not-for-profit institution.

When you look at added services over and above the discount rate and the ease of doing business with the College Fund of North Carolina, and with the for-profits in comparison to the Government Direct Loan, which is Washington driven, it is bureaucratic, it is not consumer friendly, it is not responsive to the families or the students, you realize why eight out of 10 schools choose it; but, more importantly, why parents and students choose that as the No. 1 option.

FFELP has a history. It is a history that shows tremendous benefits to students and to their parents. In most areas of the U.S. economy, we find that when we encourage competition, the beneficiary is the individual who reaches a lower price point. We are saying: Let's not risk it. Let's go to where we know nobody is harmed, but let's not go further than that. Let's make sure we have incorporated into the package for those low-income families the grant proposals Senator KENNEDY and Senator ENZI have incorporated in their bill, but let's not be too punitive to the system, going into the unknown, that we actually eliminate clients who exist in the marketplace.

Very simply, our amendment focuses on students. It uses the strength of the FFELP program to say we are going to make sure the competition that existed up to this point exists well into the future.

As Senator NELSON says, our amendment cuts for all lenders $15.65 billion over 5 years at a time when it is not just a domestic economy, it is a global economy. I believe every Member of the Senate—more importantly, every parent in America—understands, regardless of their education level, that for their kids to have an unlimited future they have to have an opportunity to get the best education they want to pursue so their opportunities in life are unlimited.

I think we can safely say with a reduction of $15.65 billion, we feel fairly confident we can make that promise to parents across this country, that we have not diminished the opportunity for unlimited opportunities for their children. But I think it is safe to say Senator NELSON and I and others believe if you cut further and you diminish the competition in the marketplace, you have now diminished the opportunity, not just the educational opportunity but the economic opportunity, of the next generation.

I don't necessarily agree with the philosophy that if we get it wrong, there is a Government Direct Loan program to service them regardless, and they will access loans; they will access it through a program that does not eliminate the origination fee; that does not discount the product; is at least a percentage point or higher, because they have no competition; it is not user friendly; it is not responsive; its application process is not predictable. It sounds a lot like the visa process for people in the United States, for people on the outside looking in.

But the reality today is we need a system that every student and every parent understands. I have two children in higher education. I can tell you the most difficult thing is for a parent to sit down and try to figure out the application process, how to fill it out, how to qualify, and whether, in fact, you do qualify.

Senator ENZI alluded earlier to the need for additional reforms. I think we agree, in a very bipartisan way, that there are other things we need to do. But the wrong thing to do would be to hurt students, to hurt parents right from the beginning with their access to affordable education.

The spirit of where we are going is right; it has just gone a little too far. And rather than to go into the unknown and not know what the reactions will be in the for-profit market, I believe the responsible thing is to roll back the change slightly, to treat for-profits and not-for-profits the same way, to assure every family that the educational opportunities we continue to see expand for all Americans; in fact, continue in the future, and they are not limited or constrained in a way that families look at it and try to find financing.

Senator KENNEDY has proposed in this bill a number of ways to create incentives for specific individuals, and I think in most cases this approach is embraced; as Senator HARKIN very passionately displayed, probably long overdue in a lot of cases. As we focus on how to expand it, as we focus on how to be a little more attuned to what the needs are, it strikes me we would cut in a way that might—I stress the word "might"—constrain the choices parents and students have.

It is simple: If we want to eliminate the word "might," and say it does not, all we have to do is roll back slightly the cut we propose. In doing that, we still make the investment in low-income subsidies through FFELP and other programs, we still give the assurance to every family that there is a way to finance college education, we still assure students that once they get that diploma, that diploma is the answer to the payback of that student loan, because they now have the tools for an unlimited future which brings with it an unlimited earnings opportunity.

The answer is easy. I hope my colleagues will support what I think is a very responsible amendment to a very well-intended bill. I believe not to do it is to accept the responsibility that some kids will win and some kids will lose; that the possibility exists that when you diminish competition, you actually raise the cost of education, not lower the cost; that for some who might have access today but might not have access tomorrow to anything other than the Direct Loan from the Government student loan program; that that option may be too expensive; it may be too cumbersome; it may be too difficult to understand; it may not be predictable enough; and that period of decision, as one completes a senior year in high school and potentially makes a decision about not just where they go but whether they go, that one change may influence them to say:

Well, you know what, 12 years is enough.

I come from a State that has had, I think, the largest transformation in our economy of practically any State in the country. Twenty years ago traditional manufacturing drove every job that was in North Carolina, and that was in textiles and furniture. Through the changes in trade and through the creation of a global economy, I do not need to tell my colleagues where textile and furniture jobs are today, but they are not in North Carolina.

If it were not for higher education in North Carolina, we would not have reeducated and retrained an older workforce, but we also would not have the capabilities, without higher education today, to take the next generation that is coming through to give them the educational skills they need to compete in the 21st century jobs we are creating today.

You see, for a State that I felt got kicked when we were already knocked down, we moved from what was the norm in 1950 to today jobs that are being created that are in the next sectors of the economy we are just now creating. They demand and require a different level of educational proficiency. Sure, if they do not have it, they can fill out the application, but if they do not have the educational qualifications, they will never get invited for the interview. It does them no good.

We are encouraging our colleagues today: make sure every student who fills out the application for that job has the educational qualifications to be invited for the interview because we have not diminished the tools they can use to pay for the education.

There is a lot at stake. Clearly, this Congress, this body, under the leadership of the chairman and the ranking member, have moved the ball well down the road in the right direction—Senator NELSON and I might say a little bit too far as it relates to the for-profit lenders.

I hope my colleagues will recognize that. I hope they will keep focused on the students and the parents, and if in the future we see that the spread can be rolled even further, I am sure at that point in time we will find a worthy investment we can make in students and in parents and in education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time until 12 noon today be for debate with respect to the Nelson-Burr amendment, with the time until then equally divided and controlled in the usual form; with no amendment in order to the amendment prior to the vote; that the vote with respect to the amendment occur upon disposition of the Kennedy amendment which is covered under a previous unanimous consent agreement; that there be 2 minutes of debate equally divided prior to the vote; and that the second and third votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, Senator ENZI and I have 7½ minutes?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 5 minutes.

First, I thank our friends, Senators BURR and NELSON, for their interest in this issue. Senator BURR is a strong member of our committee and much involved in educational issues. We always profit from his suggestions and ideas, as well as Senator NELSON. As much as we profit generally, there are times when we do not. This happens to be that one time.

I have in my hand the pending legislation, which is Kennedy-Enzi, and the Nelson-Burr amendment. All one has to do is look on page 1 of both and they will see what the difference is. On Kennedy-Enzi, paragraph (A) is $2.6 billion; on Nelson-Burr, it is $1.6 billion. Paragraph (B) is $3 billion on Kennedy-Enzi; $2 billion on Nelson-Burr. Paragraph (C) is $3 billion according to Kennedy-Enzi; $2 billion on Nelson-Burr. Paragraph (D) is $3.9 billion; on theirs it is $2.8 billion. The point I am making is, it is $4.2 billion less in student aid. That is the basic point.

Is there a question about the economic stability of primarily Sallie Mae? This chart may be difficult to see, but if you look at the bottom, right here on the bottom right are Sallie Mae's own projections. All during the 1990s, at the time we made some modifications in giving the students more help, and Sallie Mae had always indicated that they were going to have more and more trouble. If you look at the end here in the blue, this is their projections in terms of their revenues and profits going out to 2006. This is their document, not ours. They are going to be financially secure in terms of the future.

The debate really is, do we want to do more for students or more for banks?

The final point I will make is, if you look at what the cuts are going to be, this chart represents for every State the effect of the Nelson-Burr amendment in reducing assistance for students. My State is $59 million. The State of the Senator from Rhode Island is some $16 million. But for every State in the country, this chart represents a reduction in student assistance.

The economic and financial advisers have indicated that these financial institutions are going to have ample profits. My concern is whether we have done enough in terms of the students, not have we done too little. That is why I believe students will be best served by resisting the Nelson-Burr amendment. They will benefit the most under our proposal.

If we are going to say we will leave it up to the appropriators, what are they going to do? They make certain assumptions that the appropriators are going to appropriate more money and, therefore, there really won't be a loss. If the appropriators appropriate more money, it will go to the benefit under our proposal. So Pell grants will go up and students will benefit even further. We provide effectively $800 in terms of Pell grants. They provide $500.

I hope this amendment will not be agreed to.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, one has to look a little further at what you get for the money. If you look at the nonprofit world and the for-profit world, they market student loans. They educate parents about what is available to them. For any parent who has gone through the process, one of the most difficult things is, when you look at the pot of savings you have as you have seen college cost escalate, when you realize what the cost is, you realize you don't have enough. When the likelihood is between grants and loans, you are going to have to do both. Where do you go? Part of the beauty of the system of a competitive private sector is they are competing, which means they are marketing. They are sending out information. They are educating parents and students. By the way, marketing is extremely expensive.

There is another piece to it, and it is called financial literacy, the challenge every parent and student goes through about what their responsibilities are. What is the choice we are going to leave? Are we going to take away so much money that marketing and financial literacy are no longer a benefit, a service, a tool that lenders provide? I guess some would suggest we do.

Mr. WHITEHOUSE. Will the Senator from North Carolina yield for a question?

Mr. BURR. In one second.

The solution, then, is that you let the Government entity, the direct to the student loan from the Government, be the education source. We have a long history. We don't do that well. As a matter of fact, we don't do it at all. So our expectations that financial literacy would exist or would improve would not be the reality.

I am happy to yield to my colleague.

Mr. WHITEHOUSE. I wanted to follow up, if I may for a moment, on the point raised by the distinguished Senator from Massachusetts who has just indicated that the effect of this amendment on my home State of Rhode Island would be $16 million less in student loans available for students. I ask the distinguished Senator from North Carolina if this is, in fact, correct? And if it is correct, where does that $16 million go that could otherwise be supporting higher education for students in my State?

Mr. BURR. Let me respond to my colleague that what Senator KENNEDY displayed was a simple mathematical calculation. We raise $4 billion and a few in change less money out of the system, and we believe that that is a prudent thing to do based upon the unknown as to whether that would reduce competition. So we have $4 billion less to work with. We have the same challenge, and that is, how do you invest that in a way that families and students feel the beneficial effects. I believe as you look at it and you say that money is now in the system, I can also point to the fact that the competition that exists in the FFELP program savings, the entire program, is $6 billion a year. So if you eliminated it, the $4 billion savings, if it were to knock out all the for-profits, you have lost it on the competition that exists in that system and the lower prices, the elimination of origination fees, the discounts, set aside the fact that we do marketing and we do financial literacy programs that only the private sector seems to be able to do.

I reserve the remainder of my time.

Mr. WHITEHOUSE. If the Senator will yield for another question, does that mean that there is, in fact, with all of that said, still $16 million less available to Rhode Island students as a result of this amendment?

Mr. BURR. I don't know the calculations that Senator KENNEDY went through, but I have never found his charts to be incorrect.

Mr. WHITEHOUSE. I thank the Senator for his courtesy.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 50 seconds.

Mr. KENNEDY. Mr. President, the point raised is, with these kinds of cuts, will it somehow eliminate the competition? CBO said we could actually have a three-quarters of 1 percent cut and there would still be profitability in the system. We didn't take three-quarters of this. We have taken 50 percent of one and 35 percent in the other. We haven't reached the three-quarters. So under the CBO, there is going to be competition. If you take Sallie Mae's own future projections, there is going to be competition. We have included in this legislation something that is enormously important, a trial program to have real competition out there to see who will compete for the lowest possible additional payments and ensure that we are going to get the benefits for the students rather than for the lenders. That would be enormous. That would be real competition. We are not there yet. We have a trial program in this legislation. Even under the administration's own figures, we haven't really threatened any of the potential lenders.

As the chart just showed, Sally Mae, the principal figure in this, is going to have ample profit over future years. I hope every Member takes a look at the charts and recognizes what is going to happen in terms of students in their particular States because under their program, there will be important reductions in terms of that assistance, particularly in the Pell Grant Program.

Do I have any further time?

The PRESIDING OFFICER. The Senator from Massachusetts has 45 seconds.

Mr. KENNEDY. As I understand now we are going to have three votes. The last vote will be on the Nelson-Burr amendment. I believe I am correct. The effect of that will be a reduction of some $4 billion that is provided in student aid. I hope that amendment will not be successful, and we will stay with the bipartisan recommendation that came out of our committee with an overwhelmingly bipartisan majority.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from North Carolina has 3 minutes remaining.

Mr. BURR. Mr. President, I will not use the full time yielded back. I want to once again thank Senator KENNEDY and Senator ENZI for the leadership they have shown on not just the reconciliation but hopefully on passage of a reauthorization of higher education.

Let me make this point: The fact that 80 percent of the students in this country choose the FFELP program for their student loan is a great indication of the value of this program, of the competition it provides but, more importantly, the savings that is apparent that this program provides to parents and students. If the Government Direct Loan program, which is the default, a bureaucratic, Washington-driven, loan program is the default because we have calculated incorrectly, then only 20 percent of the students are going to be happy because that is all they are choosing today. Eighty percent are going to be unhappy.

The question is, how do you influence their decision in their senior year in high school about the need, the desire, and the ability to go on to higher education?

As I look at the pages sitting in front of us, I understand it is them we are talking about. For most of us in the room, it is not about our kids because we have now aged out of that. The reality is, we have a next generation for which we are responsible to make sure they have equal to, if not better, opportunities than we as parents had. This is a time I am not willing to risk who is right. I am willing to say: Let's be cautious. Let's stand on firm ground. In this institution we have the ability to use CBO for or against us. When it is advantageous, we mention it; when it is not, we don't. I realize that. But I hope Members will use what they know and what they see. What you see with this program is, 80 percent of the students and the parents choose it. They have confidence in it. It brings real value. By the way, it saves a student $3,000 over the life of the loan because FFELP brings that level of competition. That is worth saving, and it is worth preserving.

I yield back the remainder of my time. I don't believe we have asked for the yeas and nays, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all the other amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on those other amendments.

The PRESIDING OFFICER. Is there a sufficient second on the remaining amendments?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2329

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided on amendment No. 2329 offered by the junior Senator from Alaska.

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, my amendment would change the amount to be authorized and appropriated for the College Access Partnership Grant Program. It would change it from $25 million to $113 million for both fiscal year 2008 and 2009.

What the College Access Partnership Grant Program does is make payments available to States to assist them in carrying out specific activities relating to increasing college access for low-income students in the State.

Currently, about 64 percent of our higher income students who enroll in college get a bachelor's degree, while only 21 percent of our lower income students do so. The College Access Partnership Grant Program is specifically designed to help States put together services and benefits that are most likely to get more of their low-income students to apply for, to be accepted by, and to, ultimately, succeed in college.

The amendment is paid for by the $176 million in excess deficit reduction funds above those required by the budget resolution.

What we specifically provide for is outreach, information on financing options, on promoting financial literacy, on assisting the students to have access to these very important programs.

I urge support of this amendment.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the good Senator from Alaska for her efforts for not only the State of Alaska but for all our States and for the initiation she has provided for this amendment.

As she has quite correctly stated, one of the great challenges is that we have many qualified students, but they do not have the knowledge or support to be able to find the educational opportunities that are out there. There are nonprofit agencies in the respective States. This will help the States reach out to various groups and individuals in their State to assist them in finding the path toward education—the provisions that are included in this legislation.

This amendment is very much needed, and it will make an important difference. We have more than 400,000 students now who are not in college who are qualified to go.

The Senator's amendment is a positive one. I hope we will support it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2329.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—73

Akaka
Barrasso
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—24

Alexander
Allard
Bond
Bunning
Burr
Chambliss
Coburn
Crapo
DeMint
Ensign
Graham
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
Sessions
Thune
Vitter
Voinovich

NOT VOTING—3

Biden
Brownback
Johnson

The amendment (No. 2329) was agreed to.

AMENDMENT NO. 2330

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2330, offered by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could we have order?

The PRESIDING OFFICER. Order, please.

Mr. KENNEDY. Mr. President, as we know, under the budget, we considered the legislation for 5 years, but the results of the recommendations that came out of our committee will carry on into the future. Obviously we will have a reauthorization and the Senate will make whatever judgment, but in the meantime, we are going to make sure that those resources in the future, after the 5 years, are going to go to the benefit of students.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this is a reconciliation bill. The purpose of reconciliation is to not radically grow the size of Government but to control the size of Government. Under this bill, unfortunately, the size of Government will grow by $19 billion. The actual savings in the bill is now down to $750 million. So for every $1 of savings, there is now $19 billion of new spending—new spending. That is not the purpose of reconciliation.

What the Senator is suggesting now is that in the second 5 years, when there is $40 billion of new spending, that another $2.3 billion of deficit reduction which was supposed to occur will be grabbed and also spent. This makes no sense at all. We are supposed to use reconciliation to reduce the rate of growth of Government, not to spend. This is an attempt to increase the spending, which is already $40 billion in the second 5 years, by another $2.3 billion, which was supposed to go to deficit reduction.

I hope people will vote against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2330.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Brownback
Coburn
Johnson

The amendment (No. 2330) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2337

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes for debate equally divided on amendment No. 2337 offered by the Senator from Nebraska, Mr. NELSON.

Who yields time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to urge support for the Nelson-Burr amendment which is next in line for voting.

In a time of mounting challenges for America's middle-class families, I am urging caution and moderation in cutting funding for the Federal Family Education Loan Program which 8 out of 10—80 percent of the schools—rely on to serve their students' financial needs.

The Nelson-Burr amendment does preserve significant cuts of $15.65 billion to the student loan industry, but it does so in a tempered and moderate manner which bridges the desires of Members on the one hand to increase need-based aid for low-income families and on the other hand to avoid increasing loan costs for millions of families and doing irreparable, significant harm to the public-private FFELP program.

In addition, our amendment preserves the maximum Pell grant levels established in the Higher Education Access Act. There is information that says it is not doing it that way. That information is incorrect.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, all you have to do is pick up the Nelson-Burr proposal and the one recommended by the committee and you will see that there is $4 billion in cuts. Those are benefits that are going to go to students.

The question is, Are my colleagues going to support the students or are they going to support the banks? That is the issue. That is the question. Every State will see a reduction in the funding for students under this proposal. CBO has indicated, in evaluating our proposal, that the lenders, talking about the industry, are going to have profits—I will include their report—large and small alike. This is a question of whether we are going to support the students who need that help, need that assistance who are the future of our economy and of our national security or whether we are going to support the banks. That is the issue. This is the time.

I hope this amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2337. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—35

Alexander
Allard
Barrasso
Bennett
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Graham
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Thune
Vitter
Voinovich
Warner

NAYS—62

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Johnson
Sununu

The amendment (No. 2337) was rejected.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I was recorded as a "yea" on the previous vote. I meant to be recorded as "nay." I ask unanimous consent that I be recorded as a "nay." This would not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally vote has been changed to reflect the above order.)

Mr. KENNEDY. Madam President, I see my friend from Maryland here who wishes to address us, and I hope our Members will pay close attention.

We have been making important progress during this last hour or so on some very important amendments, and we are grateful for the interest and the involvement of all our colleagues. We have a number of our colleagues who wish to address the Senate on this education legislation. We will hear from several of them at this time.

We are very grateful for all of the support the Senator from Maryland has given, and I yield such time as he might want on the legislation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I also thank Senator KENNEDY and Senator ENZI for their extraordinary leadership in bringing forward the Higher Education Access Act. I think this is one of the most important bits of legislation that we will be considering during this term of Congress. To me, it speaks to one of the highest priorities of our country, and that is making education—quality education—available to all of our families.

Affordability of higher education is a critically important issue affecting families throughout our Nation. In 1965, we made a commitment in the Higher Education Act that every family—every family in this country—should be able to send their children to college and that the financial considerations should not prevent a family from allowing their children to get the benefits of higher education in America. We enacted the Pell grants, which was a huge program at the time, opening opportunities to many families who had never had it before.

Over the last 20 years, we have seen a considerable erosion of the affordability of higher education to families in the United States. In the last 20 years, college costs have increased threefold. Yet the buying power of Pell grants has actually declined during the past 20 years. Madam President, 20 years ago, 55 percent of the cost of a public 4-year college could have been financed through Pell grants. Today, it is less than one-third. It is estimated that 400,000—400,000—children in our country each year see the doors of higher education barred to them because they just can't afford to pay the tuition and costs of going to a postsecondary school. This is important to our country.

When I graduated from college, 15 percent of the new jobs required some form of postsecondary education. Today, that number is in excess of 60 percent. This is important for the individual, in order to benefit from the opportunities of America, but it is important for our country. If we are going to be competitive internationally, we need to have an educated workforce. So this is a public investment. It is not just for the individual. It benefits our Nation by allowing it to continue to grow economically so that our standard of living can increase.

The cost of higher education can determine what school an individual will attend because the cost affects many families who may say: Gee, I know you could benefit from going to this particular college or university, but we just can't afford it, so we will try this college or university. That second choice may work and it may not.

The cost of higher education also affects the careers that graduates choose because they have these huge loans they have to repay. We have students who would like to become teachers or would like to become nurses or go into law enforcement or some other field they feel a talent for or are committed to, but they take a look at their college loans and they have to opt out in order to repay those loans. So we lose out on the creativity of those college graduates.

Finally, the cost of higher education may also affect when a graduate starts a family or whether he or she can buy a home.

This financial burden truly has affected much of this Nation—the type of country that we are—and that is why this legislation, to me, is one of the most important that we will be considering during this term in Congress.

Fifteen years ago, about half the students in colleges took out loans. Today, that number is over two-thirds. The average debt for a college graduate is $19,000. We have a chance to do something about it in this legislation.

I might point out to my colleagues that, along with Senator SNOWE, I have introduced the Master Teachers Act of 2007, which provides a Federal tax incentive for teachers who go into careers to help underserved areas, such as our rural areas and those areas where the schools are not meeting the expectations of No Child Left Behind—high poverty areas. That is an important bill that will help.

But we have an opportunity in this legislation to make a major difference in the affordability of higher education. I was proud to be a part of the Budget Committee, and I congratulate the leadership of our Budget Committee, Senator CONRAD, for finding a way in which we could consider this legislation and to say that our priority is in higher education and making quality higher education affordable to American families.

Senator KENNEDY and Senator ENZI have taken up that charge in bipartisan legislation that we have before us. It clearly moves us in the right direction to help families in this country and to help our Nation become more competitive.

This legislation provides $17 billion of additional college aid to students, the biggest increase since the GI bill. Pell grants that currently max out at a little over $4,300 will be increased to $5,100. It also increases income levels, making more students qualified to receive Pell grants, and caps the monthly loan payment at 15 percent of discretionary income.

This is a huge improvement on affordability for families. College graduates now know they will be able to work after they graduate and can go into careers they want to go into, knowing there will be a limit as to how much they have to repay on an annual basis from their discretionary income on their college loans. That is a major policy statement we are making, that we want college graduates to go into fields where they can best contribute to our society.

It does a lot more. It protects working students. They are not penalized because they are working. That is an important policy. It encourages public service, with a loan forgiveness program for those who go into public service and commit to a 10-year requirement. I think that, again, is a policy that is important for our country—to say, yes, we do want young people to go into public service.

It is fiscally responsible. There are offsets to make sure we are not adding to the deficit. It holds colleges accountable. If the cost of a college exceeds its peers', there are ways the public can put on pressure to keep college costs down.

This bill is very important. It helps families in Maryland. This bill will provide $32 million in new grants next year to families in my State of Maryland, and, over the 5-year period, $273 million in new grants.

For the historically Black colleges and universities, it will provide $5 million in new grants next year, and $40 million in new grants over the 5 years of this legislation.

The bottom line: More families in Maryland are going to be able to afford to send their children to college. More children will be able to go to their first preference, as far as the school they want to attend, which college or university, and will not be prohibited because of the costs. There will be more opportunities for so many families that have been left out of the American dream in my State of Maryland and more Marylanders will be able to choose the type of career where they can best add to their own self-fulfillment and to help our community.

This is an important bill. To me it speaks to the priorities of what this Nation should stand for. I am proud to urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I wish to first recognize my friend, the Senator from Massachusetts, the senior Senator from Massachusetts, on his efforts to produce this fine bill before us today. His efforts to improve higher education affordability and his willingness to make tough reforms in student lending are going to make a major difference to America's students.

One area in which this bill particularly excels is Pell grants. Pell, as we all know, is an important program. I have long supported it. I commend my colleagues for making such a meaningful investment in the Pell grant program.

We all know, whether you are middle class or poor, going to college these days is a necessity almost. Yet it is harder and harder to afford it. This bill takes care of both the poor and the middle class in a variety of ways, and makes it easier to go to college. That makes it better for the students and the prospective students who will be helped. That will make it better for their families. It will also make it better for America.

The Pell grant program is a critical resource for financially needy college students. In the 2005-2006 academic year, 5.3 million of the Nation's undergraduates received Pell grants. It makes an enormous difference to students whose family incomes are very limited. Most have incomes of less than $20,000; over 1 million in New York alone. One of the great things about America is that we provide ladders up. We are not going to give you an escalator. You are going to have to work to climb. But the Pell grant is a ladder. If you work hard and succeed and go to college, it will be easier for you to go despite the high cost of tuition.

This aid and improvements to the loan programs are critical. In fact, the typical student now graduates with $17,000 in Federal student loan debt. That is a mountain of debt for a working adult, which is becoming increasingly difficult to avoid. It is undeniable that sustaining a talented, college-educated workforce is essential to our success in a global economy. College education has become almost a necessity in the world our young people are facing, and yet it is priced as a luxury. Yet, since 2001, tuition and fees at 4-year public colleges and universities have risen 41 percent. That is after inflation.

Families in New York are certainly struggling with education costs. Even after financial aid is taken into account, 33 percent of the median family income in New York is needed to pay for just 1 year of a 4-year public college. The Federal student loan programs are a critical resource for America's students. Parents deserve a pat on their back when kids graduate from college, not bills and repayments that may break them.

Families trying to afford a college education need our help, whether they be poor, working families, or families well into the middle class. That is why I was proud to author a law that allows students to deduct $4,000 from their tuition. That is why I am proud to be a supporter of this legislation, which helps students—poor students—with increased Pell grants, significantly increased Pell grants, but also those who take out Stafford loans. We limit how much they have to pay back to 15 percent of their disposable income. That will dramatically help those kids.

Democrats have said we are going to take America in a new direction. We said we are committed to strengthening America's middle class. This bill does both of those things, and I am happy to support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that I may be yielded time off the bill to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I begin by commending our leading sponsors and managers of this legislation, Senator KENNEDY and Senator ENZI, for the leadership they provided in working on this important legislation. It is especially important to most American families, because all of us now are beginning to appreciate how expensive it is to receive a higher education—tragically, I point out—and what a higher education can mean to more and more Americans—the quality of life, individual success of our citizenry, but also the collective health of our country as well when we have a well-educated population.

I have often quoted the statistic made by Thomas Jefferson more than 200 years ago that:

> Any nation that expects to be ignorant and free expects what never was and never can be.

Certainly as we enter this 21st century of global competitiveness, the children of my State are not just competing with the children of Missouri, the home State of the Presiding Officer, but also competing, obviously, with children from all over the world, from Beijing, Johannesburg, Moscow, New Delhi—everywhere. This is going to be a very different world for children growing up in the 21st century. The extent we provide them with the tools and preparation necessary to compete and succeed under these circumstances—very different from what most of us have grown up with—is going to be extremely important, and the work this body does in the coming days is extremely important.

I believe the National Science Foundation reported that the abrupt changes that will come in this country will be staggering if we don't do a better job in preparing ourselves for the educational challenges that we will face in the 21st century. The cost of a college education obviously is a major factor here. It is vital for children and families and for America's long-term success. According to recent statistics, to put it in graphic terms, a person with a higher education, a college education, their earning power jumps by almost $1 million. Not that this ought to be the sole criterion whether someone gets a higher education, but the earning power of an individual is substantially enhanced. There are other, more important issues than earning power, but certainly the issues of individuals being able to do better, provide for the long-term financial security of themselves and families is critically important. But there are issues that go beyond how much money you make that have to do with an education. We have to support the institution we embrace as Americans, as Jefferson was suggesting back in the beginning of the 19th century. I would argue even more importantly, the subtleties of a Bill of Rights will depend upon a population that embraces them, understands them, is willing to do everything they can to protect them so future generations will enjoy the benefits of our form of governance as well.

Today's tuition levels are one of the great barriers to people going on to higher education. I was stunned to learn, even in the last 2 months, the number of people in our country who completed high school, were accepted for higher education and did not go because of financial barriers. I am told the numbers hover around 400,000 young people in this country. That is a deeply troubling statistic. If we have as many as 400,000 people in our country who cannot afford to go on to higher education despite having done everything else well, then America truly will be paying a price in no time.

The average cost of attending a public university is roughly $13,000. The average cost of attending a private university stands at $30,000. That is the average. I know people here can cite numbers and statistics that make that $13,000 on average seem small and the $30,000 on average per annum seem small.

But just think of that, $30,000, for one individual to attend 1 year of higher education; even at a public institution, it costs around $13,000. Then consider where the average family is in their income, and whether they have more than one child and other obligations, obviously, as they try to prepare for their own long-term financial security; not worry about health care costs, including rising premium costs, if they have health insurance. Additionally, the mortgage payments on their home with adjustable rate mortgages, all of those factors crowding in as families try to do everything possible to see to it that their children can have the benefit of a higher education.

How many families have planned and spent years and years watching their children mature and grow, with the full expectation of all the admonitions: Work hard, do your homework, get involved in things, learn as much as you can, pay attention, and all of that. Then, arriving at the moment, where they do everything they are supposed to have done, they say now we want to send you on to college, but we cannot afford to do so. Or the loans are so expensive that you will be left with such debt that the benefits of getting a higher education seem daunting, to put it mildly.

So imagine how daunting these levels are to a single parent or a family struggling on a minimum wage, for instance. You can even forget about it at minimum wage. Clearly, we must do more to ensure that skyrocketing tuition does not put out of reach the dream and the ability of obtaining a higher education.

That is why this bill is so important, maybe one of the most important bills. We have had long debates on immigration, long debates on Iraq, all very important issues. But the long-term effects of what we do on this legislation may have more to do with the well-being of our country than almost anything else in the coming days and weeks.

This bill will help us move toward a society where equal opportunity for all is more than just high-blown rhetoric. We hear too often in public speeches about doing something to make a difference in the lives of working families. There are a number of key provisions in this bill which accomplish those goals. For example, the bill caps the borrower's monthly loan payments at 15 percent of discretionary income. While payments are still costly at 15 percent, this is a major achievement.

This cap, if you will, will make repayment more manageable and borrowers will be less likely to default on their loans, which ought to be important for the lending institutions.

This bill will also increase the auto zero threshold, as they call it, to allow additional low-income families to automatically claim zero expected family contributions when filling out financial aid forms. This change will allow students of these families to be eligible for increased Pell grants.

Too often what we have done with the Pell grants is consider these other factors, such as expected family contribution. It drives a student out of the Pell grant qualifications when, frankly, what the family has to contribute is so little that it would amount to almost nothing, and yet would disqualify them from receiving the Pell grant funding they need.

Furthermore, we have raised the cap on economic hardship deferments from 3 years to 6 years to ensure that students are not finally crushed in times of financial difficulty.

We have also strengthened our commitment to those who provide high-quality childcare services as well as all other public service employees by offering them further opportunities for loan forgiveness.

One of the items contained in this bill that I am most happy about is the increase in the Pell grant. I have been involved in this for many years. It has been terribly frustrating over the last 6, 7, 8 years to watch how little this administration is willing to support even modest increases to the Pell Grant Program in our country.

The Pell grant in this bill will be raised to $5,100, in 2008 and up to $5,400 by the year 2012. Frankly, that is paltry. Candidly, I wish it were much higher, especially considering what a Pell grant used to provide only a few short years ago toward the cost of a public education. The grant used to cover 80 percent of the average tuition, fees, room and board at a public university.

Today the Pell grant covers 29 percent. So even with a Pell grant you are still looking at having to come up with roughly 70 percent of the additional costs of that higher education when you take all of these factors together.

As a result, low- to middle-income students who attend college are forced to finance their education with an ever-increasing percentage of loans, including private loans. This increase in the debt burden of students, in some cases, keeps them from going to college at all. As I mentioned the numbers earlier, somewhere close to 400,000 students are not going on to higher education because of financial burdens.

This year alone, it is estimated that 400,000 high school graduates who are prepared and ready to go to a 4-year college will be unable to go because their families cannot afford it. While I continue to advocate for even greater increases in the Pell grant, I commend my colleagues for taking the first steps in getting us back to the 80-percent tuition coverage we achieved in 1975. I am pleased that Senators KENNEDY and ENZI are doing that.

Until we reach the goal of 80 percent of students' tuition being covered by Pell grants and other forms of Federal aid, many students will be forced to turn to private and direct consumer and student loans, which are also not guaranteed by the Federal Government and are not subject to loan limits.

In fact, the market for private student loans has grown significantly and is now the fastest growing segment of the $85 billion student loan industry, as traditional sources of student aid have failed to keep pace, with both the tremendous demand and the cost of higher education.

The underwriting for private loans is similar to that used for other forms of consumer credit. This means student borrowers, who usually have little or no credit history, poor credit scores, or no parental cosigner, or whose parents have poor credit histories, will typically pay higher rates than those with good credit histories and those with parental consigners with good credit.

In many regards, this model runs counter to the longstanding Federal purpose of student aid, which is targeting low-cost financial assistance to students with the greatest needs and those from the humblest of backgrounds, one of the great success stories of our country.

We have heard the anecdote repeated hundreds and hundreds if not thousands of times of what a difference a college education has made throughout history. We have tried desperately to make sure that no one in this country would be deprived of the opportunity of a higher education because they or their family lacked the financial resources to do it.

If you had the drive, the ambition, the determination to get a higher education, America stood ready to see to it that this pathway was available to you. It has only been in the last few years that we have allowed a situation to develop where too often those young people and those families are being told: Because you are in those circumstances, you are not going to be able to get that higher education that you need and you deserve.

As I mentioned a moment ago, 400,000 young people who will not go on to 4-year colleges, at a time when we enter a global marketplace, where we need to have the best prepared generation America has ever produced, we seem to be heading in the wrong direction.

This bill reverses that trend. Again, I commend my colleagues, Senator KENNEDY particularly, and Senator ENZI, for their work in reversing this trend line. I hope it is the beginning of several steps that we take in the coming years.

I am further alarmed by reports uncovered by the Congressional and State investigators which detail aggressive and questionable private loan marketing practices and other unseemly industry practices, ranging from conflicts of interest to kickback schemes to consumer fraud.

I want to particularly commend Andrew Cuomo, the attorney general of the State of New York, who has taken a leadership role in this nationally, in uncovering some of these schemes and kickbacks and other financial activities that have put these loans at even higher costs to students.

I was pleased we had him testify before the Banking Committee only a few weeks ago to talk about this and the steps that we will be taking to try to correct some of those matters at the appropriate time.

I also was troubled by issues uncovered at a hearing that I just mentioned in the Senate Banking Committee that suggests some lenders may be using as part of their loan underwriting criteria subjective rankings of academic institutions, and demographic information about the students who attend these schools who, that be discriminatory and disparately impact the quality and type of loans made available to students based on their race and socioeconomic background, in effect red-lining, where they are taking entire institutions, based on some data and so forth they collect to deny individual students within those institutions the lower cost access to financial support.

That amounts to red-lining, as we saw in housing issues only a few years ago. If that is the case, and we believe it may be, we will be taking steps to correct that as well. Students seeking to finance the cost of a higher education should have access to the most competitive and affordable loans available through private student loan markets, with appropriate consideration given to the credit worthiness of the student and any cosigner, without regard to the type of institution that student chooses to attend.

Students should have full and timely access to all of the information they need regarding the terms and conditions of private student loans in order to make a well-informed decision regarding the financing of their educational needs.

Given the growth of this market and its enormous impact on the educational and economic future of student borrowers, I view it as imperative that we address these issues as part of the consideration of the reauthorization of the Higher Education Act. We should ensure that the market is well regulated and accessible and affordable as an alternative source of higher education funding for those who need the loans in our country.

We can do that, in my view, by prohibiting industry practices like revenue sharing and co-branding that present conflicts of interest by providing student borrowers with better, more timely disclosure information so that students understand the rates, the terms, and the conditions of the loans they are going to receive.

We must work to make sure that private student lending practices are transparent so the public can be confident that students and families are obtaining the most competitive and affordable student loans with the fairest terms.

I plan on working with my friend and colleague, Senator SHELBY of Alabama, who is the ranking member of the Senate Banking Committee, and all members of that committee for that matter, on this bill. We are in the process of doing that now. I would say under the circumstances that this bill is coming up, we would be prohibited, under Senate rules, from raising that issue on this particular vehicle.

I do not in any way suggest that what they are doing is not the right thing to be doing, it is the right thing to be doing, but our bill that deals specifically with student financing and lending institutions will be presented at an appropriate time, possibly when the full higher education bill is before us—but we are determined on a bipartisan basis to address some of these issues, if not all of them, that I have raised briefly this afternoon.

Indeed, this bill before us provides all students with the tools that make it possible to access and afford a postsecondary education. If we are serious about leaving no child behind, as I know all of us are as a nation, then we must reinvigorate our commitment to higher education, to ensure that students have access to a higher education, to a college education.

If America is to remain the land of opportunity that all of us want it to be, then we must ensure that college is available to all of our citizenry. I hope my colleagues will join me in supporting this long overdue legislation.

I often cite the fact that in our Nation's history, it has always been a stunning commentary about our country, as it has evolved and matured over the years, that one of the very first bills that ever passed the United States Congress in the 18th century, in the early 1790s, was the Northwest Ordinance. My colleague from Colorado probably is more familiar than I, given he represents a State in the far West, but the whole idea being to set aside land for educational purposes.

The Morrill Act, which was adopted in the mid-1860s—in fact, right in the middle of the Civil War, Senator Morrill of Vermont offered legislation to create land grant colleges. So even in the midst of this great contest to determine whether we would remain one Nation, one Union, the Congress of the United States, under the leadership of Abraham Lincoln and Senator Morrill of Vermont, fought to create land grant colleges. The University of Connecticut is one of those institutions that provides incredible opportunities for young people all across the Nation, again understanding the value of education to our country.

So in the 18th and the 19th centuries, and then of course in the 20th century, we saw, even before World War II was concluded, the Congress of the United States passed the GI bill, which provided, of course, a whole generation of service men and women coming back from that war the ability to get an educational opportunity.

That investment in the GI bill has been repaid to the U.S. Government tenfold because of the earning power of the individuals who went through the GI bill who were able to improve their economic opportunity. The resources they paid back into our country have dwarfed the cost of that legislation.

Today we do not even think about legislation like that, given the cost, regrettably, I might add, because when you consider that 400,000—think of that, 400,000 of our young people in this country today are not going to go on to a higher education because of cost. That is, 400,000 young people who did everything they were asked to do, I presume, having been accepted on to higher education—will not get that chance because we do not have the resources or the will to come up with a system to make that possible.

We talk about being a major competitor nation in the 21st century. I promise you, our major competitors around the world are not making that mistake. They will create the opportunities for their young people to get that education. This bill is a major step to reverse that trend in our country.

There are other things we need to do, such as a proposal regarding private lenders that we will be offering shortly. I wish I could offer it today but, it would be subject to at least two points of order. So it would require a 60-vote margin to deal with it. We probably don't have a number of Members willing to go that far, I regret to say that. So I will wait for another opportunity in the coming weeks to do so. I will do that with Senator SHELBY as we work on this together.

But my hope is, shortly we will have an opportunity to present legislation that will close up some of these abusive practices that have contributed to rising costs and depriving families and their children of having the best possible arrangements for the student loans they need to get a higher education.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, many years ago, President Lyndon B. Johnson said:

> We have entered an age in which education is not just a luxury permitting some men an advantage over others. It has become a necessity without which a person is defenseless in this complex, industrialized society. We have truly entered the century of the educated man.

Those are important words to ponder as we consider the legislation now before the Senate. I thank Senators KENNEDY and ENZI for their extraordinary leadership on this issue as well as so many others, and for the opportunity I have to speak today.

I am here to talk about an initiative that revolutionized higher education in America, and that is the Pell grant. Inside this desk at which I stand are the names of Senators who have occupied it before me. I can actually open this drawer, take out the stuff in the drawer, and in the drawer I can see the names of Senators who have gone before me at the bottom. Here is John O. Pastore of Rhode Island, who served with great distinction and was my last Democratic predecessor in the Senate. It is hard to see because he was not a proud man and wouldn't write it in great big letters, but I can see, very carefully written, "Pell, RI," Senator Pell of Rhode Island. It is a remarkable thing for me to be here in this context because Senator Claiborne Pell and his wife Nuala have long been cherished friends. Senator Pell is both a mentor to me and a constant reminder of the positive impact an individual person can have through public service.

I am so glad the Senator SALAZAR from Colorado is presiding at this particular moment because I wish to describe to everyone a remarkable event that I was privileged to witness a few years ago. I was at an event in Rhode Island with a number of Senators, including the Senator SALAZAR. During that event, Senator Pell came to the tent we were all under in his wheelchair. As many of our colleagues know, he habitually uses a wheelchair now. The group became very quiet as he entered out of the respect we in Rhode Island have for this great and dedicated public servant. The Senator from Colorado, Mr. SALAZAR, went over to Senator Pell, took his hand and shook it and told him: I would not have been able to attend college if it had not been for the support of the Pell grant program. Now, I am standing here before you today, a United States Senator, thanks to the vision and foresight you showed years ago, your vision that every American should be able to get a college education.

It was an unforgettable moment then; it gives me goosebumps to recount it now. It happened because Senator Pell understood the difference that higher education could make in the lives of America's young people—from the KEN SALAZAR, who now serves with such distinction in this great institution, to those who will seize the opportunities of America in the decades to come.

Today, the program that bears Senator Pell's name is in our hands.

Each spring, high school seniors in Rhode Island and across the country wait anxiously for acceptance letters from the colleges of their choice. I have been through this experience recently with my daughter and all of her classmates. But for many American families, almost as important as those letters from the admissions office are the letters from the financial aid office. I have heard from so many families in Rhode Island who look ahead to the day when their children will go off to college and seize their bright futures, but wonder how they will ever be able to afford it without some form of financial aid, either from the institution itself or from the Federal Government.

As the cost of higher education soars higher, up 35 percent in 5 years, students and parents face ever more difficult financial choices. Many go into debt, not only through Federal student loan programs, but increasingly to private lenders. Many shoulder enormous burdens of debt that can stay with them throughout their lives. When that high school senior receives a Pell grant, money that does not have to be paid back, the dream of college becomes more of a reality.

Since the Pell grant program began, these grants have been a critical form of Federal aid that has helped literally millions of young people across this country achieve a level of education that was previously out of their reach. Unfortunately, Pell grants now represent only 33 percent, one-third, of the total cost of a 4-year public university. Twenty years ago, a Pell grant would have paid 60 percent of that cost.

As higher education for Americans has become more and more important, not just to their individual opportunities but also to our national economy and competitiveness—remember the words of Lyndon Johnson so many years ago: "We have truly entered the century of the educated man"—we need education to compete. Through that time Pell grants have actually lost value versus the actual cost of college. But the support for low-income students through the Pell grants has slid away over the years, until it is now only 33 percent of the cost of a public university. So we must recommit ourselves to making college affordable to all students.

The Promise grants created by the Higher Education Access Act will guarantee that students who qualify for the maximum Pell grant will receive $5,100 for the 2008–2009 academic year and $5,400 by 2011. For us in Rhode Island, this will mean $10 million in additional grant funds for Rhode Island students next year and, over the next 5 years, $86 million. It will also expand family access to Pell grants, better reflecting today's economic realities.

Senator Pell is part of a strong tradition of Rhode Island Senators who have committed themselves to making higher education accessible to all Americans. This tradition is proudly carried on by Senator Pell's direct successor in this Chamber, my friend, Senator JACK REED, a champion of higher education access and affordability. I admire his work to provide more Pell grant aid for students who need it the most—those who work and those whose family income is under $30,000.

We see in this Chamber and across the country every day—every year in September when a new group of students go off to college—the tremendous influence the work of Senator Pell has had on the fabric of our Nation and on the lives of the millions of young Americans who have used Pell grants to make their dream of higher education a reality.

I applaud this important legislation. Senator KENNEDY and Senator ENZI have worked hard together in a wonderful bipartisan spirit to put together legislation that will advance the strength of our country and the opportunity for our young people. This is a vital step and an important investment we must make in the future of America's young people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask my friend from Rhode Island to take note of the fact that we are conscious of Senator Pell's great contributions to America. The Pell grants have helped a lot of young people in unfortunate circumstances have a chance to succeed in life. It is a wonderful legacy. I know you see him from time to time, and I hope you will tell him we haven't forgotten the great contribution he made to this Nation.

Mr. WHITEHOUSE. I will be sure to do that.

Mr. DURBIN. I stand here today because of a number of things. I am fortunate to have a good family, friends, and role models, fortunate to have good luck in politics, and fortunate that in 1957, the Soviets launched a satellite. It is one of the reasons I am standing here. The satellite was known as Sputnik. Sputnik was the first satellite launched into outer space, and the United States, which thought it was the most powerful Nation in the world, stepped back on its heels, couldn't believe it: The Soviets had launched a satellite, and we knew they had nuclear weapons. A panic spread across Washington, DC, and the Nation: The Soviets are winning the space race; they could conquer the United States; if they can find a way to put that nuclear weapon into a satellite, we could never knock it down.

What did Congress do? It did something that was breathtaking and unprecedented. It decided the best way to fight the Soviets was to make sure we had a force that could equal the Soviets, not just a military force—we always had a great military—but a force of private citizens with the training and knowledge to compete with the Soviet Union and every other country that might be our enemy in the future.

There was an obscure Congressman who came up with an idea: Why doesn't the Federal Government loan money to college students? Nobody thought of that before. It was radical. Some said it was too big, the Government was getting too involved. But he prevailed in the fear and the climate in the post-Sputnik era.

So they created something called the National Defense Education Act. It was in place in the early 1960s. The National Defense Education Act said to America's high school graduates: Go to college. Get educated. We need you in America for our future, for our defense.

Well, there were a number of young people who heard that message, and I was one of them. So I borrowed money through the National Defense Education Act to go to college and law school, at a time when I could never have afforded to do it otherwise. The terms were very reasonable. Under the terms of the National Defense Education Act, you borrowed money throughout your academic career, and then, 1 year after graduation, you had to start paying it back. So they gave you a year to get back on your feet. The interest rate was capped at 3 percent. Think about that. So I paid it back over 10 years, even though when I graduated I did not think it was possible. It turned out to be fairly simple because with my law degree and college education, I made a little bit more money, so I could pay back my student loan.

Now, repeat that story millions of times over, and you have an explanation as to why America is where it is today. We decided to invest as a nation in making certain we had a new generation of college graduates. We took higher education, which had been fairly elite to that point in our history, and democratized it. It was no longer just the smartest kids and the richest kids and the sons and daughters of alumni who were admitted to colleges and universities. Now, this kid from East Saint Louis, IL, whose mother and father went as far as the eighth grade, had his chance, and many more like me. Well, I would like to think, as I stand here today, that Government program paid off not only for me but for this Nation, and that story is repeated over and over again.

But now what has happened? What has happened is that the cost of education has gone up dramatically. I took a look at what I paid at Georgetown University in the early 1960s, and I would be embarrassed to tell you the numbers. It did not take much to get through a university in those days. You could borrow $1,000 a year and make it through if you worked during the school year and worked during the summer and were careful with your expenses.

That is, of course, not even close to the reality of today. Whether it is a public university or private university, the cost has gone up substantially. Students, as good as they are, when admitted to those schools understand that if they do not receive a lot of financial assistance, they will have to borrow some money. Borrowing that money, heaping up that debt, means as they graduate they have a burden they never anticipated—not the burden I faced back in 1969 but a much greater burden today for the cost of higher education.

Then the scene changed. We went from the National Defense Education Act—a Government program with a fixed rate of interest—and decided: Well, let's let the private sector get into this. And they did. First, we had an organization called Sally Mae, which was created as kind of a quasi-Government operation, which was going to be a transition between the private sector and public sector. Well, over the years, Sally Mae evolved into a completely private corporation. It is now one of if not the largest student loan lender in America. It is also one of the most profitable businesses on the New York Stock Exchange. Think of it. This lender, loaning money to our children and the next generation of Americans, is flush with cash. They are making a lot of money. They are doing it, quite honestly, at the expense of these kids. A lot of these young people sign up for loans, and they have no idea what they are signing up for.

If you think I am being critical of them, I will also quickly add that very few of us flip over the monthly credit card statement to read the fine print about what we are getting into. We just trust everything is going to work out.

Well, for a lot of young students, they sign up for loans which dramatically increase in cost. For example, it is not unusual for a student to borrow money in his freshman year and then be told: Don't worry, you don't have to pay anything back while you are still in school. The student breathes a sigh of relief and continues on and borrows some money the next year. But many times, the loans they are borrowing are increasing in cost each year while they are not making a payment. The $5,000 you borrow in your freshman year that you do not pay back for 3 or 4 years turns out to be $10,000 at graduation. Now, multiply that times four, and you get an idea what students are into. So the debt students carry out of colleges and universities is much higher today. Companies such as Sally Mae are very profitable, at the expense of these students.

Now, the companies—like Sally Mae—argue: Could you think of a worse risk than a recent graduate from high school? We are willing to run that risk of loaning money to that high school graduate, uncertain as to whether they will graduate or ever find a job. So you have to give us a break.

I will concede that point. But when you take a look at the actual cost of the loan, it is pretty clear this industry is doing more than covering its risk; it is making an awful lot of money.

Senator KENNEDY has been our leader on this issue. This bill we have before us today is a bill which will dramatically change the kinds of student loans which will be available and student assistance available to students across America. I think it is long overdue. We need to make certain we have money available for young people to go to school, under terms where they can afford to repay. That is part of this bill—a big part of this bill.

The average student in America today is graduating with nearly $20,000 in debt. In many places, that is more than a downpayment on a home. So how do we expect our kids to prosper if they spend the next 10 to 20 years digging out of a financial hole?

The Pell grants, which Senator WHITEHOUSE just referred to, are basically scholarships given to the lowest income students. It is the right thing to do to give these kids a fighting chance. Until the changes offered in this bill we are considering today, the maximum Pell grant did not change for 5 years. What happened to the cost of college education in 5 years? It went up. So students trying to make up the difference had to borrow more money.

Interest rates on a program called the Stafford loans went up last year. In fact, last year President Bush signed a bill passed in the Republican Congress which increased the interest rates on student loans. Think about that. Congratulations, recent graduate, your Government has just given you a bigger mortgage to pay in terms of your student loan. That is what we did.

We also limited the opportunity of students to consolidate their loans and bargain them into lower interest rates. My wife and I own a home in Springfield, IL. When a good mortgage rate comes along, we talk about refinancing our home. Most people do. Students, under the bill signed by President Bush, unfortunately, were limited as to how and when they could consolidate their loans and look for lower interest rates.

Even with these Pell grants, Stafford loans, work income, and, if a student is lucky enough, scholarships, many young people are forced to turn to private student loans to pay for college.

What about private student loans? I had a couple come into my office a few weeks ago. They are in the private student loan business. They said they were just trying to fill in the gaps that the Pell grants and the Government loans did not take care of.

So I asked them: "What is the interest rate you charge on these student loans?"

She said: "oh, it's about 8 percent."

I said: "Now, is that the highest rate?"

"No. The highest rate is 19 percent."

Quite a difference. Think about your home mortgage at 8 percent as opposed to 19 percent. Think about the possibility you will ever pay that loan off.

Oh, incidentally, something happened on the floor of the Senate that people did not notice. Senator KENNEDY did. Remember when we had the bankruptcy bill up. Do you recall what we did in the bankruptcy bill? Let's go back in history for a minute.

There was a time when some students who had borrowed money from the Government to go to school waited until they graduated and filed bankruptcy, discharging their student loans in bankruptcy, never paying them back. We said: Wait a minute, if the Government is going to pay for your education, then you have an obligation to pay it back because that money goes to another student. It gives another student an opportunity. So we said under the bankruptcy law that you cannot discharge a Government student loan in bankruptcy.

Well, in the last bankruptcy bill, the people who are in the companies with private student loans put themselves in the same category. So if a student, unknowingly, signs up for a 19-percent college loan and then gets out of school and has an illness, ends up they cannot find a job, and files for bankruptcy, they are stuck with not only a Government loan but these private companies and their loans. They will haunt that student to the grave. That person cannot discharge that loan in bankruptcy under any conditions except the most extreme financial circumstances.

This bill is long overdue. According to the College Board, tuition, fees, and room and board at public 4-year schools have risen by 42 percent over the past 5 years—from $9,000 to almost $13,000.

I wish to make that point. I have fought, as Senator KENNEDY has, for better terms in student loans, larger Pell grants, more direct loans from colleges to students to take the lending institution and the middle man out of the operation, and I will continue to do it. But make no mistake, we are shoveling against the tide with this legislation. If colleges and universities decide: Well, if they are going to loan them more money at lower interest rates, we will just raise our cost—they have been doing that year after year after year. So my message, in voting for this bill, to colleges and universities is that we certainly expect them to use restraint and good judgment in terms of what they are charging students today.

Let me give you one footnote to that. Twenty-five percent of the debt college students take out of college is because of expenses at the bookstore. If you as a student sign up for a course, and you are about to take the course, you notice there are a handful of textbooks you have to buy. You go down to your bookstore to buy the textbooks and find out that textbook, which is only for sale at this bookstore, costs $100. Not unusual. Well, it turns out in any given semester a student could end up with hundreds of dollars of debts just for textbooks.

I made a proposal, introduced a bill, which we will bring up at a later time when the Higher Education Act comes before us, that basically requires colleges and universities to disclose to students the textbooks and the costs as part of their course offerings. Oh, textbook publishers scream bloody murder: How could you do that? How could you require us to disclose the costs of our textbooks before the students sign up for the course? And the professors say that inhibits academic freedom. No, it does not. They can pick any textbook they want.

We do something else: We also require them to put in what is known as the ISBN code. This is a universal code for a book. Why? So the students can go shopping on the Internet. Maybe they can find that textbook a lot cheaper. I do not think that is a bad idea in this day of Internet sales. Well, we do not have it as part of this bill, but we will offer it as part of the next bill. But colleges and universities which are dedicated to bringing down costs for students ought to take a look at not only tuition and room and board but the cost in the school bookstores as well.

I am pleased that the Senate is considering this Higher Education Access Act today. It is going to help a lot of students.

Many of us have been calling for an increase in the Pell grant for years, none more vocally than the Senator from Massachusetts.

Twenty years ago, the maximum Pell grant for low-income and working-class kids covered about 55 percent of the cost of a 4-year public education. Today, the maximum of $4,050 covers 30 percent—almost half of what it covered a few years ago. The bill on the floor today will raise the maximum Pell grant to $5,100 next year and $5,400 by the year 2011. I am glad the Senate defeated an earlier amendment which would have reduced that amount. I think the Senate showed good judgment, understanding the Pell grant is really absolutely essential for a lot of kids from low-income families.

Over the next 6 years, this bill will provide over $850 million in new grant aid to students in my State of Illinois. This will do a great deal to help the neediest students get a college education. This bill will cap monthly student loan payments at 15 percent of a student's discretionary income. I talked to Senator KENNEDY about this earlier, and I believe he is moving in the right direction, so that students will realize that when they graduate they will not have to pay any more, each year, than 15 percent of their discretionary income. That is going to give them some relief in terms of their repayments and give them some opportunities to choose jobs they really want.

I have run into students—and I bet the Presiding Officer has too—who really want to be teachers, and we need them as teachers. But when they end up with $20,000 to $30,000 in student loan debts, they take a job which pays a little bit more so they can have a basic life and still pay off their student loans. This bill is going to help students understand they won't have to repay more than 15 percent of their discretionary income if they work in certain professions that have public importance to us.

I can't tell you the number of college graduates who have come to me asking for relief from these high monthly student loan repayments. Many of them are just starting careers and barely scraping through. So I think this is a positive aspect of the bill. It will cover teachers. It will cover those who go into public defense, prosecutors, legal aid attorneys, and many others. It will accomplish all of this, not only to the benefit of these students but to the benefit of America.

We are actually reducing the deficit with this bill, I might add, through cuts to the already substantial Federal subsidies to the lenders. The lenders are going to claim we have gone too far. A recent study shows that lenders spent less than one-tenth of 1 percent of their subsidy on benefits for borrowers. That means the average borrower saves only $118 through lender benefits. Let's not forget that these are the same lenders who many times have been involved in the scandals we have been reading about in the newspapers; lenders like Sallie Mae, whose former CEO Albert Lord used his generous compensation package to build a private, personal, 18-hole golf course in suburban Maryland. Well, it is time for Mr. Lord and his ilk to step aside. It is time for Congress to take control of the situation again. It is time to be more sensitive to the students and their families than to the wealthy owners of these limited corporations.

An investment in education is an investment in our Nation. The cost of education is a hurdle for many students, and we can help them clear that hurdle with this bill. If America is going to succeed in the 21st century, if our college graduates are going to be ready for that challenge, we need to make certain they have the best education. Bright, hard-working students deserve the best opportunity to receive an education, and we can't afford not to invest in them. I encourage my colleagues to vote for the Higher Education Access Act.

DREAM ACT

I would like to say one final word, and I know the Presiding Officer is very sensitive to this issue as well. I don't think it will be possible on this bill, but I will look for every bill I can to introduce legislation known as the DREAM Act.

Today in America, we have tens of thousands of high school graduates in undocumented status. These are people, young people, who came to America as children, brought here by their parents; many of them have never known another country. They have grown up here. They have graduated high school, and they want to be part of America's future. But because they don't have a legal status in this country, they are uncertain as to whether they can go to college and if they graduate, whether they can even work here. At a time when we are importing tens of thousands of workers into America legally, with visas, to supplement our workforce, why would we turn these young people away?

So for the past 5 years, I have been fighting for this DREAM Act. I have had the strong bipartisan support of many of my colleagues, and I thank them for it. It is basic. If you came to America before the age of 16, if you have been here at least 5 years, if you graduated high school, and if you are able to complete 2 years of college or enlist in our military, you will have a path to legalization. That is what it boils down to.

I have met a lot of these young people. I know the Presiding Officer has too. These are some of the best and brightest, the most idealistic and energetic people you are ever going to meet. They are young people who want to be part of America's future.

I have talked to the sponsor of this legislation. I am not sure we can put this as an amendment on this bill, but I wish to remind my colleagues that as we speak about college education and the future of America, we should understand there is a group out there yearning for an opportunity to make this a better Nation through the DREAM Act.

Mr. KENNEDY. Mr. President, would the Senator be good enough to yield for a question?

Mr. DURBIN. I am happy to do that.

Mr. KENNEDY. Mr. President, I have heard the Senator speak very eloquently today about the elements of the legislation and his outline of his strong, continuing, ongoing support for the DREAM Act which I welcome the opportunity to support and will work very closely with him to try to achieve this very important legislation.

I have listened to him also talk about the division that is in America—whether we are growing as one country or whether we are finding out that we are really growing as different nations.

The Senator remembers very well, in the postwar period, if you look back at the economics, the lowest income, the medium income, the highest income families—all of them moved along together. They all improved together. We had the GI Bill which, over a 6-year period, invested the equivalent of a third of the total Federal budget for the year 1951. That is the kind of priority we had as a nation in terms of education, and many believe it is the principal cause of the creation of the great middle class in our country, the backbone and the strength of our democracy, our economy, and our national security.

I listened to the Senator talk about the DREAM Act, but I have also listened to him talk about the divisions that exist in our country. This is a chart here, which is really self-explanatory, which shows that low-income students are far less likely to graduate from college. This is what is happening today. As one who is committed to seeing that we are going to be one country with one history and one destiny, does it not underline the point that we have important responsibilities to try to ensure that all students, regardless of family income, can earn a college degree?

I am interested in, if we are really talking about the divisions that exist in our country—we see them so dramatically in the area of education—whether we have some real responsibility to try to equalize those disparities, and would he not agree with me that if we don't do that, we are going to be a nation that is going to continue to be a divided country with all of the implications that it has in terms of fairness and equality and opportunity for the future?

Mr. DURBIN. I would agree with the Senator from Massachusetts. When you consider the fact that low-income students in America today and minority students are about 50 percent likely to graduate from high school—many of them drop out—they are out there. They are somewhere in America. They haven't reached their full potential and may never.

What the Senator shows us with this chart is that those who are lucky enough to get started toward earning a college degree—and the lower income categories have the toughest time—you have to believe, as I do, that many of those students who don't finish is because of financial reasons. These are students who are struggling and doing their best. I have seen them.

I can recall a young student in Springfield attending Lincoln Land Community College. She was a young woman who had a child while she was in high school, but she was determined that she was going to make it through college. She used to take her baby with her on a bus out to our community college, which is not in town but in the outskirts, and she had to get the last bus back into town every night. When I think about the sacrifice she was making to take that baby and catch that bus and make it out there, you knew how much she wanted it, but you also knew that she was right on the edge financially at any given moment, whether she could complete her education.

So what you are doing in this bill in giving these students a helping hand is not only going to mean more college graduates but, to the point the Senator raised, it is going to result in a fairer society in America, more opportunity, so that the disparity between incomes, the highest and lowest levels in America, is reduced. I thank the Senator for his leadership.

Mr. KENNEDY. Mr. President, the Senator may remember the extraordinary work that was done in this area of education by a former mentor of his and a very close personal friend of ours, Senator Simon of Illinois. Whenever we had the debate on higher education, he always reminded me of the great debate we had in this country in 1960.

One of the principal issues that divided the two political parties at that time was the issue of education. At that time, Senator Kennedy believed that what we ought to have in higher education is a program that is going to give assurance to every young person in this country that if they have the ability to gain entrance into any college, that regardless of their resources, they were going to be able to put together a student aid package that would permit them to go where their talent leads them. He believed the country was a lesser country unless we were going to have that opportunity. Talent was going to be lost in terms of our Nation and our people. That was basically the philosophy behind the Higher Education Act.

As my colleague knows, two years ago the maximum Pell grant covered 55 percent of the costs at a public four-year college. Of course, that has completely been reversed in recent years, with the resulting disparity we see here. The maximum Pell grant covers just one third of the costs today.

Does the Senator not agree with me that we ought to at least set the goal that ideal we had at the time of the passage of the act; that is, any young person who has the ability and wants to work, can put together whatever their family can contribute and receive the aid they need to attend college. But we ought to, as an ideal and as a nation, move toward that particular goal where we are going to give assurance to every young person that if they work hard, they can afford a higher education. This is a matter of national priority; our belief in young people, our belief in their families, and our belief in the future of this country demands it.

I was always impressed by Congressman Silvio Conte, who is a Republican, and like so many people in this body—we heard from Senator MURRAY who talked about members of her family who are all professionals now who got the Pell grants, and Senator CANTWELL, a very successful entrepreneur before she entered the Senate.

Does the Senator agree with me that this is an investment we should be involved in as a matter of national priorities, and that we ought to be, as a country and as a people, really leading the way toward having a goal of providing that kind of help and assistance to our country as well as to the individuals?

Mr. DURBIN. I certainly agree. When someone like Bill Gates of Microsoft comes and says: You have to give me visas so I can bring in foreign-trained engineers for my expanding information technology company, it really is a challenge to us. Why aren't we producing engineers here at home?

It comes to this point: Will there be the kind of support, financial support for those promising students to get into math and science and engineering or will they be discouraged at an early age and give up on it?

The same thing is true—and I know the Senator from Massachusetts is well aware of it—when it comes to the field of nursing. We are just a few years away from being 1 million nurses short of what we need in America. As the baby boomer generation reaches a point where it needs more medical help, there will be fewer medical professionals available. We don't want to see that happen. It compromises the quality of care and also puts pressure on the United States to poach—to go after medical professionals in developing countries to attract them to the United States.

So when we talk about this investment in education, it means a lot to the high-tech industry. It means a lot to every American in terms of basic health care. It means a great deal when it comes to the teachers we need.

I had the university presidents, several of them from Illinois, in my office just a few weeks ago, and they talked about math and science skills, how that is the one thing that troubles them as they look ahead, that our students aren't keeping up in the world in terms of developing their math and science skills. How do they reach that point? Better classroom teachers, which means more young people graduating college, going into the teaching profession, who can make that call because they are not worried about paying back their debt.

It all works together. If we start cutting back in terms of higher education, arguing we can't afford it, we will pay for it for decades to come.

Mr. KENNEDY. Mr. President, finally, the Senator remembers that this body passed the COMPETE Act, which was legislation that came out of our committee—Senator BINGAMAN from New Mexico, Senator ALEXANDER from Tennessee were leaders on that bill—which had very strong, virtually universal support here, which gave focus in terms of encouragement in the areas of math and science and engineering. This is something, I know the Senator agrees, we ought to make sure we are going to invest in.

When we passed the GI bill, over those 6 years, we produced 450,000 engineers—450,000. We had three Presidents of the United States who used the GI bill, three Justices who served on the Supreme Court of the United States, and several Senators who were educated under the GI bill. This is investing in education.

We know what to do. The question is whether we have the will and whether the American people are going to be responding to this challenge.

I thank the Senator. I think we have work to do in this area. We have been able to find additional resources for the downpayment toward closing these gaps, and I give the assurance to the Senator that we will work closely with him to make sure we get the DREAM Act achieved and passed and we will also continue to eliminate the disparities in these charts.

Mr. DURBIN. I thank the Senator. I encourage my colleagues to support passage of the bill.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I guess the parliamentary procedure is that I can speak on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. Mr. President, I thank the managers of the bill for giving me the opportunity to speak. I wish to say a few words—general words—about the student loan program in our country.

The Direct Loan program—the program by which the Federal Government itself loans money to college students across our country—began when I was the U.S. Secretary of Education, and the distinguished Senator from Massachusetts was chairman of the Health and Education Committee. We had a Democratic Congress and a Republican President named Bush, although a different Bush. Senator KENNEDY will remember the Deputy Secretary was David Kearns, a very distinguished former business leader, head of Xerox. Bill Ford was chairman of the House Education Committee. Chairman Ford very much wanted a so-called Direct Loan Program. He wanted the Government to loan money to students. The law we have today is named after him. He made a great contribution to our Nation's education.

I thought about the Direct Loan Program at the time and, generally speaking, I wasn't in favor of it. There were three reasons for my skepticism then. One was that it seemed to me the enormity of the program would mean the Government—our Federal Government—would suddenly find itself being a massive bank. Ever since Andrew Jackson, the idea of a big national bank had been something our country hasn't liked. We let the private sector have the banks. The problem with the government operating as a bank was we would have to borrow a lot of money and add to the Federal deficit.

Second was the size of the student loan program. Millions and millions of students—one-half of our college students across the country—have a Federal loan or grant to help them pay for college, and may choose among any of the accredited colleges. We have about 6,000 institutions that qualify or receive students with these loans. So it is a massive administrative challenge.

I could not see how the Federal Government—the department I was in charge of at that time, the U.S. Department of Education—with the personnel, as dedicated as they are—could do a better job than the private sector on such a big administrative challenge.

Finally, while I didn't know at the time, I didn't believe there was a way for the Federal Government, with its built-in efficiencies, to do a less expensive job of managing this massive program than the private sector could. I was relying on my gut instinct, which is generally that if you can find it in the Yellow Pages, the Government probably ought not to be doing it. So I came down on the side of having a federally backed student loan program, a generous one, which has grown since then, but that was managed by the private sector.

The Government can do a great many things well. Regulation is one of the things it does well. One of the things it generally doesn't do as well—with the exception of the military—is manage large programs. The result of that debate was the creation of the Direct Loan Program. In the end, I saw that as an advantage for the country because it at least would give us the opportunity to measure the way the Government would administer a loan program against the way the private sector did it. In other words, it was something we could look at and compare. That is the way we have operated over the last 15, 16 years that this has been in place.

Now, I have not changed my view on the so-called Government program, or the Direct Loan Program. I believe almost every aspect of our higher education system in our country can be viewed as a success, including the FFELP student loan program. There are roughly 3,200 lenders today participating, with a loan volume of over $50 billion in the current year. The Direct Loan Program was approximately $13.5 billion. The total outstanding amount of loans, FFEL and direct loans, now approaches half a trillion dollars, about $448 billion. We are talking about an immense program that creates great benefits for students all over America.

Now, the question that is before us is, if we have this private sector program out there—and we have been debating this in committee and we have had innumerable meetings on it and we had a vote earlier today—is the subsidy for the private lenders set at the right level? Obviously, we have all agreed that it is too high. Congress agreed it was too high last year. The President agreed it was too high this year, and he proposed some cuts. Now our committee in the Senate is making additional cuts. My concern is that we are guessing what the subsidy level ought to be. We have our finger up in the wind and are making arbitrary judgments.

I am interested in the auction model that has been introduced into this bill. I think that is a useful way to find out what the private markets would tell us about what the right level of taxpayer subsidy is, so this program which loans money to students, who aren't the best credit risks, is at about the right level. But the last auction program was a colossal failure. So that auction program may not tell us much.

Another way we might find out the proper level of subsidy would be to try to develop a body of knowledge in the same way that State utility commissions do. In Tennessee and other States—well, Tennessee is different because we have the Tennessee Valley Authority. But in most States, a State utility commission regulates the rate set for telephones or electricity, and it allows the private company providing that service a reasonable profit. Over the years despite there being a lot of politics involved, which I remember that very well—there has developed quite a body of knowledge around the idea of what is an adequate level of subsidy for private companies providing a public service, such as electricity or telephones or, as I suggest, federally backed student loans. Perhaps that is something we could do more of.

There was talk about asking the Government Accountability Office to study the subsidies in this bill. I don't know whether that sort of study ended up in the legislation. I hope it did. Looking ahead to the next time we reauthorize this ordeal with student loans, I would like to find out if there is a way to set up an appropriate way to measure what the level of subsidy ought to be for a private company.

So we have, first, the idea of the auction which might teach us something. We have the cost of the Direct Loan Program. That could teach us something about the appropriate cost. Finally, perhaps in this legislation, before it is through, if it is not in already included, we can ask GAO to create indices that would help legislators make a better judgment than guessing what an appropriate level of subsidy is. We have an indication from the marketplace. Last week, an equity firm that was seeking to buy Sallie Mae, I believe, said our changes in the level of subsidy made that deal such that they felt it was not profitable for them. So as I understand it, they have backed down. That is a signal the levels we are setting in this bill may make it more difficult to attract a large number of private lenders to the program and, in effect, turn the student loan program more and more towards the Direct Loan Program.

In other words, by cutting the subsidies deeper and deeper, we will be driving banks out of the business, especially the smaller ones—the ones that serve students perhaps in rural areas or in different areas—and we might be reducing the opportunities students have to benefit from the services that these banks offer.

I know some of my colleagues would prefer we turn the whole thing over to the Government. I hope we don't do that—through the front door or through the back door—by squeezing out all of the private lenders. My concern is not for the lenders; my concern is for the students who today get loans from 3,200 lenders. I like for students and universities to have those choices.

And over the last 15 years, generally speaking, they prefer the program that involves private lenders instead of dealing with the Direct Loan Program that the Government runs. Eighty-three percent of the schools prefer to use the privately backed student loan program, and 76 percent of the student loans are originated by those lenders. Only 1,310 schools participated in the Direct Loan Program, which is a small proportion of the loan volume. The reason may be that the consumers who like choice and who like to have different options have looked at both options—the program run by the Government and the program run by the private lender—and they find, the universities and the students, that the privately operated program is better for the students.

I am here today more to talk about looking ahead, not condemning this bill or the effort that has been made here. I am here today also to say that the work of the Senate and House committees and some of the States has uncovered abuses by student lenders, some of which have been corrected and the rest ought to be. There is absolutely no excuse for that. But correcting abuses by private student lenders is one thing; cutting the rates to such a point that we end up through the back door pushing the student loan program into a Government-run program, or largely into a Government-run program, is another thing. It would be an unwise step for us to take, and if we are to consider that step, I hope we will do that on a very careful basis.

In conclusion, my opinion has not changed based on experience over the last 15 years about the merits of a program largely run by private and nonprofit organizations—3,200 of them right now—to offer choices to millions and millions of students who attend 6,000 universities. To me, almost by definition, the Government is not a good manager of such a large program. In fact, if it were a Government-run program, the Government would have to contract it out.

In general, I still support a properly regulated and appropriately subsidized program that allows for the maximum number of student private lenders leaving students and universities choices.

Second, I am not persuaded that the Government-run program costs less than the student program. I know there are reports and studies which suggest that it might, but that is because we count money up here in strange ways. If you just take real dollars and compare them to real dollars, I have seen no real evidence that the Direct Loan Program is cheaper for the taxpayers than the program run through the private lenders.

Finally, I don't like the idea of the Federal Government suddenly beginning to assume a debt which approaches a half trillion dollars and put it on our books at a time when we are trying to reduce the deficit.

If it doesn't cost less, and if the Government is not likely to manage it better, and if we don't need another half trillion dollars of debt in the Federal Government, then why would we want to encourage the growth of a Government-run program over a privately run program?

I appreciate the chairman being here while I am making these remarks. I look forward to working with him because he has long experience on this program and he has distinct views on it. I suggest that one of the most constructive things we can do over the next few years is try to create, either through the auction suggestion or by listening to the private markets or from the Government Accountability Office or some other way, something other than a guess about what the private level of subsidy is. Otherwise, we will be doing through the back door something that I really don't think we should be doing through the front door either.

I thank the Senators from Massachusetts and Wyoming for their time.

I ask unanimous consent to print in the RECORD some elaboration of my remarks that have to do with the cost comparisons of the Federal and the private programs, the evidence, or lack of it, that the Government can do it better than the private sector, and some questions about why the Federal Government would want to assume more debt.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL FAMILY EDUCATION LOAN PROGRAM AND THE FEDERAL DIRECT LOAN PROGRAM

There is a lack of definitive evidence to suggest one program is less costly to the taxpayer than the other.

In October, 2005 the Government Accountability Office identified the following challenges in providing an accurate comparison of student loan program costs:

Significant re-estimates of subsidy costs over the past 10 years illustrate the challenges of estimating the lifetime costs of loans.

Certain federal costs and revenues associated with the student loan programs are not included in subsidy cost estimates, such as federal administrative expenses, some costs of risk associated with lending money over time, and federal tax revenues generated by both student loan programs.

If current assumptions correctly predict future loan performance and economic conditions, the originally estimated gain to the government from the FDLP made in fiscal years 1994 to 2004 will not materialize, and instead these loans will result in a net cost to the government. In reality, however, subsidy cost estimates of FFELP and FDLP loans made in fiscal years 1994 and 2004 will continue to change as future re-estimates incorporate actual experience and new interest rate forecasts.

While subsidy cost estimates may include many of the federal cost associated with FFELP and FDL loans, they do no capture all federal costs and revenues associated with the loan programs. Consideration of all federal costs and revenues of the loan programs would be an important component of a broader assessment of the costs and benefits of the two programs.

It is important for policymakers to understand how credit reform subsidy cost estimates are developed and to recognize that such estimates will change in the future. Decisions made in the short-term on the basis of these estimates can have long-term repercussions for the fiscal condition to the nation.

The GAO warns against comparing the FDLP based on their short-term cash flows. Doing so may distort the view primarily because of timing—many FDLP borrowers will not fully repay their loans for another 20–30 years.

The Federal Credit Reform Act (FCRA) of 1990 introduced bias into the comparisons of the projected costs of direct loans and guaranteed loans. Therefore, the estimating methodology used by both the Congressional Budget Office of Management and the Office of Management and Budget is flawed by the requirements of the FCRA.

While subsidy cost estimates include many of the federal costs associated with FFELP and FDLP loans, they do not capture all federal costs and revenues associated with the loan programs. Because federal administrative expenses—in accordance with FCRA—are excluded from subsidy cost estimates, these estimates can underestimate the total lifetime costs of FFELP and FDLP loans. Other costs and revenues are also not considered in subsidy costs estimates, including interest rate risk inherent to lending programs, and federal tax revenues generated by private-sector activity in both FFELP and FDLP. (GAO, 2005)

The government does not really 'make money' providing student loans—the subsidy calculations under FCRA are not designed to fully capture the economic costs to the government of the assistance that the student loan programs provide, nor do they capture all of the effects of the programs on federal spending revenues. (CBO, 2005)

FCRA fails to appropriately value risky cash flows coming into the Treasury, such as student loan repayments. Scoring omits loan administration costs, indirect programmatic effects on Government receipts, and the risk of programmatic failures. (Budget Scoring Barriers to Efficient Student Loan Policy, Douglas Holtz-Eakin, December, 2006)

There is a lack of definitive evidence to suggest that the federal government can service loans better.

In March, 2007 a suit was filed against the U.S. Department of Education for imposing late fees on borrowers even though borrower's payments were made on time. Overcharges were allegedly caused by a computer glitch that caused more than 3 million FDLP borrowers to be billed hundreds of millions of dollars more than they owed—though no exact amount has been stated. (Washington Post)

More than 3 in 4 schools relied exclusively on FFELP loan providers. An estimated 600 have switched to FFELP after participating in FDLP. (American Student Loan Providers)

Anecdotal evidence from financial aid professions suggest that this switch has happened for the following reasons:

FFELP provides students a choice of lenders.

FFELP allows students to pay lower up-front fees, get better interest rates and more generous repayment incentives than FDLP.

FFELP lenders offer a portfolio of unpriced borrower benefits—fee waivers, rate reductions, etc.—credit counseling, expedited delivery, superior information technology, college access in initiatives and other enhancements and programs not offered by FDLP, but no easily quantified.

The Department of Education contracts out the bulk of the origination, servicing and other administrative tasks entailed in operating the FDLP. (Holtz-Eakin).

Why would the federal government want to assume more debt?

FDLP loans are funded by U.S. Treasury borrowing, while FFELP loans are originated with funds generated via private capital markets.

Federal government subsidizes FFELP loans by paying a portion of the interest costs and by providing for a guaranty to the lender against borrower default. FDLP loan funds are directly provided via the U.S. Treasury to make the same type of loans. (Holtz-Eakin).

At the end of FY 04, DL owed taxpayers $96 billion, but had only $86 billion in outstanding student loans to cover this debt. (FY 04 Performance and Accountability Report)

In FY 04, the federal dollars actually spent on FFELP was less than $900 million to support the $245 billion in outstanding guaranteed loans—less than four-tenths of a cent on ever outstanding dollar. (President's FY 06 Budget)

Default rates for FFELP are 11.7 percent and FDLP is 16.65 percent. OMB has predicted that DL will experience a weighted average default rate 5 percentage points higher than the FFELP for FY 08. More than $6 billion of loans in the FDLP are in default. (FY 04 Performance and Accountability Report)

Private companies may be better suited than government agencies for keeping track of borrowers, and have a greater incentive to be innovative and follow others in the industry.

Since FDLP's creation in 1993, it has spent $13 billion more on interest payments than it has collected in interest and fees, not counting default costs or program administrative costs. (GAO 2004).

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NOS. 2333 AND 2342 EN BLOC

Mr. SESSIONS. Mr. President, I ask unanimous consent, for the purpose of offering my amendments, that the pending amendment be set aside and that I be allowed to offer two amendments, No. 2333 and No. 2342 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes amendments numbered 2333 and 2342 en bloc.

The amendments are as follows:

AMENDMENT NO. 2333

(Purpose: To strike the provisions relating to loan forgiveness for public service employees)

Strike section 401 of the Higher Education Access Act of 2007.

AMENDMENT NO. 2342

(Purpose: To amend the Internal Revenue Code of 1986 to allow personal exemptions under the individual alternative minimum tax, and for other purposes)

At the appropriate place, insert the following:

SEC. _. ADJUSTMENTS TO INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) ALLOWANCE OF DEDUCTION FOR PERSONAL EXEMPTIONS AGAINST INDIVIDUAL ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(b)(1)(E) of the Internal Revenue Code of 1986 (relating to standard deduction and deduction for personal exemptions) is amended by striking ", the deduction for personal exemptions under section 151, and the deduction under section 642(b)".

(2) CLERICAL AMENDMENT.—The heading for section 56(b)(1)(E) is amended by striking "AND DEDUCTION FOR PERSONAL EXEMPTIONS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2006.

(b) ADJUSTMENT FOR INFLATION OF INDIVIDUAL ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—Section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following new paragraph:

"(4) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2007, each of the dollar amounts in paragraphs (1) and (3) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.".

Mr. KENNEDY. Will the Senator who made the unanimous-consent request—it is No. 2332 and then——

Mr. SESSIONS. Mr. President, it is No. 2342.

Mr. KENNEDY. I do not have a copy of that second amendment. I don't intend to object. If the Senator can withhold his unanimous-consent request until I look at this amendment.

Mr. SESSIONS. I will be pleased to do so. I ask unanimous consent to call up amendment No. 2333.

The PRESIDING OFFICER. No. 2333.

AMENDMENT NO. 2342 WITHDRAWN

Mr. SESSIONS. I withdraw my request to call up amendment No. 2342 at this time.

The PRESIDING OFFICER. The amendment is withdrawn. The Senator may proceed with amendment No. 2333.

AMENDMENT NO. 2333

Mr. SESSIONS. Mr. President, the education bill before us is troubling in the fundamental ways that Senator JUDD GREGG, the ranking Republican on the Budget Committee, has pointed out, in that it utilizes our reconciliation process to, instead of containing spending and helping to balance the budget, actually increase spending substantially for a lot of new programs. I wish to talk about one of those programs today that I think should not be a part of this legislation. So I have offered this amendment to strike that provision. It is an idea that sounds good. It is something about which I have had at one time or another individuals ask me to support, always for their particular business, their particular agency of Government, and I have felt that I could not support it. One reason was, how can we justify supporting one agency of Government over another? So I guess, in one sense, this legislation fixes that problem and covers everybody, and more. Let me tell my colleagues what it does.

The idea is, if a person pays their loan debt and they are part of a direct Government loan program, that after 10 years they could get a large part of that debt forgiven. That sounds good, but let me discuss why I think this is bad public policy, why it is a new Government program we should not start, and why it is absolutely inevitable that it will grow and cost more and more as time goes along.

Let me show how broad this program is. There would be a student loan forgiveness program that would provide forgiveness of loans to public emergency management employees, government employees, public safety, public law enforcement—these could be State, county, or local, I presume—public health, public education, public early childhood education, public childcare, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services, public library services, public school library sciences, or other public school-based services, or those on full-time faculty at a tribal college or university. That is what is included. That is a big deal. It eliminates one of my concerns of why pick and choose Government agencies; it just covers them all.

Let me express why I think there are some good principled public policy concerns and objections and why I do not think this is a good step for us to take.

For example, there is no limit in this legislation on the total amount of loan forgiveness, which creates a discrepancy between the rich and the poor. Graduates of expensive schools with a lot of debt would receive quite a sizable benefit under this program, while students who work their way through college, go to a community college, would receive nothing if they didn't have any debt.

The National Association for College Admission Counseling reports that the average cost of a community college is less than half of that for a public college and one-tenth of a private 4-year college. So who is being helped here? Half of low-income students attend community colleges while only 1 in 10 high-income students attend community colleges.

Further, the lowest priced colleges are 2-year public colleges in the West, for example, with average tuition fees of $1,300. The highest priced colleges in the country are 4-year private colleges in New England with average tuition fees of $28,000.

Section 401 then creates a perverse incentive to take out the maximum amount of student loans. Rather than encouraging better public policy, I submit, that would encourage students to work their way through college and families to help them make their way through college instead.

Instead of moving in that direction, this bill would clearly move us in the direction that one would borrow more money and have the expectation that the Government will help them pay it off at some point later on.

Also, I ask why we would single out public service Government workers for this kind of benefit—there are millions of Government workers—and exclude productive citizens working in low-income jobs in the private sector who could also benefit from a similar program? Why are they left out? What principled argument is there for that? Certainly, most people working in private businesses don't have as good a retirement plan or health care plan as Government employees do. Now we are going to help them pay their tuition from taxpayers' money that comes from people in the private sector who are not getting these benefits.

Why should a public employee be elevated to a higher class of treatment of loan forgiveness than those in the private sector, those hard-working American taxpayers who are not lucky enough to have an air-conditioned office and a Government-sector job?

Public service is an honor, and as public servants, I don't think we need to ask or should think to ask to elevate our number to a higher status than that of average working Americans.

There are many hard-working Americans in the private sector who contribute to society and who would benefit from the program. I think about attorneys who need help. What about small town attorneys working hard to start a practice, or nurses, educators, inventors, small business employees, a cook who has gone to college to try to get a financial business degree so they can one day run a restaurant, department store managers who want to be CEO's one day, electricians or plumbers who want to establish their own businesses and go back to college and work their way through and keep their debt down? These people pay taxes that benefit a Government worker who has a lifetime job, probably making more than they are, certainly with a lot more job security than they would have, and countless others around the country. Why should we benefit one and not the other? These are people paying taxes too. I haven't seen that we have difficulty getting people to take Government jobs. They are pretty attractive out there, the truth be known.

So somebody goes off to a big expensive college and gets a big expensive degree and owes $75,000 or $100,000. Well, the Government is going to help them pay that back but not help the guy out there on the street corner trying to make a living to pay his back—the same person who is paying the taxes that are paying not only the salary now for the Government employee but now will pay their education costs. There is no principled basis that justifies them to be entitled to loan repayments more than there would be for someone in the private sector.

There is no means test for this program. It doesn't matter under this program if the public employee has millions of dollars in the bank. If you had millions of dollars in the bank, and you knew you were going to get a job where the Government was going to help you pay back the loan, why wouldn't you borrow the money to go to college instead of paying for it yourself? This incentivizes people, I suggest, perversely, to borrow money to go to college rather than working their way through or utilizing the millions of dollars they may have.

Let me say this. I am not against assisting people to pay for a college education. But we are spending billions of dollars on higher education through direct benefits to colleges and universities, loans, subsidies, and grants. Total student aid, including grants from all sources, plus loans, work study, and tax benefits from the Federal Government, increased by 95 percent in inflation-adjusted dollars over the decade from 1995–96 to 2005–06. So we are spending more to help our people go to college, by putting more Pell grants and loan money out there.

I think Senator KENNEDY's concern about abuse of the private loan program is valid. I was inclined to support the Burr amendment, but I am of the view that the program was subject to too much abuse and we needed to fix it. But I will note this about this amendment: It creates an unequal footing between the Direct Loan Program and the Federal Family Education Loan Program—Senator ALEXANDER was referring to those programs—because the only people to get benefits under this loan repayment program would have to go through the Direct Loan Program. The competition between these two programs, it has generally been held, and the Senate believes, will benefit students, and that is why we didn't eliminate the private loan program even in this bill we are passing.

So allowing loan forgiveness solely through the Direct Loan Program is not principled, I think, at all. It will undoubtedly give an advantage to the Direct Loan Program as students have no other route in which to receive loan forgiveness than to borrow under the Direct Loan Program.

Let me say this—and I didn't realize this until recently: 82 percent of the schools in my home State of Alabama do not use the Direct Loan Program but participate in the Federal Family Education Loan Program. Students graduating from my small alma mater, Huntingdon College, a liberal arts college, would not be eligible because Huntingdon is not a direct loan school. Schools choose FFELP because the private sector offers the better services, they think, and saves them money. Nationally, this statistic is around 80 percent. So 80 percent of the colleges and universities in our country are not in the Direct Loan Program, and under this plan you wouldn't benefit unless you were in it.

They say: Well, you could consolidate your loans under the Direct Loan Program and, therefore, then you could get repayment. But isn't that a tilting of the scales and a perverse benefit to the Direct Loan Program, which is supposed to be on a competitive basis to see who offers the best incentive to the students to get a good loan program? They get to choose now which they think is best. So I don't think that providing this incentive to clearly favor the Direct Loan Program and exclude the other is good public policy. I am not aware that those who voted for it understood it might have done that.

Studies show that when you extend your loan, sometimes you end up paying more interest than going on and paying them off. The Federal Family Education Loan Program is far more popular than the Direct Loan Program at present because they have tended to offer lower interest rates and quality service, but I think there are some abuses, too, and, hopefully, this bill will tighten that up.

I will conclude on this matter by saying this is the kind of program that truly, colleagues, should strike fear in the heart of anyone concerned about the expansion and growth of Federal spending and Federal programs. It will create a new Federal bureaucracy. Next year, I predict—since this bill says you have to be regular in your payment of your student loan to qualify for this program—I will predict next year we will be providing exceptions to those who have lost their jobs, who have had an illness or who have had other kinds of problems; or we will be having lawsuits and administrative hearings over whether this or that person qualifies to have part of their loan forgiven based simply on the fact they work for some Government or public agency.

If we want to help public employees, let us do it in a more direct manner. Why should we provide a benefit program that helps those who go to some expensive college, maybe don't work while they go to college, and end up with a big debt? Let's say two individuals are working at the county health department or the EMA and one of them ran up a big debt and the Government helps them pay it off; while the other one, who worked their way through college, doesn't get anything. That is not a good way to help people, in my view.

It is also, again I submit, bad public policy because it encourages and incentivizes people not to pay their way through but to borrow money. We would like to have a different incentive. Good public policy should do that. I also see no principled basis to provide this benefit solely to the Direct Loan Program and not to the other loan programs. It is a clear tilt from one side to the other when 80 percent of the American colleges and universities are not in the Federal Direct Loan Program.

So I would say, first of all, the way it is structured today it will not be a huge, costly program for our country, but it is not based on good principles, No. 1; No. 2, it is going to be expanded, you can be sure, in the future; and No. 3, it will create another bureaucracy, another Government program, when we already have Pell grants and loan programs that we are pumping more and more money into every year.

I suggest if we have ideas about helping people with their loans, we focus on existing loan programs and not create this one that is unprincipled in its results.

Mr. President, has Senator KENNEDY had an opportunity to think about that other amendment I was going to call up?

Mr. KENNEDY. If the Senator will be kind enough to let me examine it. That is dealing with the alternative minimum tax and deductibles that, quite frankly, as I was thinking about it, the Finance Committee deals with, and they would probably be the most valuable to try to address this. If we could deal with this first issue first, and then, if I might, try and get some member on the Finance Committee to come over and respond to the Senator's question because I think it deals with the alternative minimum tax.

I am not trying to delay, but I see the Senator from Maryland is here and would like to speak. I will be glad to respond to the Senator's presentation and move ahead in a timely way.

Mr. SESSIONS. Mr. President, reserving the floor—I believe I still am recognized—I know Senator KENNEDY has never offered a finance-related amendment on a bill that hasn't cleared the Finance Committee.

I am teasing a little bit because we all knew this bill is open to this kind of amendment, I think, and that is why I wanted to offer that AMT fix. We have voted on it before. It is something that I think we need to be more educated about and that is the reason I wanted to offer that.

I will not offer it at this time, if Senator MIKULSKI wishes to speak on the education amendment, but I hope that will not bar me from getting the floor a little later and seeking to call up that extra amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak enthusiastically in favor of the Higher Education Access Reconciliation Act and to also speak against the Sessions amendment to eliminate the debt forgiveness program for entering public service.

I can't tell you how happy I am today to be speaking on legislation helping our young people have access to higher education. Finally, after a very dark week, where we were gagged and muzzled from trying to deal with bringing the Iraq war to an end, we now have an open debate on how to achieve the American dream. This is what I came to the Senate to be able to do. This is what the voters wanted us to do when on November 7 they held a national referendum and put the Democrats back in charge so we could change the tone, have a civilized debate such as we are, and also to change the priorities—and changing the priorities Senator KENNEDY has, by leading us in a direction where we can expand opportunity for our young people without expanding our deficit.

We will not expand our Federal deficit and we will help families not expand their family deficit, as they try to help their kids achieve higher education. This legislation pending before us today should be passed in a swift, expeditious, uncluttered way. This bill is absolutely a great bill for students and it is a great bill for America. It gives our students access to the American dream. It gives our young people access to the freedom to achieve, to be able to follow their talents, and to be able to achieve higher education in whatever field they will be able to serve this country. We do it by providing an increase in Pell grants.

But the bill is also fiscally responsible as well as socially progressive. It cuts subsidies—big, lavish, bloated subsidies—to banks. In eliminating these bloated, unneeded subsidies in today's era of cheap money, what we are able to do is put that back into student aid. So we up the student aid, but we don't create more borrowing in order to do it.

The bill also has other reform elements to it. It reforms the application process. Anybody in here who is a mom or a dad—or an Aunt Barb—knows that, boy, is that process complicated. You almost have to have been to college in order to apply for student loans to be able to go to college.

The other thing it does is it keeps an eye on those colleges and universities. We have seen tuition creep—we have seen tuition gallop—to where now there is an ever-increasing escalation. We worry if we increase the Pell grants, are they then going to increase tuition? So there is reform methodologies in this, and we salute Senators KENNEDY and ENZI for being able to do this. So this is why I am so enthusiastic about this bill.

As I travel around my own State of Maryland and I talk about what we want to do with our Federal legislative initiatives, I often say to audiences—and I say here today to my colleagues—we in this country enjoy many freedoms—the freedom of speech, the freedom of press, the freedom of religion—but there is an implicit freedom our Constitution doesn't lay out but which brings people to this country and excites the passions and hopes and dreams and that is the desire and the ability to have the freedom to achieve; to take whatever talents God has given you, to fill whatever are the passions in your heart, to be able to learn so you can earn and make a contribution. That is what I call the freedom to achieve.

The freedom to achieve should never be stifled in this country because of economic reasons. Your freedom to achieve should never be determined by the ZIP code you live in, by the color of your skin, or by the size of your family's wallet. It should be, in a democratic country, that everyone has access to be able to do that. That means affordable education. That means access to the opportunity ladder that students and families can count on, because we know a degree is something no one can ever take away from you.

When I was a young girl at a Catholic all-girls high school, my father and mother encouraged me to seek higher education. My father's grocery store had a terrible fire, and I offered to not go on to higher education but to work in our little family grocery store. But my father said, no, Barb, you have to go, and your mom and I will find a way, because no matter what you do or what in life happens to you, no one can ever take that degree away from you. As your father who wants to help you and to protect you, the best way I can protect you is to make sure you will be able to earn a living all of your life.

My father gave me the freedom to achieve. But tuition costs were different in those days, and now people rely upon student loans or student assistance. That is what we need to continue to do.

We also know when we are helping our young people, or not-so-young people who return, the value of higher education doesn't only accrue to the individual, it accrues to the Nation as a whole. Every time we help someone be able to go on and have that freedom to achieve, we might be educating someone who is going to find the cure for cancer. We are going to be educating the cop on the beat who might save that old lady from being mugged. Whatever we do, that education lifts not only that person but it lifts the level of attainment of the Nation as a whole.

That is why this is an important public investment. This is why on this day, this week, we finally have some light coming into the Senate.

We know higher education is a great opportunity. As I said, this means there will be people who are young and not so young who will bless us for what we are doing today. Getting a college education is the core of the American dream, and I am going to be sure that every student has access to that dream and make sure that when they graduate, their very first mortgage isn't their student debt.

My colleagues have spoken eloquently about how often that debt is $20,000 or more. I know in my home State college tuition is on the rise. The tuition at the University of Maryland, a land grant college, has increased by almost 40 percent since 2002. Financial aid is not keeping up. Pell grants now only cover 30 percent of what a 4-year public college costs, but 20 years ago those Pell grants covered 80 percent of the cost.

We look at our families, our middle-class families, and they are stretched and they are stressed. Families in my State are worried about many things. They are worried about their jobs, worried about the cost of raising a family, gas prices are up, the cost of utilities is up, the cost of health care is up—you name it, everything is up but wages. They are racing from carpool to work and back again. While they might be taking care of mom and dad who need assisted living, they are also wondering how are they going to assist their kids to go to college so they are assisting their kids with learning how to earn a living. Our families need help. By gosh, I believe that help begins at home.

This is what this legislation does. It will increase student aid by increasing Pell grants from $4,300 per year to $5,400 per year. It is a $1,100 increase. This is wonderful. That is already a $5,000 break over a 4-year program. If you are looking at a community college, this could help you pay for this. For so many of our young people, the community college is the first access to higher education.

These families and these students will know exactly what this means. The simple expansion of Pell grants is going to take that opportunity ladder and take that first rung and make sure it is reliable and stable.

There are other important aspects in this bill in addition to that. I am so proud we have extended our deferred loans for our men and women in the armed services. Under the old law, servicemembers could only defer their student loans for 6 months. They are fighting in Iraq. I think we ought to defer it indefinitely, but we will take what we can get in the law. That is an important step.

I want to say a word about the comments about public service. Why is it every time we talk about public service jobs it is in a snide and snarky way? I am tired of people talking about public service jobs in a snide and snarky way. Somehow or other, in private sector jobs you work hard. I know for those hedge fund managers, walking down that rugged terrain of Wall Street, fighting their way to get a latte, is tough work. But why is it if you are an FBI agent we are going to talk about you in a snarky way? What about if you are a nurse in the VA helping fit that prosthetic device for that injured warrior coming back? We have to remember that civil service is honorable and civil service is hard work, and public service makes contributions to the public good.

I hope we then in this debate also follow the kind of rubric that has been developed by our colleague from Ohio, Senator VOINOVICH. He is worried, too, about all the retirements that are coming in civil service. We are going to recruit, but let's talk about specifically what this does. This is debt forgiveness where we are facing shortages. We are talking about debt forgiveness in law enforcement. Law enforcement all over the United States is facing shortfalls in recruitment. There are people who no longer want to be cops on the beat because it is a dirty, dangerous job. We have a shortage of nurses. Let's talk about our teachers—oh, our most important asset is our children. We will not pay to recruit and retain, but we will overregulate our teachers. We have to be able to get them in.

When we talk about the fact that if you are an elementary schoolteacher or you are that preschool teacher who gets our kids reading ready, often they are very poorly paid, paid less than if they had worked in fast food operations. We have to help our teachers.

Then I want to talk about an area that is very near and dear to me, the nursing shortage. I have worked on a bipartisan basis with the Senator from Maine, Ms. COLLINS, on how to deal with the nursing shortage. It is now achieving a critical mass. Over 40 percent of our nurses will be retiring in a very short time. It is difficult also to retain our nurses. We need to be able to recruit and retain our nurses.

When we hear about: Why don't they work their way through? Let's work our way through. Have you ever been to a nursing school? Have you ever been in a nursing school? I have. Nursing school is tough, demanding, unrelenting. If you are in a nursing college program, whether it is a community college or a 4-year college, you have to do your lab work, you have to do your clinical work. You can't take time off to go work to earn that tuition. You have to be there learning to be a nurse. There is practically no way that, if you want to be a nurse, an x-ray technician, an occupational therapist, a physical therapist—anything in allied health—you can take time off to work your way through. But you are mounting debt. This is a way that gives you a break.

I believe in giving help to those who will be able to help us in our community.

To finish my point and my momentum here, I believe the Kennedy approach on student debt forgiveness is wise and prudent, and I believe can be implemented in a way that does not create abuse. Let's respect public service. Let's try to deal with the fact that we are facing critical shortages. Let's also begin to work together to solve our Nation's problems.

We are willing to spend thousands of dollars to recruit in critical areas in the military. I happen to support that, to keep that sergeant, to recruit that lieutenant and so on—I absolutely think we should.

I urge the passage of the Higher Education Access bill and at the same time the defeat of the Sessions amendment.

I yield the floor.

Mr. KENNEDY. Will the Senator from Maryland be good enough to yield for a question?

Ms. MIKULSKI. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. The Senator is familiar with the fact—I am wondering if it is true about the students in Maryland—the average indebtedness of a student now graduating from a 4-year college has gone up significantly from 1993, from $9,200, to 2004, where it is over $19,000. It may vary in different States, but by and large the average is about $19,000.

Let's take the starting salaries.

Ms. MIKULSKI. First, if I could respond to the Senator, that is exactly right. We are experiencing the same situation for that level of public indebtedness in our public universities. If one would then go on to a private university such as Johns Hopkins, it would also be substantially more.

Mr. KENNEDY. So the Senator understands, if you go on to medical school, more often than not you are probably closer to $100,000, by and large, by the time you finish medical school. But let's take the average college graduate, someone who might have gone through community college and then gone on to finish 4 years of college. They are ending up with about $19,000 in debt.

Is the Senator familiar with the fact that here in Massachusetts, a starting teacher gets paid $35,000 a year? Let's take a social worker in Tennessee. He or she earns $33,000. A public defender earns $43,000. They obviously have to borrow more because they need the additional professional training. This example here is of a public defender in Indiana. Their debt is $51,000.

Now, as I heard the Senator from Maryland, and we could go on across the line in terms of some of the areas of public need in this country, but if we take a school teacher, if we take a public defender, the size of their debt and the size of their income, is there any question in the Senator's mind those individuals, with that kind of debt and that kind of salary, that virtually that kind of obligation to repay at the present time is going to effectively make it impossible for those individuals who might want to go into those professions to do so?

Ms. MIKULSKI. I would be happy to respond, if the Senator would allow me to focus on the allied health professions of which I am quite familiar, that it affects, first of all, when you look at what you could owe, it affects your major. So if I want to major in nursing, or where there is another shortage, x-ray technology, and you look at what you are going to earn, and what you are going to owe, well, you will take perhaps an easier path, and something that will be more lucrative at the end of graduation.

So it starts in the freshman year when they are looking at that. Second, let's go to another issue in nursing. As the Senator knows, we have a problem with having enough people to teach nursing. That requires graduate training, master's, plus doctoral. Well, if you come out and you owe this bucket of bucks, and you are trying to pay off your undergraduate loan, working the terrific shifts the nurses work, and you are thinking about graduate school, you are not going to go get a master's or a doctorate to teach nursing, and we have little in the way of helping you. So we are, No. 1, affecting the shortages we have in these areas, and we are also exacerbating the people who would then have to go on to graduate school to teach the very people we need to teach.

Mr. KENNEDY. Well, let me ask the Senator something.

Ms. MIKULSKI. Does that help?

Mr. KENNEDY. That is certainly both understandable and expressing the reality of today. Say we are trying to attract a math teacher or a science teacher. We understand that if we are going to be competitive in the world, it is going to be in the new industries, the innovative industries. I do not know what it is in Baltimore, but I can tell you in Boston, it is difficult to get good math teachers to teach in our public school systems. It is very difficult to get good science teachers in there and good chemistry teachers to teach in there.

In the sciences, it is extremely difficult, because if someone is going to have the ability to be a good teacher, understanding their course structure, they are going to have to graduate from college, and then they may even have to go on to earn an advanced degree.

Now if they are still going to be paid a very modest salary, what do you think that math or science teacher is going to do? Do you think they are going to go to work in the private sector for $100,000 a year or go and teach the citizens in Baltimore or the citizens in Boston at a very modest salary?

What do you think is in the best interest of our Nation in terms of its competitiveness?

Ms. MIKULSKI. I can answer that, Senator, because we see it every day in the State of Maryland, which has a profile not unlike the State of Massachusetts. We have schools in the Baltimore-Washington corridor that are desperately, as of now, in getting ready for the school year, recruiting people in math and science, both at elementary and high school.

We also have a robust science program in the private sector. First of all, we have defense jobs, we have biotech jobs. If you are working as that science teacher at $38,000, with this big debt, you can go to work in pretty interesting private sector jobs, some under Government contract.

As we like to say, Government work is often getting contracts with the private sector. They are going to walk out and they are going to take the $70,000, the $80,000 or the $100,000, not because of the money, they want to pay down their debt and they want what everyone else wants, the ability to have a family, buy a home. You know, a starter home now in our community is $400,000. That is starter—starter.

Can you imagine that? So, of course, they are going to make those choices, or, if they do come, they stay a very short time, a very short time.

So we think that this is a good way to get them into teaching and get them to stay in teaching. We believe that once they come, and once they stay a few years, they will stay for a while, particularly if we help them follow their dream, while they are helping these other young people to get ready to follow theirs.

Mr. KENNEDY. Finally, to the Senator, in this legislation, we have provided individuals in public service professions with loan forgiveness. We are talking about those working in public safety; we are talking about law enforcement; we are talking about public education, early child education, and child care.

We are talking about individuals who are going to work with the disabled and the elderly. The Senator has spoken so eloquently about the changing demographics in the country, and increasing concerns for our elderly to make sure that there are going to be alternative choices for those elderly people such as independent living. This bill also provides loan forgiveness for those in public legal services, library sciences, school-based service providers, and those who work at tribal colleges.

These are areas where there are critical shortages. Would not the Senator agree with me that these represent—represent—professions which are making a difference for other people, for other individuals? If we are able to have dedicated, competent, able, gifted people who work in those years, we are going to be a better Nation for doing it.

Ms. MIKULSKI. The Senator has pinpointed exactly the point I wished to make. These are in fields that are making important contributions to the public good, be it public safety to health or public health, the education of our children at all ages, pre through 12.

I do not know how it is in Boston, but we are experiencing a spike in violent crime in Baltimore. We have a considerable number of vacancies in the Baltimore City Police Department. At the same time, they have tried to cut the COPS Program, local law enforcement—the subject of another debate on appropriations. But I will tell you, Mayor Dixon is out there, we are trying to recruit. If we are going to fight crime, fight crime with police officers in the way of enforcement, you fight crime with education and other professions.

So you have pinpointed it exactly. That is why I can understand some of the flashing yellow lights raised by the Senator from Alabama.

I wish to say one thing. I spoke out about my mother and father. Sure, I helped them at the local grocery store. But I was working as a child abuse worker. When your brother was elected President, I was working as a foster care worker at Catholic Charities. I wanted to prevent family breakups. I went to work at the Department of Social Services. I was a child abuse worker for a couple of years. That is pretty tough, what those social workers do.

But I wanted to go to graduate school so I would know how to do better, so I would be more effective, so I could intervene. Well, I was an emancipated adult. Graduate school at the University of Maryland was getting underway.

But thanks to the war on poverty, and thanks to a grant at the National Institutes of Health—again, which your brother started, and you have so steadfastly continued, community mental health—there were community mental health grants for BARB MIKULSKI to go to the University of Maryland and get her master's in social work.

Well, given my style of debate, people might not say I have a "therapeutic" personality, but I will tell you what I learned on the streets of Baltimore as a child abuse worker and what I learned with my program at the University of Maryland, I think that Baltimore is better because of what I learned. But I could not have done that, nor could I have taken out those loans—I was already an adult—to be able to do that, had not the U.S. Government said: We are willing to invest in you if you are going to put your heart and soul back into America.

I say hats off to those programs that give all those other programs that chance.

Mr. KENNEDY. I wish to thank the good Senator from Maryland. She has a way of speaking and taking complicated issues and simplifying them and getting to the core and the root of them. She has done so in a very important way, which addresses an underlying aspect of the Sessions amendment; that is, the value of work in the public sector, the value of work in the public sector as differentiated from the private sector, because of the value it makes and the difference it makes to other people.

That is what we have tried to do in this legislation, in providing the loan forgiveness.

I wish to thank the Senator for her eloquence, and I wish to thank her for helping on this particular amendment. Effectively, the Sessions amendment would eliminate the provisions in this legislation that say that after 10 years, after 10 years of working in the public sector, the remainder of your loan would be canceled.

Now, that is the provision he has made. Now, a couple points I wish to address in terms of the Senator's representation. The fact is, in the legislation there is what we call an income cap. The earnings have to be less than $65,000. So if you go to work in a public service place and somehow you earn in excess of $65,000, you do not have your loans forgiven.

So this is targeted to the kind of individuals whom Senator MIKULSKI has talked of, the examples we have given out here, those who are in law enforcement, those who are teachers, those who are working in the nursing professions, those who are working in special needs; those provisions on page 30 of the legislation.

We feel strongly that this loan forgiveness is a critical part of this bill, and this is the distinction we draw from the Sessions amendment, and it has been stated so eloquently by the Senator from Maryland, the distinction between the public and the private sector and the great needs we have in terms of the public sector. That is very important.

I wish to remind my friend from Alabama, according to this legislation, he is one of the fortunate Senators in higher education, the increased grant aid for students for the State of Alabama is going to increase to $442 million over the period of the next 5 years. My own State of Massachusetts is $319 million. Alabama has come out very well, one of the most favored States in terms of the totality. We always try to look out after the Senator from Alabama and Alabama. I thought the Senator would be interested in that.

Mr. SESSIONS. Would you yield for a question?

Mr. KENNEDY. I would be glad to.

Mr. SESSIONS. I have supported the loan programs and the Pell grants. I like the Pell Grant Program. That is focused on a person of lower income. We probably do have lower income students in Alabama, and we probably benefitted nicely under the Pell Grant Program compared to more blessed States such as Massachusetts.

I simply would ask the question, the question I raise is: If you have two persons in nursing school and one is maybe already a nurse but trying to get a higher degree and she works and keeps her debt down, the one who does not do that gets more benefit than the other. It does only favor those in the public sector and not in the private sector.

I believe this bill continues the emphasis, which I support, on maybe having better Pell grant provisions for those who do math and science and some of the areas in which we have shortages. I believe it goes further than that, does it not? I know we did that last year. I think that was a good step in trying to help deal with shortage areas.

Mr. KENNEDY. I thank the Senator. I am a very strong believer in the nursing profession, and have been. I think they are the backbone of our whole health care system. We provide relief for nurses in this bill, whether they are in the public or private sector. For those in public health, there is loan forgiveness after 10 years in the profession. And for all graduates, we provide income-based repayment, which caps their monthly loan payments at 15 percent of their discretionary income. If a nurse works in the private sector, works at Mass General Hospital, gets a good salary there, or works out in the community in terms of trying to work with foster children or otherwise, they would both get some kind of student loan debt relief under this bill.

But on the loan forgiveness, the Senator is quite correct. We have targeted those individuals who are going to be working in what we consider to be the public sector, for the common good, for a larger sense of purpose for the country, as expressed so eloquently by the Senator from Maryland, to be eligible for the forgiveness. That is the point the Senator has made.

For example, under this bill, as I understand, a public school teacher in Alabama who earns $31,000 and the average loan debt in Alabama is $17,559, they could have the loan payments capped at 15 percent so it reduces his or her monthly payment by $59, from $203 to $104. That is about a 30-percent reduction which is not insignificant. Then after 10 years of teaching, under our legislation, all the remaining debt would be forgiven. In this case, a benefit of some $10,000, which is very significant. But they would have to teach for 10 years to be eligible for this. We think this is a better investment, a better trade, than continuing to give so much in Federal subsidies to the banks. We have taken it effectively from the profits of these lending institutions, and we see they are going to survive. We have the CBO figures that show that they are. We have their own figures, for example, from Sallie Mae, that show even with this legislation the profits they are going to make over the next several years. We think this is a good trade. This is a good policy matter.

I saw the Senator from Alabama leave the Chamber. I haven't talked with my friend and colleague, but we will be ready to move ahead and vote on that at the appropriate time. We will talk with our colleague and see if we can't figure out the best time to address this issue.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield time from the bill to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I am speaking on an amendment that I will call up later. It is amendment No. 2334. It is the Coleman-DeMint-Thune-Inhofe amendment that would prohibit the FCC from reinstating the so-called fairness doctrine.

The amendment says:

> The Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the "Fairness Doctrine".

For those students following debate on the education reconciliation bill, they may well wonder what the fairness doctrine controversy is all about. After all, this bill is about the podcasting, blogging, U-Tubing, channel-surfing generation that knows nothing but choice and vigorous freedom of expression. These students have grown up in today' s info-tech world of rich and diverse media sources, in which they, just like the rest of us, can get the information they want, how they want, and when they want it—free of any government content restriction. I want to keep it that way. It hasn't always been like this. It was only 20 years ago that we did away with the fairness doctrine.

On its surface, the fairness doctrine sounds harmless enough, but at its core, the fairness doctrine would threaten our constitutional right to free speech and fundamentally undermine the workings of our democracy.

The Government has no place monitoring ideas on our public airwaves and penalizing broadcasters who don't meet the Government's definition of fair and balanced. There is a reason why our first amendment is freedom of speech; Because all freedoms are at risk when Government monitors and controls the broadcast of ideas.

That is why I will be offering this amendment which will protect American's constitutionally granted right to free speech. After all, what sort of message are we sending to our future leaders when there are some on the other side who are seeking to restrict free speech?

Our Founding Fathers knew very well the importance of free speech to our Nation's democracy.

The genius of our system of Government is the conscious choice to leave decisions in the hands of regular people, by explicitly restricting the power of Government to make them. It is not by coincidence that the Framers of the Constitution established free speech, along with freedom of the press, in the first amendment. They come together in the first amendment.

Beyond first amendment principles, there are also market principles at stake. Since the end of the fairness doctrine in 1987, talk radio has flourished because of consumer-driven market demand, not because of Government command, not because of Government control. The history of the fairness doctrine is actually one of chilling freedom of speech. The reality is, if you are a broadcaster and you know that you have a Government regulator monitoring what is on your channel, your station, a pencil and paper in hand and marking with probably a stopwatch the amount of time that you discuss idea A, and then all of a sudden if you don't give what the Government regulator feels is the right amount of time to give a varying opinion to subject A, in the end you risk penalty. You put yourself and your business at risk.

The reality was during the years in which the fairness doctrine was in play, it chilled freedom of expression. Some folks probably would say: Let's just play country music. Let's just do something else, but let's not talk about things because it is going to put us in jeopardy, put our livelihood in jeopardy. That is not what America is all about.

At the end of the day, there is nothing fair about the fairness doctrine. The issue is not which broadcaster is fair and which one is not: the issue is who makes that decision.

I believe fairness is what the American public decides is fair, not some Washington politician or bureaucrat. Americans love a fair fight but there is nothing fair if the intent is to silence debate just because a Government bureaucrat or politician disagrees with it and then employs a Government bureaucrat to chill the expression of ideas.

In the end, our Nation, our democracy, is best served when we let competing ideas enter the political marketplace freely, and let the best ideas win.

One of my hometown newspapers, the St. Paul Pioneer Press, put it well the other day when it said in an editorial entitled "Fairness is beautiful, especially when it's optional":

> . . . let the gabbers gab—right, left, center, wherever—without government-imposed balance. Americans can make listening and viewing decisions according to their own sense of what is fair. To have faith in the marketplace of ideas—as we do—is to believe that, over time, good ideas will rise by their merits.

We live in an age of satellite radio, of broadband, of blogs, Internet, cable TV, broadcast TV. There is no limitation on the ability of anyone from any political persuasion to get their ideas set forth.

The public, in the end, will choose what to listen to, and that is their right. It is not Government's right. It is not Government's obligation or responsibility to monitor and regulate that. That is very dangerous.

The fairness doctrine is a flawed idea from a bygone era that has no place in today's information age. My amendment seeks to continue to protect Americans' right to free speech and to allow for our broadcasters to contribute to our national dialog without Government censorship, without Government demand and control. That is the beauty of democracy. It is the world to which the students we will improve with this reconciliation, which contains a lot of good things, will go. In the end we want to have people who have access to the free flow of information. We want to have old people who have access to the free flow of information. We don't want to step back into a bygone era where Government was monitoring ideas, monitoring content. That is very dangerous.

I will ask my colleagues at a later time to support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may be permitted to proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. COCHRAN. Mr. President, I have been very deeply disappointed with the response of Senate Democratic leaders to the President's nomination of Judge Leslie Southwick to serve as a judge on the U.S. Court of Appeals for the Fifth Circuit.

I had expected that his nomination would move expeditiously through the Judiciary Committee and the Senate. He is emminently well qualified. But the opposition of some members of the Senate Judiciary Committee and some outside political interest groups has slowed action on the nomination.

I have known Leslie Southwick for 30 years. His qualifications are beyond question. During his distinguished career, as a lawyer and a State court judge, he has earned the respect and admiration of liberals and conservatives, Democrats and Republicans, as well as fellow lawyers and judges who have worked closely with him and who know him well.

He is fair and thoughtful and would be an outstanding Federal court of appeals judge. The judiciary would be well served by his leadership and his knowledge of the law. He will reflect credit—enormous credit—on the Federal judiciary.

He graduated cum laude from Rice University in 1972 and from the University of Texas School of Law in 1975.

Following law school, he clerked for the chief judge of the Texas Court of Criminal Appeals in Austin and then, in 1976, for Judge Charles Clark on the Fifth Circuit Court of Appeals.

The next year he began the practice of law in Jackson, MS, with the firm of Brunini, Grantham, Grower & Hewes, one of our State's most respected law firms. He quickly became a respected member of the bar.

From 1989 to 1993, he served as a Deputy Assistant Attorney General in the Civil Division of the U.S. Department of Justice. While there, he supervised the Federal Programs Branch and the Office of Consumer Litigation.

In November 1994, Judge Southwick was elected to serve on the Mississippi Court of Appeals. He was reelected to a second term in 1998.

During 8 of the first 10 years on the court of appeals, Judge Southwick wrote the most opinions of anyone on the court. He has been involved in more than 7,000 opinions during his service on the Mississippi Court of Appeals, and he personally wrote almost 800 of them.

Judge Southwick also has a distinguished record of service in the Judge Advocate General's Corps of the U.S. Army Reserves and has been an instructor at the U.S. Military Academy at West Point.

In August 2004, Lieutenant Colonel Southwick and the 155th Brigade Combat Team of the Mississippi National

Guard were mobilized in support of Operation Iraqi Freedom. The unit was deployed in Iraq from January to December 2005, where he served as the staff judge advocate. He spent much of his time in Najaf, an area of significant insurgent activity.

In a letter to the Judiciary Committee, one of Judge Southwick's fellow soldiers wrote this:

> He also took on the task of handling the claims of numerous Iraqi civilians who had been injured or had property losses due to [the involvement of] the United States Military in our area of operations. This involved long days of interviewing Iraqi civilian claimants, many of whom were children, widows and elderly people, to determine whether the United States Military could [or should] pay their claims. He always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person.

Judge Southwick is currently a professor of law at the Mississippi College School of Law. He teaches courses in administrative law, consumer law, evidence, statutory interpretation, and judicial history.

He has written several legal and historical articles that have been published in the Mississippi Law Journal, the Mississippi College Law Review, the Wall Street Journal, and other publications. He is the author of a book entitled: "Presidential Also-Rans and Running Mates." It won an American Library Association prize as the "Best Reference Work of the Year" in 1985.

Judge Southwick has served as president of the American Inns of Court, as a member of the American Law Institute, and on the Curriculum Committee of the American Bar Association's Section on Legal Education. He was honored by the Mississippi State Bar in 2004 with the Judicial Excellence Award.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously concluded that Judge Southwick is "well qualified" to serve as a Federal appellate judge. This is the highest rating a judicial nominee can receive.

After being nominated on June 6, 2006, to serve as a U.S. district court judge in the Southern District of Mississippi, he received a hearing in the Judiciary Committee in the Senate and was unanimously reported with a favorable recommendation for confirmation.

After two nominees for the Fifth Circuit from our State were turned down, Senator LOTT and I recommended Judge Southwick for that court, and President Bush submitted his nomination to the Senate on January 9, 2007.

In an editorial published in June 2006, the Clarion Ledger of Jackson, MS, called Judge Southwick's nomination "an outstanding appointment."

In an editorial published in June 2007, the Clarion Ledger stated that Judge Southwick had built a reputation based on "professionalism, hard work, and integrity" and that support of the nominee's home State Senators is an important indicator of broad consensus on the nomination.

This vacancy on the Fifth Circuit has now existed since 2004. This seat is considered a judicial emergency by the Federal judiciary, meaning the efficiency and efficacy of the court are negatively affected by this vacancy.

I am confident Judge Southwick will serve with great distinction on this court, and he will reflect great credit on the Federal judiciary, if he is confirmed.

I am proud of the recommendation Senator LOTT and I have made to the Senate, and the Senate should confirm this nomination.

I mentioned the support of community leaders in my earlier remarks. I have been handed by staff members of mine a number of letters that have been sent.

Here is one, June 1, 2007, to Senator LEAHY and Senator SPECTER. This is from the adjutant general of the Mississippi National Guard, MG Harold Cross. He mentions his experiences with Judge Southwick in Iraq. He started with a story I had not heard until I read this letter earlier today:

> Lieutenant Colonel Southwick joined the Army Reserve in 1992—obtaining an age waiver to allow him to join; even though he knew from the outset his age would necessarily prohibit him from serving long enough to vest a military pension. In 1997, then-Captain Southwick transferred into the Mississippi National Guard.
>
> While Lieutenant Colonel Southwick was originally assigned to what was then called State Area Command, in 2003, Lieutenant Colonel Southwick volunteered to transfer into the 155th Separate Armor Brigade, a line combat unit. This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future.

He then goes on to talk about the leadership, the military leadership, the assets and qualities that he brought to the 155th Brigade Combat Team on active duty near Najaf in Iraq.

He served, as my remarks indicated, as staff judge advocate for the 155th, and it was located at Forward Operating Base Kalsu.

After his service in Iraq, Lieutenant Colonel Southwick transferred back to Joint Force Headquarters of the Mississippi National Guard. He makes this comment—General Cross does—in closing—

> While there are many core qualities critical to a successful military officer, one attribute I have found particularly important during my many years of service is sound temperament. In that regard, Lieutenant Colonel Southwick has both a considerate and measured personality. I can tell you without hesitation that I have always found Lieutenant Colonel Southwick to treat everyone with whom he comes into contact with both kindness and respect.

Another letter, this one from a young lawyer with Brunini, Grantham, Grower & Hewes, the firm where Leslie Southwick practiced law for a number of years. This letter is addressed to Senator ARLEN SPECTER.

> Dear Senator SPECTER:
>
> I am an African-American partner at the law firm of Brunini, Grantham, Grower & Hewes, PLLC, where Judge Southwick was once a member. I believe in fairness for all people and salute our leaders for giving their lives to assure that fairness. While I share the sentiments of other African-Americans that the federal judiciary needs to be more diverse, I believe that Judge Southwick is imminently qualified for the United States Fifth Circuit Court of Appeals and write in support of his nomination.
>
> I met Judge Southwick during my third year of law school when I interned with the Court of Appeals of Mississippi. That internship allowed me an opportunity to work with most of the Judges on the bench at that time. I was most impressed with Judge Southwick because of his work ethic and his serene personality. When I finished law school in 1996, I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals (which was fairly new) who had ever hired African-American law clerks. In spite of the odds, I applied for a clerkship. Judge Southwick granted me an interview and hired me the same day. While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.
>
> During my tenure as clerk with the Court, Judge Southwick thought through every issue and took every case seriously. He earned a reputation for his well thought out opinions and his ability to produce the highest number of opinions in a term. It did not matter the parties' affiliation, color, or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for decision. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.
>
> In addition to serving our State, Judge Southwick has also honorably served our country. During his mission to Iraq in 2005, Southwick found the time to write me often to let me know about his experiences there. Upon his return to the United States, Judge Southwick shared with others his humbling experience serving our country. It is clear from his writings and speaking that he served with pride and dignity.
>
> Over the years, Judge Southwick has earned the reputation of being a person of high morals, dignity, and fairness. It is unfortunate that there are some who have made him the chosen sacrifice to promote agendas and have set out to taint all that Judge Southwick has worked so hard to accomplish. I am prayerful that those efforts will not preclude Judge Southwick from serving as our next judge on the United States Court of Appeals for the Fifth Circuit.
>
> Yours truly, Brunini, Grantham, Grower & Hewes, A. L'Verne Edney

Mr. President, there are a number of other letters. There are two from the School of Law, Mississippi College where Judge Southwick has been a member of the faculty. One is from the dean of the law school. Another is from the associate dean, Phillip McIntosh. I was impressed with his strong feeling that comes through in this letter that I detected and interpreted.

Judge Southwick is a man—

And this is to Senator SPECTER and to Senator LEAHY. He wrote each the same letter, dated June 4—

Judge Southwick is a man of highest integrity, honor and intellect. As a judge on the Mississippi Court of Appeals, he scrupulously did his judicial duty in following the law in his judicial opinions. I am greatly disappointed that some have taken the opportunity to try to score political points by characterizing Judge Southwick as intolerant or having "very fixed, right-wing world view," seeking to imply that he would not be fair and impartial in applying the law. In my personal and professional dealings with him, I can attest to his fine character. I have not the slightest doubt regarding his impartiality and commitment to fairness.

As an example of the regard with which Judge Southwick is held by the law faculty at Mississippi College, he was offered a position as a visiting faculty member following his resignation as a judge for the Mississippi Court of Appeals and pending the approval of his nomination with the Fifth Circuit. The suggestion to make this offer was made by one of our faculty members and the recommendation was unanimously approved by our faculty. We have a politically and racially diverse faculty, but not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded. His appointment to our faculty was strongly supported by all of our faculty members. I might even mention that his teaching partner for trial practice this past semester is an African American attorney and former Mississippi Circuit Court judge whom Judge Southwick personally recruited to partner with him for the course.

I hope that you will support the nomination of this outstanding man to the Fifth Circuit. He is an exceptional candidate and deserving of confirmation.

There are other letters similar in tone. Here is one from—I couldn't help but notice—the University of Mississippi School of Law, the Law Center at the university where I graduated from law school, and it is written by John Bradley. It caught my attention because John Bradley was a law student when I was a law student. John Robin Bradley is what we called him then. He is now a professor of law at Ole Miss. He was one of the most liberal members of the faculty when he joined the faculty, and he has lived up to that tradition very proudly ever since.

I have a very high regard for John Bradley. He was editor in chief of the Law Journal, and when I was a first-year student, I had the honor of being invited to go to a Law Journal conference at William and Mary with John Robin and then the next editor to be, and I kept thinking I had just been anointed and I would be in line to be editor in chief also. That wasn't to be, but let me just say this: I am not sure John Robin Bradley has ever voted for me. He probably hasn't because I am a Republican and he is a very serious-minded Democrat. But here is a letter he wrote to PAT LEAHY—and he also gave a copy to ARLEN SPECTER—about Leslie Southwick, judicial nominee, dated June 5, 2007:

Gentlemen:

I write to comment to you and the Committee on the Judiciary on the judicial and legal ability of Leslie Southwick. I do so not in generalities but in the context that I especially know about. It is my hope that this specific information will give you insight into how he has undertaken his role as a judge.

My detailed knowledge of Leslie Southwick's work as a judge on the Court of Appeals of Mississippi concerns the law of workers' compensation and its important overlap with other areas of law, principally tort law. For a number of years I have taught and written about these topics. Consequently, I pay extremely close attention to the court decisions. Although based on statutes, this area of law has become intricate and often complex, so much so that lawyers specialize in the field in order to be effective.

When Judge Southwick started as a first-time judge with the newly-created Court of Appeals, he and some other judges had little or no experience with this area of law. This showed up in several opinions that I considered to contain incorrect analyses. In articles that I wrote and in oral presentations at law conferences, I often detailed the reasons that I regarded some of the opinions as incorrect, including several that Judge Southwick wrote or concurred in.

My observation was that Judge Southwick recognized that he and other judges needed to learn the intricacies and complexities. He set about doing that. I saw him at all law conferences at which I was a speaker, and I know he read and often cited my publications. Sometimes he agreed and sometimes he disagreed with my explanations, but the point is—

And this is in italics—

But the point is that he challenged himself to learn about a field of law in which he had no previous experience, topics which came to his court frequently.

His court heard appeals in all areas of law, and we expect broad institutional competence. Lawyers do not come to the bench with all-encompassing experience, but the good ones can and will learn. This is no small task. Judge Southwick—

And this again is in italics—

Judge Southwick rose to the challenge by hard work, legal ability, and dedication. I saw him struggle and I saw the evidence of his learning about this field.

This is what we hope for in our judges. Judge Southwick did this and earned my respect for his legal and judicial ability. My expectation is that he will continue on this path as a judge.

That is the end of the italics.

In my view his achievement in this regard is a significant indicator that he has what it takes to be a good judge, one of those humans to whom we entrust our halls of justice.

Sincerely yours, John R. Bradley, Professor

This next letter is written in hand—handwritten—by Kay Cobb. Kay Cobb is the presiding justice of the Supreme Court of Mississippi. The letter is written to Senator ARLEN SPECTER in reference to Judge Leslie H. Southwick.

Dear Senator Specter.

This letter is enthusiastically written to urge you and the Committee to confirm Leslie H. Southwick to serve on the Fifth Circuit Court of Appeals. I've known him for many years and I'm honored to give him my highest recommendation without reservation. In every way he is worthy to serve.

Judge Southwick's scholarship and character are stellar. The opinions he wrote during his 10 years on the Mississippi Court of Appeals reflect his thoroughness and fairness, as well as the depth of his knowledge and the quality and clarity of his reasoning and writing.

In every respect of his legal career and life in general, Leslie Southwick has excelled. He has a long and consistent record as a devoted family man, a courageous military leader, an accomplished author, and an excellent appellate judge. His awareness and attention to promoting fairness and equality with regard to race and gender are exemplary.

Our country needs conscientious and independent judges of impeccable integrity, and I cannot think of anyone—

And she underlines "anyone"—

who is better qualified for this appointment.

Sincerely, Kay B. Cobb, Presiding Justice, Supreme Court of Mississippi.

There are other letters. I am not going to prolong my remarks. This is one from the dean of the Law School where he is on the faculty, another from one of his former partners. This one may be a little different. John Henegan—here is another Democrat, I think. I hope he is not upset with me for publicly identifying him in that way. He is a bright guy, widely respected. I know him. He has written a letter that talks about:

One area where we have not worked closely together—

He is addressing ARLEN SPECTER—

One area where we have not worked closely together is in the political arena.

I was right.

I am a life long member of the Democratic party at all levels of the political spectrum; namely, local, county State, and Federal, and I have previously served as the Chief of Staff and Executive Assistant to the former governor of Mississippi who is also a life long Democrat. Accordingly, although I am not qualified to call myself what we affectionately refer to around here as a "yellow dog democrat," because I have at least on a handful of occasions voted for a Republican candidate for public office, it is very fair to say that I have never been a supporter of the Republican Party or many of its policies, positions, or for that matter certain Federal judicial nominees submitted to the United States Senate in the past.

In this context, I have been reading what has been said and written about the qualifications of Leslie for this current post, including an editorial in yesterday's New York Times, and I cannot disagree more strongly with the personal attacks that are being made against his character, integrity, or fitness for office, or about his commitment to civil rights for all people, regardless of their race, color, sex, creed, religion, or national origin. It is an abomination that he should have to experience these unfair and unjust personal attacks, because they are quite simply untrue and cannot be made by anyone who has had the opportunity to meet, work, or be around Leslie for even an abbreviated period of time.

In his many years of public service at the State and Federal level, Leslie has served his State and his Nation with honor and distinction at sacrifice to his personal gain. I candidly can think of no one whom I would trust more to carry out the oath of office that he will be required to take and to uphold the laws of and Constitution of the United States if he is confirmed by the United States Senate.

I respectfully urge you to confirm his nomination. Respectfully Submitted, John C. Henegan.

I am not going to read all of the letters, Madam President. I know others may want to speak on the legislation that is pending before the Senate.

This one is from a fellow member of the Mississippi Army National Guard. They were deployed together in Iraq recently and his observation is that "he shouldered a heavy load of regular JAG duties, which he performed excellently." He talked about Southwick being a kind and courageous man, being in a combat zone with him, and how it was stressful and challenging. He said:

> Leslie always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person.

This is from Norman Gene Hortman, Jr. He is from Laurel, MS, a lawyer with his own law firm there, a very respected person in our State.

There are other letters. I thought you might be interested in this one. It is from José Cantu. He is writing Chairman LEAHY. This is a copy of his letter:

> Dear Chairman Leahy.
>
> I read recently in the Houston Chronicle about the nomination of Judge Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. The article was questioning his character in light of a case in a Mississippi appellate court involving a racial incident where a ruling was in favor of a white plaintiff. Since I grew up with Judge Southwick in Edinburg, Texas, located in the Rio Grande Valley, I was shocked to read about the opposition to his nomination on this basis. I was a classmate of Judge Southwick in high school and knew him very well. I always found him to be extremely polite and absolutely fair with everyone. What the paper and the political activist referenced in the article imply is that Judge Southwick is a racist because of the ruling on the Court. This is absolutely ridiculous and totally unfair. The Valley has a large Hispanic population, and Leslie never showed the type of discriminatory attitudes that are implied in the article. To the contrary, I remember him as treating everyone fairly and with respect.
>
> What was equally disturbing in the Chronicle article was LULAC's opposition to the nomination. Being a Hispanic American, my immediate and extended family want to voice our strong disagreement with LULAC on this issue. Since this organization is portrayed by the media to speak for all Hispanics, I want your office to know that it does not. My family and I wholeheartedly support the nomination of Judge Southwick. It is apparent from the article that LULAC has no first-hand knowledge of Judge Southwick's character or integrity, but merely wanted to jump on the bandwagon and oppose this nomination because it was submitted by President Bush. Growing up in the Valley, both my family and I have been lifelong Democrats. Now I live in Houston and am beginning to believe that politically motivated actions, like opposition to the nomination of this fine individual and jurist, will force many of us to seek the Republican Party as a viable alternative. I respectfully request that you support the nomination of Judge Southwick and confirm his appointment for the Court of Appeals.
>
> Sincerely, José Alberto Cantu, CPA, PrimeWay Federal Credit Union.

Here is someone I noticed because she has been an active Democrat all her adult life, a good friend of mine, Kathryn H. Hester, a shareholder in the Jackson, MS, law firm of Watkins Ludlam Winter & Stennis. You have heard of Winter and Stennis. You may have heard of Watkins and Ludlam. They are both deceased. It reads:

> Re: Nomination of Leslie Southwick for the United States Court of Appeals for the Fifth Circuit.
>
> Dear Chairman Leahy.
>
> I write in support of my colleague Leslie Southwick's nomination to the United States Court of Appeals for the Fifth Circuit. You will have before you Leslie's resume. It is outstanding, and it reflects both a sense of duty and an intelligence appropriate for service as an appellate judge.
>
> Judge Southwick succeeded me as President of the Charles Clark Inn of Court—named for the former Chief Judge for the Fifth Circuit for whom Leslie clerked after law school. Leslie was selected to that position by trial and defense lawyers of the utmost professional skill and integrity.
>
> Leslie is diligent in performing his obligations, he is smart, he has integrity, and he is temperate in his actions and decisions. Leslie is passionate about love of country, his alma mater's baseball team (Rice), and his adopted State, Mississippi.
>
> If a man of intelligence, temperance and integrity, who has served his country, his State, and his profession honorably and with dignity, is not qualified to be on the court of appeals, then the process is faulty. The legal profession and the parties who will depend on his intelligence and his integrity deserve to have a person of his caliber on the court.
>
> Thank you for your consideration.
>
> Sincerely yours,
> Kathryn H. Hester,
> Shareholder.

Madam President, I think I have read enough letters. I didn't mean to read as many as I did. But I hope that Senators will see from these letters they are not form letters organized by any political party or any special interest group. These are letters that were written because people care about and know about Leslie Southwick and are convinced he is being treated unfairly by the Senate if he is not confirmed.

I know the Judiciary Committee has had a hearing. I was pleased to introduce Leslie Southwick at that time, with my colleague Senator LOTT. It never occurred to me at any moment that there would be any question raised about his integrity, his sense of fairness, his qualifications, or his fitness to serve as a U.S. Court of Appeals judge during the consideration by the Senate of this nomination. The fact that I feel obliged to be here on the floor, after I had made my comments about how I thought he was a good choice to serve on the court, is probably superfluous. I apologize if anybody is bored by these remarks. But I hope you can sense the sincerity and seriousness of purpose of those who have written and the high quality of the people who authored these letters.

To me, it is a dark and sad day in the Senate if one of its committees, the Judiciary Committee, is considering recommending that Judge Southwick not be confirmed for service on the U.S. Court of Appeals. It is unthinkable. But from information I have gotten from those who talked to all of the members of the committee on the Democratic side, that might happen. I don't know when a meeting is scheduled or when that is going to occur, but I hope there is an opportunity for reflection and careful consideration of action before that meeting does occur. I served my first 2 years in the Senate on the Judiciary Committee. I succeeded Jim Eastland, who had been chairman of the committee, when he retired from the Senate. That was in the Carter administration, and we had a lot of hot-button issues come before the committee. It was an interesting challenge to be on the committee during such a period of national transition. Alan Simpson and I were two junior Republicans on the committee that year.

I guess the point is, I listened to presentations made before the committee for judicial nominees. I was observing and we were living through the transition in the South—the integration of organizations, of schools, of churches, on and on. It was a very challenging time in the history of our country. TED KENNEDY had just become chairman of the Judiciary Committee. It was a pleasure to serve and get to know all the people on the committee at the time. But I also remember thinking somewhere along after about 6 months of experience on the committee that maybe the best thing I could do for my career in the Senate was get the heck off the Judiciary Committee and get on something a little more attractive from a political standpoint. So as it happened, it worked out that 2 years later I was able to move to the Appropriations Committee. I gave up that seat on the Judiciary Committee to do so. I have always felt a special kinship for the members of that committee, knowing about the workload, the volume of information that has to be processed by the members to stay up to date with the legislation that is referred to the Judiciary Committee. So I have an appreciation for the challenges that are faced and particularly on a nomination that comes along that is not from your State, not from your area of the country. You take a look at what the facts are, make a decision, and move along.

Well, I hope the Judiciary Committee will take another look at this nomination and look at what has been said about the nominee and his qualifications, and look at his entire career, which has been one that has reflected good judgment, a concern for his fellow citizens, whether they are Black, White, or Hispanic, or whether they are Democrats or Republicans. He is the ideal choice for this kind of job. And to absolutely contrive reasons to persuade others to vote against the nominee creates a bad feeling and a sense of unfairness that is pervading the body.

Madam President, I have said enough.

I ask unanimous consent that the letters I did read from be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MISSISSIPPI, MILITARY DEPARTMENT, OFFICE OF THE ADJUTANT GENERAL, *Jackson, MS, June 1, 2007.*

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: I am writing you concerning Leslie H. Southwick, who serves under my command as a Lieutenant Colonel in the Mississippi National Guard. During my tenure as Adjutant General, I have had the pleasure coming to know LTC Southwick personally.

LTC Southwick joined the Army Reserve in 1992—obtaining an age waiver to allow him to join; even though he knew from the outset his age would necessarily prohibit him from serving long enough to vest a military pension. In 1997, then-Captain Southwick transferred into the Mississippi National Guard.

While LTC Southwick was originally assigned to what was then called State Area Command, in 2003, Southwick volunteered to transfer into the 155th Separate Armor Brigade, a line combat unit. This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future.

In fact, in August 2004, the 155th mobilized for duty in support of Operation Iraqi Freedom, as the 155th Brigade Combat Team. From August 2004 to January 2006, LTC Southwick served on active duty, distinguishing himself as Deputy Staff Advocate at Forward Operating Base Duke near Najaf—and later as Staff Judge Advocate for the 155th, located at Forward Operating Base Kalsu. After his service in Iraq, LTC Southwick transferred back to Joint Force Headquarters, Mississippi National Guard.

Both before and after his service in Operation Iraq Freedom, LTC Southwick has worked directly with me on numerous matters of significance to the Guard. I have always found his counsel sound, his bearing exemplary, his judgment exceptional and his character beyond reproach.

While there are many core qualities critical to a successful military officer, one attribute I have found particularly important during my many years of service is sound temperament. In that regard, LTC Southwick has both a considerate and measured personality. I can tell you without hesitation that I have always found LTC Southwick to treat everyone with whom he comes into contact with both kindness and respect.

I hope you find this information useful, as you consider matters coming before your Committee. Thank you for permitting me the opportunity to correspond with you concerning LTC Southwick.

HAROLD A. CROSS,
Major General.

MISSISSIPPI COLLEGE,
Jackson, MS, June 4, 2007.

Re The Honorable Leslie Southwick.

Hon. Arlen Specter,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you to express my strong support for the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals. I have known Judge Southwick for several years while he has been an adjunct professor and visiting professor at Mississippi College School of Law. As Associate Dean, Hiring of adjuncts comes under my responsibilities for the law school. We have been honored to have him on our faculty and look forward to a long and beneficial relationship with him. Our students likewise hold judge Southwick in highest regard.

Judge Southwick is a man of highest integrity, honor and intellect. As a judge on the Mississippi Court of Appeals he scrupulously did his judicial duty in following the law in his judicial opinions. I am greatly disappointed that some have taken the opportunity to try to score political points by characterizing Judge Southwick as intolerant or having "very fixed, right-wing world view," seeking to imply that he would not be fair and impartial in applying the law. In my personal and professional dealings with him, I can attest to his fine character. I have not the slightest doubt regarding his impartiality and commitment to fairness.

Judge Southwick would make an outstanding judge for the Fifth Circuit. I know that the will uphold the law and apply it regardless of his personal view on a particular subject. He is a very thoughtful man, a true scholar. I also know that he is not racist and does not hold racist views. Such an allegation is ludicrous, insulting, and without foundation.

As an example of the regard with which Judge Southwick is held by the law faculty at Mississippi College, he was offered a position as a visiting faculty member following his resignation as a judge for the Mississippi Court of Appeals and pending the approval of his nomination to the Fifth Circuit. The suggestion to make this offer was made by one of our faculty members, and the recommendation was unanimously approved by our faculty.

We have a politically and racially diverse faculty, but not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded. His appointment to our faculty was strongly supported by all of our faculty members. I might even mention that his teaching partner for Trial Practice this pass semester is an African American attorney and former Mississippi Circuit Court Judge, and whom Judge Southwick personally recruited to partner with him for the course.

I hope that you will support the nomination of this outstanding man to the Fifth Circuit. He is an exceptional candidate and deserving of confirmation.

Sincerely,
PHILLIP L. MCINTOSH,
Associate Dean and Professional of Law.

BUTLER, SNOW,
Jackson, MS, June 6, 2007.

Re Nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This is written in support of the nomination of Honorable Leslie Southwick as a Circuit Judge on the United States Court of Appeals for the Fifth Circuit. I have known Leslie for over 30 years, since August of 1976, when he and I served as law clerks to the Honorable Charles Clark, then Circuit Judge on the Fifth Circuit. I have worked with him professionally both in that capacity and in connection with local area bar association activities and have also appeared before the Mississippi Court of Appeals while he served as an appellate judge there and followed and read not only many of his judicial opinions but his scholarly legal articles as well. He and I corresponded several times while he served his country in the current war in Iraq.

One area where we have not worked closely together is in the political arena. I am a life long member of the Democratic party at all levels of the political spectrum, namely, local, county, state, and federal, and I have previously served as the Chief of Staff and Executive Assistant to a former Governor of Mississippi who is also a life long Democrat. Accordingly, although I am not qualified to call myself what we affectionately refer to here as a "yellow dog democrat" (because I have on at least a handful of occasions voted for a Republican candidate for public office), it is very fair to say that I have never been a supporter of the Republican party or many of its policies, positions, or, for that matter, certain Federal judicial nominees submitted to the United States Senate in the past.

In this context, I have been reading what has been said and written about the qualifications of Leslie for this current post, including the editorial in yesterday's New York Times, and I can not disagree more strongly with the personal attacks that are being made against his character, integrity, or fitness for office, or about his commitment to civil rights for all people regardless of their race, color, sex, creed, religion, or national origin. It is an abomination that he should have to experience these unfair and unjust personal attacks because they are quite simply untrue and cannot be made by anyone who has had the opportunity to meet, work, or be around Leslie for even an abbreviated period of time.

In his many years of public service at the State and Federal level, Leslie has served his State and his Nation with honor and distinction at sacrifice to his personal gain. I candidly can think of no one whom I would trust more to carry out the oath of office that he will be required to take and to uphold the laws and Constitution of the United States if he is confirmed by the United States Senate. I respectfully urge you to confirm his nomination.

Thank you for considering my views and opinions in this matter and for your service to our Nation.

Respectfully submitted,
JOHN C. HENEGAN.

HORTMAN HARLOW MARTINDALE
BASSI ROBINSON & MCDANIEL,
PLLC, ATTORNEYS AT LAW,
Laurel, MS, June 6, 2007.

Re Nomination of Judge Leslie Southwick to the United States Fifth Circuit Court of Appeals.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND SPECTER: Thank you for the opportunity to offer my opinion regarding the nomination of Judge Leslie Southwick to the United States Fifth Circuit Court of Appeals.

I am a practicing attorney in a small law firm in Laurel, Mississippi. I am also a Lt. Col. in the Mississippi Army National Guard. I have known Leslie Southwick by reputation as a practicing attorney and appellate judge and personally for almost ten (10) years as a fellow officer in the National Guard. Leslie Southwick and I also served together in Iraq in 2005 with the 155th Brigade Combat Team of the Mississippi Army National Guard. Therefore, I feel that I am qualified to express an opinion about Leslie Southwick's suitability for the Fifth Circuit.

Leslie Southwick is a superb nominee. He is brilliant, able, dedicated to the profession, experienced as a lawyer, judge, military officer, husband and father, well respected among his peers, thoughtful, fair, hard working, honest, good humored, and patient. In my opinion, he is the finest person you could nominate for the position.

Leslie Southwick is also a kind and courageous man. As you know, service in a combat zone is stressful and challenging, often times bringing out the best or worst in a person. Leslie Southwick endured mortar and rocket attacks, travel through areas plagued with IEDs, extremes in temperature, harsh living conditions, sometimes bad chow, seeing the same ugly mugs everyday—the typical stuff of Iraq. He shouldered a heavy load of regular JAG Officer duties which he performed excellently. He also took on the task of handling the claims of the numerous Iraqi civilians who had been injured or had property losses due to accidents involving the U.S. Military in our area of operations. This involved long days of interviewing Iraqi civilian claimants, many of whom were children, widows and elderly people to determine whether the U.S. Military could pay their claims. Leslie always listened to these Iraqi claimants patiently and treated them with the utmost respect and kindness. He did this not just out of a sense of duty but because he is a genuinely good and caring person. His attitude left a very positive impression on all those that Leslie came in contact with, especially, the Iraqi civilians he helped. This in turn helped ease tensions in our unit's area of operations while it was in Iraq and, ultimately, saved American lives. And, throughout his service, he was always cheerful and encouraging. Adversity and challenge bring out the best in him.

He has the right stuff for the job—profound intelligence, good judgment, broad experience, and an unblemished reputation. I know him and can say these things without reservation. Anyone who says otherwise simply does not know him.

I understand that the Committee's vote on Leslie Southwick's nomination is to take place tomorrow and that I need to get this letter in to you without delay. Therefore, I will conclude by saying that Leslie Southwick would make an excellent judge for the United States Fifth Circuit and that all of your Committee members would look back with pride that they had the wisdom and good judgment to approve his nomination.

You may call me if you have any questions.

Sincerely,
NORMAN GENE HORTMAN, Jr.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I thank my good friend, the distinguished Senator ROBERT BYRD, for allowing me to go first to make a few comments about the importance of education and the bill we are considering on the floor today, the Higher Education Access Act of 2007.

First, when we talk about education, it ought not to be lost on any Member of the Chamber that educational opportunity is the keystone to success for all of us in America. In my own personal story, my parents never had an opportunity to go to college or to get a college degree. And in my family, though we were poor and we grew up without a lot of material wealth, they were rich in spirit and believed in the fundamental values that have made America great. They believed in hard work and in faith. They believed the community was there for an important reason. They understood, without a doubt, that education was in fact the keystone to success.

I often remember sitting there at the ranch in southern Colorado, almost 300 miles south of Denver, with a kerosene lamp on the table and the eight siblings around the table and my father and mother making sure we were doing our homework. My father would say to all of us: I cannot leave you large ranches or riches, but the one thing I can make sure I give to you is an education. It is perhaps because of his teachings and his understanding of the promise of America that all eight of his and my mother's children became part of the American dream. All eight became first-generation college graduates, and today I stand on the floor of the Senate as a Senator. I have a brother, Congressman SALAZAR, who is in the House of Representatives, also serving our great Nation and serving the State of Colorado.

As I think about those educational achievements we have had, it would not have happened were it not for the promise of America, the programs that have been created by so many people who came before me.

I was on the floor earlier serving as Presiding Officer when Senator WHITEHOUSE of Rhode Island spoke about Claiborne Pell. It is true that I was in Rhode Island not so long ago at an event when Senator Claiborne Pell arrived at this event. He was wheeled to the tent, in fact, in a wheelchair. Someone whispered to me that the person who just arrived on the scene was none other than Claiborne Pell. It was for the first time that I connected the dots. I remember going through college and receiving Pell grants that allowed me the opportunity to go to college. But I never knew that the term "Pell" was somehow associated with someone who actually sat two desks to my left here at one point in time. That is the great Senator Claiborne Pell from the State of Rhode Island who came up with the idea that the promise of America was somehow embedded in the opportunity to receive a good education.

He believed, as many of us here believe, that economic barriers should not be the reason why someone does not advance in higher education. Everyone who wants to go into higher education should have that opportunity to do so. Yet, somehow today when we look at the reality of America, the fact is the educational opportunity that was there for me and hundreds of thousands of my generation is being slowly taken away from our American youngsters. We have been headed in the wrong direction, and it is for that reason that this legislation, which Senator KENNEDY, Senator ENZI, and the members of the HELP Committee, with a vote of 17 to 3, was brought to the floor of the Senate today.

I am proud to be a supporter, a strong supporter, of this legislation because it will keep hope alive in America with the American dream that results from the education that is provided to the people of our great Nation.

When we look at what is happening today in terms of educational opportunities for Americans, it is getting harder and harder for our young people to access higher education. Madam President, 400,000 talented, qualified students each year—that is 400,000—decide they cannot go on to higher education because of economic barriers—400,000 talented young Americans, successful young Americans who should have an opportunity to go on to higher education.

That is what this bill is all about. This bill is about tearing down those barriers so that these young people, these 400,000 talented young people have an opportunity to be a part of the American dream.

When one looks at what has been happening over the last several years as we have invested and continue to invest in education, the fact is we have not invested enough. The fact is, when we look at the statistics, while we have invested in educational opportunities and access to higher education, the investment has been a flat investment. So by the time we take into account general inflation and particularly the high rate of inflation in higher education, we have been on a roadway that has been disinvesting in opportunities for the young people of America.

If we look at the white lines on this chart, what they show is what the maximum Pell grant has been from 2001 to 2007. We essentially see a flat line across right at about $4,000.

During that same time period, we see what has happened with respect to the cost of education. We have gone from a point of a little over $8,000 to an average of over $13,000. The gap has increased. We had a gap of $5,282 in 2001, and today the gap is $8,700. What has happened in the last 5 years, as a good friend of mine from the University of Michigan calls it, is the disinvestment in America's future. What we are doing is taking away opportunities for the young people of America. The bill before us today rights that wrong and puts us in the right direction to investing in the education of our young people.

This legislation is important because it raises the maximum Pell grant to $5,100 next year. It is about time. It is about time we do that. We have waited far too long to increase Pell grants for young people.

Secondly, it provides loan forgiveness for those borrowers who serve in areas of national interest—those values of early childhood education, librarians, highly qualified teachers, speech language pathologists, and others. It makes sure we provide loan forgiveness for those people who decide to take jobs to serve others.

In addition, the program creates a forgiveness of a balance due on direct loans by borrowers who have been public sector employees for 10 years and who have made 120 income-contingent payments on their loans.

The legislation also makes Federal loan payments by student borrowers contingent by capping payments of 15 percent of an individual's income and allowing those borrowers to have their loans forgiven after 20 years of payments.

This is an important issue, particularly when we see how much debt is being put on the saddles of young Americans as they are graduating from college and graduate schools. There are a number of other provisions in this legislation that are very important.

Finally, with respect to my own State of Colorado, I want my own State, as every Senator here, to make sure we are providing a maximum opportunity for young people, and these programs I mentioned will do that. For the State of Colorado, this means we will have $320 million more in student aid over the next 5 years.

I am proud of this legislation. I am proud of my colleagues, both Democrats and Republicans, on the HELP Committee who have brought this legislation forward. I urge my colleagues to support it wholeheartedly as part of making sure that the American dream we live today is a dream that this generation and other generations behind it will be able to achieve.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

DOG FIGHTING

Mr. BYRD. Madam President, for several days—for several days—the news has been saturated with stories about the indictment of a well-known professional football player for running a dog-fighting operation. I am not going to comment on that particular case. The man has been accused. He has not been convicted. We must wait until all the facts are in and a verdict is rendered. The man cited in these recent news stories is innocent until proven guilty, and Lord help him if he is proven to be guilty in a court of law. We must wait for the justice system to run its course. But the facts are already in, and the verdict has already been delivered.

What is it about? What is it about, Madam President? It is about the scourge of dog fighting in the United States—dog fighting in the United States. According to the Humane Society, there are about 40,000 dog-fighting operations in the United States. The deputy manager of dog-fighting issues for the Humane Society, John Goodman, points out, ". . . dog fighting is at an epidemic level" in the United States. It involves urban areas as well as rural areas. It involves all sections of the country. It cuts across cultures and class and other socio and economic differences.

Dog fighting continues even though all 50 States have laws on the books prohibiting dog fighting. Dog fighting is a Federal crime. Let me say that again. Dog fighting is a Federal crime, and yet animal welfare officials report that dog fighting is more popular today than ever. Shame, shame, shame.

Hundreds of thousands, if not millions, of dollars have all been at stake in the breeding, the training, and the selling of fighting dogs. How inhuman, how dastardly.

Two dogs are placed in a pit and turned loose—turned loose—against each other. How inhuman, how cannibalistic, how sadistic. Let me read that again.

Two dogs—God created the dog to be man's companion—two dogs are placed in a pit—think of that—placed in a pit and turned loose against each other. And get this: The fight can go on for hours. The fight can go on for hours. Do you hear me? The fight can go on for hours. The poor dogs literally bite and rip the flesh off one another, and bets as high as $50,000 are placed. The brutality goes on until one of the poor dogs is seriously injured or killed. So the poor dog died—died. The dog died. And for that reason, dog fighting is regarded as a blood sport. A blood sport. While bloody, Madam President, it is hardly a sport. Hardly a sport.

It is a brutal, sadistic event motivated by barbarism of the worst sort and cruelty of the worst sadistic kind. One is left wondering: Who are the real animals—the creatures inside the ring or the creatures outside the ring?

The depravity of dog fighting is a multimillion-dollar business that involves training innocent, vulnerable creatures to kill—to kill—and putting them in a ring to be killed or to kill for the entertainment and/or the profit of their owners and other spectators.

I have seen one individual in my lifetime electrocuted in the electric chair—in my time. It is not a beautiful spectacle. So I can say I could witness another one if it involves this cruel, sadistic, cannibalistic business of training innocent and vulnerable creatures to kill.

Undercover investigators who have infiltrated the dog-fighting ring have found blood-soaked dogs with life-threatening injuries that are left to die as soon as they are no longer able to compete. Undercover investigators have found dogs with ripped ears, torn lips, genitals dangling from their bodies, eyes swollen shut, and faces riddled with punctures so severe that they were barely able to breathe. How inhuman, how inhuman, how sadistic.

Dogs that survive a fight often die days or even hours after the fight from blood loss, shock, dehydration, exhaustion, or infection. What a shame. What a shame.

If the losing dog survives the ordeal—get this—it is usually so mangled that it is no longer of any use and, therefore, it is put to death—put to death.

I have seen a human being put to death for killing another human being, but why a poor dog—a poor dog? If the losing dog survived the ordeal it is usually so mangled that it is no longer of any use. How sad, sad, sad. It is put to death. Even the winner of a dog fight commonly suffers from massive bleeding, ruptured lungs, broken bones, or other life-threatening injuries.

The training of these poor creatures—weigh those words—the training of these poor creatures to turn them into fighting machines is simply barbaric—barbaric. Let that word resound from hill to hill and from mountain to mountain, from valley to valley across this broad land—barbaric. May God help those poor souls who would be so cruel. Barbaric. Hear me. Barbaric. Such practices as starvation of the poor animal to encourage malice, and beatings to build endurance are common. It involves teaching the dog to maul by using smaller animals, such as cats or rabbits or small dogs as training bait.

The result of this most cruel business reaches beyond the fighting ring itself. There are cases of dogs trained to kill that have broken loose and mauled human beings to death. It is reported that dog fighters often involve their children in their bloody activities, with severe damaging psychological impact.

What a sin. What a sin. Studies have revealed that children exposed to dog fighting develop a greater acceptance of aggressive attitudes and behavior. They are taught to believe that violence—violence—is entertaining, and that it is OK to inflict the cruelties they have observed. Dog fighting, reports the Houston Chronicle, simply breeds violence.

Madam President, as a dog owner and a dog lover, I cannot even begin to understand how human beings can be so cruel to man's best friend. Over the centuries of time, these creatures of God have made a place in our hearts as well as in our homes. Dogs have endured as our devoted companions. They provide important emotional support to humans so that the mere petting of these social creatures can lower blood pressure in humans. Get that, Madam President? The mere petting of these social creatures can lower blood pressure in humans. The affection that a dog provides is unlimited, unqualified, and unconditional. Ever the loyal companion, dogs protect us, assist those of us with afflictions, and provide hours of enjoyable companionship. Therefore, I take great satisfaction in knowing that if the people allegedly involved in this outrageous business are found guilty, they will have to answer to our judicial system—and may God help their souls. Congress has made it a Federal crime to engage in dog fighting.

God, the one, eternal, everlasting God, made man caretaker of the Earth. God gave man the responsibility of tending to the natural world with dominion over animal life. We honor God when we treat all of his creatures responsibly and with decency and with respect.

The Book of Proverbs in the Holy Bible, King James Bible, tells us:

> A righteous man regardeth the life of his beast, but the tender mercies of the wicked are cruel.

The immortal Dante tells us that Divine justice reserves special places in hell for certain categories of sinners. I am confident that the hottest places in hell are reserved for the souls of sick and brutal people who hold God's creatures in such brutal and cruel contempt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I ask to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, I am honored to follow Senator BYRD to the floor. Today, as on so many other days in the Senate, we are reminded why he is not only our distinguished colleague from West Virginia, but why he is so revered. We thank him for what he talked about today.

Mr. BYRD. I thank the Senator.

GLOBAL WARMING AND CLIMATE CHANGE LEGISLATION

Mr. CASEY. Madam President, I rise today to talk about one of the most important issues facing our country, our world, and our children. The issue is global warming due to climate change. I know the Presiding Officer has a strong interest in this issue. We talked about it, and she has with many of her constituents in Minnesota and beyond. I appreciate that commitment.

The problem, as you know, is so serious that it could physically and irrevocably change the world in which we live. I think we are confronted today with a moral duty to preserve the environment, not just so we can have clean air to breathe and clean water to drink, but because this world that we live in is in our care for our children and our children's children—God's creation itself.

In the State of Pennsylvania we have always held the environment in high regard. In our State, as in many States, we put it right in our constitution. Article I, section 27 of the Pennsylvania Constitution reads as follows:

> The people have a right to clean air, pure water, and to the preservation of the natural scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

That is what our State constitution says. As a public official from that State, albeit in a Federal capacity, I feel an abiding obligation to give meaning to that constitutional directive through my work in the Senate. For all these reasons I firmly believe we must take action to slow, stop, and reverse our greenhouse gas emissions. The United States must stand up as a leader in the international arena to stop global warming.

I am not a scientist, and I do not claim to be an expert on scientific theories. But I do know something about some of the literature that has been written the last couple of years. One thing I remember in particular, and this had a profound impact on me, is a very simple statement, but it tells what we are dealing with here.

I remember reading back in 2005 that the percent of the Earth's surface which has been subjected to drought has doubled since about 1970. So in just about 35 years the percent of the Earth that had drought has doubled. That alone should tell us what the stakes are. We know what drought leads to. It leads to poverty and hunger and starvation and death and darkness.

We know it from our recent history, the catastrophic storms and flooding, Katrina being an example of that; changes in habitat that threaten species and the potential of a mini ice age in northern Europe if melting ice sheets disrupt ocean currents; major ecological changes translating into major sociopolitical changes. We know various committees in this Senate—the Foreign Relations Committee being one—are dealing with this issue as well, focusing on the implications of global warming to national security and the military readiness of our troops.

There are so many examples. Even in Darfur, a terrible horror that we see unfolding every day—part of that was caused by changes in our environment. Drought caused people to move into new areas, causing conflict.

Consider the implications of widespread global drought, storms, coastal flooding, and crop failures among others.

Inflicting this future on the children of the world and the children of America is unimaginable, and I think unforgivable. Yet that is exactly what we are doing if we do not take action, the action we must take. The evidence of human-caused climate change is overwhelming. Global warming exists, and human activities are a major factor.

The evidence—rising average temperatures, melting glaciers, shifts in migratory bird patterns—is telling us something. It is telling us that we are failing in our duties as stewards of God's creation.

What shall we do about it? It is a question I have asked and so many others have asked over the course of many months in this Senate and many years. I spent, as did a lot of my colleagues, many hours talking with what we might call stakeholders. People in the manufacturing field, people who might own businesses, labor unions, environmentalists, scientists—all the way down the list of people and groups that have an interest. They are all determined that a national climate change program that we develop to combat it must accomplish a number of basic goals.

I will read quickly through about 10 of them:

> Making mandatory greenhouse gas reductions.

The operative word there being "mandatory," not voluntary.

> No. 2. Reduce greenhouse gases at rates and levels identified by international scientists at 80 percent by 2050.
>
> No. 3. Take immediate actions to reduce emissions in the short term.
>
> No. 4. Reduce economy-wide greenhouse gas emissions.
>
> No. 5. Use a market-based approach to reduce emissions while providing some stability in the market, specially in the early years.
>
> No. 6. Balance regional differences in the sources of greenhouse gases and the solutions.
>
> No. 7. Position the United States as a global leader on climate change while bringing developing countries like China, India, and Mexico to the table.
>
> No. 8. Hold States accountable for their own carbon consumption.

No. 9. Make major Federal investments in carbon capture and storage research and clean coal technologies.

No. 10. Continue reducing other pollutants that pose threats to public health.

Guided by these 10 principles, I am a cosponsor of three global warming bills. The first is the Global Warming Pollution Reduction Act introduced by our colleagues, Senator SANDERS and Senator BOXER. I commend my distinguished colleagues from Vermont and California for drafting such an important bill. I believe their bill will be the starting point for the Senate's work on global warming. This legislation makes strong and significant cuts to greenhouse gas emissions. The near-term goal of reducing emissions levels by the year of 2020 to 1990 levels is a good start, as is the long-term goal, meaning reductions of 80 percent from 2006 levels by 2050.

We know the scientists must guide us in this work. We must not do any less than what the scientists tell us we need to do to prevent the catastrophic changes in the Earth's atmosphere.

The second bill I am cosponsoring, the Low Carbon Economy Act, introduced by Senators BINGAMAN and SPECTER—I applaud them for their work in putting together a comprehensive and detailed piece of legislation. Many of the things we will debate in this Senate will be critically important to my home State of Pennsylvania. Any climate change program must include a number of things: First of all, a detailed proposal for a cap-and-trade program for carbon credits; second, measures to keep our manufacturers competitive—we must again bring our international trading partners to the table—and a commitment to provide some measure of stability to the new carbon economy.

The third and final bill I am cosponsoring is Senator CARPER's Clean Air Planning Act. This legislation keeps other hazardous air pollutants at the forefront of our decision. Nitrogen oxides, sulfur dioxide, and mercury continue to have deleterious effects on the health of Pennsylvania and America, in terms of asthma in our children, harmful impacts of mercury on early childhood development, and women's reproductive health.

All of this compels us to take action. Each of these bills does. Each of these bills has strengths that must be included in any climate change proposal developed by the Environment and Public Works Committee and the full Senate.

I have discussed with Chairman BOXER her legislation. I appreciate her longstanding commitment to getting a climate bill to the Senate floor. I commend, as well, I must say, her leadership on a wide range of environmental issues over many years. I thank her for her continuing commitment to work with colleagues like me so we will be at the table to work on priorities for our country, as well as Pennsylvania's priorities in any chairman's mark on a climate bill.

I urge all of my colleagues to join the call of the thousands of people who have visited Capitol Hill and come to our offices to talk to us about global warming, not to mention the millions of Americans who care very deeply about this issue—Democrats, Republicans, and Independents alike, east and west, north and south. We have no time to waste when dealing with the problem of this magnitude and gravity for our world.

Madam President, I ask unanimous consent that I be made a cosponsor of the following legislation: S. 309, the Global Warming Pollution Reduction Act; S. 1766, the Low Carbon Economy Act; and, S. 1177, the Clean Air Planning Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW.) The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, we have moved along on the issues in this bill and have heard from many of our colleagues. We've had a good debate and discussion. Most of the members of our Education Committee and Human Resources Committee have spoken about this measure with very considerable knowledge and understanding and awareness and made a very strong and convincing case.

I think we have had very good opportunity to talk in considerable length and detail about this proposal. I am going to do a brief summary of this legislation in a moment and then we will hopefully have our leader come to the floor with a unanimous consent request so that we may find a pathway to move toward the reauthorization bill, which is very important.

The bill we're debating now—the reconciliation bill—deals with a key part of our education system; that is, the funding that is the lifeblood of our higher education system. But the authorization provisions are enormously important. We have worked very carefully together on the committee and we stand in strong support of those proposals. They deal with some very important matters.

One is the simplification of the FAFSA, the free application for federal student aid. That might not sound like a very important undertaking, but it is extraordinarily important. When you try and go through the older application, as many students have, or families have, they find it virtually impossible to understand.

We give great credit to my friend and colleague, Senator ENZI and Senator REED for their work. We also have provisions that deal with the issue of rising college costs. We deal with the funding of students, we deal with addressing the needs of the neediest students in this country. We have also provided opportunity for the elimination or the forgiveness of indebtedness for those who are going to work in public service areas for 10 years. That is very important.

In the authorization legislation, we have provisions we think can be useful and helpful in terms of the overall cost of education. We support and encourage colleges to publish their tuition and fees, so that there is greater transparency and so that students and families have the knowledge to weigh their options. So that is enormously important. The other part of the authorization, which is absolutely called for, are what we call the sunshine provisions, the ethical provisions. We reform the student loan industry, so that it works better for students—not banks.

What we have seen over the course of our hearings and investigations are instance after instance where those who were involved in the lending aspect of the student loan programs at colleges and universities, and also in the programs themselves, have abused the system. We've seen instances where lenders give gifts, such as trips and performance tickets, in order to gain preferential treatment. That's unacceptable, and we're working to stop those kinds of abuses.

We have recommendations in this proposal to deal with that very serious problem. The members of our committee are very strong in terms of their support for the reauthorization. There are other provisions in the bill as well, but the most important are the ones I have identified. There is strong bipartisan support for those.

We know there are members who wish to address some of those issues in some way. We are glad to have debate and discussion on those matters. But it is our desire, certainly my desire, I know Senator ENZI's desire, that we try and move that authorization proposal in a short period of time. We will have a consent agreement on this shortly. Hopefully, with that consent agreement, we will be able to conclude the debate on the reconciliation provisions and yield back the time we have, and start the process of considering any of the outstanding amendments.

Certainly, the Senator from Alabama's amendment is a pending amendment and other members have talked about other amendments. I will address that issue in a few moments.

To give a very quick summary of what we have tried to do over the period of these past weeks in the area of higher education, we have effectively taken $17 billion from lender subsidies in order to give it to students, and we have deficit reduction distribution of close to $1 billion.

This chart gives a pretty good summation about what this legislation is all about. People who are watching this program, certainly the Members, now, after we have had a good discussion and debate about the program, have an awareness of what this program is about. It is a historic increase in need-based grant aid, the most important increase in need-based grant aid since the GI bill in World War II. This Nation reached out to so many of the young service men and women after World War II, and provided them an opportunity to go on to college and earn a bachelor's degree. What a difference it made for this country in terms of building the middle class, and in giving hope and opportunity to an entire generation. As we have pointed out time and time again, most economists believe for every dollar that was invested in that GI Bill, the World War II GI bill, $7 was returned to the Federal Treasury. We believe that to be true.

This is something the American people ought to keep in mind. In this legislation, the $17 billion is not coming from the taxpayers. It is money that is recovered from the lenders in the student loan program. So we have a historic increase in the need-based grant aid in this bill—an increase of over $700 next year alone for the maximum Pell grant.

We have better repayment options that cap the borrowers' monthly loan payments to 15 percent of their discretionary income, discretionary income, I underline, because that is sensitive to individuals, size of their family, and we are responsive to that.

This takes into consideration the size of their family, which we think is enormously important. We have loan forgiveness for borrowers in public service jobs. We had an excellent debate and discussion earlier in the afternoon with the Senator from Maryland on that program, who told us enormously moving stories about her own life and others that she knew about.

This is a very important provision, the loan forgiveness, for borrowers in public service jobs. We have great need for more professionals in public service areas, and we have scores of young people who are interested in entering these fields. Visit any college, as I have, and talk to the young people, and the interest of the young people being involved in local community service programs, State programs or Federal programs in public service is extraordinary. I think it is the highest level of interest and involvement I have seen, that I can remember in memory.

The loan forgiveness provision in this bill helps address the enormous explosion of student loan debt we've seen recently, which closes out opportunities to attend college for far too many Americans.

We have gone through this in some detail during the course of the debate. We provided some protection for working students by not penalizing their earnings. So often individuals are trying to go out and work, they are hard pressed in terms of their resources that are available to them and to their families. They go out and earn some extra money. What happens, in a number of instances, is they exceed the provisions of existing law and work themselves out of some need-based aid.

We address that issue. The students are going to go out and work and work hard to be able to buy their books, to be able to afford their living expenses. We make sure they are not going to be penalized for their hard work. We offer longer deferment periods for borrowers in economic hardship. We also have additional consideration for those who have served in the Armed Forces of this country.

We had a good review of that program with Senator MURRAY late yesterday afternoon, a very important additional kind of protection for our servicemen, particularly those who are on active duty and find out, as we know, there are increasing extensions of their duty. We wish to make sure those individuals who are involved in defending this country are not bothered or harassed by those who are trying to collect their debt.

So this provides these benefits at no cost to the taxpayer by reforming the student loan industry so it works for students, not banks. This is not additional money from taxpayers for these programs. This comes from the lenders, from the banks, changing the way that this whole program works to benefit the students in a very important way, and in a way, quite frankly, that actually isn't going to cost the lending agencies that much profit.

Even with this particular proposal, we have seen the various CBO reviews, we have these financial officer statements we have reviewed. These lending agencies, they are going to do very well. We reviewed some of the documents of Sallie Mae itself, which pointed out the size of their earnings, which are going to be substantial, even with the inclusion of this legislation. So we do not need to have crocodile tears for the lending agencies. We ought to even strengthen those programs for the students of this country.

So this is the broad form and the broad shape of the legislation. When we talk about the need based aid, what we are talking about basically are the lowest-income families.

Pell grants assist 5 million of the neediest students, 5 million of them who are attending our universities. This is very important help and assistance. What we see is, as they take advantage of this program, it means they may be able to borrow less. By borrowing less, they have less monthly payments and this frees them to be able to focus on school, so that students during their breaks and during their free hours are going to be talking about their subject matter and about the books they have read, and their classes and teachers, rather than constantly worrying about the payment of their debt.

So this is a very major aspect of how we have allocated a major part of the $17 billion. We have, as every person knows who is in this Chamber, and every family knows who is watching this, an explosion of costs both at private colleges and public colleges.

We know many students who go to these public colleges and the private colleges are young men and women of extraordinary ability and talent; and many of them are also hard pressed financially. What we have tried to do, although we have not done it up to now, is to keep grant aid up with the incredible increase we have seen in the cost. We made a downpayment on that with our increase in the Pell grant maximum to $4,310 earlier this year. This bill goes even further, and raises the maximum Pell grant to $5,100 next year and to $5,400 by 2011.

As I mentioned earlier, we have made some recommendations in the education authorization bill to try and deal with costs in the future. We have seen those costs go up.

This is a very important chart. Each year, nearly half of the lowest-income students, who are talented students, cannot go to a 4-year college because of cost. We know that 400,000 students don't attend a 4-year college each year because of cost. These are young people who could effectively gain entrance into college but cannot go because of the limitations of income. This is a great loss for this Nation, a great loss for those individuals. It is an incredible loss in terms of our Nation.

We tried, with the need-based aid and assistance in this bill, to provide help. We tried through Senator MURKOWSKI's amendment to provide the mechanisms in the States to reach out to these students to assist them, to motivate them so they will go on to college, and explain to students the complicated financial aid process. That is enormously important.

With the work of Senator ENZI and Senator REED, we have simplified the form for application for federal aid into two pages compared to the current form's eight or nine pages, which are hardly understandable for many parents and students.

This is what is happening. This is why we are seeing one of our candidates, Senator Edwards, talking about the two Americas. It is right here at the breaking point where we find out that half of the college-ready students, which means that they have the academic capability to go on to college, do not do so because of the cost.

These are the facts. This is the need. This is another way of expressing a similar point; that is, more students must take out loans to finance their education. In 1993, less than half of all graduates had to take out loans. But in 2004, nearly two-thirds had to take out loans to finance their education—an enormous increase. Students are borrowing more, and this is the indebtedness.

I see our leader on the floor. Knowing his responsibility, I would be glad to withhold and make whatever comments I might have after any comments he would want to make.

Mr. REID. Madam President, Benjamin Franklin once said: "Genius without education is like silver in the mine."

It is unquestioned that a college education is the single greatest weight on the scales of success.

Yet today, more and more working-class Americans are shut out from the promise and opportunity of a college education because the price is out of reach.

The Higher Education Access Act is a bill that will restore that promise to hundreds of thousands of American students.

Over the past 20 years, the cost of a college education has tripled. Yet the average family's median income has been virtually flat, and Federal student aid has not kept pace to make up the difference.

As a result, the goal of higher education has never been further out of reach for many working class students and their families.

Nearly 400,000 students who would otherwise have the credentials to go to college are shut out because they cannot afford it.

Imagine the doors to opportunity that a college degree would have offered these students, the benefits to our society and the benefits to our economy.

Over the course of their lifetime, a college graduate will earn $1 million more than a high school graduate. And the Department of Labor projects that almost 90 percent of the fastest-growing and best-paying jobs require at least some postsecondary education.

Too many students are losing out on all that opportunity. And too many students who do make it to college are shouldering the burden of more debt than ever before.

In Nevada, we are fortunate that the cost to attend one of our fine State universities is still relatively low. But even in Nevada, the average graduate has almost $17,000 in student loan debt.

There is nothing wrong with borrowing money to help pay for college. But when that debt reaches an average of tens of thousands of dollars, students are buried in debt before they even enter the workforce.

The Higher Education Access Act, the bipartisan reconciliation bill that we are today debating will help solve this critical problem.

It will do so in a comprehensive way by increasing grant aid, expanding the number of students eligible for Federal aid, making loan debt more manageable, and expanding loan forgiveness options for those professions that we all recognize are important to society—teaching, social work, law enforcement, and health care.

The Higher Education Act includes three crucial components.

First, the bill includes a significant increase to the Pell grant, which has long been the foundation for Federal student aid.

Twenty years ago, the Pell grant covered half the cost of attendance of a 4-year public college. Today, it covers less than a third.

In 2000, President Bush campaigned on a promise to increase the Pell grant, but for 5 years, it remained at $4,050. After years of stagnation, one of the first acts of the Democratic Congress this year was to raise the Pell to $4,310.

This bill takes the next step, increasing the Pell grant to $5,100 next year and to $5,400 in 2012, and makes an additional 250,000 students eligible.

Second, the Higher Education Access Act caps monthly Federal student loan payments at 15 percent of a borrower's discretionary income. This will translate to real benefits for graduates.

Under this new income-based repayment plan, a teacher in Clark County, NV who earns about $45,000 a year, would have his or her monthly payments reduced from $192 to $149, or 23 percent.

This bill also increases the amount of student income that can be sheltered from the financial aid process. The current levels amount to an unfair "work penalty" on working, part-time, and community college students, including the nearly 58,000 students in my own State who attend a community college.

Third, the Higher Education Access Act expands loan forgiveness options to encourage college graduates to pursue public service and careers in such high need areas as nursing, teaching, or law enforcement.

We have a tremendous teaching shortage in Nevada, particularly in Clark County. Clark County is one of the fastest growing school districts in Nation. They are building, on average, one new school every month. Each year, the district needs to hire as many as 1,000 new teachers to fill these buildings.

This loan forgiveness program would erase remaining student debt for new teachers after 10 years of teaching.

The large banks and lenders tell us that the provisions in this bill will impact the benefits that they provide to students. But they never tell us what these so-called benefits really mean for the average student.

This legislation, on the other hand, has clear and tangible benefits for students. The savings generated in this bipartisan bill, through modest cuts to lender subsidies, are sent right back to students in the form of $17 billion in new benefits. This would be the largest increase in college aid and student benefits since the GI bill.

Let me address the issue of lender subsidies. The Federal student loan program was established in 1965, before a student loan market even existed.

Back then, the Federal Government had to offer incentives and subsidies to encourage private financial institutions to provide education loans.

But times have changed. Today, there is no doubt that the student loan market is highly lucrative, and one need look no further than $225 million in compensation that the CEO of Sallie Mae received over a 5-year period to prove this point.

Yet the Federal Government continues to provide excessive subsidies and guarantees to lenders under the FFEL, Federal Family Loan Program. I support the FFEL program Our State's oldest university, the University of Nevada Reno, participates in the FFEL Program.

But without a doubt, the private student loan industry is heavily subsidized by the American taxpayer. And, in my view, it is past time for the Congress to take a second look at these subsidies. This bill does that in a bipartisan, responsible, and reasonable way.

I thank Senators KENNEDY and ENZI and the rest of the HELP Committee, as well as the chairman of the Budget Committee, Senator CONRAD, for their work in crafting an important piece of legislation that meets the reconciliation instructions in the budget resolution.

Mr. President, passing the Higher Education Access Act is one of the most important steps this Congress could take. I can think of few things more important to our country's future than opening the door to a college education for millions of students and unlocking all the opportunity it affords.

I also want to amplify what I said this morning about the way this bill has been managed. The two managers of this bill, Senators ENZI and KENNEDY, have done an exemplary job. There are some difficult issues to deal with, and they have done it in a graceful manner. They have allowed people to offer amendments and debate whatever they feel is appropriate. I would hope that in this little vote-athon we have, which is one of the quirks in the Senate rules—people may offer amendments when we are finished—people will keep in mind what we are trying to accomplish with this bill. Once this passes, they will be no longer trying. It will really help lots of students to go to school. Things are different than when I was a college student. I could work, as I did and many others did, and put myself through school with a little scholarship here and there. You can't do that anymore. You need, with rare exception, student aid. This bill will allow students more money to be educated.

As has been said here in the last several days on many occasions, a person getting a college education will earn over a lifetime $1 million more than a person with no college education. That really says it all. That is what this is about, to allow more people to be educated.

I appreciate very much the manner in which this bill has been managed. I think it is exemplary. It is how a bill should be managed in the Senate.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the leader for his comments and also for scheduling this proposal. It is a clear indication of the priority this legislation has. We are very grateful that we have been able to, hopefully, complete this whole proposal in terms of the funding and the authorization.

Mr. REID. Will the Senator yield for a brief statement?

Mr. KENNEDY. Yes.

Mr. REID. We are going to have a number of votes that could start in the next half hour or so, whenever the managers decide we should start. But my goal is to finish the voting tonight. We have this bill started. I would hope we could finish it tonight. We are going to give it the college try. All the amendments that will be offered, we are going to vote on them tonight. Many of them will be points of order, a 60-vote margin. I would hope people understand these are procedural votes. I hope we can dispose of them as quickly as possible, one way or the other. We have a lot to do. We have a cloture vote tomorrow on a very important appropriations bill. So we are going to move to that. I hope the distinguished Republican leader and I can work out arrangements so that we may not even need a vote tomorrow. If we can proceed to it on Monday, we would do that, whenever we finish education issues in this next cycle.

It is my understanding that there may even be something more we could do on education Monday. That is not quite worked out yet, but if it is, I would be happy to work out the schedule so that we can continue on education and perhaps go to the appropriations bill either Monday night or Tuesday sometime.

Again, we are going to do everything within our power to finish this bill tonight. I hope it is not going to be a night like we had Tuesday. I am confident it won't be, but it could go into the late evening tonight.

Mr. KENNEDY. Madam President, I want to indicate to the leader that we have a pending amendment, the Sessions amendment. But we have effectively ended the debate on education. The students of this country and the parents of this country ought to know that we have done our duty, our responsibility. It is going to be those who are going to be offering amendments that have nothing to do with educating the children of this country who are going to be delaying what is a vital interest to the students and working families. We have been here, ready to deal with the amendments. We have a pending amendment with the Sessions amendment. But it ought to be very clear to every student who is watching this program and every parent who is watching that Senator ENZI, myself, and our committee—we have done our work. We are ready to have final passage. The House of Representatives has acted on this proposal. We are ready to go ahead and get to conference and get these benefits to students. If Members of this body have other issues, they ought to consider those at another time, or in another place. But every parent of every child ought to know, when we start having these dilatory amendments that are being offered, who is offering them and who is delaying the most important education program we have had here in the Senate since the GI bill in World War II. That is what this is about.

I thank the leader for both scheduling this and his willingness to stick with it. We are fine. It is 6 o'clock on a Thursday evening. We are glad to work, and we are glad to work through tomorrow, Monday, whatever it is. But the American people ought to know, when these amendments that have nothing to do with education are offered, who is on the side of the students and who is on the side of working families, who is on the side of middle-income families. We have been out here ready to deal with education amendments. We have one that is pending. But the idea that they are going to use this as some kind of vehicle to tack on every single amendment to cause what they consider to be difficult political votes, they are basically insulting the families of this country who know how important this issue is.

Make no mistake about it, we will know very soon who is on the side of the students and who is not.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. REID. Madam President, we are now waiting for the distinguished Republican leader to come. As further evidence of your good work, we have a unanimous consent request here that will allow us to move Monday to the higher education extension which is so important. I, frankly, am elated that this is going to happen. This is a gift for the American people. I certainly hope the Senate understands how important it is that the two of you have worked this out. This is really remarkably good.

Again, we are waiting for the distinguished Republican leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1642

Mr. REID. Madam President, I ask unanimous consent that at 2 p.m. Monday, July 23, the Senate proceed to consideration of Calendar No. 264, S. 1642, the higher education extension, and that when the bill is considered, it be considered under the following limitations: that there be a total time of 8 hours of debate on the bill and amendments, with the time equally divided and controlled between Senators KENNEDY and ENZI or their designees; that the only amendments in order, other than the committee-reported substitute, be a total of 12 relevant first-degree amendments relative to the matter of S. 1642 and/or the committee-reported substitute; there would be six for each manager, and an additional managers' amendment which has been cleared by the managers and the leaders, with no other amendments in order; that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to passage of the bill.

Prior to asking approval of this consent, I want the record to reflect, I love people who write left-handed. I have a son who is left-handed, and there was nothing meant to disparage left-handers when I said that.

Mr. McCONNELL. Reserving the right to object, and I will not object, I was off the floor when the majority leader was talking about the measure we are on at the moment. Let me just indicate that there will be a number of amendments. I think our colleagues ought to stay relatively close to the floor when we get into a series of amendments. I share the majority leader's view that hopefully we will finish that bill tonight. But I do think it would be a good idea for people to stay close to the Chamber when we get into the so-called vote-o-rama.

With regard to the consent agreement, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Madam President, I am so pleased at what just happened here. We have an important part of higher education in a reconciliation bill. In every speech I have made since we started this yesterday, although it seems like weeks ago, there was a second part that is actually a bigger part. There is a whole puzzle, and we are taking care of the little red triangle there in the reconciliation bill, but there is a lot more to higher education that we need to do. We came close to getting some done a year ago, but we didn't quite get there. The system kind of failed for the students. Now we have the chance, and we are going to do it on Monday. We are going to take care of that bigger part, the yellow part there, which is the reauthorization.

We have talked about this financial aid form simplification—and even showed the multiple pages that are currently required—bringing that down to one page. That is in there. We have talked about the need for better loan disclosure for financial institutions, the need to do a better job of following the rules, and we even interjected some new rules. That is in this part.

There are year-round Pell grants so students do not have to interrupt their study when they want to get ready to be in the workforce. There is support for nontraditional students that we have not had before for graduate and international education. We have financial literacy and better borrower information in this part we will be debating Monday. We have privacy protection in there, which is extremely important.

We have improvements to the Academic Competitive Grants and the SMART grants which encourage students to get into science and math and engineering and technology and languages and medicine. There is some additional incentive for them to do that.

There is also the college cost watch list, which will provide more information to students and to us so we know what we are doing when we reauthorize higher education the next time.

There is much more. One of those "much more" is a very important part, which is more money for teacher preparation. Teachers are a key to the education system, and they are taken care of in the reauthorization part of the package, not in the reconciliation package. So it is very important to get both of them done. I am so pleased we have been able to arrive at a unanimous consent agreement to do both of them.

We will finish this one up. I will make a few comments. We will be ready to yield back time and get on with the vote-o-rama.

I wish to echo the sentiment that the amendments are rather limited. I hope that is the case. I think the amendments that were really pertinent to the reconciliation bill have probably already been put out there. There may be a couple of others, but I am hoping we do some things that are pertinent to this reconciliation so we can get that wrapped up and get the reauthorization done so that higher education in this country will function the way we envision it. It is always on a good path. It can be better. These two bills make it better.

The reconciliation bill, of course, reduces subsidies to lenders by $18.5 billion and provides $17.6 billion for students benefits. This legislation, coupled with the Deficit Reduction Act passed 2 years ago, will result in $40 billion in changes to Federal student loan programs.

I am pleased we have come to an agreement that will allow the rest of the reauthorization of the Higher Education Act to be considered on the floor of the Senate with limited relevant amendments and a limited amount of time. The bill before us today focuses on a narrow slice of the Higher Education Act. As I mentioned, it will give us a chance to do the entirety of the Higher Education Act, which will ensure the continued quality of our higher education system.

Now, as I mentioned, this is the second time in as many Congresses we have been on the brink of systemic reform. We are going to make it through the reform this time. I am so pleased at that. The students of America, whatever age, will benefit from this legislation. We talk about the need for education from the time you are born until the time you retire. We have some other pieces yet that we need to do, such as the Workforce Investment Act, but we are on course to get that done too.

The American system of higher education is renowned throughout the world. America's students will now be provided with the tools and assistance contained in both bills to complete their higher education and training to acquire the necessary knowledge and skills to be competitive in a 21st-century economy.

I supported reporting both bills out of committee. I did ask they be considered together and had that expectation. So I am very pleased that the Senate Democratic leader has worked with us and provided an opportunity to have an open and full debate on the aspects of the Higher Education Act.

As debate on this bill comes to a close, it is necessary to thank those who worked long and hard on this bill. First and foremost, I thank Chairman KENNEDY. The bill we will be doing Monday is virtually a bill the two of us worked out last year, for which we got to that brink of getting done, and then it did not get done. So now we are presenting it again. I thank him for his commitment to keeping this process bipartisan.

Education is bipartisan. There is no partisanship in that. I think that will be displayed throughout the process. And I appreciate his working with me and my Republican colleagues on the HELP Committee throughout this entire process. We have a different process than some of the other committees. We use the markup to kind of find the direction, the intent and the intensity of the feelings on the issue, and then we actually keep working with people through that time to either correct the situation or to get an understanding of what it is we are really doing. Sometimes that even requires coming up with a third way. But that is what has happened in both of these bills, and it gets us to this point.

Now, it involves a tremendous amount of work on the part of members of the committee, but it also involves a tremendous amount of work by our staff. They work through weekends. They work late into evenings trying to resolve a lot of these things so it can get to the decision at the Member level.

So I particularly thank Katherine McGuire, my legislative director; Beth Beuhlmann, who heads up the education shop; Ann Clough; Adam Briddell; Amy Shank; Ilyse Schuman; Greg Dean; Kelly Hastings; and Lindsay Hunsicker.

I also thank the members of Senator KENNEDY's staff for their hard work: Michael Myers, who is doing a marvelous job of coordinating with us; Carmel Martin; J.D. LaRock; Missy Rohrbach; Emma Vadehra; Erin Renner; Raquel Alvarenga; and David Johns.

Finally, I thank all the members of the HELP Committee and their staffs for all their hard work throughout this process. It has been hard work making sure everybody had an understanding of all of these difficult issues and getting us to this point.

So again I thank the chairman for his hard work and cooperative work to be able to get this done for the kids of America.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The majority leader is recognized.

AMERICA COMPETES ACT

Mr. REID. Mr. President, there is a lot of good news today legislatively.

I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 159, H.R. 2272, the House competitiveness bill; that all after the enacting clause be stricken and the text of the Senate companion, S. 761, as passed by the Senate, be inserted in lieu thereof; the bill be read a third time and passed, the motion to reconsider be laid on the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. President, let me say this is the end of a long haul to do a bill that is extremely important. This is a bipartisan bill. There are a number of people who have worked extremely hard on this legislation but no one harder than Senators BINGAMAN and ALEXANDER. I apologize for only mentioning their names. I am sure there are many others who worked just as hard as they did. I remember they were the first two who talked to me about it, and there has been a lot of time spent on this legislation.

It is a bill that was passed in the Senate with little opposition. I am so happy we can now go to conference. The House has already passed something. We can come back with a bill that I think will really help productivity in our country and help the educational aspects of students, especially in the scientific fields.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, reserving the right to object—and I will not object—there have been a number of people on both sides of the aisle who have been deeply invested in this America COMPETES Act. Several of them will be shortly announced by the Chair as conferees.

Particularly, I want to single out Senator STEVENS, Senator ENZI, Senator ENSIGN, and Senator COLEMAN, all of whom will be named conferees, and, of course, Senator ALEXANDER and Senator DOMENICI, who were really the leaders on our side, in conjunction with Senator BINGAMAN, in developing this important bipartisan legislation.

Senator ALEXANDER kept pushing others forward. But, in fact, we all knew who the real leader on our side was on this issue. He, in a very selfless way, helped move a bipartisan group together to form this important legislation. I commend Senator ALEXANDER in particular for the role he played in all of this.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 2272), as amended, was read the third time and passed.

The Presiding Officer appointed Mr. BINGAMAN, Mr. INOUYE, Mr. KENNEDY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. NELSON of Florida, Mr. DOMENICI, Mr. STEVENS, Mr. ENZI, Mr. ALEXANDER, Mr. ENSIGN, and Mr. COLEMAN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join the two leaders in thanking our colleagues and thank them for moving this process forward in naming these conferees on the America COMPETES Act. I wish to underline the excellent work that was done under the bipartisan leadership of Senator BINGAMAN and Senator ALEXANDER, and the other members of our committee. They have worked long and hard on this legislation.

A very distinguished leader in business, Norm Augustine—who has been the head of many of our defense industries and is a real statesman in terms of defense policy—was enormously important in helping guide the bipartisan group, to get recommendations from the National Academy of Sciences, the National Academy of Engineering, the National Science Foundation, and others, to help prepare this legislation, and to make recommendations to the House and the Senate.

This is an enormously important effort to ensure that the United States can continue to be competitive in the world economy for years ahead. I think this is a very solid and important bipartisan effort. I join with our two leaders, thanking them for their recommendations in terms of conferees, and join in commending the bipartisan effort that has seen this as continuing progress.

COLLEGE COST REDUCTION ACT OF 2007—Continued

Mr. KENNEDY. Mr. President, I think with the consent agreement we are prepared to yield back the time we still have. I want to join, first of all, in thanking my friend and colleague from Wyoming, as I did in the opening of the discussion and debate on education. This reauthorization legislation—the one we will consider on Monday—is legislation that had Senator ENZI's name on it until the change in the makeup of the Senate. We had worked on it in a bipartisan way. I think with the exception of the ethical issues, which have been developed more recently, it is by and large a reflection of a really strong bipartisan effort, as our reauthorization on the Head Start Program is as well.

That is the way we worked when Senator ENZI was the chairman. We have tried to follow that pathway. As he mentioned, there has been a long history of leaders in education who work on a bipartisan basis in the Senate, going back with the Republicans with Senator Stafford and with our friend Claiborne Pell, as well as Judd Gregg when he was chairman of the committee.

So we want to see this passed. Hopefully, by Tuesday sometime, we will be able to look back on these past days and see a job well done. But we still have work to do.

I want to take a moment of time, though, to join in thanking the staff. Senator ENZI has said it so well. There has been tireless work and a real willingness to find common ground. These staffs have worked very closely with all of us. These issues are of prime concern to every member of our committee. Every member of our committee is involved in these education issues. We have good exchanges on that, and they have all been interested for a long period of time.

But I wish to thank, certainly, on my staff Michael Myers, who heads our committee staff and does such a wonderful job, Carmel Martin, and Missy Rohrbach. Missy even managed to get married during this period of time. I don't know how she found that time. J.D. LaRock, Erin Renner, Emma Vadehra, David Johns, Liz Maher, Parker Baxter and Nick Bath. For Senator ENZI, Katherine McGuire and Ilyse Schuman and Greg Dean, Beth Buehlmann and Ann Clough, Adam Briddell and Lindsey Hunsicker. There are many others, and I will include those as we go through the evening.

Mr. President, I was concluding the earlier remarks but I think many of our Members are ready to move ahead now.

The other major provisions of this legislation were the loan forgiveness for those in public service for 10 years, the ceiling on loan payments so they don't exceed 15 percent of monthly income, which assist people in repaying their loans in a responsible way. It is very solid legislation. It is good legislation. As I mentioned earlier, it deserves to be passed. We know the House is ready to move forward together on this bill. They have addressed this issue in the committee and they are ready to move ahead. I think the country is ready for us to move ahead.

As we have been willing and able to deal with education issues, I join in the plea of my friend and colleague from Wyoming in the hope we will not extend these amendments that have no relevance to the education of the young people in this country. They are entitled, I believe, to the kind of respect they should receive with an important piece of legislation that has been bipartisan, it has been worked through, and reflects the Nation's judgment in terms of understanding the importance young people can play and must play in our country and in our democracy, in our economy and in our national security. This legislation deserves, I believe, to have a quick and speedy passage.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield.

Mr. DORGAN. Let me thank the chairman and ranking member for their work. I would like to understand, as we apparently go into some votes, what the requirements and circumstances are. There is no limitation on amendments at this point as I understand it; is that correct?

Mr. KENNEDY. The Senator understands correctly.

Mr. DORGAN. Let me ask, under reconciliation, I have watched the proceedings this afternoon, and I have heard discussions on the amendments that have nothing to do with this subject and are far afield. Is there a germaneness test with respect to amendments on the reconciliation portion of this bill?

Mr. KENNEDY. Yes, there is. So there will be points of order raised on amendments where those points of order should be raised.

Mr. DORGAN. If I might, let me thank again the chairman and the ranking member. My hope is we will deal with those amendments that deal with the education of the children in this country and move on and finish this bill. There will be plenty of other opportunities to address subjects well beyond that. I appreciate their work, and I hope we can finish this in due course.

Mr. KENNEDY. I thank the Senator because this is important legislation. There are a lot of other items which all of us are concerned about that the Senate should address. But we have had good discussions, good debate. This is very important legislation, and it reflects the best judgment of the members of our committee and I think the Senate as a whole as well. Hopefully, we can get it passed.

Mr. ENZI. Will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. ENZI. Is the Senator going to be yielding back and then propounding a request for 1 minute on each side on each amendment and 10 minutes after the first vote?

Mr. KENNEDY. Yes, I will.

The PRESIDING OFFICER. The Senator from Vermont has a question for the Senator from Massachusetts.

Mr. SANDERS. My question was similar to Senator DORGAN's. I was going to say that if there was a substantive debate, we are prepared to offer several second-degree amendments. I hope I don't have to do that because I agree with the Senator from Massachusetts that we are dealing with higher education now, a very important issue, and I think we should keep it clean and move forward. But if something else evolves, we are prepared to offer several second-degree amendments.

Mr. KENNEDY. Mr. President, I thank the Senator for his very important contributions during the development of this legislation and his excellent statement on the floor.

I am prepared to yield back the time, if my colleague is prepared to yield back. I think also for any amendments, can we request that we have the opportunity for 2 minutes of debate on any amendment that is going to be offered to be evenly divided. Furthermore, I ask unanimous consent that after the first vote, the time on each succeeding amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if it is all right with the Senator from Wyoming, we would indicate the first vote then would start at 6:30. I see the leader. That gives people at least some notice, if that would be agreeable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, with the first vote to begin at 6:30 then, we have 8 remaining minutes. I am glad to divide that with the Senator from Wyoming. Does the Senator from Alabama wish to be—I would be glad to divide that time with the Senator from Alabama, if he wishes to speak on his amendment.

Mr. SESSIONS. I would be pleased.

Mr. KENNEDY. I ask unanimous consent that we divide the time, the 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the provision in this bill that creates an entirely new loan forgiveness program for Government public service workers I believe is unprincipled and can only get worse in the years to come. Actually, it has some pernicious aspects to it.

For example, it says if you are any Government worker or social service worker, it appears that as long as you are not in the private sector, after 10 years, the Government will forgive your loan debt. I think that is an odd thing for us to do, to have that many people have their loans forgiven.

I think, No. 1, when people go to college and they make up their mind about how they are going to pay for college and whether they will work, this will be an inducement for people not to work and to borrow; it will encourage borrowing for loans. No. 2, it does not have any limit on the amount of money involved, so those who go to more expensive colleges will obviously get more of the taxpayers' money than those who don't go to more expensive colleges in terms of the loan forgiveness. I think that is not a healthy thing.

Eighty percent of the colleges and universities in America don't use the Direct Loan Program. Eighty percent do not. You don't get this loan forgiveness unless you are part of the Direct Loan Program, or consolidate your loans with it. I think that is an odd bias in the system that I am not comfortable with. So I will say, again, I think this is creating a new bureaucracy, an unwise way to help workers. I would suggest if we want to help people, we should expand our Pell grants—as we have dramatically and I support—and the loan programs in general but not to target a forgiveness program to people who have been working for the Government for 10 years who are probably better able to pay off the loan than they were the first 2 or 3 years they started to work. It doesn't make sense to me. I don't like this new program and all its ramifications.

I think our focus should be on Pell grants, on improving the loan program for everybody equally, and I don't think the plumber who is taking business courses so he might one day run his own business, or the nurse who is advancing her skill level so she might one day reach a higher level of pay, that one ought to be favored over the other.

I strongly believe our resources should be directed to overall strengthening of the loan program and not focusing on just Government employees. I am not putting down Government employees, but I will ask you about two Government employees, one who goes to a community college and works their way through and ends up with no debt and another one who incurs a good bit of debt, one gets benefits under this program, whereas the other one doesn't. I don't think that is a good principle. I think that is hard to defend.

How much time remains?

The PRESIDING OFFICER. The Senator has 17 remaining seconds.

Mr. SESSIONS. I thank the Chair, and I thank Senator KENNEDY. I know the bill does do some good things with regard to Pell grants and to focusing more of our loan money on some of the professions and areas of our economy that need more students involved, so I salute that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we have 4 minutes. Earlier in the day, we had a good exchange with the Senator from Alabama. I pointed out that Alabama, under this legislation, gets an additional $442 million over the next 5 years in grant aid. My own State of Massachusetts gets $317 million. Alabama does exceedingly well, and that is under the need-based provisions of this program, the need-based provisions of this program.

The Senator from Alabama has raised I think three important points, and they should be addressed. First of all, the loan forgiveness is applicable to those who are on the Direct Loan Program or those who are on the Pell Grant Program. That is spelled out on page 14 of the legislation. That is spelled out on page 14.

Secondly, there is a cap—spelled out on page 30, that requires the borrower's annual adjusted gross income or annual earnings to be less than or equal to $65,000 for eligibility. So if they make more than $65,000, there is no loan forgiveness. So this is for those individuals who are working—the working middle class and the working poor.

Third, we believe, as this chart points out, that there is a value in terms of public service employment. We have heard the announcement about the COMPETE Act and about those who are going to go to conference on the COMPETE Act. That bill addresses math and science education and many other important areas. Try to find a good math teacher to serve the public schools of Boston—it's extremely difficult—a good science teacher, a good chemistry teacher to work in a high-need school. Try to find individuals who are going to work with the disabled population. Increasingly, we are finding challenges in meeting the needs of our elderly population so they can have independent living. We have listed the range of what we consider to be public service fields in this bill, and it is extensive. There is enormous need in America. There is an enormous desire of young people to work in those areas. The principal barrier is their indebtedness. They know that if we provide some help and assistance, which this legislation does, to provide some forgiveness, if they work 10 years—10 years—10 years they have to work in these areas in order to be eligible for some forgiveness. That is what the amendment of the Senator from Alabama wants to eliminate.

I have mentioned many times, and in traveling around to schools and colleges in my State of Massachusetts, the number of young people who want to do public service and work and make a contribution to their community, to their local communities, to their State or to the country. We were reminded earlier today by the excellent statement of the Senator from Maryland the difficulty in getting law enforcement people to work in many of the areas in the communities in Baltimore. There are important public responsibilities and services. We have a generation of young people who are prepared to do it. The principal thing that is blocking them is the limitation on their salaries. As we have seen, this chart gives you a pretty good example. A starting salary for teachers is $35,000, and the loan debt is $18,000. What this will do is provide some relief annually, up to $732, but if that teacher is a starting teacher in Massachusetts, at the end of 10 years of working with students in the public school system, they are going to get some loan forgiveness.

They are going to get a $10,000 forgiveness. This is not taxpayer money, Mr. President; this is the lenders' money. I hope the amendment will not be accepted.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—42

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Johnson
Obama

The amendment (No. 2333) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand the Senator from Wyoming has an amendment we are going to hopefully accept on a voice vote, if it is the way I understand it to be.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. On behalf of Senator COLEMAN, I send an amendment to the desk.

Mr. COLEMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2334

Mr. COLEMAN. Mr. President, I call up amendment No. 2334.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAPO, Mr. BUNNING, and Mr. CORKER, proposes an amendment numbered 2334.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the Federal Communications Commission from repromulgating the fairness doctrine)

At the end of the bill, insert the following:

SEC. ______. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the "Broadcaster Freedom Act of 2007".

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees*, 50 Fed. Reg. 35418 (1985).".

Mr. COLEMAN. Mr. President, this bill is about educating young people. Let them have unfettered access to information. This bill would prohibit the Government from monitoring ideas on our public airwaves and penalizing broadcasters who don't meet the Government's definition of fair and balanced. There is a reason why our first amendment is freedom of speech because all freedoms are at risk when Government monitors and controls the broadcast of ideas.

Since the end of the fairness doctrine in 1987, talk radio has flourished because of consumer-driven market demand, not because of Government command, not because of Government control.

That is why I am offering this amendment which will protect America's constitutionally granted right to free speech. It will prohibit the FCC from reinstituting the fairness doctrine.

At the end of the day, there is nothing fair about the fairness doctrine. This issue is not which broadcaster is fair and which is not. The issue is who decides. I believe fairness is what the American public decides is fair, not some Washington politician or bureaucrat. Americans love a fair fight, but there is nothing fair if the intent is to silence debate because a politician disagrees with it.

I ask for my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this has nothing to do with the underlying legislation. Young children in this country want this legislation, and this amendment has nothing to do with it.

The pending amendment is not germane. Therefore, I raise a point of order pursuant to sections 305(b)(2) and 310(e)(1) of the Congressional Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. The question is premature. No motion has been made.

Mr. COLEMAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Johnson
Obama

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Republican leader.

AMENDMENT NO. 2351 TO AMENDMENT NO. 2327

(Purpose: To express the sense of the Senate on the detainees at Guantanamo Bay, Cuba.)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2351.

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON THE DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) During the War on Terror, senior members of al Qaeda have been captured by the United States military and intelligence personnel and their allies.

(2) Many such senior members of al Qaeda have since been transferred to the detention facility at Guantanamo Bay, Cuba.

(3) These senior al Qaeda members detained at Guantanamo Bay include Khalid Sheikh Mohammed, who was the mastermind behind the terrorist attacks of September 11, 2001, which killed approximately 3,000 innocent people.

(4) These senior al Qaeda members detained at Guantanamo Bay also include Majid Khan, who was tasked to develop plans to poison water reservoirs inside the United States, was responsible for conducting a study on the feasibility of a potential gas station bombing campaign inside the United States, and was integral in recommending Iyman Farris, who plotted to destroy the Brooklyn Bridge, to be an operative for al Qaeda inside the United States.

(5) These senior al Qaeda members detained at Guantanamo Bay also include Abd al-Rahim al-Nashiri, who was an al Qaeda operations chief for the Arabian Peninsula and who, at the request of Osama bin Laden, orchestrated the attack on the U.S.S. Cole, which killed 17 United States sailors.

(6) These senior al Qaeda members detained at Guantanamo Bay also include Ahmed Khalfan Ghailani, who played a major role in the East African Embassy Bombings, which killed more than 250 people.

(7) The Department of Defense has estimated that of the approximately 415 detainees who have been released or transferred from the detention facility at Guantanamo Bay, at least 29 have subsequently taken up arms against the United States and its allies.

(8) Osama bin Laden, the leader of al Qaeda, said in his 1998 fatwa against the United States, that "[t]he ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it".

(9) In the same fatwa, bin Laden said, "[w]e—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it".

(10) It is safer for American citizens if captured members of al Qaeda and other terrorist organizations are not housed on American soil where they could more easily carry out their mission to kill innocent civilians.

(b) SENSE OF SENATE.—It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, 6 years ago no one would have thought about deliberately bringing terrorists into American communities, but some of our friends on the other side of the aisle feel differently. The senior Senator from California actually has proposed that we require the President to move terrorist detainees held at Guantanamo Bay to the continental United States and to keep them here. That means moving them into facilities in cities and small towns in places such as California and Illinois and Kentucky. I can guarantee that my constituents don't want terrorists housed in their backyards in Fort Knox, Fort Campbell or, for that matter, anywhere else in the Commonwealth.

My amendment would allow the Senate to express its view that it is better for the safety and the security of the American people that the terrorists at Guantanamo Bay are not moved into American communities.

The amendment does not prohibit moving the terrorists elsewhere. It does not rule out closing Guantanamo Bay, although my personal view is that is a bad idea. All it does is say to the American people the Senate does not want these terrorists housed on our soil in our communities.

The PRESIDING OFFICER. The time of the Senator has expired.

Madam President, there has been no shortage of public debate about the detention facilities at Guantanamo Bay. Unfortunately, much of the public debate seems somewhat at odds with what is really going on. As Morris Davis wrote in a recent editorial in the New York Times, "critics liken Guantanamo Bay to Soviet gulags, but reality does not match their hyperbole." Indeed, after an inspection last year by the Organization for Security and Cooperation in Europe, a Belgian police official said, "At the level of detention facilities, it is a model prison, where people are treated better than in Belgian prisons."

My trip to Guantanamo confirmed what Mr. Davis and many others have concluded. When I visited Guantanamo, the first detainee I came across was working out on a recumbent exercise bike.

It is worth listening to some of the complaints registered by detainees themselves. One high-value detainee has alleged that he and others were given "cheap branded, unscented soap." Perhaps the U.S. military should have provided the detainees with St. Ives Apricot Scrub or Bath & Body Works Sun-Ripened Raspberry shower gel.

Mr. President, concerns over scented soap aside, the fundamental question is, what do we do with the detainees? There are several options I am willing to consider. I am willing to consider more aggressive repatriation efforts, for example. Or perhaps modifying the current facility or moving the detainees housed there to another overseas facility. One approach I oppose, however, is shipping these terrorists to our own shores. I am confident that most Kentuckians would not want al-Qaida housed down the street from them, and I would assume citizens from other States feel the same way.

To me, the fundamental question in taking any action regarding Guantanamo should be: Does this step make the American people safer? Accordingly, does bringing al-Qaida to America constitute the best way to protect the American people? I myself am heartened that 528 miles of ocean separates these dangerous men from the United States.

It is perhaps worth recalling that these al-Qaida detainees take their instructions from Osama bin Laden. These are the words of their leader in his 1998 fatwa against the United States: "The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it."

Here is more guidance from bin Laden to his supporters: "We—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it."

It is because of words like these and actions like 9/11 that our policy in the global war on terror has been to keep al-Qaida out of this country. Better to fight them abroad than in the U.S. Yet now some on the other side of the aisle would require that we bring terrorists to the heartland of America and house them near our very own citizens.

Lest we forget, these Guantanamo detainees include Khalid Sheikh Mohammed. As most of us know, KSM, as he is called, was the mastermind behind the attacks of September 11, 2001. This attack killed approximately 3,000 innocent men, women, and children.

These detainees also include Majid Khan. Mr. Khan was tasked to develop plans to poison water reservoirs inside the United States and was responsible for studying how to carry out a gas station bombing inside America. He also recommended Iyman Faris to al-Qaida. Iyman Faris, it will be recalled, was the man who plotted the destruction of the Brooklyn Bridge.

These detainees also include Abd al-Rahim al-Nashiri. Mr. al-Nashiri was responsible for orchestrating the attack on the USS *Cole*, which killed 17 U.S. sailors.

These detainees also include Ahmed Khalfan Ghailani. Mr. Ghailani played a major role in the East African Embassy bombings which left over 250 people dead.

Nor should we forget that approximately 415 detainees have been transferred out of Guantanamo. Of these, no less than 29 have subsequently taken up arms against the United States and its allies.

The senior Senator from California and other Democratic colleagues, however, proposed an amendment to the Defense Department authorization bill just last week that would mandate that we bring these terrorists into our own communities all across America, in cities and small towns in States like California and Illinois and Kentucky. There, they could either escape or litigate their way to freedom and then be among the innocent Americans they have sworn to kill. I guarantee you my constituents do not want terrorists housed in their backyards in Fort Knox, Fort Wright, or anywhere else in the Commonwealth.

The Feinstein proposal reflects a pre-9/11, "criminal justice" approach to fighting terror. The amendment I offer today to H.R. 2669, the Education Reconciliation bill, reflects quite a different view; a post-9/11 understanding of terrorism; a view that recognizes the profound and enduring peril that terrorism poses to the U.S. and its citizens. My amendment is simply a sense of the senate that the detainees housed at Guantanamo should not be released into American society or transferred stateside into facilities near American communities and neighborhoods.

For those who wish to close or modify the detention facility at Guantanamo Bay, however, my amendment is not a status quo amendment. As I discussed, my amendment would permit the administration to handle the detainees in other ways. All my amendment would do is to assure the American people that the United States Senate does not want these terrorists housed on our soil, in our communities.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have reviewed this. This side will be willing to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Republican leader.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Byrd
Leahy
Sanders

NOT VOTING—3

Brownback
Johnson
Obama

The amendment (No. 2351) was agreed to.

AMENDMENT NO. 2352 TO AMENDMENT NO. 2327

(Purpose: To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board)

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2352 to amendment No. 2327.

Mr. DEMINT. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading.

The bill clerk continued with the reading, as follows:

At the appropriate place, insert the following:

TITLE—SECRET BALLOT PROTECTION

SEC. _01. SHORT TITLE.

This title may be cited as the "Secret Ballot Protection Act of 2007".

SEC. _02. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. _03. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: "or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking "Representatives" and inserting "(1) Representatives";

(2) by inserting after "designated or selected" the following: "by a secret ballot election conducted by the National Labor Relations Board in accordance with this section"; and

(3) by adding at the end the following:

"(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2007.".

SEC. _04. REGULATIONS AND AUTHORITY.

(a) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this title.

(b) AUTHORITY.—Nothing in this title (or the amendments made by this title) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, as our Nation's college graduates head out into the workforce, many of them will be faced with the question of whether they should join a union. Some will get to make that decision by secret ballot, while others will not.

My amendment is very simple. It guarantees that every American worker will get a secret ballot election when deciding whether to join a union. This is especially important because there are some in this body who want to take this right away and conduct union elections by card check. This approach would open workers to harassment, intimidation, and other forms of union pressure. We need safeguards to allow employees to freely choose without intimidation and coercion from union bosses.

Recent polls have shown that 87 percent of American people agree that every worker should have the right to a secret ballot election. I urge my colleagues to protect workers' rights and vote for this amendment.

I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, time has not been all yielded to ask for the yeas and nays. Point of order. Is it in order to ask for the yeas and nays on whether the amendment is passed?

The PRESIDING OFFICER. There is a request for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. KENNEDY. Mr. President, I make a point of order.

I withhold that. I have a minute, do I not?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I do not know what bothers the Senator from South Carolina, being antiworker, anti-union. We know this is the most antiworker, anti-union administration. This has nothing to do with education. We see what is happening over on this side. Slow the process down so we cannot vote on Iraq. Slow the process down so we cannot vote on energy. Slow the process down so we cannot vote on giving the young people of this country an opportunity to go to college. When is it going to end?

The students of America and the families of America ought to know exactly what is happening out here on the floor of the Senate. This has nothing to do with education. It is an insult to the workers' committees of this country.

We know this repeals existing law—existing law, which permits, if an employer wants to have a card check, respect for it, can go along. He is repealing that provision.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the pending amendment is not germane, and I raise a point of order pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act.

Mr. REID. If the Senator will withhold, we are going to try to work our way through these amendments. We will see how many more people have to offer. We are not going to try to match the amendments offered by the minority. They have a right to offer these amendments. This is a very important piece of legislation. We think we should work our way through it. We are going to work on this for a little while longer. I have already indicated through the floor staff to my distinguished friend the Republican leader that if we don't finish this pretty soon—it is 8 o'clock now—we will just come back tomorrow and work on it. This could complicate things; people should understand that. Tomorrow we are obligated to have a vote on the motion to proceed to Homeland Security appropriations. If that is granted, that 30 hours will run through until the weekend. That is the process we are in. So if people want to continue offering these amendments, we will do it for a while tonight until people feel that they have offered enough in a way to get attention and focus attention away from this very good bill.

I have come to the floor several times to talk about what a great bill this is and how well it was worked by the two managers. I hope we won't spoil it. We are not going to offer any amendments. Our imagination is as good as yours, but we are not going to do that. The decision has been made. We are going to work on this bill and try to get it completed.

There has been a point of order made. My friend from South Carolina wishes to make a motion.

Mr. DEMINT. Mr. President, parliamentary inquiry, please: Will the Chair confirm how many votes are required on a motion to waive the Budget Act?

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn.

Mr. DEMINT. How many is that?

The PRESIDING OFFICER. If my arithmetic is as good as yours, it is about 60.

Mr. DEMINT. I thank the Chair for confirming that the rules require 60 votes on this matter, and I understand that controversial matters require 60 votes in the Senate.

I move to waive the applicable provisions of the Congressional Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—42

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Warner

NAYS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Feinstein
Johnson
Obama

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Maine.

AMENDMENT NO. 2340 TO AMENDMENT NO. 2327

Ms. COLLINS. Mr. President, I call up amendment No. 2340 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. KYL, and Mr. LIEBERMAN, proposes an amendment numbered 2340 to amendment No. 2327.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide limited immunity for reports of suspicious behavior and response)

At the appropriate place, insert the following:

SEC. ___. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term "authorized official" means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term "covered activity" means any suspicious transaction, activity, or occurrence indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) that involves, or is directed against, a mass transportation system or vehicle or its passengers.

(3) MASS TRANSPORTATION.—The term "mass transportation"—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term "mass transportation system" means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term "vehicle" has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, if I could ask the distinguished Senator from Maine to withhold for a brief statement.

Mr. President, I have talked to Senators on both sides of the aisle. I think it is appropriate we finish this legislation tonight, or in the morning, whatever the case will be. But we are going to continue working tonight. I think that is the most appropriate thing to do.

The one thing I have asked for—and I hope the minority can complete that—is that we should have a finite list of amendments, so we at least can get that done and find out how many amendments we have to work through. I would hope the minority would work on that to see if we can come up with a finite list of amendments before final passage.

I apologize to my friend for the interruption.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, an alert citizenry is one of our best defenses against terrorist attacks. That is why the New York City subway system has signs saying: "See Something, Say Something." That is just what a group of airline passengers did recently in reporting suspicious activity they thought represented a terrorist threat. What was the result? Those passengers, the pilot, the airline, and the airport were all sued. The Collins-Kyl-Lieberman amendment would protect individuals from lawsuits when they, in good faith, report reasonable suspicious behavior that may reflect terrorist activity.

The PRESIDING OFFICER. The Senate is not in order.

Ms. COLLINS. Thank you, Mr. President.

Our amendment would protect from lawsuits individual citizens who report suspicious activity. The report would have to be in good faith. It would have to be reasonable.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, this amendment is not germane. It is subject to the jurisdiction of the Judiciary Committee. I would be happy to hold hearings on it. This is so overbroad that you could have all kinds of problems. It could invite racial and religious profiling. Suppose somebody is wearing religious garb and it frightens somebody. They could immediately—or maybe it doesn't frighten them, but they could say it does. It broadly protects Government officials from potential misconduct. It sets a new standard for a government official responding to reports of activity, and it is basically a court-stripping bill.

If this is for more than a political point on this bill, fine, bring it to the Judiciary Committee. We will hold a hearing on it before the committee that has jurisdiction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, anybody who sees something that looks different: Hispanic, Black, someone wearing religious garb, they have a reasonable ground to turn them in under this. This is far too broad. Let it go to the Judiciary Committee—I guarantee we will have a hearing—but not on this.

I make the motion that the pending amendment is not germane. I raise a point of order pursuant to section 305(b)2 and 310(e)1 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—57

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Dodd
Durbin
Feingold
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Feinstein
Johnson
Obama

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2356 TO AMENDMENT NO. 2327

Mr. SALAZAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 2356 to amendment 2327:

At the appropriate place insert the following:

Since I. Lewis "Scooter" Libby previously served as Chief of Staff to Vice President Dick Cheney;

Since Mr. Libby was convicted in federal court of perjury and obstruction of justice in connection with efforts by the Bush White House to conceal the fact that Administration officials leaked the name of a covert CIA agent in order to discredit her husband, a critic of the Iraq War;

Since U.S. District Court Judge Reggie Walton sentenced Mr. Libby to 30 months in prison to reflect the seriousness of the offense, the sensitivity of the national security information involved in Libby's crime, and the abuse of Mr. Libby's position of trust in the United States government;

Since President Bush chose to commute Mr. Libby's prison sentence in its entirety, thereby entitling Libby to evade serious punishment for his criminal conduct;

Since President Bush has refused to rule out the possibility that he will eventually issue a full pardon to Mr. Libby with respect to his criminal conviction;

Now therefore be it determined that it is the Sense of the Senate that President Bush should not issue a pardon to I. Lewis "Scooter" Libby.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. SALAZAR. Mr. President, it is, frankly, regrettable that as we work on this floor on an issue that is absolutely important to the people of this country; that is, the future of our children and their education and providing them with the opportunity to have the American dream, that we are having to have votes on politically motivated amendments that are coming forward from the other side. It would be in the best interest of this institution and the American people to stop this and not to go forward with these kinds of amendments.

Regrettably, if you are going to shoot this way, we have to shoot that way. I ask my colleagues to send the sense of the Senate to the President of the United States that he should not pardon Scooter Libby.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I believe there is an opportunity for someone to speak against the amendment; is that correct?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 minute.

Mr. KYL. Mr. President, until this last amendment, I haven't seen politically inspired amendments before this body, and we don't have to vote on politically inspired amendments.

As the distinguished Presiding Officer knows, a suggestion of political motivation is a violation of the rules of the Senate, and I don't believe that any of these amendments have been politically inspired.

The next one offered by Republicans has to do with Pell grants. I think the senior Senator from California had a very serious amendment with respect to detainees at Guantanamo, and there was an amendment which related to that issue. We had an amendment on the fairness doctrine, another on the Secret Ballot Protection Act.

These are serious amendments. I am sure my colleague did not wish to suggest they were politically inspired. I hope that we don't get into politically inspired amendments and that our colleagues will vote against the amendment that has been offered just for that reason.

The PRESIDING OFFICER. Time has expired.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

(Subsequently, action on this amendment was vitiated.)

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 2357 TO AMENDMENT NO. 2327

Mr. MCCONNELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2357 to amendment No. 2327:

Deploring the actions of former President William Jefferson Clinton regarding his granting of clemency to terrorists, to family members, donors, and individuals represented by family members, to public officials of his own political party, and to officials who violated laws protecting United States intelligence, and concluding that such actions by former President Clinton were inappropriate.

The Armed Forces of National Liberation (the FALN) is a terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States, and whereas, on August 11, 1999, President Clinton commuted the sentences of 16 terrorists, all of whom were members of the FALN, and whereas this action was taken counter to the recommendation of the Federal Bureau of Investigation, the Federal Bureau of Prisons, and two United States Attorneys;

Since, on January 20, 2001, former President Clinton commuted the sentence of Susan L. Rosenberg, a former member of the Weather Underground Organization terrorist group whose mission included the violent overthrow of the United States Government, who was charged in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton commuted the sentence of Linda Sue Evans, a former member of the Weather Underground Organization terrorist group, who made false statements and used false identification to illegally purchase firearms that were then used by Susan L. Rosenberg in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton pardoned Patricia Hearst Shaw, a former member of the Symbionese Liberation Army, a domestic terrorist group which also advocated the violent overthrow of the United States, and that carried out violent attacks in the United States;

Since, on January 20, 2001, former President Clinton pardoned his half-brother Roger Clinton, who had been convicted of conspiracy to distribute cocaine and of distribution of cocaine;

Since, on March 15, 2000, former President Clinton pardoned Edgar and Vonna Jo Gregory, who had been convicted of conspiracy to willfully misapply bank funds and to make false statements and who, according to news reports, were represented by the former President's brother-in-law, Tony Rodham;

Since, on January 20, 2001, former President Clinton commuted the sentence of Carlos Vignali, a convicted cocaine trafficker who, according to news reports, was represented by the former President's brother-in-law, Hugh Rodham;

Since, on January 20, 2001, former President Clinton pardoned Almon Glenn Braswell, an individual convicted of money laundering and tax evasion, who according to news reports, was represented by former President's brother-in-law, Hugh Rodham;

Since, on December 22, 2000, former President Clinton pardoned former Democratic Representative Dan Rostenkowski, who had been convicted of mail fraud;

Since, on January 20, 2001, former President Clinton commuted the sentence of convicted sex offender and former Democratic Representative Mel Reynolds, who had been found guilty of bank fraud, wire fraud, making false statements to a financial institution, conspiracy to defraud the Federal Elections Commission, and making false statements to a Federal official;

Since, on January 20, 2001, former President Clinton pardoned his former Secretary of Housing and Urban Development Henry Cisneros, who had been convicted of making false statements about payments to his mistress;

Since, on January 20, 2001, former President Clinton pardoned Susan McDougal, who had been a key figure in the Whitewater investigation and who had been convicted of aiding and abetting, in making false statements, and who refused to testify against the former President in the investigation;

Since, on January 20, 2001, former President Clinton pardoned Christopher Wade, who was a real estate salesmen involved in the Whitewater matter;

Since, on January 20, 2001, former President Clinton pardoned his former Director of Central Intelligence John Deutch for his mishandling of national security secrets; and

Since, on January 20, 2001, former President Clinton pardoned Samuel Loring Morison, a former Navy intelligence analyst who was convicted on espionage charges: Now, therefore, be it determined that it is the sense of the Senate that

(1) former President Clinton's granting of clemency to 16 FALN terrorists, two former members of the Weather Underground Organization, and a former member of the Symbionese Liberation Army was inappropriate;

(2) former President Clinton's granting of clemency to individuals either in his family or represented by family members was inappropriate;

(3) former President Clinton's granting of clemency to public figures from his own political party was inappropriate;

(4) former President Clinton's pardons of individuals involved with the Whitewater investigation, a matter in which the former First Family was centrally involved, was inappropriate; and

(5) former President Clinton's pardons of individuals who have jeopardized intelligence gathering and operations were inappropriate.

The PRESIDING OFFICER. The Republican leader is recognized for 1 minute.

Mr. MCCONNELL. Mr. President, if the Senate has decided to go into debating the appropriateness of future pardons, there is plenty of material to go around on past pardons. President Clinton's decision to pardon a host of individuals convicted of serious crimes then is certainly worthy of Senate comment as well.

Many of the individuals were convicted of the crime of terrorism. Some were individuals who jeopardized intelligence gathering. Some were family members and represented by family.

My fundamental point is if the Senate wants to spend the evening commenting on the advisability of pardons that have not yet occurred, maybe we ought to go on record discussing the appropriateness of pardons that have already occurred.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, what in the world does the Republican leader have against this legislation? The legislation we have here before the Senate passed 17 to 3. The authorizing provision that changes policy was virtually unanimous. Young people all over the country are looking in on the Senate. This is about the future of this next generation, their hopes and their dreams. It is about our country and being able to compete in the world. It is about the quality of our Armed Forces, about getting well-trained, well-educated young people. It is about our institutions, whether they are going to be functioning and working.

Why can't we go ahead and vote on this legislation? We were here for 2 days waiting for different amendments on education and few of them came. Why in the world are you holding up this legislation that means so much to the future of our young people? We are prepared to vote. We didn't have amendments over here on our side. We want to get this legislation going ahead. We are looking forward to the reauthorization debate for next week, and we are looking forward to getting something worthy of this institution.

In the 45 years I have been in the Senate under the leadership of Stafford of Vermont, of Claiborne Pell of Rhode Island, of the Members whom we have had here—we have had true commitment.

Why are we disrupting this effort?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on the Salazar amendment, the vote be vitiated, stricken from the RECORD, and that we not have a rollcall vote on the amendment that was offered by my distinguished counterpart, Senator MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I very much agree with the consent agreement the majority leader propounded. I think we have a chance here to wrap up this bill in the next hour, hour and a half. We are whittling down the amendments. I have given a list to the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I do say there has been—I say this with everyone here—I said a few things today when no one was here. But I complimented these two managers of this bill. They have been exemplary, the way they—with two different political philosophies, we all know that, but they have worked together, not just this year but for a number of years, to put out some good legislation in that committee.

I do not want to make any of the chairmen and ranking members feel bad, but this committee has a lot of good work they have finished and they will be able to bring to this floor things we have been waiting for for years. I appreciate the intensity of everyone's feelings on issues.

I ask unanimous consent that the only amendments remaining in order on this piece of legislation subject to second-degree amendments be the Coleman amendment, innocent child; Graham amendment, no Pell grants for drug dealers; Cornyn amendment, H-1B visas; Sununu amendment, tuition deduction permanence; DeMint amendment, adoption tax permanence; Ensign amendment, Social Security for illegal immigrants; Dole amendment, voter ID; Kyl amendment, AMT repeal.

We are going to be very selective in our second-degree amendments. We hope we can move through this very quickly.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I want to understand what the majority leader's position is with regard to the possibility of second degrees.

Mr. REID. I have told the Republican leader we definitely will have an amendment on No. 6. I told everybody that. You already have that amendment. We will look at these others. I haven't seen those. But you will have plenty of time to look at them. They will be relating to the subject matter of the amendment that is offered.

Mr. MCCONNELL. Mr. President, my concern is to make sure these first-degree amendments do, in fact, get votes.

Mr. REID. Mr. President, we will not prevent votes on these, subject to second-degree amendments and points of order.

Mr. MCCONNELL. Understood.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, I want to ask both of the leaders—I have not even given any speeches; you all are lucky. But let me ask, is it the intent now that we are at this point that we are not going to—whatever amendments are left, we do not intend to get back into the regime of amendments we just got through taking out by unanimous consent? Those ideas are no longer—we are not going to consider them? I am not agreeing to unanimous consent unless you are agreeing to that. We are not just agreeing to these amendments and second-degrees, we are not going to have that kind of amendment.

Mr. REID. I would hope on this bill and any other bill.

Mr. DOMENICI. I am not talking about any other bill.

Mr. REID. On this bill, yes.

Mr. MCCONNELL. If I may, the majority leader has the list. They do not include content of the kind we were dealing with in the last two amendments, so I think the Senator from New Mexico will be pleased.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2357 WITHDRAWN

Mr. REID. If my friend would withhold.

Would the Chair withdraw the McConnell amendment?

The PRESIDING OFFICER. Without objection, it is so ordered. The McConnell amendment is withdrawn.

Mr. ENSIGN. Mr. President, I ask the majority leader, because I have been waiting to offer my amendment, if my amendment would be allowed to be the first amendment.

Mr. REID. I think we have the list here. We do not personally care. We do not care what order, so it is up to you. You have the next amendment.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, I think he should proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2355 TO AMENDMENT NO. 2327

Mr. ENSIGN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. ENSIGN] proposes an amendment numbered 2355.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system, by ensuring that individuals are not able to receive Social Security benefits as a result of unlawful activity)

At the appropriate place, insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the enactment of the Higher Education Access Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

Mr. ENSIGN. Mr. President, I hate to be offering an amendment such as this on this bill, but as we know around here, a lot of times we do not get to offer amendments. I wanted to offer my amendment on the immigration reform debate, so we are offering it tonight because it is one of the only chances we will have to offer it this year.

My amendment denies Social Security benefits for illegal, fraud-based work. It also ensures an individual who is on a visa overstay, or someone who has a card in their name but is working here illegally will not get credit for that illegal work.

There have been many media reports recently about illegal immigrants stealing Americans' Social Security numbers. Last year I spoke about Audra, who was a stay-at-home mom since 2000. Over 200 different illegal immigrants stole her identity, used her Social Security number. She ended up owing the IRS over $1 million. That is the kind of thing we have to have stopped. We should not reward those who have stolen people's identities with Social Security benefits.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first, this has nothing to do with our education bill whatsoever. It is completely not germane.

Secondly, it says to every American citizen who was not born here in the United States of America, who might have been an American citizen for 30 years or 40 years, you are going to have to go back in your history and demonstrate and show you were authorized to be here for the last 30 or 40 years if you are an American citizen, if you are born outside of this country.

What in the world does that have to do with our education system? Absolutely nothing. This amendment would apply to Henry Kissinger, it would apply to Madeleine Albright, it would apply to Mel Martinez. It would apply to all American citizens who were not born in this country.

That is where we are.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 2358 TO AMENDMENT NO. 2355

Ms. STABENOW. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2358 to amendment No. 2355.

The amendment is as follows:

Strike all after line 1, page 1 and insert the following:

SEC. ___. PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS AND PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Nothing in this Act, or the amendments made by this Act, shall be construed to modify any provision of current law that prohibits illegal aliens from qualifying for Social Security benefits.

(2) ENFORCEMENT.—The Attorney General shall ensure that the prohibition on the receipt of Social Security by illegal aliens is strictly enforced.

(b) PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.—

(1) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following new subsections:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of this Act, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a United States citizen if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of this Act the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of cover under subsection, (d), however, this provision shall not be construed to establish an effective date for purposes of this section.".

(2) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 4159e)) is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "and"; and

(C) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of this Act, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as of the date of enactment of this Act.

Ms. STABENOW. Mr. President, this amendment is very clear. It reaffirms that illegal immigrants cannot and will not receive Social Security benefits. It focuses the Attorney General to strongly and vigorously enforce this provision, and it focuses enforcement efforts against those who are here illegally, not American citizens who are naturalized and here legally.

Unfortunately, whether intended or not, the Ensign amendment would threaten the Social Security benefits of millions of Americans. It makes no sense. We need to focus the Attorney General on those who are here illegally, and make it very clear that no one who is here illegally can receive Social Security benefits, period.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. ENSIGN. Mr. President, first I want to address what Senator KENNEDY said in case there is misinformation out there in what he said, that MEL MARTINEZ and others would not qualify for benefits under my amendment. That is absolutely false. We have cleared this, we have run the traps on it. It is necessary to make sure that not just someone who is here illegally now who is stealing someone's identity but it is when they become legalized that we want to prevent them from getting Social Security benefits.

That is the problem with the Stabenow amendment, that illegals cannot get benefits now. What we want to do is prevent them, if they become legalized—that the work they did when they stole someone's Social Security number, we don't want them to have benefits.

Mr. President, is all time expired?

The PRESIDING OFFICER. All time is not expired.

Mr. ENSIGN. Mr. President, I yield back the remainder of my time.

I make a point of order that the second-degree amendment is not germane.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso
Bennett
Bingaman
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kyl
Lott
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Brownback
Johnson
Obama

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, some of my Members have criticized we are not enforcing the 10-minute vote rule—10 minutes and a 5-minute leeway period. We are going to strictly enforce that. We have a lot to do tonight, so everyone should know if they are not here, after the 10 minutes, plus the 5 minutes, the vote will be terminated. The votes will be a total of 15 minutes.

AMENDMENT NO. 2355

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I raise a point of order that the amendment is not germane pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I move to waive the applicable provisions of the Congressional Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—57

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kyl
Landrieu
Lincoln
Lott
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Tester
Thune
Vitter
Warner
Wyden

NAYS—40

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Dodd
Durbin
Feingold
Feinstein
Hagel
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Reed
Reid
Salazar
Sanders
Schumer
Specter
Stabenow
Voinovich
Webb
Whitehouse

NOT VOTING—3

Brownback
Johnson
Obama

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I see the Senator from South Carolina on his feet looking for recognition. I hope he will be recognized because I think he has an amendment that we might be able to voice vote.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2360 TO AMENDMENT NO. 2327

Mr. GRAHAM. Mr. President, this actually relates to the bill. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 2360 to amendment No. 2327.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To discourage drug use among college students)

Strike section 701 of the Higher Education Access Act of 2007, relating to student eligibility.

Mr. GRAHAM. Mr. President, I am going to do something else unusual. I think we have an agreement to voice vote this amendment. Quite frankly, the amendment is pretty simple. I think that is why we are all going to agree to it.

Under the current student loan application process you are asked: Have you ever been convicted of a drug offense? That question determines whether or not you are eligible for a period of time to get student loan money. If you have been convicted of simple possession, you are ineligible for a year; the second offense, 2 years; the third offense, indefinite ineligibility. If you sold, first offense, two years of ineligibility from date of conviction.

The application has a question that I think makes all this relevant: "Have you ever been convicted" is the question. That has been taken off the application. It needs to stay on. I would urge everyone to support this amendment to keep current law as it is.

Mr. KENNEDY. Mr. President, I urge our Members to support this amendment. Those who are ineligible because of drug usage, for the Pell grants, will be ineligible under our legislation. This clarifies it. We had simplified the application form. The Senator's amendment addresses that simplification, and we will accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2360) was agreed to.

Mr. KENNEDY. Mr. President, I see the Senator from Minnesota is seeking recognition.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 2359 TO AMENDMENT NO. 2327

Mr. COLEMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 2359 to amendment No. 2327.

Mr. COLEMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect innocent children)

At the end, add the following:

SEC. _____. INNOCENT CHILD PROTECTION.

(a) IN GENERAL.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States, to carry out a sentence of death on a woman while she carries a child in utero.

(b) DEFINITION.—In this section, the term "child in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

Mr. COLEMAN. Mr. President, my amendment, the protection of the innocent child, will prohibit any level of government—Federal, military, and State governments—from carrying out a death sentence on a pregnant woman.

In existing law, the Violent Crime Control and Law Enforcement Act of

1994 already prohibits Federal executions of a woman while pregnant. However, this law does not apply to the military or States. In fact, most executions are carried out by States. Additionally, the existing law does not recognize the principle of the unborn child is innocent and, therefore, must be shielded from wrongful execution.

My amendment does not reflect any point of view on the desirability or appropriateness of capital punishment. This amendment is grounded in the undeniable fact that a human being is being carried by the pregnant woman and cannot possibly be guilty of a crime and, therefore, should not be subject to the death penalty itself.

Women do become pregnant in prison, even at maximum security facilities, from sad and unfortunate situations involving rape or having relations with a guard. Congress should prevent the government at any level from taking the life of an innocent human being by prohibiting within all U.S. jurisdictions any death sentence from being carried out when a woman convicted of a capital crime is pregnant.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, we could accept this antideath penalty amendment, and we are going to accept it, so we would rather avoid a vote, if we might. We are willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2359) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, let me ask unanimous consent to proceed for 30 seconds. We have three tax amendments and one voter ID. They are still remaining on the list, so that is what we will try to address next.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 2341 TO AMENDMENT NO. 2327

Mr. SUNUNU. Mr. President, I call up amendment No. 2341 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2341 to amendment No. 2327.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permanently extend certain education-related tax incentives)

At the appropriate place, insert the following:

SEC. ____. PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

Mr. SUNUNU. Mr. President, I am pleased to offer this amendment that has a great deal to do with education. That is the underlying issue that we are debating tonight. We have an important bill that tries to address accessibility of higher education for millions of Americans, and my amendment addresses that very subject by extending a number of important provisions that are currently in tax law, but they expire in 2010. These are provisions that have broad bipartisan support, provisions that many in this Chamber have voted for time and again; allowing a $2,000 contribution to educational savings accounts, having an exclusion for your employer if they provide you with education assistance to encourage those employers to foster additional education for their employees; having tax exempt bonds for qualified education facilities; giving deductions, tax deductions for tuition to millions of Americans across the country seeking higher education, and allowing a deduction of student loan interest, not just for those who itemize on their taxes but for all Americans.

I hope my colleagues will support me in this effort to extend these existing provisions in law, and I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, certainly the sentiments of this amendment are absolutely correct. We certainly want to increase deductibility.

As my friend from New Hampshire knows, I have worked long and hard on this and was able to work with some others—the Senator from Maine and some others—to actually get into law and then get extended a $4,000 tuition deductibility for the vast majority of families.

But the trouble with this amendment, of course, is not only is it not paid for, but if it were to be added to this bill, it would rob from Peter to give to Paul because it would undo all of the good things in the underlying bill—not just the Pell grants but the excellent provision that says that no one, even of middle income and higher middle income, should pay more than 15 percent of their adjusted earnings when they pay back their student loans.

So I will be offering a second-degree amendment that says we certainly agree with increasing tuition deductibility but not at the expense of what the Senator from Massachusetts and the Senator from New Hampshire are trying to do.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 2361 TO AMENDMENT NO. 2341

Mr. SCHUMER. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2361 to amendment No. 2341.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

It is the sense of the Senate that Congress should provide tax relief to help families afford the cost of higher education, including making tuition deductible against taxes, and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a "blue slip" by the House.

Mr. SUNUNU. Mr. President, is there time remaining on the second-degree amendment?

The PRESIDING OFFICER. Two minutes of debate equally divided.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this second-degree amendment expresses the sense of the Senate that Congress should provide tax relief to help families afford the cost of higher education, including making tuition deductible against taxes and eliminate wasteful spending such as spending on the necessary tax loopholes, in order to fully offset the costs and forcing taxpayers to pay substantially more interest to foreign creditors.

We do believe on this side in pay-go. We are going to pay for the worthy programs we want to enact and put our fiscal house in order. This amendment expresses that. It expresses the view also that we should not jeopardize that, because if this amendment were to be adopted, it being tax legislation, the bill would be blue-slipped by the House and sent back to the Finance Committee, and all of the good work we have done over the last day or two and the great things that would be done to help those who need Pell grants and those middle-class students who will have their loan repayments capped will be gone down the drain. That is what the second-degree amendment does.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I have three quick points. I certainly trust the Finance Committee. If the Finance Committee believes in all these tax provisions, it could send the bill back expediently, and it could move on its merry way. But the suggestion that doing the right thing on taxes is incompatible with the Senate doing its work is wrong.

Second, this is a second degree. It is a sense of the Senate that we agree with all these tax provisions. But we don't quite agree enough to actually write them into law. I think that is a little disappointing and disingenuous. I think if we believe this is good policy, it is the right thing to encourage accessibility of higher education, if it is the right thing to do for the 75 percent of filers in that $50,000 to $65,000 range to take advantage of these provisions, we should put it in this bill and pass it into law, and we should make sure these provisions continue to be accessible to the Americans who use them.

I make a point of order that this second-degree amendment is nongermane, and I ask for the yeas and nays on the point of order.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Brownback
Byrd
Johnson
Obama

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, I have conferred with my Republican friends. It will be in everyone's interest if the votes be 10 minutes. That is the vote will be cut off at 10 minutes. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I hope people will stay in the Chamber. It makes it very difficult for staff if they are in and out of here. We have as many as seven more votes, eight more votes. Probably seven. If they are willing to stay here, we can whip through them in an hour; otherwise, it is going to take a long time.

Let's proceed with the underlying amendment.

AMENDMENT NO. 2341

Mr. KENNEDY. Mr. President, I raise a point of order against the amendment pursuant to section 305(b)(2) and 310(e) of the Congressional Budget Act.

Mr. SUNUNU. Mr. President, I move that the applicable portions of the Budget Act be waived, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 48, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—47

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—5

Brownback
Byrd
Johnson
Lott
Obama

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

CORRECTION OF VOTE

Mr. SHELBY. On rollcall vote No. 265, I was present and voted "yea." The official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 2339 TO AMENDMENT NO. 2327

Mr. CORNYN. Mr. President, I call up amendment No. 2339 at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. ENZI, Mr. GREGG, and Mr. SMITH, proposes an amendment numbered 2339 to amendment No. 2327.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide interim relief for shortages in employment-based visas for aliens with extraordinary ability and advanced degrees and for nurses)

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998," after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "be available" and all that follows and inserting the following: "be available only to—

"(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

"(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

"(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1999 through 2004" and inserting "1994, 1996 through 1998, 2001 through 2004, and 2006"; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

"(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

"(II) The visas remaining from the total made available under subclause (I) shall be allocated equally among employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).".

(b) H-1B VISA AVAILABILITY.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking "and" at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) 65,000 in each of fiscal years 2004 through 2007;

"(viii) 115,000 in fiscal year 2008; and".

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CORNYN. Mr. President, no one disputes that a key part of America's economy is our ability to innovate and retain the most qualified workers, especially in areas such as math, science, and engineering. There is one step Congress can take this year to help provide at least temporary relief. My amendment would allow the Department of State and the Department of Homeland Security to recapture unused employment-based visas. These unused visa numbers would go to nurses, physical therapists, and other key areas for people with extraordinary ability with advanced degrees.

This amendment would also include a one-time H-1B visa increase of 115,000 for fiscal year 2008 only, given if that cap was hit in the first day this year.

This amendment will go a long way to help provide the legal workers who are the lifeblood of the U.S. economy. I urge my colleagues to support this amendment.

Mr. DURBIN. Mr. President, this H-1B visa issue was debated during the course of the immigration bill. We decided to increase the number of the H-1B visas but also increase the safeguards against abuse. We know abuses are taking place. We wanted to be sure American workers have first chance at these jobs, No. 1; and, No. 2, we want to stop these foreign job shops that are using thousands of these H-1B visas to outsource jobs in the United States then back to their home country.

None of those reforms are included. All we have is an increase in the H-1B visa numbers. We need a balanced and coordinated approach that increases the numbers with the safeguards. Unfortunately, Senator CORNYN's amendment does not do that, and I urge my colleagues to oppose it.

Mr. President, the pending amendment is not germane. Therefore, I raise a point of order pursuant to section 305(b)(2) and section 310(e) of the Congressional Budget Act of 1974.

Mr. CORNYN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the Budget Act for the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays—40, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—55

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Cantwell
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kyl
Landrieu
Lieberman
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Roberts
Schumer
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner
Wyden

NAYS—40

Akaka
Biden
Bingaman
Boxer
Brown
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Sessions
Stabenow
Tester
Voinovich
Webb
Whitehouse

NOT VOTING—5

Brownback
Byrd
Johnson
Lott
Obama

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2362 TO AMENDMENT NO. 2327

Mr. DEMINT. Mr. President, I call up amendment No. 2362.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2362 to amendment No. 2327.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs)

At the appropriate place, insert the following:

SEC. ____. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).".

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. DEMINT. Mr. President, I may have an amendment that we can actually all agree on tonight.

As many of my colleagues know, the infant adoption tax credit is a powerful tool that is making it possible for thousands of American families to open their homes to children in need. I know everyone here agrees with me that there is nothing more important than for a child to have someone to call a mom and a dad. There is nothing more important to the success of education than a good family.

Unfortunately, the current adoption tax credit is scheduled to sunset in 2010. If we don't make this tax relief permanent, adoption taxes will go up and many American families will not be able to afford the expenses associated with adoption, which are now between $10,000 and $25,000. I wish to thank all the people in this Chamber who have done so much for the cause of adoption, especially Senator LANDRIEU, Senator CRAIG, and Senator BUNNING, whose amendment we are actually bringing up today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. Mr. President, I urge all my colleagues to vote for this amendment.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized for 1 minute on this amendment.

Mr. KENNEDY. Mr. President, a very basic and fundamental issue. This is a constitutional issue. The taxes that are raised result in a blue slip, which effectively is automatically exercised. The chairman of our Budget Committee, the Senator from North Dakota, understands this and understands it well. It effectively ends the bill. It effectively ends the bill constitutionally.

I understand the Senator from Louisiana is going to have an alternative. There are only three tax provisions, but the tax provisions that are offered effectively result in what is a constitutional blue slip. I have not talked about killer amendments or poison pills, I am talking about this constitutionally.

I see the Senator from North Dakota, from the Budget Committee, agrees.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Louisiana is recognized.

AMENDMENT NO. 2363 TO AMENDMENT NO. 2362

Ms. LANDRIEU. Mr. President, I would like to offer a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2363 to amendment No. 2362.

Strike all after the first word and insert:

It is the sense of the Senate that Congress should permanently extend the adoption tax credit and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a "blue slip" by the House.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Ms. LANDRIEU. Mr. President, I offer this second-degree. I appreciate the Senator's compliments about the work we have done to put this tax credit on the books. It is a very important tax credit, but if we are going to have it, we need to pay for it.

The problem with the first-degree amendment is it is not paid for and it is going to jeopardize the underlying bill. So, yes, we do need to extend this tax permanently but not on this bill and not tonight, and we need to find a way to pay for it. That is why I am offering this amendment as a second-degree.

I ask all of us who are supporting it to vote for the second-degree amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for her comments as well. We all know adoption is an important issue. I wish the situation were such in the Senate that we could bring this up at a different time. As we look forward to between now and the rest of this year and, frankly, through 2008, it is going to be very difficult to get this amendment up. We know the process of getting back to the Finance Committee and then back as part of this bill will not bring this bill down. I encourage my colleagues to look at the greater good, the issue here. There is no reason we can't create some predictability with the adoption tax credit so we can continue to grow the number of adoptions in this country.

For that reason, I raise a point of order that the pending second-degree amendment is not germane.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of the act for the purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Brownback
Johnson
Lott
Obama

The PRESIDING OFFICER. On this vote the yeas are 48, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I make a point of order that the amendment is not germane, and raise a point of order pursuant to section 305(b)(2) and section 310(e) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable portion of the Budget Act, and ask for the yeas and nays on amendment No. 2362.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—48

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Johnson
Lott
Obama

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from North Carolina is recognized.

AMENDMENT NO. 2350 TO AMENDMENT NO. 2327

Mrs. DOLE. Madam President, I have an amendment at the desk, No. 2350, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE], for herself, and Mr. MCCONNELL, proposes an amendment numbered 2350 to amendment No. 2327.

Mrs. DOLE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification)

At the appropriate place, insert the following:

SEC. ___. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(A) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(B) by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.".

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(B) The table of contents of the Help America Vote Act of 2002 is amended—

(i) by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively; and

(ii) by inserting after the item relating to section 303 the following new item:

"Sec. 304. Identification of voters at the polls.".

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements under section 304.

"(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements under section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements under such section.

"(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements under section 304.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as may be necessary for the purpose of making payments under section 297.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

"PART 7—PHOTO IDENTIFICATION

"Sec. 297. Payments for free photo identification.

"Sec. 298. Authorization of appropriations.".

Mrs. DOLE. Madam President, I am proposing a commonsense measure to uphold the integrity of Federal elections. My amendment to require voters to show photo identification at the polls would go a long way in minimizing potential for voter fraud.

When a fraudulent vote is cast and counted, the vote of a legitimate voter is cancelled. This is wrong, and my amendment would help ensure that one of the hallmarks of our democracy, our free and fair elections, is protected.

This provision was approved by the Senate in the 109th Congress when it was filed by Minority Leader McCONNELL, who I am proud to have as a cosponsor of this amendment.

Opinion polls repeatedly confirm that Americans overwhelmingly support this initiative. I strongly encourage my colleagues to stand with the American people and support this measure.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I rise to speak against this measure. If one would want to suppress the election, suppress the vote in the 2008 election, one would vote for this because this measure goes into effect January 1, 2008. It provides that everybody who votes essentially would have to have a photo ID. If you want to suppress the minority vote, the elderly vote, the poor vote, this is exactly the way to do it. I urge a "no" vote. Many of these people do not have driver's licenses. This amendment would cost hundreds of millions of dollars to actually carry out. It is a grant program to the States, but it goes into effect—surprise—January 1, 2008. I urge a "no" vote.

The pending amendment is not germane. Therefore, I raise a point of order pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act of 1974.

Mrs. DOLE. Madam President, I move to waive all applicable provisions of the Budget Act for the consideration of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—42

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Thune
Vitter
Warner

NAYS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Sununu
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Johnson
Lott
Obama

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are coming to the final amendment. There will be one consent agreement that Senator ENZI and I have, and then final passage. I hope we will give the Senator from Arizona time so we can hear him.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2353

Mr. KYL. Madam President, I have an amendment at the desk, No. 2353, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2353.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax)

At the appropriate place, insert the following:

SEC. _. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2007, shall be zero.".

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) TAXABLE YEARS BEGINNING AFTER 2007.—In the case of any taxable year beginning after 2007, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Mr. KYL. Madam President, the AMT patch that protected most taxpayers from the alternative minimum tax expired on December 31 of last year. As a result, 15 million additional taxpayers on top of the 4 million taxpayers already subject to AMT are subject to the tax this year. This bill affords us an opportunity to correct the problem now, and we should. We are halfway through the year, and the tax is adding up. The AMT should be repealed as soon as possible.

The text of my amendment is identical to a bill introduced by Senator BAUCUS on January 4. It is S. 55. Very simply, the bill would repeal the individual AMT without any revenue offsets.

In his introductory statement, Senator BAUCUS noted that the AMT is a "monster that really cannot be improved. It cannot be made to work right." I agree with him. That is why the Senate should vote to repeal the AMT now, before it overwhelms the middle class.

While I believe the Chair will rule it is not germane to this bill, I would suggest to my colleagues it is propitious; that this bill gives us the opportunity to act now to repeal this tax.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I say to my colleagues, if you want to kill this bill, this is the way to do it. If your real intention is to eliminate the educational assistance for millions of young people in America, vote for this amendment.

Everybody knows what is at stake. The Constitution provides revenue bills must begin in the House of Representatives. To begin it here violates the blue slip process, violates the Budget Act, and will kill this bill.

All of us know the AMT has to be fixed. In the budget we have passed it is fixed. It will be fixed by consideration in the Finance Committee, which is where alternatives for fixing it should be considered.

This is not the time. It is not the place. It violates the Budget Act. It violates the constitutional requirement for the initiation of revenue measures. I hope my colleagues will resist the Kyl amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2364 TO AMENDMENT NO. 2353

Mr. KERRY. Madam President, I have a second-degree amendment to this amendment. I call it up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2364 to amendment No. 2353.

Mr. KERRY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert:

It is the sense of the Senate that Congress should provide relief from the Alternative Minimum Tax to prevent the expansion of the AMT to nearly 23 million taxpayers in 2007 and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a "blue slip" by the House.

Mr. KERRY. Madam President, if we are going to vote—and clearly this is blue slip material—No. 1., No. 2, it is not germane. And No. 3, it is not paid for. Madam President, $872 billion is what is contained in that. So if we are going to do the AMT, which all of us believe we ought to do, we ought to do it in a responsible way that raises the question of unnecessary spending, closing tax loopholes, and doing what is necessary to try to pay for this. That is what my amendment suggests. If you want to vote somehow to do something about the AMT, let's vote in a responsible way, do it in a way that repeals those loopholes, looks at the Tax Code, and pays for that purpose.

So accordingly, Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Madam President.

I will suggest that under the Budget Act the proposed second-degree amendment is not germane. Let me make two comments about it first.

I think it is responsible for us to repeal the AMT in the way the distinguished chairman of the Finance Committee has proposed to this body in S. 55. I happen to be a cosponsor of that bill. I think it is a very good idea.

It is true it repeals the AMT without any revenue offsets. I happen to believe, as the chairman of the Finance Committee does, that is a responsible action, given the number of Americans who otherwise would be subject to the tax.

While I appreciate the notion that a sense of the Senate that we should do tax relief on AMT would be a good thing for this body to do, one of two things will happen. Either the blue slip issue will not be a problem because it will not be raised and we can, in fact, use this vehicle to accomplish this result now or it will and, in effect, my amendment would have been the equivalent of a sense of the Senate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Madam President, I raise a point of order under the Congressional Budget Act that the proposed second-degree amendment is not germane.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Brownback
Johnson
Lott
Obama

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2353

The PRESIDING OFFICER. The question is on amendment No. 2353.

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the pending amendment is not germane; therefore, I raise a point of order pursuant to sections 305(b)2 and 310(e) of the Congressional Budget Act of 1974.

Mr. KYL. Madam President, I move that the applicable provisions of the Budget Act be waived, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—47

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Johnson
Lott
Obama

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 49. Three-fifths the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming is recognized.

AMENDMENT NO. 2338

Mr. ENZI. Senator KENNEDY and I need one more voice vote in order to clarify a definition. I ask unanimous consent to call up amendment No. 2338.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. COLEMAN and Ms. LANDRIEU, proposes an amendment numbered 2338.

Mr. KENNEDY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction to the definition of independent student in the Higher Education Act of 1965)

In section 480(d)(1)(B) of the Higher Education Act of 1965 (as amended by section 604(2) of the Higher Education Access Act of 2007), insert "when the individual was 13 years of age or older" after "or was in foster care".

Mr. ENZI. Madam President, I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2338) was agreed to.

Mr. BYRD. Madam President, I opposed the Ensign and Stabenow amendments regarding Social Security and illegal immigrants, because those amendments violated section 313 of the Budget Act—the Byrd Rule—which prohibits extraneous matter on budget reconciliation bills.

I oppose providing Social Security benefits to illegal aliens. I have supported and will continue to support legislation to help ensure that Social Security benefits are not provided for work unlawfully performed by illegal immigrants.

Madam President, I opposed the McConnell amendment regarding detainees at the Guantanamo Bay facility in Cuba, because it violated section 313 of the Budget Act—the Byrd Rule—which prohibits extraneous matter on budget reconciliation bills.

Mr. SPECTER. Madam President, I voted to sustain the point of order that the DeMint amendment was not germane to the pending higher education bill. There is no doubt that the DeMint amendment on labor law involving secret ballots has nothing to do with education. Therefore, it is out of order on this bill unless 60 Senators vote to waive the Budget Act.

I recently voted to invoke cloture on the so-called card check bill for reasons detailed in a lengthy floor statement that was a vote on procedure in order to debate and consider the adequacy of the NLRB's handling of unfair labor complaints including elections for union certification.

That vote and tonight's vote do not signify my position on the substantive provisions of the entitled Free Choice card check Act or the DeMint amendment.

Mrs. CLINTON. Madam President, we must develop a visa system that is not only fair but also good for America. That is why tonight, I voted against an amendment that would have raised the cap on H-1B visas without providing many of the safeguards that are necessary to the H-1B visa system. While we must maintain our competitive edge in the world by bringing in the world's most talented and keen minds, we also must take steps to ensure that the program is not abused and does not displace U.S. workers. I look forward to working with my colleagues in the coming months to achieve comprehensive H-1B reform that will improve the program in a balanced and fair manner.

I also want to express my profound disappointment that this and other unrelated issues were permitted to slow down and distract from the important work of helping more students achieve the dream of a college education. The Higher Education Access Reconciliation Act was not the place to legislate these issues and only jeopardized our ability to help millions of students who await the passage of this bill and the $17.3 billion increase in student aid that it provides.

Mr. OBAMA. Madam President, I first want to thank my colleague from Massachusetts, Senator KENNEDY, for his leadership in bringing a bill to the floor to make college more affordable for millions of students. I also want to thank him for the example he has set over many years in standing up repeatedly to protect the interests of the students of America, and in so doing, to work tirelessly for the future benefit of our economy and our country. I am fortunate to now serve on the Senate HELP Committee and have seen first hand the efforts of Senator KENNEDY and his counterpart on the minority side, Senator ENZI. I appreciate their effort, the hard work of their capable staffs, and the bipartisan collegiality that allows us today to provide much needed support to the college students of America.

The success of our Nation's youth increasingly requires a college diploma. But that diploma is becoming, for many, ever more difficult to attain. That difficulty arises not from lack of ambition or lack of ability. Increasingly, the difficulty arises from lack of any realistic way for many American families to afford the college education needed for the success of their daughters and sons.

The math here is simple. College costs have increased, but family incomes have not, nor has the Federal commitment to provide financial aid. The cost of college continues to increase for many reasons. Over the past 5 years, the cost of a 4-year public college in my State increased 47 percent. At private colleges in Illinois, the increase was 27 percent. Incomes have increased little, and so even with financial aid, 35 percent of a family's income is needed each year to pay for attendance at a 4-year public university in my State.

Federal student aid has not kept pace with these increased costs. The proportion of college expenses met by Pell grants decreased from 47 percent to 29 percent over a recent 5-year period for students in my State. Students are increasingly forced to rely on loans, and college graduates are increasingly burdened by debt. Graduates from a 4-year college in Illinois owe, on average, over $17,000 in student loan debt. That is the average.

The resulting difficulty in financing a college education impacts not only the dreams of millions of students but also the future of our country. Capable high school graduates from low- and moderate-income families are much less likely to earn a college degree than their wealthier peers. Yet competition in the global economy requires that our students attain a college degree, whether to become engineers or entrepreneurs, in order to maintain the creative and competitive workforce America needs. And for those students who do make it through college, their large debt loads make it difficult for them to choose occupations which might serve the public good but might not pay enough. Student debt is too often limiting options for those very students who should have the greatest opportunities and whose talents might provide the greatest good to society.

We must change this. The bill we are considering here today is a step in that direction. With it, we expand loan forgiveness for graduates who enter public service, we increase the threshold for income that may be earned by students receiving financial aid, and we make other significant changes. But most importantly, we increase college access by increasing the amount of support for students through increased grant aid.

My support of this legislation today echoes the first piece of legislation I introduced in the Senate. That was the Higher Education Opportunity through Pell grant Expansion Act of 2005 the HOPE Act, which called for a significant increase in the maximum Pell Grant to $5,100, financed by decreased Federal subsidies to banks and lenders. The bill we debate today would provide that increase to $5,100 by next year and further increase the maximum to $5,400 by 2011. I applaud Mr. KENNEDY and my colleagues on the HELP Committee for keeping this the main focus of the benefits provided in this package.

I realize that we are asking lenders to dig a little a deeper to help students, to come up with innovative ways to continue to provide services students, even while receiving lower subsidies from the Federal Government. But I have faith that they can do this, to the benefit of our students and our country.

I look forward to soon considering the remainder of the comprehensive package to improve higher education contained in the Higher Education Amendments of 2007. But for today, I am proud today to support this bill to bring needed assistance to college students, and I urge my colleagues to join in this effort.

Mr. FEINGOLD. Madam President, I speak today in support of the Higher Education Access Act of 2007, a bipartisan piece of legislation that will increase student aid by billions of dollars by curbing Federal subsidies to private banks and lenders. This is a significant victory for students around the country and in my State of Wisconsin, which will receive over $270 million dollars in new need-based grant aid by the year 2013. Wisconsin has a world-class higher education system, and I am pleased to support this much-needed legislation that will help open the doors to college for more students in my State.

I have long supported and led efforts in Congress to expand the availability of student aid and ensure that qualified students have access to a postsecondary education, including raising the individual Pell grant award. I was pleased to join with my colleagues in February to pass a significant increase in the maximum Pell grant award to $4,310 from $4,050, the first increase in 4 years. Earlier this year, I also joined with my colleagues, Senators KENNEDY, COLLINS, and COLEMAN, to lead letters to both the Budget and Appropriations Committees that advocated for the highest possible increase in funding for Pell grants. The Pell grant program provides need-based aid to low income students, and I am pleased that the Higher Education Access Act retains the Pell grant's focus on need-based aid for low-income students.

Access to a higher education is increasingly important in the competitive, global environment of the 21st century workforce as an increasing number of jobs require education or training beyond high school. But while the importance of attending college continues to increase, the cost of attending college also continues to increase, which often causes financial strain on students and their families as they seek to finance the cost of higher education.

My colleagues and I have long fought against the declining purchasing power of the Pell grant by supporting substantial increases in the maximum grant award. According to data from the Department of Education, the maximum Pell grant covered half the cost of tuition, fees, room and board at public 4-year colleges 20 years ago but only covered a third of these same costs during the 2005 to 2006 period. The declining power of the Pell has impacted my State of Wisconsin as well. In 1986 to 1987, the $2,100 maximum Pell grant covered 58 percent of college costs for Wisconsin students. In 2005–06, the $4,050 maximum Pell grant only covered 38% of college costs in Wisconsin. This legislation seeks to address the declining purchasing power of the Pell grant by funding new Promise grants which will supplement the Pell grant awards received by students throughout the country and target need-based funds to Pell-eligible students.

In addition to the declining purchasing power of need-based aid like Pell, the availability of such need-based grant aid does not come close to meeting the demand for it. As a result, an increasing number of students turn to Federal and private loans to finance their education. According to the College Board, in the late 1970s, over three-fourths of the Federal aid to students were grants, while 20 percent of Federal student aid were loans. Recent data from the College Board indicates that the breakdown between grant aid and loans had switched by 2006, with grant aid only making up 20 percent of the federal student aid.

Students in my State of Wisconsin, like students in other parts of the country, are greatly affected by the Federal Government's increased reliance on student loans at the expense of grant aid. The Project on Student Debt reports that more than 60 percent of Wisconsin graduates in 2005 graduated with debt and the average student who graduated from a 4-year college in my State in 2005 owed over $17,000. While the prospect of these large debt burdens impact many students' decisions about whether to attend college, low-income students may be even less inclined to attend college if they have to take out large amounts of student loans. These students are understandably nervous about the significant debt burden they would have to undertake, and some students choose to forego college altogether for this very reason. This legislation's focus on increasing need-based grant aid for these very students takes a big step in the right direction toward promoting better access to higher education for low-income students.

Higher levels of debt can also influence the decisions students make about whether to take a job in the public interest sector or in the more-lucrative private sector after graduation. We have all heard about students who are interested in working in public interest jobs fields like teaching, law enforcement, legal aid, or State and local government but who decide against taking these public interest jobs because of their high debt loads. It is unfortunate that so many students are forced to consider their debt loads when deciding which jobs to take or pursue. The loan forgiveness and income-based repayment provisions of this legislation will help those graduating students in Wisconsin and around the country who want to pursue careers in public service.

While I applaud much of the policy included in this measure, I am disappointed that we are again seeing the reconciliation process used to advance legislation that is not primarily a deficit-reduction package. While there are better arguments for using reconciliation to consider this particular bill than there were for the reconciliation protection proposed for the legislation to open up the Alaska National Wildlife Refuge to drilling, I am still troubled by the use of this extraordinary procedure as a way to advance a significant policy change that is not primarily a deficit reduction package. Thanks to the efforts of our Budget Committee chairman, Senator CONRAD, the days when the reconciliation process could be totally subverted to protect legislation that actually worsened the deficit are over. I also commend Chairman CONRAD for insisting during the conference discussions on the budget resolution that this particular reconciliation instruction move closer to a more reasonable qualifying threshold of deficit reduction than was initially proposed. I hope that in future budget resolutions, we can further tighten the use of reconciliation to ensure that it is used for what it was intended, namely to advance significant deficit reduction.

A student's access to higher education should not depend on his or her family's income but, rather, on the student's desire to obtain a higher education. Passage of the Higher Education Access Act of 2007 moves our Nation in the right direction and represents a great victory for students in my State of Wisconsin and around the country. I have long led and supported efforts to expand Federal higher education programs, including Pell and TRIO, and I am pleased to support passage of this legislation. I look forward to working with my colleagues in the coming months and years to continue to expand important need-based grant programs so that hard-working students will be able to take advantage of the full opportunities that access to a higher education offers.

Mr. LEAHY. Madam President, I wish to express my support for the Higher Education Access Act of 2007. I applaud Chairman KENNEDY and Ranking Member ENZI for their work on crafting this bill that will widen access to higher education by providing for increased funding assistance available to American students for their higher education studies.

The need for these improvements by now should be as clear to the Senate as it is to America's families. In recent years average college tuition rates have been rising faster than inflation and outpacing student financial aid. Skyrocketing tuitions are pricing our families out of their ability to afford higher education. This trend not only closes doors to opportunity in the lives of the Nation's young people; it also poses harsh consequences on our country and our communities, in ways that are evident across our economy. I am pleased that, in this new Congress, this bill has been brought forward to reverse the direction of recent budgets that have continued to erode the Federal Government's support of higher education with deep cuts in the funding support for colleges and universities.

The Federal Government must rise to the challenge and improve our financial aid programs to ensure that college is an affordable option for all qualified students. No student should be thwarted from enrolling and graduating from college because of financial concerns. This bill accomplishes this goal through need-based grant aid to students by raising the maximum Pell grant to $5,100 next year, and up to $5,400 by 2011.

Because tuition has increased well beyond the rate of student assistance, students today are graduating with staggering debt burdens. With the weight of this debt on their backs, recent college graduates understandably gravitate toward higher paying jobs that allow them to pay back their loans. Unfortunately, all too often these jobs are not in the arena of public service or areas that serve the vital public interests of our communities and of our country. We need to be doing more to support graduates who want to enter public service, be it as a child care provider, a doctor or nurse in the public health field, or a police officer or other type of first responder.

I appreciate that the chairman has included strong provisions in this bill that will forgive the debt of borrowers who continue in public service careers such as nursing, teaching, or law enforcement for 10 years. Under this bill, a starting teacher in Vermont earning less than $30,000, and with debt of $20,000, could have his or her loan payments capped at 15 percent, reducing monthly payments by almost 40 percent.

The increases for student aid in this bill are paid for by reducing the subsidies the government provides to lenders. I believe that increasing student assistance should be our highest priority in this bill and that this offset is a worthy and sensible exchange. However, while this bill reduces the subsidies for lenders, I am pleased that it recognizes the importance of not-for-profit lenders, by differentiating between the size of cuts intended for for-profit and for nonprofit lenders. Several States have established not-for-profit State agencies to administer financial aid and to provide their residents and students attending their schools with quality counseling services and low-cost loans. Vermont pioneered this movement by creating the Vermont Student Assistance Corporation more than 40 years ago.

I do have concerns with the auction proposal contained within this bill. I am worried that it could potentially prevent Vermonters from exercising their right to choose where to borrow money by requiring the Secretary of Education to conduct an auction to select two lenders that will be permitted to make parent loans. Bids will be sealed, invisible to the public and to Congress, and awards will be made solely on the Secretary's determination of who offers the lowest cost to the government.

We do not want to crowd out the not-for-profit agencies from providing PLUS loans to families in their State. I am hopeful that the chairman and ranking member will be willing to work on this portion of the bill in order to continue to recognize the important role of not-for-profit lenders.

Mrs. FEINSTEIN. Madam President, I rise today in support of the higher education reconciliation bill that would increase critical grant aid to our Nation's neediest college students, help make loan repayment more manageable and encourage students to pursue careers in public service.

It is crucial that we help make college more affordable and accessible for students at a time when they are struggling to pay skyrocketing college costs and taking on more debt to pay for school.

In California alone, the cost of attending a 4-year public college increased 43 percent between the school years of 2000–2001 and 2005–2006.

Furthermore, 46 percent of California students graduating from 4-year colleges in the 2004–2005 school year had student loan debt—at an average of over $15,200. Nationwide, almost two-thirds of all 4-year college graduates had loan debt.

What is even more concerning is that many students are being shut out of college altogether.

Each year, more than 400,000 low and moderate income high school graduates who are fully prepared to attend a 4-year college do not do so because of financial barriers.

It is imperative that all students seeking a college education have an opportunity to achieve their goals and this bill takes important steps to provide much-needed relief to students across the country.

Specifically, this bill would: Provide $17.3 billion in new grant aid to low-income college students. Increase the maximum award for Pell grant recipients to $5,100 in 2008 and to $5,400 in 2011. The current amount is $4,310 and this means low-income California students will be eligible for an additional $290.9 million in need-based grant aid next year, and an additional $2.5 billion over the next 5 years. Increase the family income level under which a student is automatically eligible for the maximum Pell grant from $20,000 to $30,000. Eliminate the "tuition sensitivity" provision in the Pell grant program's eligibility formula that unfairly penalizes our neediest students who attend low-cost institutions, such as community colleges, from receiving the maximum Pell grant award. In California, over 260,000 community college students would benefit.

I was pleased to work with my friend and colleague, Senator BOXER, as the lead cosponsor of legislation to eliminate this unfair provision. Cap Federal student loan payments at 15 percent of a borrower's discretionary income providing needed relief to students with high loan burdens.

Provide new loan forgiveness under the Federal direct loan program for individuals in public service careers for 10 years, such as teaching, nursing or law enforcement. It would include Head Start teachers and expands on a proposal that I have been working on for several years to provide loan forgiveness to educators in this important field.

Eliminates the 3-year limitation on the period for which certain members of the Armed Forces may receive deferments on the interest on their student loans. It also extends this deferment period to cover 180 days after such a member of the Armed Forces is demobilized. Extends the amount of time student borrowers can receive a deferment for economic hardship from 3 to 6 years. Would apply to borrowers who take out their first loan after October 1, 2012.

This legislation would bring significant help to many low-income California students and those across the country who would otherwise not be able to afford a college education.

A college degree is more important than ever to ensure success in today's global economy and we must help provide students that need it most with the resources necessary to reach their highest potential.

I urge my colleagues to support this important legislation.

Mr. ROCKEFELLER. Madam President, I believe that we must provide access to higher education, which still too many hard-working American students cannot afford without the help of Federal financial aid.

I support the Higher Education Access Act because it will increase the access to education for many more students. In the 2005 to 2006 academic year, the average cost of a U.S. public college or university was $12,108, with the average Pell grant covering 33 percent of tuition, fees, and room and board. For a West Virginia public college or university in the 2005 to 2006 academic year, the average cost was $9,992, with the average Pell grant covering 41 percent of tuition, fees, and room and board. A senior in West Virginia graduating from college has an average of $16,041 in student loan debt.

This bill will help offset that cost. The first provision of the bill will increase the aid available to those students who qualify for Federal assistance. By making changes to the current provisions of the Pell grant program, more low-income students will have the opportunity to pursue higher education that otherwise might have been out of their reach.

Another vital and helpful component of this legislation is the repayment cap and loan forgiveness program, which would help repay student loans of those individuals who have decided to enter the public sector. Those students who go on to become social workers, public defenders, or teachers in high-need subject areas deserve our help getting the education they need for these essential careers.

Too often, a college graduate who wants to pursue a career in social work or another aspect of public service may not be able to afford to choose that career because of the low salaries and their high student loan debts. The Higher Education Access Act will address this concern by placing a cap on Federal student loan payments at 15 percent of a borrower's discretionary income, which will bring much needed relief to graduates with excessive loan burdens.

For example, a social worker with one child in West Virginia earning $26,800, with average loan debt of $16,041 would have his or her monthly payments reduced by $107, from $185 to $78, a reduction of 58 percent. We should encourage those willing to work in public service by offering relief from the high cost of student loans when they start off on their careers through the 15-percent cap and loan forgiveness.

Over 4 years ago, I sponsored legislation with the former Senator Mike DeWine to provide student loan forgiveness for social workers and attorneys in the child welfare system. This legislation reflects our goals and expands it to cover a broader range of public service careers—it is a strong, long-term investment in our communities and families.

The act is designed to keep rates for the lenders fair and direct as much help as possible to our students.

This year, 37,297 West Virginia students will receive $103.3 million in Pell grants. If this legislation debated today is enacted into law, West Virginia students in the coming academic year will have access to $19 million more in Pell grants and student aid.

Pell grants have not increased during the past year while the cost of education has increased exponentially. This bold increase in the Pell grant program is needed to keep pace with the changing financial demands of higher learning.

The Higher Education Access Act will provide hope and opportunity for students in West Virginia and across our country. It represents a commitment to education and a wise investment in our future. This legislation will also encourage public service, a cause to which I have long been dedicated. I am proud to support this bill and hope it will become law this year to improve student aid for the high school seniors who will begin their last year of classes in just a few weeks and all the students who will follow them.

Mr. McCONNELL. Madam President, as written, the higher education authorization bill takes us down a dangerous fiscal road. Democrats are using a privileged rule that was originally meant to cut the deficit to expand the government instead with more than $19 billion in new mandatory spending.

Ironically, they're trying to paper over this by cutting existing programs that help teachers and students in States like mine to reach a net savings of less than $1 billion. Compare that to previous Congresses, which used reconciliation rules to save nearly $500 billion in 1990, $433 billion in 1993, $118 billion in 1997, and $39 billion in 2005. The Democratic majority is using one of the few budget tools we have for shrinking government and using it to grow government instead.

This is surprising to say the least—given that the Senate just passed a resolution by unanimous consent saying we wouldn't use these rules for new spending. Democrats conveniently dropped that provision in conference.

Both sides have used reconciliation to move tax policy in the past—Republicans to cut taxes seven times; and Democrats to raise them four times. What's unprecedented here is using it for no other reason than to create new mandatory programs and expand the government—by tens of billions of dollars. These budget shenanigans are standard operating procedure for tax and spenders, but they set an extremely dangerous precedent.

Now, I would like to say a word about the programs this bill would cut. Democrats justify the cuts to lender subsidies in the higher ed bill with the old Robin Hood line that the money they plan to take from private lenders will go to students instead. But this just isn't true in places like Kentucky, where the Federal loans of three out of every four borrowers are held by not-for-profits.

These are groups that don't have profits—they funnel their earning back to borrowers. When you cut subsidies to them, you're cutting subsidies to students, parents, nurses, and National Guard members throughout my State. To Kentuckians, this bill is a reverse Robin Hood: it takes money from our students and funnels it back to Washington.

They know what's going on, and they don't like it, regardless of their political affiliation. I just got a letter from the State Treasurer, Jonathan Miller, who also happens to chair the Kentucky Democratic Party. Here's what he wrote:

"If the additional Federal Family Education Loan Program cuts are enacted, the entire borrower benefits program will be seriously jeopardized, and the impact would be immediate and significant for thousands of Kentucky families who depend upon Kentucky's nonprofit higher education agencies to help make higher education affordable."

Teachers in Kentucky would also get hit: Last year, thousands of teachers in my state received $15 million in student loan forgiveness from non-profit lenders like the Higher Education Student Loan Corporation and the Kentucky Higher Education Assistance Authority.

These benefits are targeted to teachers in high need subjects, like math, science, and special education. The President of the Kentucky Education Association, Frances Steenbergen, has informed me that if these cuts enacted, over 14,000 Kentucky teachers will be impacted immediately.

Republicans will have an opportunity to salvage this bill, but it won't be easy. It violates the intent of reconciliation to expand government, and slashes programs that are an enormous help to students and teachers. We'll also use the amendment process to repair some of the damage from yesterday. I think everyone was startled when the Democratic Leadership pulled the Defense Authorization bill from the floor. As the senior Senator from Arizona said, "He was more sad than angry."

Here's a bill that would authorize pay raises for the men and women in the military, Mine Resistant Ambush Protected, M-RAP, vehicles for Iraq, and a lot of other urgent military support. Just this week, the chairman of the Foreign Relations Committee issued a statement decrying delays in the delivery of these M-RAP vehicles—vehicles that have the potential of substantially reducing U.S. casualties in Iraq.

He sent a letter to the Defense Secretary in which he asked how it was possible "that with our nation at war, with more than 130,000 Americans in danger, with roadside bombs destroying a growing number of lives and limbs, we were so slow to act" in getting this technology to the troops. He should be asking the Democratic leadership today how it could have pulled the plug on a bill that authorizes the production of M-RAP vehicles.

He should ask them how they could have complained about the shameful neglect at Walter Reed—and then pulled a bill that addressed the most critical failing in our treatment of wounded soldiers and marines returning from battle He should ask them how they could pull a bill that delays a pay raise for military personnel.

Republicans have an opportunity today to restore this vital support for our military men and women, and we are going to seize it. It's unacceptable to wait: it's now late July and we haven't done a single appropriations bill—not one. The House has done six. At this rate, we won't have sent a single appropriations bill to the President by the time we leave here in August—an outrageous waste of time. These pranks and gimmicks guarantee we will have our backs to the wall in September.

Mr. KENNEDY. Madam President, as this debate comes to a close, I am reminded of the great moments in our Nation's history in which we look to the future and invested in future generations of Americans. We did it when we passed the GI bill. We did it when the Federal Government created the student loan program. We did it when we created Pell grants. And we do it again today with the largest new investment in student aid since the GI bill.

A vote for this bill is one we can cast with pride and great hope—pride in doing our part for the future of our great country and hope that our actions tonight will mean a better future for millions of young Americans. By passing this bill tonight, we will recognize that principle once again.

We know that our students today face significant challenges in paying for college. Each year, over 400,000 talented, qualified students do not attend a 4-year college because they cannot afford it.

In 1993, fewer than half of all students took out loans to finance their education, but today, more than two-thirds of students borrow for college.

Today, the average student leaves college with more than $19,000 in student loan debt.

That is why this higher education legislation is so important. We will provide more than $17 billion to help students and families pay for college. This legislation will help reverse the crisis in college affordability in several ways: It will immediately and dramatically increase the amount of aid for Pell grant recipients; it will help students manage their debt, by capping student loan payments at 15 percent of their monthly income; it will provide longer deferments in loan repayments for student borrowers facing economic hardship; and it will completely forgive the loans of those who enter society's most needed professions. It will restore balance to our grossly unfair student loan system by reducing unnecessary subsidies for lenders.

Everything we know about the college affordability crisis tells us that low-income students and families are struggling the most. With this bill, we will increase the maximum Pell grant to $5,100 next year—a $790 increase—and to $5,400 in 2011.

I am very pleased that our legislation will expand loan forgiveness to borrowers who stay in public service professions for 10 years. Our society needs more teachers, more emergency management and law enforcement professionals, more public health doctors and nurses, more social workers, more librarians, more public interest lawyers, and more early childhood teachers. Under our bill, we will produce more of them, because they—and all the groups I have just mentioned—will be eligible for loan forgiveness.

The bill before us will deliver long-overdue relief to students and families across the Nation who are struggling to afford college. But there is more we can—and must—do to improve higher education for students and families.

Next week, we will take up other important changes in our higher education amendments of 2007. In this bill, we take commonsense steps to improve higher education. We will address the rising cost of college, pursue needed sunshine ethics reforms to the student loan industry, and steps to simplify the federal financial aid application form.

These are critical reforms—but the most critical steps are the ones we take tonight to dramatically increase college aid for our Nation's students.

From our earliest days as a nation, education has been the engine of the American dream. We can look to the landmark success of the GI bill to see what a difference higher education makes.

The GI bill produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It also funded the education of three Presidents, three Supreme Court Justices and about a dozen Senators who served in this very Chamber.

This bill is a big step in the right direction. It dedicates over $17 billion for students and families to benefit from a college education and keep our country strong in the years ahead. It will help keep the doors to college open for all students, regardless of income level or background, just as the GI bill did half a century ago.

We can't let the engine of education stall today. More than ever college is the key to opportunity for students and the key to a strong America for the future. I urge the Senate to approve this important legislation.

The PRESIDING OFFICER. Is there further debate on the substitute amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2327) as amended, was agreed to.

Mr. KENNEDY. Madam President, I ask unanimous consent that upon passage of H.R. 2669, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, and that the HELP Committee be appointed as conferees, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, I wonder if the majority whip would indicate whether there will be no votes tomorrow.

Mr. DURBIN. I think I will defer to the majority leader.

Mr. REID. Madam President, we have in wrap-up the agreement that we are not going to do the cloture vote on the motion to proceed to homeland security. We will proceed to that legislation as soon as we complete the additional education bill we are going to work on on Monday. We are working really hard to try to not have a lot of votes Monday night. The first vote will be 5:15. Under the order entered, there could be as many as 12 or 15 votes. We hope that doesn't occur, but it is possible. There will be multiple votes Monday. We may not be able to complete them all Monday. We hope we can, but that is where we are.

Tuesday, we will start the Homeland Security appropriations bill.

I tell all Members that we have now 2 weeks left in this work session. As I have indicated from the first day, we are going to do our best to have everybody out of here 2 weeks from tomorrow. We have a lot to do. We have to complete homeland security, work on SCHIP and complete that, we have two conference reports, one on which Senator LIEBERMAN today had a real conference. Democrats and Republicans appointed to the conference sat down to see what they could work out on the 9/11 Commission recommendations. Progress was made. Senator LIEBERMAN said he thinks that can be done early next week.

And then I had a number of conversations today with the distinguished Republican leader. We are where we are on the ethics lobbying reform. I wish we could approach it a different way. That is not going to work out, it appears. We are going to attempt to complete that also before we finish this work period.

We have a lot to do, and I know there are things people want to do a week from this weekend. We are going to try to see that they can do that. There are no guarantees. We have to finish this legislation or we will work into the August recess. Those are the choices we have. There will be no votes tomorrow.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. KENNEDY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—78

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—18

Allard
Bond
Bunning
Burr
Coburn
Craig
Crapo
DeMint
Ensign
Gregg
Hagel
Inhofe
Kyl
Martinez
McCain
McConnell
Roberts
Vitter

NOT VOTING—4

Brownback
Johnson
Lott
Obama

The bill (H.R. 2669), as amended, was passed.

(The bill will be printed in a future edition of the RECORD).

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

MODIFICATION OF UNANIMOUS CONSENT AGREEMENT—S. 1642

Mr. REID. Madam President, I ask unanimous consent that the order governing consideration of S. 1642 be modified to provide that at the time available under the order, 2 hours be under the control of the managers, with the time equally divided and controlled; that time on first-degree amendments be limited to 30 minutes each, equally divided and controlled; that relevant second-degree amendments be in order and must be relevant to the amendment to which offered, and that an additional time of 15 minutes be available for any second-degree amendments which may be offered, equally divided and controlled; that upon the use or yielding back of all the time and the disposition of all amendments, the Senate proceed to vote on passage of the bill, with no further amendments in order after all time is expired, with the other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GENERAL WAYNE DOWNING

Mr. DURBIN. Madam President, I would like to mark the passing of an American hero. Retired Four-Star GEN Wayne Downing, a native of Peoria, IL, passed away on Wednesday.

General Downing personified the ideal that was ingrained into him and all cadets at West Point: "Duty, Honor, Country."

He spent most of his adult life wearing his country's uniform and continued to answer the call to serve even after retirement.

When General Downing retired after 34 years of military service in 1996, he was one of the country's leaders on terrorism.

After three decades as an Army Ranger, he had spent more time developing and implementing anti-terrorist and insurgent tactics than just about any man alive.

His devotion to service came early in his life.

Growing up in Peoria, his mother would read to him news reports from the battlefields of Europe where his father, PFC Francis Downing, was part of the 9th Armored Division, leading the American charge into Nazi Germany.

Private First Class Downing was killed in March 1945 in one of the final engagements of World War II.

As he grew up fatherless, Wayne would spend hours listening to the tales of his neighbor, a wounded combat veteran of the 101st Airborne division. It was while listening to those stories that he decided what he was going to do with his life.

He began his career in the Army as a junior officer in Vietnam, where he served two tours of duty and earned two Silver Stars, the Soldiers Medal, the Bronze Star with Valor and five oak leaf clusters, and the Purple Heart.

In 1974, he was hand-picked by his commander to help reform the famed Army Rangers.

During Operation Desert Storm in 1991, he commanded 1,200 U.S. Special Forces.

By the time he retired in 1996, General Downing was head of the U.S. Special Operations Command, in charge of the special operations forces of all the services, including the Navy's SEALs and the Army's Green Berets.

But retirement did not end General Downing's service to America. Two Presidents called him out of retirement to help them confront terrorism.

President Clinton tapped him to lead the investigation into the 1996 truck bomb attack that killed 19 U.S. servicemen and one Saudi and wounded 372 others at Khobar Towers, a U.S. military housing complex in Saudi Arabia.

After September 11, President Bush called General Downing out of retirement again to serve as his top counterterrorism advisor a post General Downing held for nine months.

There was not a man alive more qualified for the job.

Wayne Downing understood earlier than most the nature of the threat we face from terrorism, and he did his best to help craft a wise and effective response to that threat.

It is one of the mysteries of this life that a man who has faced such formidable foes would die from a microscopic enemy: bacterial meningitis. Family members say he died within 24 hours of contracting the illness. He was 67 years old.

I last saw General Downing on Memorial Day. He was the keynote speaker in Peoria at the dedication of a memorial to servicemembers who had died in World War I and World War II. I had the privilege of speaking at that same gathering.

When organizers of the dedication approached him about speaking, they were apologetic that they could offer him only a small stipend. Before they could finish their apology, General Downing interrupted and said it would be his honor to speak.

One of the names carved into the memorial belonged to his father.

As he rose to speak that day, it was raining. Someone tried to offer General Downing an umbrella, but he politely waved it away. He said to the crowd:

> Many of you were infantry, and so was I. We didn't have umbrellas in the infantry.

He was a soldier's soldier to the end and a true patriot.

He will be missed. On behalf of the United States Senate, I would like to extend my deepest condolences to General Downing's family, his colleagues and friends. Our nation joins you in your grief. I am honored to have known this great patriot, GEN Wayne Downing of Peoria, IL.

TRIBUTE TO DORIS G. PETERCHEFF

Mr. McCONNELL. Madam President, I wish to honor a respected Kentuckian, Mrs. Doris G. Petercheff, for the many contributions she has made to raise the political discourse in the Commonwealth of Kentucky.

Doris has spent a lifetime advising and working for candidates and elected officials she believes in. She is respected for the sound judgment she offers and the solid reputation she has established. I have known Doris for many years and am glad to call her my friend.

On Thursday, July 5, 2007, the Somerset Commonwealth Journal published an article highlighting Doris's many years of service to Kentucky. I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in honoring this Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Somerset Commonwealth Journal, July 5, 2007]

A LIFETIME DEVOTED TO THE AMERICAN WAY

(By Bill Mardis, Editor Emeritus)

"It's been a great ride!"

"That's how Doris G. Petercheff sums up her life in the political arena. In reality, her life has been molded by politics.

"I can't remember when politics was not discussed in my home," said Petercheff. "Quite frankly, it still is," she added.

"Petercheff, owner of One Acorn and Associates, a political consulting firm, is slowed by health problems, but her telephone still rings with questions about how to manage a political campaign.

"I interpret politics as people," said Petercheff. "That's one of the things we've forgotten—people. I love people. God gave me a talent in politics . . . to help people. I never had a doubt that the Lord provided me a way to work for Congressman (Tim Lee) Carter so I could help people." She was 5th District office manager for Carter for 18 years.

"Petercheff was reared in a political atmosphere. Her grandfather, Jacob N. Mayfield, owned and operated a country story in the Acorn community.

"Grandpa was a great patriot. He always displayed a large American flag at the store," Petercheff recalls.

"I thought that flag was so beautiful," she said. "I went up to Grandpa and said, 'Grandpa, what is that (flag)?' And he pulled me on his lap and told me what the flag was and how important it was.

"That was my first love of politics and my country," she remembers. "I was probably 3 or 4 years old at the time."

Mayfield was a magistrate for many years. Petercheff pointed out that those were the days before state courts were reorganized and magistrates performed many official duties such as marriages, signing birth certificates and other legal functions.

"Everybody came to the store. We were (the same as) Somerset at that time. We sold everything you couldn't grow," Petercheff remembers. She said Ky. 1675, extending from Ky. 80 to Mt. Victory, was in those days the main route from Crab Orchard to Sublimity Springs, at that time a well-known health resort near Mt. Victory.

"Stagecoaches passed by here (on the way to Sublimity Springs)," she recalled.

"We went to Somerset on 'Burden Road,'" laughed Petercheff. "It was really (through) Burdine Valley, but we called it 'Burden Valley.'"

Petercheff is from a strong Republican family. Both her Grandpa Mayfield and Grandpa John Cottongim, a deputy sheriff from 1911 to 1916, were dyed-in-the-wool Republicans.

As a professional consultant, Petercheff would cross the political divide.

"One of my proudest times was working with (Democrat) Wallace Wilkinson in 1987," Petercheff said. She was organizational coordinator during Wilkinson's successful campaign for governor, working with the now nationally famous James Carville.

"Democrats are a different breed," she remarked. "They are more open . . . a physically touchy, feelie kind . . . they don't flout their affluence.

"I am a conservative . . . a fiscal conservative, not a social conservative," Petercheff said. "I loved matching my brains against those big consultants. It's amazing how those big national consultants (are often off base)."

"The key to success in politics, Petercheff said, is to "get organized, make a plan and then work your plan that's how you win."

"On the other hand, Petercheff believes politics must be enjoyed.

"I've told clients, 'Politics is fun. If it's not fun, we won't do it.'"

But an office seeker must be dedicated to the cause. "Campaigns are hard work," she assures.

If Petercheff has a political hero, it's the late Congressman Carter.

"Tim Lee . . . he was a country doctor. His first interest and first desire was to help individual people. If Tim Lee ran across a need for which he couldn't find an answer, he would dig down in his pocket and come up with the money. And you didn't have to vote for him to get help.

"Tim Lee was the ultimate politician," she said. "He knew how to (handle) things politically to get people to do what they should do."

"Petercheff recalls that she started working for Carter in 1964 ". . . when women were not involved in politics . . . maybe they stuffed envelopes."

"But Petercheff never took a back seat. Few people have a more impressive profile of services.

"Among her positions as a volunteer, Petercheff served as chair of the Mayfield precinct for 30 years; secretary of the Pulaski County Young Republicans Club for four years; treasurer in 1970 for the State Young Republican Federation; chair in 1971 of 5th District Young Republicans; and secretary from 1972 to 1976 for the Pulaski County Republican Executive Committee.

"Also, in 1969 she served as president of the Pulaski County Republican Women's Club; from 1976 to 1978 she was chair of the 5th District Republican Party; from 1972 to 1978 she was a member, state-at-large, Republican State Central Committee; in 1966 she was campaign chair for the U.S. Senator John Sherman Cooper and Tim Lee Carter; and served as campaign chair for now-Congressman Hal Rogers for state Young Republican chairman.

Also, she was campaign coordinator for Rogers in his quest for Pulaski County attorney; Pulaski County campaign and headquarters secretary during Louie Nunn's successful campaign for governor; 5th District coordinator for Tom Emberton for governor; and state organizational coordinator for Huda Jones's campaign for secretary of state.

"Also, state campaign primary coordinator for Gerald Ford for president of the United States; state campaign manager for Hal Rogers for lieutenant governor; 5th District campaign coordinator for Ronald Reagan, (Senior) George Bush, Mitch McConnell and Rogers; 5th District coordinator for Jim Bunning for governor; and 5th District campaign manager for Hal Rogers for Congress in 1980, 1982 and 1984.

"Petercheff has served in some position in every state, district and local election since 1962. She started One Acorn and Associates in 1984 with several stockholders. In April 1986, she became the sole owner and operator of One Acorn. Her list of clients is like a "who's who" in local, state and national politics.

"Like many Pulaski Countians, to make a living, Petercheff's family—her father, Thomas O. Cottongim, and her mother, Mary Iva Mayfield Cottongim—left their home in Acorn in 1941 and moved to Indianapolis. She went to high school in the Indiana city and married her high school sweetheart, Jimmy Petercheff, now deceased.

"She and Jimmy returned to Pulaski County in 1959 and took over operation of the family's general store, originally known as J.N. Mayfield Mercantile and later Acorn Mercantile.

"They closed the store in 1967. "I had gone to work for Dr. Carter and we had to hire somebody to run the store," Petercheff said.

"Doris and Jimmy have four sons, 11 grandchildren and six great-grandchildren. She admits to encouraging her children to be politically active.

"The Petercheff house at 4845 Highway 1675 at Acorn has a large "P" on the chimney, apparently for identification. But it's not needed. Doris Petercheff is a household name in Somerset, Pulaski County, Kentucky and the nation.

"As she so eloquently said: "It's been a great ride!"

HONORING OUR ARMED FORCES

MAJOR MICHAEL TAYLOR

FIRST SERGEANT TOM WARREN

SERGEANT FIRST CLASS JOHN GARY BROWN

Mrs. LINCOLN. Madam President, today I rise to recognize three Arkansans who served our country with dignity and honor and gave their lives to our country in Iraq: MAJ Michael Taylor, 1SG Tom Warren, and Army SFC John Gary Brown. They will be remembered by their friends and family as men who lived lives full of passion and love. Their Nation will remember them as men who dedicated themselves to protection of our freedom.

Michael Taylor's father-in-law described him as "a good guy" with a personality that attracted everyone to him since his childhood days in North Little Rock. As a National Guardsman, who worked at the Veterans' Administration, he soon learned that his true passion was in flying. He had spent a lot of time working with computers, and the relationship between modern helicopters and computers gave him a leg up when it came time to enter flight school. He retired from the VA to become a pilot with the Arkansas National Guard flying Black Hawk helicopters. Taylor eventually reached the Bravo Company's top position and commanded the company.

The second member of the flight team was First Sergeant Tom Warren. 1st Sgt. Warren grew up in Jacksonville, AR, near Camp Robinson. He attended North Little Rock High School in 1976 and married his wife Doris on January 17, 1983. He raised five children and throughout his life was very active in church. He was a Mason, including being past master at his lodge in Levy, which was the same position his father had held. He also served as deacon at Lifehouse Christian Fellowship, where he was an active member. Outside of church, Warren loved to golf, but nothing besides his family could match his love for aviation. Warren reached the position of first sergeant, making him the top ranked enlisted soldier in the company.

Gary Brown hailed from the small town of Nashville, AR. He was born and raised there and attended Nashville High School, where he was on the track team. He graduated in 1982 and spent a year at Ouachita Baptist University. During his time in Little Rock, he was a member of Agape Church and was active in the church's children's bus ministry and men's Bible study. His twin brother said that everything Brown did in his life meant something to him, whether it was easy or hard, and he could always be found with a smile on his face.

To him, serving his country meant something, and he served for 20 years in the National Guard. Most recently Brown was the crew chief of the Arkansas National Guard's 77th Aviation Brigade. He pursued perfection and was truly dedicated to his job.

The UH-60 Black Hawk helicopter that First Sergeant Warren flew was what he called a limousine service. They ferried others around Iraq as part of "Task Force Dragon," but they became known as the "Catfish Air." Serving their fellow soldiers, these men risked their lives every day to make sure people got to and from dangerous areas as safely as possible.

Tragically these three men's lives intertwined on January 20, 2007, when their helicopter crashed in the area northeast of Baghdad in one of the deadliest moments of the war for our National Guard. I offer my condolences to their families, and I pray that they can find comfort in the knowledge that these three men died serving others and doing what they loved on behalf of a grateful Nation. My thoughts and prayers go out to the many people whose lives were touched by these men.

SPECIALIST JEREMY STACEY

PRIVATE FIRST CLASS BRUCE SALAZAR

Madam President, it is with great sadness that I also rise to honor two young men with Arkansas ties who died on back-to-back days during the July 4 recess. Specialist Jeremy L. Stacey was killed on July 5 by a roadside bomb in Baghdad, and Army PFC Bruce Salazar Jr., was killed on July 6 by an improvised explosive device, IED, in Muhammad Sath, Iraq.

Specialist Stacey spent a large portion of his life growing up in Amarillo, TX, and later moved with his mother, Betty Click, to Bismarck, AR, where he graduated from Bismarck High School in 2003. Shortly after graduating from high school, he enlisted in the Army.

Specialist Stacey was remembered by those in Bismarck as a great guy that everyone loved. He had been called a prankster with a quick wit by those who knew him well, and his death has been devastating for his family and the Bismarck community. Specialist Stacey was the first fatality of the Bismarck graduates serving in Iraq.

Specialist Stacey was an M1 armor crewman with the 1st Cavalry Division stationed in Fort Bliss, TX, and had received the National Defense Service Medal, Global War on Terrorism Service Medal, Army Good Conduct Medal, and the Army Service Ribbon. He was posthumously appointed to the rank of corporal and awarded the Bronze Star and Purple Heart.

After his graduation in Arkansas, Stacey's mother moved to Los Chavez, NM, and although he reenlisted in December for another 3-year term, he talked of moving to New Mexico to be near his mother once his service was complete. A talented writer who wrote fiction, Stacey also dreamed of going to college one day. He is survived by his mother and 4 sisters: Jessica Stacey, Shaila Stacey, Lisa Close, and Erica Close.

Just one day after Specialist Stacey was killed, Arkansas lost another one of its sons when Army PFC Bruce Salazar was killed. Salazar moved to Fayetteville, Arkansas, in 2003 when he followed his best friend Ronnie Jacques from Davis, CA, to Northwest Arkansas. Salazar's father, Bruce Salazar Sr., lives in Springdale, and the younger Salazar worked in Springdale while completing his general equivalency degree.

The 24-year-old joined the Army and planned on being a career solider, according to his mother and his friend. After the war, Salazar planned on helping his mother, Suzie Ruiz of Modesto, CA, buy a house, and he looked forward to moving to Florida. His mother remembered him as a good kid who was always there when she needed him. He was an avid baseball fan and wanted to be a fighter pilot. A few weeks before his death, Salazar spoke to his mom about family and friends and asked for a baseball glove to play catch. Ms. Ruiz mailed the glove and a book on becoming a pilot.

Private First Class Salazar was an infantryman with the 1st Battalion, 30th Infantry Regiment, 2nd Brigade Combat Team, 3rd Infantry Division based in Fort Stewart, GA. He is survived by his mother Suzy father Bruce sister Alicia Salazar and 4 half-sisters in Southern California.

The deaths of these two young men, like the thousands who have already given their lives defending our freedom in Iraq and Afghanistan, touch many families and many communities across our State and throughout this great land. Our Nation is grateful for their service, and in the days and weeks ahead, our thoughts and prayers are with their families and loved ones during this difficult time.

CORPORAL ZACHARY D. BAKER

Madam President, I also wish to remember a young Arkansan who paid the ultimate sacrifice by giving his life for our freedom in Iraq earlier this year, CPL Zachary Baker. Coporal Baker was 24 years old and is survived by his wife Christina and seven-year-old son Andrew, as well as his mother, father, brother, sister, and other relatives.

Known affectionately to his family as "Bubba," Baker was serving his second tour of duty in Iraq. He was originally sent to Iraq in 2005 and volunteered to go back after completing that tour. His family described him as a good Christian man who thought about others before himself.

He was killed with 5 other members of the First Cavalry Division based out of Fort Hood, TX, when a roadside bomb exploded near the Bradley fighting vehicle they were in. His team was responding to a helicopter that Iraqi insurgents shot down north of Baghdad after 2 crew members radioed for help. Both crew members died in the crash.

I extend my deepest sympathy to his family. My thoughts and prayers, as well as those of so many Arkansans, are with you during this difficult time.

STAFF SERGEANT JUSTIN ESTES

Madam President, Arkansas lost a fine young American this past year when SSG Justin Estes of Sims was killed while trying to assist a wounded soldier near Samarra, Iraq. According to reports, Sergeant Estes was in the third vehicle of a convoy when another vehicle was struck by an improvised explosive device, IED. Without regard for himself, Sergeant Estes left his vehicle and rushed to pull an injured comrade out of the burning vehicle. He began administering first aid to the wounded soldier when another IED detonated. He died in the arms of a second soldier from the explosion.

Sergeant Estes was remembered as a fine soldier, "The Best of the Best," who put others before himself. He was serving his second tour for the 82nd Airborne and was set to return to the United States after his first tour. However, he gave his slot to a fellow soldier so that he could see his newborn son. Family and friends also recalled his fun-loving spirit.

Sergeant Estes was awarded three medals: The Bronze Star, the Purple Heart, and the Combat Infantryman Badge. He is survived by his parents, Don and Kathy Estes of Kentucky and John and Diane Salyers of Sims. He also has 2 older sisters, Norma and Kelli, in addition to other family. My thoughts and prayers go out to the Estes family during this trying time.

SPECIALIST ERICH SMALLWOOD

Madam President, it is with great sadness that I also rise today to pay tribute to a Arkansan who served his country with honor, SPC Erich S. Smallwood of Trumann, AR. Specialist Smallwood died on May 26, 2007, from injuries suffered when an improvised explosive device detonated near his vehicle outside of Balad, Iraq. Erich was a member of Company B of the 87th Troop Command's 875th Engineer Battalion based in Marked Tree, AR, and served with the battalion's Company A based in Jonesboro, AR. He was the first loss for the 875th during Operation Iraqi Freedom.

A 2002 graduate of Trumann High School, Smallwood was a beloved member of his community. He was selected "Mr. Trumann High School" by his classmates and was a good athlete who played football, baseball, and ran track for THS. He was also selected "Most Involved" his senior year in high school and was a member of Future Farmers of America and the Spanish Club.

In the days following his death, friends and loved one remembered Smallwood for the person he was and the examples he set. In an interview in the Trumann Democrat, his high school principal, Jim Montgomery, recalled that Specialist Smallwood had a great sense of humor. "He liked to kid around, but he never got into any trouble. . . He was always doing something to make people laugh . . . He was a good student and a good person."

At his funeral on June 4, his brother-in-law, Jon Redman of Jonesboro, noted that he was an inspiration to others. "He was a special kind of person. He always had that smile on his face. . . He was the greatest brother anyone could have. He was a friend to many people and never met a stranger. He was the heart and soul of his unit."

Arkansas National Guard Adjutant GEN William B. Wofford remembered him as "a soldier both inside and outside the wire. He wanted to be an encouragement to someone. He was a true patriot, was intelligent, and loved his fellow soldiers."

At a Memorial Day service in Trumann, just 2 days after his passing, Mayor Sheila Walters read a proclamation recognizing the sacrifice of Specialist Smallwood. It read: "We honor all soldiers and their commitments to this great country by their legacy of patriotism and sacrifice. We honor our very own Erich Smallwood for giving his life in the cause of freedom. He is one of the many heroes who have protected and inspired us all."

Madam President, Specialist Smallwood was a unique person who paid the ultimate sacrifice in serving his country and protecting our freedoms. My thoughts and prayers are with his fiancee, Amanda; father, James; mother, Pamela; sister, Terah; brother J.T., who is also currently serving in Iraq; and the rest of the Smallwood family during this trying time.

SERGEANT ROBB ROLFING

Mr. THUNE. Madam President, I mourn the loss and celebrate the life of Rob Rolfing. Robb died on June 30 while engaging enemy insurgents in Baghdad. He was the 23rd South Dakotan to make the ultimate sacrifice in the war on terror. My deepest sympathies go out to Robb's family, in particular, his mother Margie, his father Rex, his brother TJ, and his sister Tiffany. With Robb's tragic death, South Dakota has lost one of its finest sons and the Army has lost a dedicated professional.

Robb was from Sioux Falls and graduated from O'Gorman High School in 1996. His love of science and ingenuity was inspired by television's MacGyver. Those who remember Robb from high school like to recount how Robb was never without duct tape or a Swiss Army knife. Another of their favorite stories is how Robb rigged up a makeshift parachute for his graduation cap so that when he threw it in the air it glided back down to the ground.

As Robb grew it was clear that he was a gifted scholar, athlete, leader, and coach. He dedicated himself to the pursuit of excellence in every aspect of his life. He was a passionate soccer player who excelled on and off the field at Vassar College. He finished his collegiate career with a degree in Astrophysics and was twice named the captain of the Vassar soccer team, scored the winning goal to advance his team to Vassar's first ever national tournament, and was the team's second all-time leader in goals, assists, and points. Following graduation from college, Robb coached soccer at Rollins College in Florida and Curry College in Massachusetts.

When the United States was attacked on September 11, 2001, Robb pursued another of his dreams. He joined the U.S. Army and became a member of the Green Berets, the Army's elite experts in unconventional warfare. Based on Robb's dedication to excellence and his mechanical ingenuity it came as no surprise that Robb served as the special forces engineer for his unit, Bravo Company, 2nd Battalion, 10th Special Forces Group, airborne. Special forces engineers are skilled at construction projects, building field fortifications, and using explosive demolitions. Looking back over Robb's life, it seems that his whole experience was designed to culminate in gaining the coveted Army Green Beret that is recognized the world over.

Green Berets are commonly called quiet professionals and referred to as a special breed of man. Robb was both these things and truly lived the Green Beret motto, De Oppresso Liber, To Liberate the Oppressed.

Mr. President, I truly mourn the loss of SGT Robb Rolfing and I extend my thoughts, prayers, and best wishes to his family, friends, and loved ones.

MRAP

Mr. BIDEN. Madam President, I want to explain an amendment I hope to get adopted when we return to the Defense authorization bill and that I have filed today.

Let me be very frank. This is a very expensive amendment. It is also, literally, priceless. It makes good on this commitment: So long as a single American soldier or marine remains in Iraq, we will provide him or her with the best protection this country can provide.

Let me start with the basics. There are two critical issues facing our soldiers and marines today: Improvised explosive devices, or IEDs, and explosively formed penetrators, or EFPs. IEDs are planted in roads and on the side of roads to hit the bottom of vehicles with powerful explosives. EFPs are shaped charges that come into the side armor of vehicles at high speeds.

We know that IEDs now cause about 70 percent of all American fatalities. Since 2003, in any given month, IEDs have caused between 30 and 76 percent of American fatalities. For every death, there are usually 2 to 10 Americans wounded. Over the past year, we have also seen a growing threat from EFPs. They are not yet everywhere in Iraq, but they are spreading and they are very lethal.

The military has a strategy for dealing with both. First, they seek to disrupt the organizations that produce IEDs and EFPs. They go after the people and the supplies. Second, they attempt to use tactics and technology to prevent IEDs and EFPs from being activated when American personnel are close enough to be harmed. Third, they attempt to survive a direct hit. It is the third area where we could and should have done much more to make a difference years ago but where still today we can and must make a difference.

The military has tested, both at testing centers and in the field, the Mine Resistant Ambush Protected vehicle, also called an MRAP. The MRAP provides dramatically improved protection against IEDs. The military has said that it is four to five times as good as an up-armored HMMWV. More important, military commanders tell us that it will reduce deaths and casualties from IEDs by 67 to 80 percent. The Brookings Institution found that 1,400 Americans died in Iraq due to IEDs from March of 2003 through June of 2007. If we had had MRAPs in the field from the start—and we could and should have—938 to 1,120 Americans would be alive today.

And let me just clarify for my colleagues that this is not new technology. It has been used successfully in Africa, by nations much poorer than ours, since the 1970s. I don't want to get bogged down in history, but this is not rocket science. Every day we delay, another soldier or marine is killed or injured by an IED. If we just look at this year, IEDs killed 309 Americans; 207 to 247 would still be alive today if they had been in MRAPs. We need to make sure that for the second half of 2007, those MRAPs are there and those lives are saved.

What about the threat from these shape charges that come in from the side, the EFP? The Army's Rapid Equipping Force and the Joint Improvised Explosive Device Defeat Organization started working on that last year. In conjunction with industry, they produced a vehicle nicknamed "the Bull" and officially called the Highly Survivable Urban Vehicle Ballistic Protection Experiment Program. This vehicle was tested and shown to defeat EFPs and also tested against the first level of MRAP requirements. That testing was completed in March of this year. For some reason, the military has not asked for another vehicle to do the MRAP level two tests. So we do not actually know how capable this vehicle might be for all threats, but we know it works against EFPs. Instead of trying to get ahead of the enemy and get this technology into the field, the military seems to be sitting on its hands while the EFP threat has increased. Why wouldn't you field something you know works?

The perfect vehicle would be a complete MRAP with EFP protection, but that appears to be many months away, although some MRAP producers tell me that their vehicles have survived EFP hits in the field. So again, we do not have the complete picture. We have also been told that Frag-Kit-6 armor can defeat EFPs, but it is too heavy for MRAPs. So vehicles must be redesigned and retested. This will take time. I understand that and support that effort, but Americans are dying today. Again, as with the MRAP, we have a technology that could keep them alive, and we should be using it while we work to perfect it.

I do not know if all of my colleagues saw the USA Today article that appeared on Monday detailing some of the history surrounding the MRAP. I will summarize a few points but will ask to have the entire article printed in the RECORD.

This article details efforts to get MRAPs going back to 2003. It also details the reasons for delay, and that is what I want to point out to my colleagues.

First, apparently, the leadership at the Pentagon did not expect this war to last this long. Well, that is no surprise. We all remember the "Mission Accomplished" speech and the promise of roses in the streets. We remember Vice President CHENEY telling us that the insurgency was in its death throes. We remember Secretary Rumsfeld telling us that crime in Baghdad was not any worse than that in Washington, DC. I remember all of that. Sadly, none of those leaders remember the hearings that Senator LUGAR and I held before the war began that predicted the need for a long-term American presence and engagement. They don't remember some of us, starting before the war, repeatedly urged the President to level with the American people about the likely duration, cost, and danger of this war. Perhaps even more tragically, this uncertainty about future force levels continues to limit the military commitment to fielding more MRAPs and EFP protected vehicles.

Second, these vehicles were seen as contrary to Secretary Rumsfeld's vision for the transformed military, a lighter, more agile force. While it depends on what armored humvee you are talking about, many believed that MRAPs were heavier and slower than humvees. The stifling effect Secretary Rumsfeld's views and management style had on military leaders is well known to everyone who follows military issues. In this instance, it meant that officers were predisposed against the heavier vehicle and didn't push the issue when our forces in the field asked for MRAP technology. Instead, they focused on the first two parts of the anti-IED strategy I talked about earlier.

Finally, and most disturbing to me, many believed that Congress would not support funding the MRAP while also fielding better armored humvees. I do not know of a single wartime funding request that Congress has denied. There have been some items added to the supplemental bills that were clearly not urgent or war related, but nothing directly linked to current operations was refused. Nonetheless, it appears that the military did not believe that our support for needed equipment was for real. Even today, I hear that leaders are concerned that they must cut multiple existing programs to pay for this growing MRAP requirement. There may be programs that we could all agree are not as vital for a wartime Army, but I do not want that debate and concern to slow lifesaving equipment.

I understand that this program will be the third largest procurement program in the Pentagon. As I said, it is very costly. We can work together in the future to find the lower priority programs that simply should not be funded if they are competing with lifesaving programs. We do not have any more time to delay spending the money needed to buy these vehicles, however, if we are going to save lives.

Leadership is about making hard choices, and I look forward to working with my colleagues and the administration to do whatever it takes. I am even willing to cut programs I support because saving lives and limbs under fire today must truly be our first priority. So, today, with this amendment I hope we can make it clear that we will provide whatever funding is needed, so that military leaders do not fear being honest about their needs.

In addition to the issues brought out in the article, I have also heard a regular concern that some in the military do not believe MRAPs will be needed in the future—that when we leave Iraq, we will leave most of these vehicles behind. I was happy to see the Secretary of the Army, Peter Geren, state clearly in his confirmation hearing that he believes MRAPs will be needed in future conflicts. It is clear to me that until we show America's enemies that we can handle IEDs, they will continue to use them throughout the world. We are already seeing an increased use of IEDs in Afghanistan.

It is also clear to me that those who worry about what the military will be driving in 5 years are missing the boat here. I understand that there are great advancements being developed for our future force. But we have a sacred trust to those on the front lines today, right now. Right now, we are saying to them: If you survive this war, we will get you really good protection for the next one. Give me a break. To paraphrase a former Secretary of Defense, you fight the war you are in, not the war you might be in down the road. Ideally, you do both, but your priority has to be protecting the men and women under fire now. End of story. Can anyone imagine Roosevelt saying, "Listen, we may not need some of those boats after Normandy, so maybe we should not build so many?" Of course not. War is inherently wasteful and this war is no exception. I am willing to waste money and equipment if it means we don't waste lives and limbs. The fact that we may not need all of the vehicles we buy today in 5 years, is no reason to shortchange the soldiers and marines who truly need the vehicles today.

I have given my colleagues some of this history so they will understand why we must stand up for our marines and soldiers on this issue. We must cut through the "business as usual" bureaucracy. I applaud Secretary Gates for making MRAPs the top priority of the military, but I am concerned that even now, some of the same problems continue. After all, Army commanders in Iraq concluded that they need 17,700 MRAPs. That is 15,200 more than currently being bought. We must act now to put money in the pipeline to order the additional vehicles and expand production capacity.

Instead, we find out that 2 months later, the Joint Requirements Oversight Council has yet to approve the Army request as a "validated joint requirement." I don't get it.

The President tells us that the most important thing in this war is the judgment of our commanders in the field. Now, I may disagree with the policy being executed, but I would agree that when it comes to tactical decisions about the best way to implement our policies, this is the right approach. Apparently, others feel that the commanders should only be listened to selectively, when it does not cost too much money.

The commanders in the field have said that they need an additional 15,200 mine resistant vehicles for the Army. They have also said that they need thousands of vehicles with EFP protection. So, why the delay?

No one from the Pentagon has been able to explain it to me.

Last, some argue that the real problem is production capacity. I simply don't buy it. We are being told that American industry cannot handle this or does not care enough about our soldiers and marines to do it. I don't buy it. These are purely military vehicles. If the military does not place the orders, industry will not build them, and they certainly won't create new production capacity. They cannot sell the extras to your neighbor or mine. So we must put the money up front and challenge our companies to deliver quickly. We did that on the supplemental where Congress accepted my amendment adding $1.2 billion. Because that led to increased production capacity, Secretary Gates has reprogrammed another $1.2 billion for fiscal year 2007 to take advantage of that new capacity.

We made it to the Moon by putting money up front and challenging Americans to do their best to get there. MRAPs and EFP protected vehicles are basically modified trucks. America knows how to make trucks and how to make a lot of them. As I said before, this is not rocket science. If we buy it, they will build it.

What if they cannot? What if industry can only get 15,000 or 20,000 of the 23,000 we need built by the end of fiscal year 2008? Well, I tell my colleagues, than we will know that we gave them every chance to succeed. More important, we gave our soldiers and marines their best chance to survive this war.

And the downside is simply that all of the funds we provide cannot be spent in 1 year and all of the vehicles cannot be purchased. In that situation, all we have to do is authorize reprogramming the unspent funds for the next fiscal year. Compared to taking a chance on saving our kids, that is an easy downside to accept.

I opened by saying that this was a very expensive amendment, and it is. Let me be clear. It provides $23.6 billion for Army MRAPs, enough money to buy the 15,200 the commanders in the field are asking for. The amount is based on the last cost estimate I was given by the Pentagon on July 9. The amendment also provides an additional $1 billion that I have been told is needed for the purchase of 7,774 MRAPs currently planned for and funded in this bill. The increased funds are needed for airlift, training, and maintenance costs not originally included in the program budget.

In addition, the amendment provides $400 million for EFP protection. Half is to field 200 of the vehicles already tested and half is for the joint Improvised Explosive Device Defeat Organization to continue to work on and field better vehicles. The Bull may not be the perfect answer, but it gives us a chance to save American lives today. While we work on the perfect solution, an MRAP with EFP protection, we should still be giving our soldiers and marines the best we have today. The military needs to see if the Bull can provide full MRAP protection. They also need to look at other ideas for improving MRAPs, but while they do, we should take advantage of the proven technology we have at hand.

Last, this amendment asks Secretary Gates to report back to us within 30 days on any legal authorities he needs to produce and field these protective vehicles faster.

Let me also clarify what we are adding these funds to. The Armed Services Committee added $4.1 billion to the President's initial request for a mere $441 million for MRAPs in this bill. At the time, that was all that was thought to be needed to meet the 7,774 requirement and I applaud the committee for meeting that need. The situation has changed since the bill came out of committee. We now know that the Army commanders on the ground want far more. We cannot get such a large order produced if we continue to delay.

For me, this is very simple. I believe that when our sons and daughters are getting blown up and we have vehicles proven to dramatically improve their odds of survival, we must get the vehicles to them. This amendment allows us to do that. When the Senate returns to debate on the Defense Authorization Act, I hope all of my colleagues will support it.

Madam President, I ask unanimous consent to have the article to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, July 16, 2007]

PENTAGON BALKED AT PLEAS FROM OFFICERS IN FIELD FOR SAFER VEHICLES

(By Peter Eisler, Blake Morrison and Tom Vanden Brook)

Pfc. Aaron Kincaid, 25, had been joking with buddies just before their Humvee rolled over the bomb. His wife, Rachel, later learned that the blast blew Kincaid, a father of two from outside Atlanta, through the Humvee's metal roof.

Army investigators who reviewed the Sept. 23 attack near Riyadh, Iraq, wrote in their report that only providence could have saved Kincaid from dying that day: "There was no way short of not going on that route at that time (that) this tragedy could have been diverted."

A USA TODAY investigation of the Pentagon's efforts to protect troops in Iraq suggests otherwise.

Years before the war began, Pentagon officials knew of the effectiveness of another type of vehicle that better shielded troops from bombs like those that have killed Kincaid and 1,500 other soldiers and Marines. But military officials repeatedly balked at appeals—from commanders on the battlefield and from the Pentagon's own staff—to provide the lifesaving Mine Resistant Ambush Protected vehicle, or MRAP, for patrols and combat missions, USA TODAY found.

In a letter to Defense Secretary Robert Gates late last month, two U.S. senators said the delays cost the lives of an estimated "621 to 742 Americans" who would have survived explosions had they been in MRAPs rather than Humvees.

The letter, from Sens. Joseph Biden, D-Del., and Kit Bond, R-Mo., assumed the initial calls for MRAPs came in February 2005, when Marines in Iraq asked the Pentagon for almost 1,200 of the vehicles. USA TODAY found that the first appeals for the MRAP came much earlier.

As early as December 2003, when the Marines requested their first 27 MRAPs for explosives-disposal teams, Pentagon analysts sent detailed information about the superiority of the vehicles to the Joint Chiefs of Staff, e-mails obtained by USA TODAY show. Later pleas came from Iraq, where commanders saw that the approach the Joint Chiefs embraced—adding armor to the sides of Humvees, the standard vehicles in the war zone—did little to protect against blasts beneath the vehicles.

Despite the efforts, the general who chaired the Joint Chiefs until Oct. 1, 2005, says buying MRAPs "was not on the radar screen when I was chairman." Air Force general Richard Myers, now retired, says top military officials dealt with a number of vehicle issues, including armoring Humvees. The MRAP, however, was "not one of them." Something related to MRAPs "might have crossed my desk," Myers says, "but I don't recall it."

Why the issue never received more of a hearing from top officials early in the war remains a mystery, given the chorus of concern. One Pentagon analyst complained in an April 29, 2004, e-mail to colleagues, for instance, that it was "frustrating to see the pictures of burning Humvees while knowing that there are other vehicles out there that would provide more protection."

The analyst was referring to the MRAP, whose V-shaped hull puts the crew more than 3 feet off the ground and deflects explosions. It was designed to withstand the underbelly bombs that cripple the lower-riding Humvees. Pentagon officials, civilians and military alike, had been searching for technologies to guard against improvised explosive devices, or IEDs. The makeshift bombs are the No. 1 killer of U.S. forces.

The MRAP was not new to the Pentagon. The technology had been developed in South Africa and Rhodesia in the 1970s, making it older than Kincaid and most of the other troops killed by homemade bombs. The Pentagon had tested MRAPs in 2000, purchased fewer than two dozen and sent some to Iraq. They were used primarily to protect explosive ordnance disposal teams, not to transport troops or to chase Iraqi insurgents.

THE GOAL: IRAQIS "STAND UP" SO U.S. CAN "STAND DOWN"

Even as the Pentagon balked at buying MRAPs for U.S. troops, USA TODAY found that the military pushed to buy them for a different fighting force: the Iraqi army.

On Dec. 22, 2004—two weeks after President Bush told families of servicemembers that "we're doing everything we possibly can to protect your loved ones"—a U.S. Army general solicited ideas for an armored vehicle for the Iraqis. The Army had an "extreme interest" in getting troops better armor, then-brigadier general Roger Nadeau told a subordinate looking at foreign technology, in an e-mail obtained by USA TODAY.

In a follow-up message, Nadeau clarified his request: "What I failed to point out in my first message to you folks is that the U.S. Govt. is interested not for U.S. use, but for possible use in fielding assets to the Iraqi military forces."

In response, Lt. Col. Clay Brown, based in Australia, sent information on two types of MRAPs manufactured overseas. "By all accounts, these are some of the best in the world," he wrote. "If I were fitting out the Iraqi Army, this is where I'd look (wish we had some!)"

The first contract for what would become the Iraqi Light Armored Vehicle—virtually identical to the MRAPs sought by U.S. forces then and now, and made in the United States by BAE Systems—was issued in May 2006. The vehicles, called Badgers, began arriving in Iraq 90 days later, according to BAE. In September 2006, the Pentagon said it would provide up to 600 more to Iraqi forces. As of this spring, 400 had been delivered.

The rush to equip the Iraqis stood in stark contrast to the Pentagon's efforts to protect U.S. troops.

In February 2005, two months after Nadeau solicited ideas for better armor for the Iraqis and was told MRAPs were an answer, an urgent-need request for the same type of vehicle came from embattled Marines in Anbar province. The request, signed by then-brigadier general Dennis Hejlik, said the Marines "cannot continue to lose . . . serious and grave casualties to IEDs . . . at current rates when a commercial off-the-shelf capability exists to mitigate" them.

Officials at Marine headquarters in Quantico, Va., shelved the request for 1,169 vehicles. Fifteen months passed before a second request reached the Joint Chiefs and was approved. Those vehicles finally began trickling into Anbar in February, two years after the original request. Because of the delay, the Marines are investigating how its urgent-need requests are handled.

The long delay infuriates some members of Congress. "Every day, our troops are being maimed or killed needlessly because we haven't fielded this soon enough," says Rep. Gene Taylor, D–Miss. "The costs are in human lives, in kids who will never have their legs again, people blind, crippled. That's the real tragedy."

Not until two months ago did the Pentagon champion the MRAP for all U.S. forces. Gates made MRAPs the military's top priority. The plan is to build the vehicles as fast as possible until conditions warrant a change, according to a military official who has direct knowledge of the program but is not authorized to speak on the record. Thousands are in the pipeline at a cost so far of about $2.4 billion.

Gates said he was influenced by a news report—originally in USA TODAY—that disclosed Marine units using MRAPs in Anbar reported no deaths in about 300 roadside bombings in the past year. His tone was grave. "For every month we delay," he said, "scores of young Americans are going to die."

One reason officials put off buying MRAPs in significant quantities: They never expected the war to last this long. Bush set the tone on May 1, 2003, six weeks after the U.S. invasion, when he declared on board the aircraft carrier Abraham Lincoln that "major combat operations in Iraq have ended."

Gen. George Casey, the top commander in Iraq from June 2004 until February this year, repeatedly said that troop levels in Iraq would be cut just as soon as Iraqi troops took more responsibility for security. In March 2005, he predicted "very substantial reductions" in U.S. troops by early 2006. He said virtually the same thing a year later.

Casey wasn't the only optimist. In May 2005, Vice President Cheney declared that the insurgency was "in its last throes."

Given the view that the war would end soon, the Pentagon had little use for expensive new vehicles such as the MRAP, at least not in large quantities. The MRAPs ordered for the Iraqis were intended to speed the day when, to use Bush's words, Iraqi forces could "stand up" and the United States could "stand down."

Nadeau, who wrote the e-mail that led to MRAPs for the Iraqis, explains why he did so: "The U.S. government knows that eventually we're going to get out" of Iraq. The United States wants "to help get (the Iraqis) in a position to take care of themselves."

For U.S. forces, however, the answer was something else: adding armor to Humvees. Nadeau and others say the choice made sense because Humvees were already in Iraq and the improvements—adding steel to the sides, upgrading the windows and replacing the canvas doors—could be made quickly, and far more cheaply. Adding armor to a Humvee cost only $14,000; a Humvee armored at the factory cost $191,000; today, an MRAP costs between $600,000 and $1 million, though some foreign models cost only about $200,000 in 2004.

The solution to the IED problem in 2003 had to be "immediate," says retired vice admiral Gordon Holder, director for logistics for the Joint Chiefs until mid-2004. "We had to stop the bleeding." Holder says MRAPs seemed impractical for the immediate need: "We shouldn't take four years to field something the kids needed yesterday."

Would it actually have taken four years? That depends upon how much urgency the Pentagon and Congress attached to speeding production. Force Protection Inc., the small South Carolina company that landed the first significant MRAP contracts, was criticized this month by the Pentagon's inspector general for failing to deliver its vehicles on time. But bigger defense contractors were available then—and have secured MRAP contracts in recent weeks that call for deliveries in as little as four months.

A bigger obstacle might have been philosophical: The MRAP didn't fit the Pentagon's long-term vision of how the military should be equipped.

Then-Defense secretary Donald Rumsfeld regarded the Iraq war "as a means to change" the military, "make it lighter, make it more responsive, make it more agile," Holder says. The MRAP, heavier and slower than the Humvee, wouldn't have measured up, he says.

THE COMMANDER: "IEDS ARE MY NO. 1 THREAT"

By June 2004, the military had lost almost 200 U.S. troops to the homemade bombs. Gen. John Abizaid, then head of U.S. Central Command, told the Joint Chiefs that "IEDs are my No. 1 threat." He called for a "mini-Manhattan Project" against IEDs, akin to the task force that developed the atomic bomb during World War II.

The Pentagon organized a small task force that, two years later, morphed into a full-fledged agency: the Joint IED Defeat Organization, or JIEDDO. Its leader, Montgomery Meigs, is a retired four-star general. Its annual budget totals $4.3 billion. Its mission: to stop IEDs from killing U.S. troops.

In one of its PowerPoint presentations, JIEDDO made its priorities clear. First, prevent IEDs from being planted by attacking the insurgency. Then, if a device is planted, prevent it from exploding. "When all Else Fails," reads another slide, "Survive the blast." That put solutions such as the MRAP into the category of last resorts.

JIEDDO did spend its own money for 122 MRAPs, but it primarily focused on electronic jammers to prevent bombs from being remotely detonated, unmanned surveillance aircraft to catch insurgents putting bombs along roads and better intelligence on who was building and planting bombs.

The agency has claimed some successes. Insurgents in 2007 had to plant six times as many bombs as they did in 2004 to inflict the same number of U.S. casualties, Meigs said in an interview.

But the insurgents—Sunnis loyal to the deposed leader Saddam Hussein, Shiites who hated the U.S. occupiers and foreigners aligned with al-Qaeda—often managed to stay one step ahead of JIEDDO. They changed the kind of explosives they planted and varied the locations of the devices and the way they detonated them.

When the Pentagon added armor to the sides of Humvees to guard against bombs planted along roadsides, the insurgents responded by burying bombs in the roads. The bombs could blast through the vulnerable underbelly of the Humvees. The insurgents also moved to larger, more sophisticated bombs, some packed with as much as 100 pounds of explosives.

Deputy Secretary of Defense Gordon England, the No. 2 official at the Pentagon, testified on Capitol Hill in June that "as the threat has evolved, we have evolved. We work very, very hard to be responsible to our troops."

Taylor, the Democratic congressman from Mississippi, pressed England about why the

Pentagon waited until May to request substantial numbers of MRAPs. “Are you telling me no one could see that (need) coming, no one could recognize that the bottom of the Humvee” didn't protect troops, and “that's why the kids inside are losing their legs and their lives?” Taylor asked.

“That is too simplistic a description,” England replied. “People have not died needlessly, and we have not left our people without equipment.”

To Pentagon decision-makers, the Humvee seemed able to handle the threat early in the war—roadside bombs, rather than those buried in the roads. “If anybody could have guessed in 2003 that we would be looking at these kind of (high-powered, buried) IEDs that we're seeing now in 2007, then we would have been looking at something much longer” term as a solution, Holder says. “But who had the crystal ball back then?”

Nadeau, now a major general in charge of the Army's Test and Evaluation Command in Alexandria, Va., also defends the Pentagon's choices. He says buried IEDs did not become a serious threat to the armored Humvees until 2006. Critics might say, “Why didn't you guys buy 16,000 MRAPs a decade ago?” Nadeau says today. “You know, I didn't need them.”

Six officers interviewed by USA TODAY say the threat to the Humvees surfaced sooner. Lt. Col. Dallas Eubanks, chief of operations for the Army's 4th Infantry Division in 2003-04, says IEDs became more menacing before he left Iraq. “We were certainly seeing underground IEDs by early 2004,” he says.

In mid-2005, two top Marines—Gen. William Nyland, assistant Marine commandant, and Maj. Gen. William Catto, head of Marine Corps Systems Command—testified before Congress that they were seeing an “evolving” threat from underbelly blasts. They said at the time that armored Humvees remained their best defense.

THE CONGRESSMAN: MRAP'S “SIMPLE” ADVANTAGE

Just after lunch on June 27, 2004, a group of enlisted men parked a handful of armored vehicles near a cinderblock building at Marine headquarters in Fallujah, Iraq.

The day had turned sweltering, like every summer afternoon in central Iraq. But this day was special. A congressional delegation had arrived, and among the dignitaries was Rep. Duncan Hunter, then the chairman of the House Armed Services Committee. Hunter wasn't just a powerful congressman. He was a Vietnam War veteran, and his son, then a 27-year-old Marine lieutenant also named Duncan, was stationed at the base.

More important to most of the Marines, the California Republican had been instrumental in pushing the Pentagon to get better armor for them. Humvees with cloth doors—canvas, like the crusher hat that Hunter wore that day—had been standard issue when the war began. The fabric worked well to shield the sun; it offered no protection against explosives.

Then, as now, Hunter was impatient with the pace of procurement in Iraq. That winter, he had dispatched his staff to steel mills, where they persuaded managers and union leaders to set aside commercial orders to expedite steel needed to armor the Humvees. He also worked with the Army and its contractors to expand production.

In Fallujah, Hunter recognized the Humvees. He couldn't identify the two vehicles next to them. One was called a Cougar, the other a Buffalo. Both were MRAPs, made by Force Protection Inc., and both, he was told, were coveted. They were used by explosives disposal teams, but combat units “looked at them and said, ‘We want those,’” Hunter recalls.

Throughout most of Iraq, they still haven't arrived.

Despite requests from the field, Pentagon officials decided to ration the vehicle. In 2003 and 2004, they bought about 55, and only for explosives-disposal units. But they chose a different approach for protecting the rest of the troops: adding armor to Humvees. The choice was problematic. The Humvee's flat bottom channels an explosion through the center of the vehicle, toward the occupants.

Memos and e-mails obtained by USA TODAY show a stream of concerns about the decision to armor the Humvee. Most went up the chain of command and withered:

December 2003: At the direction of then-deputy Defense secretary Paul Wolfowitz, who was troubled by the mounting death toll from IEDs, the Joint Chiefs began to explore options for giving troops better armor. Detailed information on the Wer'Wolf, an MRAP made in the African country of Namibia, was passed from analysts in the Pentagon to Lt. Col. Steven Ware, an aide collecting information for the Joint Chiefs.

March 30, 2004: Gen. Larry Ellis, in charge of U.S. Forces Command in Atlanta, sent a memo to the Army's chief of staff, Gen. Peter Schoomaker. He complained that “some Army members and agencies are still in a peacetime posture.” U.S. commanders in Iraq told him that the armored Humvee “is not providing the solution the Army hoped to achieve.” He didn't recommend MRAPs but rather suggested accelerating production of a combat vehicle called the Stryker. In response, the military said new Humvee armor kits would suffice.

April 28–29, 2004: Duncan Lang, a Pentagon analyst who worked in acquisition and technology, suggested purchasing the Wer'Wolf, the MRAP put before the Joint Chiefs in December 2003. In an e-mail to colleagues and supervisors, Lang said “a number could be sent to Iraq “as quickly as, or even more quickly than, additional armored Humvees.” He called it “frustrating to see the pictures of burning Humvees while knowing that there are other vehicles out there that would provide more protection.”

April 30, 2004: Another Pentagon analyst, Air Force Lt. Col. Bob Harris, forwarded details about MRAP options to a member of the IED task force. The list included a variety of MRAPs, among them the Wer'Wolf and Force Protection's Cougar. “There was no great clarity as to why they didn't pursue these options,” Harris says. “I saw it as my job to educate.” Harris is now an acquisition officer at Hanscom Air Force Base in Massachusetts.

Hunter says the advantages the MRAP had on the Humvee were clear. “It's a simple formula,” Hunter says. “A vehicle that's 1 foot off the ground gets 16 times that (blast) impact that you get in a vehicle that's 4 feet off the ground,” like the MRAP.

Although Hunter favored adding armor to Humvees, he now calls the military's devotion to that approach a costly mistake. “It's true that they saved more lives by moving first on up-armoring the Humvees,” he says. “The flaw is that they did nothing on MRAPs. The up-armoring of Humvees didn't have to be an exclusive operation.”

Holder dismisses the idea that the Pentagon could have moved on a dual track: armoring Humvees while ordering up MRAPs. He doubts Congress would have funded both at the time. But that's exactly what Congress is doing now—buying both vehicles.

“We probably should've had the foresight” to start buying MRAPs earlier, says Ware, the Joint Chiefs aide (now retired) who passed the information to superiors and counterparts in the Army and Marines. But “we just couldn't get them there fast enough.” Adding armor to the Humvee, Ware says, “was better than nothing.”

THE LIEUTENANT COLONEL: “HOPE NO ONE GETS WASTED”

A PowerPoint presentation, dated Aug. 25, 2004, shows wounded troops lying in hospital beds. Most are bandaged. One is bloody. His left eye is barely open, his injured right is covered by a patch. Each was maimed by an IED. Each, save one, was in a Humvee.

On another slide: “Numerous vehicles on the market provide far superior ballistic protection” than the Humvee, wrote then-lieutenant colonel Jim Hampton, the man who prepared the presentation for the operations staff of the U.S. Army Corps of Engineers in Baghdad.

Safety is a passion for Hampton. He's so concerned with security that he asks his wife, Kate, to take her pistol when she goes for walks on their 80 acres in rural Mississippi. When he got to Iraq in early 2004, he was tasked with looking at armor options to protect the Corps of Engineers, the agency sent to help with rebuilding efforts. For weeks, he studied armor options. His conclusion: The corps should get MRAPs to protect its people, specifically Wer'Wolves. Hampton says he asked for 53 Wer'Wolves. The corps got four.

Hampton couldn't have been more opposed to up-armoring the Humvees and warned his superiors. He even e-mailed his wife from Iraq. “Hey Babe,” his e-mail read. “Just a little aggravated with the bureaucracy. It is simply beyond my comprehension why we're having to go through such (an ordeal) to order confounded hard vehicles. I sure hope no one gets wasted before the powers-that-be get off their collective fat asses.”

Finally, he wrote his congressman, Rep. Chip Pickering, R-Miss., urging him to investigate deaths involving the Humvee. “We would never consider sending troops” in Humvees “up against armor or artillery,” Hampton wrote, “but this is tantamount to what we're doing because these vehicles are being engaged with the very ordnance delivered by artillery in the form of improvised explosive devices.”

By November 2004, Pentagon analyst Lang had grown discouraged, an e-mail shows. “I have found that you can never put the word out too many times,” he wrote on Nov. 17. “I send it on to (the Secretary of Defense's office), Army and (Marine Corps) contacts I have. Some of it is getting to the rapid fielding folks and force protection folks that are looking at Iraq issues. I do not see much action.”

Lang closed the message with a variation on his earlier plea: “For the life of me, I cannot figure out why we have not taken better advantage of the sources of such vehicles,” he wrote. “We should be buying 200, not 2, at a time. These things work, they save lives and they don't cost much, if any, more than what we are using now.” At the time, a basic Wer'Wolf cost about the same as a factory-made armored Humvee: around $200,000.

In December 2004, at a town hall meeting with troops in Kuwait, a soldier asked Rumsfeld about the lack of armor on military vehicles. Rumsfeld explained the situation this way: “You go to war with the Army you have. They're not the Army you might want or wish to have at a later time.”

The concerns troops voiced at the meeting might have had an impact. Within a week, the Marine Corps Systems Command in Quantico posted its first notice seeking information on MRAPs from potential contractors.

Back in Fallujah, the desire for the Cougar had grown. By February 2005, the Marines were formally asking for more. Field commanders sent their first large-scale request for MRAPs, seeking 1,169 vehicles with specifications that closely mirrored those of the Cougar. They no longer envisioned the vehicle as limited to explosives-disposal teams; they wanted MRAPs for combat troops, too.

Roy McGriff III, then a major, drafted the request signed by Brig. Gen. Hejlik. "MRAP vehicles will protect Marines, reduce casualties, increase mobility and enhance mission success," the request read. "Without MRAP, personnel loss rates are likely to continue at their current rate." In spring 2005, he would have a chance to argue his case before top generals.

THE MARINE MAJOR: "UNNECESSARY" CASUALTIES

They convened March 29-30, 2005, at the Marine Corps Air Station in Miramar, Calif. The occasion: a safety board meeting, a regular gathering to address safety issues across the Corps. In attendance: five three-star generals, four two-stars, seven one-stars and McGriff.

McGriff knew the MRAP's history and the Pentagon's reluctance to invest in the vehicle. He had learned about the vehicle from a fellow Marine, Wayne Sinclair. Sinclair, then a captain, wrote in the July 1996 issue of the Marine Corps Gazette that "an affordable answer to the land mine was developed over 20 years ago. It's time that Marines at the sharp end shared in . . . this discovery."

Addressing the generals, McGriff recommended analyzing every incident involving Marine vehicles the same way investigators probe aircraft crashes. Look at the vehicle for flaws, McGriff recalls telling the officers, and examine the tactics used to defeat it.

Lt. Gen. Wallace Gregson, commander of Marine Corps Forces in the Pacific, and Lt. Gen. James Mattis, leader of the Marine Combat Development Command, listened and then conferred for a moment.

The room grew quiet. "Then they said, 'OK, what do you want to do?'" McGriff remembers.

He recited the very plan that the Pentagon, under a new Defense secretary, would embrace in 2007: "A phased transition. Continue to armor Humvees. At the same time, as quickly and as expeditiously as possible, purchase as many MRAPs as possible. Phase out Humvees."

According to McGriff, the room again grew silent. Then, Mattis finally spoke: "That's exactly what we're going to do." Mattis' words failed to translate into action. The urgent-need request McGriff drafted went unfulfilled at Marine headquarters in Quantico. A June 10, 2005, status report on the request indicated the Marine Corps was holding out for a "future vehicle," presumably the Joint Light Tactical Vehicle—more mobile than the MRAP, more protective than the Humvee, and due in 2012. In practical terms, that meant no MRAPs immediately.

McGriff foresaw some of the turmoil over vehicles in a prophetic 2003 paper for the School for Advanced Warfighting in Quantico.

"Currently, our underprotected vehicles result in casualties that are politically untenable and militarily unnecessary," his paper read. "Failure to build a MRAP vehicle fleet produces a deteriorating cascade of effects that will substantially increase" risks for the military while "rendering it tactically immobile." Mines and IEDs will force U.S. troops off the roads, he wrote, and keep them from aggressively attacking insurgents.

The words were strong and the conclusions were damning. Rhodesia, a nation with nothing near the resources of the U.S. military, had built MRAPs more than a quarter-century earlier that remained "more survivable than any comparable vehicle produced by the U.S. today," McGriff wrote.

Despite his views then, McGriff, now a lieutenant colonel, says he understands the delays. MRAPs needed to be tested to ensure they could perform in combat. "Nothing happens fast enough when people are fighting and dying," he says today. "But amidst the chaos, you still have to make the right choices. In the end, I think the Marines got the MRAP capability as quickly and safely as possible."

Others disagree.

Marine major Franz Gayl, now retired, was science adviser to the 1st Marine Expeditionary Force in Iraq. He saw how Marines were still being killed or maimed in Anbar in the fall of 2006. If the Marine Corps had decided MRAPs were a top priority, he says, it could and should have pursued them with the same urgency the Pentagon is now showing.

"The ramp-up of industry capacity was delayed by over 1½ years," Gayl says, "until it became the dire emergency that it is today."

Bureaucrats didn't want the MRAP sooner "because it would compete against" armored Humvees and "many other favored programs" for funding, Gayl says. Gayl, who works as a civilian for the Marines at the Pentagon, has filed for federal whistleblower protection because he fears retaliation for speaking out about the failure to get MRAPs sooner.

DEFENSE SECRETARY GATES: "LIVES ARE AT STAKE"

After McGriff addressed the generals in March 2005, another 15 months passed. Then the Marines in Iraq reiterated the request for MRAPs. This time they sent the request directly to the Joint Chiefs. This time they were successful.

In December 2006, after insurgent bombs had killed almost 1,200 U.S. troops in Iraq, the Joint Chiefs validated requests from Iraq for 4,060 MRAPs, and the formal MRAP program was launched.

By March 2007, Marine Corps Commandant James Conway called the vehicle his "No. 1 unfilled warfighting requirement."

In part, that's because he saw it save lives in Anbar province. Brig. Gen. John Allen, deputy commander of coalition forces there, says the Marines tracked attacks on MRAPs since January 2006. The finding: Marines in armored Humvees are twice as likely to be badly wounded in an IED attack as those in MRAPs.

Perhaps more convincing: No Marines have been killed in more than 300 attacks on MRAPs there.

The news, revealed in USA TODAY on April 19, drew the attention of Defense Secretary Gates, four months into his job at the Pentagon. He was traveling in Iraq and read about the MRAP's success in the Pentagon's daily news roundup. Weeks later, at a news conference, Gates said the Pentagon would rush MRAPs to Iraq "as best we can."

Late last month, top Pentagon officials approved an Army strategy for buying as many as 17,700 MRAPs, allowing a one-for-one swap for its armored Humvees. About 5,200 MRAPs had been approved for the other services. Now, Pentagon officials decline to say exactly how many MRAPs they need.

One official says they'll build MRAPs as fast as possible, then recalibrate the military's needs as they assess operations in Iraq, a tacit acknowledgment that they may need fewer MRAPs as U.S. troops are withdrawn.

During another news conference late last month, Gates worried that the companies building the MRAP—not only Force Protection but BAE Systems, General Dynamics, Oshkosh Truck, Armor Holdings, International Military and Government and Protected Vehicles—won't be able to get the vehicles to Iraq fast enough.

"I didn't think that was acceptable," Gates said. "Lives are at stake."

THE YOUNG LIEUTENANT: "SAFEST VEHICLE EVER"

As the sun began to bake the Iraqi countryside last month, Marine 2nd Lt. George Saenz headed back to his base on the outskirts in Fallujah. He felt oddly joyful.

Saenz had just spent hours leading his platoon through one of the most excruciating battlefield jobs—inching a convoy along the crumbling streets of Fallujah, searching for homemade bombs planted in the asphalt or dirt.

The night before had proved dangerous. Two bombs had blown up underneath Saenz's convoy, including one beneath his vehicle.

As Saenz turned through the gray blast walls protecting the base, he says he couldn't help but think: If I had been riding a Humvee, I wouldn't be here right now.

Saenz knew why he was alive. His platoon in the 6th Marine Regiment Combat Team had replaced its Humvees with MRAPs. The two blasts produced just one injury, a Marine whose concussion put him on light duty for a week.

"We're probably in the safest vehicle ever designed for military use," Saenz says, recalling his platoon's record: Three months. Eleven bomb attacks. No one dead.

MRAPs have become legendary in Anbar since Marines began using them on dangerous missions clearing roadside bombs. Tank commanders, radio operators and others drop by Saenz's platoon every day to do what Rep. Hunter had done three years earlier—inspect the small fleet of MRAPs, knock on the armor, sometimes crawl inside.

Scores of MRAPs are scheduled to arrive in Anbar this summer. That means they'll be available for the first time to the Marines for tasks other than clearing IEDs, says Marine Col. Mike Rudolph, logistics officer for U.S. forces in western Iraq. No one has decided how MRAPs will be used, but "everybody wants one," Rudolph says.

To be sure, the vehicle isn't perfect. Saenz's team warns that MRAPs drive like trucks, plodding and heavy. Some models are so bulky they have blind spots for troops peering over the boxy hood and so noisy a driver has to shout at someone 2 feet away.

"They're just so heavy," Sgt. Randall Miller says. "These are virtually designed off a semi-truck platform."

After substantial testing, the military also has concluded that MRAPs are vulnerable to explosively formed projectiles, the newest and most devastating variation of the IED. More armor has been developed for the MRAPs the Pentagon ordered this spring.

Miller isn't complaining. On his first tour in Iraq in 2004-05, Miller searched for land mines in a Humvee. His detection technique was simple: "Go real slow, cross your fingers." He still drives slowly but feels safer knowing the MRAP's V-shaped hull will deflect a bomb blast. "I've seen our guys get hit and walk away," Miller says. "They're awesome, awesome vehicles."

THE WIDOW: "THEY SHOULD'VE DONE IT" SOONER

Whom or what is to blame for the delay in getting safer vehicles for the 158,000 U.S. troops in Iraq?

Jim Hampton, now a retired colonel, questions why the Pentagon and Congress didn't do more to keep the troops safe. "I have colleagues who say people need to go to jail over this, and in my mind they do," Hampton says.

Hunter, now running for president, blames the Pentagon bureaucracy, which he says "doesn't move fast enough to meet the needs of the war fighter. We have a system in which the warfighting requirements are requested from the field and the acquisition people say, 'We'll get it on our schedule.' "

Other members of Congress blame Rumsfeld and his vision of transforming the military into a leaner, faster fighting force.

Rep. John Murtha, D–Pa., wonders if Rumsfeld's forceful personality silenced some of the generals. "Rumsfeld so intimidated the military that I've lost confidence in them telling us what they really need" in Iraq, Murtha says.

"They all knew the Rumsfeld rule: Your career is over if you say anything contrary" to his policies, Murtha says. "It's much better now that Rumsfeld is gone. The military is being much more honest."

If the Pentagon "had just listened to the guys in the field" who wanted MRAPs, Murtha says, "we'd have them in Iraq right now."

USA TODAY could not determine what role, if any, Rumsfeld played in MRAP deliberations. A spokesman for Rumsfeld, now running a foundation in Washington, said last week that the former Defense secretary would not comment.

Aaron Kincaid's widow, Rachel, doesn't know who should be held accountable. She is haunted by whether getting MRAPs to Iraq earlier might have saved her husband's life. The bomb that blew apart his Humvee lay along the path he and his unit took, and no one noticed.

Today, she wonders: Was his death really about the path that he took, or about the path the Pentagon spent years avoiding, the path that, in May, finally led them to the vehicle that might have saved her husband's life?

You think there is always something that could've been done to prevent it," Rachel Kincaid says of her husband's death.

"If that's been around for that many years," she says of the MRAP, "why hasn't it been used? They should've done it at the beginning of the war. They should've done it three years ago, four years ago."

IRAQ

Ms. FEINGOLD. Madam President, as I said late last week, it has been 52 months since military operations began in Iraq. Approximately 3,613 Americans have died and 25,000 have been wounded. More than 4 million Iraqis have fled their homes, and tens of thousands, at a minimum, have been killed. We have now been engaged in the war in Iraq longer than we were in World War II.

With the surge well underway, violence in Iraq has reached unprecedented levels and American troop fatalities are up 70 percent. From all angles, the situation in Iraq is an absolute disaster, and the administration's inability or unwillingness to recognize this reality is diminishing our international credibility, straining our relations with many foreign governments, and causing us to neglect weak and unstable regions that could pose threats to our national security.

The administration's single-minded focus on Iraq is preventing us from adequately confronting threats of extremism and terrorism around the globe. The declassified NIE released just yesterday confirms that al-Qaida remains the most serious threat to the United States and that key elements of that threat have been regenerated or even enhanced. The administration's policies in Iraq have also resulted in the emergence of an al-Qaida affiliate that did not exist before the war—al-Qaida in Iraq, or AQI. According to the NIE, al-Qaida's association with this group helps it raise resources and recruit and indoctrinate operatives, including for attacks against the United States.

Yet, while this report is further proof that the war in Iraq is a distraction from our core goal of fighting those who attacked us on 9/11, this administration and its supporters are still calling Iraq the "central front in the war on terror," even though al-Qaida is a global threat and AQI is one of a number of actors responsible for violence in Iraq's self-sustaining sectarian conflict.

While our attention has been diverted and our resources squandered in Iraq, al-Quaida has protected its safe haven in Pakistan and has increased cooperation with regional terrorist groups. The sooner we redeploy from Iraq, the sooner we can refocus our efforts and develop a wide-ranging, inclusive strategy that would deny al-Qaida these advantages.

I remind my colleagues that last November, our constituents spoke out against this war in every way they possibly could. And as the situation continues to deteriorate, they have repeated their call—they were outside this building last night holding a candlelight vigil, and in States around the Nation, to show their support for ending this war and to tell President Bush and Senate Republicans to "stop obstructing an end to the war." I know my colleagues heard their voices last November, and I am hopeful they heard them last night. It almost goes without saying that they hear them every time they return home as well.

But, just like last week and the week before that, at the other end of Pennsylvania Avenue, these pervasive calls are ignored as the President continues to make it clear that nothing not the voices of his citizens, not the advice of military and foreign policy experts, not the concerns of members from his own party—will discourage him from pursuing an indefinite and misguided war.

We can't put all the blame on the White House, however. An overwhelming majority of Congress authorized this misguided war, and now a far smaller but still determined minority is allowing this war to continue, despite the wishes of the American people, despite the fact that our military is overstretched, and despite the fact that our presence in Iraq has been, according to our own State Department, "used as a rallying cry for radicalization and extremist activity in neighboring countries . . ."

It is up to Congress to act because the President will not. It us up to us to listen to the American people, to save American lives, and to ensure our Nation's security by redeploying our troops from Iraq. We have that power and responsibility and we must act now.

That is why I support the amendment offered by Senators LEVIN and JACK REED—an amendment with binding deadlines for both beginning and ending redeployment and the only amendment we are likely to consider that would take a strong step toward bringing our involvement in this war to a close.

The Levin-Jack Reed amendment is not as strong as I would have liked, but it does require the President to bring home our troops, starting in 120 days. I am encouraged that this amendment is bipartisan, and while I wish it had the support of the entire Senate, the support of Senators SMITH, HAGEL, and SNOW is nonetheless an important development.

I call on other Republicans to follow their lead; there is no time to waste. It is not enough to pass something that sounds good but doesn't move us toward ending the war. Weak, feel-good amendments may give people up here political comfort but that comfort won't last long we can fool ourselves, but we can't fool the American people.

It is a tragic truth that the war in Iraq has become the defining aspect of our engagement in this part of the world. Coupled with this administration's inconsistent efforts to promote democracy and the rule of law overseas, the war has alienated and angered those whose support and cooperation we need if we are to prevail against al-Qaida and its allies.

As long as the President's policies continue, Iraq will continue to be what the 2006 declassified National Intelligence Estimate called a "cause celebre" for a new generation of terrorists. Meanwhile, al-Qaida has expanded its relations with dangerous regional terrorist groups.

The newest National Intelligence Estimate indicates that we may now be facing the worst-case scenario in that our indefinite military presence in Iraq has both allowed al-Qaida to reconstitute itself while it has also served as a recruitment tool for a growing and scattered global network of al-Qaida affiliates. It is becoming increasing difficult for this administration to argue, as it continues to do, that our presence in Iraq is doing anything but profoundly undermining our national security.

Instead, we should be directing our attention and resources to combating the global threat posed by al-Qaida and its affiliates. The fight against terrorism is not conventional and requires better intelligence, better cooperation with friends and allies, stronger regional institutions, and more comprehensive policies designed to reverse the conditions that might lead to the creation of safe havens. We must prevent these safe havens from being established, including by working to settle regional conflicts and ensuring adequate provision of economic and development assistance so local populations can reject terrorist organizations. We need regional strategies that address the capabilities and policies of all affected countries, both bilateral and multilateral. We must expand our assistance while ensuring that corruption and threats to human rights and political liberties do not undermine these efforts.

By redeploying our troops from Iraq, we can refocus on developing these vital strategies. And by freeing up strategic and technical capacity, we can better address other priorities that have not received adequate attention, such as the Israeli-Palestinian conflict and Somalia. We can provide real international leadership to combat other pressing enemies such as endemic poverty, HIV/AIDS, and corruption—all of which can contribute to the kinds of instability where extremists thrive. These global battles can't be won if the war in Iraq continues to dominate our foreign policy and indefinitely drain vital security resources.

As I have said before and as I will undoubtedly say again, the administration's policies in Iraq are an unmitigated disaster. But we can mitigate this disaster, lessen the massive burden imposed on our troops, regain our credibility with the international community, and make our Nation more secure. We can and must do that by redeploying our troops from Iraq. Repairing the damage that has been done to our national security will be difficult and time-consuming, and we can start today by passing the Levin-Jack Reed amendment.

There is no reason to wait any longer. Members of this body have claimed that in September we will have a clearer sense of whether the "surge" has succeeded and whether our policy needs to change. But we already know what that report will tell us. We have heard it from foreign policy and military experts and could even read it with our own eyes in the Pentagon's first quarterly surge report or the White House's Benchmark Assessment Report, which was released last week. The surge was intended to create a "window" for political progress, but significant political progress is still nowhere to be seen. We already know there is no military solution to Iraq's problems, so now the question is how long are we prepared to wait? How long are we prepared to have our young men and women police a civil war where the struggle over national identity and the distribution of power has long since moved out of the Parliament building and onto the streets? How many more brave young Americans will lose a limb or be killed while we tell ourselves that another couple months will turn around 4 years of failed policies? When are my colleagues on the other side willing to say that enough is enough?

It has been a long night, and we have had some heated exchanges. It appears that a minority of the Senate is prepared to prevent a majority of the Senate—and the country—from doing what is long overdue: putting an end to a war without end. This is not the first time that a minority has prevented a majority from acting in this body. Indeed, I have been on the other side of a few of those fights. But this is not a question of senatorial prerogatives. I am not questioning the right of Senators to prevent a vote on the Levin-Jack Reed amendment. I am, however, questioning the wisdom of such a move, of allowing this terrible mistake to continue for days, weeks, months.

I will continue working to bring this war to a close. As long as so many of my colleagues refuse to listen to the American people, to acknowledge that this war is hurting our country and making our Nation more vulnerable, we will have more debates and more votes. Sooner or later, we will end this war. And the sooner we do so, the sooner we can start redeploying our servicemembers from Iraq's civil war and refocusing on a global campaign against a ruthless, determined enemy whose reach extends far beyond Iraq.

REMEMBERING LADY BIRD JOHNSON

Mr. BIDEN. Madam President, so much has been said about the various parts of Lady Bird Johnson's life, as one of our most beloved First Ladies, as a loving mother and grandmother, as the mother of the conservation movement, and as a skilled businesswoman. But there is another aspect all of us in this body appreciate, and that is her mark on this Chamber.

Before the Johnsons left Washington in January 1969, they came to the Capitol to say farewell. And the ever gracious Lady Bird Johnson, who had watched her husband serve as a Senator and a majority leader, said:

> When we say goodbye to Washington, the address of 1600 Pennsylvania Avenue was a small span of time for us in comparison to the years that we spent closely affiliated with this building.

She knew how to use this building. She was the first First Lady to ever undertake a major legislative effort—the Highway Beautification Act of 1965. Four decades later, her efforts still bloom on our highways in every region of this country, and in this city.

She did what each of us, and all of us combined, come here to do—leave America better than we found it. Her achievement is all the more remarkable because it was a trying period in our Nation's history. A President had been assassinated, we were divided by Vietnam, there were riots in our cities over desegregation.

But she understood nature belongs to every single one of us, and we have an obligation to pay nature back. As President Johnson said, when he signed the law:

> There is a part of America which was here long before we arrived, and will be here, if we preserve it, long after we depart.

As Mrs. Johnson departs, we thank her for her preservation. We thank her for lining every corner of the country with flowers that we all enjoy.

And we thank her for teaching us that preservation and beauty go beyond the wildflowers, to the need to deal with pollution and urban decay and other problems that are too prevalent in our country and world today.

Jill and I are thinking of her daughters, Lynda and Luci, their families—and, in particular, Senator Robb, who served this body so well.

CONGRATULATING CAL RIPKEN, JR.

Ms. MIKULSKI. Madam President, today I honor and congratulate Cal Ripken, Jr., on his induction to the Baseball Hall of Fame. Throughout his storied 21-year career, Cal has been the epitome of an "Iron Man," both on and off the field.

I watched Cal go from being unknown to being the best known baseball player from Baltimore since Babe Ruth. I was there on the last day at Memorial Stadium and the first day at Camden Yards, and I will watch him when he is inducted into the Baseball Hall of Fame on July 29.

For we Orioles fans, it was never if we would be celebrating such an amazing feat but when we would be celebrating it. All baseball fans know about "The Streak." We fans remember the victory lap he took around Camden Yards. And the countdown—where the numbers were displayed not just at the Camden Warehouse or in the Baltimore Sun but also at my office in Hart Senate Office building: 2,632 consecutive games, 431 home runs, 19 All-Star game starts, 2 American League Golden Glove awards, 8 Silver Slugger Awards, 2 American League MVPs, and on and on.

But the most important thing we remember, which the numbers cannot fully reflect, is the strong, dependable presence of Cal—night after night, day after day—through broken bones, through the wide range of emotions and pressures he experienced as a major leaguer, as a father, and as an active citizen in our community. Every game there he was—at third base and shortstop, smiling, and doing his job. And doing it well.

I remember that fateful night when Cal broke Lou Gehrig's long-standing consecutive game record. To see that banner drop from 2130 to 2131, and to hear the admiration and jubilation from the crowd in Baltimore, was something I will always remember. The sustained cheers were neverending as Cal, urged by Rafael Palmeiro, took a lap around the field. It was a proud night for the Ripken family, for the Orioles, and for Maryland. It was such a magical night. Families from all over came with their kids to celebrate the "Iron Man" and his achievement. The evening had as much dignity as the player himself.

Cal's accomplishments transcend well beyond the baseball field. His character and demeanor is reflected in the success he experiences every day off the field. He shows up and gives maximum effort in every aspect of life. He puts his family above all, he is a consummate community activist and is committed to living and teaching the "Ripken Way."

The "Ripken Way" is simple, really, but its wisdom is enough to build great players and bind generations together. It states: "Keep it Simple, Explain the Why, Celebrate the Individual, and Make it Fun." This style emphasizes clarity and simplicity, while also stressing empathy and interest.

I have certainly used the "Ripken Way" in my life and I believe many Marylanders and Americans also use it. In Maryland, I can tell you the "Ripken Way" is not just on our ballfields. It is in our factories. It is in our homes. It is in the bread we serve our families. It is in our hospitals in Baltimore, where Cal has contributed so much to children in need of hope and a smile. And it is in our hearts today as we salute Cal Ripken, Jr., and this wonderful honor he is receiving.

Cal applies the "Ripken Way" both on and off the ballfield, particularly in his philanthropic work at the Cal Ripken Sr. Foundation. The Cal Ripken Sr. Foundation was established in 2001 in memory of Cal's father. To this day, Cal carries the torch and legacy of his father. It is a legacy that has shaped Cal's life and a legacy that has shaped the entire Orioles' organization.

By emphasizing work ethic, playing by the rules, putting the team first, and showing up every day, the Cal Ripken Sr. Foundation serves disadvantaged youth across the country. The foundation has even built a beautiful state-of-the-art stadium in Aberdeen, MD, where kids can play. Cal has put much of his own money into the foundation and the stadium's construction, while also working to secure private donations.

Cal may be a local boy, but he is no ordinary man. There is no question that Cal has earned his way into the Hall of Fame, the respect of the world, and the admiration of generations to come.

Baltimore may have lost the powerhouse company Bethlehem Steel, but it will always be home to "Iron Man" Cal Ripken, Jr. I congratulate Cal on his stellar career, his strong work ethic, his commitment to family and community, and for the well-deserved, wonderful honor of being inducted into the Baseball Hall of Fame.

While he has already achieved so much, I can't help but think that the best is yet to come.

CONGRATULATING TONY GWYNN

Mrs. BOXER. Madam President, I ask my colleagues to join me in congratulating Tony Gwynn on his induction into the National Baseball Hall of Fame on July 29, 2007. During an illustrious 20-year career spent entirely with the San Diego Padres, Tony Gwynn was a consummate sportsman whose excellence at the plate earned him the recognition as one of the greatest hitters in the game's long and storied history.

A native Californian, Tony Gwynn was a standout student-athlete at San Diego State University, where he excelled on the school's baseball and basketball teams. Tony remains the only athlete in Western Athletic Conference history to be recognized as an all-conference performer in two sports. His talents on the baseball diamond and the basketball court would lead to his selection by the San Diego Padres and the National Basketball Association's San Diego Clippers on the same day in 1981.

Tony Gwynn made his major league debut on July 19, 1982. Over the course of the next 20 years, he would compile one of the most accomplished resumes in baseball history. A remarkable model of consistency, Tony batted over .300 for 19 consecutive seasons, leading to 3,141 career hits. A 15-time All-Star, he won 8 batting titles during his career, tying the National League record held by Honus Wagner. He is the only player in major league history to win four batting titles in 2 separate decades. A true all-around player, Tony also won five Gold Glove Awards in recognition of his defensive excellence in the outfield.

In addition to his accomplishments on the field, Tony Gwynn has also been widely recognized for his passion and commitment to make a positive impact in the community. In 1995, he was presented the Branch Rickey Award as the top community activist in Major League Baseball. He received the prestigious Roberto Clemente Man of the Year Award in 1999 for combining sportsmanship and community service with excellence on the field. That same year, he was inducted into the World Sports Humanitarian Hall of Fame in Boise, ID.

Affectionately known as "Mr. Padre," the Padres retired his No. 19 jersey and named the street on which its beautiful downtown stadium is located "Tony Gwynn Drive" in his honor. Judging from his excellence on and off the field, it is clear to see why Tony Gwynn is one of the most admired and beloved sports figures in America.

As his teammates and fans would attest, Tony Gwynn is a deserving inductee into the National Baseball Hall of Fame. Throughout his career in baseball, Tony has consistently conducted himself with integrity, character, and a commitment to community service, all the qualities that embody the best ideals of our national pastime.

I congratulate Tony Gwynn on his induction in the National Baseball Hall of Fame and wish him continued success in his future endeavors.

ADDITIONAL STATEMENTS

IN MEMORIAM: ELMA PHYLLIS STERLING

• Mrs. BOXER. Madam President, I ask my colleagues to join me in honoring the memory of the late Elma Phyllis Sterling, a devoted mother and pioneering community leader in Fresno. Mrs. Sterling, a long-time Fresno resident, passed away on July 4, 2007. She was 94 years old.

Elma Phyllis Sterling was born on November 22, 1914. She attended high school and college in New Orleans. Upon her graduation from Xavier University, Mrs. Sterling served as a schoolteacher in Louisiana before moving to Oakland, CA, in 1944. Three years later, she married her husband, Feltus LeRoy Sterling, Jr. The couple eventually moved to Fresno, where they founded a successful funeral home that remains family-operated today. They raised four children, Consuelo Sterling-Meux, Cynthia Sterling, Feltus Leroy Sterling, Jr., and Alphonse Christopher Sterling.

In addition to operating a family-owned business and raising their children, Mrs. Sterling generously offered her time, considerable energy, and many talents to a number of civic organizations. At one time, she was involved with 15 different civic causes that were committed to make her community a better place for everyone.

A former president of the National Association for the Advancement of Colored People in Fresno, Mrs. Sterling led a group of local civil rights activists to Alabama to march with Dr. Martin Luther King, Jr., in 1963. She also played an instrumental role in the establishment of the National Council of Negro Women in Fresno. Through her devotion to community service, Mrs. Sterling demonstrated an admirable and unyielding commitment to civil rights and social justice.

A renowned and widely respected community leader, Mrs. Sterling made history when she became the first African American to hold a seat on the Fresno City Council after she was called to public service by filling a vacant seat on February 27, 1969. As she had done throughout her life, Mrs. Sterling handled her tenure on the Fresno Council with her usual grace, dignity, and keen sense of fairness and justice. Although she did not seek to keep her seat beyond her appointed term, it is fair to say that the impact of Mrs. Sterling's tenure on the Fresno City Council is still being felt today. Mrs. Sterling's example has inspired succeeding generations of Fresno residents to become involved in community service regardless of their race, creed, or color. In a fitting testament to her legacy, Cynthia Sterling, Elma Phyllis Sterling's daughter, became the first African-American woman to be elected to the Fresno City Council in 2002.

Throughout a rich and fulfilling life, Elma Phyllis Sterling gave her genuine compassion and precious humanity to protect, uplift, and empower those who are most often neglected in our society. Mrs. Sterling has left behind a legacy of service and the admiration of those whose lives she touched over the years. She will be sorely missed.•

RECOGNIZING DEBRA BROWN STEINBERG

• Mr. BROWNBACK. Madam President, I wish to recognize Debra Brown Steinberg for receiving an Ellis Island Medal of Honor from the National Ethnic Coalition of Organizations. This award acknowledges her work representing immigrants whose family members died in the September 11, 2001, terrorist attacks on the World Trade Center in New York City. As a recipient of the award, Debra joins an elite group of distinguished Medal of Honor recipients such as Lee Iacocca, former Chrysler CEO and author of "Where Have all the Leaders Gone?", as well as several former U.S. Presidents including Gerald Ford, George H.W. Bush, and Bill Clinton.

Ms. Steinberg, moved with compassion, responded to the attacks by playing a vital leadership role in creating the New York Lawyers for the Public Interest 9/11 Project in early October 2001. She also played an important role in the creation of the 9/11 Victims Compensation Fund, which awarded a total $7 billion to family members of individuals killed in the 9/11 attacks, by drafting the New York City Bar Association's comments on the interim and final regulations for the fund. Since that time, she has worked selflessly to ensure that the family members of victims of 9/11 are cared for.

Nearly 6 years after the 9/11 attacks, Debra Brown Steinberg is still fighting for the families of victims of the terrorist attacks—specifically immigrants without legal status in the United States who, after facing the traumatic loss of a family member on 9/11, now face potential deportation. As our Nation continues to mourn the loss of friends and family members who died in the 9/11 terrorist attacks, Ms. Steinberg has set an example for all of us by helping families that have suffered greatly. Her selfless and persistent efforts have given these immigrant families hope that one day they will be able to grieve freely.

In addition to her work representing these immigrant families through the 9/11 Compensation Fund process, she has helped to draft the September 11 Family Humanitarian Relief and Patriotism Act, S. 615, which I introduced with Senator LAUTENBERG on February 15, 2007. This legislation would help immigrants whose family members were killed in the attacks heal from the tragedy as our Nation continues to do the same.

Our tradition teaches us to have compassion for the widow, the orphan, and the stranger among us. Ms. Steinberg's action representing the families of immigrant victims of 9/11 exemplifies such compassion.

We have much to learn from Debra Steinberg, and I am proud to honor her achievements before my colleagues in the Senate.•

125TH ANNIVERSARY OF STERLING, NORTH DAKOTA

• Mr. CONRAD. Madam President, I am pleased today to recognize a community in North Dakota that celebrated its 125th anniversary. On July 13 to 15, the residents of Sterling gathered to celebrate their community's history and founding.

Sterling is a community in central North Dakota, only a short drive from Bismarck, the State capital. Sterling began as a railroad depot named Sixteenth Siding in 1873 and became home to settlers in 1880, who renamed it Ballville. In 1882, the post office was established with Oscar Ball serving as its postmaster, and the town then was renamed Sterling.

Sterling has always been a quiet, small town, maintaining a population of fewer than 250 people since its founding. It has nonetheless been home to many notable establishments over the past 125 years—the bank and hotel buildings still stand as a testament to the life of the town over the past century and a quarter.

Though the town may be small, the anniversary celebration was not small by any means. Over 1,000 people attended the festivities, a crowd comparable to the one at Sterling's centennial celebration 25 years ago. The celebration included dances, live music, a quilt show, a pickup mud run, and a parade, at which onlookers were showered with free gifts and wowed by the 100 horses that walked together at the rear of the procession.

Madam President, I ask the Senate to join me in congratulating Sterling, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Sterling and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Sterling that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.•

HONORING INTELLIGENT SPATIAL TECHNOLOGIES

• Ms. SNOWE. Madam President, I wish to congratulate Intelligent Spatial Technologies, a company founded by a tremendously innovative young entrepreneur from my home State of Maine. Intelligent Spatial Technologies of Orono is a software and data company that was launched in 2003 by Christopher Frank.

The successful operation of Intelligent Spatial Technologies is a beacon to all young entrepreneurs who dream of starting up their own business. Mr. Frank founded Intelligent Spatial Technologies while a student at my alma mater, the University of Maine at Orono. While there, he worked with an all-University of Maine alumni team to grow and develop an innovative idea he dreamed of to provide location-based information on-the-go. After graduating from the University of Maine, Mr. Frank applied to become a tenant in the Target Technology Incubator. Supported by the University of Maine, the Community College System, and the Maine Small Business Development Centers, the Incubator offers early-stage tech-based companies the training and tools necessary to make their ventures a success.

With the help of Target Technology Incubator and over a million dollars in Federal and State research grants, Mr. Frank was able to realize his idea and transform it into a new, vibrant business in the State of Maine. Today, Intelligent Spatial Technologies is a leading developer in the fast-growing industry of location-based services, which is a particularly remarkable achievement when one considers that the current market value for GPS-related products is an estimated $12 billion.

Notably, Intelligent Spatial Technologies was able to successfully market its first product, the iPointer, to the University of Maine. The iPointer is an advanced device that empowers users to explore a defined area by pointing at landmarks and receiving feedback in the form of text and audiovisual images over a wireless Internet connection. The University of Maine used the product to provide prospective students with informative, custom tours to familiarize them with the university campus. The iPointer is the cornerstone of Intelligent Spatial Technologies and a unique contribution to location-based services industry. It is terrific to see that Mr. Frank wants to expand the use of his creative technology to more everyday uses, such as use with digital cameras, cellular phones, and hand-held computers.

Before concluding, I would be remiss not to mention that Christopher Frank was named Maine's Young Entrepreneur of the Year by the U.S. Small Business Administration in 2006. His cutting-edge technology and stellar leadership is highly respected in the Bangor community. Not only does Mr. Frank show leadership as president and founder of Intelligent Spatial Technologies, but he also is a founder of FUSION Bangor, an organization which aims to engage young people in community leadership through forums, meetings, and similar events. Mr. Frank has shown that no matter what your age, you can have an impact on both the business community and the local community.

The State of Maine is incredibly proud of Intelligent Spatial Technologies. To see a college student realize his business dream—while still a student, no less—is always inspiring. I wish Christopher Frank and everyone at Intelligent Spatial Technologies continued success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY AND RELATED MEASURES DEALING WITH THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United State's, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2007.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources, their trafficking of illegal arms, and their formation of irregular militia, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 19, 2007.*

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 980. An act to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2592. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting, the report of draft legislation entitled, "Healthy Forests Partnership Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2593. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of the authorization of Colonel Stephen R. Lanza to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2594. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral David C. Nichols, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2595. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report on the Department's decision to convert certain aircraft line maintenance functions to a contractor; to the Committee on Armed Services.

EC–2596. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the Department's decision to convert certain aviation weather observer services to a contractor; to the Committee on Armed Services.

EC–2597. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2006 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2598. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB–X and D3A32A409/82NDB–X Propellers" ((RIN2120–AA64)(Docket No. 2005–NE–10)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2599. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–601, A300 B4–603, A300 B4–605R, A300 C4–605R Variant F, A310–204, and A310–304 Airplanes Equipped with General Electric CF6–80C2 Engines" ((RIN2120–AA64)(Docket No. 2006–NM–188)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2600. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2003–NE–12)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2601. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–236)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2602. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201

Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–003)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2603. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; LATINOAMERICANA DE AVIACION S.A. Models PA–25, PA–25–235, and PA–25–260 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–005)) received on July 18 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–2604. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–078)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Bolivar, MO'' ((RIN2120–AA66)(Docket No. 07–ACE–5)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3219)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3220)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–68)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–012)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–83)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–132)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–200, –300, –400, –500, –600, –700, –800, and –900 Series Airplanes; Boeing Model 757–200 and –300 Series Airplanes; and McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F, DC–10–40, MD–10–30F, MD–11, and MD–11F Airplanes; Equipped with Reinforced Flight Deck Doors Installed in Accordance with Supplemental Type Certificate ST01335LA, STC ST01334LA, and STC ST01381LA, Respectively'' ((RIN2120–AA64)(Docket No. 2006–NM–228)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–055)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–041)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Vulcanair S.p.A. Model P68 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–010)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–088)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models 35–33, 35–A33, 35–B33, 35–C33, E33, F33, G33, 35–C33A, E33A, F33A, E33C, F33C, 35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36, A45, D45, 95–55, 95–A55, 95–B55, 95–B55A, 95–B55B, 95–C55, 95–C55A, D55, D55A, E55, E55A, 56TC, A56TC, 58, 95, B95, B95A, D95A, and E95 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–55)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–253)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 SHERPA, SD3–SHERPA, SD3–30, and SD3–60 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–055)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–028)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters Inc. Model MD600N Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–05)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–055)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–031)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fire Penetration Resistance of Thermal/Acoustic Insulation Installed on Transport Category Airplanes'' ((RIN2120–AI75)(Docket No. FAA–2006–24277)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Redmond, OR'' ((RIN2120–AA66)(Docket No. 06–ANM–5)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Peru, IL'' ((RIN2120–AA66)(Docket No. 07–AGL–1)) received on July 18, 2007; to the

Committee on Commerce, Science, and Transportation.

EC-2627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-63)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 45 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-066)) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2629. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska" (RIN0648-XA83) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2630. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Extend the North Pacific Groundfish Observer Program Beyond 2007" (RIN0648-AU58) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2631. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska" (RIN0648-XA91) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2632. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA82) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2633. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Action, Temporary Rule, Closure of the Eastern U.S./Canada Area" (RIN0648-XA92) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2634. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 202 Reconsideration of Technical Issues" (RIN2127-AJ96) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2635. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Public Safety Intefoperable Communications Grant Program" (RIN0660-ZA17) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2636. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Early Warning Reporting Clarifying Amendments" (RIN2127-AJ94) received on July 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2637. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's plan to expand the Strategic Petroleum Reserve to one billion barrels; to the Committee on Energy and Natural Resources.

EC-2638. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's performance report for fiscal year 2006 relative to the Animal Drug User Fee Act; to the Committee on Health, Education, Labor, and Pensions.

EC-2639. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's performance report for fiscal year 2006 relative to the Medical Device User Fee and Modernization Act; to the Committee on Health, Education, Labor, and Pensions.

EC-2640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 34630) received on July 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2641. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator of Grant Programs, received on July 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2642. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2643. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director of National Drug Control Policy, received on July 18, 2007; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2011.

*Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2011.

*William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2007 vice Deborah Doyle McWhinney, term expired.

*Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

*William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

*William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2010.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*National Oceanic and Atmospheric Administration nomination of Jonathan W. Bailey, to be Rear Admiral.

*National Oceanic and Atmospheric Administration nomination of Philip M. Kenul, to be Rear Admiral (lower half).

***Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.**

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. SCHUMER):

S. 1816. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. OBAMA (for himself, Mr. BOND, Mrs. MCCASKILL, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, Mr. DURBIN, Mr. JOHNSON, and Mr. WHITEHOUSE):

S. 1817. A bill to ensure proper administration of the discharge of members of the Armed Forces for personality disorder, and for other purposes; to the Committee on Armed Services.

By Mr. OBAMA:

S. 1818. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, and Mr. BIDEN):

S. 1819. A bill to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1820. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 1821. A bill to prohibit the closure or relocation of any county, local, or field office of the Farm Service Agency or Natural Resources Conservation Service or any office related to the rural development mission of the Department of Agriculture until at least 1 year after the enactment of an Act to provide for the continuation of agricultural programs after fiscal year 2007; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH:

S. 1822. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. BOND):

S. 1823. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 1824. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

By Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. DURBIN, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Ms. LANDRIEU):

S. 1825. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MCCONNELL:

S. 1826. A bill to add Kentucky State University to the list of schools eligible for assistance under part B of title III of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself, Mr. PRYOR, and Mr. ENZI):

S. 1827. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part; to the Committee on Finance.

By Mr. INHOFE:

S. 1828. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. LINCOLN, and Mr. SHELBY):

S. 1829. A bill to reauthorize programs under the Missing Children's Assistance Act; to the Committee on the Judiciary.

By Mr. BAYH:

S. 1830. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1831. A bill to amend the Truth in Lending Act, to improve disclosures for private student loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Mr. WARNER, and Mrs. BOXER):

S. 1832. A bill to reauthorize the African Elephant Conservation Act, the Rhinoceros and Tiger Conservation Act of 1994, and the Asian Elephant Conservation Act of 1997; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mr. DURBIN):

S. 1833. A bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 1834. A bill to improve the health of Americans through the gradual elimination of tobacco products; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1835. A bill to require a report and audit on the transfer of personnel and functions from Fort Monmouth, New Jersey; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1836. A bill to require the Comptroller General to address certain questions in connection with the closure of Fort Monmouth, New Jersey, and the transfer of personnel, functions, and activities from Fort Monmouth to Aberdeen Proving Ground, Maryland, and for other purposes; to the Committee on Armed Services.

By Mr. COLEMAN:

S. 1837. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to provide loans to eligible agricultural producers of eligible commodities that are used to produce bioenergy to ensure that the capacities of the commodity storage facilities of the agricultural producers are adequate for the storage requirements of the agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 1838. A bill to provide for the health care needs of veterans in far South Texas; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself, Mr. LEVIN, and Mr. LAUTENBERG):

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read,and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. BROWNBACK, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Ms. MIKULSKI, and Mr. HARKIN):

S. Res. 276. A resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 309

At the request of Mr. CASEY, his name was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 462

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 462, a bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 617

At the request of Mr. SMITH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 725

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 774

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 994

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1166

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1177

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1323

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1386

At the request of Mr. REED, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from Oregon (Mr. SMITH), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1576

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. BAYH) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1587

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1587, a bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property and to provide for tax-exempt financing of recycling equipment, and for other purposes.

S. 1606

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1694

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1694, a bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators.

S. 1748

At the request of Mr. COLEMAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1766

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1766, a bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes.

S. 1771

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1771, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease, improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

AMENDMENT NO. 2262

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2262 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA:

S. 1818. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, today I reintroduce legislation initially inspired by an indepth report published in late 2005 by the Chicago Tribune that highlighted the extent of mercury contamination in the fish eaten by the American people.

Mercury is a potent neurotoxin that can cause serious developmental problems in children, ranging from severe birth defects to mental retardation. As many as 630,000 children born annually in the U.S. are at risk of neurological afflictions related to mercury. In adults, mercury can cause problems affecting vision, motor skills, blood pressure and fertility. As many as 10 percent of women in the U.S. of childbearing age have mercury in their blood at a level that could put a baby at risk.

Sampling conducted by the Tribune showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by Chicago area consumers, fish like tuna, swordfish, orange roughy, and walleye. The Tribune also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

For all Americans, especially pregnant women and other at-risk groups, there are risks to eating fish with high mercury levels. That is why we need to work harder to get at the root causes of mercury contamination. In the short term, some have proposed strategies that include eating less fish, or issuing consumption advisories, or printing labels on tuna cans, or posting placards at the supermarket. Each of those strategies have their respective merits, but if we are really serious about making fish safer to eat, we need to actually reduce the amount of mercury in fish, and that means reducing the amount of mercury used in industry.

When policymakers focus on addressing mercury sources, often coal-fired power plants and incinerators are at the top of the list. I think it is important that we not overlook other sources, however, where new policies could yield notable mercury reductions in the short term using methods that are achievable and affordable. One such source is the chlor-alkali industry.

Chlor-alkali facilities manufacture chlorine gas and caustic soda, important chemicals that serve as the building blocks of many of the products and plastics essential to modem everyday life. For more than 100 years, mercury has been a key component in the chlorine process. Since 1974, however, about 115 plants worldwide have converted to better technologies such as membrane and diaphragm cells. Today in the U.S. more than 90 percent of the chlor-alkali industry has switched from using mercury to using these alternative catalysts. Moreover, of the 8 plants in the U.S. that still use mercury, 3 are in the process of stopping. The remaining 5, however, have made no such commitment. It is also worth noting that in 2005 alone, the 5 uncommitted mercury using plants released more than 4,400 pounds of mercury into the air, on average four times the average mercury releases of a standard coal-fired power plant.

The time has come to finish these upgrades and end the use of mercury in the chlor-alkali process, especially since these remaining plants rank among the largest mercury emitters in their respective states.

The bill I introduce today, the Missing Mercury in Manufacturing Monitoring and Mitigation Act, or M5 Act, prohibits using mercury cells in the chlorine or caustic soda manufacturing process by the year 2012. The M5 Act also puts procedures in place by mid-year 2008 to track and report mercury input and output in the chlor-alkali industry. The evidence suggests that between 2000 and 2004, the industry could not account for more than 130 tons of mercury. The EPA calls this "an enigma." The M5 Act addresses this enigma by tightening up mercury tracking requirements. My bill also establishes an advisory committee to study and recommend methods for transfer and long-term storage of mercury from closed or closing facilities. And the bill directs the Agency for Toxic Substances and Disease Register to conduct a health assessment at those facilities that still use mercury after 2008.

It is important to point out that there are alternatives to mercury in the chlor-alkali process, more than 100 plants worldwide have converted to better technologies. We also know that these alternatives are not cost-prohibitive. Statistics compiled in a recent report by the group Oceana demonstrate that conversion costs are substantially similar to the cost of the continued use of mercury, for example, the cost of waste disposal, treatment, monitoring, fines, and higher energy consumption associated with using the old technology.

If there were simply no alternatives to mercury for this industry, if other technologies had not been proven on a commercial scale, or if switching from mercury was simply too expensive, then I could understand if there were strong arguments against this legislation. But here we actually have a situation where mercury use could actually be phased out within a rather short period of time, improving the health of children and families. So the choice is whether we want to wait another decade and hope that improvements happen, or whether we want to ensure that mercury is phased out beginning today. I hope my colleagues will choose the latter, and I urge their support of this bill.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1820. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to enable hundreds of former Santa Susana Field Laboratory workers or their survivors to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

These benefits have long been denied them due to flaws in the Energy Employees Occupational Injury Compensation Act of 2000.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

Specifically, this bill will provide a special status designation, under the Energy Employees Occupational Illness Compensation Act, to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

The bill would extend the "special exposure cohort" status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2006.

This revision will provide the act's benefits to any of those workers who contracted a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

Workers at the Santa Susana Field Laboratory played a significant role in keeping our Nation secure during the Cold War. They helped develop our nuclear weapons program, a cornerstone of our national defense.

Sadly, many workers of this era were exposed to radiation on a regular basis. But the records are incomplete and inaccurate. Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if there were records kept, they can't be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no preventative equipment like respirators, gloves, or body suits were provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers. Mr. President, 90 percent of those have been denied due to lack of documentation, or inability to prove exposure thresholds.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with no documentation.

The case of my constituent, Betty Reo, provides a stunning example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957, until May 17, 1960. Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichlorethylene and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Injury Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation, which is virtually nonexistent, she has repeatedly been denied benefits.

This bill would help people like Betty Reo.

I urge my colleagues to join me in correcting these injustices and cutting through the "red tape" that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

"(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2006, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California.".

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a) of this Act), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

By Mrs. CLINTON (for herself and Mr. BOND):

S. 1823. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, supporting our children and early childhood education are critical to keeping America competitive. Today I am pleased to introduce the Ready to Learn Act, legislation that will help families in New York and across the country by preparing children for kindergarten. I am pleased my colleague Senator BOND, a long-time leader in early childhood development, has partnered with me in introducing this essential legislation.

Since my time as a law student, I have worked to spread information about the importance of care and education for our children, especially our youngest children. It is critical that we provide them with every possible opportunity to learn, grow, and develop early on, not just once they start kindergarten, but before they arrive. This is a cause I have believed in and fought for over the past 35 years, as an advocate, a lawyer, First Lady, a Senator, and most important of all, as a mother.

The Ready to Learn Act will help prepare children for kindergarten by providing funding for States to establish high-quality early learning programs to promote school readiness for four-year-olds in their State. States will apply for funding through a competitive process to establish and administer voluntary preschool programs; this legislation will allow governors to build on pre-existing early childhood systems. Schools, child care entities, Head Start programs, or other community providers of pre-kindergarten programs are all eligible for funding.

To ensure high-quality programs that properly prepare children to be ready to learn, State plans will require qualified teachers, a developmentally, culturally and linguistically appropriate early learning curriculum and support for professional development.

Research has shown the early years are critical in a child's development and that pre-kindergarten education offers benefits that extend through the first years of school and beyond. Children who attend high-quality pre-k programs are less likely to be held back a grade or to need special education, and they are more likely to graduate from high school. They also have higher earnings as adults and are less likely to become dependent on welfare or involved in crime.

While some parents can afford high-quality pre-kindergarten opportunities for their children, so many hard working families simply can't. As a result, in today's current education system, it is not unusual for children to arrive at kindergarten already behind their peers. Nearly 50 percent of all kindergarten teachers report that at least half of their students come to school with problems that hinder their success. One in every six kindergartners needs specialized one-on-one tutoring or special instruction in a small group. Each year, more than 200,000 children repeat kindergarten.

Back when I was First Lady, I hosted a White House Conference on Early Childhood Development and Learning, where expert after expert emphasized the importance of these early years. A child who arrives at kindergarten ready to learn has a far greater chance of excelling, not only in his or her early years, but far into his academic career. Studies show that children who learn the names and sounds of letters before entering kindergarten are 20 times more likely to read simple words by the end of kindergarten than children who enter kindergarten not knowing the letters of the alphabet. Children who do not know their letters prior to kindergarten too often fail to catch up with their peers who do. Eighty-eight percent of children who are poor readers in first grade remain poor readers by the fourth grade. Children who are not at least modestly skilled readers by the end of third grade are unlikely to graduate from high school.

Like many of my colleagues, I have seen what happens when we invest in our children. We already know that for every one dollar we spend on early childhood education, we reap seven dollars as a society. I have seen what happens when caring adults come together and make the commitment to ensuring that our children can fulfill their God-given potential.

I saw it back in Arkansas when we brought HIPPY to America to teach parents how they could educate their children. We taught them about the importance of reading to their children, and using household objects to teach basic lessons.

I have seen it in visiting Head Start programs where children were learning to read, learning to count and solve problems, learning to share and interact with others and thrive in a structured environment.

We are seeing it around the country in States that have already started investing in early childhood programs. The Ready to Learn Act will support and build on that success.

Supporting our children and early childhood education are critical to keeping America competitive. It is my hope that my colleagues will join Senator BOND and I in supporting this important legislation.

By Mr. OBAMA:

S. 1824. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise today to reintroduce the Hospital Quality Report Card Act, a quality-focused initiative that will actively engage all relevant stakeholder groups—patients, providers, administrators, and payers—and increase availability of information about the quality of health care services in local hospitals and health systems.

We know that overall performance in our Nation's hospitals can vary tremendously, and is mediocre at best in many institutions. The academic literature has documented serious issues in health care quality for treatment of a number of conditions, including cardiac arrhythmias, hip replacements, and alcohol dependence to name just a few. But discussions of health care quality are not limited to academic exercises; patients and their families experience medical errors and substandard hospital care every day. Just last month, the L.A. Times reported an extreme case involving Ms. Edith Isabel Rodriguez. Ms. Rodriguez, a 43-year old American woman with a perforated bowel, suffered an excruciating and possibly preventable death, after lying unattended on the floor of an emergency room for 45 minutes. Our Nation's hospitals can do better and must do better.

One step towards improving health care quality is collecting, analyzing, and reporting on health care quality, using measures that have been developed, validated, and accepted by the medical community. Not only will such measures assist hospitals by identifying problem areas and facilitating monitoring for improvement, but the transparency through public reporting will also help consumers and payers make informed decisions about where to obtain health services.

The Hospital Quality Report Card Act grants the Secretary of Health and Human Services the power to collect hospital information related to the staffing levels of nurses and health professionals, the accreditation of hospitals, the quality of care for vulnerable populations, the availability of specialty services and intensive care units, hospital acquired infections, measures of crowding in emergency rooms, and other indicators of quality care. This information—focused on health care effectiveness, safety, timeliness, efficiency, patient-centeredness, and equity—will be electronically accessible to the public. The report card initiative builds upon current work at the Centers for Medicare and Medicaid Services, as well as initiatives in a number States including my own home State of Illinois. I am proud to report that I was the primary sponsor of the Illinois Hospital Report Card Act that passed into law in 2003 and took effect in 2004.

Our Nation's reputation of having one of the best health care systems in the world needs to be restored, and this won't happen until we can assure the American people that our hospitals are doing a better job offering top-notch quality care. The Hospital Quality Report Card Initiative will help by expanding and reporting quality measurement, which will provide an incentive for hospitals to do better and valuable information to patients and consumers. I ask that you support the Hospital Quality Report Card Act and help my efforts to pass this legislation.

By Mr. WEBB (for himself, Mrs. McCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. DURBIN, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Ms. LANDRIEU):

S. 1825. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Therebeing no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Wartime Contracting Establishment Act".

SEC. 2. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed

Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, and practices of the Department of Defense and the Department of State for handling contingency contract management and support.

(4) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under subparagraph (A) only—

(aa) by the agreement of the chairman and the vice chairman; or

(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under clause (i), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution and conviction that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

By Mr. McCONNELL:

S. 1826. A bill to add Kentucky State University to the list of schools eligible for assistance under part B of title III of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KENTUCKY STATE UNIVERSITY QUALIFIED GRADUATE PROGRAM.

Section 326(e)(1) of the Higher Education Act of 1965 (20 U.S.C. 1063b(e)(1)) is amended—

(1) in subparagraph (Q), by striking "and" after the semicolon;

(2) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(S) Kentucky State University qualified graduate program.".

By Mr. COCHRAN (for himself, Mr. PRYOR and Mr. ENZI):

S. 1827. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

Mr. COCHRAN. Mr. President, implementation of the Medicare prescription drug plan has helped provide prescription drug coverage for millions of Medicare beneficiaries who previously did not have access to medications. Many seniors are now paying less for prescription drugs and the savings for the prescription drug program are even greater than expected. The Centers for Medicare and Medicaid Services, CMS, and health care providers worked together to plan and implement this program and from the beginning, pharmacists played a significant role in making this benefit successful. Pharmacists assisted their Medicare patients in the selection and enrollment process and filled prescriptions for patients, regardless of the guarantee of timely reimbursement. Pharmacists continue to be diligent in serving their patients and providing much-needed medications, despite financial difficulties they have encountered in providing these services.

We are introducing a bill today to assist pharmacists as they continue to serve their patients and as they help to continue the success of the Medicare drug benefit. This bill will allow pharmacists to achieve efficiencies in reimbursement for the products they provide to Medicare beneficiaries. This is especially important to the small, rural independent pharmacies in my State. This legislation will also provide incentives for pharmacists and other providers to help beneficiaries better use their medications, adhere to their drug regimens, and utilize cost saving medication therapy management programs.

I am pleased to offer this legislation that will help continue the success of the Medicare prescription drug benefit.

Mr. PRYOR. Mr. President, earlier today I joined with Senators COCHRAN and ENZI to introduce the Pharmacist Access and Recognition in Medicare Act of 2007. This is bipartisan legislation that will help ensure patients have access to local pharmacies.

I am concerned that the Medicare Modernization Act that was enacted in 2003 failed to sufficiently ensure Medicare patients would have quality access to prescription medicines available at local pharmacies.

The new drug program took effect at the beginning of 2006. We now know that during that year over 1,100 community pharmacies across the country closed their doors according to the National Community Pharmacists Association.

It is critical to me that patients living in small towns throughout Arkansas and across America have access to community pharmacies.

While I believe major reforms need to be made in the Medicare prescription drug benefit, I believe that the bipartisan bill I introduced with Senator COCHRAN and ENZI today is an achievable first step in making the Medicare drug benefit work better for patients and pharmacists who are local front line health care providers.

This bill will ensure that pharmacies are paid on a timely basis for prescriptions that are filled for Medicare beneficiaries. It can take a month for pharmacies to be paid now, and this bill will ensure that pharmacies get paid electronically for clean claims within 10 business days.

Seniors should have a choice concerning what pharmacy they use. Our bill codifies regulations ensuring that Medicare drug cards are not cobranded with the name of a pharmacy, leaving beneficiaries under the impression that the card may only be good at a single, large chain pharmacy.

Cards could be cobranded in the first year of the program. Regulations prohibit that happening this year, but our bill ensures this will not be a problem in the future.

The bill will also help ensure that medicines are used appropriately. Pharmacists are the best trained providers in our health care system to ensure prescribed medications are used correctly. The bill creates a 2 year community-based medication therapy management demonstration program using pharmacists to provide services.

By Mr. INHOFE:

S. 1828. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce a small but important bill that seeks to improve the quality of the air we breathe and increase the level of public involvement under the Clean Air Act.

The senior Senator from Rhode Island joined me in sponsoring an identical version of this bill as an amendment to the energy bill. Unfortunately, there was an objection to clearing that amendment for unknown reasons.

The objection was a surprise, particularly given the widespread support across a variety of industries and advocacy groups. In fact, the Natural Resources Defense Council and American Lung Association sent Senator REED and me a letter of support.

Under current law, the Clean Air Act allows a petition for a new renewable fuel or renewable fuel additive, including mid-level ethanol blends, to be approved without EPA taking any action whatsoever, not asking for public comment, not conducting studies on the safety or emissions impacts and not reviewing existing emissions or safety studies. In fact, current law provides that a petition is deemed approved even if EPA fails to act or make a determination one way or another.

Environmental law and the Clean Air Act specifically, is premised upon public input and involvement. It is critical that this section of the Act, as elsewhere, provide for adequate stakeholder involvement. My bill would force EPA to give public notice and seek public comment from all interested persons on any petition for a new renewable fuel or renewable fuel additive.

Safeguarding air quality is critical, but guaranteeing that the engines that consumers rely on is important as well. Studies done by Australia's EPA found that mid-level ethanol blends can cause the following problems with motor vehicle and small, off-road engines: failure of exhaust components, for example catalyst, due to heat/durability, engine damage and seizure, engine stalling and stopping, failure of engine cut-off switches, unexpected engagement of cutting blades/chains, and fuel leaks and blockage of fuel lines. My bill directs EPA, with DOE's and USDA's assistance, to study whether the use of higher ethanol blends pose safety, air quality, or engine operability concerns in motor vehicle and nonroad engines, and equipment.

Ethanol proponents should support this bill. The ethanol industry cannot afford to have consumers turn against their product if higher levels of ethanol blends cause their snowmobile, chainsaw, or boat engine to shut down. If EPA's study shows that these higher blends are safe for all engines, then the ethanol industry will benefit from the study.

This bill is about good Government and transparent Government. EPA should not be permitted to approve these petitions "in the dark of night," without public participation.

The bill that I am introducing today, like the amendment that Senator REED and I offered during the energy bill, will simply make sure that EPA carries out its duty to protect human health and the environment, increase the public's role under the Clean Air Act, and shed light on a currently private process.

Mr. LEAHY (for himself, Mr. HATCH, Mrs. LINCOLN, and Mr. SHELBY:

S. 1829. A bill to reauthorize programs under the Missing Children's Assistance Act; to the Committee on the Judiciary.

Mr. LEAHY. I am pleased to introduce the Protect Our Children First Act of 2007, which will reauthorize funding for the National Center for Missing and Exploited Children, NCMEC through fiscal year 2013, and increase Federal support and coordination to help NCMEC programs to find missing children across the Nation. I am glad that Senator HATCH has joined me in introducing this bill, along with Senators LINCOLN and SHELBY. As members of the Missing and Exploited Children's Caucus, we have all worked together on numerous pieces of legislation to protect the safety and welfare of our children, and I thank them for their continued leadership and for joining me in introducing this bill.

Just a few months ago, we commemorated the 25th National Missing Children's Day, when our Nation particularly remembers our commitment to work together in locating and recovering missing children. It pains us all to see on TV, in the newspapers or on milk cartons photo after photo of missing children from various comers of our country. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 percent and 90 percent of missing person reports. These families deserve the assistance of the American people and a helping hand from the Congress and from Federal agencies.

As the Nation's top resource center for child protection, the National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation and sexual exploitation. NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights. The center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, the U.S. Marshals Service, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children. Child advocates like John Walsh, who worked hard in helping Congress enact the National Center's charter, also continue to support the center's vital work.

The center's professionals have disturbingly busy jobs, they have worked on more than 127,700 cases of missing and exploited children since its 1984 founding, helping to recover more than 110,200 children. The center raised its recovery rate from 64 percent in the 1990s to 96 percent today. The center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and it serves as a vital resource for the 17,000 law enforcement agencies located throughout the Nation in the search for missing children and in the pursuit of adequate child protection.

The center has also developed a "Cold Case Unit" within the Missing Children Division that focuses on long-term missing children cases. By using age progression technology, NCMEC has recovered 741 missing children. NCMEC forensic artists have also identified 24 missing children by using facial reconstructions of unidentified remains.

In order to help the center solve these long-term cases, Section 5 of this bill would allow an Inspector General to provide staff support to NCMEC for the purpose of conducting reviews of inactive case files to develop recommendations for further investigation. The Inspector General community has one of the most diverse and talented criminal investigative cadres in the Federal Government. A vast majority of these special agents have come from traditional law enforcement agencies, and they are highly trained and extremely capable of dealing with complex criminal cases.

Under current law, an Inspector General's duties are limited to activities related to the programs and operations of an agency. Our bill would allow an Inspector General to permit criminal investigators under his or her supervision to review cold case files, so long as doing so would not interfere with normal duties. An Inspector General would not conduct actual investigations, and any Inspector General would only commit staff when the office's mission-related workloads permitted. At no time would these activities be allowed to conflict with or delay the stated missions of an Inspector General.

The Protect Our Children First Act also gives the Center better tools for working in coordination with Federal, State, and local law enforcement agencies to find missing children. This bill would provide analytical and technical support to assist law enforcement agencies in searching public databases to identify missing children and to locate abductors and would facilitate the deployment of the National Emergency Child Locator Center to assist in locating children in times of national disasters. In addition, the bill would allow NCMEC to work in conjunction with the FBI to provide fitness determinations based on criminal history of volunteers in child-serving organizations and track the incidence of attempted child abductions to report any links or patterns to law enforcement agencies.

NCMEC is headquartered in Alexandria, VA, and operates branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The international division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with an annual DOJ grant, which expires after fiscal year 2008. We must act now to extend its authorization so that it can continue to help keep children safe and families intact around the Nation. There is so much more to be done to ensure the safety of our children, and the legislation we introduce today will help the center in its efforts to prevent crimes that are committed against them.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and the House. The children we seek to protect through legislation like this should not be used as pawns by groups who would play politics by saddling such efforts with controversial measures. I applaud the ongoing work of the center and hope both the Senate and the House will promptly pass this bill to show our support for the NCMEC to continue to find our missing children and to protect exploited children across the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect our Children First Act of 2007".

SEC. 2. AMENDMENT TO FINDINGS.

Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended to read as follows:

"SEC. 402. FINDINGS.

"Congress finds that—

"(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place the child in grave danger;

"(2) many missing children are at great risk of both physical harm and sexual exploitation;

"(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(5) growing numbers of children are the victims of child sexual exploitation, increasingly involving the use of new technology to access the Internet;

"(6) children may be displaced from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

"(7) sex offenders pose a threat to children; and

"(8) the National Center for Missing and Exploited Children—

"(A) serves as the national resource center and clearinghouse;

"(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, the United States Secret Service, and many other agencies in the effort to find missing children and prevent child victimization; and

"(C) operates a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing and exploited children to law enforcement across the United States and around the world instantly.".

SEC. 3. AMENDMENTS TO DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

(a) IN GENERAL.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) striking paragraph (3); and

(2) redesignating paragraph (4) as paragraph (3).

(b) ANNUAL GRANT TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and "(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) in cooperation with the Department of Justice and the Department of State and local law enforcement, develop and present an annual report on the actual number of children nationwide who are reported missing each year, the number of children who are victims of nonfamily abductions, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year;

"(G) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

"(H) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally;

"(I) provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors;

"(J) provide direct on-site technical assistance and consultation to law enforcement agencies in child abduction and exploitation cases;

"(K) provide forensic technical assistance and consultation to law enforcement and other agencies in the identification of unidentified deceased children through facial reconstruction of skeletal remains and similar techniques;

"(L) track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies;

"(M) facilitate the deployment of the National Emergency Child Locator Center to assist in reuniting missing children with their families during periods of national disasters;

"(N) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation in the areas of—

"(i) possession, manufacture and distribution of child pornography;

"(ii) online enticement of children for sexual acts;

"(iii) child prostitution;

"(iv) sex tourism involving children;

"(v) extrafamilial child sexual molestation; and

"(vi) unsolicited obscene material sent to a child;

and subsequently to transmit such reports, including relevant images and information, to the appropriate international, Federal, State or local law enforcement agency for investigation;

"(O) work with law enforcement, electronic service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of images and videos of sexually exploited children;

"(P) operate the Child Victim Identification Program in order to assist the efforts of law enforcement agencies in identifying victims of child pornography and other sexual crimes;

"(Q) develop and disseminate programs and information for the general public to educate families and children regarding the prevention of child abduction and sexual exploitation; and

"(R) develop and disseminate programs and information to local communities, schools, public officials, nonprofit organizations, and youth-serving organizations to help parents and children use the Internet safely.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL GRANT TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking "$20,000,000 for each of the fiscal years 2004 through 2008" and inserting "$ 20,000,000 for fiscal year 2008 and such sums as are necessary for each of the fiscal years 2009 through 2013".

(b) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking "2004 through 2008" and inserting "2008 through 2013.".

SEC. 5. AUTHORITY OF INSPECTORS GENERAL .

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

"SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

"(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

"(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

"(2) by engaging in similar activities.

"(b) LIMITATIONS.—

"(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

"(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.".

By Mr. ENZI:

S. 1834. A bill to improve the health of Americans through the gradual elimination of tobacco products; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise today to address a serious and deadly health issue. I am talking about tobacco, a scourge on our society.

Smoking kills. There is no such thing as a safe cigarette. These are not mere platitudes. They are the deadly truth. Tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, car accidents, fire and AIDS combined.

My colleague Senator KENNEDY has proposed dealing with this shocking statistic by having the Food and Drug Administration regulate tobacco. I suggest my colleagues ask themselves: What will it mean to have cigarette and tobacco products regulated by the FDA?

The FDA is the gold standard among public health regulators the world over. For the past century, the FDA has protected the public, from filthy conditions in meat packing plants to thalidomide, which caused thousands of birth defects in Western Europe. The FDA's constant vigilance is not just an historical artifact. It seems like every day there is something new for the FDA to protect us from. The headlines behind me show how we have come to depend on the FDA every day to protect us and our children from poisons that could harm or even kill us.

It is evident that the FDA is overworked and underfunded. We, as a nation, currently ask the FDA to be responsible for so many things: ensuring that new drugs and medical devices are safe and effective; safeguarding the Nation's food supply; regulating the manufacture and distribution of food additives and drugs that will be given to animals; and, increasing the security of our blood supply.

In each of these key activities, the role of the FDA is to protect our health. In providing that protection, the FDA examines key scientific facts and weighs the balance of benefit to our society and risk to our health. It is incomprehensible to me to extend that critical role to an FDA risk/benefit analysis of tobacco and cigarettes.

I will say it again: Smoking kills. There is no such thing as a "safe" cigarette. Any public statement by the FDA under their current authority would necessitate the finding that there is no benefit to the use of cigarettes, only harm.

The Kennedy-Cornyn bill would establish the FDA as the regulator for tobacco products. However, the bill explicitly states that the FDA will not be permitted to prohibit the sale of any tobacco product to adults. That is not true regulation. The bill would gut the authority that Congress has bestowed and staunchly defended for the FDA, the authority to remove health threats from the marketplace. This approach is so flawed that I believe the bill cannot be fixed.

Even having the FDA review and approve cigarettes sends mixed and confusing messages to the public, creating the sense that cigarettes are safe or can be made safer. The FDA cannot be put in the position of approving a product which years of science and the personal experience of far too many Americans has shown to be dangerous. Simply put, tobacco kills people. Piling on regulations and bureaucracy won't change that.

I commend my colleague Senator KENNEDY for trying to do something about the evil of tobacco. But this bill is a dinosaur. It has been introduced year after year, with barely any changes. In fact, the bill would have FDA issue a regulation from 1996 completely intact. A regulation, I might add, that was overturned by the Supreme Court. But that is beside the point. Instead of resurrecting broken, outdated legislation, we should be aiming to make tobacco extinct.

While some in the tobacco industry claim to share my views on smoking, I do not believe they have actually bought in to the idea of getting people to stop using tobacco. A case in point is the new $350 million facility Philip Morris has built in Richmond, VA. I ask unanimous consent to have printed in the RECORD the following classified ad from the journal Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ENZI. Mr. President, this ad calls for the recruitment of scientists to work at this facility, studying how to "develop relevant exposure models" for smoking related diseases. Or to do large scale epidemiology studies on "the cause of cigarette smoke-related diseases." Here I thought the cause of cigarette smoke-related diseases was smoking. Silly me.

Clearly, Philip Morris believes it will still be able to operate under the Kennedy bill. It will be business as usual for the Marlboro Man, and more Americans will die needlessly.

Trying to make cigarettes safer through a billion-dollar bureaucracy is a waste of time and money. The right approach is to get people to stop smoking, or better yet, to never start.

The key failing of the Kennedy dinosaur legislation is that it will not reduce smoking. In 2004, this bill did pass the Senate, as part of FSC-ETI. The Congressional Budget Office, in scoring the Senate-passed bill, examined the tobacco provisions. I suggest my colleagues study that score carefully. CBO suggested there would be essentially no reduction in adult smoking, and only a 12.5 percent reduction in youth smoking. The bill assesses user fees in excess of $450 million a year. There are currently 2.7 million youth smokers. When you do the math, it comes out to nearly $1,500 per year per youth smoker to achieve these reductions. I don't know if you've talked to any teenagers recently, but they are pretty entrepreneurial. I bet a lot of them would quit smoking if you just paid them to give it up, or even to stay off the stuff in the first place.

In another example of very little bang for very big bucks, a recent Institute of Medicine report from May says that if we keep doing what we are doing, we will reduce smoking from the current 20 percent of the population to about 15 percent over the next 20 years. If we do everything in the report, which is basically the Kennedy bill plus a number of other steps, some of which maybe unconstitutional, we might reduce it to 10 percent. At an unknown, but likely very high, cost.

This bill can't be fixed. I know we can do better. We just have to think bigger. We must win the war on tobacco, not sign a peace treaty with Phillip Morris.

I have developed my own tobacco legislation that would truly have an impact on the number of smokers in this country, and I am pleased to introduce today the Help End Addiction to Lethal Tobacco Habits or HEALTH Act.

My bill contains a novel cap-and-trade program—guaranteeing that fewer people suffer the deadly consequences of smoking, while providing flexibility in how those reductions are achieved.

Cap-and-trade programs have a proven track record in the environmental arena. In the 1980s, lakes and forests were dying from acid rain. The acid rain was caused by emissions of sulfur and nitrogen oxides from power generation at electrical plants. The Clean Air Act amendments of 1990 instituted a system of allowances for emissions of sulfur and nitrogen oxides that could be used, banked, traded or sold freely on the open market. The number of allowances decreased each year. This system achieved the desired results faster and at lower cost than had been anticipated. The cap-and-trade program for sulfur and nitrogen oxides has made dramatic differences in our air quality over the past 15 years, and is a resounding success. I propose to carry this market-oriented system over to the tobacco control arena. Although this has never been tried for a health issue, I think it will work.

My legislation will contain a cap-and-trade system for shrinking the size of the tobacco market over the next 20 years. Smoking reductions are guaranteed, and companies are given time and flexibility to make the reductions or divest. In addition, small tobacco companies would have a valuable asset in their allocations, leveling the playing field a bit between the smaller and larger industry members. Finally, and I think very importantly, public health groups could buy and retire allowances to achieve the reductions in tobacco use even faster than specified in my bill. I would like to issue a challenge today to those groups, use your clout to help me make this work. Stand with me to fight tobacco and protect the health of all Americans.

I want to remind my colleagues that the FDA approves cures, not poisons. Forcing the FDA to regulate tobacco but not letting them ban it, as my colleague Senator KENNEDY proposes, would undermine the long history of the agency protecting and promoting the public health.

In closing, every day, we hear about some new problem the FDA faces in protecting our health. From contaminated seafood to tainted toothpaste, this agency is in dire need of congressional support to carry out its mission. We should be focusing our efforts on increasing the number of inspectors, and on renewing the expiring drug and device user fee laws.

I ask my colleagues to think hard about what they are proposing when they suggest FDA regulation is the way to defeat tobacco. My record is clear when it comes to tobacco. I am no friend of big tobacco and I have never taken a dime of tobacco company money for my campaigns. I don't intend to start now. But I absolutely reject the notion that the way to show you're "for kids" and "against Big Tobacco" is by sending the Nation's premier public health watchdog out to fight for safety with one hand tied behind its back. We must not mandate the FDA seal of approval on a deadly product that has no health benefit whatsoever. We can do better. Will you join me?

HEALTH SCIENCE RESEARCH FOR HARM REDUCTION—NEW POSITIONS AT PHILIP MORRIS USA

The Health Sciences Research Division of PM USA is seeking Leading Scientists in several biomedical-related research areas.

The primary goal of the Health Sciences Research Division (HSR) is to conduct health science research to facilitate the development of new methods and technologies with the potential to reduce harm associated with our products.

In June 2007, PM USA research scientists will begin occupying the new 450,000 sq. ft., state-of-the-art Center for Research and Technology (CRT) facility. HSR scientists will work in collaboration with other PM USA scientists at the CRT to investigate and discover technologies for the reduction of harm associated with our products.

Cigarette Smoke-Related Disease Scientists: Will participate in the development of models and biomarkers of cigarette smoke-related diseases including: *Cancer Scientists* investigating cancer with emphasis on lung cancer. *COPD Scientists* investigating chronic obstructive pulmonary disease. *CVD Scientists* investigating cardiovascular disease.

Experimental Pathologists: Will participate in the development and use of microscopic and imaging techniques to investigate the cause of cigarette smoke-related diseases.

Oxidative Stress Scientists: Will participate in studies investigating the role of oxidative damage and cell death processes in cigarette smoke-related diseases.

Inflammation/Immune System Scientists: Will participate in studies investigating the role of inflammatory/immunological processes in cigarette smoke-related diseases.

Inhalation Toxicologist for Aerosol Dosimetry: Will participate in studies investigating in vitro and in vivo exposure to cigarette smoke to quantify airway smoke deposition and develop relevant exposure models.

Toxicologist for PK-PD Studies: Will study the PK-PD of exposure to cigarette smoke during smoke inhalation for the purpose of developing clinically predictive cell and tissue dose models.

Epidemiologists (Molecular/Genetic and Chronic Disease): Will participate in the design, conduct and analysis of large-scale, high-throughput, molecular and chronic disease epidemiologic studies on the cause of cigarette smoke-related diseases (CVD, COPD, Cancer).

Biostatisticians: Will participate in the design and analysis of large-scale epidemiologic, in vitro and in vivo studies on the cause of cigarette smoke-related diseases (CVD, COPD, Cancer).

Geneticists (Statistical and Population): Will participate in the design and analysis of large-scale, high-throughput, molecular epidemiologic and in vivo studies on cigarette smoke-related diseases (CVD, COPD, Cancer).

Complex Systems Analysts (Systems Biology): Will participate in the integration and modeling of high-throughput, cross-platform, trans-species data on cigarette smoke-related diseases (CVD, COPD, Cancer).

By Mr. BIDEN (for himself, Mr. LEVIN, and Mr. LAUTENBERG):

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce, along with Senators LEVIN and LAUTENBERG, a piece of legislation which I hope will help the American victims of Libyan terrorism and their families move one step closer to receiving justice for the terrible crimes committed against them. Our legislation requires the administration to submit to Congress twice yearly reports on the status of the outstanding legal claims by these American victims and their families against the government of Libya. It also requires the administration to explain its own efforts on their behalf.

I believe it is in the United States' strategic interest to develop better relations with Libya. Colonel Qaddafi renounced terrorism and dismantled Libyan weapons of mass destruction programs. We need to demonstrate to the rogue regimes of the world that there is a path back to the civilized community of nations. Libya is an important country in its own right as a gateway between Europe and Africa, as a country which shares a border with the Darfur region of Sudan, and as an OPEC member.

But for this relationship to advance, we need to come to terms with the past. Several hundred Americans have been killed by Libyan terrorism and scores more have been injured. The Libyan regime has accepted responsibility for the heinous Pan Am 103 bombing, which killed 270 Americans. That admission also helped pave the way to the negotiations that led to Libya's renunciation of its support for terrorism and its WMD programs. But the families of the victims of Pan Am 103 are still waiting for the final settlement of their case. Last year, the Libyan government agreed to terms with the victims of the La Belle discotheque bombing in Germany. But they have since refused to honor the previously agreed upon terms. Other victims of Libyan terror are still waiting for justice. Their cases may be smaller in scale, but pain that the victims and their families have suffered is no less real.

The victims and families deserve to know what their government is doing on their behalf to settle these cases. Colonel Qaddafi needs to understand that the way forward needs to account for the past. And the State Department needs to begin to develop a coherent vision for what we hope to achieve in the Libyan—American relationship.

This piece of legislation we offer is modest, but I believe that it can help us to make progress in each of these three aspects.

Lastly, I would like to say a few words about the human rights conditions inside Libya. Yes, Americans are interested in Libya's external behavior. But we are also concerned about the human rights conditions within Libya. I am relieved that the death sentence of the six Bulgarian nurses and Palestinian doctor accused of infecting Libyan children with HIV has been commuted. But the case against them is preposterous, as confirmed by rigorous investigations into the allegations by UNESCO and the World Health Organization. That they remain in jail is outrageous.

For more than 3 years, years, I have been calling for the release of Fathi Eljahmi, a courageous democracy advocate with serious health problems whose only crime is to speak truth to power. I again call on the Libyan government to release Mr. Eljahmi.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 276—CALLING FOR THE URGENT DEPLOYMENT OF A ROBUST AND EFFECTIVE MULTINATIONAL PEACEKEEPING MISSION WITH SUFFICIENT SIZE, RESOURCES, LEADERSHIP, AND MANDATE TO PROTECT CIVILIANS IN DARFUR, SUDAN, AND FOR EFFORTS TO STRENGTHEN THE RENEWAL OF A JUST AND INCLUSIVE PEACE PROCESS

Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. BROWNBACK, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Ms. MIKULSKI, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 276

Whereas hundreds of thousands of people have died and approximately 2,500,000 people have been displaced in Darfur, Sudan since 2003;

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas President George W. Bush has repeatedly decried the genocide in Darfur, stating, for example, on April 18, 2007, "that genocide is the only word for what is happening in Darfur—and that we have a moral obligation to stop it";

Whereas the crisis in Darfur and the surrounding region continues and has in fact in some ways worsened despite the efforts of the United States, the United Nations, the African Union, and the international community;

Whereas on August 30, 2006, the United Nations Security Council approved United Nations Security Council Resolution 1706 providing that the existing United Nations Mission in Sudan (UNMIS) "shall take over from [the African Mission in Sudan (AMIS)] responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006", and that UNMIS "shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel", which "shall begin to be deployed no later than 1 October 2006";

Whereas the Sudanese President Omar al-Bashir rejected United Nations Security Council Resolution 1706 and refused to allow the United Nations to deploy a peacekeeping force to Darfur;

Whereas Kofi Annan, then Secretary-General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union, led efforts to reach a compromise with President al-Bashir by convening a summit of interested governments and international bodies in Addis Ababa, Ethiopia on November 16, 2006;

Whereas as a result of the Addis Ababa summit an agreement was reached by all parties, including the United Nations, the African Union, the European Union, the Government of Sudan, the United States, and China, which called for a three-phased deployment of a hybrid United Nations-African Union peacekeeping force to Darfur of no less than 17,000 military troops and 3,000 civilian police, with a primarily African character, but open to non-African troop and police contributors;

Whereas the agreement stated that the United Nations-African Union hybrid force would have a strong mandate to protect civilians and that the peacekeeping force must be logistically and financially sustainable, with support from the United Nations;

Whereas President al-Bashir has repeatedly obstructed the Addis Ababa agreement since its signing by reneging on and redefining the terms of his commitment to allow the deployment of the full hybrid United Nations-African Union force;

Whereas on June 11, 2007, President al-Bashir pledged to accept unconditionally the full United Nations-African Union hybrid deployment;

Whereas some subsequent speeches and statements by President al-Bashir have contradicted that claim of acceptance while others have reinforced it;

Whereas diplomatic efforts to secure President al-Bashir's genuine acceptance and facilitation of the full United Nations-African Union hybrid force must not lead to weakening of the structure, capacities, or mandate of that force in exchange for President al-Bashir's full compliance;

Whereas history has repeatedly demonstrated that the ultimate success or failure of any peacekeeping force depends significantly on its size, resources, mandate, mobility, and command structure;

Whereas to establish conditions of peace and security, the peacekeeping mission must be accompanied by a peace-building process among the parties to the conflict;

Whereas such a process will require a sustained, coordinated, and high-level diplomatic attempt to unify the rebel groups in the region and engagement with the rebels and the Sudanese government in order to forge a comprehensive political settlement;

Whereas under the international humanitarian law of the Geneva Convention Relative to the Protection of Civilian Persons in

Time of War, done at Geneva August 12, 1949 (6 UST 3516) and the Protocols Additional to the Geneva Conventions of 12 August 1949, done at Geneva June 8, 1977, all parties to the conflict in Darfur are required to refrain from attacks on civilians and on medical and other humanitarian personnel, and all perpetrators should be held accountable for violations of international humanitarian law; and

Whereas failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations-African Union hybrid peacekeeping force will result in the continued loss of life and further degradation of humanitarian infrastructure in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President of the United States to—

(A) work with members of the United Nations Security Council and the African Union to ensure the expeditious deployment of the United Nations-African Union hybrid peacekeeping force under Chapter VII of the United Nations Charter and operating under United Nations guidelines and procedures for command and control with a mandate affirming that civilian protection is a primary mission objective;

(B) strongly encourage the member states of the United Nations that have the capabilities to do so, to contribute collectively approximately 19,500 military personnel and up to 6,500 police to implement the mandate, as is currently under discussion in the United Nations Security Council;

(C) work bilaterally and with member states of the North Atlantic Trade Organization, the United Nations, the European Union, the African Union, and other capable partners to—

(i) rapidly implement pre-deployment programs and provide equipment to United Nations standards, with a special focus on African peacekeepers, in order to ensure that a full complement of peacekeepers can be deployed, sustained, and rotated as necessary; and

(ii) provide the United Nations-African Union hybrid force with—

(I) sufficient logistical support and airlift capacity;

(II) necessary vehicles, fixed-wing aircraft, and helicopters for tactical reconnaissance and armed deterrence; and

(III) other equipment;

(D) work with members of the United Nations and the African Union to—

(i) ensure that substantive civilian mission components are rapidly established and able to capitalize on any opportunities to advance the political and peace processes which the successful deployment of the United Nations-African Union hybrid force may create;

(ii) reinitiate a peace-building process among the parties to the conflict as part of a sustained, coordinated, high-level diplomatic effort to forge a comprehensive political settlement; and

(iii) ensure the security, maintenance, and expansion of humanitarian access to those in need and promote a return to the rule of law in the region;

(E) work with members of the United Nations, the African Union, the European Union, and other donor nations to ensure that adequate financial support is provided to peacekeepers serving in the current African Mission in Sudan, and the planned hybrid United Nations-African Union force; and

(F) work with Congress to ensure robust funding for the hybrid United Nations-African Union peacekeeping mission in Darfur;

(2) urges the Secretary-General of the United Nations and the Chairperson of the African Union to make every effort to expedite the urgent generation, rapid deployment, and effective administration of the full United Nations-African Union hybrid force;

(3) urges Sudanese President Omar al-Bashir and the Government of Sudan to abide by the agreement of President al-Bashir to fully accept and facilitate the deployment of the United Nations-African Union hybrid force without condition;

(4) urges the President's Special Envoy to Sudan to continue his legislative outreach, including offering to brief Congress every 60 days on the status of deployment of the United Nations-African Union hybrid peacekeeping force and parallel measures to enable peace in Darfur through an inclusive political process; and

(5) urges President George W. Bush, the United Nations Security Council, the African Union, the European Union, the League of Arab States, nations in the region, and individual nations with significant economic or political influence over Sudan to—

(A) hold President al-Bashir and the Government of Sudan accountable for any failure through neglect or obstruction to fully facilitate the deployment of the full United Nations-African Union hybrid force for Darfur; and

(B) be prepared to implement meaningful measures, including the imposition of multilateral sanctions, an arms embargo, and a no fly zone for Sudanese military flights over Darfur, if the Government of Sudan obstructs deployment of the agreed upon peacekeeping mission.

Mr. BIDEN. Mr. President, today Senator LUGAR and I introduce a resolution calling for the urgent deployment of a peacekeeping mission to Darfur, but also laying out some benchmarks for that mission.

We are all aware of the terrible carnage that 4 years of genocide have wrought in Darfur and the surrounding region. Hundreds of thousands of people have been killed and millions more have been driven into camps.

The world has watched, it has passed resolutions, and it has decried the killings, but it has not stopped them.

Last month brought the welcome news that the Sudanese government had finally agreed once again, the deployment of a full-scale, joint peacekeeping operation by the United Nations and the African Union.

But in the weeks since then, President al-Bashir has fallen into his old pattern of backpedaling away from his commitments, of accepting the mission but seeking to impose conditions, and of alternately agreeing to the troops and then recanting.

President Bashir may be wavering, but the world must not.

The resolution that we are introducing today expresses Congress's determination to move forward in support of this peacekeeping mission and reaffirms the minimum standards of this mission, which the Khartoum government must not be allowed to bargain away.

It is critical that the United Nations and the African Union hold firm on the structure, capacity, command and control mechanisms, and mandate of the peacekeeping force. We cannot negotiate down on the force levels that are needed; this resolution supports the ongoing efforts at the United Nations Security Council to pass a resolution authorizing approximately 20,000 peacekeeping troops and over 6000 police personnel.

In addition to numbers, it is equally important that the mission have the mandate to protect Darfur's civilians and the means to carry out that mandate.

All the resolutions in the world, however, will not save the people of Darfur if the international community does not contribute the forces and equipment that are needed for this peacekeeping mission.

This resolution urges the member states of the United Nations to step up to volunteer the needed forces. It also urges the President to work with these countries and the African Union and NATO to expedite deployment.

Together with our partners, we must ensure that the UN-AU force has the people and the equipment to do the job, including the air assets that will be needed to patrol an area that is the size of Texas but lacks both roads and infrastructure. We must also take steps to ensure humanitarian access and security for those bringing aid to the millions of people in Darfur who are in need. We cannot continue to allow attacks against humanitarian workers to take place with impunity.

Our resolution also emphasizes that peacekeeping must be accompanied by a reinvigorated peace-building effort. Chaos and fragmentation are accelerating in Darfur by the day. Blue helmeted troops are not enough: Khartoum, the rebel groups, and leading nations like the U.S. must all work toward a lasting and inclusive peace agreement on the ground.

I am committed to working with the administration to help secure the resources that are needed to fund this mission. If commitments for crucial equipment are not forthcoming, then the U.S. should help provide them—we have the best troops and the best equipment in the world and we must stand ready to assist this effort to bring four years of murder, rape, and destruction to an end.

Finally, I will conclude as our resolution does: if Khartoum does not fulfill its part of the agreement and allow the full deployment of the peacekeeping mission, then the international community must impose multilateral sanctions, an expanded arms embargo, and a no fly zone over Darfur.

The world stands at a critical moment: we must collectively assume our responsibility to protect the people of Darfur, either through the fulfillment

of this peacekeeping mission or the imposition of meaningful countermeasures. Four years of killing are four years too many.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2331. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table.

SA 2332. Mr. BUNNING (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2333. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2334. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAPO, Mr. BUNNING, Mr. CORKER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2335. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table.

SA 2337. Mr. NELSON, of Nebraska (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

SA 2338. Mr. COLEMAN (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2339. Mr. CORNYN (for himself, Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2340. Ms. COLLINS (for herself, Mr. KYL, Mr. LIEBERMAN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2341. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2342. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2343. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2344. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2345. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2346. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2347. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2348. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2339 submitted by Mr. CORNYN (for himself, Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2349. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2350. Mrs. DOLE (for herself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2351. Mr. McCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2352. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2353. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2354. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra; which was ordered to lie on the table.

SA 2355. Mr. ENSIGN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2356. Mr. SALAZAR proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2357. Mr. McCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2358. Ms. STABENOW proposed an amendment to amendment SA 2355 proposed by Mr. ENSIGN to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2359. Mr. COLEMAN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2360. Mr. GRAHAM proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2361. Mr. SCHUMER proposed an amendment to amendment SA 2341 submitted by Mr. SUNUNU to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2362. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2363. Ms. LANDRIEU proposed an amendment to amendment SA 2362 proposed by Mr. DEMINT to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

SA 2364. Mr. KERRY proposed an amendment to amendment SA 2353 submitted by Mr. KYL to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

TEXT OF AMENDMENTS

SA 2331. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) RESTORATION OF PRIOR LAW FORMULA.—Subsection (a) of section 86 (relating to social security and tier 1 railroad retirement benefits) is amended to read as follows:

"(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1).".

(b) REPEAL OF ADJUSTED BASE AMOUNT.—Subsection (c) of section 86 is amended to read as follows:

"(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year.".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 871(a)(3) is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SUBSECTION (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2007.

(3) SUBSECTION (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2007.

SEC. ___. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

SA 2332. Mr. BUNNING (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).".

SA 2333. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike section 401 of the Higher Education Access Act of 2007.

SA 2334. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAPO, Mr. BUNNING, Mr. CORKER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the end of the bill, insert the following:

SEC. ______. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the "Broadcaster Freedom Act of 2007".

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees*, 50 Fed. Reg. 35418 (1985).".

SA 2335. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. IMPROVISED EXPLOSIVE DEVICE AND EXPLOSIVELY FORMED PENETRATOR PROTECTION FOR MILITARY VEHICLES.

(a) PROCUREMENT OF ADDITIONAL MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR MARINE CORPS PROCUREMENT.—The amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps, as increased by paragraph (1), $23,600,000,000 may be available for the Marine Corps as program manager for the Army for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles for the Army.

(b) ADDITIONAL COSTS OF CURRENT PROCUREMENT OF MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR MARINE CORPS PROCUREMENT.—The amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps is hereby increased by $1,000,000,000.

(2) AVAILABILITY FOR ADDITIONAL COSTS OF CURRENT PROCUREMENT OF MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1502(b) for procurement for the Marine Corps, as increased by paragraph (1), $1,000,000,000 may be available for the Marine Corps as program manager for the on-going procurement of 7,774 Mine Resistant Ambush Protected Vehicles for the Armed Forces.

(c) HIGHLY SURVIVABLE URBAN VEHICLES.—

(1) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $200,000,000.

(2) AVAILABILITY FOR HIGHLY SURVIVABLE URBAN VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $200,000,000 may be available for the Army Rapid Equipping Forces for the Ballistic Protection Experiment (BPE) program for Highly Survivable Urban Vehicles.

(d) ADDITIONAL VEHICLE-BASED EXPLOSIVELY FORMED PENETRATOR PROTECTION.—

(1) ADDITIONAL AMOUNT FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.—The amount authorized to be appropriated by section 1510 for the Joint Improvised Explosive Device Defeat Fund is hereby increased by $200,000,000.

(2) AVAILABILITY FOR ADDITIONAL VEHICLE-BASED EXPLOSIVELY FORMED PENETRATOR PROTECTION.—Of the amount authorized to be appropriated by section 1510 for the Joint Improvised Explosive Device Defeat Fund, as increased by paragraph (1), $200,000,000 may be available for other initiatives to field vehicle-based explosively formed penetrator protection.

(e) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth such recommendations for legislative or administrative action as the Secretary considers appropriate to accelerate the procurement and deployment of improvised explosive device vehicle protection and explosively former penetrator vehicle protection.

SA 2336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of the bill, add the following:

PART H—FEDERAL SUPPLEMENTAL LOAN PROGRAM

SEC. 499. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499B. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Federal Supplemental Loan Program in accordance with this section.

"(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a loan under this section if such individual attends an institution of higher education on a full-time basis as an undergraduate or graduate student.

"(c) FIXED INTEREST RATE LOANS AND VARIABLE INTEREST RATE LOANS.—

"(1) IN GENERAL.—Beginning with academic year 2008–2009, the Secretary shall make fixed interest rate loans and variable interest rate loans to eligible individuals under this section to enable such individuals to pursue their courses of study at institutions of higher education on a full-time basis.

"(2) FIXED INTEREST RATE LOANS.—With respect to a fixed interest rate loan made under this section, the applicable rate of interest on the principal balance of the loan shall be set by the Secretary at the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

"(3) VARIABLE INTEREST RATE LOANS.—With respect to a variable interest rate loan made under this section, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) a margin determined on an annual basis by the Secretary to result in the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

"(d) MAXIMUM LOAN AMOUNT.—

"(1) IN GENERAL.—The Secretary shall make a loan under this section in any amount up to the maximum amount described in paragraph (2).

"(2) MAXIMUM AMOUNT.—For an eligible individual, the maximum amount shall be calculated by subtracting from the estimated cost of attendance for such individual to attend the institution of higher education, any amount of financial aid awarded to the eligible individual and any loan amount for which the individual is eligible, but does not receive such amount, pursuant to the subsidized loan program established under section 428 and the unsubsidized loan program established under section 428H.

"(e) COSIGNERS.—The Secretary shall offer to eligible individuals both fixed interest rate loans and variable interest rate loans under this section with the option of having a cosigner or not having a cosigner.

"(f) REPAYMENT.—The Secretary shall offer a borrower of a loan made under this section the same repayment plans the Secretary offers under section 455(d) for Federal Direct Loans.

"(g) CONSOLIDATION.—A borrower of a loan made under this section may consolidate such loan with Federal Direct Loans made under part D.

"(h) DISCLOSURES AND COOLING OFF PERIOD.—

"(1) DISCLOSURES.—The Secretary shall provide disclosures to each borrower of a loan made under this section that are not less than as protective as the disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.), including providing a description of the terms, fees, and annual percentage rate with respect to the loan before signing the promissory note.

"(2) COOLING OFF PERIOD.—With respect to loans made under this section, the Secretary shall provide a cooling off period for the borrower of not less than 10 business days during which an individual may rescind consent to borrow funds pursuant to this section.

"(i) DISCRETION TO ALTER.—The Secretary may design or alter the loan program under this section with features similar to those offered by private lenders as part of loans financing postsecondary education.".

SA 2337. Mr. NELSON of Nebraska (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Beginning on page 5, strike line 13 and all that follows through page 27, line 18, and insert the following:

"(A) $1,670,000,000 for fiscal year 2008;
"(B) $2,060,000,000 for fiscal year 2009;
"(C) $2,460,000,000 for fiscal year 2010;
"(D) $2,880,000,000 for fiscal year 2011;
"(E) $2,970,000,000 for fiscal year 2012;
"(F) $360,000,000 for fiscal year 2013;
"(G) $3,080,000,000 for fiscal year 2014;
"(H) $3,140,000,000 for fiscal year 2015;
"(I) $3,190,000,000 for fiscal year 2016; and
"(J) $3,270,000,000 for fiscal year 2017.

"(2) AVAILABILITY OF FUNDS.—Funds appropriated under paragraph (1) for a fiscal year shall remain available through the last day of the fiscal year immediately succeeding the fiscal year for which the funds are appropriated.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

TITLE II—STUDENT LOAN BENEFITS, TERMS, AND CONDITIONS

SEC. 201. DEFERMENTS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking "3 years" and inserting "6 years".

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking "3 years" and inserting "6 years".

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking "3 years" and inserting "6 years".

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking "3 years" and inserting "6 years".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to the loans made to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 202. STUDENT LOAN DEFERMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M)(iii) (20 U.S.C. 1078(b)(1)(M)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking "not in excess of 3 years";

(2) in subclause (II), by striking "; or" and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or".

(b) DIRECT LOANS.—Section 455(f)(2)(C) (20 U.S.C. 1087e(f)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "not in excess of 3 years";

(2) in clause (ii), by striking "; or" and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or".

(c) PERKINS LOANS.—Section 464(c)(2)(A)(iii) (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking "not in excess of 3 years";

(2) in subclause (II), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);".

(d) APPLICABILITY.—Section 8007(f) of the Higher Education Reconciliation Act of 2005 (20 U.S.C. 1078 note) is amended by striking "loans for which" and all that follows through the period at the end and inserting "all loans under title IV of the Higher Education Act of 1965.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 203. INCOME-BASED REPAYMENT PLANS.

(a) FFEL.—Section 428 (as amended by sections 201(b) and 202(a)) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "income contingent" and inserting "income-based"; and

(ii) in subparagraph (E)(i), by striking "income-sensitive" and inserting "income-based"; and

(B) by striking clause (iii) of paragraph (9)(A) and inserting the following:

"(iii) an income-based repayment plan, with parallel terms, conditions, and benefits as the income-based repayment plan described in subsections (e) and (d)(1)(D) of section 455, except that—

"(I) the plan described in this clause shall not be available to a borrower of an excepted PLUS loan (as defined in section 455(e)(10)) or of a loan made under 428C that includes an excepted PLUS loan;

"(II) in lieu of the process of obtaining Federal income tax returns and information from the Internal Revenue Service, as described in section 455(e)(1), the borrower shall provide the lender with a copy of the Federal income tax return and return information for the borrower (and, if applicable, the borrower's spouse) for the purposes described in section 455(e)(1), and the lender shall determine the repayment obligation on the loan, in accordance with the procedures developed by the Secretary;

"(III) in lieu of the requirements of section 455(e)(3), in the case of a borrower who chooses to repay a loan made, insured, or guaranteed under this part pursuant to income-based repayment and for whom the adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, the borrower shall provide the lender with other documentation of income that the Secretary has determined is satisfactory for similar borrowers of loans made under part D;

"(IV) the Secretary shall pay any interest due and not paid for under the repayment schedule described in section 455(e)(4) for a loan made, insured, or guaranteed under this part in the same manner as the Secretary pays any such interest under section 455(e)(6) for a Federal Direct Stafford Loan;

"(V) the Secretary shall assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under this part (other than an excepted PLUS Loan or a loan under section 428C that includes an excepted PLUS loan), for a borrower who satisfies the requirements of subparagraphs (A) and (B) of section 455(e)(7), in the same manner as the Secretary cancels such outstanding balance under section 455(e)(7); and

"(VI) in lieu of the notification requirements under section 455(e)(8), the lender shall notify a borrower of a loan made, insured, or guaranteed under this part who chooses to repay such loan pursuant to income-based repayment of the terms and conditions of such plan, in accordance with the procedures established by the Secretary, including notification that—

"(aa) the borrower shall be responsible for providing the lender with the information necessary for documentation of the borrower's income, including income information for the borrower's spouse (as applicable); and

"(bb) if the borrower considers that special circumstances warrant an adjustment, as described in section 455(e)(8)(B), the borrower may contact the lender, and the lender shall determine whether such adjustment is appropriate, in accordance with the criteria established by the Secretary; and";

(2) in subsection (e)—

(A) in the subsection heading, by striking "INCOME-SENSITIVE" and inserting "INCOME-BASED";

(B) in paragraph (1)—

(i) by striking "income-sensitive repayment" and inserting "income-based repayment"; and

(ii) by inserting "and for the public service loan forgiveness program under section 455(m), in accordance with section 428C(b)(5)" before the semicolon; and

(C) in paragraphs (2) and (3), by striking "income-sensitive" each place the term occurs and inserting "income-based"; and

(3) in subsection (m)—

(A) in the subsection heading, by striking "INCOME CONTINGENT" and inserting "INCOME-BASED";

(B) in paragraph (1), by striking "income contingent repayment plan" and all that follows through the period at the end and inserting "income-based repayment plan as described in subsection (b)(9)(A)(iii) and section 455(d)(1)(D)."; and

(C) in the paragraph heading of paragraph (2), by striking "INCOME CONTINGENT" and inserting "INCOME-BASED".

(b) CONSOLIDATION LOANS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(3)(B)(i)(V), by striking "for the purposes of obtaining an income contingent repayment plan," and inserting "for the purpose of using the public service loan forgiveness program under section 455(m),";

(2) in subsection (b)(5)—

(A) in the first sentence, by striking ", or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender," and inserting ", or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m),"; and

(B) in the second sentence, by striking "income contingent repayment under part D of this title" and inserting "income-based repayment"; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking "of graduated or income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary." and inserting "of graduated repayment schedules, established by the lender in accordance with the regulations of the Secretary, and income-based repayment schedules, established pursuant to regulations by the Secretary."; and

(ii) in the second sentence, by striking "Except as required" and all that follows through "subsection (b)(5)," and inserting "Except as required by such income-based repayment schedules,"; and

(B) in paragraph (3)(B), by striking "income contingent repayment offered by the Secretary under subsection (b)(5)" and inserting "income-based repayment".

(c) DIRECT LOANS.—Section 455 (as amended by sections 201(c) and 202(b)) (20 U.S.C. 1087e) is further amended—

(1) in subsection (d)—

(A) in paragraph (1)(D)—

(i) by striking "income contingent repayment plan" and inserting "income-based repayment plan"; and

(ii) by striking "a Federal Direct PLUS loan" and inserting "an excepted PLUS loan or any Federal Direct Consolidation Loan that includes an excepted PLUS loan (as defined in subsection (e)(10))"; and

(B) in paragraph (5)(B), by striking "income contingent" and inserting "income-based"; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "INCOME CONTINGENT" and inserting "INCOME-BASED";

(B) in paragraphs (1), (2), and (3), by striking "income contingent" each place the term appears and inserting "income-based";

(C) in paragraph (4)—

(i) by striking "Income contingent" and inserting "Income-based"; and

(ii) by striking "Secretary." and inserting "Secretary, except that the monthly required payment under such schedule shall not exceed 15 percent of the result obtained by calculating the amount by which—

"(A) the borrower's adjusted gross income; exceeds

"(B) 150 percent of the poverty line applicable to the borrower's family size, as determined under section 673(2) of the Community Service Block Grant Act,

divided by 12.";

(D) in paragraph (5), by striking "income contingent" and inserting "income-based";

(E) by redesignating paragraph (6) as paragraph (8);

(F) by inserting after paragraph (5) the following:

"(6) TREATMENT OF INTEREST.—In the case of a Federal Direct Stafford Loan, any interest due and not paid for under paragraph (2) shall be paid by the Secretary.

"(7) LOAN FORGIVENESS.—The Secretary shall cancel the obligation to repay an outstanding balance of principal and interest due on all loans made under this part, or assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under part B, (other than an excepted PLUS Loan, or any Federal Direct Consolidation Loan or loan under section 428C that includes an excepted PLUS loan) to a borrower who—

"(A) makes the election under this subsection or under section 428(b)(9)(A)(iii); and

"(B) for a period of time prescribed by the Secretary not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 of the following requirements with respect to each payment made during such period:

"(i) Has made the payment under this subsection or section 428(b)(9)(A)(iii).

"(ii) Has made the payment under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

"(iii) Has made a payment that counted toward the maximum repayment period under income-sensitive repayment under section 428(b)(9)(A)(iii) or income contingent repayment under section 455(d)(1)(D), as each such section was in effect on June 30, 2008.

"(iv) Has made a reduced payment of not less than the amount required under subsection (e), pursuant to a forbearance agreement under section 428(c)(3)(A)(i) for a borrower described in 428(c)(3)(A)(i)(II).";

(G) in the matter preceding subparagraph (A) of paragraph (8) (as redesignated by subparagraph (E)), by striking "income contingent" and inserting "income-based"; and

(H) by adding at the end the following:

"(9) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-based repayment may choose, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.

"(10) DEFINITION OF EXCEPTED PLUS LOAN.—In this subsection, the term 'excepted PLUS loan' means a Federal Direct PLUS loan or a loan under section 428B that is made, insured, or guaranteed on behalf of a dependent student.".

(d) CONFORMING AMENDMENTS AND TECHNICAL CORRECTIONS.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(H) (20 U.S.C. 1077(a)(2)(H))—

(A) by striking "or income-sensitive"; and

(B) by inserting "or income-based repayment schedule established pursuant to regulations by the Secretary" before the semicolon at the end; and

(2) in section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)), by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)".

(e) TRANSITION PROVISION.—A student who, as of June 30, 2008, elects to repay a loan under part B or part D of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) through an income-sensitive repayment plan under section 428(b)(9)(A)(iii) of such Act (20 U.S.C. 1078(b)(9)(A)(iii)) or an income contingent repayment plan under section 455(d)(1)(D) of such Act (20 U.S.C. 1087e(d)(1)(D)) (as each such section was in effect on the day before the date of enactment of this Act) shall have the option to continue repayment under such section (as such section was in effect on such day), or may elect, beginning on July 1, 2008, to use the income-based repayment plan under section 428(b)(9)(A)(iii) or 455(d)(1)(D) (as applicable) of the Higher Education Act of 1965, as amended by this section.

(f) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

TITLE III—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 301. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended—

(1) in the matter preceding clause (i), by striking "insures 98 percent" and inserting "insures 97 percent";

(2) in clause (i), by inserting "and" after the semicolon;

(3) by striking clause (ii); and

(4) by redesignating clause (iii) as clause (ii).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 302. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent'; and

"(II) beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '24 percent'.".

SEC. 303. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007, except that section

428I of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of this Act) shall apply to eligible lenders that received a designation under subsection (a) of such section prior to October 1, 2007, for the remainder of the year for which the designation was made.

SEC. 304. DEFINITIONS.

(a) AMENDMENTS.—Section 435(o)(1) (20 U.S.C. 1085(o)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size"; and

(2) in subparagraph (B)(ii), by striking "to a family of two" and inserting "to the borrower's family size".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply with respect to any borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 305. SPECIAL ALLOWANCES.

(a) REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking "(iii), and (iv)" and inserting "(iii), (iv), and (vi)"; and

(2) by adding at the end the following:

"(vi) REDUCTION FOR LOANS DISBURSED ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

"(I) by substituting '1.39 percent' for '1.74 percent' in clause (ii);

"(II) by substituting '1.99 percent' for '2.34 percent' each place it appears in this subparagraph;

"(III) by substituting '1.99 percent' for '2.64 percent' in clause (iii); and

"(IV) by substituting '2.29 percent' for '2.64 percent' in clause (iv).".

SA 2338. Mr. COLEMAN (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

In section 480(d)(1)(B) of the Higher Education Act of 1965 (as amended by section 604(2) of the Higher Education Access Act of 2007), insert "when the individual was 13 years of age or older" after "or was in foster care".

SA 2339. Mr. CORNYN (for himself and Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998," after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "be available" and all that follows and inserting the following: "be available only to—

"(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

"(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

"(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1999 through 2004" and inserting "1994, 1996 through 1998, 2001 through 2004, and 2006"; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

"(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

"(II) The visas remaining from the total made available under subclause (I) shall be allocated equally among employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).".

(b) H–1B VISA AVAILABILITY.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking "and" at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) 65,000 in each of fiscal years 2004 through 2007;

"(viii) 115,000 in fiscal year 2008; and".

SA 2340. Ms. COLLINS (for herself, Mr. KYL, Mr. LIEBERMAN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term "authorized official" means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term "covered activity" means any suspicious transaction, activity, or occurrence indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) that involves, or is directed against, a mass transportation system or vehicle or its passengers.

(3) MASS TRANSPORTATION.—The term "mass transportation"—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term "mass transportation system" means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term "vehicle" has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

SA 2341. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

SA 2342. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _. ADJUSTMENTS TO INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) ALLOWANCE OF DEDUCTION FOR PERSONAL EXEMPTIONS AGAINST INDIVIDUAL ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(b)(1)(E) of the Internal Revenue Code of 1986 (relating to standard deduction and deduction for personal exemptions) is amended by striking ", the deduction for personal exemptions under section 151, and the deduction under section 642(b)".

(2) CLERICAL AMENDMENT.—The heading for section 56(b)(1)(E) is amended by striking "AND DEDUCTION FOR PERSONAL EXEMPTIONS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2006.

(b) ADJUSTMENT FOR INFLATION OF INDIVIDUAL ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—Section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following new paragraph:

"(4) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2007, each of the dollar amounts in paragraphs (1) and (3) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.".

SA 2343. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

In the appropriate place insert the following:

SEC. ____. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States including laws related to Visa overstay in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ____. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

(d)

SA 2344. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the end, add the following:

TITLE IX—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

SEC. 901. SHORT TITLE.

This title may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 902. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3001. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

"(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20

U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

"(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

"(B) subject to the availability of appropriations.

"(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SA 2345. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—DREAM ACT OF 2007

SEC. 501. SHORT TITLE.

This title may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. 502. DEFINITIONS.

In this title:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 503. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 504. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 505, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 505. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 506, an alien whose status has been adjusted under section 504 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 504(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 504(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 506. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 504(a)(1) and section 505(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 504. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 505(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 505(d)(1) during the entire period of conditional residence.

SEC. 507. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 504(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 508. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 509. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 510. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 511. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 512. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 504(a);

(2) the number of aliens who applied for adjustment of status under section 504(a);

(3) the number of aliens who were granted adjustment of status under section 504(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 505.

SA 2346. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of title VIII of the Higher Education Access Act of 2007, insert the following:

SEC. 802. COLLEGE TEXTBOOK AVAILABILITY.

(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, and publishers on all aspects of the selection, purchase, sale, and use of the course materials. It is the intent of this section to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to provide high quality course materials for students.

(b) DEFINITIONS.—In this section:

(1) COLLEGE TEXTBOOK.—The term "college textbook" means a textbook, or a set of textbooks, used for a course in postsecondary education at an institution of higher education.

(2) COURSE SCHEDULE.—The term "course schedule" means a listing of the courses or classes offered by an institution of higher education for an academic period.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) PUBLISHER.—The term "publisher" means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

(5) SUPPLEMENTAL MATERIAL.—The term "supplemental material" means educational material published or produced to accompany a college textbook.

(c) PUBLISHER REQUIREMENTS.—

(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member of an institution of higher education with information regarding a college textbook or supplemental material available in the subject area in which the faculty member teaches, the publisher shall include, with any such information and in writing, the following:

(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(B) Any history of revisions for the college textbook or supplemental material.

(C) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(2) UNBUNDLING OF SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundled item shall also sell the college textbook and each supplemental material as separate and unbundled items.

(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—

(1) INTERNET COURSE SCHEDULES.—Each institution of higher education that receives Federal assistance and that publishes the institution's course schedule for the subsequent academic period on the Internet shall—

(A) include in the course schedule, for each college textbook or supplemental material required or recommended for a course or class listed on the course schedule—

(i) the International Standard Book Number (ISBN) for the college textbook or supplemental material; or

(ii) the title and author of the college textbook or supplemental material; and

(B) update the information required under subparagraph (A) as necessary.

(2) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that receives Federal assistance and that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under paragraph (1)(A) in any printed version of the institution's course schedule and shall provide students with updates to such information as necessary.

(e) AVAILABILITY OF INFORMATION FOR COLLEGE TEXTBOOK SELLERS.—An institution of higher education that receives Federal assistance shall make available, as soon as is practicable, upon the request of any seller of college textbooks (other than a publisher) that meets the requirements established by the institution, the most accurate information available regarding—

(1) the institution's course schedule for the subsequent academic period; and

(2) for each course or class offered by the institution for the subsequent academic period—

(A) for each college textbook or supplemental material required or recommended for such course or class—

(i) the International Standard Book Number (ISBN) for the college textbook or supplemental material; or

(ii) the title and author of the college textbook or supplemental material;

(B) the number of students enrolled in such course or class; and

(C) the maximum student enrollment for such course or class.

SA 2347. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCHARGE IN BANKRUPTCY FOR CERTAIN STUDENT LOANS.

(a) IN GENERAL.—Section 523(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend; or"; and

(2) in subparagraph (B), by inserting before the semicolon at the end ", unless such qualified educational loan first became due more than 5 years, excluding any deferment of the repayment period while the borrower is attending an institution of higher education, as that term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), before the date of the filing of the petition".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only with respect to obligations described in section 523(a)(8) of title 11, United States Code, as amended by this section, that are entered into on or after the date of enactment of this Act.

SA 2348. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2339 submitted by Mr. CORNYN (for himself, Mr. ENZI, Mr. GREGG, Mr. SMITH, Mr. SUNUNU, Mr. COLEMAN, and Mr. VOINOVICH) to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—IMMIGRATION FRAUD PREVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the "H-1B and L-1 Visa Fraud and Abuse Prevention Act of 2007".

SEC. 502. H-1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H-1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking "In the case of" and all that follows through "where—" and inserting the following: "The employer will not place the nonimmigrant with another employer if—"; and

(iii) in subparagraph (G), by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(B) in paragraph (2)—

(i) in subparagraph (E), by striking "If an H-1B-dependent employer" and inserting "If an employer that employs H-1B nonimmigrants"; and

(ii) in subparagraph (F), by striking "The preceding sentence shall apply to an employer regardless of whether or not the employer is an H-1B-dependent employer."; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days";

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided";

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

"(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and".

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

"(i) on a website maintained by the Department of Labor, which website shall be searchable by—

"(I) the name, city, State, and zip code of the employer;

"(II) the date on which the job is expected to begin;

"(III) the title and description of the job; and

"(IV) the State and city (or county) at which the work will be performed; and

"(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

"(B) Each available job advertised on the list shall include—

"(i) the employer's full legal name;

"(ii) the address of the employer's principal place of business;

"(iii) the employer's city, State and zip code;

"(iv) the employer's Federal Employer Identification Number;

"(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

"(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

"(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

"(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

"(ix) a statement of the expected hours per week that the job will require;

"(x) the date on which the job is expected to begin;

"(xi) the date on which the job is expected to end, if applicable;

"(xii) the number of persons expected to be employed for the job;

"(xiii) the job title;

"(xiv) the job description;

"(xv) the city and State of the physical location at which the work will be performed; and

"(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

"(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

"(D) The Secretary may promulgate rules, after notice and a period for comment—

"(i) to carry out the requirements of this paragraph; and

"(ii) that require employers to provide other information in order to advertise available jobs on the list.".

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H-1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H-1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H-1B nonimmigrants; or

"(II) persons who are or who may become H-1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H-1B nonimmigrants to fill the job or jobs."; and

(2) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.".

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

"(A) The employer—

"(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(II) the median average wage for all workers in the occupational classification in the area of employment; or

"(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed."; and

(B) in subparagraph (D), by inserting "the wage determination methodology used under subparagraph (A)(i)," after "shall contain".

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

"(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. 503. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 502(d)(2), is amended—

(1) by inserting "and through the Department of Labor's website, without charge." after "D.C.";

(2) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(3) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(4) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(5) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking "12 months" and inserting "24 months"; and

(B) by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months" and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.".

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(I) by adding at the end the following:

"(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C)."; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.".

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.".

SEC. 504. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case of an alien spouse admitted under section 101(a)(15)(L), who" and inserting "Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.".

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

"(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).".

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.".

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

"(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

"(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

"(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

"(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

"(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

"(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).".

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

"(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).".

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting "(L)," after "(H),".

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

"(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

"(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

"(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

"(II) the employer shall be liable to employees harmed for lost wages and benefits.".

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(bb) the median average wage for all workers in the occupational classification in the area of employment; or

"(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L-1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 505. WHISTLEBLOWER PROTECTIONS.

(a) H-1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

(b) L-1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 504, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) a current employee;

"(II) a former employee; and

"(III) an applicant for employment.".

SEC. 506. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H-1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 2349. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of title III of the Higher Education Access Act of 2007, add the following:

SEC. 3____. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

(a) IN GENERAL.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following:

"SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

"(b) DEFINITIONS.—In this section:

"(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

"(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

"(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

"(C) is continually licensed to practice law.

"(2) STUDENT LOAN.—The term 'student loan' means—

"(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

"(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

"(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

"(ii) a loan made under section 428, 428B, or 428H; or

"(iii) a loan made under part E.

"(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a civil legal assistance attorney; and

"(2) is not in default on a loan for which the borrower seeks repayment.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

"(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

"(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

"(i) $6,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $40,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

"(B) received repayment benefits under this section during the preceding fiscal year; and

"(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SA 2350. Mrs. DOLE (for herself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(A) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(B) by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.".

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(B) The table of contents of the Help America Vote Act of 2002 is amended—

(i) by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively; and

(ii) by inserting after the item relating to section 303 the following new item:

"Sec. 304. Identification of voters at the polls.".

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements under section 304.

"(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements under section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements under such section.

"(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements under section 304.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as may be necessary for the purpose of making payments under section 297.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

"PART 7—PHOTO IDENTIFICATION

"Sec. 297. Payments for free photo identification.

"Sec. 298. Authorization of appropriations.".

SA 2351. Mr. MCCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON THE DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) During the War on Terror, senior members of al Qaeda have been captured by the United States military and intelligence personnel and their allies.

(2) Many such senior members of al Qaeda have since been transferred to the detention facility at Guantanamo Bay, Cuba.

(3) These senior al Qaeda members detained at Guantanamo Bay include Khalid Sheikh Mohammed, who was the mastermind behind the terrorist attacks of September 11, 2001, which killed approximately 3,000 innocent people.

(4) These senior al Qaeda members detained at Guantanamo Bay also include Majid Khan, who was tasked to develop plans to poison water reservoirs inside the United States, was responsible for conducting a study on the feasibility of a potential gas station bombing campaign inside the United States, and was integral in recommending Iyman Farris, who plotted to destroy the Brooklyn Bridge, to be an operative for al Qaeda inside the United States.

(5) These senior al Qaeda members detained at Guantanamo Bay also include Abd al-Rahim al-Nashiri, who was an al Qaeda operations chief for the Arabian Peninsula and who, at the request of Osama bin Laden, orchestrated the attack on the U.S.S. Cole, which killed 17 United States sailors.

(6) These senior al Qaeda members detained at Guantanamo Bay also include Ahmed Khalfan Ghailani, who played a major role in the East African Embassy Bombings, which killed more than 250 people.

(7) The Department of Defense has estimated that of the approximately 415 detainees who have been released or transferred from the detention facility at Guantanamo Bay, at least 29 have subsequently taken up arms against the United States and its allies.

(8) Osama bin Laden, the leader of al Qaeda, said in his 1998 fatwa against the United States, that "[t]he ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it".

(9) In the same fatwa, bin Laden said, "[w]e—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it".

(10) It is safer for American citizens if captured members of al Qaeda and other terrorist organizations are not housed on American soil where they could more easily carry out their mission to kill innocent civilians.

(b) SENSE OF SENATE.—It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

SA 2352. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

TITLE ___—SECRET BALLOT PROTECTION

SEC. _01. SHORT TITLE.

This title may be cited as the "Secret Ballot Protection Act of 2007".

SEC. _02. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. _03. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: "or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking "Representatives" and inserting "(1) Representatives";

(2) by inserting after "designated or selected" the following: "by a secret ballot election conducted by the National Labor Relations Board in accordance with this section"; and

(3) by adding at the end the following:

"(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2007.".

SEC. _04. REGULATIONS AND AUTHORITY.

(a) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this title.

(b) AUTHORITY.—Nothing in this title (or the amendments made by this title) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

SA 2353. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2007, shall be zero.".

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) TAXABLE YEARS BEGINNING AFTER 2007.—In the case of any taxable year beginning after 2007, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 2354. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of title VIII of the Higher Education Access Act of 2007, add the following:

SEC. 802. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (26 U.S.C. 1 note) (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303 (relating to marriage penalty relief) of such Act (26 U.S.C. 1 note, 32) .

SA 2355. Mr. ENSIGN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the enactment of the Higher Education Access Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Higher Education Access Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

SA 2356. Mr. SALAZAR proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place insert the following:

Since I. Lewis "Scooter" Libby previously served as Chief of Staff to Vice President Dick Cheney;

Since Mr. Libby was convicted in Federal court of perjury and obstruction of justice in connection with efforts by the Bush White House to conceal the fact that Administration officials leaked the name of a covert CIA agent in order to discredit her husband, a critic of the Iraq War;

Since U.S. District Court Judge Reggie Walton sentenced Mr. Libby to 30 months in prison to reflect the seriousness of the offense, the sensitivity of the national security information involved in Libby's crime, and the abuse of Mr. Libby's position of trust in the United States government;

Since President Bush chose to commute Mr. Libby's prison sentence in its entirety, thereby entitling Libby to evade serious punishment for his criminal conduct;

Since President Bush has refused to rule out the possibility that he will eventually issue a full pardon to Mr. Libby with respect to his criminal conviction;

Now therefore be it determined, that it is the Sense of the Senate that President Bush should not issue a pardon to I. Lewis "Scooter" Libby.

SA 2357. Mr. MCCONNELL proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Deploring the actions of former President William Jefferson Clinton regarding his granting of clemency to terrorists, to family members, donors, and individuals represented by family members, to public officials of his own political party, and to officials who violated laws protecting United States intelligence, and concluding that such actions by former President Clinton were inappropriate.

Since the Armed Forces of National Liberation (the FALN) is a terrorist organization that claims responsibility for the bombings of approximately 130 civilian, political, and military sites throughout the United States, and whereas, on August 11, 1999, President Clinton commuted the sentences of 16 terrorists, all of whom were members of the FALN, and whereas this action was taken counter to the recommendation of the Federal Bureau of Investigation, the Federal Bureau of Prisons, and 2 United States Attorneys;

Since, on January 20, 2001, former President Clinton commuted the sentence of Susan L. Rosenberg, a former member of the Weather Underground Organization terrorist group whose mission included the violent overthrow of the United States Government, who was charged in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton commuted the sentence of Linda Sue Evans, a former member of the Weather Underground Organization terrorist group, who made false statements and used false identification to illegally purchase firearms that were then used by Susan L. Rosenberg in a robbery that left a security guard and 2 police officers dead;

Since, on January 20, 2001, former President Clinton pardoned Patricia Hearst Shaw, a former member of the Symbionese Liberation Army, a domestic terrorist group which also advocated the violent overthrow of the United States, and that carried out violent attacks in the United States;

Since, on January 20, 2001, former President Clinton pardoned his half-brother Roger Clinton, who had been convicted of conspiracy to distribute cocaine and of distribution of cocaine;

Since, on March 15, 2000, former President Clinton pardoned Edgar and Vonna Jo Gregory, who had been convicted of conspiracy to willfully misapply bank funds and to make false statements and who, according to news reports, were represented by the former President's brother-in-law, Tony Rodham;

Since, on January 20, 2001, former President Clinton commuted the sentence of Carlos Vignali, a convicted cocaine trafficker who, according to news reports, was represented by the former President's brother-in-law, Hugh Rodham;

Since, on January 20, 2001, former President Clinton pardoned Almon Glenn Braswell, an individual convicted of money laundering and tax evasion, who according to news reports, was represented by former President's brother-in-law, Hugh Rodham;

Since, on December 22, 2000, former President Clinton pardoned former Democratic Representative Dan Rostenkowski, who had been convicted of mail fraud;

Since, on January 20, 2001, former President Clinton commuted the sentence of convicted sex offender and former Democratic Representative Mel Reynolds, who had been found guilty of bank fraud, wire fraud, making false statements to a financial institution, conspiracy to defraud the Federal Elections Commission, and making false statements to a Federal official;

Since, on January 20, 2001, former President Clinton pardoned his former Secretary of Housing and Urban Development Henry Cisneros, who had been convicted of making false statements about payments to his mistress;

Since, on January 20, 2001, former President Clinton pardoned Susan McDougal, who had been a key figure in the Whitewater investigation and who had been convicted of aiding and abetting, in making false statements, and who refused to testify against the former President in the investigation;

Since, on January 20, 2001, former President Clinton pardoned Christopher Wade, who was a real estate salesman involved in the Whitewater matter;

Since, on January 20, 2001, former President Clinton pardoned his former Director of Central Intelligence John Deutch for his mishandling of national security secrets; and

Since, on January 20, 2001, former President Clinton pardoned Samuel Loring Morison, a former Navy intelligence analyst who was convicted on espionage charges: Now, therefore, be it determined that it is the sense of the Senate that

(1) former President Clinton's granting of clemency to 16 FALN terrorists, 2 former members of the Weather Underground Organization, and a former member of the Symbionese Liberation Army was inappropriate;

(2) former President Clinton's granting of clemency to individuals either in his family or represented by family members was inappropriate;

(3) former President Clinton's granting of clemency to public figures from his own political party was inappropriate;

(4) former President Clinton's pardons of individuals involved with the Whitewater investigation, a matter in which the former First Family was centrally involved, was inappropriate; and

(5) former President Clinton's pardons of individuals who have jeopardized intelligence gathering and operations was inappropriate.

SA 2358. Ms. STABENOW proposed an amendment to amendment SA 2355 proposed by Mr. ENSIGN to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after line 1, page 1 and insert the following:

SEC. ____. PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS AND PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) PROHIBITION ON ILLEGAL ALIENS QUALIFYING FOR SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Nothing in this Act, or the amendments made by this Act, shall be construed to modify any provision of current law that prohibits illegal aliens from qualifying for Social Security benefits.

(2) ENFORCEMENT.—The Attorney General shall ensure that the prohibition on the receipt of Social Security by illegal aliens is strictly enforced.

(b) PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.—

(1) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following new subsections:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of this Act, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a United States citizen if the Commissioner of Social Security determines, on the basis of information provided to the

Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of this Act the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of cover under subsection, (d), however, this provision shall not be construed to establish an effective date for purposes of this section.".

(2) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended —

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "and"; and

(C) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of this Act, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as of the date of enactment of this Act.

SA 2359. Mr. COLEMAN proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the end, add the following:

SEC. _____. INNOCENT CHILD PROTECTION.

(a) IN GENERAL.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States, to carry out a sentence of death on a woman while she carries a child in utero.

(b) DEFINITION.—In this section, the term "child in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

SA 2360. Mr. GRAHAM proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike section 701 of the Higher Education Access Act of 2007, relating to student eligibility.

SA 2361. Mr. SCHUMER proposed an amendment to amendment SA 2341 submitted by Mr. SUNUNU to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

In the amendment strike all after the first word and insert the following:

It is the sense of the Senate that Congress should provide tax relief to help families afford the cost of higher education, including making tuition deductible against taxes, and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a "blue slip" by the House.

SA 2362. Mr. DEMINT proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).".

SA 2363. Ms. LANDRIEU proposed an amendment to amendment SA 2362 proposed by Mr. DEMINT to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after the first word and insert:

It is the sense of the Senate that Congress should permanently extend the adoption tax credit and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a "blue slip" by the House.

SA 2364. Mr. KERRY proposed an amendment to amendment SA 2353 submitted by Mr. KYL to the amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after the first word and insert:

It is the sense of the Senate that Congress should provide relief from the Alternative Minimum Tax to prevent the expansion of the AMT to nearly 23 million taxpayers in 2007 and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors; and that such relief should be provided on an appropriate legislative vehicle that won't jeopardize legislation providing greater access and affordability to higher education for millions of students by subjecting the bill to a "blue slip" by the House.

NOTICE OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on August 2, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to, rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on July 26, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2007, at 9:30 a.m., to conduct a vote on the nominations of the Honorable Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation; Mr. William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation. Immediately following the vote, the Committee will conduct a hearing on "The Semiannual Monetary Policy Report to the Congress."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2007, immediately following the first rollcall vote at 12 p.m., to conduct a vote on the nominations of the Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation; Mr. William S. Jaisen, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Thursday, July 19, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following bills: S. 1492, S. 1769, S. 1780, S. 1582, S. 1771, S. 1778, and to consider nominations for promotion in the United States Coast Guard (PN 609 and PN 610).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, July 19, 2007, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 1634, a bill to implement further the act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 19, 2007, at 2:15 p.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Aviation Financing: Industry Perspectives."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 19, 2007, at 10:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 19, 2007, at 10:30 a.m. in order to conduct a hearing entitled "The Military's Role in Disaster Response: Progress Since Hurricane Katrina."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 19, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by a hearing on discussion draft legislation to amend and reauthorize the Native American Housing Assistance and Self-Determination Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 19, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Bills: S. 1145, Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse), S. __, School Safety and Law Enforcement Improvements Act (Chairman's mark); S. 1060, Recidivism Reduction & Second Chance Act of 2007 (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin).

II. Nominations: William Lindsay Osteen, Jr. to be United States District Judge for the Middle District of North Carolina; Martin Karl Reidinger to be United States District Judge for the Western District of North Carolina; Timothy D. DeGiusti to be United States District Judge for the Western District of Oklahoma; Janis Lynn Sammartino to be United States District Judge for the Southern District of California; Roslynn Renee Mauskopf to be United States District Judge for the Eastern District of New York; Joe W. Stecher to be United States Attorney for the District of Nebraska; and Rosa Emilia Rodriguez-Velez to be United States Attorney for the District of Puerto Rico.

III. Resolutions: S. Res. 248, Honoring the life and achievements of Dame Lois Browne Evans (Brown); S. Res. 236, Supporting the goals and ideals of the National Anthem Project (Bayh, Craig, Kennedy, Cardin, Durbin); S. Res. 261, Honoring the educational contributions of Donald Jeffrey Herbert, "Mr. Wizard" (Coleman, Klobuchar, Feingold, Durbin).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Judicial Nominations" on

Thursday, July 19, 2007, at 2:45 p.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Thad Cochran, United States Senator [R-MS]; The Honorable Trent Lott, United States Senator [R-MS]; The Honorable Patty Murray, United States Senator [D-WA]; The Honorable Kay Bailey Hutchison, United States Senator [R-TX]; and The Honorable John Cornyn, United States Senator [R-TX].

Panel II: Jennifer Walker Elrod to be United States Circuit Judge for the Fifth Circuit.

Panel III: Richard A. Jones to be United States District Judge for the Western District of Washington; Sharion Aycock to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, July 19, 2007, at 2:30 p.m. in order to conduct a hearing entitled, Great Expectations: Assessment, Assurances, and Accountability of the Mayor's Proposal to Reform the District of Columbia Public School System.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Daniel Valenti, Allie Weeda, Rebecca Anderson, and Robyn Chavez be granted the privilege of the floor for the pendency of H.R. 2669, the Higher Education Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, on behalf of myself, I ask unanimous consent that Kristin Anderson and Evan Jurkovich of my staff be granted the privilege of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2638

Mr. REID. Madam President, I ask unanimous consent that on Tuesday, July 24, upon the disposition of S. 1642, the Senate proceed to the consideration of H.R. 2638, the Homeland Security Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 980

Mr. REID. Madam President, I understand that H.R. 980 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

> A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Mr. REID. Madam President, I ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84 and Public Law 106-292, appoints the following Senators to the United States Holocaust Memorial Council for the 110th Congress: The Honorable RUSSELL D. FEINGOLD of Wisconsin (reappointment); The Honorable FRANK R. LAUTENBERG of New Jersey (reappointment); and The Honorable BERNARD SANDERS of Vermont (reappointment).

ORDERS FOR FRIDAY, JULY 20, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Friday, July 20; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders reserved for their use later in the day; and there then be a period of morning business, with Senators permitted to speak therein for up to 15 minutes each; that during morning business, Senator DORGAN be recognized for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION TO JOURNAL OF PROCEEDINGS

Mr. REID. Madam President, I ask unanimous consent that the Journal of proceedings be corrected to conform to the earlier agreement to vitiate the vote relative to amendment No. 2356.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO FRIDAY, JULY 20, 2007, AT 10 A.M.

Mr. REID. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:52 a.m., adjourned until, Friday, July 20, 2007, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate July 19, 2007:

DEPARTMENT OF STATE

DAVID T. JOHNSON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE ANNE W. PATTERSON.

HOUSE OF REPRESENTATIVES—*Thursday, July 19, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIRES).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 19, 2007.

I hereby appoint the Honorable ALBIO SIRES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, who breathes forth Your Spirit upon this world for another day, grant us true faith—a faith vision which will hold Congress and the people of this Nation together in troublesome times and through fashionable change.

Strengthen us in optimistic hope, as once again we place our trust in You.

Renew us in steadfast love as we would be loved; for lasting values and lasting virtue rest on these three: faith, hope, and love. The greatest of these is love. For this is Your Holy Name, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Kentucky led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 966) "An Act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.".

The message also announced that pursuant to Public Law 96-114, as amended, the Chair, on behalf of the Republican Leader, appoints the following individual to the Congressional Award Board:

Adam Ruiz of Kentucky.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

NATIONAL INTELLIGENCE ESTIMATE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, one of President Bush's most used justification for the war in Iraq has been that it is central to winning the war on terror, but the National Intelligence Estimate tells a completely different story.

Al Qaeda has only gained strength since the United States invasion of Iraq in March of 2003, and al Qaeda has regenerated in Pakistan along its border with Afghanistan, a reality that may have something to do with the fact that the great majority of our troops and resources are fighting an ill-conceived war in Iraq instead of finishing the job we started in Afghanistan.

The sad truth is that when our Nation undertook Operation Enduring Freedom after the horrific attacks of 9/11, we had al Qaeda on the run. We had them on the verge of being dismantled.

President Bush decided to alter our mission at a critical time and send our brave men and women to Iraq that had nothing to do with 9/11, to fight a war that has been a detriment to the war on terror.

President Bush had al Qaeda on the ropes. He threw them a life preserver. They were weak, and today they're stronger, according to the report.

So to President Bush, my colleagues on the other side of the aisle who want to stay the course, I simply ask why? Why would we want to continue a war that the American people want to end?

THE TERRORISTS DO NOT WANT PEACE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the terrorists we face today are the same enemies that bombed our Marines in Beirut, Lebanon, bombed the World Trade Centers in 1993, attacked Khobar Towers in 1996, bombed our embassy in Africa in 1997. This enemy values death over life and seeks not to negotiate but to war against us.

These fanatics, in the name of religion, with a doctrine of hate, preach death to the United States.

On September 11, the terrorists brought the fight to us. Now Iraq is the centerpiece of the war on terror, and so is Afghanistan. We cannot give ground to this homicidal enemy because this will only encourage more attacks. The resulting consequences are disaster, destruction and defeat.

Today we find ourselves in a global struggle. We have been attacked over and over again by these radicals.

War, no one wants war. But war will not end just because we quit, nor because we are weary of war, nor because we desire peace. The enemy will continue this war against us, whether we are in the fight or not. They do not want peace. There can be no peace until we stop them.

And that's just the way it is.

TRI-CAUCUS HEALTH DISPARITIES SUMMIT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise to discuss the Fifth Annual Congressional Tri-Caucus Minority Health Summit which will be held this weekend in San Diego.

Hosted by the Community Clinic Association of Los Angeles County, the event is an opportunity for Members of Congress to learn from health experts, grass roots advocates and innovative solutions and address health disparities in communities of color.

I'm proud that 11 Members from the Congressional Hispanic Caucus, the Black Caucus and Asian Caucus will join me and health advocates in San Diego. We're prepared to discuss issues such as expanding the SCHIP program, HIV and AIDS, homelessness, foster care, border health and veterans care, along with that discussing chronic illnesses that face many communities of

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

color that are low income and disadvantaged

That's why my Tri-Caucus colleagues and I recently introduced H.R. 3014, the Health Equity and Accountability Act, a comprehensive bipartisan legislation which addresses health care disparities.

As Chair of the Hispanic Caucus Task Force on Health and the Environment, I look forward to this event and bringing a new direction to this Congress.

HOSPITAL INFECTION RATES

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, here are some grim statistics.

As of today, 1,095,890 cases, 49,320 deaths, and a cost of $27,397,260,282. This is not a war. These are infections that people pick up in hospitals, and these are based upon CDC estimates of 90,000 deaths per year. But a more recent study came from the Association for Professionals in Infection Control, say the numbers can be as high as 119,000 deaths and 12 million cases per year.

When will we start acting to make sure that we have all hospitals act, as so many have done, to eliminate infections from hospitals?

I ask my colleagues to cosponsor and to help pass H.R. 1174, the Healthy Hospitals Act. It is time we stop wasting health care dollars, health insurance dollars and wasting lives and start saving lives in hospitals the way so many hospitals have been able to do. Please, let's get moving to make our hospitals healthier.

CARBON MONOXIDE IN MEAT

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, carbon monoxide added to meat packaging is deceptive for consumers. Blasting meat with carbon monoxide makes spoiled meat appear to be red, wholesome, healthy when its really dangerous to eat.

Although it is well known that consumers rely heavily on color to evaluate the freshness of meat, the FDA has not required the use of carbon monoxide in the packaging of meat to be labeled.

Consumers, therefore, have no way of knowing whether the meat has been treated, and they can no longer rely on color to judge the freshness and safety of treated meat.

Here's meat we left out for 27 hours. The top's been treated with carbon monoxide, the bottom has not. The bottom is brown and nasty. The top looks fresh and wholesome. Eat either one of these packages of meat and you'll become very ill.

For this reason, I will today introduce the Carbon Monoxide Treated Foods Safe Handling, Labeling and Consumer Protection Act. This legislation is needed to help prevent consumer deception and serious risk to our public health.

Given the recent events that have highlighted food safety risks to public health, the Carbon Monoxide Treated Meat Safe Handling, Labeling and Consumer Protection Act takes the important step in helping inform and empower consumers to ensure their food is safe and wholesome.

ANOTHER EXAMPLE OF FEDERAL BUREAUCRACY AND WASTE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, we hear and read about so many examples of waste by the Federal bureaucracy that almost nothing shocks or surprises us anymore. However, the Washington Post reported yesterday on a really ridiculous waste of money.

The Federal Emergency Management Agency paid $24 million for 112,000 tons of ice after Hurricane Katrina. 42,000 tons were stored for future use, and FEMA paid $12.5 million in storage fees. Now, all this unused ice is going to be thrown away. But here is the really ridiculous part.

FEMA is going to pay $3.4 million, $3,400,000 to melt the ice. It's over 90 degrees outside. The Department of Homeland Security, of which FEMA is a part, has 171,000 employees. A first-grader could melt ice. But the Federal Government is going to pay $3,400,000 to have it done.

No wonder the Federal Government is almost $9 trillion in debt. If we ever created a Hall of Fame of government waste, FEMA should be the first admission.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS BILL

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today in full support of H.R. 3043, the Labor, Health and Human Services and Education Appropriations bill for fiscal year 2008. By bringing this bill to the House floor, we demonstrate again the hard work of the Democratic majority to reverse the trend of critical cuts to programs that improve the lives of all Americans.

The bill includes an additional $750 million for the National Institutes of Health, another $400 million for the Social Security Administration to address the backlog of disability cases and reviews and, most dramatically, $2 billion additionally to improve the requirements of No Child Left Behind.

Additionally, Head Start will get $75 million in additional funding under this bill. But when you look at it, in real dollar terms, that's actually a decrease. Head Start is widely recognized as one of our most productive education programs. For every dollar that we spend on Head Start we bring in $9 in future benefits in taxes. So the benefits of Head Start do not end just with the preparation for school.

And I understand there are budgetary constraints but, Mr. Speaker, I hope that in the conference committee we can actually put real money into Head Start.

THE CAPTURE OF MASHHADANI

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to our troops for capturing the highest ranking Iraqi in al Qaeda's leadership. Mashhadani, known to be the most senior Iraqi in al Qaeda leadership, operated as chief communicator between his terrorists and senior al Qaeda leaders, including bin Laden and Zawahiri.

This arrest further confirms the connection between al Qaeda and Iraq and the global terrorism network. I believe this news is significant in proving that the al Qaeda our troops are fighting in Iraq is inseparable in the front on the global war on terrorism.

Our troops are fighting to protect American families. Stopping the terrorists in Iraq, which Zawahiri and bin Laden have identified as the central front in the global war on terrorism, is vital to this effort. Our troops' courageous efforts in Iraq are working, and we must support our brave men and women in uniform to defeat this enemy who promotes mass murder.

In conclusion, God bless our troops, and we will never forget September the 11th.

COMMEMORATING CJ MARTIN'S BIRTHDAY AND IN SUPPORT OF CJ'S HOME PROTECTION ACT

(Mr. ELLSWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLSWORTH. Mr. Speaker, I rise today to commemorate the birthday of CJ Martin. I say commemorate because he would celebrate his fourth birthday tomorrow. Instead, CJ was taken from his family and our community by a killer F-3 tornado that struck his great grandmother's home in Eastbrook manufactured housing community.

CJ and the other 24 victims might have been saved had they only had a warning that they needed to protect themselves.

Mr. Speaker, I was the sheriff of Vanderburgh County when this tornado hit. I saw firsthand the devastation that it caused and what severe weather can bring to the families and the communities that they touch. That experience resulted in my introduction of CJ's Home Protection Act, H.R. 2787.

The bill simply requires manufactured homes to come equipped with life-saving NOAA weather radios. Like a smoke detector, these inexpensive devices can provide families with the warning they need to take action and protect themselves.

Today, as we remember CJ's birthday, I encourage my colleagues to honor his life by cosponsoring this important public safety measure.

☐ 1015

BOYD AND OLDHAM COUNTY NAMED SCHOOLS TO WATCH

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the academic achievements of two schools in Kentucky's Fourth District. Boyd County Middle School in Ashland and North Oldham Middle School in Goshen were recently recognized by the National Forum to Accelerate Middle-Grades Reform as "Schools to Watch."

The National Forum selected 59 schools nationwide to receive this prestigious honor. Schools were chosen based on three criteria: academic excellence, responsiveness to the needs and interests of young adolescents, and commitment to helping all students achieve at a high level.

Recently, I had the opportunity to meet with educators from these schools during their visit to Washington, DC. I was impressed by the commitment of these educators. And though they face innumerable challenges in their classrooms, they are dedicated to providing each student with the highest quality education possible. I am proud to know that these exceptional teachers are educating future generations of Kentuckians. I applaud their hard work and thank them for their leadership, enthusiasm, and dedication.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1145

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COHEN) at 11 o'clock and 45 minutes a.m.

REPORT ON H.R. 3093, DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008

Mr. MOLLOHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–240) on the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RECOGNIZING THE MARINES OF COMPANY M ON THEIR 25TH ANNUAL REUNION

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 541) recognizing the Marines of Company M (or "Mike Company") of the 3rd Battalion, 7th Regiment, 1st Marine Division on the occasion of their 25th Annual Reunion, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 541

Whereas the Marines of Company M (or "Mike Company") of the 3rd Battalion, 7th Regiment, 1st Marine Division served honorably and heroically in the Republic of Vietnam from July 1965 to October 1970 in defense of freedom, liberty, and political self-determination for the South Vietnamese people;

Whereas, during this period of more than five years, 137 Marines of Mike Company were killed in action and more than 1,000 were wounded in action;

Whereas, in recognition of its outstanding service, numerous unit awards were bestowed upon Mike Company, including—

(1) Presidential Unit Citation Streamer with two Bronze Stars;

(2) Navy Unit Commendation Streamer;

(3) Meritorious Unit Commendation Streamer with two Bronze Stars;

(4) National Defense Service Streamer;

(5) Vietnam Service Streamer with two Silver Stars and three Bronze Stars;

(6) Vietnam Cross of Gallantry with Palm Streamer; and

(7) Vietnam Meritorious Unit Citation Civil Actions Streamer;

Whereas the Marines of Mike Company have formed the Mike 3/7 Vietnam Association to honor the memories of their fallen comrades, celebrate the lives of their surviving comrades, express profound appreciation to their families and loved ones, recognize their monumental sacrifices and achievements, and immortalize their contribution to the Marine Corps legacy of courage, patriotism, and military excellence for the edification of, and emulation by, future generations;

Whereas, in pursuit of this goal, the Marines of Mike Company, along with their families, friends, and loved ones, decided to hold an annual reunion, with the first reunion having taken place on November 10, 1983, the 208th birthday of the Marine Corps; and

Whereas Americans owe a debt of gratitude to the Marines of Mike Company for their selfless dedication to duty and their admirable display of courage under fire: Now, therefore, be it

Resolved, That the House of Representatives, on behalf of a grateful nation, recognizes and commends the Marines of Company M (or "Mike Company") of the 3rd Battalion, 7th Regiment, 1st Marine Division on the occasion of their 25th Annual Reunion, which is being held this year in the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO THE NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b)NOTE), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the National Council on the Arts:

Ms. McCOLLUM, Minnesota

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE DANA ROHRABACHER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Alberto Sandoval, Deputy District Director, Office of the Honorable DANA ROHRABACHER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 6, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court of Orange County, California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ALBERTO SANDOVAL,
Deputy District Director.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE DANA ROHRABACHER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Kathleen Hollingsworth, District Director, Office of the Honorable DANA ROHRABACHER, Member of Congress:

JULY 6, 2007.

Hon. NANCY PELOSI,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court of Orange County, California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

KATHLEEN HOLLINGSWORTH,
District Director.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3043.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, July 18, 2007, amendment No. 31 printed in the CONGRESSIONAL RECORD by the gentlewoman from Texas (Ms. JACKSON-LEE) had been disposed of and the bill had been read through page 125, line 2.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, as we begin this debate today, I think I ought to take just a moment to explain to the Members of the House where we stand. We have, I believe, 19 amendments still pending to this bill. Four of those amendments will take at least one-half hour and perhaps significantly longer. When you add the slippage time to those debate minutes, if every Member exercises his or her right to offer the amendments that are filed, we could be here for another 8 hours on this bill.

I know Members are trying to catch their planes. I will try to keep my remarks as brief as possible; I would appreciate it if everyone else would do the same. And if there are those Members who could be persuaded to forgo offering an amendment or two, that would be helpful also in terms of any Members who are trying to catch planes. I think that by now we are well aware of what people's philosophical ideas are about this bill, and I would appreciate it if Members could extend enough courtesy to their colleagues so that our colleagues, especially those on the west coast, will be able to make their planes without staying in town overnight.

Mr. WALSH of New York. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH of New York. I certainly would like to echo his sentiments regarding the time available to us to complete the bill and the ability of Members to get home.

Let me just offer a modest proposal. There is a unanimous consent request, but I just ask that the authors consider the possibility that there are four across-the-board cuts proposed for the bill different percentage amounts and there is 2 hours allocated for that debate.

Seemingly, 1 hour's worth of debate to determine whether or not there was a majority of votes in the Chamber to cut this bill across the board by 0.25 percent or 4.6 percent, seemingly 1 hour would be enough time to debate as opposed to 2. So that decision has been made, but as the chairman suggested, people may think differently as we move on through the debate about the possibility of spending less time debating those same issues.

AMENDMENT OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment, and I will ask the Clerk to read it.

The CHAIRMAN. A point of order is reserved.

Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WESTMORELAND:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used by the Department of Education to publish or process the Free Application for Federal Student Aid in a language other than English.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Madam Chairman, when a student decides to go to college, many families gather all their financial records and sit down to fill out the free application for Federal Student Aid, or the FISA, form.

To be eligible to receive Federal student aid, a student must meet certain eligibility requirements. Importantly, one of those requirements is that the student be a U.S. citizen or eligible noncitizen, basically, a legal permanent resident. They also have to have a high school diploma or a GED and be enrolled or accepted at a school that participates in the Federal Student Loan Aid program.

Given these requirements, it would be expected that a citizen or legal permanent resident that is a high school graduate or GED holder and has been accepted as a student at an institution of higher education would be able to complete the FISA in English; however, the U.S. Department of Education clearly does not think so. I have a higher opinion of our education system than that, and I believe a student that meets these eligibility requirements will be proficient enough in English to complete this form in English.

When I learned that this free Federal student application form is available for completion in either English or Spanish, I became concerned that others don't share my opinion of the capabilities of our education system. Even more disturbing is the presumption that the Federal Government would be subsidizing the college education of an individual that does not have the proficiency in English to fill out the form to get free Federal assistance.

So, colleagues, my amendment is simple. It would prevent the Department of Education from providing or processing the free application for student loan assistance form in any language other than English. With the requirements for obtaining student assistance, it is not an imposition to ensure that our tax dollars go to students that are clearly ready to receive and achieve a college education. I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I wonder how any of us would like to have our future decided by people we have never met or never even seen on the basis of those people having a 10-minute conversation without our being present. I don't think any of us would like that very much, and yet that is what the gentleman is asking us to do.

The gentleman, in effect, is asking us to pass sentence on 150,000 students who applied for student financial assistance last year using the Spanish version of the application form. Those students would automatically be denied financial aid, with no demonstrable proof that they were illegal aliens, only because they felt more comfortable applying in Spanish.

Now, I want every American—I want every person who comes to this country to learn English. I hope our values are the cement that holds this country together, but I think that English is a great tool to strengthen that cement. But I really would simply suggest that, first of all, this is the wrong venue.

The Appropriations Committee has held no hearings on this matter. So far as I know, the gentleman has held no hearings on this matter. He may have very strong opinions; I do, too. But both of our opinions may be irrelevant when we discover what the facts are. The fact is, if something like this is going to happen, if we are going to make decisions that affect people's career possibilities just for the heck of it, it would be nice if we had thought about it rather than jumped onto the nearest slogan masquerading as an amendment.

So I would strongly urge that this House show a sense of fairness and a sense of restraint and decline to support the gentleman's amendment, at least until we have had hearings in the proper committee. That is the way we would do things if we are concerned with due process, if we are concerned with maximizing fairness rather than scoring political points.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin withdraw his reservation?

Mr. OBEY. Yes.

Mr. GEORGE MILLER of California. Madam Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I would hope that all of our colleagues would oppose this amendment.

The student loan application that is in question here, the criticism of it and the concern with it is not because it is printed in Spanish or English. The real criticism is that it is so complicated that families have an incredibly difficult time in filling out this form. Our committee has been working, Mr. EMANUEL and others have been working, to try to simplify this form to make it useful.

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This form has more questions than if you went to the World Bank to get a loan. But to now suggest that a student may be denied access to a loan and the family may be denied access to financial support for that education solely on the basis of whether or not the parents speak English, they fill out the form right and whether or not the form is printed in Spanish, you know the old saying, I'm here from the Federal Government; I'm here to help you. This has nothing to do with the parents' status. Nothing to do with the status. It is a question of whether or not we make some effort to reach out to these individuals to make it easier for them to fill out the forms that are necessary for their young people, their children to go on to college and have the financial resources to do that. The question of whether it's printed in Spanish or not is simply now arbitrary. And as would they, if they don't fill out the form correctly, if they have do it with their child or somebody else trying to interpret the questions, interpret the answers to them, I think that's incredibly unfair to people who are here in this country. They're here legally, and they don't happen to speak English and they made need this assistance.

What we know about people trying to learn English is that in every city, in every part of this country, where there are classes to teach English, they're oversubscribed, they have waiting lists because these people understand that English is the language of this country. It's the currency of the country, it's the means by which you get ahead in this country, and that's why they want their children to learn English. To now come along and say that we're going to make it more difficult, based upon this characteristic that has nothing to do with your qualifications for the financial assistance, with the qualifications of your child to go to school, what they've accomplished with their lives, I think is outrageous and arbitrary.

I'd like to yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. As an educator and a classroom teacher and as a principal of a public school, working with youngsters who come from different language background, I find the amendment quite counterproductive and a barrier. Many parents feel embarrassed that they can't help their youngsters, and this would only enhance that. If in our system that we're looking to encourage children to go to school and pursue higher education, this would be but a barrier. And I'm sure that you don't want youngsters to be not going to public education system and applying for these kinds of assistance.

I have a thought though. And we have Fortune 500 companies in this country. And I just bought a phone. And in the instruction manuals, the instructions are not only in English but it's also in Spanish, French and German. There must be a reason why Fortune 500s do this. It's about customer satisfaction. And if this government is about satisfying those who are here in this country, who are citizens, who are taxpayers then we should be also looking at this kind of mentality.

Mr. GEORGE MILLER of California. I think the gentleman makes a point. This is about American citizens who are here who are paying taxes, whose children have done well enough to go on to college. They're seeking the financial resources to do that. They may not speak English. And this is a service that we provide to those individuals so that they can accurately fill out a form. They can understand the form, they can understand the liabilities that they're taking on. They can understand the qualifications.

To arbitrarily come along and tell one group of citizens, based upon this question of whether or not they speak English, they will be able to have the same access to these resources as others or not seems to me to be very unfair, very un-American. It promotes a set of values that really aren't consistent with the values in this country. And it really is about whether or not the Federal Government is in the business of looking at the people they're trying to serve as customers, people who should be served.

I would hope that we would oppose this amendment. We continue to struggle to try to make this form comprehensible to those who speak English and understand English. And I think to make it more difficult now for those who don't is a very poor service to that part of American society. And I would urge opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WESTMORELAND. Reclaiming my time, I wondered how the other side would answer to this, and quite interesting answers. First of all, this doesn't have anything to do with K-12. And as far as you buying your phone, Mr. Chairman, as far as somebody buying a phone that's got instructions in three or four different languages, they may be sold in different countries. I don't have any idea. But the Federal Government didn't buy that phone for you to use.

Now, here's the thing. We're talking about student aid, free aid going to someone who is fixing to go to college that is a legal resident here, either a citizen or a legal resident. All we're saying is if you're going to ask the American taxpayers to pay for your financial assistance, that you should be proficient enough in the language of this country to fill out the application. Now, you don't have to be a rocket scientist to figure that out. And we can throw all these other little things in there about the people that won't get to apply and blah, blah, blah, blah. It doesn't matter.

All this amendment says is if you're going to ask the Federal Government to help with financial aid for your college education that we hope you succeed in, and that we want you to excel in, that you can at least speak the language of this country. That's all we're saying.

This is a very simple amendment. There's been so much rhetoric over there. I guess, you know, evidently, they're taking this for something that it's not. Very simple, Mr. Chairman. Very, very simple. Do we want to make sure that our taxpayers' dollars go to students who are legal citizens of this country, who have a GED or a high school education, that are applying for financial aid to go to a college in this country to be proficient enough in English to fill the application out in English? It's very simple.

I won't belabor this. And I know the chairman of the Appropriations Committee is trying to get as many of these amendments out of the way as you can. But I certainly hope that my colleagues, and especially all the colleagues who are interested in protecting the hard taxpayers' dollars of this country, and who are interested in getting as many students financial aid that need it, that have the best opportunity to go forward and succeed in their college education and spend the money wisely, that they would support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LYNCH). The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. WELCH of Vermont) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. LEWIS OF GEORGIA

Mr. LEWIS of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEWIS of Georgia:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to take any action to finalize (or otherwise implement) provisions contained in the proposed rule published on May 3, 2007, on pages 24680 through 25135 of volume 72, Federal Register, insofar as such provisions propose—

(1) to alter payments for services under the hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C 1395ww(d)) based on use of a Medicare severity diagnosis related group (MS–DRG) system; or

(2) to implement a prospective behavioral offset in response to the implementation of such a Medicare Severity Diagnosis Related Group (MS–DRG) system for purposes of such hospital inpatient prospective payment system.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Chairman, I would like to thank my colleagues and friends, PETER WELCH of Vermont and JERRY WELLER from Illinois, for joining me in offering this important amendment.

Mr. Chairman, hospitals need more than just 2 months to change their coding system. It's too much too soon. CMS needs to give them the time they need. In addition, we must not allow CMS to implement this behavior offset.

I've talked to hospitals in my district. They're doing everything right when it comes to coding and charging Medicare. This cut will punish the hospital before they've done anything wrong. 269 Members of the House feel the same way.

Mr. WELLER and I sent a letter to CMS on June 12, along with 267 of our colleagues and 63 Senators urging CMS not to make this $24 billion cut. Hospitals do not deserve a $24 billion cut. I ask my colleagues to support this amendment and help our hospitals.

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Chairman, I rise in support of this amendment. And first let me thank my colleagues, JOHN LEWIS, PETER WELCH, for the opportunity to join in bipartisan sponsorship of this amendment.

This amendment prevents the Centers for Medicare and Medicaid Services from cutting $24 billion in funding for our local hospitals, funding that's used to provide care to seniors disabled under Medicare. In my district alone this would mean a loss of $60 million in reimbursement for my local hospitals, having a devastating effect on the quality of care.

A key misstep in the proposed rule is the 2.4 percent so-called behavior offset payment cut. CMS proposed this cut to eliminate what the agency has inaccurately claimed will be the effect of greater use of coding as hospitals move to a new system. These extreme cuts in reimbursements, based on speculation rather than fact, will impose an added burden on all hospitals.

Earlier this year my friend and colleague JOHN LEWIS and I circulated a letter in opposition to these Draconian cuts. The response was overwhelming, with 269 Members of this House going on the record against this devastating cut to our local hospitals. This is overwhelming bipartisan opposition to this bad policy proposed by CMS.

Mr. Chairman, I will include this letter in the RECORD in support of this amendment.

The amendment also prohibits CMS from prospectively applying any behavioral offset in fiscal year 2008, ensuring that any adjustments made for coding changes will be based on the actual experiences of the hospital, not mere conjecture.

I ask my colleagues to join us in bipartisan support of this effort to prohibit the use of any funds to implement these Draconian provisions of the IPPS rule that will place hospitals under undue financial burden, compromising the quality of care our constituents deserve.

In order to prevent these local hospitals and protect our constituents, I ask my colleagues to vote in a bipartisan "yes."

CONGRESS OF THE UNITED STATES,
Washington, DC, June 12, 2007.

Re CMS Proposed Inpatient Prospective Payment Rule

Ms. LESLIE V. NORWALK, Esquire,
Acting Administrator, Centers for Medicare and Medicaid Services (CMS), Washington, DC.

DEAR MS. NORWALK: We write to express our strong opposition to two provisions in the proposed Inpatient Prospective Payment System (IPPS) regulation. We respectfully request that these provisions be excluded from the final regulation.

The first provision would impose a 2.4 percent cut to all operating and capital payments for inpatient hospital services for Medicare patients based on the misguided premise of a so-called "behavioral offset." This unwarranted proposal would result in payment reductions for hospital services in both FY08 and FY09, cutting $24 billion dollars in operating and capital payments over the next five years.

The second proposal would reduce payments to hospitals in urban areas for capital-related costs for inpatient hospital services, cutting payments by nearly $1 billion over the next five years. We urge you to eliminate both provisions when the final regulation is published.

Please allow us to further explain our strong objection to these changes:

1. Cuts due to a "Behavioral Offset." The suggestion to cut hospital operating and capital payments is based on the suggested

adoption of a classification system called Medicare Severity Diagnosis-Related Groups (MS-DRGs). This change is grounded on the belief that with the implementation of the MS-DRGs, hospitals would change coding practices, resulting in higher payments. Not even in the initial years of the IPPS was coding change found to be of the magnitude of CMS's proposed FY08 and FY09 cuts. MS-DRGs are simply a refinement of a classification system that hospitals have been using for 23 years. Hospitals are already experts in coding for payment; they have little ability to change their classification and coding practices.

The rationale for the reduction is also based on the transition of hospitals in Maryland to a completely new type coding system called All Patient Refined DRGs (APR-DRGs). We have concerns with the methodology of reaching this conclusion. Maryland's hospitals are paid under a state rate-setting system where an incentive to code accurately did not significantly affect what a hospital was paid. The classification system recently adopted by Maryland is much more complicated than what CMS is proposing and changed the coding incentives for Maryland hospitals. Generalizing the Maryland experience to the rest of the nation's hospitals is an "apples-to-oranges" comparison.

CMS is not mandated by law to impose a behavioral offset in the IPPS regulation, yet has chosen to do so. There is no precedent in other payment systems for making a prospective adjustment of this magnitude—without any empirical evidence of actual and measurable changes in coding. While CMS has, on occasion, made adjustments for coding in implementing new payment systems, these changes generally have been made based on actual experience. When implementing a new physician fee schedule payment system in 1992, CMS (then the Health Care Financing Administration) imposed a behavioral offset on physician services, primarily to offset predicted increases in the volume of services. We later learned that the offset was much higher than was necessary, and the reduction was never returned to the physicians adversely affected by those cuts.

2. Cuts to Capital-Related Payments. For years, the Medicare program has paid for its share of the capital-related costs of inpatient hospital services. The proposed rule would freeze capital payments for all hospitals in urban areas and would eliminate additional capital payments made to large hospitals in urban areas. Taken together, these cuts would amount to nearly $1 billion over the next five years.

These changes in capital payments would make it much more difficult for hospitals to purchase advanced technology and equipment and could have the effect of slowing clinical innovation in the hospitals most likely to conduct cutting edge research. Additionally, such a reduction could slow the adoption of much needed health information technology. Hospitals make long-term commitments to capital acquisitions. This proposal amounts to pulling the rug out from under their financial obligations to maintain and improve their physical facilities for patients.

Congress recently opposed a component of the administration's fiscal year 2008 budget proposal that would have significantly reduced hospital payments. As you know, both the FY08 House and Senate budget resolutions reinforced this sentiment by rejecting those cuts. The administration's attempt to achieve payment reductions of this magnitude through the regulatory process is equally unacceptable. We believe this action circumvents Congress' intent that hospital services for Medicare patients not be reduced.

In closing, we would like to reiterate our belief that CMS's decision could serve to jeopardize hospitals' ability to continue to care for patients. CMS's behavioral offset is unnecessary, and will result in devastating cuts to hospital services for our constituents.

CMS's proposal to cut capital-related payments would create significant financial difficulties for many of our most innovative hospitals. We strongly support the elimination of these provisions from your final regulation.

Both CMS and Members of Congress share the goal of serving the American public and helping those most in need. We hope that you will give strong consideration to the bipartisan concerns outlined in this letter.

Sincerely,

Signed by 269 Members of the House of Representatives.

HOUSE OF REPRESENTATIVES COSIGNERS OF THE CMS PROPOSED INPATIENT PROSPECTIVE PAYMENT RULE LETTER

Member	State
1. John Lewis	(GA)
2. Jerry Weller	(IL)
3. Neil Abercrombie	(HI)
4. Gary L. Ackerman	(NY)
5. Robert Aderholt	(AL)
6. Rodney Alexander	(LA)
7. Tom Allen	(ME)
8. Jason Altmire	(PA)
9. Robert E. Andrews	(NJ)
10. Michael Arcuri	(NY)
11. Joe Baca	(CA)
12. Spencer Bachus	(AL)
13. Tammy Baldwin	(WI)
14. John Barrow	(GA)
15. Shelley Berkley	(NV)
16. Marion Berry	(AR)
17. Judy Biggert	(IL)
18. Brian P. Bilbray	(CA)
19. Sanford Bishop	(GA)
20. Timothy H. Bishop	(NY)
21. Rob Bishop	(UT)
22. Marsha Blackburn	(TN)
23. Earl Blumenauer	(OR)
24. Jo Bonner	(AL)
25. Mary Bono	(CA)
26. John Boozman	(AR)
27. Leonard Boswell	(IA)
28. Rick Boucher	(VA)
29. Charles Boustany, Jr.	(LA)
30. Nancy Bayda	(KS)
31. Robert A. Brady	(PA)
32. Kevin Brady	(TX)
33. Bruce Braley	(IA)
34. G.K. Butterfield	(NC)
35. Steve Buyer	(IN)
36. Michael Capuano	(MA)
37. Dennis Cardoza	(CA)
38. Russ Carnahan	(MO)
39. Christopher Carney	(PA)
40. Julia Carson	(IN)
41. John Carter	(TX)
42. Mike Castle	(DE)
43. Ben Chandler	(KY)
44. Carolyn Cheeks Kilpatrick	(MI)
45. Yvette Clarke	(NY)
46. Howard Coble	(NC)
47. Steve Cohen	(TN)
48. John Conyers	(MI)
49. Jerry F. Costello	(IL)
50. Joe Courtney	(CT)
51. Joe Crowley	(NY)
52. Henry Cuellar	(TX)
53. Elijah Cummings	(MD)
54. Susan Davis	(CA)
55. Geoff Davis	(KY)
56. Lincoln Davis	(TN)
57. Danny Davis	(IL)
58. David Davis	(TN)
59. William D. Delahunt	(MA)
60. Rosa DeLaura	(CT)
61. Charles W. Dent	(PA)
62. Norman D. Dicks	(WA)
63. Lloyd Doggett	(TX)
64. Joe Donnelly	(IN)
65. Michael Doyle	(PA)
66. John J. Duncan, Jr.	(TN)
67. Chet Edwards	(TX)
68. Vernon J. Ehlers	(MI)
69. Keith Ellison	(MN)

HOUSE OF REPRESENTATIVES COSIGNERS OF THE CMS PROPOSED INPATIENT PROSPECTIVE PAYMENT RULE LETTER—Continued

Member	State
70. Jo Ann Emerson	(MO)
71. Eliot Engel	(NY)
72. Phil English	(PA)
73. Bob Etheridge	(NC)
74. Terry Everett	(AL)
75. Mary Fallin	(OK)
76. Sam Farr	(CA)
77. Chaka Fattah	(PA)
78. Mike Ferguson	(NJ)
79. Bob Filner	(CA)
80. Randy Forbes	(VA)
81. Luis Fortuño	(PR)
82. Vito Fossella	(NY)
83. Barney Frank	(MA)
84. Rodney Frelinghuysen	(NJ)
85. Scott Garrett	(NJ)
86. Jim Gerlach	(PA)
87. Gabrielle Giffords	(AZ)
88. Kristen Gillibrand	(NY)
89. Paul E. Gillmor	(OH)
90. Phil Gingrey	(GA)
91. Charles Gonzalez	(TX)
92. Virgil Goode	(VA)
93. Bart Gordon	(TN)
94. Sam Graves	(MO)
95. Gene Green	(TX)
96. Al Green	(TX)
97. Raul Grijalva	(AZ)
98. John Hall	(NY)
99. Phil Hare	(IL)
100. Robin Hayes	(NC)
101. Dean Heller	(NV)
102. Stephanie Herseth Sandlin	(SD)
103. Brian Higgins	(NY)
104. Baron Hill	(IN)
105. Maurice Hinchey	(NY)
106. Mazie K. Hirono	(HI)
107. David Hobson	(OH)
108. Paul Hodes	(NH)
109. Tim Holden	(PA)
110. Eleanor Holmes Norton	(DC)
111. Rush Holt	(NJ)
112. Michael M. Honda	(CA)
113. Darlene Hooley	(OR)
114. Jay Inslee	(WA)
115. Steve Israel	(NY)
116. Darrell Issa	(CA)
117. Jesse L. Jackson, Jr.	(IL)
118. Sheila Jackson-Lee	(TX)
119. William Jefferson	(LA)
120. Bobby Jindal	(LA)
121. Henry C. "Hank" Johnson	(GA)
122. Timothy V. Johnson	(IL)
123. Eddie Bernice Johnson	(TX)
124. Walter Jones	(NC)
125. Steve Kagen	(WI)
126. Paul E. Kanjorski	(PA)
127. Marcy Kaptur	(OH)
128. Dale E. Kildee	(MI)
129. Peter King	(NY)
130. Ron Klein	(FL)
131. John Kline	(MN)
132. Dennis Kucinich	(OH)
133. John R. Kuhl	(NY)
134. Ray LaHood	(IL)
135. James R. Langevin	(RI)
136. Rick Larsen	(WA)
137. John Larson	(CT)
138. Tom Latham	(IA)
139. Barbara Lee	(CA)
140. Sander Levin	(MI)
141. Ron Lewis	(KY)
142. Frank LoBiondo	(NJ)
143. Dave Loebsack	(IA)
144. Zoe Lofgren	(CA)
145. Nita Lowey	(NY)
146. Frank Lucas	(OK)
147. Stephen Lynch	(MA)
148. Tim Mahoney	(FL)
149. Carolyn B. Maloney	(NY)
150. Donald A. Manzullo	(IL)
151. Edward J. Markey	(MA)
152. Jim Marshall	(GA)
153. Jim Matheson	(UT)
154. Doris Matsui	(CA)
155. Carolyn McCarthy	(NY)
156. Michael McCaul	(TX)
157. Betty McCollum	(MN)
158. Thaddeus McCotter	(MI)
159. Jim McDermott	(WA)
160. Jim McGovern	(MA)
161. John M. McHugh	(NY)
162. Mike McIntyre	(NC)
163. Cathy McMorris Rodgers	(WA)
164. Jerry F. McNerney	(CA)
165. Michael McNulty	(NY)
166. Gregory W. Meeks	(NY)
167. Charlie Melancon	(LA)
168. Michael Michaud	(ME)
169. Brad Miller	(NC)
170. Harry Mitchell	(AZ)
171. Alan Mollohan	(WV)
172. Dennis Moore	(KS)
173. Gwen Moore	(WI)

HOUSE OF REPRESENTATIVES COSIGNERS OF THE CMS PROPOSED INPATIENT PROSPECTIVE PAYMENT RULE LETTER—Continued

Member	State
174. Shelley Moore Capito	(WV)
175. James Moran	(VA)
176. Christopher Murphy	(CT)
177. Patrick Murphy	(PA)
178. Tim Murphy	(PA)
179. John P. Murtha	(PA)
180. Jerrold Nadler	(NY)
181. Grace Napolitano	(CA)
182. Richard Neal	(MA)
183. James Oberstar	(MN)
184. John W. Olver	(MA)
185. Solomon P. Ortiz	(TX)
186. Bill Pascrell	(NJ)
187. Ed Pastor	(AZ)
188. Ron Paul	(TX)
189. Donald Payne	(NJ)
190. Steve Pearce	(NM)
191. Ed Perlmutter	(CO)
192. Collin Peterson	(MN)
193. John Peterson	(PA)
194. Thomas Petri	(WI)
195. Joseph Pitts	(PA)
196. Todd Russell Platts	(PA)
197. Ted Poe	(TX)
198. Jon Porter	(NV)
199. Tom Price	(GA)
200. David Price	(NC)
201. Deborah Pryce	(OH)
202. George Radanovich	(CA)
203. Nick J. Rahall, III	(WV)
204. Jim Ramstad	(MN)
205. Denny Rehberg	(MT)
206. Dave Reichert	(WA)
207. Rick Renzi	(AZ)
208. Silvestre Reyes	(TX)
209. Tom Reynolds	(NY)
210. Ciro Rodriquez	(TX)
211. Mike Rogers	(AL)
212. Harold Rogers	(KY)
213. Dana Rohrabacher	(CA)
214. Peter Roskam	(IL)
215. Mike Ross	(AR)
216. Steve Rothman	(NJ)
217. Lucille Roybal-Allard	(CA)
218. Bobby Rush	(IL)
219. Tim Ryan	(OH)
220. John T. Salazar	(CO)
221. Bill Sali	(ID)
222. Loretta Sanchez	(CA)
223. Jim Saxton	(NJ)
224. Adam Schiff	(CA)
225. Allyson Schwartz	(PA)
226. David Scott	(GA)
227. Robert C. Scott	(VA)
228. Jose Serrano	(NY)
229. Pete Sessions	(TX)
230. Joe Sestak	(PA)
231. Christopher Shays	(CT)
232. Carol Shea-Porter	(NH)
233. Bill Shuster	(PA)
234. Mike Simpson	(ID)
235. Albio Sires	(NJ)
236. Louise M. Slaughter	(NY)
237. Chris Smith	(NJ)
238. Vic Snyder	(AR)
239. Mark Souder	(IN)
240. Zachary Space	(OH)
241. Cliff Stearns	(FL)
242. Bart Stupak	(MI)
243. Betty Sutton	(OH)
244. John Tanner	(TN)
245. Ellen Tauscher	(CA)
246. Gene Taylor	(MS)
247. Lee Terry	(NE)
248. John F. Tierney	(MA)
249. Edolphus Towns	(NY)
250. Stephanie Tubbs Jones	(OH)
251. Michael R. Turner	(OH)
252. Mark Udall	(CO)
253. Tom Udall	(NM)
254. Fred Upton	(MI)
255. Chris Van Hollen	(MD)
256. Nydia Velázquez	(NY)
257. James T. Walsh	(NY)
258. Tim Walz	(MN)
259. Zach Wamp	(TN)
260. Debbie Wasserman Schultz	(FL)
261. Maxine Waters	(CA)
262. Diane E. Watson	(CA)
263. Anthony Weiner	(NY)
264. Peter Welch	(VT)
265. Ed Whitfield	(KY)
266. Heather Wilson	(NM)
267. Lynn Woolsey	(CA)
268. David Wu	(OR)
269. John Yarmuth	(KY)

Mr. LEWIS of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, I speak to paragraph 1 of the amendment. This is another proposed CMS rule. Bottom line is this: Our American hospitals and health care delivery system has to provide health care to our citizens. CMS plays a major role in helping us to do that and to contain costs.

But CMS, the government representative, has to be a partner of our deliverers, the hospitals, not an adversary. And that requires that they give more than 2 months notice, they give a heads up to the hospitals when they're going to change a rule that has the direct and immediate impact of changing revenue streams for our hospitals.

This amendment, paragraph 1, like paragraph 2, simply delays the implementation so that there will be a heads up, a time to respond, a time to study it and a time to implement it.

Mr. LEWIS of Georgia. Mr. Chairman, 269 Members of this body are on record in their support of this bipartisan amendment. It is simply wrong to punish the hospital before they have done anything wrong. So I urge all of my colleagues to support this bipartisan amendment.

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, on this side of the aisle we'd be happy to accept the amendment.

Mr. WALSH of New York. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH of New York. Mr. Chairman, I agree. I am one of the signatories on the letter. I support it. It will help our hospitals.

□ 1215

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEWIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. WELLER of Illinois. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. RYAN of Wisconsin:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available in this Act may be used to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention.

(b) None of the funds made available in this Act may be used for the Ombudsman Program of the Centers for Disease Control and Prevention.

(c) None of the funds made available in this Act may be used by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. I wonder if I could ask the gentleman a question. In the interest of saving time helping Members get to their planes, would the gentleman be willing to forgo extended comment if we accept the comment?

Mr. RYAN of Wisconsin. Yes. I will just explain the amendment and then I would be happy to yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. RYAN) is recognized.

Mr. RYAN of Wisconsin. I appreciate the Chair's indulgence and I will just take a moment to explain what this amendment does, and then I will yield back the balance of my time.

Mr. Chairman, there is a recent troubling report entitled "CDC Off Center," which was produced under the direction of Senator COBURN with a report in the Senate Government Affairs Committee. Instead of using its resources to fight life-threatening diseases like HIV/AIDS and cancer, the CDC has instead spent money on needless luxury items and nongovernment functions.

For example, the CDC's Office of Health and Safety recently provided its employees with a new, extravagant fitness center that includes such items as rotating pastel "mood" lights, zero-gravity chairs, and $30,000 dry-heat saunas. The CDC has also spent over $1.7 million on a "Hollywood liaison" to advise TV shows like "E.R." and "House" on medical information included in their programming, clearly an expense that should have been covered by the successful for-profit television shows, not by our hard-earned tax dollars. They also further squandered taxpayer dollars in an office intended to help improve employee morale. This program, which currently costs $250,000 per year, has yielded just 98 complaints since it was created last year. At this rate it is costing taxpayers about $3,000 per complaint. Despite the program's lack of use, the CDC is planning to spend at least $1 million more to expand it.

In a time when we are facing increasing risk of bioterrorism and disease, these are hardly the best use of taxpayer dollars.

My amendment simply would ensure that the CDC would not be able to spend any more Federal funding on these three boondoggles described above. And it is my hope that we can get the CDC focused on doing its job, which is very important and they do a good job on that, and not on these kinds of boondoggles. This report shows dozen of examples of these abuses.

And I appreciate the Chair for his indulgence and the acceptance of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

Mr. OBEY. Mr. Chairman, because we are trying to get Members out of here for their planes, I would be happy to accept the gentleman's amendment.

Mr. UPTON. No problem.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 125, after line 2, insert the following:

SEC. 522. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment. We are not sure which amendment this is.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

Mr. OBEY. Mr. Chairman, I withdraw my point of order. And I would simply ask the gentleman, in the interest of time, would the gentleman be willing to shorten his remarks and we would be happy to accept the amendment.

Mr. GARRETT of New Jersey. I appreciate that. I will shorten my remarks to approximately 30 seconds to say, I thank the chairman for accepting the amendment. I thank the previous subcommittee chairmen as well for accepting similar which we have done in the past, which simply says to set priorities. When we have Federal agencies send Federal employees overseas for conferences, we should put a realistic limitation on it, and this one, I think, does, at 50 employees of any Federal Department or agency for any single conference occurring outside the United States.

Again, I appreciate the chairman's acceptance of the amendment.

While this is an amendment that I have proposed to other appropriations bills, I believe it is especially important that it be included on this bill.

Since 2000, HHS has spent over $435 million on conferences and spent $88 million just last year. Government-wide spending in those same years was over $1.5 billion.

In 2002 HHS spent $3.6 million to send 236 persons to the AIDS conference in Barcelona.

In 2004 HHS spent $500,000 to send 140 persons to the AIDS conference in Bangkok.

In 2005 HHS sent 300 employees to a dioxin conference in Toronto.

Last year the agency sent delegations of 200 or more to 54 separate conferences.

Many of these conferences are now covered online, allowing interested parties to attend without expensive plane tickets, meals, and hotel rooms.

An identical amendment was included in the House-passed version of the FY05 appropriations bill but removed in conference. I cannot help but think of the possibly tens of millions of taxpayer money that could have been saved in the past few years had this language become standard.

I trust that the new chairman will work to include the amendment in the conference agreement—we must inject some sense into HHS. This amendment will only limit international conferences, just a small step in reigning in an agency that seems to think its job is to talk about problems instead of working to solve them.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amounts otherwise provided by this Act are revised by reducing the amount made available for the "Department of Labor, Employment and Training Administration, Training and Employment Services", by increasing the amount made available for the "National Institutes of Health, National Cancer Institute", and by increasing the amount made available for the "National Institutes of Health, National Institute of Neurological Disorders and Stroke" by $49,000,000, $10,000,000, and $10,000,000, respectively.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I will yield.

Mr. OBEY. Again, the same deal, if we accept the amendment. We are trying to help get Members out of here.

Mr. GARRETT of New Jersey. I will. I will just extend that 30 seconds to approximately 1 minute, though, because I just want to make a point on this amendment.

I very much appreciate the chairman for accepting this amendment. What this amendment does, as we have said all along, is it sets priorities, and it does on two areas that are extremely important to the Fifth Congressional District and the State of New Jersey and the entire Nation as well. And that is that we set priorities by increasing funding in two very important areas.

One is to the National Cancer Institute for additional cancer research by $10 million. And another area of extreme importance to the State of New Jersey for the rising number of children being born with autism, to direct an additional $10 million for research in that area as well.

I will just give a couple of statistics: one in 150 children, and it used to be one in around 10,000, is now diagnosed with autism. Every day 67 children are diagnosed with autism spectrum disorder, which translates into a new case almost every 20 minutes. Autism is becoming the fastest-growing serious developmental disability in the United States. That was the purpose for putting that in these amendments, and I thank the chairman for agreeing with us to the importance and seeing that additional funds go to these very worthy causes.

Mr. Chairman, I am offering an amendment that would take $49 million from an account that was zeroed out in the President's budget request, and transfer it to two Institutes at the National Institutes of Health that I believe need additional funding—one working to fight cancer, and one working to fight autism.

Since President Nixon unofficially declared war on cancer in his State of the Union Address of 1971, much progress has been made in the area of cancer research. Over the past three and one-half decades, science has continued to break down barriers in the fight against this disease. Today, cancer is no longer the mystery disease that it once was, and researchers know infinitely more about the prevention, detection, and treatment of the disease than ever before.

All this research is beginning to bear fruit. Fewer people died from cancer in 2004 than in 2003 and the American public is witnessing declining rates for most major cancer types, including breast cancer, prostate cancer, and colorectal cancer. But there's much more work to be done.

I thank the chairman of the Appropriations Committee for increasing the budget of the National Cancer Institute in this year's bill. I just think that we can do a little more. And this is an obviously higher priority with far broader application to the American people.

We can also do a little more to fund research for a serious problem facing the country: autism.

According to Autism Now, the largest autism foundation in the country: 1 in 150 children is diagnosed with autism; every day 67 children are diagnosed with an autism spectrum disorder, which translates into a new case almost every 20 minutes; and autism is the fastest-growing serious developmental disability in the United States.

According to the U.S. Department of Health and Human Services, in my home State of New Jersey, the rate of new autism spectrum disorder cases is the highest in the country. One in sixty boys in New Jersey is affected.

Mr. Chairman, my amendment would also increase the budget of the National Institute of Neurological Disorders and Stroke by $10 million. This Institute, part of the National Institutes of Health, is the organization within the Federal Government that is primarily responsible for organizing the research into autism.

The account that this amendment would take from was proposed to be eliminated entirely by the administration, as it has demonstrated to be duplicative and ineffective. My amendment retains some funding in that account, but reduces it. If these appropriations bills are about priorities, I ask that we make research on cancer and autism a priority, above duplicative and ineffective programs.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 61 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 61 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used for Andre Agassi College Preparatory Academy.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, what this amendment does is this strikes an earmark, $200,000, for the Andre Agassi College Preparatory Academy in Las Vegas, Nevada.

Let me explain, Mr. Chairman. I know that the gentlewoman from Nevada, who is here, and I believe the gentleman from Nevada also are supportive of this. What this amendment is not about is about the merits of this particular academy, as I understand it is a charter school, or whether it is a good school or not.

I received a call yesterday from the director of the Andre Agassi Foundation, who has provided a lot of the funding for this school, inviting me to come to the school in August and to see what they are doing and take a tour. And that is very nice and very flattering, but that actually isn't the point. I am sure it is a very fine school. I am sure it is doing lots of great work. But my understanding is that this school is at least half, if not more than that, funded by charitable donations, including from Mr. Agassi and from 1 of the Las Vegas casinos and lots of other people.

What I raise this about is whether we should be using earmarks to give out like this to what are essentially charitable works. Now, I am sure there are many other good schools in Nevada. There are many in my area. I am sure there are fine museums. I am sure there are fine research facilities. I am sure there are all kinds of different things that we can spend Federal money on.

But I don't think that when the taxpayers pay their taxes that they intend that part of it is a repository for us, as Members of Congress, any of us as Members of Congress, to delve into that money and go out and say this is a charitable organization which I find worthy in my district and here is the taxpayers' money for that from me. Because it is not from me. It is not from the Member of Congress. It is the taxpayers' money. And I think we are better off leaving the taxpayers with their own money so they can give it to whatever charitable organizations, schools, museums, historical developments, research, that they feel they should. And I just don't feel that it is our right, as Members of Congress, to hand this money out, no matter how beneficial or how worthy the cause is, to hand this out to various charities in our districts, because it is not our money, and act as though it is something that we did.

Mr. Chairman, I reserve the balance of my time.

Ms. BERKLEY. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentlewoman from Nevada is recognized for 5 minutes.

Ms. BERKLEY. Mr. Chairman, I rise in the strongest possible opposition to this amendment.

In his misguided zeal to identify a high-profile example of wasteful Federal spending, the author of this amendment has instead provided me with an opportunity to sing the praises of a member of my community who has used his personal and professional success to help those that are less fortunate.

In 2001 Andre Agassi opened a charter school in Las Vegas, the Andre Agassi College Preparatory Academy. It is in one of the most disadvantaged areas in my congressional district. Agassi Prep currently serves students in grades K-10, with grades 11 and 12 being added in the next 2 years, for a total of 630 students when enrollment is complete. The first class will graduate in 2009. The student body is 96 percent minority.

This earmark, which I thank the gentleman for highlighting, would go to the Andre Agassi Prep's Technology and Multimedia Initiative and will increase the use of computer technology in math, science, reading, and language instructions.

□ 1230

This is exactly the type of environment we should be encouraging for all of our students in all of our schools.

Andre Agassi has been a tireless advocate for this academy and for numerous other philanthropic endeavors, including the Boys and Girls Clubs in Las Vegas, raising more than $60 million and contributing a substantial amount of his own money to improve the lives of children, youth at risk in my community. There is nobody that has done more for people in this community, my community, than Andre Agassi.

The only reason we're talking about this project on the floor today is because a famous name is attached to it. But whereas my colleague on the other side hopes to find a celebrity asking for Federal handouts rather than digging into his own pocket, he has instead highlighted a model citizen and a leader who has tried to make a difference and convince others to do the same.

It is one of the fastest growing areas. This is a very important earmark. I am proud to take this earmark. I will defend it with all my strength and ability.

At this time, I would like to yield whatever time is remaining to my colleague from Nevada, JON PORTER.

Mr. PORTER. Mr. Chairman, I appreciate many Members of this body that are looking for ways to eliminate waste, fraud and abuse, but I'm extremely disappointed that they've chosen this project.

I must say that I'm afraid some of my colleagues haven't really done their homework. And I appreciate my friend and colleague from Nevada, Congresswoman BERKLEY, for stating some of the obvious.

This particular program is what we need in America. And there is even a Web page today that shows this as an example of what's wrong with America. I want to stand here today and say this is what's right with America. We need to encourage public/private partnerships. Here is an individual that has adopted a charter school, a strong platform with the Republican Party, charter schools. It is a public charter school that he has adopted and writes a check for close to $3 million a year to keep it operating.

Quite frankly, Mr. Chairman, I'm embarrassed. This is what's right about America, not what's wrong about America. This particular school is serving a population that needs our help and assistance. We admit here day after day that we're not funding special needs kids enough, and we are not. This is another example of how we can help this very important population.

And again, as my colleague said from Nevada, this is an example of an individual that is giving of his time, of his life to support our community, close to $60 million a year. He is giving to the community $3 million of his own money into this school.

Mr. Chairman, I strongly oppose this amendment. And I personally am very disappointed. This is an example of what's right about America. Mr. Agassi has done everything he can to help kids. He helps needy kids at our child welfare program, Boys and Girls Clubs across the community. He's not standing there with his hand out, he's standing there with support.

So Mr. Chairman, I ask this body to oppose this amendment, and I am extremely embarrassed.

Ms. BERKLEY. Reclaiming my time, let me sum up.

I'm going to urge defeat of this amendment. And before I yield back the balance of my time, I want to reiterate that I represent one of the faster growing areas in the country. If we are forced to rely strictly on formula funding for Federal assistance, we will always be behind the eight ball. We depend and rely on these earmarks in order to keep up with the latest technology and importance of providing for the people that I represent. I'm sorry that I had to even come down here to defend this earmark. I'm proud of it.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, you know, I don't disagree, and I'm not in a position to disagree with anything about this school said by either the lady from Nevada or the gentleman from Nevada. Again, let me reiterate, that is not my point.

My point is that there are probably many other schools that are worthy. There are probably all kinds of health considerations that are worthy. There are probably museums that are worthy. There are all kinds of things that are worthy. But the Federal Government does not traditionally fund charter schools. Schools are inherently local and State, and I think should be, and hopefully will continue to be. It's not a Federal school. And so I just don't think that it is right or appropriate that any of us pick something and essentially say this is where we're going to use the taxpayers' funds in a charitable endeavor.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH of New York. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. I yield to the gentleman from Nevada.

Mr. PORTER. Mr. Chairman, I just want to respond to my colleague's comments about charter schools.

Having been the co-author of charter school legislation in Nevada in the late 1990s, it truly is a Federal program. We do have funds available through grant processes that help charter schools. Unfortunately, we needed help immediately and this was the way to do it. As a matter of fact, this earmark isn't even in my district, it's adjacent to my district in Nevada. But it is traditional, it is what we do as a Congress. Another example of why I think Members understand their districts better than this full body, which is why we are here today in opposition to this amendment.

Mr. WALSH of New York. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was rejected.

AMENDMENT NO. 62 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used for the Charles B. Rangel Center for Public Service, City College of New York, NY.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this amendment would eliminate a $2 million earmark for the Charles B. Rangel Center for Public Service at the City College of New York, New York.

Currently, Mr. Chairman, the City College of New York does not have a Charles B. Rangel Center for Public Service. The Web site shows there are 16 centers of study, none of which bear Mr. RANGEL's name. So ostensibly this $2 million is going to be creating the Charles B. Rangel Center for Public Service.

Currently, according to the Web site, it appears that most everything dealing with public service careers at the City College of New York currently goes through the Colin Powell Center for Policy Studies, which was founded by a charitable grant in 1997.

Now, Mr. Chairman, Mr. RANGEL provided to me yesterday a brochure here on the Center for Public Service in New York. And this has a lot of stuff in it, admittedly, it mentions many things. But there are a few things in it I thought were troubling, because amongst the things that it says this center will have are, quote, "a well-furnished office for Congressman Rangel." Second, "the Rangel Library to house its Rangel archives." And it goes on to say, quote, "The Rangel archivist librarian will organize, index and preserve for posterity all documents, photographs and memorabilia relating to Congressman Rangel's career."

House rules, and House rule XXI, clause 6 says, and I quote, "It shall not be in order to consider a bill, joint resolution, amendment or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner or Senator." In other words, the rule says that we don't name public works after ourselves while we are in Congress.

Now, it's my understanding from the Parliamentarian that this amendment does not violate the letter of that rule. I would argue, and argue to my friends in the majority, that it would violate the spirit. I really do not think this is a road we want to go down, where we, as Members, have the ability to create and name things after ourselves using public funds while we are in office. If you think about that, there are five colleges or universities in my district. I'm sure if I went to one of them, any of them, with $2 million and said, Let's have the John Campbell School of Fiscal Responsibility, I'm sure they would at least listen to that. But I don't think that would be right and I don't think that would be good and I don't think that would be proper. And I don't believe that this earmark is either.

So, I would request that my friends on the majority side and on the minority side consider, before you knee-jerk oppose this amendment, consider what this is opening up for this House. And do you really want to open up that we're going to have earmarks to name things after ourselves?

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Mr. Chairman, I rise in opposition because I'm supporting the spirit and the rule.

Let me make some things abundantly clear that this would not only not violate the spirit in which we are doing this, but 60 years ago Charles Rangel was a high school dropout on the streets of Lenox Avenue, and the only thing that brings him to this Congress is the G.I. Bill. And in my community, where only four out of 10 kids manage to finish high school, I've devoted my entire life in working with the public and private sector in trying to keep our kids in school, and giving them the opportunity to get an education.

The days that we think that education is a local issue are over. As we move toward globalization, it is going to be far more important for every young person, every person in this country to be exposed, to get the education, and to compete.

This is not a question of Federal funds being used to start anything. The City University came and asked would I start a drive to raise the money, which they already raised $25 million, in order to do this. And all the office things that you're talking about, when you talk about archives, it means after I leave here. And I do hope that there would be an office there, as we bring people in to encourage people to get an education, to go into public service. I cannot think of anything that I am more proud of. I wish we had more of this type of thing.

And so it just seems to me, as you have seen fit to apply for an earmark here, that you understand what it is. I've been in office for 38 years, I don't need any accolades. My community has given me that. My predecessor served for 26 years before me. So I do hope that when you start talking about we understand that you can do this, but we're anxious to make certain that people don't want this, anybody that has given 38 of their years to the Congress, anybody that was able to go back to high school under the G.I. Bill when they were 23, anybody that spends his time inspiring kids to go to school, to stay in school, to get an education, to get married, make contributions in anybody's community, and the city college that stood on a hill, where I had no idea that it was a college when I was a kid since nobody in my family had gone to college, anybody that can get this Congress to support something like that, I would laud not only the success in getting it done, but the spirit in which it's being done.

Mr. CAMPBELL of California. Will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. CAMPBELL of California. You said that this is not starting this, but it does not exist today; is that correct, sir?

Mr. RANGEL. We have corporation people making contributions. The school does not exist. It will be announced in October. And I hope my Federal Government is a part of that, as I know my city and State are going to be a part of it, not because my name is on it. I would feel just as strongly about this if it wasn't. But somehow they feel, as some people do, that my name on it will drive and be able to raise the private funds, and so far $25 million has been raised. And I want my government to be a part of that effort.

The brochure is what is being sold to encourage people, including you, to understand what we're trying to do and what we're going to do.

Mr. CAMPBELL of California. And so, you don't agree with me, or see any problem with us, as Members, sending taxpayer funds in the creation of things named after ourselves while we're still here?

Mr. RANGEL. Mr. CAMPBELL, I would like to answer you. I would have a problem if you did it because I don't think that you've been around long enough that having your name on something to inspire a building like this in a school—it might be that it would be in order for you to get publicity and to get reelected. But since I've been here 38 years and have not really had any opposition from the other side, it doesn't serve any function for me, except to try to encourage people to participate with government, local government, teachers, in order to keep our kids in school.

So, I am proud of the fact that they're using my name in order to create this. And it's going to be created. As I said, if you had gone to the Web site, you would have gotten a number, you could have gotten in touch with President Williams, he would have told you we've collected $25 million, and that would be it.

So, not only do I not see anything wrong, but I wish more public servants that have the ability to do this would get involved in this type of thing. I think it's very important.

Mr. CAMPBELL of California. If the gentleman would yield, is there, then, a number of years in which someone can have been in Congress in which you are then allowed to name something after yourself?

Mr. RANGEL. No. But I'm convinced that after you're here a while that you would find out it's the quality of service and what you have produced for your constituents rather than how long you've been here.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentleman from California has 2 minutes remaining.

Mr. CAMPBELL of California. I would like to yield 1½ minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I just think that putting our constituents first is what this place should be all about, and putting our country first.

The gentleman from New York is a distinguished combat veteran, with 38 years service in this House. But we have seen people leave this House to great glory, and to even be elected President or ambassador, captains of industry. And other of our colleagues have gone straight from this Chamber to jail. And the decision is best made by history. The collective wisdom of our rules is that, in general, we don't name things after ourselves when we are great and powerful, but no independent judgment could be leveled.

□ 1245

I support this project. I think this project is a good one. But I would just ask would the gentleman entertain a unanimous consent request simply to remove his name to advance this project, but to delete the current ego from this?

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from New York.

Mr. RANGEL. I tried to make it clear, and I wish I had been better at it, that as flattered as I am that they are using my name, I am thoroughly convinced that the only reason they are using my name is the ability to attract funds to get this thing going. So for me to be able to remove my name from it, I would say that the $25 million that they raised was in bad faith, and the money that they intend to raise, that I would not lend my name to, they would never have done this unless I agreed.

Mr. KIRK. Reclaiming my time, the gentleman is a very powerful chairman. If he supports this project, they will come. But I worry about setting the precedent of everyone else naming things after themselves.

The Acting CHAIRMAN. The gentleman from California has 30 seconds remaining.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

In conclusion, it includes an office, et cetera. I just don't believe that we should use the power and authority we have while in office to use taxpayer funds to create monuments to ourselves or to participate in the creation of a monument to ourselves. That is just not something that I believe we should be doing.

Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I just want to commend the Democrats. We always said that names should be placed next to the earmarks. This earmark is going beyond the spirit of the law. The name is on the earmark.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. OBEY. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, with regard to the Garrett amendment pertaining to the Department of Labor and the National Institutes of Health, which was previously adopted by a voice vote and accepted by the committee, I would like to clarify that the amendment does not specify which Department of Labor programs would be impacted.

Adoption of that amendment does not create any legislative intent that would require the Department of Labor to reduce funding for the migrant and seasonal farm worker program.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 16 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ______. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the American Jazz Museum in Kansas City, Missouri, for exhibits, education programs, and an archival project.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration" is hereby reduced by $200,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

Before talking about this amendment, there wasn't time for me to speak on the last one, I just want to say that I don't think it is the road that we want to go down to start naming facilities or programs after ourselves. I think that the rules may be a bit vague, but they seem clear enough that we shouldn't do that. The dialogue that I heard was, Are you worthy to have something named after you if you have just been here a few years? Does it take 38 years? What does it take?

Frankly, I think it would take a lot more than $2 million to get any college or university in my district to name something the "Flake Center," for a myriad of reasons. But, having said that, I just don't think it is a road that we should go down. So that is why I supported the gentleman's amendment. I hope others as they come to the floor will, as well.

This amendment would prohibit $200,000 in Federal funds from being used for the American Jazz Museum in Kansas City, Missouri, for exhibits, education programs, and for an archival project. It reduces the cost of the bill by a consistent amount. I couldn't think of any jazzy line here, but I will just say that earmarks like this probably give taxpayers all over the blues.

This earmark would come out of the Institute of Museum and Library Services account, or the IMLS. The IMLS administers a competitive grant program for museums, libraries and zoos. This committee has recommended this program be funded with nearly $18 million.

Here is part of the problem, I think, with earmarks, particularly in this bill. We are often earmarking funds that are in programs at the agencies that are already designated to be awarded on a competitively bid process. This jazz museum, I am sure, has submitted applications. Perhaps they have won grants over the years. But maybe this year they didn't. So what earmarks typically do are circumvent the process that we have mandated to be established with these agencies.

We often complain about Federal agencies not listening to us and going out and spending willy-nilly. That is often the case, certainly. It is our job, then, to call them in and say, we want to change your program. We want to have you competitively bid projects.

I should point out that much of what we criticize the agencies for we are doing here in spades. Earmarks are, by their very definition, no-bid contracts. We are saying to people out there, if you can't get your grant through the competitively bid process, come to us anyway, and we will earmark those funds for you. So there is no concept, no discussion of merit.

Try as they might, I am sure the Appropriations Committee is not in a position to adequately scrub and vet all of these earmark requests. That is simply not their role and shouldn't be their role. We shouldn't put that burden on the Appropriations Committee.

Mr. Chairman, I reserve the balance of my time.

Mr. CLEAVER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. CLEAVER. Thank you, Mr. Chairman.

Let me first of all say that on the positive side, I do have respect for the gentleman from Arizona. He is consistent. He is not mean-spirited with his opposition. There is a lot of mean-spirited conversation that goes on here.

I should say to him, however, that this Member of Congress placed all 120 requested earmarks on my Web site in March, not at the request of anyone. I did it. I am proud of my earmarks. I want everybody to see them. I don't think there is enough money going, though, to this particular project.

When I was mayor of Kansas City, Missouri, we built the American Jazz Museum. It is the only museum on the planet dedicated to the preservation of America's only art form. Jazz is the only art form created in the United States of America. We have what is called the John Baker Collection. If students at the University of Arizona want to study the industry of jazz, the art form of jazz, and they would like to see the soundies, the only place they can see the John Baker Collection, the largest collection of old black and white soundies, is the American Jazz Museum in Kansas City.

People from across this Nation, actually from across the world, come into Kansas City. The city put money into it. Of course, as a former mayor, I know that we send unfunded mandates down to the city. So the city, particularly, since I left office, reduces the funding each year. Since people are using this museum from all over this Nation, I'll bet there are people in Arizona, I hope they are watching, who are using the American Jazz Museum.

So, I believe, first of all, that I have been as transparent as anybody could be. The comments we received from people in our district, Republicans and Democrats, is thank you for being transparent. I don't hide any of it. I want everybody to look at it, examine it. It gives me an opportunity to stand here, and hopefully people in my district are watching me now to stand here and not only defend the earmark, but to promote the American Jazz Museum.

This is the home of Charlie "Yard-Bird" Parker, who was born and raised right there and went to school around the street from the museum. This is the place where Count Basie organized his band. This is the place where Jay McShan organized his band. Every major jazz artist in the world wanted to play 18th and Vine.

Now, there is some debate about whether Kansas City or New Orleans is the Mother of Jazz. Of course, New Orleans is wrong, and I try to help them when I can. But the point here is that we need, Mr. Chairman, to have people who are going to put up earmarks to be in a position to feel good about them and to express it. So I don't see this so much as a defense, but as an opportunity to promote what I think is one of the legitimate projects for funding from the United States Congress because it serves the people of this Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I have a great deal of respect for the gentleman whose earmark this is. I believe he knows that. I commend him for earlier than just about anybody putting his earmarks on his Web site. Certainly, this has been a good reform. I have been complimentary, and I remain so, of the majority party's willingness in January to go down this road and actually require this much. It follows some of what we did in the fall as Republicans. Frankly, in some areas, I think it did better than we did.

This isn't a case of something looks untoward in this earmark, or somebody is trying to get some private gain. It doesn't seem to me to be that at all. It is simply a question of, is this a proper priority? Should Members of Congress be able to designate money like this, particularly in this case, when we have a Federal agency with a program to award grants and an account with $16 million that we appropriate every year to award grants under this program? That is my question here.

I think that certainly, as mentioned, jazz is uniquely American. I can't imagine them submitting a proposal that would not be granted. It seems like a great place. It seems to be appropriate. What is at question here is, should the Congress be doing this? That is where I am.

Mr. Chairman, I yield back.

Mr. OBEY. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

□ 1300

Mr. OBEY. Mr. Chairman, I just want to get a few things off my chest with regard to this earmarking issue.

I know that policy questions are complicated, and I know that budget questions are complicated. I recognize, therefore, that substantial members of the press and some Members of the Congress as well in both bodies seek to find other more simple issues which are small enough to get their mind around. And so we have spent a good amount of time the last 3 weeks talking about earmarks. I want to put some things in perspective about earmarks.

In the Financial Services bill, out of all of the money provided in that bill, 1.5 percent was devoted to earmarks.

In Interior, 0.43 percent of all the money appropriated was provided for earmarks.

In Transportation, 1.4 percent of the entire bill was allocated through earmarks.

And in this bill, it is slightly less than 0.20. That is a very tiny portion of the overall bill.

The executive branch allocates or directs spending at least 10 times as great as does the Congress and I don't see or hear much squawking about that.

I just want to suggest this: I don't happen to be comfortable with the earmarking system because it is a pain in the neck to me, it takes an incredible amount of time, and I would much rather spend that time on policy. But the fact is that it is a constitutional prerogative of the Congress to do so. And I would submit it creates a much more fair system. An example, when Speaker HASTERT ran this place last year, here he is the Speaker of the House, and yet if the Congress earmarked no money, all the dollars would go back to Illinois and they would be directed by a Democratic Governor. So Speaker HASTERT would be part of the body that raised the money at the Federal level and sent the money back to States and local governments; and yet without the earmarking process, the most powerful and influential man in Congress would have nothing to say about how that money was allocated in his own State. I submit that is not right.

Or take myself. I chair the Appropriations Committee. I think I spend more time and, frankly, I think I know at least as much about the Federal budget as anybody in this institution, not because I am so plugged in but because of my job and the fact that I have been here a long time, and even an idiot ought to be able to pick up a fair amount of information as long as I have been here.

So I would simply ask the question why should I serve in this body, try to help my district, and then discover that for 16 straight years we had a Republican Governor, I had absolutely nothing to say about funds that were distributed in my State without the earmarking process.

The earmarking process, if it is used correctly, allows individual Members to target things in their own district that they think will contribute the most to improving the living conditions or the educational conditions or the cultural conditions in that district. I don't think there is anything wrong with that.

But I find it incredibly amazing and amusing that we are talking about 0.19 percent of all of the funds in this bill. How much time have we spent talking about basic education philosophy? How much time have we spent talking about which of these education programs really work? How much time have we spent in this debate talking about the programs? The answer is zip because some people prefer to deal with small things.

The Acting CHAIRMAN. The gentleman from Missouri has 1½ minutes remaining.

Mr. CLEAVER. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I just want to remind my colleagues of some important facts as we deliberate on these earmarks. I think it is very important to understand that we have reduced the dollar value of earmarks in this bill by 50 percent from the levels that the Republicans had when they were running this House of Representatives. A 50 percent reduction. We have cut 41 wasteful programs from the budget in this appropriations bill. We have saved over $1 billion over last year.

So instead of getting involved in the intricacies of one earmark after another, let's keep focused on the facts that count. And the fact that counts is that we reduced this budget and slashed those earmarks in half.

Mr. CLEAVER. Mr. Chairman, I would like to make two final points. The first is the people in the Fifth Congressional District of Missouri, Harry Truman's district, will have the opportunity to judge whether or not I should have placed these projects before Congress for earmarks next November. I am measured by my representation in that district. I would suggest that they are going to be very pleased with what I have done.

The other issue is that we are talking about a $200,000 earmark, and I had hoped for significantly more than that. We are spending $285 million a day, $11 million a hour in Iraq. If you subtract $200,000, that would reduce the number of Coca-Colas in Iraq by about 4 cases based on the price they have been gouging.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Arizona will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 4.6 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, one of the previous speakers from the majority party talked about how this legislation in front of us has reduced the number of earmarks. I believe his quote was there are 41 programs that have been eliminated from last year's appropriation bill. Nevertheless, this bill increases spending $10.8 billion more than the President requested, 7.7 percent more than the President requested. It is $7 billion, or a 4.6 percent, increase over last year's appropriation.

So my amendment is real straightforward. It says we are not going to go back to the President, we are not going to cut it, using the term "cut" to the President's requested level, we are going to go back to last year's funding level, a level funding amendment, a hold-the-line amendment, whatever you want to call it. It is certainly not a cut, although that has typically been the argument made by the other side of the aisle.

This is the sixth amendment I have offered in the appropriations process. Each one has been the same, to hold the line on spending. I don't do it to be a pain in the rear to the committee or to the ranking member. I appreciate the work of the committee and our ranking member and those involved on this committee in bringing this bill forward.

I do it because we have a spending problem. We have a spending problem in this Congress and in this government, and there is going to come a day when we are going to have to deal with it. There is no better time to start than now, and no better place to start than to say let's just hold the line because here is what happens every single time government continues to spend and spend and spend. It inevitably leads to higher taxes, higher taxes that hurt our economy, higher taxes that hurt our standing in the international marketplace. But most importantly, higher taxes that hurt families out there trying to do the things for their kids and their grandkids so they can experience the American dream.

If you don't believe me that spending is going to lead to higher taxes, all you have to do is look at yesterday's Roll Call where there is a story. In fact, we just had the distinguished chairman from the Ways and Means Committee down here defending an earmark in his district, but he is talked about and the article talks about the tobacco tax that they are looking to put on the American people to fund increased spending.

The old line, it's tax and spend, tax and spend politicians; it's actually the opposite, it's spend and tax, spend and tax. Spending drives the equation, and that is why we need to begin to get a handle on spending. That's what this amendment does.

In the course of offering these amendments over the last several weeks, we have consistently heard two arguments from the majority party. The first is the old devastating cut argument, that somehow if we just spend what we spent last year, that will somehow be terrible and the sky will fall and the world will end and everything will go to chaos. I find that hard to believe in light of the fact that countless number of American families have to do that all the time, live on last year's budget. But somehow, government never seems to be able to do that.

The other line that we have heard, and I find this one somewhat amazing, but the line is how dare Republicans talk about holding the line on spending because you increased spending over the last several years as well. I am fascinated by that argument because the argument, when you boil it down, is this: Because Republicans spent too much, we are going to spend more.

So I fail to see the logic in those two arguments. What I do understand is this, Mr. Chairman. Government spends too much. Families know how to budget. We should be able to do the same thing. Families don't just get an automatic 4.6 percent increase in their budget. We should look to hold the line on spending. That is what this amendment does. It will help set us on the path of fiscal discipline so we can begin to deal with the big problems that I referenced earlier that are going to be out there with entitlement spending, and begin to get a handle on our budget so that our economy can continue to grow and prosper.

Mr. Chairman, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I just would like to make a couple of short observations. We are told by this gentleman, and we have been told, and we have been told, and we have been told and we have been told for 3 days that somehow it is this bill which is responsible for the outrageous fiscal mess facing the country. I just want to say one thing: Yes, this bill spends $10 billion more on our kids, on our workers, on our obligation to provide access to health care to people who don't have it, than the President does. I plead fully double guilty. I would do twice as much if I could. I would do three times as much if I could because the country needs it.

This is the bill that makes the investments that will make our country stronger economically, educationally and socially not just today but for the next 10 years. That's what this bill is about.

We have got a 2 percent difference between us and the President in terms of what we are trying to spend in this bill versus what he thinks we ought to spend. I have just told you where we have put it in the right places. Where does the President want to put money? The President wants to spend five times as much as the difference that we have with him on this bill, he wants to spend five times as much giving tax cuts to people who make more than a million bucks a year. He is going to give 57 billion bucks to people in this country who make over a million bucks a year. We think that money, a portion of it, is better spent on kids who need it and on sick people who need it. And we make no apology for it.

The other thing I would simply say is that the other place that the President wants to spend it, he wants to spend 60 times as much as that $10 billion on that stupid war in Iraq, the worst foreign policy blunder in the history of the Republic.

So we plead fully guilty to having a meaningful 2 percent difference between the President and us. We plead fully guilty, and I wish it were more.

□ 1315

Mr. ISRAEL. Mr. Chairman, we reserve the balance of our time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield to the Republican leader, friend and gentleman from Ohio, for 1 minute.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague for yielding, and I rise today to support the gentleman's amendment.

The bill before us spends some $10 billion more than the President requested, $7 billion more than what this bill spent last year. And what the gentleman seeks to do is reduce the overall amount of spending in this bill to the level we spent last year.

Now, our job as Members of Congress is to make decisions, decisions about spending, and when we keep increasing spending and increasing spending, guess what? There's no reason to make a decision. We don't have to make the tough choices because we just keep spending more.

Now, this bill is some $7 billion more than we spent last year. This will be on top of the bills that we've already spent this year, spending some 10 to $12 billion more than the President asked for and above last year's levels.

On top of that, there's $6 billion of additional spending that was in the continuing resolution in February; $17 billion more in the supplemental spending bill for Iraq and Katrina, over and above what was needed in those theaters. And the appropriation process is not finished yet.

What's happening here is we're continuing to spend more. We've got the largest tax increase in American history coming, and I thought we were here to ensure that our kids and their kids had a better chance in life than what we had. I mean, every generation of Americans has been proud of the fact that they left the country and left opportunities for our children and their children that were better than what we had. And I think it's our obligation to make sure that our kids have a better chance at the American Dream than what we had.

But we're not doing that. We're mortgaging our children's future by continuing to raise taxes and increase spending. We've done it all year, and we're not even to the end of the year yet. Now we're only in July and we've got numbers that will add up to close to $100 billion of additional spending. How much is enough? How much is enough?

I think that the gentleman's amendment is a good amendment, just to bring the spending level in this bill down to last year's level, and let's make the tough choices that the American people sent us here to make.

Mr. ISRAEL. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. I thank the gentleman.

They say on the other side, and the gentleman has said, that we have a spending problem and that they left the country in better shape. Our friends on the other side are talking about leaving the country in better shape. I think we need, Mr. Chairman, to remind them of the history here.

What we're talking about is just 6 short years ago President Clinton left office with a budget surplus of $5.6 trillion, and a lot of us at that time were talking about how we were going to invest in education and health care and the important things that our country needs and that make our country stronger.

And in 6 short years, 6 short years, our Republican friends have driven this country into a deficit situation. We're talking projected now on a 10-year basis $3 trillion or more in deficit.

So I don't see how our friends on the other side of the aisle can claim the mantle of fiscal responsibility. I don't see how they can claim in any way that they have left the country in better shape. I don't see how they can claim that they're fighting spending. I mean, this was, under them, borrow and spend, borrow and spend. That was the message. And what we're trying to do here in this particular piece of legislation is get under control a situation where we invest again in the things that the American people really care about: invest in education, investing in our workers so that we can have a competitive workforce, investing in Pell Grants to help students get the very best education.

Mr. ISRAEL. Mr. Chairman, I ask how much time both sides have left?

The Acting CHAIRMAN. Each side has 10 minutes remaining.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of our time.

Mr. JORDAN of Ohio. Mr. Chairman, before yielding to my friend and gentleman from Arizona, let me just respond to one thing real quickly.

The chairman of the Appropriations Committee talked earlier about all the new spending, and the other side has a definition for success for them is more spending. Our side actually believes the definition of success should be success.

And I always look at education. I came from the general assembly in Ohio, and one of the things you focus on so much in the general assembly budget process is primary and secondary education. And if you look at what's happened, and this is for every State, but I can just give you the numbers on Ohio.

We have 612 public schools in Ohio. In 1977 we had 2 million K–12 kids. Today we have 1.8 million. So we've had 200,000 less kids in K–12 public school, 612 districts in our State. Over that 30 years, 200,000 less kids. Dollars spent per pupil, dollars spent per aggregate, dollars spent for facilities, dollars spent any way you want to define dollars spent adjusted for inflation is a tremendous increase.

So you have got 200,000 less kids. So you've got the graph going this way. The economists have always got these graphs. Graph coming down on number of students, graph going up adjusted for inflation, and what are the results? It's a straight line. So you spent a boatload more money on 200,000 less kids to get the exact same result. So more money may mean more learning in some places, but to make the blanket statement more money means more education, more money means more learning is simply not true, and the facts are on our side.

So we define success as actually being success, not giving more money and hoping that good things are going to happen, and if they don't, you know what we're going to do, give them more money next time. We don't define it that way. We say if kids are really learning, that should be success, not the fact that we've given them more money.

Mr. Chairman, with that, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

It was brought up before that we're not talking about what the Federal agencies do. We talk a lot about what Congress does with earmarking, but there's an area of complaint I've heard about what the Federal agencies are doing. Well, this is the time to have that discussion. Right now.

We're looking to reduce the amount spent, the amount that we appropriate to the Federal agencies. Yes, they waste money, a tremendous amount of money. They waste money in my own district. This is the time that we say, hey, hold back a little, reprioritize, don't spend as much, and yet we're not doing it.

Instead, we say, well, you're misspending money and so we're going to misspend some money with earmarking. We don't like the way you have prioritized, so we're not going to actually go in and provide oversight and say, all right, stop spending money this way or that way. We're just going to add to it with our own priorities.

Let me just give an example. It's often said we don't ever give examples of specific programs. I'll give you one. I believe it was last year or maybe the year before GAO came out with a study saying that the DARE program was a waste of money, basically, or we weren't getting the bang for the buck that we should. What did we do? We increased funding for it. Instead of saying, you know, maybe it's not run as it should be, maybe we should scale back on it, force them to change it or scrap it altogether, but instead we increased funding for it.

That goes on across the board. GAO studies that we often commission are always followed by, well, they must need more money. Not the money's being misspent. They just need more of it.

That's what this amendment is all about to say, hey, Federal agencies you're misspending money; you're spending too much; it's time to scale back, and by the way, we can scale back on our own as far as earmarking as well.

So we never hear about the Federal agencies misspending. Here's one saying they do. They do in your district; they do in my district. This is the opportunity to say enough is enough. Let's cut back. Let's have some fiscal responsibility here.

So I commend the gentleman for his amendment, and I urge everyone to support it.

Mr. ISRAEL. Mr. Chairman, I yield myself as much time as I may consume.

I appreciate the gentleman's argument. At least his argument is consistent. I appreciate the gentleman's integrity, and I appreciate the principles of his argument. But I must say, sitting here listening to some of the other Members on the other side of the aisle consistently raises issues of inconsistency.

The gentleman who's offered this amendment has said we should go back to last year. That's all we're doing is going back to last year so we can hold the line on spending. Why would we want to go back to last year? When last year was there ever an attempt to hold the line on spending?

Mr. Chairman, the other side spent and spent and spent and borrowed and borrowed and borrowed. The difference between us is we want to invest in America's families. The other side, Mr. Chairman, decided to spend to give special interest giveaways. We want to spend to make sure that kids can get Pell Grants and go to college and compete in the global economy. They wanted to spend on no-bid contracts to Halliburton. We want to spend to make sure that seniors can heat their homes in the winter because of high oil prices. They wanted to spend on $13 billion in tax cuts for oil company executives who I don't think are eligible for LIHEAP. That's the difference between us.

We just had a debate earlier about the propriety of Members of Congress putting their names on projects that are funded by the Federal Government. I would suggest to my good friends that if there were an earmark for a facility called the Congressional Hypocrisy Treatment Foundation, there wouldn't be a plaque large enough for all of their names.

Mr. Chairman, with that, I yield 1 minute to the distinguished chairman of the Appropriations Committee.

Mr. OBEY. Mr. Chairman, some simple facts. The President's budget would have us spend as a share of our total national income 48 percent less on education, health care, science, job training, et cetera, than this country spent in 1980, and by 2012 he would have us spend 57 percent less than we spent in 1980.

That creates a problem because we're going to have 27 million more Americans in the next 10 years. We're going to have 12 million more seniors needing health care. We're going to have 2.7 million more kids in elementary and secondary school. We're going to have 2.2 million more students in college. And, unless we change our ways, we're going to have 11 million more Americans without health insurance.

That's why we don't want to go back to last year. We want to move ahead to try to deal with the problems coming at us. We see them; they're there. We ought not to stick our head in the ground like an ostrich. We ought to deal with them, and that's what this bill does.

Mr. ISRAEL. Mr. Chairman, can I ask how much time is left?

The Acting CHAIRMAN. The gentleman has 7 minutes remaining.

Mr. ISRAEL. I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member from New York.

Mr. WALSH of New York. Mr. Chairman, I thank the gentleman for yielding and for bringing this amendment.

There were a couple of things that were said in the debate that I just want to try to get a little clarity on.

I served here in the late 1990s, and I recall that Republicans, as the majority party, passed a balanced budget in 1997. In 1998, we had our first balanced budget. Now, President Clinton was President at the time, but I believe I heard someone on the other side say President Clinton left the country with a $5.6 trillion surplus. I think they're mistaken. I think what they meant to say is President Clinton left the United States Government with a $5.6 trillion debt.

Now, that debt has increased, but the fact is that when we were in the majority party, for the first time since the 1940s, we produced a balanced budget. The President does not have the power of the purse; the Congress does. We created that surplus. We created the balanced budgets, and there was no surplus left at the end of the Clinton administration. We actually paid down the debt about a half trillion dollars, about $500 billion. That was good work.

Things changed pretty dramatically in 2001 when our Nation was attacked. We went to war, we had a recession, and the dot-com bubble burst.

But we produced that surplus. We produced those balanced budgets. Not the President of the United States. The Congress. That's where the power of the purse resides.

Mr. JORDAN of Ohio. Could I inquire, Mr. Chairman, how much time we have on our side?

The Acting CHAIRMAN. The gentleman from Ohio has 4½ minutes.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

□ 1330

Mr. WESTMORELAND. I want to thank my friend for yielding.

Mr. Chairman, this would almost be sad if it really wasn't so comical.

I think what a lot of folks are witnessing today is some more smoke and mirrors, another magic show that they may have seen somewhere.

We have the chairman of the Appropriations Committee who said that the President's budget would spend 48 percent less this year on education and some other things that he mentioned than 1980, but yet they talk about what kind of spending spree we are on. I can't imagine what kind of spending spree the Democratic majority must have been on in 1980.

Let me say this. We keep hearing a lot of history lessons, a lot of history in here. For some reason we don't want to talk about the future.

But we keep hearing about the $57 billion from the people in this country that make over $1 million. Now, I really don't know if that's true or not. I am going to assume the chairman of the Appropriations Committee knows if that's true or not.

But it's almost like he sounds mad that he can't get his hands on somebody else's money. He says, you know, we can't get that $57 billion, and we want to spend it. I am mad about it.

You know what? We are spending too much money on the war on terror. Well, look, I have only been here 3 years, but I know one thing. I know that the chairman of the Appropriations Committee and the Democratic leadership over there can stop this war today, today. They got 232 votes. They control the purse strings, they can stop it today.

The supplemental budget that we passed that our leader talked about was $20 billion more than the President requested. The chairman of the committee said, you know what, I would spend $10 billion more. What's stopping him? He is already spending $11 billion more. What's stopping him from spending $10 billion more.

Because you know why? I think they are afraid to tell you that these things that they are investing in, that's what they like to call spending taxpayers' dollars. The things that they are investing in is coming out of the American people's pocket. They are making investments for the people of this country that they don't even have any say in. It's time we wake up.

Mr. ISRAEL. Mr. Chairman, I yield myself such time as I may consume.

The gentleman just said the things that they are investing in and implying that the Democrats are making these investments. Yes, we are making these investments. They are investments in strengthening American families, making sure kids can go to college, making sure people can afford to heat their homes.

I will tell you something else, it's not just us, this bill came out of appropriations with a strong bipartisan majority. The most conservative Members of the other side voted for this bill. It's not that we are making these investments as Democrats, it's that most mainstream Members of Congress, with responsibilities to our districts, are making these investments.

Now, maybe there are some who are so far on the other side, so far on the fringe, that they would argue with their own conservative Members that an investment in college education is a bad idea. But the fact of the matter is, they are in a very, very small minority.

This bill has strong bipartisan support in the Appropriations Committee. Republicans and Democrats work together despite the opposition from such a fringe minority.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman. Would the gentleman from Georgia yield for a question?

Mr. WESTMORELAND. Sure.

Mr. RYAN of Ohio. I was wondering, I will ask it as you are walking, do you believe that the Federal Government has responsibility for any K-12 education programs?

Mr. WESTMORELAND. I think that the Federal Government, if they want to fund K-12, it should be in block grants to the local school districts for them to be able to spend the money to the needs of their local school districts and the needs of the State.

Mr. RYAN of Ohio. You do believe in Federal spending on education at the local level?

Mr. WESTMORELAND. I think that if the Federal Government is going to spend money on education, that they need to send it to the State as a block grant for the State Department of Education to spend in their local districts.

Mr. RYAN of Ohio. I thank the gentleman.

I wanted to make sure, because as we had the conversation, I have heard many gentleman who were up here earlier say they didn't believe in any Federal spending for education, local education, at all.

I just want to clarify that you, at least, do believe that we do have an obligation to spend money. I appreciate you saying that.

Mr. WESTMORELAND. You know, I have listened to you many nights and I respect you, because I really believe that you are a true believer in what you are saying.

Let me just say this, that I am part of that fringe.

Mr. RYAN of Ohio. I know. I have been here.

Mr. WESTMORELAND. You are part of a fringe, somewhat of a fringe.

Mr. RYAN of Ohio. I don't think I am.

Mr. WESTMORELAND. Being part of that fringe, I am proud of the fringe.

Mr. RYAN of Ohio. Mr. Chairman, that's twice in the past 2 days that our friend from Georgia has admitted being on the fringe. In response to the claim that I am on the fringe voting for this bill, I would just like to say I joined his colleagues, every Republican on the Labor-H subcommittee from all over, conservative Republicans, in support of this bill.

The gentleman from New York; Mr. REGULA, the gentleman from Ohio, these are balanced, fair investments.

As the gentleman from New York stated, we are not raising taxes. Check, keep your forms from last year, your tax forms, and compare them to next year. There will not be an increase in your taxes.

What we are doing is we are not spending the money on the banks, we are spending it on the kids. We are not giving it to the oil companies, we are giving it to the kids for education and health care.

It's a difference in priorities. There is not a tax increase in here, and the bottom line is we make investments into the future of our country.

I find it offensive and staggering that the minority leader can come here, along with our friends, and talk about leaving the country in better shape than they found it, or that we have that obligation. Three trillion dollars in debt under your watch, Republican House, Republican Senate, Republican White House, $3 trillion.

The gentleman from Ohio wasn't here, but this Congress asked the Secretary of the Treasury to raise the debt limit five or six times so they could go out and borrow more money from China, more money from Japan, more money from OPEC countries. So we don't need lectures on how to leave the country better off than we found it.

Mr. ISRAEL. Mr. Chairman, how much time is left?

The Acting CHAIRMAN. The gentleman from New York has 3 minutes remaining.

Mr. ISRAEL. Mr. Chairman, we reserve the balance of our time.

Mr. JORDAN of Ohio. Mr. Chairman, I would just ask the gentleman, my friend from Ohio, how does increasing spending 4.6 percent over last year's bill, how does that help address the $3 trillion debt problem that I admit, I wasn't here, I admit that's a real problem.

Mr. RYAN of Ohio. Would the gentleman yield so I could ask you a question?

Mr. JORDAN of Ohio. I would be happy to yield. I asked you a question.

Mr. RYAN of Ohio. You will probably remember, because we were in the State Senate together in Ohio, there was a study done by the University of Akron. It said every dollar that the State of Ohio invested in higher education, they got $2 back in tax money. This is an investment we are going to make, and we are going to yield returns.

Mr. JORDAN of Ohio. Reclaiming my time, I would argue that every dollar we let the American taxpayer keep gets earned and returned to the economy, and that's what ultimately allows us to deal with the $3 trillion in debt. That's why we are offering the amendment that we bring forward.

Mr. RYAN of Ohio. That's been the philosophy, and it hasn't worked.

Mr. JORDAN of Ohio. It has too worked. The deficits are coming down right now because of the tax cuts that were put in place earlier this decade. We have seen that happen right now.

Mr. RYAN of Ohio. We raised the debt limit six times. How can you say it worked?

Mr. JORDAN of Ohio. Yes, sometimes facts are a strange thing. The Federal Government does not have a revenue problem.

Revenues increased by 14.5 percent in 2005, 11.6 percent in 2006, and are projected to grow an additional $167 billion, or 7 percent this year, because we let the American family keep more of their money, spend it on the things they want to spend it, instead of saying to them, you know what, we are going to increase spending 4.6 percent in this bill and $20 some billion in this appropriation process that we have done.

Mr. RYAN of Ohio. Two seconds. I would just say if your philosophy has worked, you would be in the majority right now.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. ISRAEL. Mr. Chairman, may I ask how many speakers the other side has?

Mr. JORDAN of Ohio. I think our time is done.

Mr. ISRAEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the differences we have heard in this debate are entirely clear. We want to, with Republicans on the Appropriations Committee, who by a widespread margin supported this bill. We want to continue to invest in America's families and in their future. A very small group of Members on the other side want to continue going to the past where they were spending taxpayer dollars on special interest giveaways.

There are people, in all of our districts, who are scratching their heads trying to figure out how they are going to send their kids to college so they can compete in a global economy. The President wants to slash or eliminate college affordability programs for 1.5 million students.

Now, that's why Republicans and Democrats on the Appropriations Committee supported investments that will make additional Pell Grants available so that people who are working hard, playing by the rules, and want their kids to advance can send their kids to college. This isn't a radical idea.

This was a bipartisan consensus on the Appropriations Committee. But those who are offering these cutbacks don't agree with Republicans and Democrats who believe in making investments so that people who play by the rules and work hard can send their kids to college.

There are people in our districts who are trying to figure out how they are going to pay for their skyrocketing home heating oil costs. The President wants to cut home heating oil programs by $379 million and take away assistance to 1.5 million people.

That's why Republicans and Democrats on the Appropriations Committee agreed that we should invest a fraction of that, $880 million to make sure that an additional 1 million people can pay their heating oil bills. Republicans and Democrats on the Appropriations Committee, bipartisan, there are a few who say, no, no, we should continue giving tax cuts to big oil company executives rather than giving people the ability, helping people with the ability to pay their home heating oil costs.

There are people in our districts who can't figure out what to do if they get cancer, how they are going to have access to health care programs. The President wants to cut medical research at the NIH by $480 million and cut preventive health care services by $220 million. That's why Democrats and Republicans join together on the Appropriations Committee to invest $1.3 billion to improve health care access and help 1 million Americans receive treatment and increase investments in NIH.

This is about priorities, bipartisan common-sense priorities. This is about those of us on both sides of the aisle who believe that we should invest in strengthening America's families and a very small group who believe that we should continue to borrow to give away money to the special interests.

I want to conclude by reminding my colleagues how we go about making these investments, not by raising taxes. They are going to keep saying it and saying it and saying it. That's not how we do it. We cut 41 programs. We slashed earmarks in half. We saved $1 billion.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would rather not talk about what one party did one year and what one party did another year, because I think there is substantial support in both parties for the bill that we have before us today. I want to walk through what the impact of this cut would be on this bill.

If we pass this amendment, we will be cutting $1.2 billion from No Child Left Behind, the President's signature education set of programs. We will be cutting $684 million from Title I grants. We will be cutting $519 million from IDEA. That's a program which both parties have fought for the last 3 days to try to increase.

We would be cutting $717 million from Pell Grants, reducing scholarship awards for millions of students, despite the fact that the cost of higher education has gone up by 40 percent the last 5 years. We would be cutting $1.4 billion from the National Institutes of Health, money that we use to combat cancer, heart disease, Parkinson's and the like. We would be cutting $100 million from community health centers, denying needed health care and dental services to almost half a million people.

We would be cutting $53 million out of the President's request to prepare the country for a potential pandemic flu. We would be cutting $320 million from Head Start, $98 million from Child Care Development Block Grant. We would be cutting $446 million from the Social Security Administration, denying the resources that agency needs to maintain and keep open its local offices and reduce backlogs of disability and SSI claims.

So people have a choice. What's more important, their own accounting sheets or these investments in the country?

The fact is, with the exception of the gang of four, virtually every Republican who has offered an amendment has done the same thing that Democrats have tried to do. They have tried to find ways to increase programs that they think are important to the country's future.

I would submit I don't think those Republicans are out of step, and I don't think those Democrats are out of step. I think the folks who are out of step are the gang of four offering the amendments.

□ 1345

I believe that most Americans, and I think most Republicans, would rather invest the funds now to prepare our workforce to be better trained, our kids to be better educated, and our health care system to be more efficient and more and more humane. That is what this bill is all about, and I think that there is a bipartisan consensus in this House to stick with this bill. So I would urge respectfully rejection of the amendment, as I make one other point.

We have the $1.4 billion initiative of add-ons to try to discourage women from having abortions. Instead of lectures, we provide resources to make their lives better if they decide to have those kids. This bill would cut about 40 percent of that initiative out of the bill. I happen to think that initiative is too important to sandbag, and this amendment sandbags that effort. So I would urge rejection of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $1,517,480,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I want to thank my colleagues who are endeavoring to bring about some responsible spending here in Washington. I think this debate is helpful. It is helpful for the American people, because what it demonstrates is a difference in philosophy.

Before I get to the specifics of my amendment, I want to mention, we have just heard a litany of projects that the chairman of the Appropriations Committee said would be cut with the previous amendment, and he went through: No Child Left Behind cut $1.2 billion; title I, $684 million; IDEA, $519 million; Pell Grants, $717 million cut.

In fact, Mr. Chairman, what the American people understand is that the amendment that was just proposed would keep funding level. Not cut, level, which means that there wouldn't be any decreases over this current year of spending; there would be the same amount of money. It is what Americans do every year when they have a difficult challenge financially.

I would suggest, Mr. Chairman, that we have a difficult challenge financially this year in our Nation. And, consequently, to label those things cuts just isn't so.

But I rise to offer my amendment, which is affectionately known as the Hefley amendment. Former Congressman Joel Hefley from Colorado offered this amendment on multiple occasions. It is a 1 percent reduction in the increase of this Appropriations bill.

Now, to look at the big picture, look at where we are in terms of numbers right now, this current year enacted for this portion of the Federal Appropriations covered $144.6 billion. The President's request, the administration's request, as we all know, was less than that, $140.9 billion. The bill that we have before us is $151.7 billion; $10.8 billion more than the administration's request, more than the request of those that we charge for running this portion of our Nation.

My amendment that I am offering now would, instead of having this bill be $151.7 billion, would say let's have it be $150.2 billion. So, a significant increase over last year but a 1 percent reduction from the increase, an increase that would be greater than the rate of inflation but a 1 percent reduction than that that comes from the committee. And the reason for that is because of the financial situation that we find ourselves in as a Nation.

If you, Mr. Chairman, or I or any of our constituents find themselves in a situation where they need to save some money, then oftentimes what they will do is say we need to cut back across the board on the kinds of things that we are spending. And this amendment simply states that, out of a 1 percent cut, we ought to be able to find one penny out of every dollar to save for our children's future. And the rationale for that is because it is not our money, Mr. Chairman, it is not Congress's money. It is the hard-earned money of the American taxpayer. And we hear a lot about priorities, and we ought to be prioritizing. And that is what budgetary bills are, that is what appropriations bills are, making priority judgments for the hard-earned American taxpayer money. Our priority on this side is that hardworking American taxpayer.

So we rise to offer this amendment that we believe to be a responsible amendment. It outlines the differences between the two sides very clearly. We believe that there ought to be at least one penny out of every dollar that we ought to be able to find in terms of savings for this area for the next year, and offer it sincerely and honestly and respectfully. I would encourage my colleagues to accept the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, I appreciate the gentleman's plea. I will again remind my colleagues that Republicans and Democrats on a bipartisan basis came together in support of these investments in America's families. I do not recall the gentleman coming to the floor arguing for a 1 percent cutback when it was time to give rich oil company executives a $14 billion tax cut.

I yield 5 minutes to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I rise in opposition to the amendment but I thank the gentleman for offering it, because it reminds us of what this debate is really about. We are debating about whether we will invest in America's future. We are debating what kind of a Nation we expect to be.

My chairman, fellow committee members of both parties, and the vast majority of people around the country believe in America's future. We believe that America's best days are ahead of us. We believe that the American people can compete and succeed in the global economy, and that the most talented, industrious, and ingenious people on Earth are the American people. And we believe that, to ensure our bright future, we must invest in the American people today.

The America we see ahead of us is one where every child has the opportunity to go to college regardless of whether their parents did and regardless of whether they are rich or poor. They receive the best job training, develop the strongest skills, are empowered to create by laws that reward innovation, and have a government that is working for them, not against them, in foreign markets.

In the America we see, every child and their parents has access to decent health care, and no one working full time, playing by the rules and contributing to the prosperity of the country, has to become impoverished because of the catastrophic illness in the family. No parent should have to mourn the loss of a child it could not provide health care for, and no child should grow up in a home without one of its parents for lack of the same access to care.

For our parents' generation, this vision of America's future resembles their own fondest hopes. Our parents and their parents struggled so that we could enjoy a higher quality of living, better schools, better hospitals, and a safer world than what they knew. And, by and large, this greatest generation was successful. America is a better, more prosperous Nation because of their struggle.

But the generations that went before us did more than struggle; they also invested. They built schools, they built hospitals, they built our Armed Forces, and they invested in America's future. If America is to enjoy the same bright future we have in mind, that investment must go on.

Fortunately, this vision of an America where our best days are still ahead of us is a bipartisan vision. It crosses every economic, political, and generational line. We all want and believe that we can bring about a more secure and more prosperous future for our children and grandchildren. And we believe we can do so, must do so, in a fiscally responsible way by paying as we go.

Sure, there are some who do not share these values or who believe that we can achieve this bright tomorrow without any investment, without any contribution or sacrifice on our part. They are the "get something for nothing" crowd, the "I got mine, you get yours" crowd. They do not believe America needs our investment. And the future? Well, the future can take care of itself.

Some of these naysayers you will hear from today, some you have heard from already. Masquerading under a banner of fiscal prudence they will say, "We cannot afford the investment." It is a masquerade. These are the same people, of course, who drove our national debt to the highest in history through a half decade of borrowing. And theirs was the worst form of borrowing; borrowing that led to no investment and, therefore, to no improvement in the Nation's foundation.

Our parents' generation had them, too, these masqueraders, the "something for nothing" crowd. But just kind of imagine what kind of an America we would live in today if our predecessors had followed their irresponsible siren song. We would still be traveling along dirt roads instead of highways, with crops rotting in the fields, long-term economic stagnation, a bleak presence, and an even bleaker future. We would, in sum, have become that Nation that Franklin Roosevelt so presciently warned against, a Nation with a substantial portion of its people ill-fed, ill-clothed, ill-housed, and insecure.

It is indeed fortuitous that these voices are few now and were few then, that the overwhelming bipartisan majority of committee members and Americans recognize that we have a responsibility to our Nation's future, and that responsibility requires sound investment.

In 10 years, 2.7 million more kids will be in K–12 schools, and America will be ready for them because we insist on it. In 10 years, 2.2 million more students will be in college, and our universities will be ready for them with a state-of-the-art education because we insist on it. In 10 years, the global economy will be even more extensive and American workers will be competing and winning because we will have invested in them. And, yes, it is because we are insisting on it now.

We believe in America's future. We believe our best days are ahead of us. And we share the belief that our parents had before us that we are responsible for that bright future, and that future requires investment.

Mr. ISRAEL. Mr. Chairman, may I inquire how much time is available on both sides?

The Acting CHAIRMAN. The gentleman from New York has 9½ minutes remaining, and the gentleman from Georgia has 11 minutes remaining.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I was heartened to hear my good friend talk about the promise for the future, because that is exactly what we are talking about. We are talking about the future. It was a bit of an Orwellian speech there, because the actions of this bill don't match the wonderful sunshine that the gentleman paints, but that is all right, because that continues to be the mantra that we hear.

Americans know that when you hear the word "investment" in this Chamber that what that means is taxes, and it points out the fundamental difference between the majority party and the minority party. The majority party believes that government spends hardworking American taxpayer money better than hardworking American taxpayers. That is the fundamental difference, and that is what this discussion is about. So I am pleased that the gentleman who just spoke shed light on that, because he indeed did.

I yield 4 minutes to my good friend, the gentlelady from Oklahoma, and look forward to her comments on a fiscally responsible approach to this appropriations bill.

□ 1400

Ms. FALLIN. Mr. Chairman, let me just say I appreciate the good work of the committee. And I know it takes a lot of effort to bring people together for setting the spending priorities and the policies of our Nation, and I know there have been a lot of hearings and testimony on this particular piece of legislation. And I want to commend the committee for their hard work, both Democrats and Republicans.

But I do rise to support this amendment. I think it's a reasonable amendment, to look at how we can, in this Congress, be more fiscally conservative, how we can control our spending.

I've had so many people come up to me since I've been elected as a newly elected freshman saying, we have to do a better job in Congress of controlling our spending.

This particular amendment cuts the budget by 1 percent. The budget that has been recommended is $10 billion over last year's. $10 billion is more than we spend in the State of Oklahoma's whole State budget. $10 billion is more than that. So I think it's reasonable to say that we would like to cut this amount by 1 percent. I don't know how people can argue with that.

Now, I've heard a lot of discussion here today about how this piece of legislation invests in education, health care, social systems, it's for the future of our children; and I don't think you'll find anyone up here who will argue against those things.

I've also heard some people stand up and say today that the Republicans like to spend money when it's their turn, but when we're spending money, then we're against it.

Well, when you look at the spending amounts that have occurred over the last many years in this Congress I, frankly, don't approve of that. I think we have been spending too much money in this Congress, and I'm not going to lay blame on either side, other than just to say that a 1 percent cut in this budget, to me, seems reasonable. There is an increase in spending for the important things, social programs, education, health care.

I've also heard some of the people who have spoken today talk about the future and about stupid political blunders, spending on policy like the Iraq war. Well, I guess we can have that debate, which we have had, for many, many months. But what I can say is that the money that has been spent by this Congress, and some people have asked, you know, has the money gone to wise things? I personally think that protecting our Nation, protecting our national security and spending that money is a well worth cause.

We're talking about the priorities that we're going to be having here in Congress. Some people have said well, look at the various appropriations bills that we've already had that we've been voting on. Some were $10 billion more, some were $7 billion more, $12 billion more. You didn't object to all the different spending levels that there were. When you add all those things up, that adds up to a lot of money.

And I guess all that is to say that no one in my State has called me and said, please tell Congress to spend a little bit more money. Please tell them that I'm not paying enough, and I have some more.

But what I do hear my people back home say is, set the priorities. Determine what's reasonable. Be fiscally responsible in how we're spending our money.

People are concerned about the rising cost of gas, the rising cost of health care. They're concerned about education, they're concerned about taking care of those who can't take care of themselves.

I think it is reasonable for us to look at a 1 percent cut in this budget, but yet still meet the priorities of this Nation in taking care of the people that need to be taken care of in this appropriations bill.

Mr. ISRAEL. Madam Chairman, I would just say to the gentlewoman that in fact she may not be getting calls from people saying that it's harder for their kids to afford college, or that gas prices are getting higher, or that they're worried about their health care. But many Republicans and Democrats are getting those calls, which is why there wasn't a single Republican in the Appropriations Committee who voted against this bill.

The gentlewoman also said that we've got to be fiscally responsible. Well, that's why so many Republicans joined us in supporting this bill, because in fact this bill cuts 41 programs that didn't make sense any more, and reduces by half the number the dollar value of earmarks that we had in the past.

Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a member of the committee.

Mr. HINCHEY. Madam Chairman, this has been a very interesting debate, and one of the aspects of it with which I find myself in agreement is the assertion by my friend on the other side of the aisle that there is a display of differences of opinion and attitudes with regard to the way in which we handle our fiscal responsibilities here, and there is no question about that.

If you look at the last 6 years, while the Republican Party has controlled every aspect of this government, they managed to succeed to almost double the national debt. They now have us in a situation where we owe almost $9 trillion, $8.9 trillion.

They continue to spend, as a result of their initiatives, now, about $11 billion a month on Iraq, the illegal invasion of Iraq which they perpetrated and are interested in carrying out.

What we're trying to do here in this particular bill, and in the context of our budget responsibilities, is to focus attention on the needs of the American people, what we as a Congress ought to be doing in the context of our responsibilities, serving the American people, doing what's right for them, improving the possibility, the prospects of education, making it easier for our children to get the best possible education that they can get, making it easier for people to get the health care that they need, making it easier for people to deal with housing situations and circumstances so that people have proper housing.

In other words, our objectives and our priorities are to improve the quality of life of the American people, while your obvious priorities and objectives are to decrease the quality of life of the American people, which is consistent with your objective in the context of this particular amendment.

You want to reduce the amount of money that is available for education, reduce the amount of money that's available for health care, reduce the amount of money that's available for housing and other things that are essential to the American public, while you keep wasting more and more money in Iraq.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to address their remarks to the Chair.

Mr. ISRAEL. Madam Chairman, we reserve the balance of our time.

Mr. PRICE of Georgia. I thank the Chair, and again I appreciate the gentleman's passion. We believe that in order to improve Americans' lives you have got to let them keep more of their hard-earned money and that's what this amendment does, allows Americans to keep more of their hard-earned money.

Madam Chairman, I'm pleased to yield 4 minutes to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. If the American people, Madam Chairman, are watching this debate, they've certainly seen a lot of name calling and a lot of shouting, and now we're having our motives questioned. I personally try to not go down that road. I assume my colleagues on the other side of the aisle, I'm sure their purposes are noble. But I must admit in the 4½ years I've been here, I've certainly been called a lot of names. I think this afternoon's the first time I've been called part of the fringe. I thought fringe had more to do with curtains. But here we are as part of the fringe, I guess, because we believe that the government shouldn't grow faster than the people's ability to pay for it. And somehow that's being called a fringe opinion.

We believe that it's the people's money, and not the government's money. Yet we are being told by our Democrat colleagues that's a fringe opinion.

We happen to believe that the best housing program and the best education program is a paycheck, not a government check; but somehow our Democrat colleagues have chosen to tell us that that's a fringe opinion.

And then we hear lectures from our Democrat colleagues saying well, when you guys were in the majority you spent too much money. So Madam Chairman, their response is well, we're going to spend even more. That logic defies me.

Now, they focus a lot on their noble purposes, Madam Chairman, and they focus a lot on the benefits of all this spending that they care to do. And again, I would like to point out, this particular amendment says that this bill will grow by 3.8 percent instead of 4.8 percent. I suppose that's another fringe opinion as well.

But you know what, Madam Chairman? My friends on the other side of the aisle don't focus upon where this money is coming from, and so they talk about their investments on behalf of the American people. Well, Madam Chairman, maybe the American people want to make their own investments.

You know, I listen to the Ward family in my district from Garland, Texas, and they write, "Dear Congressman, a tax increase in the spending is going to fuel the taxes, the largest tax increase in American history courtesy of the Democrat Party." So all this spending in this bill is fostering a tax increase on the American people. So the Ward family in Garland says, "A tax increase this year would wipe out my ability to continue my daughter's education."

Well, I've got a message for the Ward family in Garland. Don't worry. Don't worry about it. The Democrats have an investment that they're going to make on your behalf. So don't worry about the $3,000 a year they're going to take from you.

I also heard from the Kincaid family in Garland. "In my particular case, an additional $2,200 in taxes would cut into the finances I use to pay for my son's education."

The gentleman from Garland, Texas in my district goes on to say, "I really believe that, given more money, Congress will spend more money. That's not the answer."

Well, I guess we ought to tell the Kincaid family in Garland, Texas, don't worry about your son's college education. The Democrats are going to make an investment for you.

I heard from the Brock family in Dallas, Texas, also in my district. "Dear Congressman, with this tax increase I could not pay for a semester of college for my daughter if I had to send $2,200 more to the government."

Well, again, we have good news for them. Don't worry about all the money that they're taking. The Democrats have an investment for you.

So, again, Madam Chairman, what our friends on the other side of the aisle don't seem to realize is that all this great government spending and all these wonderful investments they have are coming out of the pockets of the American people. In many respects, we are not having a debate over how much this Nation ought to spend on health. We're debating who's doing the spending. It ought to be the family.

Mr. ISRAEL. Madam Chairman, it's time for a fact check for the American people. The gentleman said, well, we may have spent a lot of money; but now you're spending more.

Fact: This bill saves $1.1 billion over last year.

Fact: This bill slashes earmark dollar value 50 percent from last time.

Fact: This bill eliminates 41 programs that don't make sense any more. Facts count.

Madam Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Madam Chairman, we believe we do have a fringe four or five here in the Congress. And it's not, when the gentleman refers to me or the gentleman from New York or the chairman, you're talking about a bill that passed out of the committee with unanimous support from Democrats and Republicans. You will see on the floor it will pass with Democrat and Republican votes. This is a bipartisan bill.

But we have a fringe group in the House that consistently wants to try to find out and try to figure out how to make things work. And what this bill does is it invests in our future. And the bottom line is this. We're now competing with 1.3 billion people in China, 1.2 billion people in India, competitive global economy.

And over the last few years, we've seen for the average American people, and the gentleman from Georgia said, well, we want people to keep more of their own money. So do we. But they haven't been over the past few years.

There's been a $3,200 increase in their energy costs, a $1,200 increase in their health insurance, a 40 percent increase in college tuition. Wages for college grads in the last 4 or 5 years is down 5.2 percent.

Gas prices, the fastest growing part of the budget has been the interest payments on the debt. But our bill addresses middle class family wages, down $1,669 over the past 2 years. So the American people have not been able to keep more of their own money. And so our agenda, through this bill and other bills that we have passed addressed that issue.

How do you reduce the cost of energy? You make investments in research and development, and that will yield us benefits down the line.

How do you help families send their kids to schools? You invest money into the Pell Grant. You cut student loan interest rates in half. And the difference really has been with the student loan interest rates, we're not spending any more money. What we're saying is that money is not going to go to the banks. That money is going to go to the kids and the students, and we're going to cut the student loan interest rates in half and increase the Pell Grant.

We have money in here for our community health centers, so kids can get preventative care, so they end up they can get treated for a cold, instead of ending up in the emergency room for a much higher price to the taxpayer. So we're making significant investments. And this bill will help secure a strong future for the United States of America.

We need to get more kids in college. We need to invest in foreign languages. That's what this bill does. And I'm proud of this bill, on a bipartisan basis.

And I think it's important for the people, Madam Chairman, who are listening as this goes into the CONGRESSIONAL RECORD. What do they want? They want an investment in their future, and that's what this bill does. It makes that investment to secure our future and make us strong and move us in a new direction.

□ 1415

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Madam Chairman, a lot is being said, a lot of numbers are being thrown around, a lot of claims are being made, even claims that facts are facts. And I just wanted to clarify a point that my good friend from New York made, and that is that this bill saves $1.5 billion over last year. I don't understand that statement because last year we spent $144.7 billion in budget authority, enacted, and this year it is $151 billion, so almost $8 billion more than last year.

So the facts, I think, need to be checked. Let's try to be accurate. Everybody wants to thump their chest and say what a great party they have. But the facts are we are spending $8 billion this year more than last if this bill passes.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I thank the gentleman for his comments that I believe point clearly to what the facts are.

I am pleased to yield the balance of my time to the gentleman from Indiana (Mr. PENCE).

The CHAIRMAN. The gentleman from Indiana is recognized for 2½ minutes.

Mr. PENCE. Madam Chairman, I rise on behalf of the fringe in America. Madam Chairman, that would be the fringe that believes that governments ought to live within their means, ought to pay their bills, ought to balance budgets.

The gentleman from Ohio, whom I respect and admire his style as a legislator and a leader, has coined the phrase "fringe," and I want to embrace it. I want to come to this floor and say every American who believes that we ought to balance the Federal budget, who believes that we ought to come together across the political divide and reform entitlements, who believes we ought to wrestle to the ground an $8 trillion national debt, that fringe is the fringe that I represent in America and those with which I proudly stand.

And let me say I know that number 8 trillion very well. On my way to the floor today, I passed the office of clearly a dozen of the gentleman from Ohio's colleagues' offices, Democrats all, who anyone looking on wouldn't necessarily know, who all have signs in front of their office lamenting an $8 trillion national debt. And as the other gentleman said, I lament the role of the Republican majority in creating that, and I fought members of my own majority in years that we saw the debt go from $5 trillion to $8 trillion.

But I say on behalf of the fringe, the fringe of Americans who say governments ought to live within their means, they ought to balance budgets, they ought to make the tough choices in a bipartisan way to live within the fiscal values that the American people represent, I say let's deal with it. And this cut today brought by the gentleman from Georgia is a modest step to be sure. It is a 1 percent cut. It says instead of doing with a 4.8 percent increase over last year, the Federal Government will have to get by on a 3.8 percent increase over last year. And it doesn't seem to me to be too much to ask, with an $8 trillion national debt, for us to come together and begin to trim and begin to make the hard choices. But it won't solve the real problem, and my cherished colleagues on the other side of the aisle know this. We have to get past the names; we have to get past the categories, and we have to represent the fringe of America that wants to see us balance this budget.

Mr. ISRAEL. Madam Chairman, I yield myself the balance of my time.

Well, Madam Chairman, it is refreshing to hear some candor on the other side in their admission that there is a fringe. And that is, in fact, a matter of fact because there wasn't a single Republican vote against this appropriations bill in committee.

Now, those who define themselves on the fringe would suggest that the answer to America's problems is a 1 percent solution. We can rein in our deficit that they built up with a 1 percent cutback.

I don't know where they were, and I have a very high regard for their position, but I do feel an obligation to ask where were they in offering amendments to cut $13 billion in giveaways to the richest oil company executives making the largest profits in the history of humankind? Where was the 1 percent cut amendment then? Suddenly we could afford that, but we can't afford additional Pell Grants for the steelworker that the gentleman refers to.

Where were they with an amendment for a 1 percent cut in excessive payments to Halliburton, $1.47 billion in payments to Halliburton that have been found by the Federal Government to be fraudulent? Where was the amendment to cut those payments by 1 percent? We could afford excessive and fraudulent payments to Halliburton, but we can't afford additional investments in cancer research and access to health care for the American people.

I would respect my colleagues if they showed more consistency. But there has not been that consistency. It is not about spending. It is about spending on the wrong things and the wrong priorities.

Mr. SCHIFF. Madam Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from California.

Mr. SCHIFF. I think I may have the gentleman's answer to where was the fringe when the giveaways to the oil companies and the Halliburtons were taking place; why wasn't there an effort to cut those giveaways by 1 percent.

Those who wanted to cut those profits and those giveaways were not part of the fringe. The fringe we are talking about here today is the fringe that says we want those obscene oil company profits. We want those obscene profits for Halliburton. But we want to cut over $1 billion out of education, out of health care. That is the fringe we are talking about.

The overwhelming bipartisan majority of us want to balance the budget. We are working hard to do that. But we don't want to balance the budget on the backs of our kids and on the backs of those who need health care and on the backs of our workers who need training. And that, I think, is the fringe that we are talking about here today.

Mr. ISRAEL. I thank the gentleman.

I will conclude, Madam Chairman, by suggesting that the mainstream view, the view that has been endorsed on a bipartisan basis by mainstream Republicans and Democrats on the Appropriations Committee and the American people is that we should make investments in education. The fringe view: more oil money for oil companies.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I would like to again simply walk us through what this cut means in specific terms. This amendment would cut $257 million from the President's No Child Left Behind education flagship program. It would cut $144 million from title I, denying more than 40,000 students those title I services. It would cut $113 million from Special Education. It would wipe out every single amendment but one that was passed on this floor in the last 2 days to enhance Special Education, most of those amendments coming from the Republican side of the aisle.

It would cut $156 million from Pell Grants. It would cut $300 million from the National Institutes of Health for medical research in cancer, heart disease, Parkinson's, Alzheimer's and the like. It would cut $22 million from community health centers. Over 100,000 of the uninsured would not have access to those services. It would cut $70 million from Head Start, $21 million from the Child Care Development Block Grant. It would cut $27 million from LIHEAP.

I want to remind you, in LIHEAP, the bill itself only restores half of the cut that was made last year by the President and the Congress.

It would cut $97 million from the Social Security Administration. Members are climbing all over me saying, "What are we going to do to keep my local Social Security offices open? What are we going to do to eliminate the multimonth backlog in people applying for Social Security disability?" I will tell you what they are going to do. This will add to it. It will add to the problem.

So with all due respect to the sanctimony that we hear from those who belatedly cry about the Federal deficit, I didn't hear them crying about the Federal deficit when they voted to spend $600 billion on an ill-advised war in Iraq. I don't hear them crying about the fact that $57 billion in tax cuts for millionaires adds $57 billion to the Federal deficit.

So I just think we need to recognize that I believe the vast majority of Americans and I believe substantial portions of both parties in this House believe that this bill is responsible in real dollar terms. All of the domestic appropriation bills that we will produce and have produced this year amount to a 1 percent increase in real terms.

One of the gentlemen over there claimed that these were not cuts. Well, let me tell you something. If you appropriate the same amount of money this year that you appropriated last year but inflation eats away at that and so does population growth, if you don't adjust for inflation and population growth, then to each recipient of the services under this legislation there is indeed a cut to them. And that is what counts. It is the impact on their pocketbook. It is the impact on their ability to get help to send their kids to school.

It is an impact on the couple in my District who called 31 dentists to try to get some help with their kid who had to have the braces taken off his teeth. They couldn't get any of them to take them because the dentists wouldn't take Medicaid patients. They didn't have a local clinic. So the mother held the kid down while the father took the braces off with a pair of pliers.

That wouldn't happen to any child of a Member of Congress. The gentleman is smiling about that. I don't think that is anything to smile about. I met that woman.

Mr. PRICE of Georgia. Madam Chairman, will the gentleman yield?

Mr. OBEY. Yes, sir.

Mr. PRICE of Georgia. The conversation that I was having with my assistant to the right resulted in my glee, not to your comment.

Mr. OBEY. I understand.

But let me simply say, Madam Chairman, these cuts, these will be cuts in terms of the services that we are trying to provide to these people. It is immoral. It is unconscionable that we allow 44 million Americans to go without health insurance.

This bill will deliver health care coverage to 2 million more Americans than got it last year. It will make up in a tiny way for the indifference, the massive indifference, which has characterized this country the past few years on the issue of health coverage.

I would urge a "no" vote on the amendment and support for the underlying bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1430

AMENDMENT NO. 23 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Madam Chairman, the amendment that I'm offering today to this appropriations bill would make a cut of just one-half of 1 percent of the overall funding of the bill.

You know, my friends on the other side of the aisle, Madam Chairman, are talking about how we are "fringe" Members of the House of Representatives. You know, when I go into my district and I talk to people, one thing that they really want Congress to do is rein in spending. We hear lots of individuals say, you know, we have to live within our family budget, how come Congress doesn't have to do that? I was proud to be in the State legislature in Colorado where we had an amendment to our Constitution forcing us to live within our means, so to speak, in the State of Colorado. We could not spend money that we didn't have.

Well, here in the Federal Government, it seems that even though as I walk down the hallways of the office buildings, the Longworth House Office Building, I see many signs on easels out in the hall talking about our $8.8 trillion debt. We are being constantly reminded of that. And you know what? I think that is very appropriate. I think every American ought to see that placard and see what we have, $8.8 trillion debt.

And as I think about that, I'm just offering the Members of Congress yet another opportunity to do the right thing, the right thing being exercising fiscal discipline, just a modicum of fiscal discipline, 1.5 percent. So the increase in this bill would go from 4.8 increase to 4.3. Now, some people would miscategorize that as a cut. It is not a cut. It is still an increase in spending of 4.3 percent.

So I would ask my colleagues to identify with the American people who admire people who can live within their means, who don't spend money that they really don't have, but show the discipline to do the right thing.

And I'm asking for this cut today. How many people can visualize a $100 bill? You give someone a $100 bill and say I want you to spend this wisely, but let's just save 50 cents of that $100 bill. How many people would say that that was unreasonable?

Madam Chairman, I'm saying today that this Congress needs to start on the right path. I'm asking for a .5 percent amendment to this appropriation bill.

Madam Chairman, I reserve the balance of my time.

Mr. ISRAEL. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Well, another fringe offering. Now we're down to .5 percent. The solution to America's problems is now down to .5 percent. The solution to America's problems is now down to .5 percent, less Pell Grant money so the kids can go to college, higher fuel bills in the winter for people who can't pay their fuel bills. I never saw a .5 percent reduction in funds to Halliburton. I never saw a .5 percent reduction in the $13 billion in giveaways to Big Oil company executives, who are making the world's greatest profits. But now suddenly, when it comes to reducing people's heating bills or reducing their college costs, we want them to have another .5 percent burden because the burden they have just isn't enough.

This is déjà vu all over again. It was a bad idea on the amendment before this. It was a bad idea on the amendment before that. It's still a bad idea, it's just down to a .5 percent bad idea.

Madam Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman.

And since my friends on the other side of the aisle have embraced their fringeness, I would like to just point out to you from the Roll Call today, around the Hill there is a festival, 11-day play, this weekend. I know many of you go home, so many of your staff may want to attend this, it's the Capitol Fringe Festival. So you may be able to attend and completely embrace the fringeness.

But again, as the gentleman has said, Madam Chair, when we first got in the majority in January, we tried to pass out of this House, in our Six in '06, provisions that we passed, campaigned on and then passed. One of the provisions was to strip $14 billion from the oil companies. And our friends, who are now wanting to take this money from Pell Grants and investments in education, investments in health care, voted against stripping the oil companies of $14 billion. And this is what we're talking about.

This bipartisan committee passed out of the committee unanimously, on support of the Republicans on that committee, with the support of the Democrats on this committee, well thought-out pieces of legislation, well thought-out amendments in the committee, supported unanimously by both sides. And what we're saying is, we have to make these investments.

And there is no tax increase in this year's budget, none, zero, that's it. You can't point it out. In 2007, keep your forms, 2006, or last year's forms, and compare them to next year's, and there will be not one dime of an increase. All we did was we took that money that our friends were giving to the banks and we invested that money in the kids. The $14 billion that was going to the oil companies at their times of highest profits is going into health care and education now and alternative energy.

As I said earlier, this is very simple. We're in a globally competitive market, and we need to make investments into our kids and into our future. That's what this bill does.

Now what you're saying is, with tuition costs going up 40 percent, health insurance going up $100 a year, and energy costs going up $3,200 a year, that the solution to that problem and every other problem we have in the country right now is a .5 percent cut that would put additional burdens on families who are trying to send their kids to school, would reduce the money that we're making into making our citizens healthier and community health clinics so that at the end of the day would allow us to prevent people from ending up in the emergency room and costing us billions and billions of dollars more.

These are good investments, voted on in a bipartisan way, and will secure the strength of our country in the future.

Mrs. MUSGRAVE. Madam Chairman, I won't be at the Fringe Festival this weekend, I will be going home to Colorado. I will be talking to the folks that are working hard every day, raising their children, trying to make ends meet, and worrying about higher taxes. And I think they should be worrying about higher taxes because when we have increases like this, we're going to see those placards in the hallway with a national debt ever increasing.

Madam Chairman, I yield 3 minutes to my friend from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentlelady from Colorado for yielding, and for her excellent, truly excellent amendment.

I have been following the debate for some time now. Like many of our colleagues, sometimes we have to follow it in our office as we are conducting other business. And I hate that we have stooped to sort of name calling, which unfortunately I have seen.

I guess the gentleman from Ohio says that we're embracing the "fringe" label, and so therefore I suppose I'm down here to make the fringe larger. And I guess there is a little humor in that, and I will just take it in that sense because I'm sure my friend from Ohio didn't mean any harm by it.

But as my good friend, Mr. PENCE, said in his comments, that if the fringe are those hardworking Americans who think they make better decisions on how to spend the money that they earn than we do here in Congress, then I'm in the right place.

We heard that this amendment, this very modest amendment to look for .5 percent savings would place an increased burden, a .5 percent increased burden on the American people. There is no question that the largest tax increase in American history will place a huge burden on the working families of America.

And with all respect to my good friend and colleague from Ohio, the Democrats' budget, in order to balance as the rules require by the end of the budget period, does impose the largest tax increase in American history. And already we're starting to see the majority party have to start to pay the price for some of the budget gimmicks that have been involved in making that work.

Now, the Democrats, while increasing spending, it seems like almost across the board, certainly in the Department of Labor, couldn't manage to keep the spending for the Office of Labor Management Standards at last year's level. There they could find the cut. When it came to the office whose responsibility is to find the crooks who are stealing from union members, they found a way to impose a 4 percent cut in that office. And what a shame that is.

I offered an amendment, it received some bipartisan support, but nevertheless, on a largely partisan basis, that amendment was defeated. That amendment would have just restored the funding to last year's level for the only office in government who has the responsibility and the capability to hunt down and catch the crooks that steal from our American workers, but the majority party could find a way to cut there.

So, I think that the choice here is clear. It's been stated by many of my colleagues. Many of us, fringe or not fringe, believe that the American people can make better decisions on how to spend their money, and we should let them do it.

Mr. ISRAEL. Madam Chair, I would just pose a question to the gentlewoman from Colorado and would yield to her for a response.

I am just curious as to how public education is funded in the State of Colorado.

I will yield to the gentlewoman.

Mrs. MUSGRAVE. The public education system in Colorado is funded by tax dollars, primarily coming from property taxes.

Mr. ISRAEL. Thank you. Reclaiming my time, the gentlewoman's proposal would impose an across-the-board cut in No Child Left Behind. No Child Left Behind is a Federal program that local school districts must honor. It is a huge unfunded Federal mandate. And I don't know about the gentlewoman's school districts, but I know that my school districts come to me all the time saying, Washington is forcing us to do these programs, but they're not giving us the money that they promised, which means that we have to raise taxes.

And so I would respectfully suggest to the gentlewoman that a .5 percent cut in this bill is a .5 percent property increase in her congressional district, because those poor school districts don't have the ability to say yes or no to those programs. They've just got to provide the services and find the money for it.

We don't think that local property taxpayers should have to bear that burden. We believe, along with every single Republican in the Appropriations Committee, that the Federal Government should assist in those programs.

Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

I wanted to take a moment to address the nature of the proposed amendment, and the amendment before it, and perhaps the amendment after it, the whole nature of the across-the-board amendments. Because I think the beauty of across-the-board amendments, in the eyes of the authors of those amendments, is that they're anonymous in their cuts; they're anonymous in the pain they distribute. They can go home to their district and say, oh, I'm not in favor of cutting education, I'm in favor of across-the-board cuts. Or I'm not in favor of cutting home heating oil for people, no, that would lack compassion, but I am for across-the-board cuts. What's a 1 percent cut? What's a half of 1 percent cut? Well, what it is is hundreds of millions of dollars taken out of education or out of home heating oil or out of health care or out of cancer research or out of special education.

So let's not take ourselves off the hook here. And I would be willing to yield to my colleague from Colorado.

Do you support cuts in home heating oil assistance? Are you ready to stand up here and say to your constituents, yes, I am for cutting home heating assistance? Do you support cuts in special education? Are you willing to say here today to your constituents that I support cuts in special education? I support cuts in abstinence programs. I support cuts in cancer research. Would you tell us if you support cuts in home heating assistance?

Mrs. MUSGRAVE. Well, there is a thing called "Orwellian speak." And when we have a bill that has a 4.8 percent increase and we go to 4.3, that is not a cut.

Mr. SCHIFF. Reclaiming my time, I will be happy to yield if you will answer the question. The question is, do you support cutting home heating oil assistance? It's a yes or no question, it's not complicated. Do you support cutting heating home assistance for poor people? Yes, I support it?

Mrs. MUSGRAVE. Well, if the gentleman would yield, that funding is increased in this legislation, and you know it.

What is at issue here is how do you define "cut"? 4.8 to 4.3 increase.

Mr. SCHIFF. Reclaiming my time. I'm not surprised that I can't get a yes or no answer. I'm not surprised that the gentlewoman is not willing to stand up and say, yes, I support cutting this because I have other priorities. Home heating oil, that's not one of them. Large oil industry profits, that's one of my priorities. Halliburton, that's one of my priorities. But cutting heating oil, that's not a priority, or cutting special ed.

Let me ask you another question; do you think that cuts in college education funding, higher education funding, can be done without cutting the number of kids who have access to college? Do you think we can cut funding from this bill for higher education funding without reducing the number of kids that can go to college?

And you say, it's just half a percent we're cutting from higher ed, or the increase in higher ed, or however you want to phrase it. But the cut is real that you're proposing. So what does that mean? 25,000 more kids can't go to college?

□ 1445

Is that a fair number? Well, maybe that is too much. Should we say 10,000 more American kids can't go to college because of your cut? Is that a fair number? Would you support that? Would you support your amendment if you knew that?

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend. Members are reminded to address their remarks to the Chair and to follow customary courtesy in the process of yielding and reclaiming time.

The gentleman may continue.

Mr. SCHIFF. Through the Chair, in my remaining time, I would ask the gentlewoman from Colorado whether she is willing to support her cuts if she knows that it will mean fewer children in Colorado can go to college.

I would be happy to yield for an answer to this question. Through the Chair, to my colleague from Colorado, if her cuts mean that fewer of her constituents in Colorado can go to college, is she still willing to propose those cuts?

The CHAIRMAN. The gentleman's time has expired.

Mrs. MUSGRAVE. Madam Chairman, I think what I should do is purchase a dictionary and have my friend on the other side of the aisle look up what a cut is.

When you go from 4.8 percent increase in spending and you take away .5, you end up with a 4.3 percent increase in spending. That is what this legislation does. Even with this modest amendment that I offer, it would still be a 4.3 percent increase.

Madam Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Chairman, I have been enjoying hearing the debate here today. As usual, sometimes Republicans and Democrats appear to be passing each other a little bit in the night. It seems to me from hearing comments now from a number of Democratic speakers that there is an implicit assumption based on all of their arguments, and that is, hey, this is important, education is important, and this is important, and heating oil is important, and all this stuff; therefore, the government has to do it all for everybody.

Now, I think the other assumption, and this is the assumption that I make, is that Americans are buying an awful lot more government than we can afford. That is what my constituents are telling me. That is common sense. Going back to my district, things are getting more and more expensive. We keep increasing everything that government does.

The idea is, well, you are not compassionate because you don't want to add more money to government subsidies to do this and government subsidies to do that. Hey, the logical conclusion on that is the government would get 100 percent of your paycheck. I don't think that is why we are competitive.

I have also heard people say that we are in a global economy, as though being in a global economy somehow excuses that the Federal Government should do everything for everybody. I am not buying that assumption. The reason we are competitive in a global economy is because of free enterprise. There is one thing about a safety net. But we are buying too much government.

To add insult to injury, now the Democrats have just passed the biggest tax increase in the history of the United States. They are griping about one-half of 1 percent of a cut in one little bill in discretionary income, and they are adding the average of $3,000 per household across this entire Nation. Now, it would be interesting enough if they just add $3,000. The trouble with doing that this year is, guess what, you will get the $3,000 next year and the next year after that and the next year after that. But the spending is even more.

So we are hearing an objection, and it is all couched in this, oh, don't you care about poor people with fuel oil heating bills and about education and stuff. The trouble is, we are spending too much. What part of that don't we get? So somebody offers this timid little amendment for one-half of 1 percent, and it is like the wheels are going to fall off.

I have to say in answer to the questions, look, we are just buying too much government. We have to start somewhere. I appreciate the gentlewoman's amendment. She is at least starting on one piece of one bill here. While I call it a little bit of a timid amendment, I am certainly prepared to vote for it.

Mr. ISRAEL. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would yield to the gentlewoman if she cares to answer this: The committee report states that the committee recommends $15,027,000 for prevention grants to reduce the abuse of runaway youth. Does the gentlewoman advocate a .5 percent reduction in a $15 million budget to prevent the abuse of runaway youth, which was supported unanimously in the committee?

Madam Chairman, I will yield to the gentlewoman.

If the gentlewoman can't answer, I will ask her to give us an answer to this: the committee report, unanimously approved in committee, recommends $42,430,000 for community-based child abuse prevention.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend. Members are reminded to address their remarks to the Chair.

Mr. ISRAEL. Madam Chairman, I ask the gentlewoman whether she is advocating a .5 percent reduction in a $42 million line item for community-based child abuse prevention. I would be happy to yield to the gentlewoman for an answer.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. ISRAEL. I will yield to the gentlewoman for an answer, since it is her amendment. I will not, at this time, yield to the gentleman.

I would like to yield to the gentlewoman, since it is her amendment.

Mrs. MUSGRAVE. If I may answer your question, first, I would like to point out that, I just realized this, up here to my right in the front of the room, in the front of the Chamber, there is a dictionary. Perhaps the gentleman would like to look up the word "cut." Perhaps the gentleman would like to look up the word "rationalization." Because the gentleman knows that there is still an increase of 4.3 percent in this bill, even with this modest amendment.

You know what? You can rationalize anything. You can be altruistic with someone else's money. We need to curb spending.

Mr. ISRAEL. Madam Chairman, I reclaim my time.

Madam Chairman, I am using the terms the gentlewoman insists on. I am reading directly from the committee report. The committee report states that there is $26,848,000 for adoption opportunities. Because we all want to reduce the number of abortions in the United States, so there is $26,848,000 for adoption opportunities. The gentlewoman's amendment would, as I understand it, reduce by .5 percent the amounts that are in this bill.

So, Madam Chairman, I ask the gentlewoman again, and I will yield to her, is she advocating a .5 percent reduction in the committee recommendation of $26,848,000 for adoption opportunities?

I will yield to the gentlewoman, since it is her amendment.

If she cares not to take the time, I will ask the gentleman. I will yield to the gentleman if he can answer this, Madam Chairman. I would yield to the gentleman, if he would choose to answer this question.

The committee report recommends $9.5 million, out of a $2.5 trillion Federal budget, $9.5 million for the adoption incentives programs. I would ask, Madam Chairman, whether the gentleman supports a .5 percent reduction in adoption incentives.

I would also ask, Madam Chairman, this: the committee recommends a total level of funding of $141 million for the Community Based Abstinence Education program. That is the level of funding that the committee, on a unanimous basis, Republicans in the mainstream and Democrats in the mainstream, agree on.

I will yield to the gentleman, Madam Chairman, if he can say is it the position of the fringe that we should actually cut by .5 percent $141 million for Community Based Abstinence programs.

I will yield to the gentleman, Madam Chairman.

Mr. CAMPBELL of California. Madam Chairman, I would like to point out to the gentleman that under his logic that $141 million proposed in here is actually a cut, because it is a cut from $150 million. It is a $9 million cut from $150 million. Why aren't we spending $150 million?

Mr. ISRAEL. Madam Chairman, I reclaim my time.

Mr. CAMPBELL of California. You see, you only can measure from what——

Mr. ISRAEL. Madam Chairman, I reclaim my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to follow customary courtesy in the process of yielding and reclaiming time.

Mr. ISRAEL. Madam Chairman, may I ask how much time I have left?

The CHAIRMAN. The gentleman has 1½ minutes.

Mr. ISRAEL. Thank you, Madam Chairman.

I would just state at some point, two plus two has to equal four. It can't equal what you want it to be; it has to equal four.

These are the amounts of funding that are in this bill, reported by Republicans and Democrats. Every single mainstream Republican, every conservative Republican on the Appropriations Committee, supported these numbers. The gentlewoman says, no, no, we have to shave .5 percent from these numbers.

I am still waiting to hear whether a single Member on that side would publicly say that they want to cut adoption programs, abstinence programs, runaway youth programs, child abuse programs.

I will yield the balance of my time to the gentleman from Ohio.

Mr. RYAN of Ohio. Madam Chairman, I hate to interrupt this beautiful debate going on, but I think it is important for us to make a point. We offered our friends in the fringe an opportunity within the first 100 hours we were here to strip $14 billion from the oil companies, corporate welfare that they were getting from the United States taxpayers, and you all voted against it, or at least most of you did. You had a chance for $14 billion from the oil companies. But you choose to come here now and take it out of the hide of the students and the middle-class families who are trying to make ends meet.

That is the difference. This is a change in priorities. You had a chance for $14 billion from the oil companies. You were silent. Now you choose to do it for programs that are going to make us stronger in the long run.

So I thank the gentleman, I thank the Chair, I thank the ranking member for putting together such a great bill here, and I think we should leave it as it is and not ask the people who have had increased energy costs, a 40 percent tuition increase, now to say wait a minute, we don't want to help you with that. We want to cut that by .5 percent, too.

Mrs. MUSGRAVE. Madam Chairman, since we had a rudimentary arithmetic thing here, two plus two equals four, I just want to remind my friend, Madam Chairman, that a 4.8 percent increase minus .5 percent still equals a 4.3 percent increase in spending.

With that, I would like to yield 2 minutes to my friend from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentlewoman.

I would suggest that the real math is that this amendment would still anticipate a $6.5 billion increase, yet it is being called a cut.

I had to come down from my office, because I heard that if you were an advocate for taxpayers, you are now part of the fringe of this Congress. If you are an advocate for fiscal responsibility, suddenly you are part of the fringe. Sadly, I would have to acknowledge, if you care about fiscal responsibility and taxpayers in this Congress, you are becoming part of the fringe.

Increasing the budget expenditures by 4.3 percent is somehow going to lead to the end of civilization and the death of all of the children out there and throwing people out of hospital beds.

I would remind all of my colleagues, we have a 10th amendment in this country. Over the years, we now have a $150 billion-plus annual budget to deal with things like labor, health care and education. It isn't a question of whether or not we are going to spend money in America on health care and education. It is a question of who does the spending and who gets to control it.

I would ask every American, as the Federal budget has skyrocketed and we have taken control and micromanaged their health care and education, has public education gotten cheaper? Has it gotten better? Has America's health care system, as we spend so much money on health care, gotten cheaper and gotten better?

Winston Churchill once famously said, there is nothing one government learns so readily from the last as how to spend other people's money, i.e., the taxpayers.

Sadly, this new majority did not learn the lesson that some of us learned in the last several Congresses: we are spending too much, we are abusing American taxpayers, and the notion is that if you care for children, if you care for people that need health care, you have to confiscate as much money out there from taxpayers and working people as possible and you have to micromanage the way it gets spent on so-called "their behalf."

The bureaucrats are happy. The regulators are happy. The politicians in Washington are fat and happy. But the American taxpayer and the people that need real education services and need choices in health care are not happy.

With that, on behalf of the fringe that cares about taxpayers in this Congress, I yield back the balance of my time.

Mrs. MUSGRAVE. Madam Chairman, as I hear the comments from my friends on the other side of the aisle, I would almost remember when my children were small and they actually believed in Santa Claus. They thought that whatever they wanted, they could have. We had to learn some lessons.

They had a wish-list, and then we had to live within our means.

When I think of the good things, and, by the way, I am very happy to hear that my friend on the other side of the aisle supports abstinence education, when I hear about spending in these areas, there is a finite amount of money. When you are promoting government programs, you are reaching into the pocket of the taxpayer. That is the only place we get our money, from the American taxpayer. And as we think about the largest tax increase in history, I think we ought to realize this burden, and I just picture this enormous burden on our children and our grandchildren that we are leaving.

In the meantime, we can be proud of our spending, because we are spending for very noble things, and there are very many noble things in this bill.

☐ 1500

But what we are doing is we are crushing our children and our grandchildren with this $8.8 trillion debt, this $8.8 trillion debt that is growing under this majority.

I was one of the ones in the back of the room, you're right, my friends on the other side of the aisle are right. We spent too much. The Republican Party are guilty of that.

But there were those of us who were budget hawks then that said our party not only should cut taxes but should restrain spending. We were saying that and we are saying it now as we see the majority party going down the road at an even more rapid pace, spending more money, increasing that enormous burden on our children and grandchildren.

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I will make the same observation as I made last night. What we have going on here, in my judgment, is Operation Diversion. You have a bunch of people in this House who are perfectly comfortable with the fact that the tax policies that they have voted for will deliver $57 billion in tax cuts this year to people who make over a million dollars a year. That is five times as much money as the increase that we have in this bill above the President's request.

And you have people who have voted for the war in Iraq, which has spent $600 billion in a case of mistaken identity as they mistook the stocky guy with the mustache, Saddam Hussein, for the tall guy with the beard, Osama bin Laden, and that mistake has cost us $600 billion when you take into account the President's newest request. That is 60 times as much as the addition we have above the President's budget for these programs.

They voted for all of that, and now they want to scramble away from the deficits and the debt that that has produced. And they try to divert the attention of the public and say, oh, the real cause of our fiscal mess is the fact that these crazy Democrats are trying to put more money into education and more money into health care and more money into job training.

Well, I plead fully guilty. We are trying to do that because yes, we do believe that these are investments. We think that kids are better off if you put more money into education than if you take it away. And we think society is better off economically and morally if we do more to help people who need health care than less.

Now this amendment would cut the following amounts from the bill: It would cut $128 million from this bill for No Child Left Behind.

It would cut $74 million from Title I.

It would cut $56 million from IDEA. Republicans and Democrats alike have spent the last 2 days trying to increase funds for IDEA; now they want to cut it back by $56 million.

They want to cut from this bill $78 million for Pell Grants, despite the fact that college costs have exploded.

They want to cut $148 million from this bill for the National Institutes of Health.

They want to cut $48 million from this bill for the Social Security Administration.

They want to cut $69 million from this bill out of programs that we have here to try to discourage women from having abortions. Now if they want to vote for that, be my guest. We don't happen to think, and I think there are significant numbers of our friends on the minority side of the aisle who don't happen to think that is a good idea.

We do have to make choices, and the basic choices here are do we want to defend the 2 percent increase in these programs above the President's level, because that is what it is, it is a 2 percent difference. And if you don't believe my definition, then take a look at CQ and National Journal because that is the way they define it.

Do you want to put 2 percent more into the health and education of the country, into the training of our workforce, or do you instead want to use it for additional money in Iraq and additional money for tax cuts for the most wealthy people in this country, most of whom would gladly see a reduction in their take if we could improve the quality of our workforce and the quality of our education and the quality of our law enforcement?

I plead fully guilty to agreeing with them, and I would ask for a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.25 percent.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Madam Chairman, first of all, I am happy to stand up here and identify myself with, as the majority party says, "the fringe." You know, you may have noticed recently that the approval ratings for this Congress are not very good. In fact, I think the latest I saw was that only 17 percent of Americans believe that this Congress is doing a good or a fair job. So I guess that being on the fringe of this Congress is meaning that we agree and associate ourselves with 83 percent of the American people. I would tell my friends on the majority that I am very happy to be on the fringe in Washington but on the mainstream outside of Washington.

And the mainstream outside of Washington wants to keep their own money to spend it on what they want. And they believe, Madam Chairman, even if the other side doesn't, Americans believe, and they are right, that government wastes some of their tax money. And what this proposed amendment does is it would increase spending on this bill by 4.6 percent instead of 4.8 percent. It is a reduction over what is proposed by a quarter of a percent. A quarter of a percent. It still provides an increase of $6.6 billion over last year.

So under this amendment if there is a government program that is scheduled to get a million dollars, it would instead have to struggle through on $997,500.

Madam Chairman, I would ask you. I understand that it appears that the Members of the majority party believe that life as we know it will end if that million-dollar government program must exist on $997,500, but I don't think that the majority of Americans feel that.

Let me point out again that first of all this amendment is not a cut because one equals one. Two is more than one even if you want three. So this amendment still enables a gigantic $6.6 billion increase in spending on this bill. But what it would do is it would put $379 million back in taxpayers' pockets, back towards deficit reduction. So it is not a cut.

The other thing that is amazing to me in this whole debate and discussion is there seems to be a direct correlation on the majority side between how much you spend on something and the outcome you are going to get. If that were the case, you could take every school in America, line them up by how much money is spent per student and you should see a direct correlation with the outcomes with how those students succeed out of school.

Well, there are many situations where there are schools spending $3,000 to $4,000 a student significantly outperforming schools spending 10, 12, $15,000 per student in the same place.

Why if there were a direct correlation between how much you spend on something and the outcome, then wouldn't Paris Hilton be the most well-adjusted kid on the planet; and I think perhaps she is not.

So does anybody out there believe that in this gigantic bill of billions and billions of dollars, that there is not one-quarter of a percent of waste, that is not one-quarter of a percent less that any given agency could do without than they have now?

Now I know that my friends on the other side of the aisle seem to have a very difficult time understanding what it means to save the taxpayers a little money, what it means to ask government to be a little more efficient, so I would like to explain it to you graphically, if I may.

This, Madam Chairman, represents 100 percent of a government program. I have used a donkey because I feel that is something that the majority party has some familiarity with. This represents 100 percent of a government spending program.

Let's look and see what we have seen so far. There was an amendment to reduce this program which has already been increased by 1 percent, so there is 99 percent of a government spending program.

Madam Chairman, I would suggest perhaps people in the gallery and people at home may not even be able to tell much of a difference. But the majority party rejected that.

The amendment from the lady from Colorado was a half a percent reduction, so here is 99½ percent of a government spending program. Looks to me like that donkey is pretty much intact. I think it could probably survive. But that was rejected just a moment ago by the majority party.

So here is one last chance, one more chance. I would ask my Democratic colleagues: Can this government program survive like that with 99.75 percent of its spending? You know what, I think the American people will look at this and say yeah, they can. You know what that means, it means that $379 million back in the American people's pockets and back to reduce this deficit and hopefully leading us towards no longer stealing the Social Security surplus. I don't think they see much difference here, but they will see a difference at home.

Madam Chairman, I reserve the balance of my time.

Mr. ISRAEL. Madam Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

□ 1515

Mr. ISRAEL. Madam Chairman, I appreciate all these donkeys on posters. We won't say anything about the 3 trillion elephants that ought to be on these posters, the $3 trillion in debt that part of this fringe has supported when they wanted to spend more money on Halliburton, more money on tax cuts for big oil companies, didn't see any amendments to cut those amendments. Now we see amendments to cut or reduce the amount of spending and investment in other funds.

I would, Madam Chairman, through the Chair, ask the gentleman that if we were, you know, I guess in Washington two plus two can equal whatever you want it to be if you listen to other side, Madam Chairman. But I would like to, using the gentleman's own definition of cuts and no cuts and using his posters, I would ask the gentleman, Madam Chairman, and I'd be happy to yield to him through the Chair.

The gentleman seeks a cut, an actual cut, in Abandoned Infants Assistance. Now, this isn't a cut in any increased investment, I would say to the Chair. In fact, funding for Abandoned Infants Assistance is at $11,835,000 for abandoned infants, and if the gentleman would read the report, he would note that it says this amount is the same as the fiscal year 2007 funding level. No increase here.

Madam Chairman, I would ask the gentleman through the Chair whether he is standing on this floor advocating an actual cut in the Abandoned Infant Assistance Program match.

Mr. CAMPBELL of California. Madam Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from California if he would like to answer that specific question.

Mr. CAMPBELL of California. Thank you. You know, the question before us is $11.8 million, as I mentioned to you before, is a cut from $12.5 million. So the question I would ask you back is, well, why is it not $12.5 million?

Mr. ISRAEL. I reclaim my time. The gentleman has argued that a cut's really not a cut because the rate of spending is increasing. The rate of spending does not increase in this program, Madam Chairman. It is the same spending as last year, which means that the gentleman's cut is an actual, concrete, specific, documented reduction in Abandoned Infants Assistance from last year.

Madam Chairman, I would go on to another program and through the Chair ask the gentleman if he would like to, since he was unable to give me a yes or no answer on the last example, I will provide another one.

Madam Chairman, I will yield to the gentleman if he would like. Is the gentleman advocating an actual cut in community-based child abuse prevention? Because the funding for community-based child abuse prevention is not increased in this budget, not by a penny, and so the gentleman's cut actually reduces it below last year's level.

Madam Chairman, does the gentleman advocate to his constituents a cut in community-based child abuse prevention? And I would yield to the gentleman if he desires to respond.

Mr. CAMPBELL of California. Thank you for yielding. You know, I was trying to do the math on the previous one. I guess the question before us is this: can the program you described before, because I'm a little behind on my math here, that was $11.8 million, can it survive on $11.78 million? Is that going to mean the end of the world as we know it? Is that going to mean that this program is devastated? Are you telling me that there is not a quarter of a percent that any agency or any program in government can find that they can do their job as well?

Mr. ISRAEL. Reclaiming my time, I'm suggesting that it was more than a quarter percent when it came to a $13 billion tax cut for the biggest oil company executives on Earth, and it was more than a quarter percent cut when it came to excessive fraudulent payments to Halliburton.

But when it comes to runaway youth, domestic violence, law and order, abandoned infants, anti-gang programs, I would rather that the money go to those investments rather than to special interests.

So I would ask, again, to the gentleman through the Chair, is the gentleman advocating a cut in adoption opportunities because the adoption opportunities program, Madam Chairman, is funded without an increase at the same level as last year. Would the gentleman agree, Madam Chairman, that the cut that he proposes means an actual cut in the program for adoption opportunities from last year's level? At least can we agree that two plus two equals four or four minus two equals two. Can we at least agree on that, Madam Chairman?

And I yield to the gentleman.

Mr. CAMPBELL of California. I guess that means that you have proposed a cut in that program if it's already below where it was. So I guess you had proposed a cut in that program. So I would ask you, I guess, if you cut that program, you must have some reason that you believe that it should be cut.

Mr. ISRAEL. I reclaim my time one more time, and then I will reserve the balance of my time. The gentleman has offered an amendment to actually cut programs. We have listed, Madam Chairman, a variety of programs that didn't receive one penny of increase in this budget, in this appropriation, and I've asked the gentleman will the gentleman acknowledge that his amendment is an actual cut on these programs: adoption assistance, abstinence, anti-gang activities, safe and stable families, domestic violence. Is it actually a cut below last year's level? Yes or no, and I would yield to the gentleman for a yes or no answer.

Mr. CAMPBELL of California. If you already established it as a cut below last year's level, then yes, it is. But I would ask the gentleman that, is the gentleman proposing to increase the deficit, which, with this amendment, the deficit would go down and taxpayers would have more money?

Mr. ISRAEL. Madam Chairman, reclaiming my time, this amendment and this appropriations bill saves $1.1 billion.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend.

The Chair must ask Members to bear in mind the principle that proper courtesy in the process of yielding and reclaiming time in debate, and especially in asking another to yield, helps to foster the spirit of mutual comity that elevates our deliberations above mere argument. Members, when yielded to, should defer to the yielding member when he or she reclaims the time.

The gentleman may continue.

Mr. ISRAEL. I thank the Chairman, and I reserve the balance of my time.

Mr. CAMPBELL of California. Madam Chairman, I yield 3½ minutes to the distinguished Republican whip, Mr. BLUNT, the gentleman from Missouri.

Mr. BLUNT. Madam Chairman, I thank the gentleman for yielding. I thank him for bringing this amendment to the floor.

I'd actually thought, based on the other things I was doing today, that the case was being well-made that a $7 billion increase is an increase. And I didn't plan to come to the floor this afternoon. I had a number of other things I was working on that I thought were important. I was watching the debate and assuming that the case was being well-made until I heard in the last debate that a 4.3 percent increase was a cut. And I was so stunned by that, a 4.3 percent increase was a cut, a six-something billion dollar increase of the $7 billion that the majority hopes to increase was a cut, that I decided I'd come to the floor for a minute, and I've been amazed on the floor at what I've heard.

I've heard the gentleman just ask a series of questions about the Abandoned Infants Assistance Program that's the same funding as last year's level; the community-based child abuse program, prevention program, that's the same funding as last year's level; adoption opportunities that I believe I heard were below last year's level.

And I'm not asking the gentleman specifically this question, but I'm asking myself this question: why is that? Why is that that Abandoned Infants Assistance could be funded at last year's level and somehow that's appropriate? Is it less important than it was last year? Is it less important than the many unauthorized things that this bill funds for the first time ever? Why is it that we're not doing more, as the past Congress always tried to do more, in IDEA? Why is it that NIH, in the debate we heard yesterday, the National Institutes of Health, didn't deserve the funding that the ranking member of the Energy and Commerce Committee found a funding source for for that to be raised? Why is it, if inflation is a factor, that we don't care at least at an inflationary level about Abandoned Infant Assistance or we don't care at least at an inflationary level about community-based child abuse prevention?

The gentleman from California is saying let's just cut this by one-quarter of 1 percent, one-quarter of 1 percent, a growth of still almost $7 billion, but instead, we're funding the unauthorized Full Service Schools Act. Now, why are we funding the unauthorized Full Service Schools Act, but we can't find enough money to keep adoption opportunities at at least last year's level? I'm amazed by what I've heard here on the floor.

Why is it we're funding the unauthorized sexual education program? Why is it that grants to local education that could be funded at $25 billion, because that's what the Congress in the past says we could allow, are only funded at $14.4 billion?

Part of the problem here is, once again, we're authorizing on an appropriations bill. We're trying to come up with new programs instead of fulfill the promise of the last programs. IDEA took major growth in funding in the last 10 years, but we haven't sustained that level in this bill because we're trying to fund new things.

And I just close by saying that every American knows that $7 billion is an increase and 4.9 percent is an increase, as was 4.3, as is 4.4.

Mr. ISRAEL. Madam Chairman, I'm pleased to yield 3 minutes to the gentleman from California, a member of the committee, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman for yielding, and I want to address some of the arguments.

I wanted to say about my friends on the other side of the aisle because, in fact, my friends on the other side of the aisle in committee, the Republican Members, uniformly supported this bill and support this bill. So I have to say that I address these remarks to a minority of the minority, the self-applied fringe that we've been describing or talking to today.

The beginning of their argument was, well, we want across-the-board cuts, we don't really want to have to identify exactly what we're cutting. That's a little hard to sell back home, so we're going to do across-the-board cuts. That's a little more palatable.

We said, well, let's look at where we're cutting, and then the argument was, okay, they're not cuts. They're reductions in the increase.

So then we point out, well, actually you're giving the impression that everything's being increased. Everything is not being increased. Many things are being kept flat. So aren't we really cutting those things that are flat in the budget? And my friends in the minority of the minority said, yes, I guess that's right. I guess we are really making real cuts with these across-the-board proposals, but let's not really look at what we're cutting. That's not very attractive.

And my friend says, okay, so if we're making real cuts, is it really the end of the world if we're making real cuts? Well, I guess it depends on who you ask.

One of the things we're making a real cut to is the bone marrow program. Is that the end of the world for us here in Congress to make a real cut, in real dollar terms, to the bone marrow program? Well, it may not be to any of us at this moment, but for some child out there, it just may be the end of the world. For some parent of that child, some parent has to watch their child suffer with cancer, the inability to get a bone marrow transplant and the failure of research into bone marrow transplants, it just might be the end of the world for that parent as well as that child.

What are the things that my friend would make real cuts to? He would make real cuts to scholarships for disadvantaged students. He would make real cuts for nurse education. Does my friend think we have more nurses than we need? He would make real cuts for emergency medical services for children. Again, is that the end of the world? Well, for one child it just might be.

He would make real cuts for organ transplantation, real cuts for the National Cord Blood Inventory. Is that the end of the world? Well, for some child, maybe not our children, it just might be.

We would make real cuts, under the gentleman's amendment, to children's mental health. Is that the end of the world? Well, for a child who ends up taking their own life, it just might be the end of the world.

It sounds a lot more palatable when we say, well, it's a 1 percent cut or it's a half a percent cut. Is that the end of the world? Well, for one child it just may be.

Mr. CAMPBELL of California. Madam Chairman, may I inquire as to how much time each side, I suppose, has remaining?

The CHAIRMAN. The gentleman from California has 5 minutes. The gentleman from New York has 6 minutes.

Mr. CAMPBELL of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Chairman, you know, this is so interesting listening to this fiscal debate and talking about we are the fringe. Well, let me tell you. FRINGE is a great acronym, and let me tell you what FRINGE is a great acronym for.

And I think it is very appropriate for those of us on our side of the aisle because fringe means this: Fiscal responsibility includes no government excess. Fiscal responsibility includes no government excess. Now, Madam Chairman, that is what the people tell us they want. Get this fiscal house in order.

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That is what they want. They don't want you to spend more. They want you to spend less. Government does not have a revenue problem. Government has a spending problem. All of this about across-the-board cuts don't work.

If I may tell you why across-the-board cuts do work, the reason is this. You have the opportunity within a department to decide where you would like to reduce. I would recommend, as with many of our States, you go in and you make those reductions out of the bureaucracy.

You don't have to take one single penny out of any program. You can take it out of the bureaucracy. That is where you go, and that is why across-the-board cuts work. That is why they use them in State after State after State because they have balanced budget amendments, because they cannot spend more than the rate of growth of the economy in that State.

They work. And, yes, fiscal responsibility includes no government excess. Now, yes, there is some real long fringe down there because, it is way down by great big, overblown, heavy bureaucratic programs that do not respond to the needs of the American people.

I think it is time that we say let's get this under control. It is the hold-on-to-your-wallet Congress. If we are not happy, they will leave you in tatters, not fringe.

Mr. ISRAEL. Madam Chair, I don't know if every single Republican on the Appropriations Committee who supported this bill would appreciate being called big spenders or fiscally irresponsible. I am very pleased that the mainstream of Republicans and Democrats worked together on this.

I don't know where all the talk was about fiscal responsibility when we were appropriating $13 billion in tax cuts for big oil companies and spending money on fraudulent payments and no-bid contracts to Halliburton.

Madam Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LEE), a member of the committee.

Ms. LEE. Let me thank the gentleman for yielding and for your diligence in this debate.

Madam Chairman, I would like to briefly make a couple of points with regard to this whole notion of government excess. When you look at, for example, the military budget, we all support a strong national security, a strong military.

However, a military budget of close to $500 billion, when you look at the waste, fraud and abuse that is in this budget, and also when you look at a measly $60 billion that should be cut in Cold War era weapons systems, I can't, for the life of me, figure out why we shouldn't get the kind of scrutiny and the laser focus on this government excess over at the Pentagon. It makes a lot of sense to me if you really want to put your deeds and your words into some kind of real action as it relates to our Federal budget.

Also, let me just say something about these across-the-board cuts and who they impact. When you look at our future, when you look at our young people, when you look at individuals who deserve a second chance such as ex-offenders who had done their time who now want to pick up with their lives, who need education, job training, vocational training, when you look at our health care system that is in shambles, when you look at our young people and the drop-out rates and the type of after-school programs and drop-out prevention programs that we are talking about, these across-the-board cuts in many ways would decimate these programs. That means that certain segments of our society who need this safety net and need these initiatives would just drop through the safety net, whatever is left of that safety net. For the most part, it has been decimated over the last few years.

Also, many of these people do pay Federal taxes and they deserve some of their Federal taxes back. I hear you all talk about tax cuts, and the American people deserving their tax dollars back to spend more, right? Fine. Many of these programs that you are talking about cutting are programs that are designed to help those who do pay tax, and who do deserve some of their Federal taxes back and who do deserve to live and seek the American dream, just like anybody else who makes $100,000 more or more.

I would hope that some type of rational thinking would prevail out of this debate today and rethink some of these notions of cutting initiatives and cutting the safety net out of those that really need it the most, those that the American dream is still a nightmare for and those that, if we listened and did all that you want us to do, we would have more homeless on the streets. We would have more people just hanging on in the twilight of their lives. I think that we need to know that this budget that the chairman has crafted today really will help enhance the quality of life for millions of Americans.

Mr. CAMPBELL of California. Madam Chair, just one comment for my colleague from California, let me just say that I completely agree with you that the Pentagon is not immune from waste, fraud and abuse, nor is the Defense budget, nor is any part of the Federal Government. I agree with you on that point.

Madam Chairman, I yield 2 minutes to my colleague from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chairman, after all of this debate, I still cannot believe that people don't understand what the word "cut" means. I took the opportunity to go look it up in my dictionary. I would urge my Democrat colleagues to do the same.

They might find a reduction in amount. Only in Washington would somebody call an increase of 4.6 percent a cut. People all over America would love to have their salaries cut if it would only increase 4.6 percent.

I think I just heard the previous speaker say that people who pay taxes ought to get some of their money back. Well, maybe it shouldn't be taken from them in the first place.

But let's go back to the term "cut," because the only budgets that are being cut here today are the family budgets of hard-working Americans all across this land. It is their budgets that are being cut.

The budgets like the Flores family in Garland, who says, "I am a divorced mother with a child in college and a child in daycare." When you increase taxes, you are going to wipe out the hope of the first college graduate in the family. To my colleagues on the other said of the aisle, that is the budget they are cutting. They are cutting the Flores family budget. They are cutting their education program.

They are cutting the education program of the Mouton-Tedder family in Chandler, this largest tax increase in history, that they are imposing on the American people. They write in, "If I have to pay more taxes, then I can't afford to go to school." Once again, Democrats cutting education budgets for families in America.

They are cutting the health budget as well. I heard from the Winters family in Tennessee Colony. "Please do what you can to stop the wasteful spending. I am retired and disabled. I am raising my three grandchildren and one great grandchild. I sometimes can't afford my own medicine."

The only budgets that are being cut here are the Democrats cutting the health budgets and the education budgets of the American family. It ought to stop.

Mr. ISRAEL. Madam Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman has 2½ minutes.

Mr. ISRAEL. Madam Chairman, I yield 1¼ minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Chairman, we have an interesting contrast here. We have these self-described fringe legislators that are here on the floor speaking up. You might call them extremists or radicals, whatever.

But we also, in comparison to that, we have an incredible bipartisan process that has been going on this. This subcommittee met for many, many hours, the Labor-H Subcommittee chaired by our wonderful chairman, Chairman OBEY and Ranking Member WALSH, met for many hours and came up with a bipartisan bill.

Then that bill was presented to 66 Members of this House in a full appropriations hearing, and it was approved. Not a single Member of the 66 Members voted against that bill. They all approved it, sent it on to the floor. You have this marvelous work product that Members have put many, many hours into, and they have labored over. They were all laboring over education, health care, worker protection. That is really the thrust of what we are doing here today.

Mr. CAMPBELL of California. How much time do I have remaining, Madam Chairman?

The CHAIRMAN. The gentleman has 1 minute.

Mr. CAMPBELL of California. Madam Chairman, I stand here as a member of this fringe that is happy to associate with the 83 percent of Americans who think this Congress is doing a poor job.

We have got a lot of talk about cuts, but there is one thing that's clear. There is an increase in this bill as written. There is an increase of $6.6 billion in the deficit over what there would be if this bill held spending flat. That is an increase in raiding the Social Security surplus, and that will lead to the many tax increases that your side is currently proposing both in your budget and in other bills floating around in both this Chamber and the other. Those are increases there. This bill will not stop those increases, but just a little bit of a time, a quarter of a percent, it will help to slow the growth.

I would ask for everyone's support on this bill.

Madam Chairman, I yield back the balance of my time.

Mr. ISRAEL. Madam Chairman, we have heard in this debate that the other side is not really cutting programs, they are cutting the rate of growth of programs. But we provided about a dozen programs that get no increase in this budget, that in fact will be cut from last year's. So the fact of the matter is that these cuts are real, and these cuts hurt families.

Now, this is all about choices, and it goes back to this. Not a single member of this fringe group who disagrees with their own Republican caucus that supported this bill in the Appropriations Committee came to this floor to argue for a 2 percent cut, a 1 percent cut, a 5 percent, a .5 cut. When it came time to give $13 billion to the big oil companies, then there was plenty of money to go around.

But now the argument is we can't afford to give people who want to send their kids to college an increase in Pell Grants. Not a single amendment was offered by this fringe group when it was time to provide Halliburton with dollar after dollar after dollar so that $1.47 billion was found to be fraudulent and excessive. I didn't hear a single one of this fringe group come to the floor and argue for cuts.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, it is sometimes amazing to me just how small some congressional debates can be. We have heard a lot of bloviating on this floor today about whether something is a cut and whether it isn't a cut. We have had a boy scout debate about dictionary terms.

But the real question to ask about this bill is simply to ask, is it adequate to the needs of the country? Do we really need to simply continue the status quo by going back to last year's level, or do we need to recognize that there is more than one deficit in the country? Do we really think that we can afford to continue to avoid dealing with the deficit in educational quality, the deficit in health care access, the deficit in worker training?

Do we really think that we can avoid, or that we can afford to avoid investing to increase the number of quality teachers in this country? Do we think that we need to do more or not to help millions of kids who need a better deal in special education? Do we need to do more than we are doing now to help workers who lose their life's work because of the forces of globalization?

Are we comfortable continuing to see the number of research grants for cancer, for heart disease, for Parkinson's disease, continue to decline, or do we think that we ought to make an investment, a collective societal investment, so that we can do more to attack those diseases?

Those are values questions. That is what we have to decide here today. This amendment is largely symbolic. It gives people a chance on both sides to talk to some more, as though we haven't, God help us, talked enough already.

But we are now roughly at the point where we will have to decide what our priorities are.

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This bill is about 2 percent above the President's budget for these items. That is what we are talking about; we are talking about devoting 2 percent more of the Federal budget than the President wants to devote to deal with the deficits in education, health care, job training, worker protection, and the like.

Each Member is invited, in my view, to make their own choice, but I think the choice is clear. We have had a huge increase in the gap between the richest people in this country and everybody else over the past 20 years. This bill attempts to deal with the results of that gap by providing additional grace notes to help the people who haven't been in that top 1 percent so they get a little better deal in sending their kids to college, so that they get a little better deal in being able to find doctors who will take care of them without begging in the community health clinic, so they can find some job training so they maybe can get a job that pays two-thirds of what their job paid before they were bounced because of bad trade deals or globalization. That is what this bill attempts to do.

It has traditionally had bipartisan support through the years in this country. It would be a shame if that bipartisan support didn't continue. I urge rejection of the amendment and support for the underlying bill.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 67 OFFERED BY MR. PENCE

Mr. PENCE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 67 offered by Mr. PENCE:

At the end of the bill (before the short title), insert the following:

SEC. ______. None of the funds made available under this Act shall be available to Planned Parenthood for any purpose under title X of the Public Health Services Act.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. PENCE. Madam Chairman, I yield myself 1 minute.

Allow me to say there are many good things happening in federally funded Family Planning clinics nationwide: 5 million Americans served, 90 percent of whom are low income; 900,000 unintended pregnancies were averted by title X family planning funding; and it is reassuring that abstinence education is required for all clients. But today, I am offering an amendment that is very simple.

The Pence amendment states that no funds under title X may be granted to Planned Parenthood. Planned Parenthood is the largest recipient of title X funding, and it is the largest abortion provider in America. Last year alone, Planned Parenthood's own annual report states that it received more than one-third of its $1 billion budget from government contracts and grants. And, again, according to their annual report, Planned Parenthood performed more than one quarter of a million abortions.

Millions of pro-life Americans should not be asked to fund the leading abortion provider in the United States. Now, let me stipulate, I know that title X funds may not be used for abortion. And my amendment does not cut or reduce the budget for family planning in this appropriation bill; it simply prevents appropriated funds from reaching an organization that profits from the abortion trade.

It is time the American people stop funding the Nation's largest abortion provider, and I urge support for the Pence amendment.

I reserve the balance of my time.

Mr. RYAN of Ohio. Madam Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. RYAN of Ohio. I yield to the gentleman from Wisconsin such time as he may consume.

Mr. OBEY. Madam Chairman, I really wish that the gentleman had not offered this amendment, and let me be very frank. I spent most of the last 6 months trying to convince Democrats, primarily liberals, who are now in control of the House, not to try to use their new majority to change any language in this bill that had anything to do with abortion or family planning. I have asked them, in an effort to provide bipartisan support for this bill, to recognize other people's values as well as their own. I have asked them, therefore, to leave alone the 6 abortion-related or family planning provisions which are in the existing law which many on this side of the aisle oppose and some on the other side of the aisle oppose.

I have asked them to leave alone the Hyde amendment; I have asked them to leave alone Dr. WELDON's amendment. And I had some real fights on this side of the aisle about that, not just with people in my caucus, but with a lot of outside groups. A lot of like-minded people on the left will get together and talk and, after they talk to each other, they think they have taken a public opinion poll. And I have asked them to lay off this bill so that we can try to find common ground on an issue that has divided us for so long.

And we put together an initiative which provided well over half a billion dollars in special funding for programs to help discourage women from having abortions, and we have been able to keep that issue out of here. I have asked Members not to offer amendments on any of these items.

But now, in return for that, we get from the other side of the aisle from one gentleman an amendment that in essence upsets the apple cart. I think that is unfortunate. I can't do a whole lot about it, but I think the gentleman knows that an amendment like this would not survive conference anyway, and yet it is being offered. And what it does, at the last minute, is to blow up a consensus which we have tried to build over the last 3 days that we all ought to be willing to live under the same laws that we were living under when the Republicans were controlling this House and when they passed the legislation that I am now defending. So I would simply ask the gentleman, in the interest of our being able to work together on these issues, to withdraw his amendment.

He doesn't like Planned Parenthood. I don't care whether Planned Parenthood gets money or not. What I do care about is that the women who are served by Planned Parenthood get the services to which they are entitled under the Constitution. And so I would ask the gentleman, in the interest of the bipartisan neutrality that we have tried to build over the past 2 months, to consider withdrawing the amendment, and I thank the gentleman for the time.

Mr. PENCE. Madam Chairman, with acknowledgement of the gracious remarks of the chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, I rise in support of the Pence amendment.

Planned Parenthood claims to work to reduce abortions, but happens to be the number one abortion provider in this country. This raises an obvious question: Why are taxpayer dollars being used to subsidize the largest abortion supplier in the United States?

Planned Parenthood clinics receive funding in the name of their family planning services; however, there are many clinics in which family planning and abortion services are co-located in the same building, share a common set of basic resources, out one door and into the other.

Abortion services generate more net revenue when clinics can rely on Federal dollars to pay for lighting, heating, building maintenance, and even rent. Planned Parenthood receives a recordbreaking $305 million in taxpayer funding, and they made record profits last year. And what did they do with those record profits last year? Planned Parenthood performed 265,000 abortions, the most ever in a year.

I urge my colleagues to oppose this Federal backdoor subsidy of Planned Parenthood, the world's largest abortion provider, and support the Pence amendment.

Mr. RYAN of Ohio. Madam Chairman, I yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Title X of the Public Health Services Act reaches our most vulnerable populations and is a primary source of reproductive health services for low-income women, lowering the rate of unintended pregnancies, reducing the need for abortion, and decreasing infant mortality and morbidity. It is good public policy.

For many women, Planned Parenthood is their only source of health care. In some States like Wisconsin, Utah, and my own Connecticut, Planned Parenthood is the only title X provider. It sees 65,000 patients a year in Connecticut and provides critical family-planning infrastructure in our State.

This amendment would be devastating, especially for the thousands of women whose sole source of medical care is these clinics. This amendment plainly discriminates against the uninsured, leaving the most vulnerable in our society in the most helpless situation. If we truly do value, if we value, as we say we do, women's health, we cannot sabotage title X, we cannot strip Planned Parenthood of funding, and we cannot pass this amendment.

Mr. PENCE. Madam Chairman, I yield myself 15 seconds.

I want to respond substantively to the gracious comments of the chairman whose work on this legislation I acknowledge heartily. But as to the issue of protecting all the values that the Republican majority advanced, I would hasten to remind that in the Foreign Operations bill we did great violence to the historic Mexico City policy. That change came. We must end the practice of funding Planned Parenthood.

I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Chairman, I would remind one of the previous speakers that there are no title X cuts in this amendment.

What this amendment does is to state that Planned Parenthood cannot receive those funds. Planned Parenthood in 2005 did perform 260,000 abortions. That is something that we know. I think it is also important for us to note that it was Planned Parenthood who was the lead plaintiff in the legal challenge against the partial birth abortion ban legislation that is now the law of the land.

This is the right move. I commend the gentleman from Indiana for bringing the amendment forward and for bringing to our attention the need to make certain that taxpayer dollars are not used in abortion clinics around this Nation.

Mr. PENCE. Might I ask how much time I have remaining, Madam Chairman.

The CHAIRMAN. The gentleman has 1¾ minutes.

Mr. PENCE. I yield 50 seconds to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Chairman, there is one thing regardless of where you happen to be a Congressman. Every single one of us has something in common if you are from Congress, and that is that we have people in our districts, some who call themselves pro-life and others who call themselves pro-choice, and many of them are deeply convicted of their views on this issue.

Now, the question before us today is, is it reasonable to force people who really do believe that abortion is killing children, is it reasonable to force them to pay money to subsidize that killing? Is that respectful to do that? Planned Parenthood is the biggest abortion provider in America. Is it reasonable to compel some of our constituents who believe that this is killing to take part in that?

Mr. PENCE. It is my pleasure to yield 50 seconds to the gentleman from Arizona, the eloquent Mr. FRANKS.

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Mr. FRANKS of Arizona. Madam Chairman, abortion on demand in America is the greatest single cause of death in our Nation's history. We have killed nearly 50 million of our own unborn children since the criminal Roe vs. Wade decision in 1973. That is 15,000 times the number of lives lost in the 9/11 terrorist attack.

Planned Parenthood is the foremost promoter and provider of abortion on demand for any reason or no reason. In the last fiscal year, this government appropriated more than $300 million to this death dealing organization.

Madam Chairman, it has been said that a government is what it spends. For this government to appropriate one penny of the taxpayers' money to an organization that kills unborn children and emotionally impoverishes their mothers is a disgrace that undermines the core essence of the United States of America and betrays everything that our soldiers lying out in Arlington National Cemetery died to preserve.

And Madam Chairman, I urge my colleagues to find the courage to vote for the Pence amendment.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, the issue here is not Planned Parenthood. The issue is whether women have a right to have full access to family planning. State health departments run 57 percent of the clinics that receive Title X funds. Planned Parenthood affiliates operate 14 percent of Title X supported clinics. Hospitals and family planning clinics and other nonprivates make up the rest of the Title X clinic system.

Under the law, none of these funds can be spent for abortion. But Planned Parenthood clinics use their Title X funding to provide family planning and health services to millions of women, and it is those women who would be hurt today by this action, not Planned Parenthood.

I would urge a vote against the amendment. It seems to me that we ought to be content to live under the same arrangements that we were content to live under when the Republican Congresses were writing the law.

It seems to me that we need to be finding ways to avoid dividing the Congress and dividing the country because of our ideologies.

This amendment has nothing to do with abortion. It has everything to do with whether or not we are trying to find common ground on this cluster of issues, and whether or not women are going to be allowed to get the services they need in areas where the only services available to them come from the organization in question.

With that, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Madam Chairman, I would like to just say, I have voted for the ban on partial birth abortion. I consider myself a pro-life Democrat.

But I will say that this amendment will increase the number of abortions that are performed. Fifty percent of abortions are performed on women who live within 200 percent of poverty. If they don't have access to prevention, they will end up getting an abortion. And I believe that if we truly want to prevent abortions from happening in the United States of America, we have an obligation, a moral obligation, to fund programs like this and prevent unintended pregnancies. Those are the poor women who end up going to abortion clinics and having abortions.

Let's prevent the number of abortions from increasing by rejecting this amendment. And the more money we spend on prevention, that will mean we will continue to reduce the number of abortions.

And I want to thank the gentleman for working on this with us.

Mr. OBEY. Madam Chairman, this amendment is not related to abortion. This amendment is a frontal assault on family planning. Make no mistake about it. Whether you are pro-life or whether you are pro-choice or anything in between, you ought to be pro-family planning. And this amendment negates that, and I would urge defeat of the amendment.

If I have any time left, I would yield to the gentlewoman from California.

Mrs. CAPPS. Madam Chairman, I rise in opposition to this amendment and associate myself with the remarks and the eloquent statement of Chairman OBEY and my colleagues.

And I speak from the perspective of a nurse who worked for many years with these women and their families in the community I'm from. Title X is our Nation's primary program to provide family planning services. According to the Guttmacher Institute, Title X has been so successful that for every public dollar invested in family planning, $3 are saved in Medicaid costs alone for pregnancy and newborn care.

In hundreds of communities across this country, the nonprofit Planned Parenthood is the major implementation of precisely the reproductive health care necessary to carry out effective family planning and to reduce unintended pregnancies. And they are contributing, these nonprofit organizations, to the successful implementation of Title X services.

So I urge my colleagues to stand for family values and to vote against this amendment so that you can protect your constituents' access to proven, effective family planning services which have as their goal to reduce unintended pregnancies.

The CHAIRMAN. The gentleman's time has expired.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. I thank the Chair for yielding, and at this time I would yield 2 minutes to my good friend, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I rise in opposition to the Pence amendment as strongly as I can advocate. The Title X program provides comprehensive family planning services, as well as a wide range of other preventative health care services, including breast exams and instruction on breast self-examination, pap tests for early detection of cervical cancer or pre-cancerous conditions, testing for high blood pressure, screening and appropriate treatment for sexually transmitted infections, HIV screening, counseling or adoption, foster care and pregnancy termination referrals to specialized health care. Pursuant to Federal statute, no Title X funds may be spent on abortions.

The question was raised, is it reasonable to ask us, members of Congress, to fund abortions when we find abortions so abhorrent? But that's not the question before us.

The question before us is, is it reasonable to deprive women of reproductive information and services to prevent unwanted pregnancies, and therefore, even avoid the question of whether or not to have an abortion? And the answer is no.

This is about family planning. Planned Parenthood is the Nation's leading reproductive health care provider. For over 9 years Planned Parenthood has provided low-income, uninsured and underinsured women with vital reproductive health care services they need.

I'll conclude by pointing out Planned Parenthood operates health care centers in every State in the Nation, serving over 5 million, men, women and teens and their communities each year. The services Planned Parenthood provides are needed, and to deprive them of this funding, I think, would be a colossal mistake.

Mr. WALSH of New York. Madam Chairman, at this time I would yield such time as he may consume to the author of the amendment, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank my colleague from New York for his extraordinary courtesy. And let me say, I regret that this debate will only take 15 minutes. It is a great and serious matter, and I think the dignity with which it's been conducted thus far is evidence of the capacity of this Congress to discuss even the most contentious issues of our time in a manner that reflects civility and favorably on the institution.

Now, that being said, let me clear up a few points. This is not, as the chairman said, "a frontal assault on family planning." There are no cuts in Title X in the Pence amendment. The Pence amendment states plainly that no funds under Title X may be granted to Planned Parenthood.

Planned Parenthood is the largest recipient of Title X funding, and it's also the largest abortion provider in America.

And as to whether we are living under the same arrangements, as the chairman said, and I respectfully quote, "same arrangements under Republican rule," it seems to me just a short time ago we saw this new majority overturn much of the decades long Mexico City policy that prevented Federal dollars from going to organizations overseas that provide abortion for family planning.

I think this Nation needs a domestic Mexico City policy. And frankly, if the common ground that this Congress has reached means tens of millions of Federal tax dollars going to the largest abortion provider in America, that is not a common ground I can accept.

Say "no" to Federal funds for Planned Parenthood in Title X. Say "yes" to family planning funding through Title X. Say "yes" to the Pence amendment.

Mr. MORAN of Virginia. Madam Chairman, I oppose this amendment, which is nothing less than an attack on the nation's most trusted source of reproductive health services and information. The Pence amendment would single out Planned Parenthood for exclusion from the Title X program, at odds with the principles repeatedly articulated by the United States Supreme Court.

Planned Parenthood is the nation's leading reproductive health care provider. The vast majority of services that Planned Parenthood provides are services to prevent unintended pregnancies, and test and treat for sexually transmitted infections, as well as breast and cervical cancer screening.

The vast majority of Planned Parenthood patients have incomes at or below 200 percent of the Federal Poverty Level, women who are four times more likely to face an unintended pregnancy. For many women, and especially those in rural areas and underserved communities, Planned Parenthood is their only source of health care. Title X helps 575 Planned Parenthood clinics to provide over 3 million women with family planning services each year.

Madam Chairman, if we are to reduce the number of abortions in this country, as Mr. PENCE clearly desires, we must get serious about prevention. Each year publicly funded contraceptive services help women prevent 1.3 million unintended pregnancies, which would otherwise result in 533,800 births, 632,300 abortions and 165,000 miscarriages. In the absence of publicly funded family planning, the number of abortions each year in the United States would be 40 percent higher than it currently is. In fact, from 1980 to 2000, Tide X clinics helped women prevent nearly 20 million unintended pregnancies, nine million of which would have ended in abortion. By restricting Title X, Mr. PENCE's amendment would likely increase the number of abortions, particularly among our teenagers.

We should oppose Mr. PENCE's amendment because it is an inhumane attack on the quality of life of low-income women in this country, but moreover, we should oppose it because it does not make good public health sense. Gutting funding for family planning will never bring us towards a day with fewer abortions, it will only increase the devastating costs imposed on society by unintended pregnancies among young women and teenaged girls.

Mr. BACHUS. Madam Chairman, the activities of Planned Parenthood are a concern for many of us. In Alabama, there was an unsuccessful abortion at a Planned Parenthood clinic, and the baby was born with severe injuries including a hole in her heart. Planned Parenthood has always been a glaring exception to the long-standing policy in the House of not allowing taxpayer money to be used to provide abortions. It claims that Title Ten money is not being used for abortions. The reality is that any Federal dollar that goes to a clinic where abortions are being performed, ends up facilitating an abortion.

The Pence Amendment is a simple way to clear up whether Federal tax dollars are being used properly. Title Ten money should not go to any organization that provides abortions. This is an issue of being accountable to taxpayers and consistent with the Hyde Amendment that we have passed on a bipartisan basis for 31 consecutive years. Therefore, I urge support for the Pence Amendment.

Mr. HOLT. Madam Chairman, I rise today to oppose the amendment offered by my colleague from Indiana, Mr. PENCE to the Labor, Health and Human Services, and Education Appropriations Bill for Fiscal Year 2008.

Mr. PENCE's amendment would deny Federal funding under Title X of the Public Health Services Act to Planned Parenthood health facilities throughout the country. As a supporter of Planned Parenthood and the services that it offers to my constituents in my central New Jersey district, I firmly oppose this purely political amendment.

This should not be an anti-choice or pro-choice debate about one of the many services that Planned Parenthood provides. In fact, according to Federal statute, no money from Title X can be used for abortion services. Title X makes grants to public and private nonprofit organizations to provide family planning and basic reproductive health care information and services to low-income women. Therefore this debate should be about prevention. It should be about continuing to provide women with the necessary tools for proper prevention, including contraception and education. It should be about protecting women's health by providing women with access to reproductive health care.

Planned Parenthood's 841 affiliates provide reproductive health care services to 5 million men and women annually including 84,500 in the state of New Jersey. 63 percent of these patients receive reproductive health care services and 37 percent receive family planning services. Through family planning services Planned Parenthood estimates that its services prevent over 631,000 unwanted pregnancies annually.

Cutting Title X funding to Planned Parenthood is nothing short of irresponsible. The low income women who are served through Title X are four times more likely to face an unintended pregnancy. As a safety net provider, Planned Parenthood plays a critical role in serving these women. Title X has proven to be effective and prevents 1 million unwanted pregnancies each year. Planned Parenthood, as the Nation's oldest and largest family planning provider, is responsible for preventing 60 percent of unwanted pregnancies and we should not act to prevent women from getting the reproductive health care they need. I urge my colleagues not to support the Pence amendment.

Mrs. LOWEY. Madam Chairman, I rise in strong opposition to this amendment.

The only purpose this amendment serves is to decrease access to family planning services and to mischaracterize the critical, life-saving work of Planned Parenthood affiliates.

Let me be clear. Under current law, Title X funds can not be used to pay for abortions. Nothing in the underlying bill changes that. Therefore, I am left to assume that the services the sponsor of this amendment wishes to cut include family planning, cancer screening, prenatal care and deliveries, fertility information and support groups, and support and advocacy for victims of sexual assault.

I am proud to defend the hundreds of Planned Parenthood affiliates, including the Hudson Peconic affiliate in my Congressional District. The dedicated work this affiliate and others like it engage in are the reason that more than five million men and women have access to any health care at all.

Their commitment is something that should be recognized and commended, not demonized. I urge my colleagues to oppose this amendment.

Mrs. MALONEY of New York. Madam Chairman, I rise in opposition to the Pence amendment, which would deny Federal funding to one of the most important family planning and women's health organizations in the country. Current law prohibits using Title X funds to provide abortion services. Planned Parenthood has not violated this law. In fact, Planned Parenthood uses completely separate funds to provide these services.

Ninety-seven percent of the services that Planned Parenthood provides are related to pregnancy prevention and women's health. The majority of their work focuses on low-income women, a population at greater risk for unintended pregnancies. Oftentimes a local Planned Parenthood clinic is the only place where women have access to basic health care, including birth control. In addition to family planning assistance, Planned Parenthood also provides cancer screening for breast and cervical cancers, as well as testing and treatment for sexually transmitted diseases, including HIV and AIDS. These are essential health services for women, and it would be irresponsible to discontinue Federal funding for them. I urge my colleagues to support healthcare and family planning for women by voting no on this amendment.

Mr. WALSH of New York. Madam Chairman, I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PENCE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 38 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. OBEY. Will the gentleman from Iowa yield?

Mr. KING of Iowa. I yield to the gentleman.

Mr. OBEY. We've been asking Members through the day if they would drop their remarks if we accept their amendments so that Members can catch their planes. Would the gentleman be willing to do that?

Mr. KING of Iowa. Mr. Chairman, I'm very amenable to that process of doing business about every time I come to the floor. I would be happy to thank you for that.

Mr. OBEY. In that case we'll accept the amendment on this side of the aisle. In accepting this amendment, I would make the following two points:

One, I believe it is merely a re-statement of current law which already prohibits the employment of unauthorized aliens. I do not read it as imposing any new burdens on those who use funds appropriated under this Act. Rather it is fully consistent with the current legal obligations imposed on all employers, regardless of whether or not they use such funds.

Two, I am concerned that the amendment may place an undue enforcement burden on the agencies that receive funding under this bill. I plan to discuss that aspect with the administration.

Mr. KING of Iowa. And I would drop my remarks, except to say that this closes the issue with government working and hiring illegals. That's a State issue.

I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. KING of Iowa:

At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Public Broadcasting Service to sponsor events at the Filmmaker Lodge at the Sundance Film Festival.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. OBEY. Again, would the gentleman yield?

Mr. KING of Iowa. I will be happy to yield.

Mr. OBEY. Same deal.

Mr. KING of Iowa. I'll close the same deal with the chairman, and I will not describe this. The RECORD will show what this amendment does. And I'd be happy to urge adoption.

I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. My understanding is that there are no further amendments or colloquies left on either side of the aisle. Is that his understanding, also?

Mr. WALSH of New York. Mr. Chairman, that's my understanding, also. There are no further amendments, no further colloquies.

Mr. OBEY. Then, what I would simply like to say, Madam Chairman, is that this bill is the product of 5 months work on both sides of the aisle by some very dedicated people. Mr. WALSH is the new ranking member on the subcommittee, but he has performed like an old timer. I am proud of the fact that the subcommittee worked hard on hearings. And, I'm proud of the fact that we've largely come together on substance.

I would hope that that would be recognized by the endorsement of many Members on both sides of the aisle when the roll call vote is opened. This bill is not a matter of accounting.

□ 1615

This bill is not a matter of political theory or political party platforms.

This bill, more than any other, meets the needs of all of those in society who are not among the most well-connected and the most privileged. But even for the most well-connected and privileged, this bill provides a lot because all of us benefit every time a child is educated. All of us benefit every time an American citizen gets the health care he or she needs. All of us benefit every time a worker is educated so that our workforce becomes more competitive. All of us benefit when a single teacher achieves new skills. There is nothing in the world more damaging than a dull or a bad teacher, and there is nothing more wonderful than a well-trained, intelligent one.

So I would urge Members to recognize that the issue isn't whether some program is defined as a cut or an increase. The issue isn't whether we like the President of the United States or not. The issue is whether or not we are building the kind of country we want to have over the next 10 years. To do that, it takes investments. And, yes, investments cost money. And, yes, I plead fully guilty to wanting to provide even more than we can in this bill. But it is essential if we want to remain competitive. It is essential if we want to have equal access to opportunity in this country. It is essential that we invest in bills like this.

And I thank the gentleman from New York for his assistance in trying to do just that, as well as every other member of the committee and subcommittee.

There is a reason why there were no votes expressed in opposition to this bill in full committee, and that is because this is the people's bill. It is the product of input from each and every Member from the most conservative to the most liberal, and I think there is not a member of the subcommittee who would not verify that.

With that, Madam Chairman, I yield to the gentleman.

Mr. WALSH of New York. Madam Chairman, I thank the gentleman for yielding.

For my part, it was a great experience going through this 5 months with you. It was a lot of work. I think I speak for the staff as well when I say we are all pretty tired from all the work that we have done. And, of course, they had to put together a continuing resolution and a supplemental to boot. So I know I join the chairman in thanking the staff for the remarkable work that they have done, both sides of the aisle. These are professional people who obviously care about the issues, but they are not as concerned about the partisan aspects of this as we are.

When the chairman talked about our experience here together, we combined about 57 years of experience here in the Congress. Most of that side falls on his watch and not mine, but I am getting up there too. And it is great to be able to work with someone who has the command of these issues that he does. And I remember asking him, and I have said this a couple of times, Why on God's green Earth would you want to be chairman of the full committee and the subcommittee also? And he said, Because the subcommittee issues are the issues I came here for 38 years ago. And he is making a mark on them today.

There has been some partisan back-and-forth here, which is as it should be. The Founding Fathers wanted us to have a clash of ideas.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WALSH of New York. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. They wanted us to have the contest of ideas here. The fight should be over words and ideas and not with swords and other weaponry.

But mostly what we have done is we have found what we disagree on and talked about it. But overall, overwhelmingly, both sides of the aisle, Republicans and Democrats, agree that the issues in this bill are priorities for the Nation. Maybe we think we should spend 5 percent less or they think they should spend 5 percent more, and I don't want to discount the differences. There are big differences between the two parties. And I am very proud that our party on our watch did balance the Federal budget, did produce surpluses before a crisis of international proportions affected us in 2001.

But suffice to say, I have great respect for the gentleman from Wisconsin. Over the years he has made me as mad as anyone else because sometimes his arguments are just too good to argue with.

So let me just end by thanking him for honoring our requests. I think we worked out a pretty good bill here, and I would urge my colleagues to support it.

Madam Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. DAVIS of Kentucky.

Amendment No. 3 by Mr. GINGREY of Georgia.

An amendment by Mr. SOUDER of Indiana.

An amendment by Mr. CAMP of Michigan.

An amendment by Mr. WESTMORELAND of Georgia.

An amendment by Mr. LEWIS of Georgia.

Amendment No. 62 by Mr. CAMPBELL of California.

Amendment No. 16 by Mr. FLAKE of Arizona.

Amendment No. 6 by Mr. JORDAN of Ohio.

Amendment No. 4 by Mr. PRICE of Georgia.

Amendment No. 23 by Mrs. MUSGRAVE of Colorado.

Amendment No. 7 by Mr. CAMPBELL of California.

Amendment No. 67 by Mr. PENCE of Indiana.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. DAVIS OF KENTUCKY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Kentucky:

Page 125, after line 2, insert the following:

SEC. 522. None of the funds made available in this Act may be used to pay a bonus or other performance-based cash award to any employee of the Social Security Administration or the Centers for Medicare & Medicaid Services who holds a position to which such employee was appointed by the President, by and with the advice and consent of the Senate, or a Senior Executive Service position (as defined by section 3132 of title 5, United States Code).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 13, as follows:

[Roll No. 672]

AYES—185

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Boyda (KS)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillibrand
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Loebsack
Lucas
Lungren, Daniel E.
Mahoney (FL)
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul

Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—238

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fortenberry
Frank (MA)
Garrett (NJ)
Giffords
Gingrey
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (GA)
Price (NC)
Rahall
Rangel
Reichert
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Bono
Bordallo
Brown, Corrine
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Marshall
Tancredo

□ 1649

Messrs. BRADY of Texas, INGLIS of South Carolina, LAMPSON and PRICE of Georgia changed their vote from "aye" to "no."

Messrs. GARY G. MILLER of California, SHAYS and LOEBSACK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KLEIN. Madam Chairman, during rollcall vote No. 672 on H.R. 3043, I mistakenly recorded my vote as "aye" when I should have voted "no."

Mr. FILNER. Madam Chairman, on rollcall No. 672, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The next 14 votes in this series are 2-minute votes. The Chair requests the cooperation of Members in processing these votes in an expedited manner.

AMENDMENT NO. 3 OFFERED BY MR. GINGREY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 168, not voting 14, as follows:

[Roll No. 673]

AYES—254

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Hooley
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—168

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer

Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Fortuño
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Woolsey
Wynn

NOT VOTING—14

Bono
Bordallo
Brown, Corrine
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1655

Mr. MEEK of Florida changed his vote from "aye" to "no."

Mr. WU, Mr. MICHAUD and Mr. POMEROY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. McINTYRE. Madam Chairman, during rollcall vote No. 673 on H.R. 3043, I mistakenly recorded my vote as "no" when I should have voted "aye."

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 673, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used by the National Labor Relations Board to recognize as the exclusive bargaining representative of employees any labor organization that has not been certified as such by the National Labor Relations Board pursuant to section 9(c) of the National Labor Relations Act (29 U.S.C. 159).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 255, not voting 14, as follows:

[Roll No. 674]

AYES—167

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—255

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—14

Bono
Bordallo
Brown, Corrine
Cubin
Davis (IL)
Davis, Jo Ann
Faleomavaega
Filner

Harman
Hirono
Jindal
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1659

Mr. KIRK changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HIRONO. Madam Chairman, on rollcall No. 674, had I been present, I would have voted "no."

Mr. FILNER. Madam Chairman, on rollcall No. 674, I was on official business outside the National Capital region in my capacity as chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

Mr. MCINTYRE. Madam Chairman, during rollcall vote No. 674 on H.R. 3043, I mistakenly recorded my vote as "aye" when I should have voted "no."

AMENDMENT OFFERED BY MR. CAMP OF MICHIGAN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CAMP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMP of Michigan:

At the end of the bill (before the short title) insert the following:

TITLE VI

ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement any policy prohibiting a Medicare beneficiary from electing during a coverage election period described in section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) to receive health care benefits under title XVIII of such Act through enrollment in a Medicare Advantage plan under part C of such title.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 16, as follows:

[Roll No. 675]

AYES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—16

Berkley
Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Kaptur
Marshall
Olver
Paul
Ros-Lehtinen
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 1703

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Madam Chairman, on rollcall No. 675 I inadvertently voted "no" but intended to vote "aye."

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 675, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. WESTMORELAND

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 233, not voting 12, as follows:

[Roll No. 676]

AYES—191

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Boyda (KS)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—233

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fortuño
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman.
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

□ 1707

Mrs. MALONEY of New York changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 676, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. LEWIS OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. LEWIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 12, not voting 12, as follows:

[Roll No. 677]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin

Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—12

Barton (TX)
Campbell (CA)
Deal (GA)
Flake
Franks (AZ)
Hastert
Hoekstra
King (IA)
Lewis (CA)
Linder
McCrery
Shadegg

NOT VOTING—12

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 1712

Mr. CAMPBELL of California changed his vote from "aye" to "no."

Mr. LARSEN of Washington changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall No. 677, I was on official business outside the National Capital region in my capacity as Chairman of the Veterans' Affairs Committee.

Had I been present, I would have voted "aye."

AMENDMENT NO. 62 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 108, noes 316, not voting 12, as follows:

[Roll No. 678]

AYES—108

Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Brown-Waite, Ginny
Buchanan
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Reichert
Rogers (MI)
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf

NOES—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

☐ 1717

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 678, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

AMENDMENT NO. 16 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 327, not voting 13, as follows:

[Roll No. 679]

AYES—96

Akin
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis (KY)
Davis, David
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Hall (TX)
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Upton
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Lamborn
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

☐ 1720

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 679, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. JORDAN OF OHIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 288, not voting 12, as follows:

[Roll No. 680]

AYES—136

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)

Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—288

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Marshall
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1725

Messrs. RUSH, HOLDEN and BUCHANAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 680, I was on official business outside the national capital region in my capacity as chairman of the Veterans' Affairs Committee.

Had I been present, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

the CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 256, not voting 15, as follows:

[Roll No. 681]

AYES—165

Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
English (PA)
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—256

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)

Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—15

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Lofgren, Zoe
Marshall
Miller, George
Paul
Space
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1728

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 681, I was on official business outside the national capital region in my capacity as Chairman of the Veterans' Affairs Committee. Had I been present, I would have voted "no."

AMENDMENT NO. 23 OFFERED BY MRS. MUSGRAVE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 245, not voting 14, as follows:

[Roll No. 682]

AYES—177

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—245

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Frank (MA)
Gerlach
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—14

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Lofgren, Zoe
Marshall
Miller, George
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1732

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 682, I was on official business outside the national capital region in my capacity as Chairman of the Veterans' Affairs Committee. Had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 245, not voting 14, as follows:

[Roll No. 683]

AYES—177

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—245

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Frank (MA)
Gerlach
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—14

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Harman
Jindal
Lofgren, Zoe
Marshall
Miller, George
Paul
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1736

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 683, I was on official business outside the national capital region in my capacity as Chairman of the Veterans' Affairs Committee. Had I been present, I would have voted "no."

AMENDMENT NO. 67 OFFERED BY MR. PENCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 231, not voting 16, as follows:

[Roll No. 684]

AYES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Bono
Bordallo
Brown, Corrine
Cubin
Davis, Jo Ann
Faleomavaega
Filner
Gohmert
Harman
Jindal
Lofgren, Zoe
Marshall
Miller, George
Paul
Shuster
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1739

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chairman, on rollcall No. 684, I was on official business outside the National Capital region in my capacity as Chairman of the Veterans' Affairs Committee.

Had I been present, I would have voted "no."

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in strong support of H.R. 3043, the FY 2008 Labor, Health and Human Services and Education Appropriations bill. Let me first commend my dignified colleague, the gentleman from Wisconsin, Representative DAVID OBEY, for his tenacity and strong leadership in steering this important piece of legislation. Among many things, this bill will provide the support and additional resources in areas where our Nation is currently facing scarcity—health care, social security, medical research, skilled workers and job training, community services, as well as the quality, accessibility and affordability of higher education and education for the disabled.

Madam Chairman, I must certainly agree with the rationale behind this bill—"we cannot continue to disinvest in our Nation's future." Over the past several years, the previous Republican-led Congress significantly cut investments for the Labor-HHS-Education bill, and our 43rd United States President has once again proposed drastic cuts—$7.6 billion below FY 2007. As a Representative of the people of the United States, I am committed to reversing this trend of disinvestment. Our Nation's future is dependent on quality health care, job opportunities for our citizens, decent education, improvement of life-saving technologies, and national security. With $151.7 billion of projected discretionary spending in FY 2008, this bill will provide a modest increase of $4.3 billion (or 3 percent) over 2007, after adjusting for inflation and population. Although this bill will not completely rectify the problem, it is indeed a step towards a positive direction.

This bill promises to make college more affordable because its provisions include an increase in the maximum Pell Grant of $390, which is in addition to th $260 enacted in February 2007 by this Democratic-led Congress. This measure will benefit the more than 5.5 million low-and middle-income students across America's higher education system. In addition, this bill provides an increase of 4.8 percent for the TRIO programs, educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds.

Madam Chairman, this bill is of significant importance to my constituents. For the past twelve years, I have served as a Representative of the 18th Congressional District of Texas. In the heart of my district are several community colleges and three major universities—the University of Houston, the University of Houston—Downtown, as well as one of our nations leading Historically Black College/University, Texas Southern University. In the heart of my district are also three ABA-approved law schools—the University of Houston Law Center, Thurgood Marshall School of Law, and South Texas College of Law. With the rising cost of college education, many of these students in my district are reliant on Federal financial aid to complete their education. Because investment in education system today yields high returns for the individual, as well as society, I support this measure to make college more affordable and accessible.

Madam Chairman, quality health care is close to non-existent in this great nation that we call America. As a nation of abundant natural resources and high productivity, it is humiliating to know that 46.6 million citizens are without health insurance. If current policy plans are to continue, by 2013, the number of uninsured Americans will increase by 11 million. This is simply an unacceptable national problem and must be rectified. H.R. 3043 will expand access to health care for the uninsured by providing access for more than 2 million uninsured Americans. Funds will be directed to community health centers, which will enable them to serve an additional 1 million uninsured Americans. The bill also includes a $50 million initiative to assist states in providing high-risk insurance pools, thereby supporting affordable insurance for almost 200,000 medically high-risk people. I strongly urge my colleagues to support this bill, which invests in initiatives that will provide new access to health care for more than 2 million uninsured Americans.

H.R. 3043 invests in life-saving medical research by reversing the previous Republican disinvestment plans and providing an increase for National Institute of Health of $750 million. As once stated by Senator JOE LIEBERMAN, "by expanding our knowledge of human diseases, we can help reduce health care costs by discovering more effective treatments and learning how to prevent onset of serious illnesses. Biomedical research is a fundamental component of a preventive care approach to health care reform." Medical research at NIH offers optimism to millions of American families—with groundbreaking research into diseases such as cancer, AIDS, Alzheimer's, Parkinson's disease, and many more. This bill provides an increase of $750 million, which in essence allows for NIH to support another 545 new and competing research grants. Expanding and funding life-saving medical research programs must become a top priority if the United States hopes to combat the inefficiencies and inequities in our health care system.

Madam Chairman, it is time that we take a new course of action in investing in our Nation's future. I strongly believe that H.R. 3043 is this new course. Forty-one low priority programs were cut or eliminated, saving $1.1 billion below 2007. Through passage of this bill, our Nation will benefit from the increase in quality, accessibility and affordability of higher education with the $3.3 billion directed to student financial aid. The academic performance of our American children will be improved through the $1 billion allocation for No Child Left Behind Programs. Our citizens, especially the uninsured, will have the opportunity to receive quality health care, through the $1.3 billion being directed to the Health Resources and Services Administration. This bill also allows for an investment in the skills and training of America's workers and the workforce through additional funding to programs similar to Job Corps, as well as community services initiatives, such as the Community Services Block Grant. Our disabled citizens will be cared for through federal contributions for special education for children with disabilities through the funding of the Individuals with Disabilities Education Act (IDEA).

Madam Chairman, I am a strong believer that our children are our future. Family is the backbone to the success of any child, as well as the success of our Nation. For this reason, all members of society must be granted access to quality health care, education, and job skills training. It is students like my current Congressional Black Caucus Foundation Intern, Daria Awusah, that gives me strong faith that our future is in good hands. As my constituent, as well as a student at the University of Houston (which is in my district), she has worked tirelessly and endlessly to finance the past three years of her college education. It is her testimony that although not enough, financial aid has been an instrumental element in financing her education. Let us continue to support students like Ms. Awusah.

I ask my colleagues to join me and support H.R. 3043. Once again, I thank you, Congressman OBEY, for your leadership in this endeavor. Our country's future is dependent on the role that we take as Members of Congress through the policies that we choose to implement. Let us begin with the reinvestment in our country's future by passing H.R. 3043.

Mr. GRIJALVA. Madam Chairman, the Act of August 25th, 1916, more commonly referred to as the National Park Service Organic Act, states that, "there is hereby created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director, who shall be appointed by the President."

Since 1916, the National Park Service created by the Organic Act has grown to include 22,000 people, conserving and interpreting 391 units in a National Park System that will welcome more than 270 million visitors this year. Our National Parks are a source of enormous pride for millions of Americans and examples for the world regarding the conservation of places and resources which make a Nation and a people unique. And of course, Madam Chairman, much of the credit for the tremendous success of the National Park idea is due to the professionalism, commitment and expertise of the men and women working for the NPS.

As the centennial of the Organic Act approaches, there is consensus—among policymakers and the American people—that this 100th anniversary must be viewed as an opportunity to recommit ourselves to building a stronger, more diverse, better trained and better equipped National Park Service. In February, the Bush Administration proposed legislation to increase funding for the NPS over the next decade in recognition of this milestone. Two of my colleagues on the Natural Resources Committee—full committee Ranking Member DON YOUNG and subcommittee Ranking Member ROB BISHOP—have introduced that legislation, by request, as H.R. 2959.

Today, with the support of Natural Resources Committee Chairman NICK RAHALL, I am honored to introduce H.R. 3094, legislation we believe will best commemorate this 100th anniversary while also preparing the National Parks and the National Park Service for another 100 years. H.R. 3094 authorizes mandatory spending expected to total $100 million a year for ten years. The bill creates a process whereby the Executive Branch will coordinate annual proposals for how best to spend this new funding and the Congress, through the Interior Appropriations bill, will allocate the funds.

In contrast to the Administration's proposal, H.R. 3094 identifies six specific program areas within which this increased funding is to be spent. These areas include education in the parks, diversity programs, an environmental leadership initiative, professional development, resource protection an construction. This mix of funding priorities—investing in natural resources, bricks and mortar and human capital—will insure our parks and park employees can meet the challenge of the next 100 years successfully.

Also in contrast to the legislation proposed by the Administration, H.R. 3094 provides this new spending without requiring private matching funds. While we recognize the critical role private giving has played in creating and sustaining the National Park System, we remain concerned regarding the ever-increasing reliance on private funds. H.R. 3094 encourages private giving but makes absolutely certain that NPS spending priorities are determined by the Congress and the Administration without regard to which projects might, or might not, be most attractive to private donors.

And finally, Madam Chairman, H.R. 3094 differs from the Administration's proposal in that all of the spending in our bill is paid for—meaning this bill addresses the stringent PAYGO requirements instituted by the Democratic majority. The Administration's failure to identify a source for the mandatory expenditures in H.R. 2959 makes that proposal simply unrealistic.

Madam Chairman, the American people treasure their national parks and care deeply about their future. The funding levels we provide for the National Park Service, at this critical milestone in its history, should reflect that. The initiatives funded through this legislation—especially those which will use our national parks as classrooms for young people—will create new generations of stewards to safeguard our national parks for the next 100 years.

Mr. DINGELL. Madam Chairman, I have always said that the working men and women of Michigan are my top priority. I believe that every working family deserves access to a quality education, strong healthcare, jobs that are safe for its workers and secure retirement plans. Today the House will consider the Labor, Health and Human Services and Education Appropriations bill, H.R. 3043, which will fund programs families need and rely on. I rise in support of this legislation because I believe it will provide our families with healthy and secure environment in which to raise their children.

By 2014, nearly half of nation's growing occupations will require higher education. If we want to help families succeed and help children prepare for work in the global marketplace, then we must help them earn a college degree. H.R. 3043 will provide the Department of Education with $61.7 billion, which is $4.2 billion or 7.4 percent above 2007 funding. In addition, this legislation will provide $2 billion, a 14.6 percent increase above 2007, in funding for Pell Grants to raise the maximum Pell grant by $390 to $4,700, benefiting over 5.5 million students.

This legislation will also help prepare our students for college by providing $2 billion for No Child Left Behind, an 8.4 percent increase above 2007. Specifically, $1.9 billion will go towards Title I grants, which benefit nearly 55,000 disadvantaged students in preschool, elementary and secondary levels. This funding will also provide reading and math instruction for 161,000 low-income students. The Individuals with Disabilities Education Act (IDEA) Part B grants will receive $174.5 million, ending the previous Congress's habit of declining Federal contributions for special education.

We also must focus on preparing workers, many of whom who have been displaced due to layoffs or company closings, for second career opportunities. H.R. 3043 will increase funding for the Department of Labor, including a $227.4 million increase for employment, training and worker protection programs. This funding will greatly help our great state of Michigan because $1.2 billion will be used to provide state grants that training and supportive services, such as rapid-response assistance to help workers affected by mass layoffs and plant closures.

H.R. 3043 will also provide for the health and well-being of our families. Currently over 44 million Americans do not have health insurance; by 2013, the number of uninsured Americans will grow by 11 million. Universal health care has always been one of my top priorities, and I believe this legislation reflects a strong commitment to improving health care in our country.

Democrats took the first step towards helping the uninsured by passing a $207 million increase in funding for community health centers in the FY2007 Continuing Resolution, benefiting an additional 1.2 million people. The legislation before us today will provide an additional $200 million for community health centers. This bill also includes $50 million to assist states in providing affordable insurance for almost 200,000 people who are considered medically high risk and are not able to obtain health insurance in the commercial market. Lastly, H.R. 3043 will provide $45 million for health insurance counseling to assist 45 million Medicare beneficiaries to understand and fully utilize the benefits to which they are entitled.

This legislation will go farther than just providing health care to the uninsured; it will also provide much needed funding to the Centers for Disease Control and Prevention and emergency responders who served during 9/11. While the administration proposed reducing funding for the Federal government's public health activities by $159 million, this bill will provide a $255 million increase for a total of $6.5 billion. This funding will be dedicated to programs that focus on childhood immunization, state and local public health emergency preparedness, and efforts to combat chronic diseases such as diabetes and heart disease and emerging infectious diseases. In the aftermath of 9/11, many first responders were exposed to dust and other harmful debris at the World Trade Center site. H.R. 3043 provides $50 million to improve the health monitoring and treatment of the World Trade Center emergency responders. It will also require that the Administration develop a comprehensive plan for how they will address the current health needs of these first responders.

The Labor-HHS Appropriations bill will also help families keep warm. The Low-Income Home Energy Assistance Program (LIHEAP) has helped over 500,000 families in Michigan heat their homes during Michigan's tough winters. This year it will see a critical increase of $500 million, 23.2 percent above 2008, to provide energy assistance to nearly 1 million more low-income seniors and families. The Community Services Block Grant, which provides funding to States to expand services such as housing, home weatherization, parenting education, adult literacy classes, and emergency food assistance will see a $30 million increase to $660 million. In order to help improve processing time for Social Security disability claims and hearings, the Social Security Administration (SSA) will receive $9.7 billion, $401 million above 2007. Over the years, disability claims and hearings have increased, creating a backlog in casework. This funding will help to reduce the backlog and allow the SSA to continue providing monthly cash benefits to nearly 55 million Americans each year.

Our Founding Fathers trusted Congress with the task of funding the Federal government through the annual appropriations process. While this process is never easy, it is one of the most important duties we have to the American people. Not only has President Bush threatened to veto this legislation, but he also proposed cutting funding for these programs $7.6 billion below last year. This bill invests in families and their health, the workforce and their job training, and students and their education. I urge my colleagues to support this legislation and show the American people Congress is dedicated to improving their quality of life.

Ms. BERKLEY. Madam Chairman, Congress created the Energy Employees Occupational Illness Compensation program in the FY 2001 Defense Authorization Act. This program compensates workers who were exposed to nuclear radiation while on the job within the Department of Energy and who later developed cancer and other illnesses.

While the program was a step toward righting the wrongs that these hard-working Americans had to suffer, there have been many problems since the enactment of this program. Many DOE workers have had difficulty proving that their cancer was directly caused by the radiation they were exposed to in the line of duty. The years-long process that the program requires workers to go through to prove they deserve compensation is intrusive and drawn-out.

This is an issue that directly affects my constituents. The Nevada Test site is an area larger than the State of Rhode Island, located about 65 miles north of Las Vegas. After years of exposure to nuclear radiation, many DOE workers who were employed at the Nevada Test Site during Cold War nuclear testing are now battling several forms of cancer, and many have already passed away. Unfortunately, many of these workers have also been turned away from Federal compensation.

However, there is an alternative for workers to qualify for Federal compensation. Workers at other Energy Department facilities across the country have been designated as part of the Special Exposure Cohort (SEC). Workers at these locations qualify for EEOIC benefits without going through an arduous and bureaucratic process. Since the creation of the program, Nevada Test Site workers have petitioned to be included in the SEC, but have only succeeded in part. Currently, only NTS workers who worked at the site between 1951 and 1962 are part of the Cohort and therefore automatically qualify for benefits. This only accounts for one third of all NTS claimants, leaving a large group of former Federal employees who are awaiting the compensation they deserve.

Madam Chairman, I understand this appropriations bill is not the time to designate Special Exposure Cohorts. However, it is imperative that we as a Congress act on this issue before it's too late: before the victims of nuclear radiation are gone. Before their families are left behind without their loved ones. This is long overdue and we must act now.

Mrs. McCARTHY of New York. Madam Chairman, in recent years, the GOP-led Congress significantly cut investments for priorities in the Labor-HHS-Education bill. This year, the President has once again proposed significant cuts to programs of $7.6 billion below 2007 levels. This is the wrong message and the wrong policy for America.

My colleagues and I are determined to reverse the funding cuts put forth over the past several years. This bill rejects most of the President's damaging cuts and provides an increase of $4.3 billion (or 3 percent) over the 2007 funding levels. The bill makes college more affordable—including increasing the maximum Pell Grant by $390. The bill helps raise the achievement levels of America's students, providing $2 billion increase above 2007 and $1 billion above the President's request for No Child Left Behind programs.

H.R. 3043 expands access to health care for the uninsured by investing in initiatives that will provide for new and innovative ways to reduce costs while expanding coverage. This legislation provides $200 million for community health centers, enabling these centers to serve an additional 1 million uninsured Americans. The bill provides $75 million for a new initiative of state health access grants, providing start-up grants to states that are ready with plans to expand health care coverage to targeted groups. It also includes $50 million for an initiative to assist states in providing insurance pools to support affordable insurance for almost 200,000 people who are medically high-risk.

H.R. 3043 meets the domestic healthcare and education needs of our Nation. For too long, Congress has ignored the needs of the American people. Today, I will move with my colleagues in a new direction to fully fund the vital healthcare and education programs utilized by the American people.

Mr. CONYERS. Madam Chairman, I rise in support of H.R. 3043, the Federal Year 2008 Departments of Labor, Health and Human Services, and Education Appropriations Bill. By passing this legislation today the House of Representatives is taking a significant step forward toward investing in our Nation's long-term future. This $152 billion investment marks a $10 billion increase over President Bush's 2008 request and a $7 billion increase over the Federal Year 2007 Departments of Labor, Health and Human Services, and Education Appropriations Bill. The increases in the appropriation's legislation before us today, will translate into more help for those in need of Low-Income Home Energy Assistance, more affordable higher education, and health care for the uninsured.

Home heating costs have skyrocketed over the last few years. Many people are finding themselves unable to keep up. We in Congress believe that no American should be forced to choose between whether to eat or heat your home. This is why we are increasing Low-Income Home Energy Assistance to $501 million in 2008, an increase that will ensure 1.3 million families are not left out in the cold this winter.

We have also used this appropriation to demonstrate the Democratic Party's commitment to reining in the sharp rise in college costs that continue to be a barrier to so many students. By increasing the Pell Grant from $4,050 to $4,700, an increase which will benefit more than 5.5 million low- and middle-income students, we have taken another major step in the 110th Congress toward making higher education more accessible.

Finally, it is a disgrace that there are 46.6 million Americans without health insurance; in this year's Labor, Health and Human Services, and Education Appropriations Bill we have taken major steps to expand access to health care for the uninsured. For example, the bill provides a $200 million increase in funds allocated to community health center initiatives—enabling these centers to serve an additional 1 million uninsured Americans. Furthermore, the bill provides $75 million for a new initiative to state health access grants—providing start-up grants to states that are ready with plans to expand health care coverage to targeted groups. Finally, H.R. 304 also includes $50 million for an initiative to assist states in providing high-risk insurance pools to support affordable insurance for almost 200,000 people who are medically high-risk.

This is finally a Labor, Health and Human Services, and Education Appropriations bill with the right priorities, one that puts working Americans first.

Mr. VAN HOLLEN. Madam Chairwomen, I rise in support of the Labor, Health and Human Services and Education Appropriations bill (H.R. 3043). This legislation makes important investments in education, health care and vital scientific research.

"Last November, voters around the country called for a change in direction and this bill epitomizes the differences in priorities between the old Republican-led Congress and the new Congress. In the past five years, even as the cost of attending college skyrocketed, the previous Congress raised the maximum Pell Grant by only $300. We said we could do better, and today we are increasing the Pell Grant by $390, more in one year than the Republican-led Congress did in five years. President Bush submitted a budget this year to freeze funding for child care and cut funding to Head Start by $100 million. We said we could do better, and today we are increasing both Child Care Block Grants and Head Start by $75 million each.

"Since the inception of No Child Left Behind, it has been underfunded by more than $55 billion, and this year the President's budget proposal fell $14.7 billion short of full funding. We said we could do better, and today we are reversing that trend and increasing the appropriation for No Child Left Behind by $2 billion, including a $1.5 billion increase for Title I. As we work to reauthorize that bill this year, I hope that we will continue this positive trend and commit to mandatory funding of primary and secondary education.

"I am also pleased that today, for the first time since fiscal year 2005, we are increasing funding for the Individuals with Disabilities Education Act. In 1975, Congress passed IDEA to ensure that all students with disabilities receive a free, appropriate public education. At that time, Congress made a pledge to states—the federal government would pay 40% of the costs to educate special needs students. We have never met that commitment, and in the past several years, the Congress has actually failed to increase funding for IDEA at all. This year, the President proposed a cut in these funds. Today, we are increasing IDEA funding by $509 million. While this is an excellent start, we must continue to work towards keeping our promise to states and fully funding IDEA. With that in mind, I urge my colleagues to join me to pass the EDUCATE Act, which creates a mandatory, fiscally responsible path to fully fund IDEA by 2015. Students and states have waited more than 30 years for Congress to fulfill its pledge, and we have a responsibility to do so.

"I am also pleased that in this bill today, we are increasing funding for many important education programs, including school counseling, afterschool programs, Even Start, Teacher training, education technology, and advanced placement. By strengthening these priorities, and putting the focus back on education at all levels, we are opening doors to students and increasing our ability as a nation to harness the energy, intelligence and ambition of our young people and keep our country in the forefront of discovery and innovation.

"The bill also addresses the fact that, in recent years, the nation's health scientists have faced shrinking laboratory budgets and dwindling research grants. Important investments need to be made today to reverse those trends. The House focuses an additional $1 billion to fund the National Institutes of Health to accelerate research discoveries that can treat and cure many diseases.

"In spite of the all of the positives that this bill will accomplish, I am concerned about what some might consider superficially attractive but ultimately counterproductive cuts to administrative accounts at the Department of Education and elsewhere. Federal employees work hard to deliver valuable services to our nation everyday and simply can't do their jobs without the minimum amount of resources necessary. This legislation includes roughly $175 million in funding cuts to federal employee salaries and resources. I'll be working in conference to ensure that our dedicated civil servants have the resources they need to continue providing their valuable services.

Madam Chairwoman, I am pleased to support this legislation which makes the critical investments needed to address the health, education and economic challenges we face."

Mrs. BOYDA of Kansas. Madam Chairman, I have heard concerns about the Cincinnati area's Planned Parenthood Clinic's alleged mishandling of claims of abuse. This is an ongoing legal process, and we must wait for the verdict before determining the truth of the claim. As a mother, I can only imagine how difficult this time must be for the young woman.

Planned Parenthood of Kansas and Mid-Missouri states in their mission that they are "committed to providing confidential, affordable reproductive health care to all individuals, regardless of their ability to pay." Planned Parenthood provides a wide array of basic health care services to both women and men. They offer cancer screening for women and men—we know that early detection can help people fight and win their battle with cancer. They provide confidential screenings for sexually transmitted diseases so that people can get treatment and prevent the further spread of disease. They offer counseling for women going through menopause on what to expect and what types of treatment they could consider. They diagnose infertility problems for women and men trying to build a family. They also conduct workshops for parents and youth to discuss topics related to sexuality. The workshops build self-esteem, promote a positive body image and build communication skills. They also offer a workshop called "choices and consequences" that helps youth understand what abstinence means. In the workshop, youth and Planned Parenthood advisors work together to identify the skills and knowledge that someone needs to use abstinence effectively.

Despite the numerous types of health care services provided, Planned Parenthood is best known for assistance in family planning. To be clear, Planned Parenthood cannot use any of its Federal funding to perform abortions. The family planning services they provide are critical for women's health. Women depend on contraceptives for better health to regulate their menstrual cycles and treat endometriosis. Access to family planning services helps prevent unintended pregnancy and helps in the timing of planned births. If women can control when they become pregnant, we can significantly reduce the number of abortions—a goal I believe we should all support.

Planned Parenthood's services are confidential, and perhaps more importantly, affordable. They provide basic health care to many of my constituents who might not otherwise be able to afford it. In 2005, Planned Parenthood served 13,601 Kansans. I will continue to support funding for health care for my constituents.

Mrs. MALONEY of New York. Madam Chairman, I rise today in support of the FY08 Labor, Health, and Human Services, Education Appropriations Act. This legislation includes valuable funding for the health care needs of the heroes and heroines of 9/11. I commend Chairman OBEY for his effort to include $50 million for their treatment.

H.R. 3043 will make college more affordable by increasing the maximum Pell Grant by $390 while providing $2 billion more than last year for No Child Left Behind programs. It expands access to health care for the uninsured and provides and increases funding for the National Institutes of Health by $750 million over last year.

However, I do oppose a policy provision contained in H.R. 3043 which concerns the National Institutes of Health public access policy. The act would change the current voluntary policy by mandating that final manuscripts reporting on NIH-funded research be submitted to the NIH National Library of Medicine's PubMed Central for worldwide distribution. This change would set a dangerous precedent for government action, by infringing on the rights of the copyright holders of these articles. I believe strongly that the policy is best left in its current voluntary form to provide flexibility and allow copyright holders to manage their investments in scientific research while maintaining the accuracy of this data.

Publishers in my district invest hundreds of millions of dollars to ensure that the results of scientific research are peer reviewed, published and disseminated as widely as possible. Although public dollars are used to fund the research, the peer review and publishing process is completely funded by private sector non-profit and commercial publishers. A unilateral requirement that these articles be posted for free on PubMed Central, ignores the critical role that publishers play in the scientific process. This requirement also ignores a longstanding principle that the government should not be involved in the taking of copyrighted works—and in this case, without providing any compensation. That is exactly what a mandated policy would do.

Moreover, once manuscripts are deposited in PubMed Central, these copyrighted works would be available for anyone to download the material, free of charge and without any geographic or time restrictions. Under the current policy publishers still retain control and voluntarily make their articles available for free public access while retaining their copyright. Under a mandatory policy authors and publishers would be required, as a matter of practical effect, to give up any reasonable prospect of protecting their copyrights.

Madam Chairman, I believe that the NIH can achieve the laudable goals it has set by implementing the public access policy without infringing on publishers' copyrights. However, this can only be done if the policy is left in its current form and not mandated. I urge my colleagues who will be conferencing on the Labor/HHS Appropriations bill to take these issues into consideration when they finalize the legislation so that the copyright protections that are so critical to the continued advancement of science and scientific knowledge will be fully preserved.

Mr. YOUNG of Alaska. Madam Chairman, I am dismayed that this Congress, including Members of my own party, has again decided to eliminate funding for the Denali Commission and cripple the economic lifeline to hundreds of small communities throughout rural Alaska.

When health crises arise, options are often extremely limited in rural Alaska. Health issues or emergencies that require hospital care often involve costly air transportation that can take as much time and money as a flight from New York to Los Angeles, if weather permits. For local health care, the typical rural community health facility is aging, small and inadequate to provide necessary services. In one of its earliest decisions, the Denali Commission designated rural health care as a top priority for Commission support and is continuing its work to provide safe and appropriate infrastructure which will improve health care delivery for rural Alaskans.

Through its health care program, and in partnership with the U.S. Department of Health and Human Services and Alaska health providers, the Commission is working to address the infrastructure needs of communities statewide to ensure all Alaskans receive safe and reliable health care.

In 1999, the Commission was granted authority by Congress to address rural Alaska health care issues. This authority authorized the Denali Commission to plan, construct and equip health, nutrition and child care projects across the state. Potential projects include hospitals, health care clinics, and mental health facilities including drug and alcohol treatment centers. In 2001, the Commission identified rural primary care facility needs in more than 288 rural communities, and estimated the cost of needed rural primary care facilities to be $253 million.

Since then, more than 200 communities have sought assistance from the Denali Commission. And in addition to constructing several essential village primary care clinics, the Denali Commission has funded major design initiatives for needed replacement hospitals in Nome and Barrow. It has now completed clinics in over 65 of these remote communities.

Now, in 2007, Congress is telling the Commission that they no longer see a need for the Denali Commission. They are looking to cut $39 million when the real need in my State is several times that amount. Have the health care problems in rural Alaska been miraculously fixed overnight? Have any Members of the House visited Alaska and seen firsthand that rural health care is no longer an issue for Alaskans? The answer to both is a resounding "No."

The Commission works tirelessly each year to make sure that my Alaskans are not treated like second class citizens and eliminating these funds will be devastating. It is my hope that the Senate has more sense and will continue funding this essential program. I will work with my colleagues in the other chamber to make sure that this happens—Alaskans deserve better.

Mrs. CHRISTENSEN. Madam Chairman, I would like to express my support for the FY 2008 Labor, Health and Human Services, and Education Appropriations Bill. This bill takes an important step in providing affordable education and quality health care. The strength and the future security of our country depend on our investment in health, education, and insuring that the needs of our workforce are addressed. H.R. 3043, as drafted, includes increased funding for many programs important to our state and local education, health, and labor agencies.

The bill addresses increases in funding at all education levels from early childhood to higher education. Although most of these increases are still below FY 2005 levels, it is the beginning of reversing the decline in Federal funding which has not been compatible with increased costs related to NCLB (which imposed new and stronger mandates on our State and local education agencies). H.R. 3043 provides for $1.6 billion over last year's level to fund NCLB programs, especially for Title I programs to help poor children. The bill also provides for increased funding for Head Start centers, as well as special education grants that benefit 6.9 million children with disabilities.

I would like to extend my support to the Gwen Moore-Tom Cole-Bobby Scott-Carol Shea-Porter amendment that will put a stop to the harmful Upward Bound (UB) evaluation that is being conducted by the Department of Education. The Upward Bound program has been threatened both financially and administratively and I am hopeful that my colleagues will not support provisions that threaten to eliminate this long-standing program. I strongly urge my colleagues to support this amendment that would eliminate the Absolute Priority program, which is an evaluation tool used by the Administration to justify the elimination of the UB program.

As the Chair of the Congressional Black Caucus Health Braintrust, I would be remiss if I did not mention the positive direction that this bill takes the health and well being of Americans, and the important steps it takes to bolster our health care infrastructure.

This bill increases funding for critically important programs, such as HCOP and other provider training programs, as well as for critically important Federal agencies and offices, such as the National Center for Minority Health and Health Disparities at the National Institutes of Health, the Centers for Disease Control and Prevention, and SAMHSA.

Unlike the President's budget, this bill represents the positive direction we need and should take to ensure that our health care system—at every level, from research, to training, to actual care—has the capacity and resources to adequately treat the millions of Americans who access it. I am enthusiastic about provisions in H.R. 3043 that provide funding in my district, the U.S. Virgin Islands, for follow-up glaucoma screening and perinatal care. These programs are an important part of bridging the gap for the elderly, low income and uninsured individuals.

Despite its numerous amendments and three days of debate, the bill as written provides funding for programs that help to improve our Nation's education, health care and labor programs. I urge my colleagues to support its final passage.

Mr. LEWIS of California. Madam Chair, I rise for two reasons.

First, this has been a long and very difficult bill on the floor. I think the House should recognize the fabulous work of both Mr. OBEY of Wisconsin and my colleague from New York (Mr. WALSH). They endured all this. Congratulations for a good job.

Further, I believe we ought to extend our appreciation to the Chairwoman who has done a wonderful job and a fair job in the process, Mrs. TAUSCHER of California.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".

Mr. OBEY. Madam Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Florida) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, she reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 547, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. In its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill H.R. 3043 to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment providing that funds made available to any child welfare agency, private or public elementary school, private or public secondary school, local educational agency, or State educational agency under titles II or III of the bill may be used to pay for any fees charged under the Schools Safely Acquiring Faculty Excellence Act of 2006 for conducting background checks authorized by law.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, the Clerk's reading essentially explained what my motion to recommit is all about. Essentially for the House's better understanding, we provide simply discretionary flexibility to school districts to use funding in these titles to make certain that they know well the backgrounds of those people who will be working with and around children.

Mr. Speaker, I yield to my colleague from Nevada (Mr. PORTER) because he spent a good deal of time in this arena, and his district is adjacent to mine in the beautiful downtown Nevada. We understand some of the same difficulties we are facing.

□ 1745

Mr. PORTER. I would like to ask this body to take 2 minutes and listen to something very compelling. This bill does not matter on its face if our children are not safe. This body, with an amendment that I passed last year, has helped protect 27 million more children across this country by providing for school districts that could not in the past do criminal background checks. In this session alone, we passed additional legislation to help kids that are in Head Start by giving them additional protection for 1 million children who did not have that before.

An example of what is happening in this epidemic nationwide is we have teachers, we have professionals, we have individuals that are predators, sexual predators following our children. We need to make sure we add one additional tool, and that eliminates barrier to help fund these programs that we passed last session and this session. Head Start alone, one particular program had 660 teachers; of that, they were not inspected for 5 years. They discovered, out of 660 teachers, 100 teachers and support staff had criminal backgrounds. Of that, 50 had serious offenses from first-degree murder to child predator to domestic violence.

What I am asking this body to do is to use common sense, allow for these school districts to eliminate one more barrier to help them pay for these backgrounds checks. It is common sense. It is a way to provide protection. It is something that we can do to ensure and add one additional guarantee for our families and our children that they will be safe within our schools.

Mr. LEWIS of California. Mr. Speaker, JON PORTER said it all. I urge your positive vote on this motion to recommit.

I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, if this issue were in fact the real problem, it can easily be dealt with in conference by Mr. WALSH and myself and the rest of the committee, but in fact it is not a problem. The fact is that under the bill money in the Safe and Drug Free Schools account can already be used for exactly the same purpose.

I would also like to point out, however, that this is a program which was cut by the President to $100 million, and the House has restored $146 million above the President's figure to take care of problems just such as this.

But the membership should also understand that this recommit kills the bill. It is dressed up in language on fees, but in fact it calls for the bill to be referred to the committee and reported back promptly, not forthwith. And, as Members know, that is a device that kills the bill.

We have endured over the last 3 days filibusters by amendment. We have had 25 hours of amendments, sometimes repetitious amendments. We have spent twice as much time on this bill as was spent the last time that the bill was considered by the Congress.

And I would make one other point. The sponsors of this proposal could have used it to do anything they wanted to do with the bill. They could have cut the bill, they could have changed the priorities. They didn't. And the fact that they didn't, in my view, is an admission that, in terms of policy, this is a good bill. It is a backhanded admission that this bill ought to pass as is.

So I would ask Members to vote "no" on the motion and vote "yes" on passage. They can then go home having done good things for America's children, for Americans who need help to get health care, and for American workers.

Let me also take just a second to thank the House for its indulgence over the last 3 days. I know that it has often been tiresome, but I appreciate the fact that they understood that the committee was just trying to do its job.

I yield to the distinguished majority leader.

Mr. HOYER. I thank the gentleman for yielding.

This motion will be defeated because it kills the bill. If the gentleman from Nevada were serious about this motion, he would have asked that it be forthwith. That would have passed his amendment. This is not a serious amendment, I tell my friend. This is, unfortunately, however, why the American public is so upset with the Congress of the United States: because what they see, they say that Congress is not getting its work done, and they are right. And they are right because obstructionism is occurring on this floor and on the floor across the hall. And if it were in the name of serious legislating, perhaps they would understand. But this is not serious legislating, A, because the money can be spent for that now; and, B, because it kills a bill that is for the education and the health care of our people.

Reject this specious motion. Pass this bill.

Mr. OBEY. Mr. Speaker, again, I want to thank Members of both parties who have helped through the process. I urge a "no" vote on this motion and a bipartisan "yes" vote on final passage.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion passed, this bill could be reported back to the respective committee through which it was designated, and that the bill could be reported back to the House the very next legislative day?

The SPEAKER pro tempore. Unlike the case of a motion to recommit with instructions to report back forthwith, the adoption of which occasions an immediate report on the floor, the adoption of a motion to recommit with instructions to report back promptly sends the bill to committee, whose eventual report, if any, would not be immediately before the House. This is illuminated in Deschler's Precedents, volume 7, chapter 23, section 32.25.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is it not true that this bill could be reported back the next legislative day?

The SPEAKER pro tempore. A recommitted bill may be reported from committee again.

Mr. LEWIS of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEWIS of California. Is it untoward for me or someone to ask for unanimous consent that this vote be a 2-minute vote rather than a more extended vote?

The SPEAKER pro tempore. The Chair cannot entertain that request under the current circumstances.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 206, nays 213, not voting 12, as follows:

[Roll No. 685]

YEAS—206

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—213

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Bono
Brown, Corrine
Cubin
Davis, Jo Ann
Filner
Harman
Jindal
Lofgren, Zoe
Marshall
Miller, George
Paul
Tancredo

☐ 1809

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 685, I was on official business outside the national capital region in my capacity as Chairman of the Veterans' Affairs Committee.

Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 276, nays 140, not voting 15, as follows:

[Roll No. 686]

YEAS—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—140

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)

Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—15

Bono
Brown, Corrine
Calvert
Cubin
Davis, Jo Ann
Filner
Harman
Jindal
Lofgren, Zoe
Marshall
McKeon
Miller, Gary
Miller, George
Paul
Tancredo

☐ 1817

Mr. HOBSON changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 686, I was on official business outside the national Capitol region in my capacity as Chairman of the Veterans Affairs Committee.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, I will be necessarily absent from voting today as I will be on official business in my district, hosting a Cabinet Secretary.

Had I been present to vote, I would have voted "aye" on the amendment offered by Representatives LEWIS, WELCH and WELLER to prevent CMS from making deep cuts in hospital payments for one year.

As a former Board Member of Planned Parenthood Los Angeles, I would have voted "no" on Representative PENCE's amendment to prohibit funds for Planned Parenthood.

I would have also voted for the bill's final passage.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–242) on the resolution (H. Res. 558) providing for consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2116

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2116, the Freight Rail Infrastructure Capacity Expansion Act of 2007.

The SPEAKER pro tempore (Mr. ELLISON). Is there objection to the request of the gentleman from Oregon?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my good friend the majority leader for the purpose of inquiring about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

On Monday, the House will meet at 10:30 a.m. for morning business and noon for legislative business, with votes rolled until 6:30 p.m. In addition to several bills under suspension of the rules, and a list of these bills, of course, will be announced by the end of the week, we expect to begin consideration of the fiscal year 2008 Transportation-HUD appropriations bill.

Let me reiterate that because that will require a vote on the rule, there will be a substantive, and perhaps more substantive, votes on Monday. So Members cannot be assured that there will not be controversies on the floor on Monday night. Usually we do only suspension bills.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. In addition to completing consideration of the Transportation-HUD bill, we have one additional fiscal year 2008 appropriations bill, the Commerce-Justice-Science, as well as the farm program reauthorization.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for that information.

I notice there is no listing at this point of an Iraq bill on next week's schedule. I also notice that FISA modernization has not been scheduled. I wonder if the gentleman has any information about the potential for either of those two issues to be on the schedule for next week.

Mr. HOYER. FISA legislation, as the gentleman knows, is being worked on by the Intelligence Committee now. I don't have a specific answer for you. I am hopeful that we will perhaps be able to address some very important issues before we leave here.

On the other, I think it is possible that we will have some legislation dealing with Iraq, but that decision has not been made. Obviously, there is still ongoing discussion both in the Senate and in this body on that subject. But whether there will be legislation next week is still in discussion.

Mr. BLUNT. I thank the gentleman for that and, of course, just to ask when that decision is made, the quicker we could be told what that decision is and get a sense of the schedule on that issue, the better.

Also, I have one question the gentleman might have information on. In the conference on the 9/11 bill earlier this week, it appeared that the protection that the House had added for liability in what was called the John Doe action, where if you suggest someone you think is pursuing a dangerous course of action, you turn them in, then you are personally held liable, we had some protections added to our bill on that. I am told that the chairman of the conference, a member of the other body, has now said that he believes those protections would be germane, and if they are germane, we would hope that we would continue to see an argument in favor of that. But I wonder if the leader has any information on that.

Mr. HOYER. I tell my friend that I do not have any immediate information on that particular issue. I know the issue, but where it is, I am not sure. So I don't have specific information on that.

Mr. BLUNT. Let me ask one other question about conferences, and that would be unless this proceeds into another area.

Mr. HOYER. I can say with respect to conferences, we have every intent of doing the 9/11 conference, as the gentleman knows, and passing that before we leave for the August break.

Mr. BLUNT. I would ask on conferences, in a press report this week there was a suggestion, as a matter of fact, I think it was today, that the ethics bill might come to the House under an extraordinary procedure that didn't actually involve a conference. I think the House changed its rules this year to be much more stringent on requiring a conference, and I am wondering if that report has any merit to it that the gentleman would be aware of.

Mr. HOYER. I understand press reports, but there is no decision that has been made on that.

Mr. BLUNT. I just would suggest to the gentleman that we have changed the rules in a way that, while that particular messaging between the two Houses has seldom been used, I think it is even harder to do in light of the House rules changes, and we would hope that these bills are done in conference and, of course, hope they are done in conference in accordance with the rules that this Congress has proposed for conferences.

Mr. HOYER. Mr. Speaker, will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. We are very, very hopeful that the lobbying disclosure conference can proceed. As the gentleman knows, we have not gotten clearance on the other side to do so, so we are very concerned about that. This House passed the lobbying disclosure bill overwhelmingly. Our view is it will pass overwhelmingly in the Senate when that happens. But, unfortunately, it has not yet gone to conference.

I thank the gentleman for yielding.

Mr. BLUNT. I thank the gentleman for his comments. And I also understand frustrations with the Senate process as he does and hope that we can work that out in a way that we go through the regular process.

Mr. HOYER. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 23, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–48)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2007.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources, their trafficking of illegal arms, and their formation of irregular militia, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 19, 2007.*

CALLING FOR REDEPLOYMENT OF THE TROOPS FROM IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have heard this week in publicized reports of the activities that are going on around the world with respect to al Qaeda. The National Intelligence Estimate has indicated publicly, nonclassified information, that this group is franchising. It means that they are able to spread without leadership around the world. And those who have followed the Iraq war recognize that it is a training ground for those terrorists who would then leave and spread their viciousness around the world.

We heard this week Prime Minister Maliki indicating that our soldiers could leave. He ultimately said he was misinterpreted. But, frankly, I believe, Mr. Speaker, it is time for our soldiers to be redeployed out of Iraq and that an appropriate and directed decision needs to move all of our soldiers home to America.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

33RD ANNIVERSARY OF INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today not only as a Member of this body, but particularly as a member of the House Committee on Foreign Affairs and as cochair on the Congressional Caucus on Hellenic Issues.

I stand before you today to recall an anniversary that has racked the Cypriot and Hellenic communities for the past 33 years. Mr. Speaker, even though the tragic events of the Turkish invasion of Cyprus took place so long ago, the pain and suffering of this tragic occasion still ripples throughout the Greek and Cypriot communities.

This anniversary is a time for America to solemnly remember the Turkish military invasion of the Island of Cyprus, to mourn those who lost their lives, and to condemn the continued occupation.

On July 20, 1974, in blatant violation of international law, Turkey violently invaded Cyprus and captured the northern part of the island. As a result of the invasion, approximately 5,000 Cypriots were killed and more than 1,400 Greek Cypriots, including four Americans of Cypriot descent, are still missing.

Since the invasion, Turkey has established a heavily armed military occupation that continues to control nearly 40 percent of Cyprus. Forced expulsions of Greek Cypriots on the occupied land have left more than 160,000 displaced persons.

Another tragic result of this 33-year occupation is the division of the Greek and Turkish Cypriots who since have forcibly left their homes. This cracking of the Cypriot Nation is a crime against society and the people of Cyprus that can only be resolved by ending this occupation.

Since the invasion, international governing bodies and human rights groups have condemned Turkey's flagrant abuse of international law and violation of Cyprus's national sovereignty.

Mr. Speaker, 33 years is just too long. The international community has helped shepherd a peace process and settlement that will unite the island, its people, institutions and economy. The United Nations Security Council, the European Union and the United

States have all played key roles in trying to bring a practical and fair resolution of this 33-year nightmare.

On the occasion of this anniversary, America needs to take a long and hard look at its own commitment toward helping the Turkish Cypriot crisis reach a lasting and enduring peace, free from occupation, division and oppression.

As a new member of the European Union, the Republic of Cyprus has proven a committed and influential partner in Europe. Despite having a large portion of its land illegally occupied, Cyprus's successful social and economic integration into the European Community is a testament to its focus and dedication to democratic values and regional cooperation.

The Republic of Cyprus has also worked alongside its European neighbors to bring about a stronger integration of Turkish and Greek Cypriot interests for the good of the island. This has included a partial lifting on restriction of movement across the ceasefire line that continues to forcibly divide Cyprus. As a result, since April of 2003, more than 13 million Greek and Turkish Cypriots have crossed without incident. Incredible. Additionally, the per capita income of Turkish Cypriots has nearly tripled in the last 3 years because of an aggressive integration policy by the Republic of Cyprus and its European neighbors.

Mr. Speaker, I believe that because of this continued integration between Turkish and Greek Cypriots, and the economic and political successes that the Republic of Cyprus so readily wants to share with its neighbors, it is possible to bring closure to this 33-year occupation.

Indeed, on July 8, 2006, the President of the Republic of Cyprus, Tassos Papadopoulos, and Turkish Cypriot leader Mehmet Ali Talat agreed to formally begin consultations with the ultimate aim of a peaceful reunification and an end to Turkey's military occupation.

Despite the early successes of what has since been known as the "July 8th Agreement" and the best efforts of the Cyprus government, the Turkish Cypriots have not followed through on their commitment to continue this dialogue and a path to peace.

Let's resolve this issue, Mr. Speaker. Thirty-three years is too long.

In fact, Mr. Speaker, only last week, President Papadopoulos attempted to jumpstart the Island's reunification efforts and resume the July 8 Agreement process. Though he initially accepted this gesture, Turkish Cypriot leader Talat ended up cancelling the proposed meeting.

Mr. Speaker, the United States, and this Congress, should demonstrate its commitment and support for the July 8 Agreement as a way toward ending the Turkish-Cypriot divide on the Island of Cyprus. I have introduced legislation, H. Res. 405, which expresses strong support for the implementation of the July 8 Agreement.

I urge all of my colleagues to act and help this body put our own stamp of support on the July 8 process by supporting this resolution.

Cyprus has long been a strong and faithful ally of the United States. It continues to work with us in the Global War on Terrorism and has supported our efforts in both Afghanistan and Iraq.

Aside from providing overflight rights and port access, the government of Cyprus has joined only a handful of nations who have acted on their commitment to cancel Iraq's outstanding debt.

Mr. Speaker, 33 years is long enough. It is not impossible to conceive one-day having a Cyprus that is unified under bizonal, bi-communal federation with a single sovereignty, single international personality and single citizenship with respect for human rights. and fundamental freedoms for all Cypriots.

America, a friend of the Cypriot people, owes it to them to do everything in their power to support peace and an end to this illegal occupation.

33RD ANNIVERSARY OF INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to mark the 33rd year since the invasion and subsequent occupation of the Island of Cyprus.

Since 1974, Turkish military forces have illegally occupied the northern part of the island, forcibly dividing communities, and depriving a nation of its cultural heritage and peaceful existence.

The Turkish invasion of Cyprus physically separated the Greek Cypriot community and Turkish Cypriot community along ethnic lines for the first time in the island nation's history. The unlawful occupation of 37 percent of the territory of Cyprus continues unabated to this day. There are currently 43,000 Turkish troops garrisoned in the occupied areas, and Turkey has resettled nearly 100,000 mainland Turkish citizens into those areas.

The continued Turkish occupation of Cyprus stops the Greek and Cypriot communities from building national institutions, from building intercommunal trust, and from promoting the diversity and uniqueness of a truly Cypriot culture. In short, because of Turkey's continued occupation and division of the island nation, the people of Cyprus are prohibited from reclaiming a true Cypriot national identity.

Furthermore, thousands of Cypriots continue to be refugees in their own land, blocked from the homes and the communities they inhabited for generations. Some have been marooned in tiny enclaves, trapped by the occupation forces, cut off from the outside world and basic human rights. A new generation of Cypriots has inherited the terrible dislocation that military occupation brings.

In the face of all this, the Greek Cypriot inhabitants of the Republic of Cyprus have struggled and succeeded in building a strong society, one whose economic progress, development of democratic institutions and capable governance has led to membership in the European Union in May 2004. Sadly, until there is an end to the occupation, the reunification of the island under a bi-communal, bi-zonal federation will be impossible, and the occupied areas of Cyprus will be denied the full benefits of EU membership.

For the United States, there is a clear imperative to resolve the situation in Cyprus as a matter of justice and the rule of law, principles we hold dear. But beyond that, achieving reunification of the island is critical to the strategic interests of the United States.

The Cyprus problem pits American allies against one another. The strategic interest in facilitating a negotiated settlement is significant for the region, but also for the world. Cyprus can either fester as a potential flashpoint, or become a starting point for reconciliation.

Today, we have a new opportunity. The opportunity for reconciliation is real. Since Cyprus' entry into the EU, the borders between the occupied areas have been partially opened, and there have been more than 12 million crossings of Greek and Turkish Cypriots without serious incident. Turkish Cypriots cross into the Republic of Cyprus every day to go to work. Approximately 35,000 Turkish Cypriots have applied for and received passports from the Republic of Cyprus.

The people of the island want reunification to occur. The Turkish government now must demonstrate a legitimate will to participate with good faith in U.S. and U.N. mediated efforts to resolve this conflict. Perpetuating the status quo hurts not only Greek and Turkish Cypriots, but the nation of Turkey and its relation to the United States and to the world.

Mr. Speaker, we have in place, brokered by the U.N., a workable framework for reunification. The so-called "July 8 Agreement" reached in 2006 calls for an immediate initiation of comprehensive negotiations on two different levels; one that addresses everyday issues to build confidence and momentum, and the other addressing more serious disputes over territorial and power-sharing arrangements in the prospective federal state.

This agreement is a real way forward to the reunification of Cyprus within a bi-zonal, bi-communal federation. But a year has passed, and the process as laid out by the U.N. has yet to be meaningfully engaged by the Turkish representatives. It should not stall any longer.

As my colleague, Mr. BILIRAKIS, has urged through legislation introduced earlier this year, the United States can and should play a powerful role in moving forward and pushing for immediate implementation of these U.N.-backed negotiations.

PRESCRIPTION DRUG USER FEE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to address the Prescription Drug User Fee Act, better known as PDUFA, and to express my concern about the path this Congress took to reauthorize it for the next 5 years.

As we all know, this is an important law affecting millions of Americans and their health every day. We have an obligation to examine it closely and debate it in great depth. Yet, by considering the bill under suspension, this Congress has neither explored nor understood its full ramifications.

As we move ahead with PDUFA, this reauthorization clearly offers powerful reforms and poses still greater challenges. There is a lot to be proud of in the bill, adding new transparency, providing new resources to ensure the safety of the drugs and devices that we count on every day to fight disease and to stay healthy.

To be sure, it is certainly stronger than the bill that passed on the Senate side, and that is a good thing. This bill expands the FDA's ability to monitor the safety of drugs and medical devices after they have been approved and marketed, and increasing by $225 million over 5 years the user fees the agency can use for post-market safety monitoring. The FDA would be required to revisit the drug several years later for further analysis. And for riskier drugs, there would be regulation limiting prescribing authority to trained physicians.

In addition, by providing funds for the active analysis of large medical databases, this bill will also help us quickly detect drugs with major short and long-term safety problems. However, there are significant improvements we could have made to the bill if it were taken up under regular order and amendments were debated.

This bill, for example, does not provide any mandatory recall authority for the FDA to immediately pull products off the shelves after they have been found to be dangerous. I do not need to remind my colleagues that many of the high-profile drugs recently taken off the market had to be removed voluntarily, and that was only after significant damage had already been done.

So Mr. Speaker, I ask my colleagues to look at this bill a little closer. You will get an idea of just how much influence the drug industry has on this Congress.

Indeed, there were a number of very strong provisions in the original subcommittee draft bill that were unjustifiably weakened during the markup process. For instance, this bill creates a new risk evaluation and mitigation strategy for new drugs that would create specific requirements and criteria for each drug. Under the original draft, drug or device companies would have been subjected to a $20 million maximum fine for a single violation, and a $100 million maximum fine for several violations. These figures were reduced, however, to $250,000 and $1 million as the bill moved forward. As you know, this is mere pocket change for drug companies, and provides virtually no deterrent to companies that choose to ignore the new process.

In addition, the original draft would have granted the FDA discretion to ban direct consumer advertising for a new drug for up to 3 years, yet this provision was weakened as well, making it completely voluntary, while giving the FDA zero authority to require changes.

Worse still, if a drug company chooses to volunteer for the review system and pays a fee, it can run its advertisements regardless, rendering the system utterly useless.

And finally, when it comes to addressing significant conflicts of interest at the FDA, the language here is actually weaker than what the FDA itself proposed earlier this year. The agency, in fact, would have prevented any Members with conflicts of interest from voting on an advisory panel, and would have prevented any Member with more than $5,000 worth of investments from even serving on the panel. This bill, however, allows the FDA to grant waivers overriding its already lenient current conflict-of-interest rules.

Today the pharmaceutical industry argues that interaction between drug companies and doctors who serve on these advisory committees are beneficial. Well, we know it is beneficial to the drug companies. It is time to end the influence drug companies have in our doctors' offices and at the FDA.

By providing additional resources and boosting the FDA's post-market surveillance activity, this bill takes us in the right direction. But we got here the wrong way, under suspension of the rules. As a result, with no debate and no amendments, the final legislation serves the American people poorly.

It is no surprise that drug companies are always working to improve their bottom line. They are big businesses with stockholders to please. But we have an even bigger responsibility to meet. We have a tremendous obligation to protect the public health and to ensure a safe America for everyone.

□ 1845

OUR HUMANITARIAN CRISIS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week this House voted to end the occupation of Iraq. Some of those who opposed that action argued that bringing our troops home out of Iraq will increase the violence there and perhaps even lead to a humanitarian catastrophe. But what they forget, or choose to ignore, is that a humanitarian catastrophe has already occurred in Iraq. It is getting worse every day. That catastrophe includes the refugee crisis in that devastated nation.

Last week the United States Committee for Refugees reported that the number of refugees in the world rose last year to its highest level since 2001. One of the main reasons was the great exodus from Iraq. All told, more than 2 million Iraqis have been forced to flee their country. Close to 2 million more have been displaced internally. That is a total, Mr. Speaker, of 4 million refugees, 50 percent of whom are children, and tens of thousands more are leaving every single month.

Many of the refugees are in dire straits. Recently United Nations inspectors visited one refugee camp and found more than 2,000 people living in tents. They had no clothes except for the clothes on their backs. They had no medical care. They had no drinkable water. They had no toilets. Many of the children had typhoid and other illnesses and were living among snakes and scorpions.

Sweden, to its great credit, is accepting more than 1,000 refugees every month. The population of Sweden is only 9 million people. The United States, with a population of 300 million, accepted only 202 last year. Not 202,000, but 202. We have accepted only somewhere around 700 since our occupation of Iraq began.

That is a disgraceful record. Every Member of this House should feel ashamed. That goes for all of us; those who support the war and those who oppose it. We may disagree about policy, but surely we can agree that we have a moral obligation to do more about a terrible refugee problem that our occupation has created. After all, many of the refugees have had to flee because they cooperated with our troops in the first place, or they cooperated with American contractors. We can't turn our backs on them now.

That is why I am urging all of my colleagues to support H.R. 2265, the Responsibility to Iraq Refugees Act of 2007, sponsored by Representative BLUMENAUER along with Representative SHAYS and Representative SCHAKOWSKY.

I especially challenge those Members who want our occupation of Iraq to continue to support this bill. Don't just warn us about a humanitarian crisis. Do something about the one that already exists.

The bill would provide special immigrant status to 15,000 Iraqis every year for 4 years. The bill would also provide a safe haven for at least 20,000 more Iraqis, including children, who have been left all alone in the world. Giving these young people a chance in life is not only honorable, it is smart because these impoverished children could become prime targets for recruitment by terrorists.

To me, this bill represents the true heart of America, the good and caring heart that has compassion for the people of the world. But our leaders do not seem to share this compassion. Recently, for example, former U.N. Ambassador John Bolton denied that the United States has any responsibility for the refugee crisis. He said, "Our obligation was to give the Iraqis new institutions and provide security. We have fulfilled that obligation. I don't think we have an obligation to compensate for the hardships of war."

This is the kind of arrogance, Mr. Speaker, that has destroyed America's reputation and credibility around the world. We must reclaim our moral leadership. We can start by helping the Iraqi refugees. It's the right thing to do. It's the right thing to do as we bring our troops home.

ON IRAQ, WE NEED LEADERSHIP, NOT INEFFECTIVE COMPROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Americans are aching for our leadership to end the war in Iraq. Instead, they find the President and his enablers in the House and Senate doing everything they can to block legislation that would require him to bring the troops home by a date certain. Each day seems to bring some new proposal that purports to be progress.

Upon examination, however, they leave the President free to pursue his discredited policies and serve his diversionary tactics by politicians searching for cover. One proposal calls for the President to submit a plan by mid-October to narrow the use of U.S. troops in Iraq to fighting terrorists and securing borders and U.S. interests. It won't bring home a single American serviceman or woman.

Another proposal seeks to "change the mission" of American forces, but doesn't guarantee when or even if their redeployment will begin. Supporters of "changing the mission" claim it would result in troop reductions, but they offer no evidence of that. Americans will remain the targets of violence, and U.S. policy will continue to sow resentment in the Muslim world. In my opinion, "changing the mission" is the war supporters' latest excuse to avoid decisive action to bring the war to a conclusion.

This is not the leadership the American people expect and that our national security demands. The failure of the President's surge strategy means he has lost the ability to shape events in Iraq in a positive direction. Only by redeploying our forces from Iraq can we rebuild our depleted military, restore our global reputation and redirect resources to fight al Qaeda.

Just last week, the National Counterterrorism Center reported that al Qaeda has regrouped in the Afghanistan-Pakistan border region, enabled by the President's diversion of resources to Iraq.

I opposed the Iraq war from the start and take no comfort in the fact that many of my most ominous predictions have proven true. In a September 6, 2002, op-ed in the Portland Press Herald, I predicted that the war would be fought "in city streets filled with civilians, making precision bombs useless and casualties high. It will cost billions to wage the war and billions more to rebuild."

America has suffered nearly 30,000 casualties, including more than 3,600 combat deaths. The war has cost half a trillion dollars, resulting in huge deficits that will burden our children's future.

On October 8, 2002, during the House debate on the war resolution, I said, "If the U.S. acts unilaterally or with just a few other nations, there is a far higher risk of fueling resentment in Arab and Muslim nations and swelling the ranks of the anti-U.S. terrorists." Unfortunately, this is exactly what has happened.

I voted against the war and have been an outspoken critic of the case made to justify it, the mismanagement of the occupation and the failure to hold the administration accountable for its so many mistakes.

More than 18 months ago, I called for a deadline to redeploy our forces. A firm deadline was, and is, the best way to end the U.S. involvement in Iraq and force the Iraqis to assume responsibility for their own security. As former Maine Senator George Mitchell demonstrated in his Northern Ireland diplomacy, a firm deadline can be a very effective way to get parties in conflict to compromise their differences.

Nothing but the force of law will move President Bush to alter his stay-the-course strategy. Nonbinding resolutions are not sufficient to compel a real change in policy and get us out of Iraq. This President is stubbornly determined to delay the inevitable at the cost of additional precious American lives. More than 600 of our troops have died since the surge began.

The other costs include greater hatred of the U.S. in the Islamic world, more terrorists inspired by that hatred and, with our Armed Forces stretched to the breaking point, great insecurity for our Nation.

Unless Members of Congress who supported President Bush's war policy steadfastly for 5 years stop looking for cover and do the right thing, the President will prevail and our troops will remain in Iraq.

Our Armed Forces have done all that we asked of them and have performed their mission with great skill and courage. President Bush will keep our troops in the crossfire of the Iraqi civil war until Congress sets binding dates for their redeployment. That action represents the leadership needed to bring our troops safely home.

CLEANING UP FEMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, on the 3rd of July in my hometown of Memphis, Tennessee, I discovered there was ice being disposed of by being dumped on a driveway, more or less, at Spottswood and East Parkway. What that was about was FEMA dropping and disposing of ice.

FEMA had purchased thousands and thousands and thousands of pounds of ice after Hurricanes Katrina and Rita when they didn't have enough ice. To try to compensate, they bought way, way, way too much ice.

I have discovered that FEMA spent in purchasing, in transporting and in storing ice in 23 different American cities, Mr. Speaker, $67 million of our taxpayers' money, and FEMA is now spending nearly $4 million to dispose of that ice over a period of 11 months. That means over $70 million of American taxpayer dollars going down the drain. That is not the way an American government or any government should work, any business should work, or what Americans should expect of their government.

Fortunately, this Democratic Congress is doing what legislative branches are supposed to do; oversight. We have lacked oversight for the last 6 years, Mr. Speaker, and faults of the administration have gone unnoticed. But as I deal on the subcommittee that deals with FEMA, I will see to it on August 29th when that subcommittee meets in New Orleans on the second anniversary of that horrendous event, Hurricane Katrina, that we will ask the director of FEMA and the others about their programs, of why they buy excess commodities and excess ice, of why they spent $70 million of American taxpayers' money on an ice folly, and why they didn't try to dispose of that ice during the period of time when it had a useful shelf life and give it to 501(c)(3) charities, Federal, State or county institutions, so it could be used and utilized by American people who could have used that ice to save some money.

The same thing happens with commodities. Chairman ELEANOR HOLMES NORTON, the chairman of that subcommittee, had a hearing on food distribution of commodities where FEMA had wasted other precious commodities and dollars.

Mr. Speaker, this needs to stop. Our tax dollars are valuable and people expect their government to do right with their tax dollars. I will not stand by. When I see incompetence, when I see inefficiencies, when I see ineffective use of tax dollars, I will speak up. I am fortunate to be on the subcommittee to ask the questions on August 29th of FEMA.

It seems like the horrendous events that we had when Brownie didn't know what he was doing and the people in New Orleans were left in a tragic circumstance are replicating themselves. FEMA has not been cleaned up.

We will try to see that FEMA spends our money properly and responds properly. They haven't responded to the American people and they haven't responded to Congress. This is a wrong that needs to be righted.

□ 1900

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, just in the last couple of days a very important report that was asked for by the Energy Department has been made public. This is the fourth entity that has been asked to study this subject. One of these entities, SAIC, the large prestigious international corporation, has submitted really three reports but they are just one organization. They are called the Hirsch reports. Later this evening I will note some quotes from the Hirsch Report. This was in February 2005.

In September 2005, the Corps of Engineers in response to a request by the Army issued a report, Energy Trends and Their Implication For U.S. Army Installations. When you read that report, you might substitute the "United States" or "world" instead of "the Army" and it would be just as applicable. Clearly our Army is a microcosm of the United States and the world.

And then there was a third study which came out in March of this year and this was a study done by the Government Accountability Office. Through my position on the Science Committee I asked for this study and it was completed and it was made public March 29, 2007.

All three of these studies had the same message. A little later we will look at some of those messages. Well, I have one here from the Hirsch Report. "World Oil Peaking is Going to Happen. The world has never faced a problem like this. Without massive mitigation, more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil were gradual and evolutionary. Oil peaking will be abrupt and revolutionary."

In common, everyday English what these three studies have indicated is that peaking of oil is imminent, present or imminent, with potentially devastating consequences.

Just in the last couple of days there has been a fourth entity that has published a report, this one requested by the Department of Energy, as was the first one, the Hirsch Report. This one was by the National Petroleum Council. The National Petroleum Council has done a very large study involving a lot of experts in the world. They have just issued their report.

Today I was very pleased that several of the key members of this study came to my office and we had a very productive discussion of their report. My concern was that although one could not argue with any specific sentence in the report, that the report certainly was not in my view, and I think the view of any casual reader, was not the clarion call for action that the other reports were. But we will have a chance this evening to look a little more at that report.

There was a talk given 50 years ago, the 14th day of last month, by the father of our nuclear submarine, Hyman Rickover. He gave this talk to a group of physicians in St. Paul, Minnesota. You can do a Google search and just ask for "Rickover" and "energy" and this talk will come up. It is called "Energy Resources and Our Future" and it was on May 14, 1957, a little more than 50 years and one month ago.

There is nothing man can do to rebuild exhausted fossil fuel reserves, he says. They were created by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect: The longer they last, the more time we have to invent ways of living off renewable or substitute energy sources.

There have been a number of interesting articles in the public media in the last few weeks. One of them was in the New York Times on June 30. "Oil Giants See Some Strains in the System." This is Mr. Mulva who is the chairman and chief executive officer of ConocoPhillips, one of our large oil companies.

The question he was asked was: According to the Department of Energy, the United States will consume 28 percent more oil and 19 percent more natural gas in 2030 than it did in 2005. Where will we find all that oil and gas?

And this is his answer. "I question whether the supply will be developed to meet these demand expectations. I believe demand is going to be constrained by supply."

What he is saying is the future is not going to be like the past because in the past we always have been able to find additional production when we needed it. There was only one time when that was not true for a little while and that was in the 1970s when the OPEC oil-producing companies were limiting their exports to us, and that created not only in this country but worldwide a recession as a result of that temporary restriction in providing the full amount of oil that the world's economies would like to use.

On March 25 in the Washington Post there was a very interesting article. It was entitled "Corn Can't Solve Our Problem." You know there has been a lot of interest in corn ethanol, E-85 and putting 10 percent in our gasoline and so forth. They made the observation that if we took all of our 70 million acres of corn and planted and used that corn to produce ethanol, and recognize the fact that there is a big fossil fuel impact into producing the ethanol, and if you discounted the energy contribution from the ethanol by the fossil fuels it took to produce it, it would displace 2.4 percent of our gasoline. And they wryly noted in the article that if you tuned up your car and put air in the tires, you could save as much gas.

I believe it is in the same article that they talk about what we might do with non-corn land in planting, and they thought there was maybe 60 million acres of that in the conservation reserve. This is not as good of land as we are planting now. It is land that is kind of marginal for crop production, and so with some incentives from the government, our farmers have put that in what is called conservation reserve. If we took that out of conservation reserve and planted it to a mixture of grasses, they estimated this might produce as much ethanol by cellulosic ethanol production as we would get from our corn. Because there would be less fossil fuel input to this, the net might be greater. It might be as much as 10 percent or so. But I don't know if they looked at the sustainability of this because if you look at a patch of weeds, to at least some extent and in places to a very large extent, this year's weeds are growing because last year's weeds died and are fertilizing them.

We see this dynamic really exhibited in our rainforests which one would suspect would represent the product of really good soils because there is so much growing in our rainforests. But when you take all of the trees, vines and so forth that are growing in the rainforest away, you've taken almost all the nutrients away and you have very thin soils in many places that bake hard in the sun. They are called laterite soils. This reflects the fact that in the rainforest almost all the nutrients are in the process of sprouting and growing and dying and rotting so that the plants that are now sprouting and growing are fed by those plants that have reached their maturity and are now decaying. So almost all of these nutrients are in this cycle.

This is true even in our grasslands. We are not pouring fertilizers on them, and grasses continue to grow. But at least to some extent this year's grasses are growing because last year's grasses died and are fertilizing them.

There has been a lot of interest in some incredibly large potential reserves of oil-like deposits that we have in our west which we call oil shales and a study was done by RAND Corporation, "Oil Shale Development in the United States: Prospects and Policies Issues," and they say that currently no organization with the management, technical and financial wherewithal to develop oil shale resources has announced its intent to build commercial-style production facilities. A firm decision to commit funds to such a venture is at least 6 years away, and consequently at least 12 and possibly more years will elapse before oil shale development will reach the production growth phase. This is after the 6 years to make a decision, it will be another 6 years in building the facilities.

We are going to run through some slides now, some charts, and it will put some of the things that I have been talking about, and all of this is current, by the way. Also of considerable interest to me is both of the leader hours, one of which I am occupying this evening, both the Democrat and Republican hour here on the floor, were filled with discussions of energy, primarily a discussion of oil and liquid fuels and the fact that oil was and is $75 a barrel and gasoline is $3 a gallon.

Let's turn to our first chart here. This is an interesting little cartoon here. The fellow is at the pump and he asks, "Just why is gas so expensive?" I think you can see the labels here. The pump is labeled "supply" and it is pretty small; and his SUV is labeled "demand" and it is really big. Of course the reason oil is $75 a barrel and gas is $3 a gallon is because the demand is exceeding one of the readily available supply.

One of my colleagues said that one of his constituents had called him and asked what can you do to reduce the price of gasoline. I told him to tell your constituent to drive less. You see the reason that gasoline is $3 a gallon is because we would like to use more gasoline that is readily available. And in our supply-and-demand economy, what this means is when the supply is constrained and the demand is large, that the price goes up. And of course the price of oil is going up.

The next chart is a very interesting one, and this next chart takes a look at what the world would look like if the size of the countries was relative to the amount of oil reserves that they have.

Just a little word of caution here, we don't really know how much oil Libya and Nigeria and Saudi Arabia and Iraq and Kuwait have because they won't let us in to look at the books. These are OPEC countries, and they have a cartel and when oil was $10 a barrel and they would like to have it higher, they wanted to constrain production so the price of oil would rise, and so they would permit their constituent countries to pump oil as a proportion of their reserves.

□ 1915

So there was a temptation for these countries simply to state bigger reserves so that they could pump more oil and get more revenues for their country. But if you assume that those are the reserves and, relatively, this is what the world would look like, you see that Saudi Arabia has almost a fourth of all the oil reserves in the world. Little Kuwait, which Saddam Hussein thought looked like a little province down there in the corner of Iraq, has either the second or third largest oil reserves in the world. Iran is huge, you see there. Iraq is very large. Venezuela, Venezuela dwarfs the United States up here.

These colors are how much oil you use. Nobody uses oil quite like the United States, and so we are the only ones who are colored yellow here. But notice how small the United States is compared to these other countries, and yet we use a fourth of all the oil in the world.

Something which I think gives me pause for sure and I think it ought to give everybody pause is look at China and India over here. China and India together, about 2.3 billion people, more than a third of the world's population, and they collectively have less oil than we. Of course, China's getting most of its energy from coal. It has pretty good coal reserves and gets most of its energy from coal, which is very polluting, which is one of the current problems which they have.

Well, the President very correctly noted in his State of the Union message a couple of years ago that we're forced to get oil from some countries that don't even like us, in his words, and you can look at the names of these countries, and not all of them don't like us, but many of them are in very unstable parts of the world, and who knows what tomorrow will bring.

The next chart is a quote from one of the studies that I mentioned. This was a study September of 2005 by the Army Corps of Engineers, and they very correctly noted that oil is the most important form of energy in the world today. And they note that, historically, no other energy source equals oil's intrinsic quality of extractability, transportability, versatility and cost. The qualities that enabled oil to take over from coal as the front line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

And every time we look at any alternative that would take the place of oil that obviously cannot be here forever, we must compare them with the qualities that oil has, and as this study very correctly noted, historically no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost.

Gasoline at $3 a gallon is still cheaper than water in the grocery stores. Think about it. That little bottle of water you buy in the grocery store, pour enough of those into a jug to make a gallon, and you will have put in far more than $3 worth of water.

The next chart contains some statistics which caused a couple of years or so ago 30 of our prominent Americans to write a letter to the President saying, Mr. President, the fact that we have only 2 percent of the world's reserves of oil and use 25 percent of the world's oil, import two-thirds of what we use is a totally unacceptable national security risk. We really have to do something about that.

This is what the President mentioned in his speech when he said we are hooked on oil and that we needed to develop alternatives to free ourselves from our exorbitant dependence on foreign oil.

A couple of more interesting figures here. We're less than 5 percent of the world's population. One person out of 22, and we use a fourth of the world's oil, but a really interesting figure here is this 8 percent. We have only 2 percent of the known reserves, yet we're producing 8 percent of the oil. What that means of course is that we're pretty good at pumping our oil fields. We ought to be. We've drilled more oil wells than all the rest of the world put together, and so we are now extracting our oil pretty rapidly.

The next chart is some figures, and I'm sorry that we can't draw as many men as Hyman Rickover had. "With high energy consumption goes a high standard of living. Thus the enormous fossil fuel which we in this country control feeds machines which make each of us master of an Army of mechanical slaves." This was 50 years ago Hyman Rickover said this. We're now 50 years later, and what he said then is even more true today.

He said that each of us represents 35 watts of electricity or about 1/20 of a horsepower. Looking at that, by the way, when you're looking at replacements for fossil fuels and the energy that's in fossil fuel, when you think of what 1 gallon of gasoline or diesel does, I drive a Prius. It will carry my Prius about 50 miles, and a pick-up truck loaded heavy, maybe it will carry it 17 miles or so. How long would it take me to pull my Prius 50 miles? And that's the energy in just 1 gallon of gasoline.

Another statistic which indicates the incredible energy density in these fossil fuels is the amount of work that electricity can do. If a grown man works really hard all day in his yard, his wife can get more work out of an electric motor for less than 25 cents worth of electricity. Now, it may be humbling to see that we're worth less than 25 cents a day in terms of fossil fuel energy; but that's the reality, and even 50 years ago Hyman Rickover pointed this out.

He said that the household appliances that help the average housewife, 50 years ago, the vacuum cleaners, the refrigerators and so forth, they didn't have microwaves then, that this would represent the equivalent of 33 faithful household servants is the way he phrased it.

And then we did some manufacturing, and he said that the man working in the factory that the energy available to him in the machinery that helped him to produce his product would represent the equivalent of 244 men. The automobile of 50 years ago, by the way it got less fuel efficiency than we get today. We're doing better, not as good as we could, but better. He said that the automobile used the energy equivalent of 2,000 men. When you're going 70 miles down the road, it's the equivalent of having 2,000 men push your car down the road. A locomotive, he said, represented the work output of 100,000 men, and the jet airplane 700,000 men.

Each barrel of oil has the energy equivalent of 12 men working all year, 25,000 man-hours of labor. When I first heard that I had a little trouble believing it, but then when I thought about how far that gallon of gasoline carries my car and how much work I can get out of 25 cents' worth of electricity, I can understand the enormous amount of energy in this oil.

The next chart, and Hyman Rickover referred to this in his really interesting talk, he noted that in 8,000 years of recorded history that the age of oil would represent but a blip in the history of man. When he gave his talk 50 years ago, we were about 100 years into the age of oil. Today, we're about 150 years into the age of oil. I believe that you will agree with me and many other observers that we're about halfway through the age of oil. The second half will see oil ever higher in cost and ever more difficult to get. But that means in 8,000 years of recorded history, the age of oil would have occupied about 300 years. That truly is just but a blip, isn't it, in 8,000 years.

And what we see here is this doesn't go back 8,000 years, it goes back 400 years is all. We see here how little energy was used up until we came to the Industrial Revolution, and that started with wood, the steam engine and so forth, the brown line here. And then we found coal. Boy, it grew, but it took off when we found the gas and oil and learned how to exploit the energy in gas and oil.

Notice that little blip at the top up there. That's the 1970 oil price spike shock and the worldwide recession. If we hadn't had that, and since then we've been really quite efficient, your refrigerator today maybe uses a third as much as your refrigerator did in 1970. If we kept going up that curve, we'd be in really big trouble today.

Through the Carter years, every decade we used as much oil as we had used in all of previous history. What that means, of course, is you're going to use half the world's oil, at the present use rate you'd have another 10 years left. Of course you couldn't get it that quickly, and you would get less and less over a longer and longer period. But very fortunately for us we've slowed down now.

The next chart is another quote from this really interesting speech by Hyman Rickover, and I hope you will get that speech and read it. I think you will find it, as I did, one of the most interesting speeches you've ever read.

High-energy consumption has always been a prerequisite of political power. Ultimately, the Nation which controls the largest energy resource will become dominant. Boy, I read that, and then I reflected on the chart that we're going to see in just a couple of minutes.

China is going around the world buying up oil, and I thought of his statement here: ultimately, the Nation which controls the largest energy resources will become dominant. If we act wisely and in time to conserve what we have, we have not acted wisely nor in time I might add, if we act wisely and in time to conserve what we have and prepare well for necessary future changes we shall ensure this dominant position for our country.

Now we face a real challenge. I believe America is up to the challenge, but we face a real challenge. We need real leadership to face this challenge

The next chart is another quote from Hyman Rickover and this is an interesting. Whether this golden age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population. And he notes that a reduction of per capita energy consumption has always in the past led to a decline in civilization and a reversion to a more primitive way of life.

Now, we have a lot of knowledge that these cultures before us didn't have, and so I hope as less and less fossil fuel energy becomes available to us that we can avoid following this typical response.

The next chart is what I referred to a couple of moments ago. It shows what China is doing around the world and all of the symbols like this, you can see them all over the world. This is where China in Canada, they were going to buy Unocal. This yellow is here. They were going to buy Unocal in our country, but they are now buying up oil reserves all over the world.

The next chart, this is a chart of the production of oil in the United States. Now, in 1956 at this point right here, 1956, a shell oil geologist by the name of M. King Hubbert gave a speech which I think within a couple of years will be recognized as the most important speech given in the last century. It was given 51 years ago, the 8th day of March in San Antonio, Texas, to a group of oil geologists and company officials.

The United States was then king of oil. Every year we produced more and more and more oil, and he told them that within 14 years we were going to reach our maximum production of oil; and after that, no matter what we did the production of oil would fall off.

He became a legend in his own time when his prediction became true because, sure enough, in 1970, we reached the peak.

☐ 1930

Now he had not included Alaska and the Gulf of Mexico in his prediction. The next chart shows this breakout. This is the same chart. By the way, if you simply change the scale on the ordinate in the abscissa you can make these curves spread out or sharper. This is a little sharper curve than the one we saw in Alaska. We have compressed a little of the abscissa here.

This is an interesting one because it shows Hyman Rickover's prediction, and he predicted it would follow owe those yellow symbols. It actually followed the greenish ones here.

This is from CERA, Cambridge Energy Research Associates, and they use this graph to try to convince you that you shouldn't have any confidence in Hyman Rickover, because he really wasn't a very good prognosticator. The statistician may see some reason to believe that, but I think the average person, when they see that, says, gee, that greenish line is not very far from the yellow line. The most important thing, it did peak in 1970, and has fallen off ever since.

Now, this additional peak here, of the total U.S. production, that now includes Alaska and the Gulf of Mexico. That's because of the Alaska contribution there. The next chart shows a prediction by this same organization, CERA, as to what will happen in the future.

Several Congresses ago, I was a chair of the Energy Subcommittee on Science, and I wanted to find the dimensions of the problem. So we had a hearing on oil reserves. We have the world's experts come in to tell us how much oil they thought, recoverable oil, was in the world.

There was a fairly unanimous agreement. I was surprised at how small the range was. They believe, most of them believed, that we had found about 2 trillion barrels of recoverable oil, and that we had pumped about 1 trillion barrels of recoverable oil, so that 1 trillion barrels remain.

By the way they use a strange term here. They use gigabarrels instead of million barrels, because in England, I understand, a billion is a million million. In our country a billion is a thousand million. So to avoid this controversy, if you are talking international, use giga, and 1,000 gigabarrels is 1,000 billion barrels.

This chart shows several projected scenarios for the future. If there is about 2 trillion barrels total, that would be this line. CERA acknowledges it's that amount of oil roughly, roughly 2 trillion barrels available, roughly 1.92, they have it, that they are peaking about now.

If we found another amount of oil equal to all the recoverable oil that we have now, then you would extend the peak only out to this time.

They are projecting here that we may have some unconventional oil. We will talk in a few minutes about this unconventional oil. This is like the tar sands in Canada, the oil shales in our West that we read about in one of these recent articles. This is conjecture about how much we might get from that. It's anybody's guess how much we might get from that.

The next chart repeats some of these data in a way that's maybe a little more understandable. Here is the curve that we have seen several times now, and this is the production of oils going up, and then the recession in the 1970s and the slower growth rate now.

They believe that we will find as much more oil as all the oil that is in the ground and believed to be recoverable for today. If that happens, then they push the peak out to 2016.

The point I am making is that whether you believe that we found most of the oil that we will ultimately find, whether you will believe we will find a whole lot more oil, this exponential growth really eats up that oil very quickly.

After Albert Einstein discovered nuclear energy, he was asked, Dr. Einstein, what will be the next great energy force in the universe? His response was the most powerful force in the universe is the power of compound interest.

Very few people understand compound growth. If you had only 2 percent, that doesn't sound like much, does it, 2 percent a year, $1.02. That doesn't sound like very much growth, not a very good interest rate. But if it grows only 2 percent a year, it doubled in 35 years. It's four times bigger in 70 years. It's eight times bigger in 105 years. It's 16 times bigger in 140 years. That's why Albert Einstein said that the power of compound interest is the most powerful force in the universe.

This little dotted line, just very quickly, if you used enhanced oil recovery and get it out now, you won't have it later. Notice what happens if you work really hard and move the peak over a little bit, you get less and less out very quickly later on.

The next chart, if I had only one chart to show about the energy situation, oil and gasoline and so forth, this would be the chart. This is a really great chart from what's called the oil chart. If you go on your Web site, you can look up the Web site for the oil chart, and you can buy one of these.

This is a little insert in it, has an enormous amount of information, has almost like a textbook and a chart. This shows two things that are of considerable interest. One is when we discovered the oil. You can see here when we discovered it, way back in the 1940s, 1950s, 1960s and 1970s. But look what's happened since about the 1970s on.

On the average, less and less and less every year. Now, that's in spite of the fact that we have ever better and better techniques for discovering where oil is, computer modeling and 3–D seismic and so forth.

The heavy black line here, here, we have seen this several times before. This is the 1970s oil price hike spike in the recession. It's the slower growth now. The slower growth now is this slope and is really nowhere as steep as this slope. We are really much more efficient now than we were then, or we would be in bigger trouble sooner.

Well, since about 1980 here, we have been using more oil than we found, because we have been using this much, and we found only this much. So now we have been eating into these reserves back here. Some of these reserves are gone.

How much more will we find in the future?

Of course, that's anybody's guess, but if you were extrapolating from what we have been finding, I would come out a little less than they say. The shaded area over there is the future. Of course, it's not going to be that smooth, of course, it will be on the up and down. On average, you wouldn't expect it to be a whole lot different than that.

So in the future we are going to be using these reserves, because what we want to use is very much larger than what we will find that year to use, so we will have to be using oil that we found in past years. Now, if you draw a curve over this discovery curve, and we have seen that a couple of times, we will see it in just a moment on the next chart, if you draw a curve over the discovery curve, the area under that curve represents the volume of oil you found. That's obviously true. That's just adding up all of these little bar graphs, isn't it.

Adding up all of these bars, that used to be the volume you found. The area under the consumption curve will be the amount of oil you have consumed. It's very obvious you can't pump oil you haven't found.

So how much oil do you think we will pump in the future?

Well, that depends on how much oil you think we will find in the future, because we know what the current acknowledged reserves are. Now, we may find ways of getting more oil out of the ground. So what we think is a current reserve may end up being a somewhat bigger reserve. By the way, when we have probably gotten all of what we call recoverable oil out of the ground, there will probably be half of what was originally there that we won't get, because the cost of getting it will simply exceed any value that we get from the oil. That's why we are talking about recoverable oil.

The next chart, I just want you to note the big peak here and the smaller one here, because we see this on this discovery chart. This is what we see on the chart. You see the big peak here and the smaller one there. This is the discovery chart. That kind of smooths out that previous bar graph we have seen.

This is a projection by our Energy Information Agency about how much oil we will find in the future. They believed, when they published this, that what we would find would be along what we call the main. We don't have time this evening to go into a very interesting transition here from fraction to probability, but the actual data points you see are following what they said was a 95 percent probability in statistics. Obviously, 95 percent probable is more probable than 50 percent probable.

But they believed that we would find, in much of their projections, and all of their projections in the future, in our Energy Information Agency are predicated on finding a lot more oil. They thought we would be finding oil along this green curve. That would mean a reversal of what's been going on for 30 years.

The next chart is a statement by one of the giants in this area, Laherrare, and he made a statement saying the USGS estimate implies a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is in fact utterly plausible given the great technological achievements over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects. Now, you may not think that that is improbable, that this is his view.

The next chart is a schematic. Here, this is the same peak that we have been seeing, but here we have spread out the abscissa and compressed the ordinate a little so we have a little flatter curve. I wanted to show you this one, because this shows a 2 percent increase rate in use. That's about what we have been doing, about 2 percent. That doubles in 35 years.

This point is half of that point on the ordinate scale. So that yellow area represents 35 years. What you see there is that the shortages which drives gas to $3 a gallon, and then oil to $75 a barrel, the shortages begin a bit before the peak. Now, everybody is focused on trying to fill that gap.

I think that a more rational thing would be to determine how we can live better on what we have got and hope, and hope that we can provide enough alternative sources to maintain this level of energy production for the future.

Now, the next chart, and, again, this is from the big Hirsch Report, and it says, world oil peaking is going to happen. There is no question. Obviously it's going to happen. The world isn't made out of oil. Obviously, the amount of oil in the Earth is finite, it will not last forever.

The only question is, when will it peak? Oil peaking presents a unique challenge. The world has never faced a problem like this. This is no precedent in the past to prepare us for what will happen with oil. You know, when will it occur?

The next chart references, from A to U, that's most of our alphabet, a lot of different experts in the area, some of them really aren't very definitive when they think it will occur. This source believes, J, believes it could occur as early as, what, about 2013 or could occur beyond 2100, very indecisive when it might occur.

But notice that most of these have fairly narrower ranges, and almost all of them believe that it will or could occur fairly soon. Look how many of them believe that peaking will occur before 2020. That's just around the corner, this is 2007, right? Thirteen years from now most of them believe that peaking will have occurred 13 years from now.

The next chart points out something for which we ought to be very thankful. I have referred to it several times this evening, that is how efficient we have become. This lavender-shaped area there represents the amount of energy we haven't had to use because we have increased our efficiency. That's really good. I think a little later we will have a chart or two that shows us something about that efficiency.

The next chart, and I wish it was in living color so it was a little more sexy, but its message is really an interesting message.

On the ordinate here we have how satisfied you are with life, how good do you feel about what's happening in your world?

On the abscissa here we have how much energy you use. Well, guess where we are? I think most Americans feel pretty good about their lives, and we use more energy than anybody else in the world. So look way over there on the right. Here we are, way up here on the right.

But notice if you draw a line at our level of satisfaction, there are 20-some countries that use less energy than we who are happier with their station in life than we are. So you don't have to use as much energy as we use to be happy with your station in life.

It's interesting here that if you have very little energy, it's hard to be happy about life. Look at these poor folk here, Bulgaria, Romania, Lithuania, Georgia, these are some of the poorer states of the former Soviet Union. But as soon as you get up to about, what, a fourth of the energy we use? People start feeling pretty good about their station in life, which really points out that we can use less energy and still feel pretty good.

The next chart is an interesting one. I understand that today it may be even been better than that, because this is 2000 and they were just starting that improvement.

□ 1945

The average citizen in California, I am told, today uses only half as much electricity as the average person in the rest of the country. That would be really hard to argue they don't live as well in California as we live here, and they are using half as much electricity. This shows about 65 percent and this was 7 years ago, and I am told today it is 50 percent. They are doing that because they have very stringent regulations for efficiency.

The next chart is a really interesting one, just one little example of efficiency. Several months ago there was a picture on the front of Time magazine that showed a little screw-in fluorescent bulb and a big pile of coal, it was 500 pounds of coal. And what they said was that if you use that little screw-in bulb compared to the incandescent, you will save 500 pounds of coal for the electricity it would have taken to make the same amount of light from the incandescent bulb.

Here is our incandescent bulb. It is not a very good light source; it is a really good heater. When I am incubating little chickens, I use an electric light bulb because 90 percent of all the energy that comes out of the bulb is heat. Just try to take one out just after you have turned it off; it is really hot. Well, if you use fluorescent, you know that is much cooler. And this is the same amount of light. This is the light and the dark blue is the heat.

Now, the really efficient one is the light-emitting diode. Months ago I, got a little light-emitting diode flashlight. I haven't changed the battery yet. You will forget when you put the battery in, because almost all of the energy from the light-emitting diode goes into light. Very little of it goes into heat.

The next chart introduces us to the subject that I wanted to spend most of my time on this evening, and obviously we won't be able to do that because most of it doesn't remain, but at least I want to start talking about this and next time promise to spend most of the time talking about what we have a right to expect from the alternatives.

I hope we have made the point that, in all probability, there will be peaking of oil, and there is a huge challenge. And we are starting to do that. We were talking about hydrogen, we were talking about corn ethanol, we were talking about and still are talking about soy diesel and switch grass and cellulosic ethanol and we are talking about a lot of things that we might use to replace the fossil fuels that we are now using.

By the way, I might note that there are three major groups that have common cause in wanting to do the same thing; that is, use less fossil fuels and depend more on sustainable alternatives. One of those groups is the national security people who are really concerned, and I am concerned. We use 25 percent of the world's oil, we have only 2 percent of the world's oil and import almost two-thirds of what we use. That really is a prescription for disaster. And so what you need to do to fix that problem is to use less oil and more of something else. So they want to move off of that.

Then there are the people who believe, and I also think they are probably more right than wrong. By the way, even if I thought they were wrong, I would want to lock arms with them because what they want to do is exactly what I want to do for the other two reasons, and these are the people who believe that our large use of fossil fuels releasing this carbon that has been sequestered now for a very long time, releasing it very quickly is producing global warming and climate change, and what they want to do is use less fossil fuels and more of something else; and I believe that that may be true. And whether it is true or not, I say I am going to lock arms with them. And, thank you, Al Gore, for leading this charge. I want to lock arms with them because what they want to do to solve that problem, even if it doesn't turn out to be a problem, is exactly the thing we need to do to solve the national security dilemma and to solve the dilemma of peak oil, because we have got to find something to replace these fossil fuels because obviously they cannot last forever.

What will we replace them with? In the transition period we have some finite resources that we can turn to. We can turn to the tar sands of Canada, the oil shales of our West, our coal, or we can use nuclear. Let me spend just a few moments talking about each of these.

We are now getting 1 million barrels a day from the tar sands of Canada. There is potentially at least 1½ trillion barrels of oil there. How much is recoverable? Who knows, because we don't know the techniques that will be developed when it can no longer be mined the way it is now. Now they have a shovel that picks up 100 tons, it is dropped in a truck that hauls 400 tons, and then they take it and cook it with natural gas which will soon run out, and they are talking about building a nuclear power plant there. They use lots of water, and they have a huge tailing pond they call it; it is really a lake full of nasty chemicals. And what they are doing there they know is not sustainable and they are producing 1 million barrels a day. It sounds like a lot, doesn't it? But it is just a little more than 1 percent of the world's oil.

We have at least as much potential oil in our oil shales, but nobody yet has developed the technology which is economically justified in producing it even when oil is $75 a barrel. We will get some energies from both of those, and ultimately we will get a lot of energy from both of those, I think, because oil will go up and up in price, which will make it more and more attractive to get energy there. But no one that I talk to believes that we can develop that fast enough and in large enough quantities to meet the demand produced by the tailing off of the production of conventional oil.

We will come to coal in a few moments. Let me just note briefly nuclear. There is fission and fusion. The only future scenario that gets us home free is fusion. And if you think we are going to solve our energy problems with fusion, you probably think you are going to solve your personal economic problems by winning the lottery, because I think the odds may be about the same. That doesn't keep me from enthusiastically supporting the $250 million a year roughly that we spend on fusion research. That is like a controlled hydrogen bomb, is what the sun is doing, because if we get there, we are really home free.

We now use fission. France produces about 75 percent of their electricity with fission. But the light water reaction uses fissionable uranium, of which there is a finite supply in the world, but we can go to breeder reactors not now used for energy, have been used; we used them for producing nuclear weapons. You can produce energy with them. They create some problems, and it is a trade-off. Is solving other problems worth the energy you get from it? But we need to be taking a new look at fission. I note some very bright people have been opposed to nuclear in the past, but when they are contemplating a future where they may be without nuclear shivering in the dark, nuclear is not looking all that bad today.

I am going to put this down to the side here because I want to put it back up, and we are going to look at the next chart here. And this is looking at worldwide proven oil reserves. This is to help us have some sense as to how much confidence we ought to have that we are going to be getting the oil from the reserves that are out there. Even though they are there, they may not be available to us.

This is the worldwide proven oil reserves by political risk, and this is the number of barrels. You notice they add up to a bit more than 1 billion barrels. This is the number of barrels that are in areas of various risk. Only about one-third of the barrels of oil are in countries that have low political risk; the biggest chunk is in countries with high political risk, and roughly another one-third in countries with medium political risk. So most of the world's oils in these two categories where there is either medium or high political risk. These are called aboveground problems. There are underground problems: Can you drill deep enough? Can you get it? Will it flow? Do you have to put seawater in? Do you have to pump live steam down there?

The next chart shows another look at this, and this is worldwide proven oil reserves by investment risk. Now, obviously if there is high political risk, there is probably high investment risk. I don't know too many people that are interested to invest in oil production in Iran today, would you think? Well, it says here that the biggest chunk of these countries have high investment risk. So it is not easy to get money to invest there to develop the oil. And the medium. And then the no foreign investment allowed in this sector. The low is here. So for most of it, for much of it this pie chart there is either high risk for investment, medium risk for investment, or they won't let you invest. So national oil, you can't invest at all. So who knows what will happen there because they have total control.

Let me put this chart back up for just a moment, and introduce us to what ultimately when we have lived another 150 years and are through the age of oil, we will then have sustainable renewable sources. Whether we like it or not, whether we plan for it or not, that is what we will have. And this is not an exhaustive list but a reasonable list of these renewable resources: solar and wind and geothermal and ocean energies and agricultural resources, soy diesel, ethanol, corn ethanol, methanol from wood, biomass, cellulosic ethanol, waste energy, hydrogen from renewables.

Just a word or two about a couple things here and then we will put the next chart up. Hydrogen from renewables. You are not hearing much talk about hydrogen today, and the reason for that is people have finally figured out hydrogen is not an energy source. Hydrogen is produced from another energy source, and it will always have less energy than the energy it took to produce it. So why are we talking about hydrogen? For two reasons. One is, when you finally burn it, it produces water. That is pretty clean; it is great. And the second is it is a great candidate for a fuel cell if we ever get a fuel cell that is economically supportable. But they are probably 20 years away before we get there. The waste energy, really a good idea. We ought to be using more of that.

Let's put the next chart up. Let's look at this whole chart.

Eighty-five percent of all of our energy comes from fossil fuels, only 15 percent from renewables, and most of that from nuclear, a bit more than half from nuclear. The 7 percent, which is true renewables and that is broken down this way: conventional hydro, we probably won't get more of that; we have dammed up about all the big rivers we can.

I will promise that when we come back again to talk about this that we kind of start here so that I can spend some time on realistic expectations for what we can get out of these alternatives.

We are the most creative, innovative society in the world. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge. We have a huge challenge in preparing for this energy future. With proper leadership, I think the United States can really, really become a world leader in this, and Americans will feel better and better about who we are and what we are doing because we are leading these developments.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SARBANES, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mr. BARTLETT of Maryland) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and July 24, 25, and 26.

Mr. JONES of North Carolina, for 5 minutes, July 24, 25, and 26.

Mr. BILIRAKIS, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 18, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 556. To ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, July 23, 2007, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2588. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. APHIS-2006-0169] received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2589. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Addition of Rust-Resistant Varieties [Docket No. APHIS-2007-0072] received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2590. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Change in Reporting Requirements [Docket No. AMS-FV-07-0028; FV07-925-1 FR] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2591. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in Cailfornia; Outgoing Quality Control Requirements; Correction [Docket No. AMS-FV-06-0169; FV06-981-1C] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2592. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Late Payment and Interest Charges on Past Due Assessments Under the Nectarine and Peach Marketing Orders [Docket No. AMS-FV-07-0012; FV07-916/917-3 FR] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2593. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006-2007 Marketing Year [Docket No. AMS-FV-06-0175; FV07-982-1 FIR] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2594. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Change in Regulatory Period [Docket No. AMS-FV-06-0214; FV07-959-1 IFR] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2595. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Border; Quarantined Areas; Maryland [Docket No. APHIS-2007-0028] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2596. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Regulations Under the Perishable Agricultural Commodities Act (PACA) To Ensure Trust Protection for Produce Sellers When Using Electronic Invoicing or Other Billing Methods [Docket Number AMS-FV-07-0009; FV05-373] (RIN: 0581-AC53) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2597. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part 1, 167, 168, 446, 481; 1.466-1, 1.481-1.) (Rev. Proc. 2007-48) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2598. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.141-3: Definition of Private Business Use (Also: 103, 141, 145; 1.141-3, 1.145-2) (Rev. Proc. 2007-47) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2599. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 411.——Minimum Vesting Standards 26 CFR 1.411(d)-2: Termination or partial termination; discontinuance of contributions. (Rev. Rul. 2007-43) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2600. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Requirement of Return and Time for Filing [TD 9334] (RIN: 1545-BG20) received July 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2601. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.202: Closing agreements. (Rev. Proc. 2007-49) received July 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2602. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 83.-Property Transferred in Connection with Performance of Services 26 CFR 1.83-3: Meaning and use of certain terms (Rev. Rul. 2007-49) received July 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2603. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disclosure Requirements With Respect to Prohibited Tax Shelter Transactions [TD 9335] (RIN: 1545-BG19) received July 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOLLOHAN: Committee on Appropriations. H.R. 3093. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–240). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 2798. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; with an amendment (Rept. 110–241). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 558. Resolution providing for consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–242). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GRIJALVA (for himself and Mr. RAHALL):

H.R. 3094. A bill to establish in the Treasury of the United States a fund which shall be known as the National Park Centennial Fund, and for other purposes; to the Committee on Natural Resources.

By Mr. KILDEE (for himself and Mr. RENZI):

H.R. 3095. A bill to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. ROYCE, Ms. ZOE LOFGREN of California, Mr. AL GREEN of Texas, Mr. SALI, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, and Mr. TOM DAVIS of Virginia):

H.R. 3096. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. HOLT, Mr. SAXTON, and Mr. PALLONE):

H.R. 3097. A bill to condition the transfer of personnel and functions from Fort Monmouth, New Jersey, pursuant to the base closure process; to the Committee on Armed Services.

By Mr. BOREN (for himself, Mr. ADERHOLT, and Ms. FALLIN):

H.R. 3098. A bill to amend title 49, United States Code, to provide certain exemptions to drivers of intrastate commercial motor vehicles engaged in agricultural purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself and Mr. BURTON of Indiana):

H.R. 3099. A bill to amend title 10, to permit members of the Selected Reserves and members of the reserve component to renter their military service and receive chapter 1607 education benefits if that member has earned such benefit before originally separating from service; to the Committee on Armed Services.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, and Mr. KENNEDY):

H.R. 3100. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Consumer Product Safety Act to increase the safety of food, toothpaste, and toys; to the Committee on Energy and Commerce.

By Ms. SHEA-PORTER (for herself, Mr. WELCH of Vermont, Mr. MCHUGH, Mr. MICHAUD, Mr. LANGEVIN, Mr. DELAHUNT, Mr. HODES, Mr. CAPUANO, and Mr. ALLEN):

H.R. 3101. A bill to amend the Biomass Research and Development Act of 2000 to include heating fuel produced from biomass in the definition of biobased fuel; to the Committee on Agriculture, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE (for himself, Mr. TIM MURPHY of Pennsylvania, and Mr. ALTMIRE):

H.R. 3102. A bill to increase the authorization for the major medical facility project to consolidate the medical centers of the Department of Veterans Affairs at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania; to the Committee on Veterans' Affairs.

By Mrs. DRAKE:

H.R. 3103. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide partial payment for nursing home care to eligible veterans at a non-Department of Veterans Affairs nursing home of the veteran's choice, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, and Mr. FORTUÑO):

H.R. 3104. A bill to permit each of the territories of the United States to provide and furnish a statue honoring a citizen of the territory to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall; to the Committee on House Administration.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, and Ms. HIRONO):

H.R. 3105. A bill to amend the Internal Revenue Code of 1986 to expand the credit for electricity produced from certain renewable resources and the investment energy credit to include ocean thermal energy conversion projects; to the Committee on Ways and Means.

By Mr. HILL (for himself, Mr. BURTON of Indiana, Mr. SOUDER, Ms. CARSON, Mr. DONNELLY, Mr. BUYER, Mr. PENCE, Mr. ELLSWORTH, and Mr. VISCLOSKY):

H.R. 3106. A bill to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office"; to the Committee on Oversight and Government Reform.

By Mr. HODES (for himself, Mr. KIND, Mr. WELCH of Vermont, Ms. SHEA-PORTER, Mr. BLUMENAUER, and Mr. MCGOVERN):

H.R. 3107. A bill to amend the Internal Revenue Code of 1986 to provide a credit for residential biomass fuel property expenditures; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. SAXTON, Mr. PALLONE, and Mr. SMITH of New Jersey):

H.R. 3108. A bill to require the Comptroller General to address certain questions in connection with the closure of Fort Monmouth, New Jersey, and the transfer of personnel, functions, and activities from Fort Monmouth to Aberdeen Proving Ground, Maryland, and for other purposes; to the Committee on Armed Services.

By Mr. LEWIS of Kentucky (for himself and Mr. PASCRELL):

H.R. 3109. A bill to amend the Internal Revenue Code of 1986 to allow reimbursement from flexible spending accounts for certain dental products; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H.R. 3110. A bill to provide for the Secretary of Education to study and report on the marketing of foods and beverages in middle and high schools; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California (for himself, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. THOMPSON of California, Mr. DAVIS of Illinois, Ms. SUTTON, Mr. SNYDER, Mrs. CAPPS, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Ms. MATSUI, Ms. SOLIS, Ms. LEE, and Ms. WOOLSEY):

H.R. 3111. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mrs. MCMORRIS RODGERS, and Mr. SESSIONS):

H.R. 3112. A bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions; to the Committee on Energy and Commerce.

By Mr. SERRANO:

H.R. 3113. A bill to clarify congressional intent with respect to the provision of affordable financial services by all types of Federal credit unions in underserved areas, and for other purposes; to the Committee on Financial Services.

By Ms. SLAUGHTER (for herself, Mrs. CAPPS, Mr. ARCURI, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Mr. CUMMINGS, Mrs. NAPOLITANO, Mr. MOORE of Kansas, Mrs. MALONEY of New York, Ms. CARSON, Ms. CORRINE BROWN of Florida, Mrs. CAPITO, Ms. WOOLSEY, Mr. CONYERS, Mr. SERRANO, Mr. INSLEE, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. MCNULTY, Ms. BERKLEY, Ms. NORTON, Ms. BORDALLO, Ms. CLARKE, Mr. SHAYS, Mr. HASTINGS of Florida, Mr. WALSH of New York, Mr. KUCINICH, Mrs. GILLIBRAND, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Ms. SHEA-PORTER, Ms. WASSERMAN SCHULTZ, Mr. FILNER, and Ms. DELAURO):

H.R. 3114. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK (for himself, Mr. MARKEY, and Ms. DELAURO):

H.R. 3115. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide restrictions on the use of carbon monoxide in meat, poultry, and seafood, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. FOSSELLA, and Mr. ENGEL):

H.R. 3116. A bill to establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment; to the Committee on Energy and Commerce.

By Mr. TERRY:

H.R. 3117. A bill to provide for the establishment of Federal fleet refueling centers; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H.R. 3118. A bill to promote the production and use of ethanol; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 3119. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WEXLER, Mr. MEEK of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MACK, Mr. KLEIN of Florida, Ms. CASTOR, and Mr. MAHONEY of Florida):

H.R. 3120. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Stranahan House in Broward County, Florida, and for other purposes; to the Committee on Natural Resources.

By Ms. WATERS (for herself, Mr. TAYLOR, Mr. JINDAL, Mr. AL GREEN of Texas, and Mr. FRANK of Massachusetts):

H.R. 3121. A bill to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes; to the Committee on Financial Services.

By Mr. CAMPBELL of California (for himself, Mr. BERMAN, Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CHABOT, Mr. CONAWAY, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mr. DOOLITTLE, Mr. ENGEL, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. JOHNSON of Illinois, Mr. JORDAN, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LANTOS, Mr. LINDER, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PORTER, Mr. PRICE of Georgia, Mr. RENZI, Mr. ROSKAM, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SALI, Ms. LINDA T. SÁNCHEZ of California, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SIRES, Mr. TERRY, Mr. WALBERG, Mr. WAXMAN, Mr. WESTMORELAND, Mr. WEXLER, Mr. WILSON of South Carolina, and Mr. BARTON of Texas):

H. Res. 557. A resolution strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda; to the Committee on Foreign Affairs.

By Mr. BOEHNER:

H. Res. 559. A resolution providing for consideration of the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. BARTON of Texas (for himself, Mr. HASTERT, Mr. MACK, Mr. UPTON, Mr. BURGESS, Mrs. MYRICK, Mr. RADANOVICH, Mrs. BONO, Mr. BUYER, Mr. SULLIVAN, Mr. SESSIONS, Mr. CARTER, Mr. MCCAUL of Texas, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. WALBERG, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. CAMPBELL of California, Mr. ISSA, Mr. FRANKS of Arizona, Mr. LAHOOD, Mr. WOLF, Mr. CONAWAY, Mr. PEARCE, Mr. DEAL of Georgia, Mr. MCCARTHY of California, Mr. WILSON of South Carolina, Mr. GILLMOR, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. FEENEY, Mr. SMITH of Texas, Mr. CALVERT, Mr. STEARNS, Mr. COLE of Oklahoma, Mr. TIAHRT, and Mr. SHADEGG):

H. Res. 560. A resolution regarding the recent actions of Hugo Chavez and the Government of Venezuela; to the Committee on Foreign Affairs.

By Mr. SHAYS (for himself, Ms. WATERS, Ms. MCCOLLUM of Minnesota, Mrs. BIGGERT, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. CARSON, Mr. DAVIS of Kentucky, Mr. AL GREEN of Texas, Ms. PRYCE of Ohio, Ms. MOORE of Wisconsin, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. SIRES, Mrs. MALONEY of New York, Mr. SERRANO, Mr. STARK, Mr. LYNCH, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, Mr. ELLISON, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. CLEAVER, Mr. HODES, Mr. WEXLER, Mr. GARY G. MILLER of California, Mr. COHEN, and Mrs. JONES of Ohio):

H. Res. 561. A resolution recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness and endeavoring to continue working to eliminate homelessness in the United States; to the Committee on Financial Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

123. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 126 urging the President of the United States and the Congress of the United States to enact the Military Dealth Benefits Improvement Act of 2005; to the Committee on Armed Services.

124. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution expressing support of H.R. 392 to establish a quarter dollar coin to honor Puerto Rico and other territories of the United States; to the Committee on Financial Services.

125. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 85 urging the Congress of the United States to pass the Proposed Employee Free Choice Act; to the Committee on Education and Labor.

126. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8011 requesting that the Congress of the United States and the President of the United States work together to raise authorized funding levels of the No Child Left Behind Act; to the Committee on Education and Labor.

127. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 61 commending the President of the United States and the Congress of the United States for passing the Federal Minimum Wage Act of 2007; to the Committee on Education and Labor.

128. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 127 urging the Congress of the United States to pass, and the President of the United States to sign the Cameron Gulbransen Kids and Car Safety Act; to the Committee on Energy and Commerce.

129. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 07-004 memorializing the Congress of the United States to enact legislation preventing the Centers for Medicare and Medicaid from promulgating rules interfering with states' definitions of local units of government; to the Committee on Energy and Commerce.

130. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 4 memorializing the Congress of the United States to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and promoting economic development; to the Committee on Energy and Commerce.

131. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 87 urging the Congress of the United States to support efforts, programs, services, and advocacy of organizations, such as the American Stroke Association, that work to enhance public awareness of childhood stroke; to the Committee on Energy and Commerce.

132. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 247 requesting that the issuance of visas for family reunification of immigrant relatives be expedited; to the Committee on the Judiciary.

133. Also, a memorial of the Legislative Assembly of the State of Oregon, relative to House Joint Memorial No. 5 urging the Congress of the United States to pass the Secure Rural Schools and Community Self-Determination Reauthorization Act of 2007; jointly to the Committees on Agriculture and Natural Resources.

134. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 141 urging the Congress of the United States to support legislation authorizing the Secretary of Health and Human Services to negotiate lower drug prices on behalf of Medicare beneficiaries; jointly to the Committees on Energy and Commerce and Ways and Means.

135. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 11 encouraging the use of biomass in the production of energy in Nevada; jointly to the Committees on Ways and Means and Energy and Commerce.

136. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 119 memorializing the Congress of the United States to vote in favor of H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007"; jointly to the Committees on Ways and Means and Rules.

137. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 136 urging the Congress of the United States to enact the United States National Health Insurance Act; jointly to the Committees on Energy and Commerce, Ways and Means, and Natural Resources.

138. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 100 opposing the federal legislation entitled, "the Fairness in Asbestos Injury Resolution Act of 2005"; jointly to the Committees on the Judiciary, Ways and Means, Energy and Commerce, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 174: Mr. HASTINGS of Florida.

H.R. 197: Mr. ROTHMAN and Mr. FORTENBERRY.

H.R. 253: Mr. JOHNSON of Georgia.

H.R. 303: Mr. HALL of New York.

H.R. 333: Mr. DAVID DAVIS of Tennessee, Mr. DAVIS of Illinois, and Mr. WESTMORELAND.

H.R. 346: Mr. DOYLE, Mr. TIBERI, Mr. PENCE, Mr. REYES, Mr. WYNN, Mr. TOM DAVIS of Virginia, Mr. HUNTER, Mr. DEAL of Georgia, Mr. MARSHALL, Mrs. EMERSON, Mr. LOBIONDO, Mr. HOEKSTRA, Mr. FRANKS of Arizona, Mr. PASCRELL, Mr. SNYDER, Mr. MURTHA, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. PLATTS, Mr. ROGERS of

Michigan, Mr. REHBERG, Mr. TAYLOR, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, and Mr. MORAN of Virginia.

H.R. 380: Mr. WOLF.

H.R. 404: Ms. FOXX.

H.R. 418: Mr. KINGSTON.

H.R. 549: Mr. MICHAUD and Mr. WEXLER.

H.R. 552: Ms. ESHOO, Mr. JINDAL, Mr. OBERSTAR, Ms. SOLIS, Mr. GOODE, Mr. YARMUTH, Mr. THOMPSON of California, Mr. MCNERNEY, Mr. POMEROY, and Ms. SUTTON.

H.R. 601: Mr. SPACE.

H.R. 621: Mr. UDALL of Colorado, Mr. MCINTYRE, and Mr. LOEBSACK.

H.R. 623: Mr. PETERSON of Minnesota and Ms. WOOLSEY.

H.R. 624: Ms. WOOLSEY.

H.R. 643: Mr. RYAN of Ohio, Mr. REGULA, and Mr. REHBERG.

H.R. 690: Mr. REYES.

H.R. 719: Mr. YOUNG of Alaska, Mr. CARNEY, and Mr. SPACE.

H.R. 743: Mr. DREIER and Mr. KING of Iowa.

H.R. 820: Mr. THOMPSON of Mississippi.

H.R. 864: Mr. LAHOOD and Ms. ZOE LOFGREN of California.

H.R. 881: Mr. PRICE of North Carolina.

H.R. 882: Mr. ELLISON.

H.R. 900: Mr. DAVID DAVIS of Tennessee.

H.R. 906: Mr. WU and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 969: Mr. PASCRELL, Mr. LYNCH, Mr. RAMSTAD, Mr. CROWLEY, Mr. LANTOS, and Mr. CAPUANO.

H.R. 1022: Ms. SOLIS.

H.R. 1064: Mr. TOWNS, Mr. KUCINICH, Mr. LAHOOD, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. CUELLAR, and Mr. BOYD of Florida.

H.R. 1070: Mr. SPACE.

H.R. 1076: Mr. DICKS.

H.R. 1077: Mr. RYAN of Wisconsin.

H.R. 1078: Mrs. NAPOLITANO.

H.R. 1113: Ms. SUTTON, Mr. LATHAM, Mrs. MCCARTHY of New York, and Mr. MCGOVERN.

H.R. 1125: Mr. SCOTT of Virginia, Mr. INSLEE, Mr. HOBSON, Mr. GALLEGLY, Mrs. BONO, and Mr. GILLMOR.

H.R. 1134: Mr. LAHOOD.

H.R. 1171: Mr. LATOURETTE and Mr. ENGLISH of Pennsylvania.

H.R. 1193: Mr. SERRANO, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Mr. HULSHOF, Mr. BILBRAY, Mrs. MYRICK, Ms. ROS-LEHTINEN, and Mr. WAMP.

H.R. 1194: Mr. KLEIN of Florida.

H.R. 1211: Mr. PAYNE and Mr. COHEN.

H.R. 1232: Mr. DEFAZIO, Mr. MCCOTTER, Mr. FARR, Mr. PITTS, Mr. KAGEN, Mr. THOMPSON of Mississippi, and Mrs. JONES of Ohio.

H.R. 1237: Mr. ROSS, Ms. HARMAN, Mr. BUYER, and Mr. RAMSTAD.

H.R. 1240: Mrs. WILSON of New Mexico.

H.R. 1245: Mr. GALLEGLY.

H.R. 1275: Mr. NADLER.

H.R. 1280: Mr. LIPINSKI.

H.R. 1282: Mr. FORTUÑO, Mr. LATHAM, and Mr. WAXMAN.

H.R. 1295: Mr. FORTENBERRY.

H.R. 1308: Mr. TIERNEY.

H.R. 1346: Ms. SOLIS.

H.R. 1400: Mr. FRELINGHUYSEN, Mr. WICKER, and Mr. MCNERNEY.

H.R. 1415: Mr. HALL of New York.

H.R. 1416: Mr. HALL of New York.

H.R. 1418: Ms. ZOE LOFGREN of California.

H.R. 1419: Ms. ZOE LOFGREN of California, Mr. MOORE of Kansas, and Mr. WELDON of Florida.

H.R. 1421: Mr. JINDAL.

H.R. 1459: Ms. KILPATRICK, Mr. BILIRAKIS, and Ms. FALLIN.

H.R. 1464: Mr. LYNCH.

H.R. 1474: Mrs. CUBIN, Mr. UDALL of Colorado, Mr. LATHAM, Mr. GENE GREEN of Texas, and Mr. TURNER.

H.R. 1514: Mr. MOORE of Kansas.

H.R. 1524: Mr. FATTAH and Mr. MILLER of North Carolina.

H.R. 1535: Mr. MEEKS of New York.

H.R. 1537: Mr. OLVER.

H.R. 1552: Mr. LAHOOD.

H.R. 1560: Ms. ZOE LOFGREN of California.

H.R. 1584: Mr. REYNOLDS, Mr. LIPINSKI, Mr. WELDON of Florida, Mr. KING of Iowa, and Mr. HINCHEY.

H.R. 1588: Ms. ZOE LOFGREN of California.

H.R. 1610: Mr. ROYCE, Mr. RADANOVICH, Mr. SESSIONS, Mr. ISSA, Mr. SALAZAR, Mr. GORDON of Tennessee, Mr. LATHAM, Mr. LAHOOD, and Mr. CAMP of Michigan.

H.R. 1623: Mr. WEINER.

H.R. 1644: Mr. SMITH of Washington, Mr. HINCHEY, Mr. KENNEDY, Mrs. DAVIS of California, and Mr. MOORE of Kansas.

H.R. 1647: Mr. DOYLE and Mr. ISSA.

H.R. 1674: Mr. CUMMINGS, Mr. SARBANES, and Mr. BOOZMAN.

H.R. 1713: Ms. DEGETTE.

H.R. 1752: Mr. MCCOTTER.

H.R. 1781: Ms. SLAUGHTER, Mr. PLATTS, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. MEEKS of New York, Mr. FATTAH, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1783: Mr. SERRANO.

H.R. 1801: Mr. TOM DAVIS of Virginia.

H.R. 1813: Mr. UDALL of New Mexico.

H.R. 1819: Mr. FORTUÑO.

H.R. 1843: Ms. DEGETTE.

H.R. 1845: Mr. TAYLOR.

H.R. 1884: Mr. MORAN of Virginia and Mr. LATHAM.

H.R. 1927: Mr. WYNN.

H.R. 1933: Ms. MCCOLLUM of Minnesota, Mr. HARE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1940: Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. PITTS, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, and Mr. PETERSON of Minnesota.

H.R. 1947: Mr. FARR.

H.R. 1967: Mrs. BACHMANN.

H.R. 2014: Mr. ENGLISH of Pennsylvania.

H.R. 2015: Mr. WATT, Ms. ROYBAL-ALLARD, and Mr. MITCHELL.

H.R. 2016: Mr. FRANK of Massachusetts.

H.R. 2035: Mrs. BACHMANN.

H.R. 2045: Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, and Mr. LAHOOD.

H.R. 2046: Mr. HONDA, Mr. WYNN, and Mr. ROTHMAN.

H.R. 2052: Mr. RUSH.

H.R. 2061: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2063: Mr. STUPAK and Mr. TIM MURPHY of Pennsylvania.

H.R. 2091: Mr. BOREN.

H.R. 2110: Mr. MCHUGH.

H.R. 2130: Mr. BAIRD.

H.R. 2131: Mr. WEXLER.

H.R. 2138: Mrs. MUSGRAVE, Mr. LAMPSON, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. SHAYS, Mr. AKIN, Mr. ISSA, and Mr. ALEXANDER.

H.R. 2205: Mr. MCNULTY and Mr. ROGERS of Michigan.

H.R. 2228: Mr. MCCOTTER.

H.R. 2231: Mr. MCNULTY.

H.R. 2234: Mr. MCINTYRE, Mr. HOLT, Mr. SCOTT of Virginia, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. ENGLISH of Pennsylvania, Mrs. TAUSCHER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2250: Mr. SHAYS.

H.R. 2280: Mrs. EMERSON.

H.R. 2287: Mr. MCHUGH and Mr. ENGLISH of Pennsylvania.

H.R. 2289: Mr. WEINER.

H.R. 2291: Mr. PRICE of Georgia, Mr. SESSIONS, Mr. LOBIONDO, and Mr. WOLF.

H.R. 2315: Mr. UDALL of New Mexico.

H.R. 2347: Mr. BURTON of Indiana, Mrs. DRAKE, Mr. MCHENRY, Mr. CANTOR, Mr. PLATTS, Mr. RENZI, Mr. BARROW, Mr. FRANKS of Arizona, Mr. PERLMUTTER, and Mr. MCNERNEY.

H.R. 2365: Mr. BLUNT.

H.R. 2380: Mr. ROGERS of Michigan and Mr. KING of Iowa.

H.R. 2387: Mr. WALBERG.

H.R. 2405: Mr. BRADY of Pennsylvania and Mr. FATTAH.

H.R. 2407: Ms. CASTOR.

H.R. 2421: Mr. REYES.

H.R. 2473: Mr. SIMPSON.

H.R. 2478: Mr. HASTINGS of Florida.

H.R. 2484: Mr. HINCHEY.

H.R. 2505: Ms. CARSON.

H.R. 2511: Mr. DAVID DAVIS of Tennessee, Mr. MORAN of Virginia, and Mr. MOLLOHAN.

H.R. 2522: Mr. DAVIS of Illinois and Ms. ROYBAL-ALLARD.

H.R. 2523: Mr. STARK.

H.R. 2531: Mr. BISHOP of New York.

H.R. 2564: Mr. LINDER.

H.R. 2566: Ms. ROYBAL-ALLARD.

H.R. 2567: Mr. GENE GREEN of Texas, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, and Ms. MATSUI.

H.R. 2583: Mr. GOHMERT.

H.R. 2584: Mr. GOHMERT.

H.R. 2585: Mr. GOHMERT.

H.R. 2596: Mr. GEORGE MILLER of California, Ms. WATSON, Ms. BERKLEY, Mrs. DAVIS of California, and Ms. NORTON.

H.R. 2606: Mr. KUCINICH, Mr. SKELTON, and Mr. WELCH of Vermont.

H.R. 2609: Mr. DAVIS of Illinois and Mr. MORAN of Virginia.

H.R. 2620: Mr. JOHNSON of Georgia.

H.R. 2639: Mr. SESSIONS, Mr. FORTUÑO, Mr. SIMPSON, and Mr. ALEXANDER.

H.R. 2659: Mr. ENGLISH of Pennsylvania, Mr. BOSWELL, and Mr. CUELLAR.

H.R. 2666: Mr. RANGEL, Mr. DAVIS of Illinois, Mr. STARK, Mr. GUTIERREZ, and Mr. TOWNS.

H.R. 2677: Mr. LAHOOD.

H.R. 2698: Mr. BARTLETT of Maryland.

H.R. 2700: Ms. LEE, Mr. MATHESON, Mr. MICHAUD, Mr. MCGOVERN, Mr. SIMPSON, and Mr. CAPUANO.

H.R. 2726: Mr. YOUNG of Alaska.

H.R. 2747: Mr. SIMPSON.

H.R. 2749: Mr. SESSIONS, Mr. LATOURETTE, Mr. GENE GREEN of Texas, and Mr. PRICE of Georgia.

H.R. 2758: Mr. PALLONE and Mr. MCDERMOTT.

H.R. 2772: Mr. PLATTS.

H.R. 2807: Mr. BISHOP of Utah.

H.R. 2818: Ms. WOOLSEY, Mr. SARBANES, Ms. ZOE LOFGREN of California, and Mr. HARE.

H.R. 2819: Mr. GONZALEZ, Mr. MCDERMOTT, Mr. DOGGETT, Mr. MORAN of Kansas, Mr. CLAY, Ms. DELAURO, Mr. MANZULLO, and Mr. CONYERS.

H.R. 2821: Mr. LINCOLN DAVIS of Tennessee, Mr. BOSWELL, Mr. WILSON of Ohio, Mr. CUELLAR, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.

H.R. 2828: Ms. ROS-LEHTINEN, Mr. JEFFERSON, Mr. HOEKSTRA, Mr. RANGEL, Mr. CHABOT, Ms. CLARKE, Mr. FORTUÑO, Ms. LEE, Mr. CRENSHAW, Mr. CROWLEY, Mr. AL GREEN of Texas, Ms. MCCOLLUM of Minnesota, Mr. FATTAH, Mr. MORAN of Virginia, Ms. WATERS, Mr. KUCINICH, and Mr. WYNN.

H.R. 2832: Mr. FILNER and Mr. KENNEDY.

H.R. 2834: Ms. NORTON, Mr. CONYERS, and Mr. DEFAZIO.

H.R. 2846: Mr. DAVIS of Illinois and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2860: Mr. BUTTERFIELD, Mr. SPACE, Ms. SHEA-PORTER, Mr. ENGLISH of Pennsylvania, and Mr. GORDON.

H.R. 2868: Mr. CASTLE and Mr. WEINER.

H.R. 2870: Mr. HINCHEY.

H.R. 2885: Mr. HENSARLING and Mr. GALLEGLY.

H.R. 2895: Mr. CLEAVER and Mr. ELLISON.

H.R. 2902: Mrs. MALONEY of New York.

H.R. 2905: Ms. GRANGER, Mr. GALLEGLY, Mr. NUNES, Mr. ROGERS of Kentucky, Mr. REHBERG, and Mrs. MCMORRIS RODGERS.

H.R. 2910: Ms. ZOE LOFGREN of California and Mr. COHEN.

H.R. 2914: Mr. ROTHMAN and Mr. PRICE of North Carolina.

H.R. 2925: Ms. LEE.

H.R. 2927: Mr. DOOLITTLE, Mr. BRADY of Pennsylvania, Mr. KNOLLENBERG, Mr. ENGLISH of Pennsylvania, Mr. LATOURETTE, Mr. CAMP of Michigan, Mr. ROHRABACHER, Mr. TIAHRT, Mr. SHIMKUS, Mr. ORTIZ, and Mr. HIGGINS.

H.R. 2928: Mr. MCGOVERN and Mr. WEINER.

H.R. 2929: Mr. BUTTERFIELD, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. JEFFERSON, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. DAVIS of Illinois, Ms. NORTON, Mr. ABERCROMBIE, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. MEEK of Florida, Mr. SCOTT of Virginia, Mr. TOWNS, and Mr. THOMPSON of Mississippi.

H.R. 2943: Mr. PAUL and Mrs. EMERSON.

H.R. 2958: Mr. WOLF.

H.R. 2966: Mr. FRANK of Massachusetts and Mr. WELCH of Vermont.

H.R. 2991: Mr. ALTMIRE.

H.R. 2992: Mr. BRALEY of Iowa.

H.R. 3008: Mr. FORTUÑO.

H.R. 3020: Mr. BRALEY of Iowa.

H.R. 3024: Mr. COHEN and Mr. UPTON.

H.R. 3025: Mrs. DAVIS of California.

H.R. 3035: Mr. DAVIS of Illinois, Mr. SIRES, Ms. KILPATRICK, Mr. TOWNS, Mr. MEEKS of New York, Ms. CLARKE, Mr. BUTTERFIELD, Ms. LEE, Mr. AL GREEN of Texas, Mr. TANNER, Mr. CONAWAY, and Mr. REHBERG.

H.R. 3046: Mr. LATHAM.

H.R. 3057: Mr. UPTON, Mr. DOGGETT, Mr. LEWIS of Kentucky, Mr. KIND, Ms. MCCOLLUM of Minnesota, and Mr. TANNER.

H.R. 3059: Mr. HENSARLING, Mr. WALBERG, and Mr. KNOLLENBERG.

H.R. 3061: Mr. GENE GREEN of Texas.

H.R. 3073: Mr. SENSENBRENNER.

H.R. 3077: Mr. GILCHREST.

H.R. 3086: Mr. BOOZMAN.

H.R. 3090: Mr. LINCOLN DAVIS of Tennessee, Mr. PERLMUTTER, Mr. BRALEY of Iowa, and Mr. SPACE.

H.J. Res. 28: Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. SERRANO, and Ms. CLARKE.

H.J. Res. 39: Mr. KIRK.

H. Con. Res. 49: Mr. ABERCROMBIE, Mr. ANDREWS, Mr. SMITH of Washington, Mrs. BOYDA of Kansas, and Mr. SPRATT.

H. Con. Res. 70: Mr. UPTON and Mr. WYNN.

H. Con. Res. 138: Mr. MURTHA and Mr. MCHUGH.

H. Con. Res. 156: Mr. ABERCROMBIE, Ms. BORDALLO, Mr. HASTINGS of Florida, Mr. GONZALEZ, Mr. GRIJALVA, and Mr. RANGEL.

H. Con. Res. 160: Mr. ALEXANDER.

H. Con. Res. 176: Mr. BUYER.

H. Con. Res. 183: Mr. SAXTON and Mr. ISSA.

H. Con. Res. 187: Ms. BEAN, Mr. HINCHEY, Mr. KAGEN, Mr. KILDEE, Mr. KIND, Mr. KIRK, Mr. LIPINSKI, Mr. ROSKAM, Mrs. JONES of Ohio, Mr. RUSH, Mr. ROGERS of Michigan, Mr. DINGELL, Mr. PETRI, Mrs. MILLER of Michigan, Mr. ARCURI, Mr. LEVIN, and Mr. OBERSTAR.

H. Res. 121: Ms. GINNY BROWN-WAITE of Florida, and Mr. GARY G. MILLER of California.

H. Res. 143: Mr. DOGGETT and Mr. DELAHUNT.

H. Res. 169: Ms. GIFFORDS.

H. Res. 231: Mr. ROGERS of Michigan, Mr. WILSON of South Carolina, Mr. LAHOOD, Mr. GILLMOR, and Mr. COLE of Oklahoma.

H. Res. 235: Mr. KIRK.

H. Res. 338: Ms. BERKLEY.

H. Res. 345: Mr. SHAYS.

H. Res. 443: Mr. JOHNSON of Georgia, Mr. MEEK of Florida, Ms. SHEA-PORTER, Mr. HODES, Mr. HARE, Mr. COURTNEY, Mr. LOEBSACK, Mr. UDALL of Colorado, Mr. ANDREWS, Mrs. CAPITO, Ms. PRYCE of Ohio, Mr. PAUL, Mr. JONES of North Carolina, Mrs. EMERSON, Mr. GILCHREST, Mr. GINGREY, Mr. CASTLE, Ms. ROS-LEHTINEN, Mr. RENZI, Mr. SHIMKUS, and Mr. FLAKE.

H. Res. 504: Mr. COOPER.

H. Res. 508: Mr. ENGEL, Mr. MANZULLO, Mr. CHABOT, and Mr. HONDA.

H. Res. 510: Ms. NORTON.

H. Res. 511: Ms. ROYBAL-ALLARD.

H. Res. 525: Mr. WAXMAN, Mr. BLUMENAUER, Mr. GRIJALVA, and Ms. WATERS.

H. Res. 528: Mr. MOORE of Kansas and Mr. HARE.

H. Res. 535: Ms. ROYBAL-ALLARD.

H. Res. 541: Mr. ANDREWS.

H. Res. 549: Mr. BUCHANAN and Mr. DUNCAN.

H. Res. 550: Ms. JACKSON-LEE of Texas.

H. Res. 553: Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, and Ms. SCHAKOWSKY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2116: Mr. WALDEN of Oregon.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

99. The SPEAKER presented a petition of the Town of Great Barrington, Massachusetts, relative to a Resolution petitioning the Congress of the United States to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

100. Also, a petition of the Commission of the City of Lauderhill, Florida, relative to Resolution No. 07R-05-131 urging the President of the United States and the Congress of the United States to take any and all action necessary to amend United States Immigration Policy and the unfair treatment of immigrants caused by the current wet foot dry foot policy; to the Committee on the Judiciary.

101. Also, a petition of the District Council of County Fermanagh, Northern Ireland, relative to a Notice of Motion supporting the Irish Lobby for Immigration Reform (ILIR) and its campaign to win legal status for the estimated 40,000 plus undocumented Irish living and working in the United States; to the Committee on the Judiciary.

102. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 216 requesting that the Congress of the United States pass S. 519 and H.R. 876, the Securing Adolescents From Exploitation-Online Act of 2207 or the SAFE Act of 2007; to the Committee on the Judiciary.

103. Also, a petition of the Town of Leyden, Massachusetts, relative to a Resolution calling on the Congress of the United States to investigate the charges and vote to impeach President George W. Bush and Richard B. Cheney as provided in the Constitution of the United States; to the Committee on the Judiciary.

104. Also, a petition of the Delaware County Democratic Committee, New York, relative to a Resolution to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

105. Also, a petition of Mr. Robert F. Zeigler, General Counsel, relative to petitioning the Congress of the United States for the need for a substantial salary for federal judges; to the Committee on the Judiciary.

106. Also, a petition of the Town of Stockbridge, Massachusetts, relative to a Resolution calling on the Impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

107. Also, a petition of the Town of Colrain, Massachusetts, relative to a Resolution calling for the impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

108. Also, a petition of the Town of Shutesbury, Massachusetts, relative to a petition to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. AL GREEN of Texas. Madam Speaker, I was visiting veterans at the Walter Reed Army Medical Center with members of the Texas Congressional delegation. I was unavoidably delayed and missed the votes on H.R. 980, the Public Safety Employer-Employee Cooperation Act (rollcall 633), and H. Res. 547, the resolution providing for consideration of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2008 (rollcall 634).

Although H.R. 980, the Public Safety Employer-Employee Cooperation Act (rollcall 633) passed by a vote of 314–97, and H. Res. 547, the resolution providing for consideration of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2008 (rollcall 634) passed by a vote of 232–178, I respectfully request the opportunity to record my position. Had I been present I would have voted "yea" on rollcalls 633 and 634.

I would particularly like to express my strong support for H.R. 980, a bill I am proud to have cosponsored. The bill would establish minimum standards for state collective bargaining laws for police officers, firefighters and other public safety officers, including the right to join a union; the right to have their union recognized by their employer; the right to bargain collectively over hours, wages and terms and conditions of employment; a mediation or arbitration process for resolving an impasse in negotiations; and enforcement of contracts through state courts. This legislation would not affect a majority of states because their laws already meet or exceed the minimum standards.

THE GENEROSITY OF IDAHOANS

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. SALI. Madam Speaker, I rise today to recognize an extraordinary example of the American spirit, the ability for us as individuals and as businesses to give back to the community, support our neighbors, and do for ourselves—without relying on government to do for us.

Last week, the crew of the TV show Extreme Makeover Home Edition arrived in Middleton, Idaho. The show travels the country and selects a deserving family for a top-to-bottom remodel. In Idaho, the show's producers picked Ryan and Karia Stockdale.

The Stockdales are a loving couple with 4 children ages 2 to 6. All 4 children have an extremely rare disease that attacks their blood, their lungs and kidneys, and their digestive systems. Because of this disorder, all 4 children are unable to eat food, and have to be fed through a special tube.

Karia became a stay-at-home mom to tend to the children.

To find a cure for his children, Ryan went back to school full-time studying immunology—in addition to working full-time to support his family.

What's more, the Stockdale home had major problems. The house was not insulated. It had a coal-burning furnace and no air conditioning. The ceiling had a hole. The basement leaked. The water and ventilation systems were bad.

The people of Idaho rallied—sending the Extreme Makeover program more than a thousand emails in support of the Stockdales.

But they didn't stop there. In Idaho, our communities and our citizens place high value on the ability of individuals to make a difference, the power of the private sector. We don't sit back and wait for government to do things for us.

So when Extreme Makeover decided to come to Idaho, the citizens and businesses of my state sent nothing short of an army of volunteers to help give the Stockdales a new home. Corey Barton of CBH Homes led the effort, bringing in competing construction crews to work together to build this 4,000 square foot home.

I wish I could name all the companies that contributed to this cause, but I can't. More than 200 companies pitched in—everything from construction equipment and supplies to bags of ice and beverages.

I wish I could name all of the people who volunteered to do a multitude of tasks—from the framing to running electrical and hanging sheetrock. But I can't. More than three thousand volunteers came out. That's three thousand people working together to build one house for one family.

And the volunteers kept coming as the work got dirtier and more grueling and the temperature reached triple-digits. I'm told that despite the heat and the stress of building a large home in 4 or 5 days, the volunteer response was the largest a community has ever given to an Extreme Makeover project. These volunteers finished in a week what it would take government months to accomplish.

I was at the job site on Saturday with my wife, Terry, and here's what we saw: We saw the most enthusiastic, engaged, and excited volunteers we have ever seen. They weren't doing it for the fame or glory; they were not doing it to get a few seconds of time on TV. They were not doing it because some government agency told them to. They were doing it because they wanted to. Many had never met the Stockdales. They didn't have to. They just knew there was a family in need and work to be done. It was up to Idahoans to do it.

This is the home that Idahoans built. Their work goes beyond generous. It is a testament to the American spirit: Volunteers giving their time, experience, and a lot of sweat to help make a beautiful home for a beautiful family. This was a true labor of love. Idahoans should be very proud of what they've done.

TRIBUTE TO SHERIFF KELVIN WASHINGTON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an extraordinary public servant and a tremendous leader in his community and state. Williamsburg County Sheriff Kelvin Washington officially becomes President of the South Carolina Sheriff's Association on August 1, 2007, a remarkable achievement for this history-making law enforcer.

Kelvin Washington was born in Hemingway, South Carolina and was reared by his maternal grandmother, the late Thewoflar Washington. He graduated from Hemingway High School, and attended South Carolina State University. Kelvin went on to earn his Bachelor of Science degree in Criminal Justice from American Intercontinental University. His desire to excel in a law enforcement career led Kelvin to complete the South Carolina Criminal Justice Academy, the FBI's Carolina Command College, and the National Sheriff's Institute. He is currently pursuing a Master's Degree in Criminal Justice from Troy University.

In 1990, Kelvin joined the City of Florence Police Department as a patrolman. He quickly rose through the ranks becoming a narcotics agent and an investigator. Just three years later, Kelvin joined the Williamsburg County Sheriff's Office as the Chief Investigator. Soon he was tapped as the Chief Deputy. In 1998, only 8 years after his law enforcement career began, Kelvin Washington was appointed Interim-Sheriff after the retirement of former Sheriff Jack McCrea. The following January, Kelvin Washington was elected Williamsburg County Sheriff making South Carolina history. Sheriff Washington was the youngest African American ever to be elected Sheriff in his home state, and he is currently one of the youngest African American sheriffs in the nation. His effectiveness on the job and his popularity with county residents led to his reelection in 2000 and 2004.

Sheriff Washington is a member of Bethlehem A.M.E. Church in his hometown of Hemingway. He also holds memberships in the Chavis Masonic Lodge No. 446, the Kingstree Rotary Club, the Palmetto State Law Enforcement Officer's Association, and the

South Carolina Sheriff's Association. Sheriff Washington still finds the time to serve as a board member for the Williamsburg County Boys and Girls Club and Williamsburg County Vital Aging. In 2002, he was selected as the Williamsburg County Area Omega Psi Phi Citizen of the Year.

None of these accomplishments could have been achieved without the support of his wife of 17 years, the former Patricia McEachin of East Orange, New Jersey, and their three children, Courtney, and twins Kelvin, Jr. and Kelsey.

Madam Speaker, I ask you and my colleagues to join me today in celebrating the achievements of Williamsburg County Sheriff Kelvin Washington. His life is a testament to what one can do if you have a dream and pursue it with all your might. Sheriff Washington truly believes in giving back, and Williamsburg County and the State of South Carolina are certainly the beneficiaries of his commitment, talent and dedication.

TRIBUTE TO ADMIRAL EDMUND P. GIAMBASTIANI, JR.

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. MCHUGH. Madam Speaker, I take this opportunity today to honor Admiral Edmund P. Giambastiani, Jr., one of our Nation's stellar military leaders and a constituent of the 23rd Congressional District of New York which I am privileged to represent.

Admiral Edmund P. Giambastiani, Jr. is retiring after 41 years of service to our Nation, culminating in his service as the seventh Vice Chairman of the Joint Chiefs of Staff, our Nation's second highest military officer. A submarine officer and a Canastota native, Admiral Giambastiani entered the U.S. Naval Academy in the summer of 1966 and graduated with leadership distinction in 1970.

The Admiral has been married to Cynthia Johnson of McLean, VA since 1976 and attributes his success in life to her and his parents. Cindy and he have two children, Peter and Catherine. Cindy is a Cornell University graduate and the daughter of a career Air Force officer. She was recently honored by the Secretary of the Navy with her selection as the ship's sponsor for the submarine USS *New Mexico*.

Admiral Giambastiani always kept close ties to his hometown of Canastota and in July 2003, he was honored with the Alumni Achievement Award from the Canastota High School Alumni Association. The Admiral's younger sister, Barbara Bartlett, lives in Cazenovia with her family and is director of New York's Lorenzo State Historic Site.

Admiral Giambastiani's operational assignments have included several in which he was responsible for both demanding at-sea operations and the development of new technologies and experimental processes. Early sea assignments included USS *Puffer* (SSN 652) and USS *Francis Scott Key* (SSBN 657) (BLUE). While assigned to *Puffer*, he was a 1973 winner of the Fleet Commander's Junior Officer Submarine Shiphandling Competition. He commanded submarine *NR–1*, the Navy's only nuclear powered deep diving ocean engineering and research submarine and USS *Richard B. Russell* (SSN 687), where the crew was awarded three consecutive Battle Efficiency "E"s, three Navy Unit Commendations, and two Fleet Commander Silver Anchors for excellence in enlisted retention.

Admiral Giambastiani also led Submarine Development Squadron Twelve, an operational submarine squadron that also serves as the Navy's Warfare Center of Excellence for submarine doctrine and tactics. Established in 1949, Submarine Development Squadron Twelve is the oldest experimental unit of its kind in the U.S. military. He served as the first director of strategy and concepts at the Naval Doctrine Command, as well as Commander, Atlantic Fleet Submarine Force; Commander, Submarines Allied Command Atlantic; and Commander, Anti-Submarine and Reconnaissance Forces Atlantic in Norfolk, Virginia.

Admiral Giambastiani's other shore and staff assignments include duties as an enlisted program manager at the Navy Recruiting Command Headquarters, Washington, DC, in the early days of the all volunteer force; Special Assistant to the Deputy Director for Intelligence, Central Intelligence Agency; and, a fellowship with the Chief of Naval Operations' Strategic Studies Group. As a flag officer, he served as the Deputy Chief of Staff for Resources, Warfare Requirements and Assessments for the Commander, U.S. Pacific Fleet; Director of Submarine Warfare for the Chief of Naval Operations; Deputy Chief of Naval Operations for Resources, Requirements, and Assessments; and as the Senior Military Assistant to Secretary of Defense Donald H. Rumsfeld from May 2001 until September 2002.

Admiral Giambastiani was on duty in the Pentagon on September 11, 2001 and will never forget those events that changed our Nation forever.

Prior to serving as Vice Chairman, Admiral Giambastiani was NATO's first Supreme Allied Commander Transformation and the Commander, United States Joint Forces Command, where he led the transformation of NATO and U.S. military forces, capabilities and doctrines and the introduction of new technologies.

As Vice Chairman, Admiral Giambastiani has pursued three overarching and interlocking goals:

Working with the Deputy Secretary of Defense and other senior defense leaders to draft and implement the 2006 Quadrennial Defense Review;

Synchronizing the efforts of the Department of Defense's requirements, resources and acquisition processes to deliver the right capabilities at the right time and the right price to our warfighters; and,

Transforming the Joint Requirements Oversight Council to make it more agile, transparent, inclusive and responsive to the capability needs of the Combatant Commanders and more focused on the nation's most pressing military issues.

Admiral Giambastiani has been awarded numerous U.S. and foreign decorations, including seven Defense and Navy Distinguished Service medals and two honorary doctorate degrees. He is most proud of his 19 unit awards and commendations because they recognize the participation and accomplishments of the entire team.

Madam Speaker, it is through the commitment and sacrfice of Americans like Admiral Giambastiani that our Nation is able to continue upon the path of democracy and strive for the betterment of mankind throughout the world. It is with sincere admiration and appreciation that I pay tribute to Admiral Giambastiani for all that he has accomplished for America and its Armed Forces. On behalf of a grateful nation, I thank Admiral Giambastiani for his 41 years of dedicated service and wish him many years of continued success and happiness.

HONORING THE RETIREMENT OF DR. WILLIAM WULF, PRESIDENT OF THE NATIONAL ACADEMY OF ENGINEERING

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. HOLT. Madam Speaker, at the end of last month, Dr. William Wulf ended his 11 years as the President of the National Academy of Engineering.

Many of us have come to rely on the NAE, along with its affiliated organizations, the National Academy of Sciences and the Institute of Medicine, to help sort through the increasing science and technology quotient in our policy debates.

Bill has been extremely effective in helping Members of Congress understand how technical issues affect our lives. He was instrumental in the National Academy work Rising Above the Gathering Storm, which caught the attention of America about students' and workers' declining ability to compete internationally. He was among the first to warn of the increased need for cybersercurity, which everyone is talking about now, but Bill Wulf was realizing 10 years ago. He also worked on data copyright issues, patents, energy legislation—the list goes on. He also has shown great interest in deploying reliable voting machines around the country.

Bill Wulf was a frequent resource at committee hearings, where he taught many in the research community about the value of skillful communications with policy makers. He has led the NAE with grace and with vision and the organization emerges from his period of leadership strengthened and invigorated.

Bill is heading back to his faculty post at the University of Virginia, where many fortunate students, both in engineering and in the liberal arts, will now get the benefit of his thinking that has been so helpful to us here in Washington.

I ask my colleagues to join me in thanking Bill Wulf for all he has done for the Academies and for the Nation. We look forward to continuing to work with you in the years to come.

33RD ANNIVERSARY OF THE ILLEGAL TURKISH INVASION OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mrs. MALONEY of New York. Madam Speaker, as co-chair and co-founder of the Congressional Caucus on Hellenic Issues, I rise today to commemorate the 33rd anniversary of the 1974 illegal Turkish invasion of Cyprus. I have commemorated this day each year since I became a Member of Congress.

PSEKA (The International Coordinating Committee "Justice for Cyprus"), The Cyprus Federation of America, SAE (World Council of Hellenes Abroad), and The Federation of Hellenic Societies are primarily located in the 14th Congressional District of New York, which I am fortunate to represent.

These organizations have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus.

For the past several years, the Hellenic Caucus has been very engaged on the issues facing Cyprus. Many members of the Caucus remain concerned about the continued occupation and division of the Republic of Cyprus. Turkey illegally invaded Cyprus in 1974. As a result of the Turkish invasion and occupation, 160,000 Greek Cypriots, amounting to 70 percent of the population of the occupied area and over a quarter of the total population, were forcibly expelled from their homes and approximately 5,000 Cypriots were killed. More than 1,400 Greek Cypriots, including four Americans of Cypriot descent, remain missing and unaccounted for since the Turkish invasion. Today, 33 years later, Turkey continues forcibly to occupy more than one-third of Cyprus with more than 43,000 Turkish troops. The peaceful and cooperative spirit in the person-to-person, family-to-family interactions between Greek Cypriots and Turkish Cypriots is an encouraging sign for the successful reunification of Cyprus. However, it is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation.

As a full-fledged member of the European Union, Cyprus is playing a vital role in European affairs while also strengthening relations with the United States. It has joined with us on issues important to our own security, including the fight against terrorism and other forms of international crimes. Cyprus was the first EU member to join the ship boarding protocol of President Bush's Proliferation Security Initiative, particularly important because Cyprus has one of the world's largest commercial shipping registries. As Cyprus developed into a regional financial center, the government moved aggressively and put in place strong anti-money laundering legislation.

On July 8, 2006, the President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat agreed to immediately begin a process of establishing bi-communal technical committees and working groups. This UN-brokered agreement also emphasized the need for confidence-building measures to make this process successful. Unfortunately, the Turkish Cypriot side has not reciprocated the positive approach taken by the Cyprus Government. President Papadopoulos proposed a meeting with the Turkish Cypriot leader Mr. Talat to jumpstart the process and move forward with the agreement. Mr. Talat initially accepted this invitation but on July 12th decided to cancel. I hope that the Turkish side will reconsider this decision so that the July 8th agreement can proceed.

On March 8, 2007, the Government of the Republic of Cyprus demolished a wall at Ledra Street in Nicosia, a key thoroughfare through the divided capital, as a gesture to facilitate the opening of Ledra Street as a crossing point. I have introduced H. Res. 407, which expresses the strong support of the House of Representatives for the positive actions by the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island. Once Turkey removes its occupation forces from the adjacent area and other issues of safety and security have been addressed, the citizens of Cyprus will be free to travel Ledra Street as they had generations ago.

I also strongly support legislation introduced by my colleagues including H.R. 1456, introduced by Representative PALLONE, which would enable U.S. citizens who own property in the Turkish-occupied territory of the Republic of Cyprus to seek financial remedies with either the current inhabitants of their land or the Turkish government, and H. Res. 405, introduced by Representative BILIRAKIS, which expresses the strong support of the House of Representatives for the implementation of the UN-brokered July 8, 2006, agreement as the way forward to prepare for new comprehensive negotiations for the reunification of Cyprus.

The people of Cyprus deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in solemnly commemorating the 33rd anniversary of the invasion of Cyprus.

Long Live Freedom.
Long Live Cyprus.
Long Live Greece.

HONORING THE 60TH WEDDING ANNIVERSARY OF THOMAS AND BEVERLY SHAUGHNESSY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Thomas and Beverly Shaughnessy on their 60th wedding anniversary.

The Shaughnessys are long-time residents of Berwyn, Illinois and are the proud parents of two children. Thomas served the town of Berwyn as mayor for three terms, retiring in 2005. Beverly retired in 1999 from a career in public service working in the Cook County Circuit Court. Both Thomas and Beverly have been deeply involved in the community and continue to be to this day. Thomas belongs to the Knights of Columbus, VFW, the American Legion and the Claddaugh Ring, while Beverly is a member of the Berwyn Women's Club and the Red Hats.

It is my honor to recognize Thomas and Beverly Shaughnessy and provide my heartfelt congratulations to them on this wonderful event in their lives. Together they exemplify the ideals of strong family and public service. I would like to extend my best wishes to the Shaughnessys as they and their family celebrate their 60th wedding anniversary.

HONORING CAPTAIN RYAN KELLY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. TANCREDO. Madam Speaker, I rise today to honor Captain Ryan Kelly, an exceptional everyday hero from my district in Denver, Colorado. Ryan Kelly is one of many voices that paint a clear picture for America of the war our nation is waging. A company commander and an Army UH–60 Black Hawk helicopter pilot, Kelly spent a year fighting in Iraq.

Ryan Kelly participated in a national project by the National Endowment for the Arts called Operation Homecoming. This project sought to bring a real time perspective of what our soldiers are experiencing and allowing America to see through the lens of not only the soldiers fighting this war, but also the family members they leave behind.

While serving our nation at war, Ryan Kelly wrote numerous letters home to his wife Judy and his mother Lynn. Two of his letters, as well as short stories, eyewitness accounts, poems and even lyrics written by other soldiers and their family members, appear in "Operation Homecoming," and his writing is also included in a new documentary, "Muse of Fire," with Ray Bradbury and Kevin Costner.

The messages contained within these words by the everyday heroes of America who are fighting this war need to be heard. The message of the sacrifice that our soldiers are making can be best summed up by this paragraph written by Ryan Kelly to his mother while he was serving in Iraq:

> If it weren't for the Army uniforms and the constant noise of helicopters taking off and landing, and the Russian 747-like jets screaming overhead every hour of the day, and the F–16s screeching around looking for something to kill, and the rockets exploding and the controlled blasts shaking the windows and the "thump, thump, thump" sound of the Apache gun ships shooting their 30 mm guns in the middle of the night, and the heat and the cold, and the hero missions and the body bags and the stress, and the soldiers fraught with personal problems—child custody battles fought from 3,000 miles away, surgeries on ovaries, hearts, breasts, brains, cancers, transplants and the scorpions and the spiders who hide under the toilet seats, and the freakish bee-sized flies humming around like miniature blimps, and the worst: the constant pang of home, the longing for family, the knowledge that life is rolling

> past you like an unstoppable freight train, an inevitable force, reinforcing the desire for something familiar, the longing for something beautiful, for something safe, with love and laughter and poetry and cold lemonade and clean sheets. If it weren't for all that, Iraq would be just like home—almost.

I rise today to thank Captain Ryan Kelly and all of our Armed forces for their commitment to our country, and the sacrifice that all of them and their families are making.

TRIBUTE ON THE GRADUATION OF AMERICAN STUDENTS FROM THE LATIN AMERICAN SCHOOL OF MEDICAL SCIENCES IN CUBA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. LEE. Madam Speaker, I rise to recognize and offer my personal congratulations to Dr. Melissa Barber, Dr. Evelyn Erickson, Dr. Carmen Landau, Dr. Toussaint Reynolds, Dr. Teresa Thomas, Dr. Wing Wu and especially my two constituents, Dr. Jose de Leon and Dr. Kenya Bingham, who will all be graduating on July 24, 2007 from the Latin American School of Medical Sciences. They have all traveled a long road to earn Medical Doctorates in Havana, Cuba.

These dedicated doctors overcame immense hurdles to complete their medical educations. They not only had to face 6 years away from home, but had to pursue their educations in Spanish after attending a 12-week intensive language program. They had to complete their studies cut off from their families and uncertain about their futures due to the draconian Cuban embargo that continues to threaten this excellent program. I was proud to have initiated the scholarship program, along with other members of the Congressional Black Caucus, after a visit to Cuba in 2000. I am also proud to support the students' ability to travel to Cuba and I hope to encourage more students to take advantage of this incredible opportunity to bring access to healthcare back to those who need it most.

These pioneering students of medicine should be recognized for not only the many challenges that they had to overcome, but also for their dedication to service. They had to commit to serve in medically underserved communities, back home in the United States, in order to receive their free medical education in Cuba. The Cuban government offers 250 full scholarships each year for students from the United States to study medicine there. Tuition, dormitory room and board, and textbooks are all provided free of charge and allow students who might otherwise not have the resources to pursue medical degrees in the United States to become doctors and to serve the uninsured and underinsured who too often fall through the cracks of our for-profit healthcare industry.

It is my hope that what these doctors have achieved will not only bring desperately needed health care to the uninsured, but will also serve as an example to the healthcare industry, the American people and the Members of this Congress, that health care is a basic human right, not a privilege.

TRIBUTE TO THE UNITED STATES TENNIS ASSOCIATION BOYS' 18 AND 16 NATIONAL CHAMPIONSHIPS ON ITS 65TH ANNIVERSARY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. UPTON. Madam Speaker, I rise today to commemorate the United States Tennis Association Boys' 18 and 16 National Championships on the occurrence of its 65th Anniversary. Hosted at Kalamazoo College since 1943, the tournament has earned a reputation of prestige and excellence, offering the finest in men's junior tennis anywhere in the world.

Over the past six and a half decades, most of the great names in American tennis—Agassi, Ashe, Connors, Courier, McEnroe, Roddick, Sampras, and Young, among many others—have competed at Kalamazoo's Stowe Tennis Stadium for the coveted title of USTA junior champion. The Championships have not only been witness to many record achievements in junior athletics, but also many of the most exhilarating moments in sports history.

The continued success and popularity of this event can only be attributed to the hundreds of volunteers and sponsors throughout Southwest Michigan, who have generously given of themselves year after year. Special recognition is also accorded to Kalamazoo College and Western Michigan University, whose hospitality in hosting and organizing the tournament has been essential. Not least, for their exceptional contributions, Kalamazoo's own Rolla L. Anderson, Timon Corwin, David R. Markin, and Allan B. Stowe are to be praised for providing the leadership and commitment necessary for the tournament to flourish.

Hosting the USTA Boys' 18 and 16 National Championships for so many years has been a tremendous honor for my district. On this momentous occasion, we look back to those whose legacies are manifest in the present, as well as those future generations of volunteers and athletes that will build upon this tradition.

THE IMPACT OF AGRICULTURAL DEVELOPMENT ON FOOD SECURITY IN AFRICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. SMITH of New Jersey. Madam Speaker, this morning the Subcommittee on Africa and Global Health held a hearing on the impact of agricultural development on food security in Africa. Living in a country of plenty as we do, at least for most of us, where local grocery stores have aisles of fresh produce, cereal and even pet food, one can easily forget that other parts of the world are not similarly blessed, and what undernourishment that results from food insecurity means in practical terms.

UNICEF estimates that undernutrition is a leading cause of mortality of children under the age of five, contributing to the death of about 5 million children every year. One to two percent of all children under 5 in the developing world, or almost 13 million, suffer from severe acute undernutrition. These children are far more susceptible to dying from childhood illnesses including diarrhea and pneumonia.

Of course, undernutrition does not affect only children. Twenty-five percent of all undernourished persons in the world, or about 218 million, live in Sub-Saharan Africa. This constitutes about 30 percent of that region's population.

Agriculture production is essential for addressing this crisis on both the local and national levels. And yet Africa faces numerous challenges in meeting the basic need of food and nutrition for its people. These include the simple lack of food in markets or fields; poor food delivery mechanisms; many people's inability to buy food or agricultural resources due to poverty; obstacles to food access due to social status; lack of sanitation and clean drinking water; and natural and man-made natural resources.

I can attest to at least one aspect of these challenges from my own experience in Africa. I have traveled along a segment of the Pan-African Highway, which is one of Africa's primary transportation routes. The part that I rode on is a narrow, paved, two-lane road with numerous bicyclists, pedestrians and animals walking along the shoulder. I was told that another major segment was a dirt road that was taking far longer than anticipated to be repaved. One often encounters open-air trucks overloaded with bananas or other produce broken down in the middle of the road, exposed to the sun and heat. I am told that they can remain there for hours or even days at a time. No one can travel this major road after dark, as the road is not lit and the danger of hitting one of these disabled vehicles or some other object on the road is too great. Even if a community is growing bumper crops of high quality agricultural produce, it would be next to impossible to transport food in a timely manner under these conditions.

As we are noting time and again during the subcommittee hearings, inadequate infrastructure is a major obstacle to development generally in Africa, and that certainly applies in the case of agricultural development. African leaders recognized this when they named increased agricultural trade capacity and infrastructure as one of the four pillars of the Comprehensive African Agricultural Development Program of the African Union's New Partnership for Africa's Development. The Subcommittee heard just three weeks ago how the Millennium Challenge Corporation is working to address this need. Congress should be looking for additional measures to create the infrastructure necessary to support agriculture businesses and rural farming populations.

It is unfortunate that some attribute Africa's food crisis, at least in part, to the continent's population growth rate, and name people themselves, especially children, as a cause of the problem of food insecurity. At a recent hearing on the shortage of safe water in Africa, the Subcommittee learned that the United Nations Development Programme has found that the global water crisis is attributable to power, poverty and inequal access to safe drinking water, not shortages in quantity resulting from population increases.

I would propose that the same analysis applies with respect to the availability of food and levels of food security. Many researchers on this issue attribute food insecurity not so much to an absolute deficit of food, particularly at the national and international levels, as to the failure of socioeconomic systems, including markets and political processes, to distribute food equitably or efficiently. Many are of the opinion that better functioning and open market systems are equally or even more important to providing adequate food supplies as absolute increases in food production. While we should and must seek to increase the quality and quantity of food supplies, we must also address longer-term challenges of policy and infrastructure to attain a permanent solution for food security. People themselves should be considered not a source of the problem, but a valuable resource in achieving this goal.

THE LAW LIBRARY OF CONGRESS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. POE. Madam Speaker, the Law Library of Congress was created by an Act of Congress in 1832. That year, President Andrew Jackson signed the bill into law stating that: ". . . be it enacted by the Senate and House . . . that it shall be the duty of the librarian to prepare an apartment near . . . Congress . . . for the purpose of a law library." Since then the Law Library's mission has expanded beyond service to Congress, to include making its resources available to the Supreme Court, other branches of the U.S. Government, the American public and the global legal community.

The Law Library's first systematic effort to collect legal documents from foreign nations began soon after the U.S.-Mexican War, when Congress directed the Law Library to obtain all available laws of Mexico; later, the laws of the major European nations were also added to the collection. The Law Library grew significantly during the 20th century, developing a much larger and well-cataloged collection, and publishing many authoritative reference works on U.S. and foreign laws. A sustained program for the acquisition of foreign legal material began after World War II, reflecting the expanding number of foreign jurisdictions, as well as the changing position of the United States in world affairs. The Law Library now has an unparalleled collection of 2.6 million volumes and is staffed by more than 100 lawyers, librarians, and other professionals.

The mission of The Law Library of Congress, the de facto national law library, is to make its resources available to Members of Congress, the Supreme Court, other branches of the U.S. Government, and the global legal community, and to sustain and preserve a universal collection of law for future generations.

Unique among libraries, the Law Library is a repository of legal and legislative documents from around the world, and the most comprehensive, current, and reliable resource of its kind. In addition to housing some of the world's rarest legal sources, the Law Library stands as the primary resource for legal research for the United States Congress in U.S. law as well as foreign, comparative, and international law. The Law Library also conducts legal research for other branches of the U.S. Government and provides resources and services for the national and global legal community.

Dr. Rubens Medina has been the Law Librarian of Congress, since 1994. He holds a law degree from the National University of Asunción, Paraguay, a Ph.D. in Law and Sociology from the University of Wisconsin and has practiced and taught law in Paraguay and Chile. As Law Librarian of Congress, Medina manages and directs the government's only general legal research library and the largest law library in the world.

Medina also serves as Chair of the Executive Council of the Global Legal Information Network (GLIN), an international cooperative information system developed and maintained by the Law Library to serve the United States Congress. The recipient of numerous awards and fellowships, Medina recently was presented with a 2007 Federal 100 Award for shepherding the 2006 upgrade of GLIN, thereby providing citizens and nations with a means of accessing laws and related legal material from nations across Asia, Africa, Europe and the Americas, in 13 searchable languages. Medina first came to the Library of Congress in 1971, when he was appointed Chief of the Hispanic Law Division. He held the position until 1994, when he was appointed the 21st Law Librarian of Congress.

On July 14, 2007, the Law Library of Congress celebrated its 175th anniversary with a Gala Dinner in the Great Hall of the Library of Congress' Jefferson Building. Over 130 of the most respected and influential individuals in the political, legal, and educational world were present, including the Law Librarian of Congress, Dr. Rubens Medina, and the 175th Anniversary Honorary Chairperson, Jeffrey Toobin (from CNN).

Madam Speaker, I had the distinguished privilege of being the gala's keynote speaker. The Honorary Committee consisted of members from the Library of Congress, the Supreme Court, Congress, and representatives from AT&T, Hewlett-Packard Corporation, Real Networks, Inc., Microsoft, The World Bank, Apple, Sony Corporation and Google. Additional Friends of the Law Library sponsorship came from: Thomson West; Beirne, Maynard & Parsons, L.L.P.; Burton Foundation for Legal Achievement; HeinOnLine; LexisNexis; Roll Call Group; American University and Congressional Quarterly, Inc. All of these society individuals were present to pay homage to the institution that serves as the world's largest law library.

The Law Library of Congress is truly one of the greatest resources available to this Nation. Enriched in years of history, it allows individuals from across the world to search for and research hundreds of years of legal advice, opinions, and case decisions, providing these individuals the opportunity to create laws for the future society. I salute the Law Library of Congress on its 175th year anniversary and all its achievements. Here is to another 175 years.

And that's just the way it is.

25TH ANNIVERSARY OF THE LAND STEWARDSHIP PROJECT

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. WALZ of Minnesota. Madam Speaker, today I rise to commemorate the 25th anniversary of the Land Stewardship Project.

I would like to applaud the outstanding work this organization does representing Minnesota's family farmers and promoting sustainable approaches to farming practices. From its very beginnings, the Land Stewardship Project has advanced practical stewardship solutions and built widespread public support for an agricultural system in which family farms, small towns and a healthy environment can thrive.

Over the years, the Land Stewardship Project has fought to ensure a healthier food supply, preserve our soil, water and wildlife habitat, and support diversified and profitable family farming. The Land Stewardship Project has created a positive alternative for Minnesota producers and rural residents. And, as those of us in elected office know, the Land Stewardship Project is a strong, effective voice on behalf of its members.

With their "Farm Beginnings Program," the Land Stewardship Project educates beginning farmers in the basics of financial management. This program has helped bring the next generation of farmers and ranchers into agriculture and has graduated over 300 students in the past 10 years.

For their 25 years of service to Minnesota's farmers and rural communities, I commend the members and staff of the Land Stewardship Project and I look forward to their bright future.

100TH ANNIVERSARY OF LAFARGE OF NORTH AMERICA CEMENT PLANT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor a business in my district that has enjoyed a proud history in northern Michigan. This month, Lafarge of North America's cement plant in Alpena, Michigan celebrates its 100th anniversary. For one hundred years, through three different owners, the Alpena cement plant has led the cement industry with innovations and served as an example of the industriousness of the people of northern Michigan.

The plant began as the Huron Portland Cement Company. The idea for the plant originated from Harry J. Paxton of Fenton, Michigan. While, during this time, Michigan had many young men full of entrepreneurial spirit, Mr. Paxton had a unique passion: Portland cement. He had learned to produce cement while managing a small mill at Fenton. Another one of the early cement pioneers in Alpena was John B. Ford, who served as the company's first president.

In January of 1907, Articles of Association were filed for the Huron Portland Cement Company in Lansing, Michigan. The purpose of the corporation was stated simply as "The Manufacture of Portland Cement." Capital stock was listed as merely "twelve hundred thousand dollars" divided into twelve thousand shares of the par value of one hundred dollars. From these meager beginnings, the City of Alpena Michigan would grow into its nickname "Cement City."

When the plant first started, stone from the quarries in Alpena were loaded by hand into horse-drawn wagons to be delivered to the plant. By these crude means, cement was produced in Alpena, loaded, again, by hand, into ships moored at Alpena's Thunder Bay. The cement was then transported across the Great Lakes to ports throughout the Midwest, where the product served as the basic fabric of America's economic growth and industrialization. As our great Nation paved its roads and built its highways, much of the cement used came from the Huron Portland Cement Company of Alpena, Michigan.

Over time, steam driven shovels and rail cars took the place of the horse-drawn wagons and human muscle. In turn, the steam driven shovels and rail cars were replaced by electric shovels and large haul trucks. Today, a large front-end loader and huge haul trucks are used to mine the rock. At Lafarge's modern plant, state-of-the-art electronics, computers and x-ray analyzers controlled by highly skilled and educated employees produce a high quality product with maximum efficiency.

Over the years, individuals with great vision, indeed, leaders of the cement industry, developed the cement plant in Alpena. There have been many significant technological developments at the Alpena plant. One of the most important was the invention of the air slide in the late 1940s. After the air slide patent was sold to the Fuller Company, it was refined and became a widely used piece of equipment in a number of industries.

The Alpena plant was also the first of two North American plants to use waste heat from its kilns to generate steam, which drives turbines producing electricity. In 4 days, the turbines produce enough electricity to power each residence in the county of Alpena for 3 weeks. In 1957, the plant was purchased by National Gypsum, which owned and operated the Alpena cement plant for nearly 30 years, until the plant was sold to Lafarge of North America.

Under Lafarge's leadership, the plant has continued to innovate. In recent years, the Alpena Plant has significantly reduced its use of the virgin natural resources it uses as raw material in the cement manufacturing process, replacing them with waste from other industries. This concept of reusing industries' waste for another industry's raw materials is called "industrial ecology," and LaFarge's Alpena Plant has been a pioneer in this area. This development provides another example of how Lafarge of Alpena has helped lead the North American cement industry into the future.

Madam Speaker, 100 years after it was built, the Alpena cement plant still towers over the City of Alpena and Thunder Bay. Today, the Alpena cement plant is the largest plant in Lafarge's North American portfolio, a testament to Lafarge's continued faith and investment in the people and community of Alpena.

While a century has passed, the Alpena cement plant remains standing as a physical tribute, a testament to the role northern Michigan and the City of Alpena has played in the cement industry and in our nation's economic growth. This week, the people of Alpena will celebrate 100 years of the plant's existence and their reputation as "Cement City." The workers—past and present—who have labored there as well as the plant's previous and current owner all deserve our enduring respect for their contributions to the cement industry's past, present and future. Madam Speaker, on the centennial celebration of the Alpena cement plant, I would ask that you and the entire U.S. House of Representatives join me in saluting this northern Michigan institution.

MEDICAL WAITING TIMES A PROBLEM FOR AMERICAN CONSUMERS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today on behalf of my constituents who continue to receive inadequate health coverage in our broken health care system. With the recent release of Michael Moore's documentary, "Sicko," attention is being brought to the many problems perpetuated by our health care system, especially those that result from a desire on the part of insurers to maximize their profits. The movie strikes a chord with my constituents who know that, in a Nation in which over 45 million citizens are uninsured, even those with health insurance are at risk for not getting the health care they need. Although those who support the status quo have been quick to criticize the movie, its popularity in my district underscores its resonance with my constituents who are dissatisfied with a system that has failed them over and over again and who are demanding comprehensive change.

I am deeply troubled by recent comments from health insurance companies and their defenders arguing that wait times under universal health care systems are disproportionately longer than those in our private health system. Such comments gloss over the realities faced by my constituents, who continue to call and write my office frustrated that pre-existing conditions, pre-approval, and prohibitive costs have made long wait-times commonplace for them. Recent statistics from the Institution of Healthcare Improvement reveal that Americans nationwide are waiting an average of 70 days to see a provider. In many circumstances, people who are initially diagnosed with cancer are waiting over a month. Is this the best we can do for our citizens in the richest, most prosperous nation in the world?

When we compare ourselves to nations with national health care, the statistics paint a much different picture than the critics would like us to believe. According to a recent article in Business Week ("The Doctor Will See You—In Three Months"—July 9, 2007), "both data and anecdotes show that the American people are already waiting as long or longer than patients living with universal health-care systems." In addition, a Commonwealth Fund study that compared the U.S. health-care system to five industrialized countries with national health coverage showed that waiting times were worse in the U.S. than in all of the other countries but one. Only 47 percent of U.S. patients can get a same or next-day appointment for a basic medical problem, and 26 percent of U.S. adults have gone to an emergency room in the past 2 years because they couldn't get in to see their regular doctor when needed.

As long as Congress ignores this issue, our constituents will continue to wait for medical care that should be provided to them expeditiously. It is disappointing that this problem has been left on the backburner for so long, and I hope that this reinvigorated health-care discussion will allow us as Members to seize the opportunity to do what is right for our constituents. I strongly urge Members to read the attached Business Week article and a recent column by Paul Krugman that describe the health-care waiting game that so many of our constituents face on a regular basis.

[From Business Week, July 9, 2007]

THE DOCTOR WILL SEE YOU—IN THREE MONTHS

(By Catherine Arnst)

The health-care reform debate is in full roar with the arrival of Michael Moore's documentary Sicko, which compares the U.S. system unfavorably with single-payer systems around the world. Critics of the film are quick to trot out a common defense of the American way: For all its problems, they say, U.S. patients at least don't have to endure the endless waits for medical care endemic to government-run systems. The lobbying group America's Health Insurance Plans spells it out in a rebuttal to Sicko: "The American people do not support a government takeover of the entire health-care system because they know that means long waits for rationed care."

In reality, both data and anecdotes show that the American people are already waiting as long or longer than patients living with universal health-care systems. Take Susan M., a 54-year-old human resources executive in New York City. She faithfully makes an appointment for a mammogram every April, knowing the wait will be at least six weeks. She went in for her routine screening at the end of May, then had another because the first wasn't clear. That second X-ray showed an abnormality, and the doctor wanted to perform a needle biopsy, an outpatient procedure. His first available date: mid-August. "I completely freaked out," Susan says. "I couldn't imagine spending the summer with this hanging over my head." After many calls to five different facilities, she found a clinic that agreed to read her existing mammograms on June 25 and promised to schedule a follow-up MRI and biopsy if needed within 10 days. A full month had passed since the first suspicious X-rays. Ultimately, she was told the abnormality was nothing to worry about, but she should have another mammogram in six months. Taking no chances, she made an appointment on the spot. "The system is clearly broken," she laments.

It's not just broken for breast exams. If you find a suspicious-looking mole and want to see a dermatologist, you can expect an average wait of 38 days in the U.S., and up to 73 days if you live in Boston, according to researchers at the University of California at San Francisco who studied the matter. Got a knee injury? A 2004 survey by medical recruitment firm Merritt, Hawkins & Associates found the average time needed to see an orthopedic surgeon ranges from 8 days in Atlanta to 43 days in Los Angeles. Nationwide, the average is 17 days. "Waiting is definitely a problem in the U.S., especially for basic care," says Karen Davis, president of the nonprofit Commonwealth Fund, which studies health-care policy.

All this time spent "queuing," as other nations call it, stems from too much demand and too little supply. Only one-third of U.S. doctors are general practitioners, compared with half in most European countries. On top of that, only 40% of U.S. doctors have arrangements for after-hours care, vs. 75% in the rest of the industrialized world.

Consequently, some 26% of U.S. adults in one survey went to an emergency room in the past two years because they couldn't get in to see their regular doctor, a significantly higher rate than in other countries.

There is no systemized collection of data on wait times in the U.S. That makes it difficult to draw comparisons with countries that have national health systems, where wait times are not only tracked but made public. However, a 2005 survey by the Commonwealth Fund of sick adults in six nations found that only 47% of U.S. patients could get a same- or next-day appointment for a medical problem, worse than every other country except Canada.

The Commonwealth survey did find that U.S. patients had the second-shortest wait times if they wished to see a specialist or have nonemergency surgery, such as a hip replacement or cataract operation (Germany, which has national health care, came in first on both measures). But Gerard F. Anderson, a health policy expert at Johns Hopkins University, says doctors in countries where there are lengthy queues for elective surgeries put at-risk patients on the list long before their need is critical. "Their wait might be uncomfortable, but it makes very little clinical difference," he says.

The Commonwealth study did find one area where the U.S. was first by a wide margin: 51% of sick Americans surveyed did not visit a doctor, get a needed test, or fill a prescription within the past two years because of cost. No other country came close.

Few solutions have been proposed for lengthy waits in the U.S., in part, say policy experts, because the problem is rarely acknowledged. But the market is beginning to address the issue with the rise of walk-in medical clinics. Hundreds have sprung up in CVS, Wal-Mart, Pathmark, and other stores—so many that the American Medical Assn. just adopted a resolution urging state and federal agencies to investigate such clinics as a conflict of interest if housed in stores with pharmacies. These retail clinics promise rapid care for minor medical problems, usually getting patients in and out in 30 minutes. The slogan for CVS's Minute Clinics says it all: "You're sick. We're quick."

How the U.S. Stacks Up: Able To Get Appointment Same or Next Day for Medical Problem

	Percent
New Zealand	81
Germany	63
Britain	61
Australia	56
U.S.	7
Canada	36

Data: Commonwealth Fund

[From the New York Times, July 16, 2007]

THE WAITING GAME

(By Paul Krugman)

Being without health insurance is no big deal. Just ask President Bush. "I mean, people have access to health care in America," he said last week. "After all, you just go to an emergency room."

This is what you might call callousness with consequences. The White House has announced that Mr. Bush will veto a bipartisan plan that would extend health insurance, and with it such essentials as regular checkups and preventive medical care, to an estimated 4.1 million currently uninsured children. After all, it's not as if those kids really need insurance—they can just go to emergency rooms, right?

O.K., it's not news that Mr. Bush has no empathy for people less fortunate than himself. But his willful ignorance here is part of a larger picture: by and large, opponents of universal health care paint a glowing portrait of the American system that bears as little resemblance to reality as the scare stories they tell about health care in France, Britain, and Canada.

The claim that the uninsured can get all the care they need in emergency rooms is just the beginning. Beyond that is the myth that Americans who are lucky enough to have insurance never face long waits for medical care.

Actually, the persistence of that myth puzzles me. I can understand how people like Mr. Bush or Fred Thompson, who declared recently that "the poorest Americans are getting far better service" than Canadians or the British, can wave away the desperation of uninsured Americans, who are often poor and voiceless. But how can they get away with pretending that insured Americans always get prompt care, when most of us can testify otherwise?

A recent article in Business Week put it bluntly: "In reality, both data and anecdotes show that the American people are already waiting as long or longer than patients living with universal health-care systems."

A cross-national survey conducted by the Commonwealth Fund found that America ranks near the bottom among advanced countries in terms of how hard it is to get medical attention on short notice (although Canada was slightly worse), and that America is the worst place in the advanced world if you need care after hours or on a weekend.

We look better when it comes to seeing a specialist or receiving elective surgery. But Germany outperforms us even on those measures—and I suspect that France, which wasn't included in the study, matches Germany's performance.

Besides, not all medical delays are created equal. In Canada and Britain, delays are caused by doctors trying to devote limited medical resources to the most urgent cases. In the United States, they're often caused by insurance companies trying to save money.

This can lead to ordeals like the one recently described by Mark Kleiman, a professor at U.C.L.A., who nearly died of cancer because his insurer kept delaying approval for a necessary biopsy. "It was only later," writes Mr. Kleiman on his blog, "that I discovered why the insurance company was stalling; I had an option, which I didn't know I had, to avoid all the approvals by going to 'Tier II,' which would have meant higher copayments."

He adds, "I don't know how many people my insurance company waited to death that year, but I'm certain the number wasn't zero."

To be fair, Mr. Kleiman is only surmising that his insurance company risked his life in an attempt to get him to pay more of his treatment costs. But there's no question that some Americans who seemingly have good insurance nonetheless die because insurers are trying to hold down their "medical losses"—the industry term for actually having to pay for care.

On the other hand, it's true that Americans get hip replacements faster than Canadians. But there's a funny thing about that example, which is used constantly as an argument for the superiority of private health insurance over a government-run system: the large majority of hip replacements in the United States are paid for by, um, Medicare.

That's right: the hip-replacement gap is actually a comparison of two government health insurance systems. American Medicare has shorter waits than Canadian Medicare (yes, that's what they call their system) because it has more lavish funding—end of story. The alleged virtues of private insurance have nothing to do with it.

The bottom line is that the opponents of universal health care appear to have run out of honest arguments. All they have left are fantasies: horror fiction about health care in other countries, and fairy tales about health care here in America.

INTRODUCTION OF THE LEAD POISONING REDUCTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

Ms. SLAUGHTER. Madam Speaker, today I am pleased to introduce the Lead Poisoning Reduction Act, a bill that will remove toxic lead hazards from childcare facilities, and put an end to an entirely avoidable public health crisis. It is critical that Congress provide our communities the tools necessary to make the places where our children spend their time safe and defend them from the dangers that exposure to lead poses to their health.

Exposure to lead is not safe for anyone, but children are most vulnerable among us. Even the slightest amounts of lead can do serious, irreparable damage because their bodies and minds are still in developmental stages. Among many other things, lead poisoning can cause learning disabilities, brain damage, organ failure, coma and even death in children. Despite the knowledge of the risks associated with exposure to lead hazards and the availability of tools that can prevent more children from suffering from lead poisoning, 310,000 American children are affected every year.

Unfortunately, lead poisoning remains a threat to our children in places where they ought to feel the most safe—our childcare facilities. According to a report from the Environmental Protection Agency, nearly 12 million children under the age of five spend 40 hours a week in childcare. The Department of Housing and Urban Development has reported that approximately 14 percent of licensed childcare centers across the U.S. have hazardous levels of lead-based paint. Children attending daycare centers in the Northeast and Midwest are at a greater risk of being exposed to lead hazards, as 40 percent of the childcare facilities in those regions were built before 1960.

In addition to lead hazards posed by paint at childcare facilities, these old buildings are home to corroded pipes and water lines which are also sources of lead exposure. A parent should not have to worry about their child consuming lead when their thirsty child visits a drinking fountain.

Our childcare professionals must have the tools they need to guard our children from lead poisoning. The Lead Poisoning Reduction Act would establish a Select Group on Lead Exposure comprised of experts from the National Institute of Environmental Health Science, the Administration for Children and Families, the National Institute of Child Heath and Human Development, the Secretary of Education, and the Centers for Disease Control and Prevention. The Select Group will conduct a study of child-occupied facilities created before 1978 and develop baseline standards that facilities must meet to receive grants under this Act. To help childcare facilities comply with the new lead-safety standards, the bill establishes a grant program to defray associated costs. Finally, the Act requires that all contractors hired for repair, renovations, or reconstruction of childcare facilities be provided with educational materials about lead hazards and the guidance necessary to avoid imposing additional risks.

The Lead Poisoning Reduction Act fills a major gap in our national policy to eradicate lead poisoning by 2010 by providing the guidance and resources need to protect our children from lead hazards in their childcare facilities.

I urge my colleagues to join me in supporting the Lead Poisoning Reduction Act.

RECOGNIZING TYLER McLAIN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler McLain of Pleasant Valley, MO. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many Scout activities. Over the many years Tyler has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler McLain for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE AND LEGACY OF AMY SULLIVAN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. DELAURO. Madam Speaker, it is with a heavy heart that I rise today to join family, friends, and colleagues in paying tribute to an extraordinary woman and my good friend, Amy Sullivan, who lost her long battle with cancer earlier this month. Amy was a very special part of so many lives and was taken from us all too soon.

Graduating with a degree in English Literature and Theater Arts from Upsala College followed by a 2 year acting program at the Neighborhood Playhouse School of Theater, Amy began her career as a performer. She went on to become a program director for the American Theater Wing and a special assistant to Broadway producers Robert Whitehead and Elliot Martin. After she completed her master's degree in Arts Administration from the Yale School of Drama, Amy worked in a variety of positions—always working to promote and further the arts in Connecticut. She lectured at the Yale Drama School, served as a panelist for the Connecticut Commission on the Arts, and was an active member and Trustee of several Connecticut arts organizations including the Florence Griswold Museum and Young Audiences of Connecticut. It is no wonder why she has been recognized by the State of Connecticut as well as on this very floor for her outstanding and invaluable contributions to the arts and arts education.

Named Executive Director of the Eugene O'Neill Theater Center in Waterford, Connecticut in September of 2003, it was Amy's passion for the arts and commitment to education that allowed the O'Neill to return to its original splendor. Named in honor of America's sole Nobel Prize winning playwright, Eugene O'Neill, the O'Neill is a non-profit organization that is home to six distinct programs: the O'Neill Playwrights Conference, Music Theater Conference, Puppetry Conference, National Theater Institute, Critics Institute, and the Monte Cristo Cottage, O'Neill's childhood home located in neighboring New London. At The O'Neill, writers and directors, puppeteers and singers, students and audiences alike take their first steps in exploring, revising and understanding their work and the potential of the theater they help create. The O'Neill has established a distinguished reputation as the pre-eminent developmental laboratory for new works and new artists. Sharing the vision of founder George C. White, Amy's determination and leadership led to the creation of a new development conference for Cabaret and Performance, the initiation of an accredited National Theater Institute summer learning program, as well as the renovation and re-opening of the Monte Cristo Cottage. All of this accomplished in just 3 short years.

In January of this year, Amy stepped down from her position at the O'Neill and just a few short months later, Connecticut's arts family lost one of its strongest and most beloved advocates. I was fortunate to have known Amy on a more personal level. I first met Amy when she worked with my mother, Luisa, at the St. Francis Home for Children in New Haven and, most recently, it was Amy who presented me with a very special award honoring Connecticut's "uncommon women." Advocate, mentor, friend, mother, and wife, Amy was an extraordinary woman whose passion, commitment, and dedication touched the lives of many.

She will not only be missed by those who knew her but by all of those, present and future, in the arts community she so loved. I extend my heart-felt sympathies to her husband, Bruce, her son, Dan, family, friends, and colleagues as they mourn the loss of Amy Sullivan and remember all that she gave to our community.

HONORING KEVIN MILLS OF CITRUS COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Kevin Mills, a Naval Petty Officer from Citrus County, FL, currently stationed in Norfolk, VA. His parents, Barbara and Jerry, reside in Inverness, FL.

A graduate of Citrus High School, Kevin enlisted in the Army in October 2000. After attending basic training in Great Lake, IL, Christopher was assigned to Basic Electronics Technical Corps at Naval Training Command in Illinois. Following his graduation, Kevin accepted his duty command on the USS *Shreveport* in Norfolk, VA.

During his 7 years of service, Kevin has taken part in Operation Enduring Freedom off the coast of Afghanistan, conducted Maritime Interception Operations off the coast of Africa, and in 2007 was deployed to COB Speicher, Iraq, in support of the Counter Improvised Explosive Devices Units.

Kevin has served many hours in humanitarian aid and several Navy Public relations projects. He has represented the Navy and Marine Corp color guard at New York's Annual Fleet Week celebration and Boston's Bunker Hill Day, as well as at the 2005 National Scout Jamboree held at Fort A.P. Hill. Kevin and the USS *Shreveport* also brought humanitarian aid to hurricane Katrina victims and help established the Joint Task Force Katrina's TOC.

Kevin's awards throughout his Naval career include 2 Army Commendation Medals, 2 Navy and Marine Corps achievement medals, a Navy Unit Commendation, two Good Conduct Medals, a National Defense Service Medal, Armed Forces Expeditionary Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Humanitarian Service Medal, three Sea Service Deployment Ribbons, a Navy Expert Rifle Medal, Navy Expert Pistol Medal, as well as being qualified as Enlisted Surface Warfare Specialist.

Madam Speaker, it is soldiers like Kevin Mills who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Kevin serve in the name of freedom and liberty, his family, friends, and loved ones should know that this Congress will never forget his sacrifice and commitment.

IN RECOGNITION OF SAINTS PETER AND PAUL CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize Saints Peter and Paul Russian Orthodox Church, on the occasion of their 90th anniversary, and to celebrate their contributions to the Cleveland community.

Since its founding, Sts. Peter and Paul Church has been a cornerstone of the Cleveland community, faithful to the Biblical imperative of concern for neighbor. Despite all the changes that our community has endured, Sts. Peter and Paul Church has been a lynchpin of the community, strengthening the fibers that have made Cleveland one of the most culturally diverse cities in the Nation.

Madam Speaker and colleagues, please join me in honoring Saints Peter and Paul Russian Orthodox Church as they celebrate their 90th anniversary. May their faithful stewardship and service to the community endure for another 90 years.

HONORING CHRISTOPHER BLANCHARD OF CITRUS COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor SFC Christopher Blanchard, an army soldier from Citrus County, Florida, currently stationed in Ft. Eustis, Virginia. His parents Sheila and Tom Densmore reside in Inverness, Florida.

A graduate of Citrus County High School, Christopher enlisted in the Army in September, 1998. After attending basic training at Ft. Jackson in South Carolina, Christopher was assigned to Ft. Eustis for advanced training as an aircraft technician.

Following his training, Christopher was assigned to Ansbach, Germany, where he performed electrical work on army helicopters. As part of a peace-keeping mission in Kosovo, Christopher spent 6 months on the ground helping to keep the fragile peace accords in place.

Christopher was next stationed in Hawaii for 4 years, where he took part in missions to Bosnia and Afghanistan. Currently he is a senior instructor for the helicopter instructor's course at Ft. Eustis, training new recruits in helicopter maintenance and electric work.

Over the course of his service, Christopher has earned many medals and commendations, including five Army Commendation Medals, two Army Achievement Medals, an Army Good Conduct Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Kosovo Campaign Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, Non-Commissioned Officer Professional Development Ribbon, Overseas Ribbon, two NATO Medals, Aviation Badge, Air Assault Badge, and Driver/Mechanic Badge. In January 2008, Christopher will attend Warrant Officer Candidate School at Ft. Rucker, Alabama. Following the completion of his training, Christopher will be assigned to his next duty station as an, Aviation Maintenance Officer.

Madam Speaker, it is soldiers like Christopher Blanchard who volunteer to protect the freedoms that all Americans hold dear to their hearts. While brave men and women like Christopher serve in the name of freedom and liberty, his family, friends, and loved ones should know that this Congress will never forget his sacrifice and commitment.

RECOGNIZING ALEX DIERINGER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alex Dieringer of Maryville, MO. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many Scout activities. Over the many years Alex has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alex Dieringer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING RONALD SHAW, CHAIRMAN OF PILOT PEN CORPORATION OF AMERICA, ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the many family, friends, colleagues and community leaders who have gathered to pay tribute to one of our most influential and successful business leaders, Ronald Shaw, as he celebrates his retirement from Pilot Pen Corporation of America after more than 3 decades of dedicated service.

When one thinks of industry leaders, Ron Shaw is a name that comes to mind immediately. If you know Ron, it is not difficult to believe that he began his career as a stand-up comedian—opening for the likes of Rosemary Clooney, Dean Martin, Connie Francis, and even Liberace. Ironically, it was through learning to "sell himself" that he developed his keen business sense. Knowing that the life of a stand-up comic was not conducive to his new found family life, Ron left the stage to, as he says, "get a real job."

Joining Pilot Pen in 1975, the company has flourished under his leadership. In the three decades during which Ron has been with the company, sales have grown from $1 million annually to nearly $200 million. It has been through his vision and leadership that the company has continued to expand both in size and markets. Look around you and very shortly you will inevitably find one of their many products. From the pens we use every day to your child's Magna Doodle, Pilot Pen products are everywhere. It is no wonder that Ron is one of only six Americans to have served on the Board of Directors on any publicly held Japanese company.

From local companies such as Laticrete International, the Shubert Theater, and the University of New Haven to national organizations like the Anti-Defamation League, Larry King Cardiac Foundation, and the City of Hope National Medical Center, Ron has dedicated countless hours to industry and civic organizations focused on enriching the lives of our citizens. Ron has always wanted to make a difference in the lives of others—especially our young people. Inspiring our youth was the impetus behind the writing and publication of his book, "Pilot Your Life." Wanting the book to serve as a career guide to college graduates, he hoped that in reading about his own experiences, they could learn from his mistakes and take advantage of some of the opportunities he did not. Ron has always held a strong belief in the American Dream—the opportunity to build your own business and make your own success—his parting advice in his book and a lesson that he certainly imparted to his own children, all of whom are small business owners today.

I have been fortunate to know Ron for many years and have always been grateful for his special friendship. For his many outstanding contributions, both professional and personal, I am pleased to join his wife, Phyllis, his children; Steven and his wife Carrie, Susan and her husband Michael, as well as Alan and his wife Nancy, his 5 grandchildren; Lauren, Bryan, Stephanie, Jacob, and Yael; and all of those gathered this evening in extending my sincere thanks and heartfelt congratulations to Ronald Shaw as he celebrates his retirement. My very best wishes for many more years of health and happiness.

IN HONOR AND REMEMBRANCE OF SUE WALTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Sue Walters, loving mother, grandmother, community activist, and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for our entire Cleveland community, whom she served with the highest level of commitment, concern, integrity and honor.

Mrs. Walters worked tirelessly in support of the democratic process. Her involvement in several local campaigns, including my own, infused a vital level of energy throughout the process, and inspired everyone around her. "Susie," as she was affectionately known by friends and co-workers, reflected an exceptional sense of humor, and her consistently sunny outlook naturally drew others to her—elevating the spirits of all of us.

Madam Speaker and Colleagues, please join me in honor and remembrance of Sue Walters, whose boundless love for life served as a source of inspiration and joy for everyone who knew her well. I extend my deepest condolences to her beloved husband, Thomas; her children, Michelle and Thomas; her grandchildren, Jill Marie and Anthony Thomas; and also to her extended family and many friends.

Mrs. Walter's immeasurable heart, sparkling personality and focus on social action has forever touched the lives of countless individuals, young and old, and her unbridled spirit and vital work will soar forever in the hearts of those who knew and loved her well, especially her family, friends and the people of Cleveland, Ohio.

HONORING ANGELA MARIE CERNICH OWENS OF INVERNESS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Specialist Angela Marie Cernich Owens, a soldier from Inverness, Florida currently serving in Iraq.

Born in Omaha, Nebraska, Angela moved to Citrus County at a young age. She attended Floral City Elementary and Citrus High, eventually graduating from Withlacoochee Technical School. An acclaimed golfer on her high school team, Angela received many trophies for her prowess on the golf course.

Sworn into the military on September 10, 2001, Angela has seen firsthand the changes in the military since September 11. Originally assigned to basic training in South Carolina, Angela was eventually sent to Ft. Sill, Oklahoma and Ft. Lewis, Washington before her deployment to Iraq in January 2005.

During her first tour in Iraq, Angela earned the Command Team Coin for Excellence for her role in missions outside Mosul. Disguised as a local Iraqi in the full length black dress and head cover, Angela worked side by side with her fellow soldiers to conduct the peace keeping missions so vital to stability in Iraq.

Upon her return from her first tour of duty, Angela was assigned to Ft. Lewis, where she was trained as a sniper. She also met her husband, James Russell Owens, and the two were married in September of 2006. Both Angela and James have since been reassigned to Iraq and are stationed at Camp TQ.

Madam Speaker, it is soldiers like Angela Marie Cernich Owens who volunteer to protect the freedoms that all americans hold dear to their hearts. While brave men and women like Angela serve in the name of freedom and liberty, her family, friends and loved ones should know that this Congress will never forget her sacrifice and commitment.

SENATE ALL-NIGHTER

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. PITTS. Madam Speaker, I am sure we have all seen the images on the evening news and in this week's papers.

Cots laid out in the Capitol's hallways to provide for an all-night debate on Iraq. Oh, the plight of the modern day United States Senator.

What a decision to make. Sleep on a leather couch in a Capitol hideaway, or bunk up in the LBJ Room on a turned-down rollaway. We appreciate these good Senators' tough sacrifice, but how about our troops in the field?

While Senators are trying to get some shut-eye between rhetorical battles on the Senate floor, our soldiers are getting no sleep while dodging real bullets in combat.

Consider one 22-year-old Marine's comment to a reporter about life in Iraq—"If I get five minutes to close my eyes, I take it."

Another Staff Sgt. said "The 45-minute catnap is worth a million bucks. Getting some is better than none."

Let the debate go forward, but spare our troops who are sleeping in the sand and dirt the indignity of this political theater.

TRIBUTE TO TOM MAYER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize and honor the life of Boulder County Commissioner Tom Mayer of Louisville, CO, who passed away on June 22, 2007. He was one of our county's most compassionate advocates in civic affairs and will be greatly missed by his loved ones, friends and the community.

Commissioner Tom Mayer was born March 22, 1951. In 1973, overlooking the Hudson River and Catskill Mountains, Tom received his bachelor's degree in physics from Bard College. He later left his native New York and New Jersey to pursue a master's degree in atmospheric sciences from the University of Illinois in 1976. He then spent 26 years as a software engineer at the National Center for Atmospheric Research in Boulder, CO.

Though the white-bearded Boulder County commissioner savored the complexities of a good wine and a changing weather system, he held little tolerance for bad government and static bureaucracy. In 1992, Commissioner Mayer sought and won a seat on the Louisville City Council and went on to serve 11 years. During Tom's time on City Council he also served as a representative to the Boulder County Consortium of Cities, Boulder County Recycling and Compost Authority, and the U.S. 36 Major Investment Study.

It was Commissioner Mayer's unwavering commitment to health and human services, limiting growth and preservation of open space that drove him to change Boulder County government as a county commissioner. Tom passionately served as a commissioner from 2003 until his passing. His other commitments included: Boulder County Human Services Coordinating Council, Metro Area County Commissioners, Colorado Counties Inc., Colorado Child Care Assistance Program, State of Colorado Child Welfare Allocation Committee and the National Association of Counties Health and Human Service Committee.

We will miss Commissioner Mayer's style of leadership defined by his strong social conscience and overall sense of social justice. With a big heart and never-ending compassion he tirelessly fought for the underprivileged. Tom's intellect and generosity made him an admirable servant working for the public good with the right motivation. Tom helped make Boulder County a better place for all of us.

If the measure of a life well-lived is the impact that a person has on others, then Tom's impact is broad and deep. We all owe him a debt of gratitude and respect, and I am particularly indebted to him for his early support of my work in public service. I ask my colleagues to join me in celebrating and remembering his life while expressing our deepest sympathies to his family for their loss.

HONORING WEEKI WACHEE SPRINGS ATTRACTION ON ITS 60TH ANNIVERSARY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize one of Florida's most distinguished natural and cultural treasures. Weeki Wachee Springs will be celebrating its 60th anniversary from July 27–29. This famous attraction is a rich part of Florida's heritage, showcasing 60 years of one of a kind "mermaid" shows, as well as outdoor recreational opportunities, including river cruises, nature trails, canoeing, kayaking, and a water park.

Weeki Wachee got its start as a Florida phenomenon in 1946, when Newton Perry, a retired World War II Navy diving instructor, recognized the site's potential as a unique tourist attraction. The Seminole Indians gave "Weeki Wachee" its name, which means "little spring" or "winding river" in their language. The spring, which is so deep that the bottom has never been found, bubbles with crystal-clear water from the pristine Floridan Aquifer and maintains a year-round temperature of 72 degrees.

Perry invented a method of breathing underwater through a tube that allowed performers to move freely without cumbersome SCUBA equipment. He built a theater into the limestone, submerged below the surface of the water, so viewers could look right into the natural beauty of the ancient spring. The first show at the Weeki Wachee Springs underwater theater featured women dressed as mermaids performing underwater synchronized ballet. It opened on October 13, 1947, one day before Chuck Yeager broke the sound barrier.

When Weeki Wachee was purchased by ABC in 1959, its popularity began to skyrocket. More than half a million people came to visit the spring each year, and girls came from as far a way as Tokyo to audition as mermaids. Celebrities including Don Knotts, Esther Williams, Arthur Godfry and Elvis Presley all came to Weeki Wachee.

While the park continues to attract thousands of visitors each year, Weeki Wachee will forever be remembered as one of Florida's first and finest attractions. Weeki Wachee is a showcase of the superb natural beauty and friendly atmosphere that continues to attract so many to our great State.

IN RECOGNITION OF BRENT HOLBROOK

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished public service of Brent Holbrook. After nearly 40 years with the U.S. Department of Treasury—Internal Revenue Service, IRS, he retired this past June.

During his tenure, Brent worked at the IRS Fresno Service Center. Here, he steadily advanced in various staff positions to finally become a Supervisor. He then managed a large team of analysts, agents, and auditors improving the efficiency of processing Federal and State tax returns. I have had the pleasure of working with Brent frequently and his dedication to the community is to be commended.

In 1999, Brent was selected as the Governmental Liaison for California's San Jose Area and the Central Valley. In this position, he worked with the 3 California State tax agencies on compliance and customer service projects. He also served as the IRS Liaison for 11 congressional offices, providing them with IRS news and information, while answering constituent inquiries on general tax law. As his tenure with the IRS ends, Brent will be remembered as an example to staff throughout the Federal Government for his outstanding ability to work closely and effectively with government officials.

Throughout his career at the IRS, Brent Holbrook has proven to be a highly effective administrator who was always committed to excellence in public service. As he gets ready to spend much more time with his wife Linda, I wish him much continued success and best of luck for the future.

HONORING MR. CHRISTOPHER CAVANAUGH, RECIPIENT OF THE PLAINFIELD COMMUNITY SCHOOL CORPORATION 2008 TEACHER OF THE YEAR

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. BUYER. Madam Speaker, the educators of our country's youth are the trusted stewards of our country's future, and it is important to recognize those outstanding and irreplaceable teachers who go above and beyond serving our communities. Mr. Christopher Cavanaugh, of Plainfield, Indiana, is one such estimable teacher. He is a profound role model for aspiring teachers and good citizens.

Mr. Cavanaugh has been teaching students and setting standards of excellence at Plainfield High School for 17 years. On June 14, 2007, he was recognized by the Plainfield Community School Corporation as the 2008 Teacher of the Year for his work teaching senior government, Cultural Heritage of the American People, and We the People . . . the Citizen and the Constitution. His exceptional work highlights the vital role the American people play in their Government, teaching students not only the principle of their rights, but the honor of their responsibilities.

Last year, Mr. Cavanaugh received the inaugural American Civics Teacher Award, a national award sponsored by the National Education Association, the Center for Civic Education, and the Center on Congress at Indiana University. When he traveled to Washington, DC, to receive this distinguished honor, I had the distinguished pleasure of meeting with him in my office to discuss his enthusiasm for teaching American civics and his dedicated service to the community. It was immediately clear that his priorities include not only endowing his students with knowledge, but motivating them to act on what they learn by being responsible citizens and honoring the ideals of democracy by being lifelong participants in their Government.

Outside the classroom, Mr. Cavanaugh continues to encourage and empower students as the coach of Plainfield's swimming and diving team. His devotion and impetus have earned him recognition from the Indiana High School Athletic Association and he has received the Swimming and Diving Coach of the Year award eight times.

It is an honor and a privilege to have Mr. Cavanaugh inspire the hearts and minds of young Hoosiers. His work honors democracy and helps to safeguard our country's future. By invigorating today's youth with the power and passion of the free world, Mr. Cavanaugh does his part to protect liberty for generations to come. I congratulate my cousin on his vision, his dedication, and his success. Chris, I am proud of you.

HONORING MARINE CORPS CORPORAL PAUL BRODNER AND SERGEANT ANDREW LOWE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. HUNTER. Madam Speaker, it is with the greatest sense of pride that I rise today to honor and pay tribute to Marine Corps Corporal Paul Brodner, Jr. and Sergeant Andrew Lowe. Corporal Brodner and Sergeant Lowe, both constituents of mine from El Cajon, California, recently returned from a seven month deployment to Haditha, Iraq, with Company E of the Second Battalion, Third Marine Regiment.

Immediately upon arrival in Haditha, which had a reputation as one of the most dangerous locations within Al Anbar Province and all of Iraq, Corporal Brodner and Sergeant Lowe's patrol were targeted and attacked by Sunni insurgents. For Marines in Iraq, especially those serving in Al Anbar, small arms and sniper fire, grenades and improvised explosive devices are a daily threat that challenge mission objectives and personal safety.

The Sunni insurgency in Haditha, at its strength, initiated a campaign of murder and intimidation. Despite being a hotbed of such activity, Marine units in Haditha launched a successful counterinsurgency operation that ultimately restored control of the city's infrastructure and resources to local officials and workers, and suppressed the sense of fear that was preventing Iraqis from joining police and security forces.

By the end of Corporal Brodner and Sergeant Lowe's deployment, Haditha's police force exceeded 200 volunteers and began conducting security operations independently of the Marines—who also began receiving regular intelligence reports on insurgent activity from city residents. Progress in Haditha became measurable, especially as attacks against Iraqi and coalition forces decreased from an average of ten per day to only a handful each month. Today, Marines and Iraqi soldiers are serving side-by-side and, most importantly, our Marines continue to provide Iraq's security forces with the training and techniques they will need to protect their government and its people.

It is without question that the service men and women who have served in Iraq have demonstrated absolute selflessness and courage. In fact, I am reminded of a recent conversation I had with a Marine leader regarding our efforts in Iraq, particularly the progress of our Marines in Al Anbar Province. The message relayed to me was, "We are crushing the enemy in Al Anbar."

Madam Speaker, this continued success in Al Anbar would not be possible without the dedication and commitment of Americans like Corporal Brodner and Sergeant Lowe. Their service and contributions deserve to be recognized and commended, and I hope my colleagues will join me today in honoring these two American heroes.

TRIBUTE TO BEDFORD SPRINGS RESORT

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SHUSTER. Madam Speaker, I rise today to recognize the reopening of the Bedford Springs Resort, a historic landmark in Bedford, PA. Founded in 1796 by Dr. John Anderson, the Bedford Springs served the Nation as a place of peace, tranquility and healing until its doors closed in 1990. The resort has been completely restored and will host its grand opening in August.

In its prime, the Bedford Springs Resort served many of our Nation's leading citizens, including U.S. Presidents, heads of state, and celebrities. President James Buchanan was a frequent guest of the resort, using it as a summer White House during his presidency. In 1858, President Buchanan received the first Trans-Atlantic cable from Queen Victoria in the resort's lobby. The Bedford Springs Resort is also the only place outside of Washington, DC, that all of the Supreme Court members stayed together. During their visit in 1855 the Justices discussed the Dred Scott case. In addition to its service to national figures, the resort was also utilized by the United States military. During World War II, Bedford Springs served as a Naval Communications Training Center, hosting over 7,000 Navy personnel. It was designated a national Historic Landmark in 1984 by the U.S. Department of the Interior. The resort's rich history is matched only by its grandeur, newly restored after a multimillion dollar renovation.

The Bedford Springs restoration began in 2005, when developers began combining history with luxury, adding modem day amenities to its original features. The springs will no doubt draw thousands of visitors to the Bedford area, showcasing Pennsylvania's beauty and serenity. The Bedford Springs Resort will provide a soothing atmosphere in which visitors may relax and enjoy the majestic scenery of the countryside and the Allegheny Mountains. I look forward to the grand opening of the Bedford Springs Resort, as it will bring a greater appreciation to our area and will surely be an asset to the community.

TRIBUTE TO NATHAN GOODIRON

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. POMEROY. Madam Speaker, I would like to pay tribute to a fallen soldier, Corporal Nathan Goodiron.

TRIBUTE TO NATHAN GOODIRON

(By Albert Caswell)

An eagle above our nation soars on high,
With but his courage and character and Goodiron, the very bed of freedom he so provides,
All so in peace and liberty, all so we may lead our lives!
Goodiron, of great heart,
A Young Eagle, of this earth . . . of the Mandan . . . a work of art,
Of the best, of great Native American Indian . . . of great value,
As his fine true worth . . . this man, his heart.

A good man,
Of warm heart and character, of great attitude . . . who to our world so lent his hand,
Who gave his life, of iron in the midst of strife . . . where strength begins, and ends . . .
Of good heart, where brave men stand.

Forever, a hero first
Strength in honor, of dream time fame . . . lies Goodiron . . . as is your fine life's verse,
Of brave warrior fame of old, who loved the land . . . who loved the earth,
And all its great soul here first.

Your smile, than one . . . a great American son,
Who went off to war, this one . . . to cast the light of freedom's sun . . . as yes did you,
Our most splendid of all ones,
For when we think of you, Goodiron . . . it warms our souls, just like the great bright sun of old,

And a breeze from above,
Running throughout the mountain tops, into the valley runs . . . you and your love . . .
Out on the river it flows,
Your spirit, Goodiron so . . . we see you, we hear you, we feel and touch you . . . as ever it grows.

To heaven my son, you have gone . . .
With all of those true of heart, with all of those fine souls of iron . . . who so do belong . . .
Goodiron, a man of heart . . . an American hero with your ancestors, you are now a part . . .
As ever living on. . .
Goodiron, Goodheart, American's son . . . our Lord's work of art

Good Iron
In honor of a great American hero . . . Nathan Goodiron . . . and may your family find peace, bless them!

INTRODUCING THE "PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT ACT OF 2007"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. GEORGE MILLER of California. Madam Speaker, this week marks the 63rd anniversary of America's worst home-front disaster of World War II. This weekend, the National Park Service will join the community in commemorating the anniversary of the Port Chicago explosion and honoring those who were injured and gave their lives for their country.

I am introducing legislation today that honors the anniversary of Port Chicago by improving and enhancing the Port Chicago Naval Magazine National Memorial, in my district in California.

Thousands of tons of ammunition exploded on the night of July 17, 1944, at the Port Chicago Naval Magazine in the east San Francisco Bay area. The blasts instantly killed 320 sailors, wounded hundreds more, and damaged and destroyed merchant ships, the pier, a train, and the buildings of Port Chicago. Less than a month after the tragedy, three divisions were ordered to resume work at a new site a few miles away. Most of the men refused to continue their dangerous tasks until supervision, training, and working conditions were improved. In response, the Navy charged fifty men with conspiring to mutiny; all were convicted.

The majority of the men killed while handling ordinance at Port Chicago, and all of those convicted of mutiny, were African-American. This injustice had clear racial implications, and was a turning point in our Nation's history. Following the conviction, Thurgood Marshall, then a lawyer with the NAACP, took up the case. The Port Chicago disaster and its aftermath strongly influenced America's move towards racial equality, including the Navy's move toward desegregation in 1945, and President Truman's 1948 Executive Order desegregating the Armed Forces and guaranteeing "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin."

Recognizing the importance of the site to our Nation's history, I sponsored legislation in the 102nd Congress to designate the site of the Port Chicago Naval Magazine as a national memorial. Since the bill became law in 1992, the Port Chicago Naval Magazine National Memorial has been managed by the National Park Service to remind Americans of the contributions made by the Port Chicago sailors.

Today, to honor the anniversary of the 1944 disaster, I am introducing the "Port Chicago Naval Magazine National Memorial Enhancement Act of 2007," a new bill designed to increase the National Memorial's accessibility, provide additional visitor services, and preserve the site for future generations.

The legislation enhances the memorial in several ways. First, it directs the Secretary of the Interior to administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System. Second, when the site is determined to be excess to military needs, this new bill would transfer the property to the administrative jurisdiction of the Secretary of the Interior.

In order to improve public access to the Memorial, this legislation authorizes the Interior Department to work with the City of Concord and the East Bay Regional Park District to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the Memorial. Finally, the legislation directs the Defense Department and the Interior Department to work together to repair storm damage to the site.

I am including for the record a letter I received today in support of the Act from the president of the National Parks Conservation Association. As Mr. Kiernan says, the story of Port Chicago "deserves commemoration at the highest possible level, and clearly is worthy of being fully vested in the care of the National Park Service, the guardians of our Nation's natural and cultural heritage."

This new bill will protect and enhance the memorial, and will allow future generations to honor this important moment in American history. I urge my colleagues to support the Port Chicago Naval Magazine National Memorial Enhancement Act of 2007.

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, July 19, 2007.

Hon. GEORGE MILLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MILLER: On behalf of the 330,000 members of the National Parks Conservation Association (NPCA), I am writing to express our strong support for your bill changing the designation by the Port Chicago Memorial from an affiliated NPS site to a full unit of the National Park System. This legislation brings the nation one step closer to fully honoring those whose service and sacrifice exacted such a heavy toll in blood and honor.

As you know, the Port Chicago Naval Magazine was the scene of a deadly explosion on July 17, 1944, which claimed the lives of 320 sailors and civilians and wounded 400 more. The blast, felt up to 500 miles away, occurred as merchant ships were being loaded with 5,000 tons of high explosives. Unaddressed concerns about safety led to a refusal by African American sailors assigned to an ordnance battalion to load or unload other ships. The subsequent court martial of 258 of these men on charges of bad conduct and mutiny was a highly controversial decision with decidedly racial overtones.

Establishing the Port Chicago Naval Magazine Memorial as a fully-fledged unit of the National Park System will complete work first started in 1990, when formal efforts to create a memorial first began. The explosion, work stoppage, and mutiny trial, provide invaluable insights into the injustice of racial discrimination, the African American experience in the U.S. military, and home front life during the Second World War.

You are to be commended for the many years you have championed this cause and honored the legacy of the surviving veterans. This story deserves commemoration at the highest possible level and clearly is worthy of being fully vested in the care of the National Park Service, the guardians of our nation's natural and cultural heritage. We pledge to do all we can to help see your bill enacted into law.

Sincerely,

THOMAS C. KIERNAN,
President.

A TRIBUTE TO MR. HERBERT WOODARD, SR.

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. BUTTERFIELD. Madam Speaker, on July 4, 2007, Mr. Herbert Woodard, Sr., a resident of my home community of Wilson, North Carolina will celebrate his 100th birthday. And on July 8th, Mr. Woodard's family, friends and members of the community will join together to pay special tribute to this extraordinary man.

I have had the privilege of knowing Mr. Woodard all of my life as a family friend and neighbor. A remarkable person with an entrepreneurial spirit, Mr. Woodard was born during a period in our history when significant educational opportunities were not available to African-Americans. As a result, Mr. Woodard only received a fourth grade education. Notwithstanding this tremendous obstacle, Mr. Woodard's work ethic demonstrates that diligence and determination produce lifetime rewards. As a self-employed businessman, Mr. Woodard's businesses have ranged from that of a gas station to baseball parks and hotels. He sold and delivered coal to local businesses, and has even cleaned septic tanks. As an accomplished and humble businessman, he has gained the respect and admiration of his community.

Madam Speaker, although a skilled and savvy businessman, Mr. Woodard always makes a practice of giving back to the community. Each holiday season, Mr. Woodard gives turkeys to senior citizens at his church. He also donates to charitable organizations that provide services to children and veterans.

Mr. Woodard and his devoted wife of many years, Mrs. Georgia Battle Woodard have nurtured a strong and loving family. During a recent visit to the Woodard home, I asked Mr. Woodard to what does he attribute his longevity, and he said "I took care of my family." What a powerful statement in so few words.

Madam Speaker, It is with great pride that I acknowledge the achievements of Mr. Herbert Woodard, Sr. His many accomplishments have made him a well respected person in our community. It is with extreme pride that I ask my colleagues to rise and join me in marking this monumental occasion in the life of Mr. Herbert Woodard, Sr.

SENATE—*Friday, July 20, 2007*

The Senate met at 10:01 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, be with our lawmakers not only in great moments but also in the repetitive and common tasks of life. Make them children of faith and heirs of peace. May they tackle even mundane responsibilities with integrity and faithfulness, cheerfulness and kindness, optimism and civility. Give them wisdom to be patient with others, ever lenient to their faults and ever prompt to praise their virtues. May they bear with one another's burdens and so fulfill Your law. Keep them ever mindful of the brevity of life and of the importance of being faithful in life's little things.

You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we will be in session today with speeches in morning business and Senators allowed to speak for up to 15 minutes each. Senator DORGAN, though, under an order entered last night, may speak for up to 30 minutes.

We all know this has been a long, hard week. We have had numerous votes. I express my appreciation for staff who have worked so hard all week—2 days in a row, and then last night we ended sometime this morning. So I appreciate very much the hard work of all the very loyal, dedicated staff.

There will be no rollcall votes today.

Next week, I am happy to report and recognize we will have a lot to do. Monday we are going to work on another education measure, a higher education measure. There is an order that has been entered which provides for the possibility—I say possibility—of 12 first-degree amendments, and, of course, second-degree amendments. But this all must be completed within 8 hours. First-degree amendments will be limited to 30 minutes, and second-degree amendments will be limited to 15 minutes, so we are going to, hopefully, conclude this matter on Monday. If all the amendments are not offered, it would, of course, shorten the time.

The two managers are Senators KENNEDY and ENZI, who did such a good job on the bill yesterday, until they lost control of it with the rules we have here, which I hope—I see my friend in the Chamber, the distinguished junior Senator from Utah. I hope as one of the key members of the Rules Committee—being the ranking member of the Rules Committee—he and Senator FEINSTEIN will look at a way we can change these rules. What went on last night was ridiculous. There is no way to stop that unless the rules are changed, and we should change those rules. I think it can be done with the Rules Committee. We have to take a look at that. It did not help anybody.

But, anyway, that is what happened. But it is not going to be that way on this matter on Monday. As I said, Senators KENNEDY and ENZI managed the bill very well, until it ran into the rule we have that allows unending amendments on any subject forever, literally, before you get to final passage.

So we will have multiple votes starting at about 5:15 on Monday. Members should plan accordingly.

MEASURE PLACED ON THE CALENDAR—H.R. 980

Mr. REID. Mr. President, I understand that H.R. 980 is at the desk and due for a second reading. Is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. Mr. President, it is my understanding the clerk is going to report the matter.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 15 minutes each.

The Senator from Utah is recognized.

NAKED SHORT SELLING

Mr. BENNETT. Mr. President, after all the fireworks and contention on some previous issues this week, I rise to speak about something that has very little interest to most Americans but tremendous interest, I believe, to a certain portion of our economy. I want to use this opportunity to call it to the attention of the Senate.

I am talking about a practice that occurs in the stock market that has the very interesting name of naked short selling. That conjures up all kinds of interesting images in many people's minds, but this is what it is: It is a practice where somebody sells short a particular stock and never ever has to cover the sale.

Now, even that may be too much stock-market-type jargon for people to understand what I am talking about. So let me quote from an article that appeared in the Wall Street Journal a few weeks ago.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. BENNETT. Quoting from the article, it says:

> The naked [short selling] debate is a product of the revolution that has occurred in stock trading over the past 40 years. Up to the 1960s, trading involved hundreds of messengers crisscrossing lower Manhattan with bags of stock certificates and checks. As trading volume hit 15 million shares daily, the New York Stock Exchange had to close for part of each week to clear the paperwork backlog.

As an insert in the quotation, I remember those days. I was trading in the stock market at the time, and having the market shut down to clear the back office paperwork was not an unusual experience. Going back to the article:

> That led to the creation of DTCC—

Those are initials for the Depository Trust and Clearing Corporation—

> which is regulated by the SEC.

If I might, as an aside, I do not think that last statement is true. I am not sure that the SEC has control over the DTCC.

> Almost all stock is now kept at the company's central depository and never leaves there. Instead, a stock buyer's brokerage account is electronically credited with a "securities entitlement." This electronic credit can, in turn, be sold to someone else.
>
> Replacing paper with electrons has allowed stock-trading volume to rise to billions of shares daily. The cost of buying or selling stock has fallen to less than 3.5 cents a share, a tenth of paper-era costs.
>
> But to keep trading moving at this pace, the system can provide cover for naked shorting, critics argue. If the stock in a given transaction isn't delivered in the 3-day period, the buyer, who paid his money, is routinely given electronic credit for the stock. While the SEC calls for delivery in three days, the agency has no mechanism to enforce that guideline.

This is where the practice of naked short selling comes in. I did not really understand it until I had some investment bankers—not the kind you find on Wall Street but the more modest kind you find in Salt Lake City—sit me down in front of a screen and show me what happens with stock trading. To put it in the simplest terms, someone who wants to sell short—that is, sell stock he does not own—will place a sale order.

Now, when I first sold short as a participant in the market, my broker gave me this crude little poem to remember. He said: "He who sells what isn't his'n, must buy it back or go to prison." He said: You have to understand, if you sell a stock short, the time is going to come when you are going to have to buy it back to cover that sale by delivering shares. In the days the Wall Street Journal talked about, that meant buying a crinkly piece of paper—a stock certificate—and delivering it so you have covered your short sale.

Today, that is not the case because all of the stock certificates are gone, and the crinkly pieces of paper have been replaced by electronic impulses in a computer. So this is what happens. A short seller enters the market and says: I want to short—I want to sell—1,000 shares of XYZ stock. That means at some point he has to produce 1,000 shares to cover his sale. How do you do that? You borrow the shares, and then you buy them back at some future time.

All right. From whom do you borrow them? The DTCC. They have all the shares on deposit, and so you go to the DTCC and you say: I want to borrow 1,000 shares of XYZ stock. They say: Fine, we have them on deposit. We will lend them to you so you can use them for your short sale.

All right, everything is fine—except in this electronic age, it is possible for you to keep shuffling around the electronic impulses that represent the stock and never ever have to buy it back.

Stop and think about that. That is a pretty good business plan. You can sell as much as you want and never ever have to pay for it. If a stock is trading at $5 a share, you could go in and sell 1,000 shares, and you get paid $5,000 for selling 1,000 shares, and you never have to buy them. Because you are constantly moving around the electronic impulses that represent those shares, you never have to cover.

Now, when you talk to the DTCC people, they say: No, we always make sure there is a delivery. And if there is not, it is not our fault. It is not our responsibility to police this. It is up to the brokerage houses to do this.

The SEC has spent enough time looking at this and enough time talking to me that they issued to me a three-page letter outlining the steps they have taken to stop the practice of naked short selling.

Mr. President, I ask unanimous consent that their letter be included in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BENNETT. I think the SEC letter goes a long way—the SEC actions go a long way. Without getting too technical about it, they have taken a number of steps to prevent what are called "fails to deliver" and, therefore, to try to stop the naked short-selling situation.

But I have discovered something that appears to be a way around the SEC rules. Here is the transaction: Broker A shorts 1,000 shares. At the end of 13 days, which is the period he has to produce the shares, he has been unable to find any—probably hasn't even looked—but he has this requirement under the SEC rule to produce 1,000 shares. So he goes to broker B and says quietly: Sell me a thousand shares. Broker B says: I don't have any. Broker A says: It doesn't matter, sell me a thousand shares so I can cover. Broker B: All right. I will sell you a thousand shares so you can cover and there will be no passage of money; this is a deal between the two of us—a rollover. At the end of 13 days, broker B has to deliver a thousand shares, so broker A sells the same 1,000 phantom shares back to broker B, and they ping-pong these back and forth for as long as they want.

So you can have a situation where people are selling shares that don't exist, taking commissions on the sale, and the profits of the sale, and never, ever having to produce the shares.

I think it is serious enough that we ought to have a hearing about this in the Banking Committee. I have spoken to the chairman of the Banking Committee, Senator DODD, and asked him if it wouldn't be possible for us to have such a hearing at some point in the future. He has expressed a willingness to do that. I understand we can't set a time for that right now; there are too many other things going on in the Banking Committee. But I am delighted to know he is willing to cooperate with us in examining this issue.

I would like to suggest several things I would like to discuss at that hearing. First, by the way, I want the officials of the DTCC to have the opportunity to come in and explain how it works. I have seen letters to the editor in the Wall Street Journal, where they say this article is inaccurate, and I don't want to be relying on this article if it is inaccurate. I think a congressional hearing is a good place for those who are running the DTCC to explain to us how it works. I would like the SEC to come in and give us their background and information as to how their rules are working to try to stop the naked short selling. But I have these two additional recommendations that I would hope we could get done by regulation and, if not, I am prepared to introduce legislation to deal with them.

First, I think there should be a rule which says there cannot be borrowing, that brokers cannot borrow for short sales more stock than is on deposit with the DTCC. I think that is obvious. If there are 3 million shares of XYZ Company on deposit at the DTCC, people should not be able to short sell 4 million shares. I have seen the situation where people with these small companies—and all this happens primarily in little companies—people with small companies, in an effort to defend their stock against the short sales that are rolling over, are buying stock, and it is electronically credited to them and end up on paper, or at least on computer, owning more shares than exist. How can that be? If somebody buys the stock for his company and ends up owning 110 percent of the issued stock, and people are still selling that stock, you know you are dealing with phantom shares.

So my first recommendation would be that the DTCC cannot make available as loans for short sellers more stock than they have on deposit. Once they have reached the point that 100 percent of the shares they have on deposit have been loaned out, they can't loan out any more. I think that is an obvious commonsense recommendation, but it doesn't apply now.

Secondly, I think there ought to be a rule which says a broker cannot be paid a commission on a short sale until the shares are delivered. Back to the business model. The broker sells $5,000 worth of stock. He can do it every day. He can get $5,000 every day, without ever having to cover the stock, and he gets a commission on making the sale. So if you say, no, there will be no commissions paid until the stock is delivered, you will have a significant impact on stopping this activity.

Now, people who hear the complaints about naked short selling say: It only represents a tiny percentage of the trillions of dollars' worth of trading activity that goes on in American markets every day. They are right. It is only a tiny percentage. But that is small comfort to those who have gotten a few dollars together, formed a business, gone to the market to try to raise some capital to support the business, put on the marketplace, say, 25 percent of their shares, holding the other 75 percent for themselves, and then getting some support in the market so that the shares edge up from 25 cents to 50 cents to $1, to $1.25 and then suddenly see the short sellers come in and say: OK, we will drive that stock back down from $1.25 to 2.5 cents, and we will do it by selling stock that doesn't exist and in the process we will ruin the company.

The one thing that convinced me this was real was when the investment bankers sat me down in front of a screen and showed me the stock trading of a company that has been out of business for 3 years, and the stock trades regularly, every 13 days. You know exactly what they are doing. The brokers are rolling the stock back and forth every 13 days, so they are meeting the SEC requirements—they are delivering—but the shares they are delivering to each other back and forth do not exist. The company was driven out of business by the short sellers who made it impossible for them to go to the capital markets.

As I said in my opening remarks, this is a tiny matter. It does not involve very many people, but to the people who are involved, it, frankly, can be a matter of life and death. There are enough of them starting businesses and creating entrepreneurial activity in the United States that we owe it to them to find out exactly what is going on with respect to this activity. That is why I have asked Chairman DODD to consider a hearing on this matter to let us hear from the SEC, to let us hear from the DTCC, and to let us hear from those in the marketplace who have actual experience and see if the present SEC rules are sufficient or if we need to do additional things along the lines of the two items I have suggested.

I yield the floor.

[From the Wall Street Journal, July 5, 2007]

EXHIBIT 1

BLAME THE "STOCK VAULT"?

CLEARINGHOUSE FAULTED ON SHORT-SELLING ABUSE; FINDING THE NAKED TRUTH

(By John R. Emshwiller and Kara Scannell)

Depository Trust & Clearing Corp. is a little-known institution in the nation's stock markets with a seemingly straightforward job: It is the middleman that helps ensure delivery of shares to buyers and money to sellers.

About 99% of the time, trades are completed without incident. But about 1% of the shares valued at about $2.5 billion on a given a day—aren't delivered to the buyer within—the requisite three days, for one reason or another.

These "failures to deliver" have put DTCC in the middle of a long-running fight over whether unscrupulous investors are driving down hundreds of small companies' share prices.

At issue is a nefarious twist on short-selling, a legitimate practice that involves trying to profit on a stock's falling price by selling borrowed shares in hopes of later replacing them with cheaper ones. The twist is known as "naked shorting"—selling shares without borrowing them.

Illegal except in limited circumstances, naked shorting can drive down a stock's price by effectively increasing the supply of shares for the period, some people argue.

There is no dispute that illegal naked shorting happens. The fight is over how prevalent the problem is—and the extent to which DTCC is responsible. Some companies with falling stock prices say it is rampant and blame DTCC as the keepers of the system where it happens. DTCC and others say it isn't widespread enough to be a major concern.

The Securities and Exchange Commission has viewed naked shorting as a serious enough matter to have made two separate efforts to restrict the practice. The latest move came last month, when the SEC further tightened the rules regarding when stock has to be delivered after a sale, But some critics argue: the SEC still hasn't done enough.

The controversy has put an unaccustomed spotlight on DTCC. Several companies have filed suit against DTCC regarding delivery failure. DTCC officials say the attacks are unfounded and being orchestrated by a small group of plaintiffs' lawyers and corporate executives looking to make money from lawsuits and draw attention away from problems at their companies.

HISTORIC ROOTS

The naked-shorting debate is a product of the revolution that has occurred in stock trading over the past 40 years. Up to the 1960s, trading involved hundreds of messengers crisscrossing lower Manhattan with bags of stock certificates and checks. As trading volume hit 15 million shares daily, the New York Stock Exchange had to close for part of each week to clear the paperwork backlog.

That led to the creation of DTCC, which is regulated by the SEC. Almost all stock is now kept at the company's central depository and never leaves there. Instead, a stock buyer's brokerage account is electronically credited with a "securities entitlement." This electronic credit can, in turn, be sold to someone else.

Replacing paper with electrons has allowed stock-trading volume to rise to billions of shares daily. The cost of buying or selling stock has fallen to less than 3.5 cents a share, a tenth of paper-era costs.

But to keep trading moving at this pace, the system can provide cover for naked shorting, critics argue. If the stock in a given transaction isn't delivered in the three-day period, the buyer, who paid his money, is routinely given electronic credit for the stock. While the SEC calls for delivery in three days, the agency has no mechanism to enforce that guideline.

"PHANTOM STOCK"

Some delivery failures linger for weeks or months. Until that failure is resolved, there are effectively additional shares of a company's stock rattling around the trading system in the form of the shares credited to the buyer's account, critics say. This "phantom stock" can put downward pressure on a company's share price by increasing the supply.

DTCC officials counter that for each undelivered share there is a corresponding obligation created to deliver stock, which keeps the system in balance. They also say that 80% of the delivery failures are resolved within two business weeks.

There are legitimate reasons for delivery failures, including simple clerical errors. But one illegitimate reason is naked shorting by traders looking to drive down a stock's price.

Critics contend DTCC has turned a blind eye to the naked-shorting problem.

DENVER LAWSUIT

In a lawsuit filed in Nevada state court, Denver-based Nanopierce Technologies Inc. contended that DTCC allowed "sellers to maintain significant open fail to deliver" positions of millions of shares of the semiconductor company's stock for extended periods, which helped push down Nanopierce's shares by more than 50%. The small company, which is now called Vyta Corp., trades on the electronic OTC Bulletin Board market. In recent trading, the stock has traded around 40 cents. A Nevada state court judge dismissed the suit, which prompted an appeal by the company.

DTCC says the roughly dozen other cases against it have almost all been dismissed or not pursued by the plaintiffs.

Nanopierce garnered support from the North American Securities Administrators Association, which represents state stock regulators. The group filed a brief arguing that if the company's claims were correct, its shareholders "have been the victims of fraud and manipulation at the hands of the very entities that should be serving their interest."

DTCC'S DEFENSE

DTCC General Counsel Larry Thompson calls the Nanopierce claims "pure invention." DTCC officials say the main responsibility for resolving delivery failures lies with the brokerage firms. DTCC nets the brokerage firms' positions but it is the brokerages that manage their individual client accounts and know which client failed to deliver their stock.

DTCC officials say that Nanopierce had internal business problems—including heavy losses—to explain its stock-price drop. DTCC received support in the suit from the SEC, which filed a brief defending the trade-processing system and arguing that federal regulation pre-empted state-court review.

In January 2005, the SEC made an initial swipe at the naked-shorting problem by requiring that if delivery failures in a particular stock reached a high enough level, many of those failures would have to be resolved within 13 business days. But some failures weren't covered by the rule. The SEC action in June aimed to cover those remaining delivery failures. Naked shorting could "undermine the confidence of investors" in the stock market, SEC Chairman Christopher Cox says.

However, it doesn't seem likely that the SEC's latest move will end the debate that has been raging in the market for years. While lauding the SEC action, critics are questioning whether it is sufficient. The SEC still hasn't taken all the steps necessary to ensure "a free and transparent market" as required under federal securities laws, says James W. Christian, a Houston attorney who represents several companies that claim to have been damaged by naked shorting.

Among other things, authorities need to make public much more trading data related to stock-delivery failures, he says.

Critics contend that DTCC and the SEC have been too secretive with delivery-failure data, depriving the public of important information about where naked shorting might be taking place. Currently, DTCC's delivery-failure data can only be obtained through a Freedom of Information Act request to the SEC, which has released some statistics that are generally two months old.

In light of the controversy, DTCC has proposed making more information available and the SEC says it is looking at releasing aggregate delivery-failure data on a quarterly basis.

EXHIBIT 2

This memorandum has been compiled by the staff of the SEC. This document has not been approved by the Commission and does not necessarily represent the Commission's views.

MEMORANDUM

To: Mike Nielsen, Office of Senator Robert F. Bennett.
From: James A. Brigagliano, Associate Director, Division of Market Regulation; Victoria L. Crane, Special Counsel, Division of Market Regulation.
CC: Josephine Tao, Assistant Director, Division of Market Regulation.
Re: June 20, 2007 Meeting.
Date: July 13, 2007.

I. INTRODUCTION

During our meeting on June 20, 2007 regarding various short sale-related items, Senator Bennett requested that we prepare a memorandum outlining initiatives taken by the Commission and staff of the Commission's Division of Market Regulation ("Division Staff") that we discussed during the meeting. Accordingly, this memorandum discusses: (a) remarks by Chairman Cox at the June 13 Open Commission Meeting regarding rulemaking related to abusive "naked" short selling, (b) the expansion of short interest reporting requirements to over-the-counter ("OTC") equity securities and the increased frequency of short interest reporting, (c) public disclosure by the Commission of fails to deliver data, (d) proposed amendments to eliminate the options market maker exception to the close-out requirements of Rule 203(b)(3) of Regulation SHO, (e) amendments to Rule 105 of Regulation M, and (f) examinations by self-regulatory organization ("SRO") and Commission staff to ensure that options market makers are complying with the close-out requirements of 203(b)(3) of Regulation SHO.

After you have reviewed the below information, please let us know if there is any additional information you would like us to provide.

II. DISCUSSION

A. Remarks by Chairman Cox at the June 13 Open Commission Meeting

On June 13, 2007 at an Open Commission Meeting at which the Commission considered recommendations by Division Staff related to short selling, Chairman Cox stated that he had ". . . asked the staff to examine whether the market would benefit from further rulemaking specifically designed to correct the practice of abusive naked short selling. Such a rule holds the potential of streamlining the prosecution of this form of market manipulation and, if today's measures leave any doubt, would direct still more Commission power to stamping out such abuses. With its recommendation, the staff should report the level of fails pre- and post-adoption of the rules we consider today so we can assess their effectiveness."

Pursuant to Chairman Cox's request, Division Staff is currently examining whether or not the market would benefit from such further rulemaking.

B. Short Interest Reporting

On February 3, 2006 the Commission approved an NASD rule proposal to amend NASD Rule 3360 to expand monthly short interest reporting to OTC equity securities. The approval order is available on the Commission's website at http://www.sec.gov/rules/sro/nasd.shtml, or in the Federal Register at 71 FR 7101.

Recently, on March 6, 2007 the Commission approved rule proposals by the NASD, New York Stock Exchange LLC, and the American Stock Exchange LLC to increase the frequency of short interest reporting requirements from monthly to twice per month. The SROs requested, and the Commission approved, an implementation date of 180 days following Commission approval to allow firms sufficient time to make any necessary systems changes to comply with the new reporting requirements. The approval order is available on the Commission's website at http://www.sec.gov/rules/sro/nasd/2007/34-55406.pdf, or in the Federal Register at 72 FR 4756.

C. Public Disclosure of fails to Deliver Data

In response to requests from the public that the Commission has received regarding disclosure of fails to deliver data, including inquiries from various members of Congress, the Commission is considering whether to post on its website aggregate fails to deliver data that the Commission's Office of Economic Analysis receives from the Depository Trust and Clearing Corp. The data would not include confidential broker information and would likely be on a delayed basis.

D. Proposed Amendments to Eliminate the Options Market Maker Exception

On July 14, 2006, the Commission published proposed amendments to limit the duration of the options market maker exception to the close-out requirements of Rule 203(b)(3) of Regulation SHO. The Commission proposed to narrow the options market maker exception in Regulation SHO because it is concerned about large and persistent fails to deliver in threshold securities attributable, in part, to the options market maker exception, and concerns that such fails to deliver might have a negative effect on the market in these securities.

Based, in part, on commenters' concerns that they would be unable to comply with the amendments to the options market maker exception as proposed in the 2006 Proposing Release, and statements indicating that options market makers might be violating the current exception, on June 13, 2007, the Commission approved re-proposed amendments to the options market maker exception that would eliminate that exception to the close-out requirements of Regulation SHO. In addition, the proposed amendments seek comment on two alternative proposals to elimination of the options market maker exception that would provide a narrow options market maker exception that would require excepted fails to deliver to be closed out within specific time-frames.

The proposing release has not yet been published on the Commission's website or in the Federal Register. We anticipate that the release will be publicly available within the next few weeks. The Commission approved a shortened comment period of 30 days from publication of the release in the Federal Register.

E. Amendments to Rule 105 of Regulation M

Rule 105 governs short selling in connection with a public offering. It is a prophylactic anti-manipulation rule that promotes a market environment that is free from manipulative influences around the time that offerings are priced. The rule fosters pricing integrity by prohibiting activity that interferes with independent market dynamics prior to pricing offerings, by persons with a heightened incentive to manipulate.

The current rule prohibits persons from covering a short sale with offering securities if the short sale occurred during a defined restricted period (usually five days) prior to pricing. The Commission is aware of strategies to conceal the prohibited covering and persistent noncompliance with the rule. Thus, in December 2006, the Commission proposed amendments that would have prohibited a person selling short during the Rule 105 restricted period from purchasing securities in the offering.

On June 20, 2007 the Commission approved amendments that would generally make it unlawful for a person to purchase in an offering covered by Rule 105 if the person sold short during the restricted period unless they made a bona fide pre-pricing purchase meeting certain conditions. The amendments will be effective 30 days from the date of publication of the release in the Federal Register.

F. Options Market Makers and the Close-Out Requirement of Regulation SHO

As we discussed in more detail during our meeting, SRO and Commission staff are currently examining options market makers for compliance with the close-out requirements of Rule 203(b)(3) of Regulation SHO.

Should you have additional questions, please do not hesitate to contact Matt Shimkus in our Office of Legislative and Intergovernmental Affairs at (202) 551-2010.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized for up to 30 minutes.

IRAQ

Mr. DORGAN. Mr. President, on Wednesday morning of this week, following a discussion and debate—and we had a fairly robust debate—about the issue of Iraq and the war in Iraq, on

Wednesday morning of this week, the President's Homeland Security Adviser, Frances Townsend, was on the ABC "Good Morning America" program, and she said some things about al-Qaida, about terrorists, that reminded me of a period several years ago, prior to the start of the Iraq war. It reminded me of being in a room where top secret, classified briefings are given to Members of Congress—briefings by the now Secretary of State, briefings by the Vice President, briefings by the head of the CIA. Condoleezza Rice, Mr. Tenet, Vice President CHENEY, and others participated in these top secret briefings.

They told us things in those top secret briefings leading up to the decision about the authorization to use force against Iraq. They told us things we now know not to have been true.

Did they know that when they told us? I don't know. We now know, of course, that their claim that Saddam Hussein was trying to acquire yellow cake from Niger for nuclear weapons was bogus. Their claim that he was acquiring aluminum tubes to reconstitute a nuclear threat was not accurate. Their claim that he had mobile chemical weapons labs was not accurate.

By the way, on that one, it only had a single source, a man we later learned who had the code name of "Curve Ball." We also later learned that he was a fabricator and an alcoholic. Their claim was based on a single source we now discover to have been a fabricator. He was a former taxicab driver, for God's sake, in Baghdad. A single source gave rise to the description to the world and to this Congress in top secret, classified briefings that there were mobile chemical weapons laboratories in Iraq.

The list of baseless or unsupported claims goes on. The reconstitution of nuclear weapons, weapons of mass destruction, connections with al-Qaida, we now know, of course, the facts were at odds with what we were being told about these and the other claims they used to support going to war.

The reason I mention this is that at Wednesday's appearance by the President's Homeland Security Adviser, Frances Townsend, on the morning show on ABC, reminded me a bit of what we experienced several years ago from this administration. A description by Frances Townsend about terrorism and the terrorist threat and al-Qaida is completely, and was completely, at odds with what we know to be the truth.

Let me go through a bit of what the President's Homeland Security Adviser said when she was being interviewed about the National Intelligence Report issued this week.

First, the report said al-Qaida is rebuilding, retraining, and getting ready to strike in the United States again. In light of that report, Ms. Townsend was asked if she still believed the United States is winning the war against al-Qaida and terrorism. "Absolutely," she said. "Absolutely, we are winning."

She was asked about Pakistan and, specifically, about allowing al-Qaida to have a safe haven in the country of Pakistan. She said: Well, it is a sovereign country, and the President of Pakistan has been a good partner in our war against terrorism.

When asked, she said: The United States is "safer" today against al-Qaida because, she said: "We have challenged them and we are on the offensive and the game is overseas."

It is almost as if the President and his top homeland security adviser failed to read the National Intelligence Estimate. It made clear that al-Qaida is rebuilding its operational capacity and terrorism is the number one threat to our homeland. Those are the facts. That's reality.

But even if she failed to read the NIE, perhaps she could have been expected to read the newspapers, because they too have made it clear for a long time that al-Qaida is rebuilding and that the terrorists are getting ready to strike us again.

Let me go through a couple of examples.

On July 16, if one was reading in recent days, one would read an article by Joshua Partlow in the Washington Post. It said sectarian violence, a civil war, was the war in Iraq, not al-Qaida. It spelled this out with facts:

> The western Baghdad district of west Rashid confounds the prevailing narrative from the top U.S. military officials that the Sunni insurgent group al-Qaida in Iraq is the city's most formidable and disruptive force. Over the past several months, the [Shiite] Mahdi Army has transformed the composition of the district's neighborhoods by ruthlessly killing and driving out Sunnis and denying basic services to residents who remain.

Pretty clear. Shiite and Sunni violence, not al-Qaida.

One might have read the newspaper reports on June 26, in the McClatchy papers:

> While the U.S. presses its war against insurgents linked to al-Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping, and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior military intelligence and law enforcement officials said. The threat from radical Islamic enclaves in Waziristan is more dangerous than that from Iraq, which President Bush and his aides called the "central front" of the war on terrorism, said some current and former U.S. officials and experts. Bin Laden himself is believed to be hiding in the region, guiding a new generation of lieutenants and inspiring allied extremist groups in Iraq and other parts of the world.

That is unbelievable. Al-Qaida is alive and well in Pakistan and Afghanistan. Let me say that again: It is "recruiting, regrouping and rebuilding" in this area. And bin Laden himself is believed to be hiding there, in that sanctuary. This is not Iraq, Mr. President. Did the President or his homeland security advisor read this article?

Or perhaps one could go back to a New York Times article in February entitled "Senior leaders of al-Qaida operating from Pakistan."

> Over the past year terrorists have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there is mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Bin Laden and al-Qaida are "steadily building an operations hub" in Pakistan is the report.

Now, to the adviser to the President in the White House on terrorism issues, let me say this to her: August 2001, the Presidential Daily Briefing Report put in the hands of President George W. Bush one month before the attacks of September 11, the title was: "Bin Laden Determined to Strike in U.S."

That was in August of 2001, the PDB, put in the President's hands.

What was the report in July 2007? The intelligence assessment from the U.S. National Counterterrorism Center in July 2007 says this: "al-Qaida better positioned to strike the West."

Think of that. Six years have intervened—6 years. And the President's Homeland Security Adviser, one who deals with this issue of terrorism and counterterrorism, says that we are "winning" the war on terrorism; things are going just fine; things are better. Yet, in 6 years, we go from this Presidential daily briefing entitled "Bin Laden Determined to Strike in United States" in August of 2001 to this assessment 6 years later: "Al-Qaida Better Positioned to Strike the West."

I ask the question: Are we really winning? I think we would expect the Homeland Security Adviser to be dealing with facts.

Let me describe the facts as stated by the National Intelligence Estimate. The National Intelligence Estimate was released in both a classified and unclassified version. The unclassified version says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland. . . .

It went on to say:

> We assess the group has protected or regenerated key elements of its homeland attack capability, including: a safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Now we have a report that says Osama bin Laden and his top deputies are in a safe haven. Six years after they murdered thousands of Americans, they are in a safe haven.

There ought not be 1 square inch of ground on this planet that ought to be a safe haven for the leaders of al-Qaida. Ms. Townsend says, when asked about it, "Well, Pakistan is a sovereign country."

What does that mean? Therefore, a safe haven for al-Qaida and bin Laden must be all right? No. Absolutely not. There is no sovereignty anywhere in this world for Osama bin Laden, al-Zawahiri, and the al-Qaida leadership. There ought not be safe harbor or safe haven or sovereignty anywhere in this world for them.

What have we done? Instead of deciding to destroy Osama bin Laden, al-Zawahiri, and the al-Qaida leadership, our country decided, based on information provided by the administration that I referred to earlier, to invade Iraq. It was information we now know not to have been true—deliberate or not, I don't know, but information about yellow cake, aluminum tubes, chemical weapons labs, and about weapons of mass destruction which was not true. Based on that, we decided to take action against Iraq.

The facts are these: Al-Qaida was not in Iraq before we invaded. It is there now. But, it is not the central feature in Iraq. Our intelligence estimates tell us that. The central part of Iraq is sectarian violence, with Shia killing Sunni, Sunni killing Shia, and Shia and Sunni killing American soldiers. It is a civil war, a religious war of sorts, with problems between the Shia and Sunni that date back many centuries.

Now people ask this question, and reasonably so: Should we, 6 years after 2001, the devastating attack against our country that killed thousands of innocent Americans, should we expect or have expected that we would have brought to justice, dead or alive, the leadership of al-Qaida and destroyed them? In my judgment, the answer to that is yes.

The Homeland Security Adviser at the White House, Francis Townsend, says: Well, we are winning. I wish that were true, but it is an assessment that comes only by ignoring all of the facts. Just read the National Intelligence Estimate.

This administration made a calculation that turns out to have been wrong on many fronts. Instead of fighting terrorism first, which I think most Americans would have understood and accepted and believed—the most critical element in the fight to provide security for our future—instead of fighting terrorism first, this administration decided to take action in other areas. We now have more than 160,000 American troops in Iraq. Many are going door to door in Baghdad today as I speak. It is the case that there is an al-Qaida presence in Iraq because Iraq has attracted terrorists. As I said, the intelligence community itself has said that is not the central feature of what is happening in Iraq. The central feature of what is going on in Iraq is the sectarian violence and a civil war.

That is why the majority of this Congress decided it is time to change course. It has not been the case that the descriptions by those who want to change course in this Chamber have said let's decide immediately, precipitously, to withdraw all troops. That is not the case. Troops would remain to fight the terrorist elements that do exist in Iraq where they can be fought successfully, for force protection, and to train Iraqi troops. After all, the Iraqi troops will be necessary and the Iraqi soldiers and the police force will be necessary to provide security in the country.

It is long past time for this country to say to the Iraqis: You now have a new government. Saddam Hussein is dead. He was executed after a trial for his crimes and atrocities. He is gone. He was a brutal dictator. But, Saddam Hussein is dead. You have a new constitution, you have a new government, and now the question remains: Do you have the will to take back your own country and provide for your own security? Are there sufficient able-bodied Iraqis to take back the security responsibilities for their country? If not, there is no amount of time in which American soldiers and this country can provide security for a country in the middle of a civil war.

So we must change course. That change in course, in my judgment, is what will allow us to fight terrorism first. If we do not do that, we will, 6 years from now, continue to read about Osama bin Laden and the al-Qaida leadership in a safe harbor or safe haven, living free, escaping justice, and planning additional attacks against this country.

My point is, what has happened, in my judgment, is wrong. The first and central fight is the fight against terrorism. We are not waging that fight because those who attacked this country previously are now in a safe haven planning additional attacks against our country. That comes from the National Intelligence Estimate, not me. That NIE represents the best assessment by our country's best intelligence professionals from 16 different intelligence agencies.

One cannot solve a problem if one is going to ignore the facts or distort the facts. I said that Ms. Townsend on Wednesday morning basically misrepresented what is happening. It seems as if she has failed to see, or refuses to see, all of the evidence that exists, the evidence we have received in the National Intelligence Estimate and other evidence as well, that al-Qaida and bin Laden are stronger today than they have been for many years.

They are getting stronger, not weaker; they are planning more attacks, not hiding; they are recruiting and rebuilding, not running; and they want to strike us again as much as they every have.

But, they are in Pakistan, in a safe haven. They are in the border area near Afghanistan, not Iraq.

It doesn't surprise me that this administration is on a course that is not the course that represents this country's best interests. President Bush has said on previous occasions that we will deal not only with the terrorists who dare attack this country, we will deal with those who harbor and feed them and house them. That was the President's statement. The President said that, as a part of our offensive against terror, we will also confront the regimes that harbor and support terrorists.

When President Bush was asked about Osama bin Laden, he said:

> I don't think much about Osama bin Laden. I don't care much about bin Laden.

But, Bin Laden and al-Qaida represent the principal threat to this country. That is why Senator CONRAD and I offered the amendment we did on the Defense authorization bill last week.

The very day Ms. Townsend appeared on television, Wednesday, here is the New York Times' headline: "Same People, Same Threat." That's right, "Same People, Same Threat."

> Nearly six years after the September 11 attacks, and hundreds of billions of dollars and thousands of lives expended in the name of the war on terror, we are faced with the "Same People, Same Threat" as attacked American on September 11. I pose a single, insistent question: Are we safer? This is what the New York Times reported:
>
> . . . After years of war in Afghanistan and Iraq and targeted kills in Yemen, Pakistan, and elsewhere, the major threat to the United States has the same name and the same basic look at 2001: al-Qaida, led by Osama bin Laden and Ayman al-Zawahiri, plotting attacks from mountain hide-outs near the Afghan-Pakistani border.
>
> The intelligence report, the most formal assessment since the September 11 attacks about the terrorist threat facing the United States, concludes that the United States is losing ground on a number of fronts in the fight against al-Qaida and describes the terrorist organization as having "significantly strengthened over the past two years."

If ever we needed good leadership, thoughtful leadership, leadership that will act on the facts and understand the facts and not misrepresent the facts, it is now, at a time when a terrorist organization is planning additional attacks against this country. For this administration to say that things are fine, we are winning, don't worry, and there is a sovereign, apparently, safe haven for the leadership for those who plan to attack us, that is unbelievable, and it must change. If the administration won't change it, the Congress and the American people must change it.

COMPETENT LEADERSHIP

Mr. DORGAN. Mr. President, a number of us have been concerned about the issue of competence for some long while. I take no pleasure in coming to the floor to point out someone's flaws or weaknesses or areas where we are not succeeding, but it seems to me that this country has to be brutally honest with itself, and that includes this administration, in terms of what it is doing, how well, what kinds of changes are necessary to fix what is wrong to safeguard and provide security for this country.

One of the examples of serious trouble with respect to solving problems and addressing issues was the response to Hurricane Katrina. This devastating hurricane hit our country, and it laid bare a whole area of the gulf coast. It was unbelievable what it did to families, homes, and structures. The consequences of it and the cost of it and its toll on human lives and treasure are not even yet calculated.

I think everybody in this country saw what happened as a result of the response of FEMA. I come from a State in which flooding 10 years ago caused the evacuation of a city of 50,000 people—the largest evacuation of an American city since the Civil War. We understand FEMA. They rushed in in the middle of that unbelievable flood in the Red River, where almost the entire city of Grand Forks, ND, was evacuated. FEMA rushed in. Under James Lee Witt, it had become a world-class organization. It did an unbelievable job. I cannot say enough about that organization. FEMA was first rate. I think everybody in that city who was helped by that organization understood the quality of the Federal Emergency Management Agency.

Fast forward and discover that the major appointments to FEMA under this administration were political cronies who had no experience in emergency response or preparedness. So it wasn't surprising that FEMA deteriorated dramatically as an agency, and its response to Hurricane Katrina was abysmal.

I want to describe it with one photograph, if I might. This describes what happened with respect to Katrina. I am describing this because this week something happened that finally ended the chapter on this sorry story. This man is Paul Mullinax, sitting in front of an 18-wheel truck in Florida. His truck is a refrigerated truck, and it is used to haul ice. Katrina hit, and one of the needs in the deep South, when people and property and everything was devastated and they were trying to figure out how to deal with it, they needed ice in the middle of that scorching heat. So FEMA contracted with truckers to haul ice in 18-wheel trucks, refrigerated trucks, to help the victims of Katrina.

Here is Paul Mullinax in the photo. Paul was in Florida at the time. He got a call and was invited to contract to haul ice. He drove his 18-wheeler to New York City and picked up a load of ice. Let me tell you where he went. I have a map. Paul went from Florida up to New York City to pick up some ice—in Newburg, NY. Then they told him to go to Carthage, MO, with the ice. He went there, to Missouri, to deliver ice. FEMA said, when he got there: No, we want you to go to Montgomery, AL, with your truckload of ice for the victims of Katrina.

Then he got to Montgomery, AL, and here is what happened to him. He, with over 100 other truckers, refrigerated trucks holding ice for the victims of Katrina, sat for 12 days. This is a picture of Paul Mullinax sitting in his lawn chair, with a little grill. For 12 days, he sat there. Finally, they said to him: We want you to take your ice to Massachusetts.

Think of this. Taxpayers paid over $15,000 for this load of ice. He was told the ice was for the victims of Katrina, and hundreds of other truckers had the same circumstance. He was sent from Missouri to Alabama, sat for a dozen days on the tarmac of a military installation, and then told he should take that ice up to Massachusetts and put it in storage.

This week, 2 years later, after spending over $20 million, that ice was taken out of storage in Massachusetts and discarded because they felt it was probably contaminated after 2 years. So finally it ends, the saga about hauling ice to the victims of Katrina.

How do I know Paul Mullinax? I asked Paul Mullinax to come to Washington to testify about what happened. He didn't want to do it. I sat in a parking lot of a grocery store one Sunday on the phone with Paul Mullinax and said: Paul, I want you to come to a hearing we are holding to tell this story. People need to understand what is wrong. Only by understanding what is wrong can we get this fixed.

Paul came up to Washington, DC, and testified before a hearing and told us what had happened. Some people wouldn't believe it. You are going to haul ice from New York to Missouri to Mississippi and then are told to offload it at a warehouse in Massachusetts, ice for the victims of Katrina? If there is one story that demonstrates the complete absurd incompetence of the response to Hurricane Katrina, it is the story of Paul Mullinax, a good American who wanted to do the right thing, and in contracting with the Federal agency that was incompetent came up with this absurd experience.

I have tried since to find out who was the decision maker in Government, who decides we are going to haul ice from New York to Massachusetts through Missouri and Mississippi that is supposed to go to victims of Hurricane Katrina, and we are going to spend all of that money and do it incompetently, who was responsible, who made those decisions, and you cannot find out who that unnamed person is who makes that kind of Byzantine decision that in my judgment fleeces the American taxpayer, that injures those who were victims of Hurricane Katrina by not getting the ice to the victims who needed it.

I wanted my colleagues to know, because I have spoken about this before, that this week at last—at long, long last—the ice that was put in storage as a result of this gross incompetence has now been discarded because they felt perhaps after 2 years the ice was contaminated.

It is a sad story, in my judgment, of the fleecing of America. My hope is we have sufficiently embarrassed and sufficiently made accountable those in FEMA and in this administration so that this will never, ever happen again. It is not what the taxpayers deserve, and it certainly isn't what the victims of Hurricane Katrina deserve.

That same incompetence, regrettably, is steeped in other areas of an administration that, as I indicated as of Wednesday morning's interview with Ms. Townsend, seems content to ignore facts.

I have come to the floor on occasion and spoken well of those who I think do a good job in this administration and elsewhere. I wish I could do that this morning. It is very important for this Congress and this country, when we see incompetence and when we see we are developing a strategy that doesn't work and is not going to work, that we must change course, we must expect better.

My hope is a group of us in Congress, through the hearings I have held on these issues and through the discussions of Senator REID and others who have worked on it in our caucus in the last couple of weeks, my hope is that we will change course with respect to the issue of Iraq, for example, which is the overriding important issue.

I hope one of the changes in course will be we decide our priorities are to fight terrorism first, and that is not what we are now doing. Let us decide to fight terrorism first. That ought to be the goal. If the terrorist camps are reconstituted, if the threat to our country from al-Qaida, Osama bin Laden, and al-Zawahiri represents a greater threat now, then we must, it seems to me, change course to address that threat, and that threat requires us to fight terrorism first.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETE GEREN

Mr. CARPER. Mr. President, I hoped to speak earlier this week when we were engaged in debate on the Defense authorization bill. That was a night, I am sure our Acting President pro tempore recalls, when folks didn't get much sleep around here. A lot of my colleagues decided as they spoke they wanted to speak for a long time. As a result, I suspect fewer than half of us got to speak, and I had just a few thoughts I wanted to share with respect to not just the Defense authorization bill but the war in which we find ourselves in Iraq and Afghanistan.

Before I do that, I wish to mention that I think it was last Friday at the end of the regular business session—maybe it was Thursday—we went through the Executive Calendar. As the Senator from Ohio knows, on the Executive Calendar we actually take up nominations submitted by the committee that need confirmation by the Senate and we deal with those. Oftentimes, if they are not controversial, we deal with them by unanimous consent.

One of the nominations that came before us last week, under unanimous consent, was that of Pete Geren, who had been nominated to be Secretary of the Army. Our Acting President pro tempore spent a number of years in the House of Representatives. I was there 10 years. I think he was there for about as long, maybe even longer.

One of the finest people I ever served with in the House of Representatives was a Democratic Congressman from Texas who actually succeeded Jim Wright. Jim Wright stepped down as our Speaker, resigned from the Congress, there was a special election, and who ended up getting elected but Pete Geren. He became a Congressman for four terms and was admired by Democrats and Republicans alike. Before that, he had served as an aid to a legendary Senator from Texas, a fellow named Lloyd Bentsen, who was also our party's nominee for Vice President.

Pete went to Georgia Tech and the University of Texas. He got a law degree from the University of Texas, married well, had three kids, and ended up here in the Congress with all of us. He resigned after his fourth term and went back to Texas to become a businessperson and to practice law. He did that for I think about 5 years, and lo and behold, he got a call from a Republican administration to ask him to serve in the Department of Defense, where he was a senior aid in the Secretary's office, a role he played for I think about 3 or 4 years.

Subsequent to that, Pete Geren was asked to serve in a variety of roles. He has been our Acting Secretary of the Air Force, he has been the Under Secretary of the Army, the Interim Secretary of the Army, and for the last week or so now, he has been the Secretary of the Army.

I ask unanimous consent to have printed in the RECORD his statement before the Armed Services Committee, his confirmation hearing statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Congressional Hearings, June 19, 2007]

SENATE ARMED SERVICES COMMITTEE HOLDS HEARING ON THE NOMINATION OF PRESTON GEREN TO BE SECRETARY OF THE ARMY

GEREN: Mr. Chairman and Senator Warner and members of the committee, it truly is an honor to be before you today as the president's nominee.

I want to thank the president for his confidence in me and Dr. Gates for his confidence, as well. It's truly a privilege to have this opportunity.

Let me thank Senator Hutchison and Senator Cornyn for their very kind remarks, two great leaders for our state and two great leaders in this Senate, and I deeply appreciate, and I know my family did, as well, their kind and generous remarks.

Mr. Chairman, I'd also like to note Senator Hutchison's predecessor, who was the person who brought me into public life, Senator Lloyd Bentsen, and had it not been for the opportunity to work for Senator Bentsen, I'm confident I would not have the opportunities to serve in our government today.

Senator Bentsen passed away over the past year, a great American, a great Senator, and I want to acknowledge my debt to him.

Senator, I had introduced my family earlier. I've got, as you do, three wonderful girls, three great kids, and, again, I want to thank them for standing with me and standing with Beckie and me in our time here in Washington and all the time.

My family and I came to Washington planning a three-year hitch and six years later, we're still here.

I joined the Department of Defense in August 2001, expecting a peacetime assignment in business transformation of the Department of Defense. Then came September 11 and the war.

There's a sense of mission working among our military during time of war that's hard to walk away from. For the past six years, I've watched soldiers, sailors and airmen go off to war and I've watched their families stand steadfast and unwavering in their support of their departed loved ones and live with the uncertainty of whether he or she would return home.

And they live with a certainty that there would be birthdays, holidays, anniversaries, graduations and the ups and downs of everyday life that their loved one would miss for 12 months, originally, and now 15 months and too often watch those families live with a loss when their loved one did not return.

I've been inspired by the selfless service of our soldiers and humbled by the sacrifice of their families. I've held staff and leadership jobs in the Pentagon over these past six years and consider it the privilege of a lifetime to have the opportunity to work on behalf of our men and women in our nation's military and their families during the time of war.

Our grateful nation cannot do enough and I'm honored to play a part, a supporting role in their service to our nation on the front lines.

When I came before you seeking confirmation as under secretary of the Army, I told you my top priority would be taking care of soldiers and their families. I reaffirm that commitment today with a greater understanding of that responsibility.

My year as under secretary of the Army taught me much. My four months as acting secretary of the Army has taught me much more.

We have over 140,000 soldiers in Iraq and Afghanistan. We can never take our eye off of that ball. They're counting on their Army, big Army, to continue to provide them the training, equipment and leadership to take the fight to the enemy and defend themselves.

They count on their Army leadership back home to move the bureaucracy on the home front. They count on their secretary and their chief to stand up for them, get them what they need when they need it.

We must act with urgency every day, every day, to meet their needs. Today, the issue is MRAP. Tomorrow, it will be different. The enemy is forever changing and forever adapting.

Mr. Chairman, further, as an Army, we pledge never to leave a fallen comrade. That is not an abstract notion. That means on the battlefield, in the hospital, or in an outpatient clinic or over a life of dependency, if that is what's required to fulfill this pledge.

I've witnessed the cost in human terms and to the institution of the Army when we break faith with that pledge, as a handful did at Walter Reed. A few let down the many and broke that bond of trust.

But I have seen soldiers, enlisted, NCOs and officers respond when they learned that someone has let down a soldier. They step up and they make it right. They make it better and they do not rest until the job is done and they expect and demand accountability.

And I've seen the strain of multiple deployments on soldiers' families. A wife and mother said recently, "I can hold the family together for one deployment. Two is harder and three is harder still." Over half of our soldiers today are married with families. Over 700,000 children are in the families of our soldiers.

The health of the all volunteer force depends on the health of those families. We must expect that our future offers an era of persistent conflict. We will continue to ask much of the Army family. We must meet the needs of our families, provide them with a quality of life comparable to the quality of their service and sacrifice.

It's the right thing to do and the future of our all volunteer force depends on it.

And as President Lincoln pledged to us as a nation, our duty does not stop when our soldier or our nation leaves the field of battle. We must care for those who have borne the battle, his widow and his orphan.

That commitment extends over the horizon and we have learned we have much to do to fulfill that commitment. Lately, we have come face to face with some of our shortcomings, a complex disability system that can frustrate and fail to meet the needs of soldiers, a system that often fails to acknowledge, understand and treat some of the most debilitating, yet invisible wounds of war, leaving soldiers to return from war only to battle bureaucracy at home and leaving families at a loss on how to cope.

The Department of Defense, working with the Veterans Affairs Department and this committee and this Congress have a opportunity that does not come along often to move our nation a quantum leap forward in fulfillment of that commitment. We cannot squander this opportunity.

And, Mr. Chairman and Senator Warner, I commend this committee for the step forward you all took last week in your bill to start the process of meeting the needs of those wounded warriors and we look forward to working with you, again, to push that initiative.

Mr. Chairman, members of the committee, thank you for all you do for our soldiers and their families. The Army has no greater friend than this committee.

Article 1, Section 8 of the Constitution makes the Army and the Congress full partners in the defense of our nation and in the service of our soldiers and their families.

If confirmed, I look forward to continuing to work with you in discharging our duty to those soldiers.

I look forward to your questions. Thank you.

LEVIN: Secretary Geren, thank you for a heartfelt and a powerful statement. I can't remember that I've ever heard a better one, frankly, coming from a nominee. It was very personal and I think it had power.

I just wish every American, every soldier and everyone of their families could have heard your opening statement.

Mr. CARPER. Subsequent to his giving his statement, the chairman of the committee, CARL LEVIN, and later on Senator JOE LIEBERMAN—both praised the statement, Senator LEVIN saying, "I can't remember that I've ever heard a better one, frankly, coming from a nominee. . . ." He said it was "a heartfelt and a powerful statement."

One of my favorite sayings is: In politics, friends come and go, but our enemies accumulate. For a lot of us in this business, that is the truth. Pete Geren is the exception to that rule. He is admired and liked by people with whom he served in the House and Senate, Democrat and Republican. For a Democrat in Congress ending up to be asked to serve as Acting Secretary and Secretary of the Army is a compliment and really reflective of the kind of person he is. He is a person who tries to figure out what is the right thing to do and to do it. He routinely, consistently treats other people the way he would want to be treated. He has great values, great work ethic, and is just a terrific public servant to the people of this country.

I am delighted he has now been asked to serve and was confirmed by all of us unanimously to serve as our Secretary of the Army. It is a big job, a tough job at a tough time to serve in that capacity, but I know he will have our full support. He certainly has my support and my long-time admiration.

IRAQ

Mr. CARPER. Mr. President, I would like to step back for a few minutes and reflect on the debate that occurred here a few nights ago with respect to the war in Iraq. One of the things I like to do is to try to see if we can't find consensus—rather than just disagreeing on issues, to try to find ways to bring us together. I have been reflecting a good deal on that debate.

I had an opportunity, along with two of our colleagues, Senator BEN NELSON and Senator MARK PRYOR, to have a breakfast meeting with Secretary Gates at the Pentagon earlier this week. That was the first time I had ever had a chance to spend any personal time with Secretary Gates, who came to us as one of the people who served on the Iraq Study Group. You may recall that, Mr. President, he served there for most of its time and has been president of Texas A&M. He served in a number of leadership posts here in earlier administrations and was a senior official in intelligence. He is a very bright, able guy and also of very good heart, someone who, over breakfast with us, was remarkably candid in his observations, not someone who tried to sugar-coat what is going on in Iraq but who just was as honest and forthright with us. That was enormously refreshing.

He is a person of strong intellect, obviously, and a person who dealt with a faculty senate at Texas A&M and I think is not uncomfortable dealing with the U.S. Senate. I have been told by any number of people who have been presidents of universities that the transition to working here in this body is not all that hard. If you can work with a faculty senate, you can work with the U.S. Senate. We have a couple of people here, ironically, who have been university presidents and now serve here, among them LAMAR ALEXANDER from the University of Tennessee.

I left the breakfast meeting actually feeling encouraged about maybe the prospects, somewhere down the line, of finding consensus.

Here in the United States, our patience grows thin with respect to our involvement there. We have been involved for over 4 years. We have lost thousands of lives, we spent hundreds of billions of dollars—money we have largely borrowed from folks such as the Chinese, South Koreans, and Japanese because these are moneys we don't have, so we simply increase our Nation's indebtedness to pay for this war. Meanwhile, those in this country who pay the taxes, whose sons and daughters, husbands and wives have gone over and been shot at, in some cases been shot, hurt, wounded, in some cases killed—they paid the price and have borne the burden. In many cases, they are tired of it, as I think most of us are. We would like to see the beginning of the end and, frankly, a new beginning at the same time for the people of Iraq.

I think for the most part most of us realize we are going to have a military involvement there, we are going to have a presence in Iraq, maybe for several years. If you look at Kosovo, we have been out of Kosovo for 10 years, but we are still there militarily. The war ended in Korea over 50 years ago; we still have a significant military presence there. I think it is likely we are going to have a military presence in Iraq for some time. The question is, What should they be doing? What should our troops be doing?

Today, as you know, we are policing a civil war, trying to keep Sunnis and Shiites from killing each other while at the same time going after insurgents and training Iraqi troops and trying to help secure the borders of Iraq. My hope is a year from now—and I suggest a year from now—we will still have troops in Iraq, probably tens of thousands, hopefully not 140,000 or 150,000 troops. What will they be doing? My hope is they will not be policing a civil war. My hope is they will not have to be involved in trying to keep Sunnis from killing Shiites and vice versa. My expectation is there is going to continue to be a need to train and equip and supply Iraqi armed forces and police. There will be a need for our troops to protect U.S. assets, the embassy, and other physical infrastructure we have, that we own or occupy. There will be a need in some cases to join the Iraqis in counterinsurgency operations against the really bad guys. There may be an opportunity and need for us to help police the borders of Iraq with Syria and Iran, borders which leak like sieves today.

Those are the kinds of responsibilities I suspect our troops will be called upon to perform. But my hope is we will not need as many of them, not nearly as many of them, that they will not be as numerous nor as visible and hopefully not as much in danger as they have been the last 4 years.

On the Iraqi side, what I heard 4½ weeks ago, about a month ago when I was last there, is a lot of the Iraqis don't want us to be there in such great numbers. They don't want us to be as visible. They don't want us to be as numerous. Iraqi Prime Minister Maliki suggested about a week ago that whenever we are ready to step out they are ready to step up. I wish that were true. He later sort of spoke again or someone stepped in, one of his spokespeople stepped in and said that is not exactly what he said or what he meant.

I believe the Iraqis are not of one mind with regard to our presence. Some would like it if we would leave tomorrow, but a number realize we have sacrificed and given our life's blood, a lot of money, a lot of patience with them, and I think for a lot of the folks there they realize that and they appreciate that. But they don't want us to be as numerous or visible, and eventually they want to have their country back with us not as an occupying force, although some may see us as that, but have us playing a diminishing role.

What I think we have here is a growing consensus in this country to begin reducing our presence—not this month, not this summer, maybe not until later this year. I think we need to send a signal, our President needs to send a signal to the people of our country, to the Congress, that this is not going to continue forever. We don't want it to, it is not sustainable, and it should not be our responsibility forever. Eventually, the Iraqi people have to decide whether they want a country. They have to step up. They have to be willing to make the difficult choices that at least to this point in time their leaders have been reluctant or unable to do.

I don't want to provide a strong defense for inaction on behalf of the Iraqi Parliament and Iraqi leaders, but I remind us, and we have seen it here this week, the U.S. Senate, an institution that has been around for over 200 years, how hard it is for us to come to consensus on difficult issues. We saw that as recently as last night. We saw that as recently as 2 nights earlier, when we were up all night. We, in a country that has worked with democracy and democratic traditions for over 200 years, should not be surprised that in a country where they have basically 2 years of experience, in the middle of a war and insurgency, sometimes they struggle through a democratic process to make difficult situations. It is not a surprise to me, and I don't think it should be a surprise to them or to any one of us.

Having said that, I am impatient with their inability to make tough decisions. Around here, sometimes we will hold off making a difficult decision unless we are almost staring into the abyss, we have almost no choice, they have figuratively a gun to our heads, and then when we find ourselves in that predicament, Congress—House, Senate, Democrats, Republican, the administration—will come to a consensus.

The Iraqi Parliament, Iraqi leaders are, in my view, at that abyss. When I was over there a month ago with Senator McCASKILL, we met with, among others, the Deputy Prime Minister of Iraq, an impressive fellow. He is a Kurd, from the northern part of the country. His name is Salih. We were talking about a sense of urgency and the fact that the Iraqi leaders don't feel this sense of urgency about making the difficult decisions, about sharing oil wealth and power, any decision with respect to the greater involvement for the Sunnis, providing an opportunity for the Baathist party folks, who enjoyed great power under the old regime but who basically are enjoying no responsible role at all, to give them a role to play—those kinds of decisions; municipal elections out in the provinces—they are supposed to have them, and they have not had them.

But I talked with Deputy Prime Minister Salih. We spoke about the lack of a sense of urgency on behalf of his country's leaders. He readily acknowledged that was the case.

I was looking for a sports analogy to draw with him and his countrymen, and I said to him: Do you play basketball here? I know you play soccer—you call it football, but do you all play basketball here?

He said: We do. We don't play baseball or what you call football, but we do play some basketball.

I said: Do you recall that basketball is a four-quarter game? The Iraqi leader and the Iraqi Parliament are acting as if you are in the first quarter of the game. In truth, you are in the fourth quarter. This is the fourth quarter of the game. It is not a game, but it is the fourth quarter. We are late into the fourth quarter.

I said to the Deputy Primary Minister: Have you ever heard of something called the shot clock? He had not. Well, in American professional basketball, we have a shot clock that begins when the ball is inbounded and you have so many seconds for the team on offense, with the ball, to take a shot; if you do not, you lose possession of the ball.

I said: We are in the fourth quarter. We are deep into the fourth quarter here. The shot clock has begun to run. And the Iraqi team, half of the team, is still on the sidelines. You are arguing about what the rules of the game are, who is going to get into the game, what play to call, who is going to take the shot. Meanwhile, the shot clock is running.

What the Iraqis need to do, in the Parliament where the hatred between the Sunnis and Shias is such that it makes them hard to ever feel or think like a team, somehow they have to find a way to put that behind them. They have to begin making the difficult decisions they have been unwilling and unable to make.

The Iraqi people are waiting for leadership. As in this country or any country with democratic tradition, the people yearn for strong leadership, fair leadership. The Iraqi people are looking to their leaders to show that they can work together, to figure out how to share this enormous oil wealth of their country, a country where they are capable of pumping today something like 300 million barrels of oil at $70 a barrel. Do the math. I should say 5 million barrels of oil a day, $70 dollars a barrel. That is $350 million. They are pumping less than 2 million. They are literally leaving oil on the table, something like $180 million, almost $200 million a day on the table. These are revenues they will not realize because they simply cannot figure out how to work together. They need to figure that out.

The cabinet has figured that out. They submitted to the Parliament a plan for sharing the oil revenue. The Parliament has to act on it.

We are going to take the month of August off, not the entire month off. We will be in session until probably the first week in August, we come back right after Labor Day, so we will be out about 28 days. Meanwhile, I am told that the Iraqi Parliament was thinking about taking 2 months off this summer. They since have said they will take maybe August off. Our soldiers are not. Our soldiers, marines, our airmen, are not taking August off. They are going to be there exposed, at risk, every day for the month of August. The idea that the Iraqi Parliament will not be in session is unconscionable at a time when our troops are being asked to make such sacrifices. They need to be in session. They need to be figuring out how to deal with these difficult issues.

I am convinced if they do that, the Iraqi people will respond. As the Iraqi people respond, it provides us with an opportunity to begin redeploying our troops this year. There is plenty of work they can do in Afghanistan. In some cases there is an opportunity for them to be stationed not far away if needed. In other cases, frankly, there is even a need to have them back here. As an old Governor, commander in chief of my National Guard, I understand full well how much we relied on the National Guard, especially in times of emergency. Whether in the middle of winter or hurricane season as we have right now, there is plenty of work for them to do. Plus, they have families here. Guard and Reserves, they are being asked to do things that—as a former national flight officer, having served in Vietnam, 18 years as a Reserve naval flight officer—we were never asked to do. We are asking our troops to make extraordinary sacrifices as Reservists and Guardsmen.

There is plenty of opportunity for meaningful engagement, both in Afghanistan, in the Middle East region, not far away from Iraq, and frankly back at home for these troops to do, and simply in some cases to come back and be with their families after an extended separation; in some cases to come back and go to work with their old employers; in some cases to go back to their businesses, which are, in too many instances, in trouble in some cases out of business, and be able to resuscitate their business or breathe fresh life into it. There is plenty to do.

In the meantime, the Iraqis have 350,000 people in their military and police. Think about that. We have about 150,000 troops over there. They have 350,000. We have been working to train them now for several years. I am told some of the battalions have stepped up; they are able to go out alone. Some of them can lead, but they need our help not too far away. They have got to continue to improve their readiness and their ability to go out and lead the fight. And my counsel to the Iraqis is: You can do this, we can help, just like they say in the Home Depot ad: You can do this, we can help. We will help. God knows we have done a lot and we are prepared to do more.

The signal I hope the President would send us, once we hear from General Petraeus and Ambassador Crocker in the middle of September, is not we are going to surge for another year or two or three, but that we are going to begin redeploying our troops.

They are not going to all be out a year from now. There will be plenty for them to do. I have talked about the four or five major responsibilities they can pursue a year or so from now and for some time after that. But I think that sends the kind of signal the American people are waiting to hear. I think it sends a real strong message to the Iraqis as well that our patience is not infinite, that we have expectations of them, that they need to step up. Again, another sports analogy: They need to step up to the plate. This is their time. This is their country. It is not our country, it is their country. If they want to have a country, they have to make the decisions. If they want to have a country, they need to do what is necessary to bring their people together and to build an institution in their country that can survive and persevere and hopefully can prosper.

As we end this week, a week that has seen a lot of ups and downs here in the Senate, a week that has seen more than its usual degree of acrimony, this is a place where we actually mostly like each other, have a pretty good ability to work together with a fairly high degree of civility and comity. A lot of times too often this week that civility and comity has been lacking. Fortunately, when we left here this morning about 1 o'clock, I felt some of the bumps and bruises were now at least behind us, and we were back to a better footing. I hope as we rejoin here on Monday, we will pick up where we left off early this morning with the near unanimous passage of the Higher Education Act, something Senator KENNEDY and Senator ENZI and others have worked on, crafting together a very fine bipartisan bill, that the spirit we walked out of here with this morning will be waiting for us when we return on Monday.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, I came to the floor a month or two ago and indicated at that time that I had had conversations with my counterpart, the distinguished Senator from Kentucky, Mr. McCONNELL. I related to the Senate that Senator McCONNELL had said to me that judicial nominations were very important to him. I said if that is the case, then they are important to me, and that I would do everything I could to expedite judicial nominations in spite of what had gone on in recent years relative to how Republicans had treated Democratic nominees of President Clinton.

As the majority leader, I take very seriously the Senate's constitutional duty to provide advice and consent with regard to all Presidential nominees, but especially judicial nominees. The judiciary is the third branch of our Federal Government and is entitled to great respect. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

In a floor statement I have given on more than one occasion—I just recounted one I gave—I expressed regret that the process for confirming judicial nominees had become too partisan in recent years. From 1995 to 2000, the Republican-controlled Senate treated President Clinton and his judicial nominees with great disrespect, leaving almost 70 nominees languishing in the Judiciary Committee without even a hearing. Some of them were there for 4 years with nothing happening. Of course, Republicans have had their complaints—most of which I feel are unjustified, but they are entitled to their opinion—about the way a handful of nominees were treated in the early years of the Bush administration.

The partisan squabbling over judicial nominees reached a low point last Congress when Majority Leader Frist threatened to use the so-called nuclear option, an illegitimate parliamentary maneuver that would have changed Senate rules in a way to limit debate on judicial nominations. It would have had long-term negative ramifications for this body. At the time I said that it was the most serious issue I had worked on in my entire time in Government, that the Republicans would even consider changing the rules so the Senate would become basically the House of Representatives. The Founding Fathers set up a bicameral legislature. The Senate has always been different from the House. That is what the Founding Fathers envisioned. That is the way it should continue. But the so-called nuclear option would have changed that forever.

The effort was averted by a bipartisan group of Senators that was unwilling to compromise the traditions of the Senate for momentary political advantage. I was never prouder of the Senate than when it turned back this misguided attempt to diminish the constitutional role of the Senate just to confirm a few more judges. I believed that had a vote taken place, that never would have happened. There were people who stepped forward. I had a number of Republicans come to me and say: I will not say anything publicly, but what is being attempted here is wrong. But remember, we only had 45 Democrats at the time, so we had to be very careful what would happen. Rather than take the chance on a vote, I was so happy that we had 14 Senators, 7 Republicans and 7 Democrats, who stepped in and said: That is not the way it should be. We were able to negotiate. As a result of that negotiation, we let some judges go that with up-or-down votes here, it wouldn't have happened. But it didn't work out that way.

We averted the showdown as a result of the goodwill of 14 Democratic and Republican Senators. It went away. That is the way it should have gone away.

But in the 2 years since the nuclear option fizzled, I have worked hard, first with Senator Frist and now with Senator McCONNELL, to keep the process for considering judicial nominees on track. I said then that if the nuclear option had been initiated, and I became leader, I would reverse it. I believed so strongly it was wrong, even though we would have had an advantage at the time.

As Senate leaders, we have worked hand in hand with the very able leaders of the Judiciary Committee, Senators LEAHY and SPECTER. In the last Congress the Senate considered two Supreme Court nominees—I opposed both—Roberts and Alito. In hindsight, I did the right thing with the decisions they have made. But I worked with Senators LEAHY and SPECTER to make sure both nominees received prompt, fair, and thorough consideration in the committee and on the Senate floor.

After Senate Democrats gained a majority in last November's elections, I publicly pledged that the Senate would continue to process judicial nominees in due course and in good faith. I explained that I could not commit to a specific number of confirmations because the right way to measure the success of this process is the quality of the nominees, rather than the quantity of nominees and, ultimately, judges. I said the Senate will work hard to confirm mainstream, capable, experienced nominees who are the product of bipartisan cooperation. President Bush made a wise decision at the beginning of this Congress by not resubmitting a number of controversial judicial nominations from previous years. I took that as a sign of good faith and have tried to reciprocate by working with Chairman LEAHY to confirm noncontroversial nominees in an expeditious fashion.

So far this year we have confirmed three court of appeals nominees. Again in hindsight, that is three more than were confirmed in a similar year in the last Clinton term. But we have confirmed three, including a nomination to the Ninth Circuit about which there was some dispute as to whether the seat should be filled by a Californian or someone from Idaho. We have also confirmed 22 district court nominees, and we continue to vote on those at a steady pace.

The judicial confirmation process is working well. We have confirmed 25 judges. It is certainly working much better than it worked when there was a Republican Senate processing President Clinton's nominees. As a result, the judicial vacancy rate is at an all-time low. I have said on the floor and publicly, this is not payback time with judges. We are going to treat the Republican nominees differently than they treated our nominees.

But all of this hard work cannot prevent good-faith disagreements about the merits of particular nominations. There is one nomination pending in the Judiciary Committee that has aroused significant controversy, the nomination of former Mississippi State Judge Leslie Southwick to the Fifth Circuit Court of Appeals. Senator SPECTER recently said that I told Senator MCCONNELL that Judge Southwick would be confirmed by Memorial Day. Obviously, I can only commit to my own actions, not the actions of others. But I did urge strongly that the Judiciary Committee hold hearings on this, and they did. I urged strongly that this matter be moved as expeditiously as possible, and it has. I urged the Judiciary Committee to do everything it could to move this along, and they did. The problem was, the nomination proved to be controversial and, therefore, it has not moved forward.

The Judiciary Committee has not yet voted on Judge Southwick. But as reported in the press, some Republicans are already threatening to retaliate against the rejection of the Southwick nomination by slowing down Senate business. How much more could they slow it down? What has gone on this year is untoward. Cloture has been filed about 45 times on things that, really, I don't understand why they are doing what they do. To threaten, because of the Southwick nomination, that they are going to slow things down is absurd because they have already slowed things down. They were gearing up to oppose judicial nominees of future Democratic Presidents. That is what they have said. This is so senseless. I think the reaction would be completely unjustified.

My pledge that the Democratic majority would consider judicial nominees in due course and in good faith was hardly a guarantee that every Bush nominee would be confirmed. I was told early on that Judge Southwick was noncontroversial. He had a high rating from the ABA. He had participated in lots of cases. There was no problem. I accepted those representations and, after having accepted them, pushed very hard to move this nomination along. But the facts of his background and his decisionmaking are different than had been represented to me. The Judiciary Committee must still do its work with care, and it should only report those nominees who deserve a lifetime appointment to the Federal bench.

The nomination of Judge Southwick has already been treated more kindly than dozens of Clinton nominees, including nominees to the Fifth Circuit. We have held a hearing. I repeat, during the Clinton administration, almost 70 languished with no hearings. If Southwick has been unable to convince Judiciary Committee members of suitability for the Federal bench, that is his misfortune. Remember, about 70 nominations of President Clinton never even had a hearing. Southwick has had a hearing, and to this point, he has been unable to convince the Judiciary Committee he is the person for the job. Senator LEAHY has stated that anytime Senators LOTT and COCHRAN ask him to put him on the calendar for a vote, he will do so. They haven't asked him to do that yet. Why? Because at this stage it appears Democrats are going to oppose this nomination. But Senator LEAHY said anytime they want to test the vote, they may do that.

I know the administration has sent Judge Southwick around to meet individually with Democratic Judiciary Committee members. Anytime they want that vote, they can have it. Chairman LEAHY and I can only establish a process. We can't promise that the outcome of that process will be to the liking of Republican Senators.

The primary concern that has been raised by Judge Southwick is that he has joined decisions on the Mississippi Appellate Court which demonstrate insensitivity to the rights of racial minorities and others. For example, in the Richmond case, he voted to uphold the reinstatement, with back pay, of a White State employee who used a racial epithet about an African-American coworker.

I ask unanimous consent that the dissent in that opinion by Judge King be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BONNIE RICHMOND, APPELLANT V. MISSISSIPPI DEPARTMENT OF HUMAN SERVICES, APPELLEE

NO. 96-CC-00667 COA

COURT OF APPEALS OF MISSISSIPPI

1998 MISS. APP. LEXIS 637, AUGUST 4, 1998, DECIDED

I dissent from the majority opinion.

The standard of review applied [*19] to administrative decisions is that they must be affirmed if (1) not arbitrary or capricious, (2) supported by substantial evidence and (3) not contrary to law. Brinston v. Public Employees' Retirement System, 706 So. 2d 258, 259 (Miss. 1998).

In this case, the Mississippi Employee Appeals Board, (hereinafter referred to as "EAB") made no specific findings of fact. Instead, it merely entered an order which affirmed "the Order of November 29, 1994"[1], entered by the Hearing Officer Falton O. Mason, Jr. Because the EAB made no findings of its own, we can only conclude that it incorporated by reference and adopted the findings and order of the hearing officer. It is therefore the findings and opinion of the hearing officer which we subject to our review.

[1] The hearing officer's order read as follows:

This came on to be heard on November 16, 1994, at 9:30 a.m. in the Supervisors Board Room, in the Desoto County Courthouse, Hernando, Mississippi, Falton O. Mason, Jr., Hearing Officer;

After receiving testimony and hearing argument of counsel, the Court being fully advised in the premises finds:

Bonnie Richmond appealed her termination by the Mississippi Department of Human Services (hereafter MDHS), for an alleged racial statement made in a private meeting, and later made to the individual after she returned to the DeSoto County Office. The proof shows that she made the alleged statement in a private meeting where the atmosphere and setting were for the free flow of comments and ideas and complaints, her statement was in effect calling the individual a "teachers pet" and that she did not repeat that statement, but did in fact apologize to that individual and that individual did in fact accept the apology.

That based upon the allegations set out in the termination letter, the Appealing Party did in fact sustain her burden of proof, and the Appealing Party is reinstated as of July 8, 1994, with back pay and all benefits restored.

SO ORDERED this the 29th day of November, 1994.

[*20] To facilitate that review, I have included at this juncture the full text of the Hearing Officer's opinion, which reads,

I think in my—it appears to me very simply that the department overreacted on this because first I don't find if, in fact, these employees, Bonnie Richmond and Renee Elmore, were in a meeting with Ms. Johnson and Mr. Everett and Ms. Johnson testified that she tried to make them comfortable and relaxed, if it was an open meeting with a give and take atmosphere and this comment was made in the context it was made in, I don't think it was intended at that time for a racial slur.

If the department—if that's correct, if the department takes that as a racial slur, then I see anytime somebody refers to somebody as a honkie or a redneck or a mick or chubby or a good old boy or anything else, it's an action to file an appeal and try to get some response. I think it overreacted.

I do think it would be unprofessional and it is unprofessional to make that remark. I wouldn't be comfortable making it. At the same time, it depends on what company I'm in and under what circumstances.

The other part is as has been pointed out, the termination letter very [*21] clearly states and the testimony in direct opposition to this, further on May 24 you returned to the DeSoto County office. You approached this black employee and told her that you had been in a meeting with Ms. Johnson and had told them that she was a "good ole nigger." That statement is—that's not true. I mean, the testimony indicated that she didn't approach her, she didn't raise it, that it was Renee Elmore that brought it up. She didn't seek out this black employee to tell her anything about it.

Further, I don't find anywhere where it is—the other comments, your conduct in returning and repeating, which she didn't do. To return to the DeSoto County office and repeat that phrase, had she repeated that phrase, it would have been unacceptable totally as though it was acceptable to the Mississippi Department of Human Services. I don't find it having created a distraction within the DeSoto county office. Nobody testified to that, or the surrounding areas. I don't think it's caused employees to question whether the department condones the use of racial slurs. You know, I think the department overreacted.

The part that bothers me is to allow you to continue in this position [*22] would discredit the agency, impair the agency's ability to provide services, violates the agency's responsibility to the public to administer nondiscriminatory services, violates the agency's duty to administer working environment free of discriminatory practices and procedures and subject the department to potential liability for unlawful discrimination.

If, in fact, she had returned to the DeSoto County office, had brought this subject up again, and the only person—the only testimony that we have about anybody else hearing about this thing was somebody who Ms. Johnson and Mr. Everett had to make the comment to somebody else. Ms.—what's her name?

Mr. Lynchard: Varrie Richmond.

The Hearing Officer: Ms. Varrie Richmond said she didn't tell anybody else. She said she didn't call the state office about the situation, and apparently, until she was contacted by the state office, she had accepted Bonnie Richmond's apology. I just think the agency overreacted, and if the agency might find itself in a situation where every time somebody in the agency is called a redneck by some other employee, that they are going to be calling the state office and wanting some relief or [*23] a honkie or a good old boy or Uncle Tom or chubby or fat or slim.

I mean, I understand that the term "nigger" is somewhat derogatory, but the term has not been used in recent years in the conversation that it was used in my youth, and at that point—at that time it was a derogatory remark. I think that in this context, I just don't find it was racial discrimination. I just don't find—she possibly should have a letter of reprimand, but I don't think she needs to be terminated.

I'm going to reinstate her with back pay. The agency can do what they feel like they have got to do.

The Department of Human Services (hereinafter referred to as "DHS") gave written notice of its intent to terminate Richmond on June 21, 1994. That notice identified two separate Group III violations (numbers 11 and 16) and provided separately the underlying facts upon which each violation was based.

The first offense was a violation of item number 11, which is "Acts of conduct occurring on or off the job which are plainly related to job performance and are of such nature that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the [*24] public or to other state employees. (emphasis added)

The factual basis given to support this allegation was:

On May 23, 1994 while in conference with Joyce Johnson, Division Director of Family and Children's and Jerald Everett of the Division of Human Resources, you referred to one of our black employees as "a good ole nigger." Further on May 24, 1994 upon returning to DeSoto County you approached this black employee and referred to her using exactly the same words as you used when you were in conference with Joyce Johnson and Jerald Everett the day before.

The hearing officer resolved this issue by finding:

(1) DHS overreacted;

(2) the remark was made in an open meeting with an atmosphere of give and take;

(3) the term "good ole nigger" was not a racial slur; (transcript 129)

(4) calling Varrie Richmond a "good ole nigger" was equivalent to calling her "teacher's pet"

(order by Hearing Officer Falton Mason, Jr., November 29, 1994,), and;

(5) Renee Elmore, not Bonnie Richmond, initiated the conversation of May 24, 1994 with Varrie Richmond.

The meeting of May 23, 1994, while hastily scheduled, was a formal meeting with two top tier DHS executives, intended to [*25] allow Bonnie Richmond and Renee Elmore to address what they perceived as problems in the DeSoto County office. While the atmosphere was intended to allow for honest discussion, there is no indication that this was intended as an informal or unofficial meeting. Its purpose was to identify problems, and if necessary to address them.

The fact that a business meeting may be conducted in a relaxed and open atmosphere, is not license to engage in boorish, crude, loutish or offensive behavior. The actions of Bonnie Richmond in referring to Varrie Richmond as a "good ole nigger" was indeed boorish, crude, loutish and offensive behavior. This behavior was not merely inappropriate, but highly inappropriate.

That a white employee would suggest the use of the term "good ole nigger," is less inappropriate in a relaxed meeting, raises significant questions about that person's judgment and whether the agency would be negligent in retaining her. That judgment is demonstrated as especially questionable, when one realizes that Bonnie Richmond worked in a division which is approximately 60% black, in an agency with in excess of 50% black employees. Such a demonstrated gross lack of judgment would [*26] justify the dismissal of Bonnie Richmond.

The hearing officer's ruling that calling Varrie Richmond a "good ole nigger" was equivalent to calling her "teacher's pet" strains credulity, finds no basis in reason and would appear to be both arbitrary and capricious. The word "nigger" is, and has always been, offensive. Search high and low, you will not find any non-offensive definition for this term.[2]

[2] 1. a. Used as a disparaging term for a Black person: "You can only be destroyed by believing that you really are what the white world calls a nigger" (James Baldwin) b. Used as a disparaging term for any dark-skinned people. 2. Used as a disparaging term for a member of any socially, economically, or politically deprived group of people.

There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend. Words such as "nigger" when referring to a black person, or the words, "bitch" or "whore" when referring to a female person. The character [*27] of these terms is so inherently offensive that it is not altered by the use of modifiers, such as "good ole."

Much is made of the fact that Renee Elmore indicated she was not offended by the use of the term, "good ole nigger."

The test is not whether Renee Elmore was offended by the use of this term. Rather it is (1) whether this term is universally offensive, *Brown* v. *East Miss. Electric*, 989 F.2d 858, 859 (5th Cir. 1993), and (2) whether the use of this term is inappropriate and reprehensible. The answer to each of these is a most definitive "yes."

The majority quotes Elmore on page 7, as saying, "Because I felt as if she was describing the actions of a person, I at that time didn't allow myself to feel anything other than what I felt she was doing and I allowed her that leeway to describe her." I suggest that effect must be given to all portions of that quote. Particularly the phrase, "I at that time didn't allow myself to feel anything." (emphasis added).

It is clear that Renee Elmore made a determination to not personalize or allow herself to become emotionally involved in Bonnie Richmond's remark. It is not uncommon for people to deal with offensive remarks [*28] by refusing to associate the remarks with themselves on a personal basis. This makes the remark no less inappropriate or offensive.

However, the resolution of this matter does not hinge upon that fact. The use of the term by Bonnie Richmond in a meeting with two of the top executives of DHS, an agency with about 5000 employees of whom in excess of 50% are black, and where the Division of Family and Children Services has a 60-40 black-white employee ratio demonstrates such a lack of judgment and discretion that to retain her "could" constitute negligence in regard to the agency's duties to the public or to other state employees.

The hearing officer and majority opinion seem to suggest that absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal. Such a view requires a level of myopia inconsistent with the facts and reason.

It is (1) the remark, and (2) the lack of judgment in making it in a professional meeting with top departmental executives, which satisfy the requirement, "that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties . . . to other state employees."

The majority [*29] opinion is a scholarly, but sanitized version of the hearing officer's findings and is subject to the same infirmities found in that opinion.

The second reason given for termination of Bonnie Richmond was "Willful violation of State Personnel Board policies, rules and regulations."

The factual basis for this second allegation was the same as the first, except it raised the issue of DHS's consideration of this behavior and its impact upon the integrity of DHS. The record does not reflect that DHS identified any specific Personnel Board policies, rules or regulations.

However, it must be presumed that an agency has the authority to mandate civil conduct from its employees.

The actions of Bonnie Richmond exceed (1) acceptable civil conduct, (2) acceptable social conduct, and (3) acceptable business conduct.

This conduct was, by definition, offensive to the individual referred to and the black employees of DHS in general.

The actions of the EAB were not supported by substantial evidence, and I would therefore reverse.

PAYNE, J., JOINS THIS OPINION.

Mr. REID. Judge Southwick says the decision was about technical issues, but the dissent in the case by Judge King is eloquent. I mean eloquent. I hadn't read that opinion prior to my conversations with Senator MCCONNELL, but I have read it. I understand it. I have a totally different view than I had prior to reading that opinion.

The judge's words are eloquent. Here is part of what he said:

> There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

Race is a highly sensitive issue throughout the entire United States, but especially in the States that comprise the Fifth Circuit. It took the courageous action of judges, mostly Federal judges, on the Fifth Circuit especially, to carry out the Supreme Court's desegregation decisions and destroy the vestiges of the Jim Crow era. Yet even today no African American from Mississippi sits on that court, despite the many qualified African-American lawyers in that State. Concerns about Judge Southwick need to be seen in that context.

I say that Judge Southwick is not being looked at with lack of favor by the Judiciary Committee because of the color of his skin. It is because of his judicial participation in various opinions.

The members of the Judiciary Committee will decide whether to report this nomination to the full Senate. If they choose to report the nomination, I will schedule action as quickly as I can. If they reject the nomination, that action will also be on the merits.

After I had read the opinion and understood the case, I visited personally with THAD COCHRAN. I think the world of THAD COCHRAN. I have served with him now in the Congress for 25 years. I have served with Senator LOTT for 25 years. I went to both of them and said: I know how strongly you feel about Judge Southwick, but here are the facts. I read to them the dissent of Judge King. I read to them the full dissent. Anyone who cares to hear what Judge King had to say only has to look at the CONGRESSIONAL RECORD.

I also told them that the Magnolia Bar Association, the African American Bar Association in the State of Mississippi, opposes Judge Southwick. The NAACP opposes Judge Southwick.

Republican Senators may disagree with the decision of the Judiciary Committee when and if it comes, but they should not treat it as an affront or an outrage. It is simply the way in which the Founders envisioned the Senate would work as a partner with the President in deciding who is entitled to lifetime appointments to the Federal bench.

Again, the Judiciary Committee didn't stall Southwick. They scheduled a hearing at a time that was convenient to everyone. It was precise. It was to the point. Everyone was able to ask their questions. They had a full hearing. If he can't convince that committee that he is the man for the job, that is our process. Certainly, at a subsequent time, if and when we get a Democratic President, if they process these nominations in the manner that we have, that will be fine. It is the way we are supposed to work.

Whatever happens with the Southwick nomination, the Senate will continue to process judicial nominations in due course and in good faith, as I have pledged. I repeat, I know how strongly the distinguished Republican leader feels about judges. I think there are a lot of things that are just as important. He feels strongly about this. I accept that. But I would like everyone to look at the record as to what has happened with this nomination. It has been moved expeditiously. They can have a vote anytime they wish in the committee. There are votes that take place almost every Thursday. They can schedule it anytime they want. But I think it would be asking quite a bit for someone to think that when the committee of jurisdiction on an issue turns something down, we should take it up on the floor. That is not how things work.

I would only say, I would think, based on the decisions participated in by Judge Southwick, anyone who has any concern about the feelings of the members of the Judiciary Committee who are Democrats should read this record because it explains very clearly what the problem is in this case.

Mr. President, we were hoping to clear a number of the President's nominations today—the Export-Import Bank of the United States, two nominees we were ready to clear; the Securities Investor Protection Corporation, one, two, three nominations; the National Oceanic and Atmospheric Administration, we have someone there to clear; the Securities Investor Protection Corporation, we have an individual there who has been cleared on our side.

All these nominations have been cleared on our side. The holdups are with the minority. So we are trying to clear the President's nominations. We cannot do it unless the Republicans agree to it. They are his nominations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 980. An act to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 236. A resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

S. Res. 248. A resolution honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth.

S. Res. 261. A resolution expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 1840. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. AKAKA, Mr. BENNETT, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. DURBIN, Mrs. DOLE, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. LINCOLN, Mrs. MCCASKILL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 1841. A bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. INOUYE, Mr. LEVIN, Mr. AKAKA, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 1842. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. HARKIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Mr. OBAMA, Mr. DURBIN, Mr. DODD, Mr. LEAHY, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mrs. BOXER, Ms. STABENOW, and Mrs. MURRAY):

S. 1843. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 968

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 982

At the request of Mrs. CLINTON, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1318, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1692

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1692, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1708

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1739

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1739, a bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. AKAKA, Mr. BENNETT, Mrs. BOXER, Ms. CANTWELL, Mrs. Clinton, Mr. COLEMAN, Mr. DURBIN, Mrs. DOLE, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. LINCOLN, Mrs. MCCASKILL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 1841. A bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the National Women's History Museum Act of 2007, a bill that would clear the way to locate a long-overdue historical and educational resource in our Nation's capital city.

In each of the last two Congresses, the Senate has approved earlier versions of this bill by unanimous consent. I appreciate that past support, and I appreciate the cosponsorship today from 18 of my colleagues, Senators AKAKA, BENNETT, BOXER, CANTWELL, CLINTON, COLEMAN, DURBIN, DOLE, KLOBUCHAR, LANDRIEU, LINCOLN, MCCASKILL, MIKULSKI, MURKOWSKI, MURRAY, SNOWE, STABENOW, and VOINOVICH.

Women constitute the majority of our population. They make invaluable contributions to our country, not only in traditional venues like the home, schools, churches, and volunteer organizations, but in Government, corporations, medicine, law, literature, sports, entertainment, the arts, and the military services. The need for a museum recognizing the contributions of American women is of long standing.

A presidential commission on commemorating women in American history concluded that, "Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital."

That report was issued in 1999. Nearly a decade later, although Congress has commendably made provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Building Museum, there is still no national institution in the capital region dedicated to women's role in our country's history.

The proposed legislation calls for no new Federal program and no new claims on the budget. It would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum in the long-vacant Pavilion Annex of the Old Post Office building in Washington, DC.

The National Women's History Museum is a nonprofit, nonpartisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the Nation in their various roles in family, the economy, and society.

The Pavilion Annex to the Old Post Office was a commercial failure and remains a continuing drain on Federal maintenance budgets. Putting the building to use as a museum would provide lease payments and establish a new historical and educational destination site on Pennsylvania Avenue that would bring new visitor traffic and new economic activity to the neighborhood.

These are sound reasons for supporting this bill. The best reason, however, is the obligation to demonstrate the gratitude and respect we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present their stories, as well as the stories of pioneering women like abolitionist Harriet Tubman, Supreme Court Justice Sandra Day O'Connor, astronaut Sally Ride, and Secretary of State Madeleine Albright.

That women's roll of honor would also include a distinguished predecessor in my Senate seat, the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both Houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and decency. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. INOUYE, Mr. LEVIN, Mr. AKAKA, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 1842. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Safe Nursing and Patient Care Act today, and I am pleased to have my colleague from Massachusetts, Senator KERRY, joining me in this effort. This important bill will limit mandatory overtime for nurses in order to protect patient safety and improve working conditions for nurses.

The widespread insistence on mandatory overtime across the country means that over-worked nurses are often forced to provide care when they are too tired to perform their jobs. The result is unnecessary risk for their patients and for the nurses themselves. A recent study by the University of Pennsylvania School of Nursing found that nurses who work shifts of 12½ hours or more are three times more likely to commit errors than nurses who work a standard shift of 8½ hours or less.

A study by researchers at Columbia University Medical Center and RAND Corporation found that when nurses work too much overtime, their patients are more likely to suffer hospital-related infections.

These studies, and many more like them, compellingly illustrate the critical threat to patient safety when nurses are overworked.

The grueling conditions in which nurses are obliged to work jeopardizes the future of this essential profession. We face a critical shortage of nurses. The American Hospital Association reports that hospitals needed 118,000 more RNs to fill immediate vacancies in December 2005. This is an 8.5 percent vacancy rate, and it is expected to rise to 20 percent in coming years, undermining their ability to provide emergency care. In addition, nearly half a million trained nurses are not currently working in the nursing profession, even though they are desperately needed.

Job dissatisfaction and harsh overtime are major factors in the nursing shortage. As a 2004 report by the CDC concluded, poor working conditions are contributing to difficulties with retention and recruitment in nursing. Nurses are not treated with the respect they deserve in the workplace, and many caring nurses refuse to work in an environment in which they know they are putting their patients at risk.

Our Safe Nursing and Patient Care Act deals with these critical problems. By restricting mandatory overtime for nurses, the act helps ensure that nurses are able to provide the highest quality of care to their patients. By improving the quality of life of nurses, the act encourages more dedicated workers to enter nursing and to make it their lifetime career.

This legislation is obviously needed to protect public safety. Federal safety standards already limit work hours for pilots, flight attendants, truck drivers, railroad engineers and other professionals. We need to guarantee the same safe working conditions for nurses, who care for so many of our most vulnerable citizens.

Some hospitals have already taken action. In recent years, after negotiations with their nurses, Brockton Hospital and St. Vincent Hospital in Massachusetts have agreed to limit mandatory overtime. Mr. President, 11 States have adopted laws or regulations to end forced overtime. These limits will protect patients and improve working conditions for nurses, and will help in the recruitment and retention of nurses in the future.

Improving conditions for nurses is an essential part of our ongoing effort to reduce medical errors and improve patient outcomes. But it is also a matter of basic fairness and respect. Nurses perform one of the most difficult and important jobs in our society. They care about their patients and want to provide the best possible treatment. They cannot do their job when they're exhausted and overworked. Nurses, and the patients they care for, deserve better. The Safe Nursing and Patient Care Act respects the dignity of hard-working nurses, and I urge my colleagues to support it.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. HARKIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Mr. OBAMA, Mr. DURBIN, Mr. DODD, Mr. LEAHY, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mrs. BOXER, Ms. STABENOW, and Mrs. MURRAY):

S. 1843. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's an honor to join my colleagues in introducing the Fair Pay Restoration Act to correct the Supreme Court's recent 5-4 decision in Ledbetter v. Goodyear Tire & Rubber Company, which undermined basic protection for workers against pay discrimination under the Civil Rights Act of 1964. The decision also undermines pay discrimination claims under the Americans with Disabilities Act and the Age Discrimination in Employment Act. Our bill would restore the clear intent of Congress when we passed these important laws that workers must have a reasonable time to file a pay discrimination claim after they become victims of discriminatory compensation.

No American should be denied equal pay for equal work. Employees' ability to provide for their children, save for retirement, and enjoy the benefit of their labor should not be limited by discrimination. The Court's decision undermined these bedrock principles by imposing unrealistically short time limits on such claims.

The jury in this case found that Goodyear Tire and Rubber Company discriminated against Lilly Ledbetter by downgrading her evaluations because she was a woman in a traditionally male job. For over a decade, the company used these discriminatory evaluations to pay her less than male workers who held the same position and performed the same duties. Supervisors at the plant where she worked were openly biased against women. One told her that "the plant did not need women," and that they "caused problems." Ms. Ledbetter's pay fell to 15 to 40 percent behind her male counterparts.

Finally, after years, she realized what was happening and filed suit for the back pay she had been unfairly denied. The jury found that the only reason Ms. Ledbetter was paid less was because she was a woman, and she was awarded full damages to correct this basic injustice.

The Supreme Court ruled against her, holding that she filed her lawsuit far too long after Goodyear first began to pay her less than her male colleagues. Never mind that she had no way of knowing at first that male workers were being paid more. Never mind that the company discriminated against her for decades, and that the discrimination continued with each new paycheck she received.

The Supreme Court's ruling defies both Congress's intent and common sense. Pay discrimination is not like other types of discrimination, because employees generally don't know what their colleagues earn, and such information is difficult to obtain.

Pay discrimination is not like being told "You're fired," or "You didn't get the job," when workers at least know they have been denied a job benefit. With pay discrimination, the paycheck typically comes in the mail, and employees usually have no idea if they have been paid fairly. They should be able to file a complaint within a reasonable time after receiving a discriminatory paycheck, instead of having to file the complaint soon after the company first decides to shortchange them for discriminatory reasons.

The decision actually creates a perverse incentive for workers to file lawsuits before they know a pay decision is based on discrimination. Workers who wait to learn the truth before filing a complaint of discrimination could be out of time. As a result, the decision will create unnecessary litigation as workers rush to beat the clock in their claims for equal pay.

The Supreme Court's decision also breaks faith with the Civil Rights Act of 1991, which was enacted with overwhelming bipartisan support, a vote of 93 to 5 in the Senate, and 381 to 38 in the House. The 1991 act had corrected this same problem in the context of seniority, overturning the Court's decision in a separate case. At the time, there was no need to clarify Title VII for pay discrimination claims, since the courts were interpreting Title VII correctly. Obviously, Congress now needs to act again to ensure that the law adequately protects workers against pay discrimination.

The Congressional Budget Office has made clear that this bill will not create costs for the Equal Employment Opportunity Commission or the Federal courts. It simply restores the status quo as Congress intended and as it existed on May 28, 2007, before the Ledbetter decision was made.

It is unacceptable that some workers are unable to file a lawsuit against ongoing discrimination. Yet that is what happened to Lilly Ledbetter. I hope that all of us, on both sides of the aisle, can join in correcting this obvious wrong.

In recent years, the Supreme Court also has undermined other bipartisan civil rights laws in ways Congress never intended. It has limited the Age Discrimination in Employment Act, made it harder to protect children who are harassed in school, and eliminated peoples' right to challenge practices with a discriminatory impact on their access to public services. The Court has also made it more difficult for workers with disabilities to prove that they're entitled to the protection of the law.

Congress needs to correct these problems as well. The Fair Pay Restoration Act makes sure that what happened to Lilly Ledbetter will not happen to any others. As Justice Ginsburg wrote in her powerful dissent, the Court's decision is "totally at odds with the robust protection against employment discrimination Congress intended." I urge my colleagues, Republicans and Democrats alike, to restore the law as it was before the decision, so that victims of ongoing pay discrimination have a reasonable time to file their claims.

COLLEGE COST REDUCTION ACT OF 2007

On Thursday, July 19, 2007, the Senate passed H.R. 2669.

The bill, as amended, is as follows:

H.R. 2669

Resolved, That the bill from the House of Representatives (H.R. 2669) entitled "An Act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Access Act of 2007".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

TITLE I—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. TUITION SENSITIVITY.

(a) AMENDMENT.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by striking paragraph (3).

(b) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out the amendment made by subsection (a), $5,000,000 for fiscal year 2008.

SEC. 102. PROMISE GRANTS.

(a) AMENDMENT.—Subpart 1 of part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

"SEC. 401B. PROMISE GRANTS.

"(a) GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under subsection (e) for a fiscal year and subject to subsection (b), the Secretary shall award grants to students in the same manner as the Secretary awards Federal Pell Grants to students under section 401, except that—

"(A) at the beginning of each award year, the Secretary shall establish a maximum and minimum award level based on amounts made available under subsection (e);

"(B) the Secretary shall only award grants under this section to students eligible for a Federal Pell Grant for the award year; and

"(C) when determining eligibility for the awards under this section, the Secretary shall consider only those students who submitted a Free Application for Federal Student Aid or other common reporting form under section 483 as of July 1 of the award year for which the determination is made.

"(2) STUDENTS WITH THE GREATEST NEED.—The Secretary shall ensure grants are awarded under this section to students with the greatest need as determined in accordance with section 471.

"(b) COST OF ATTENDANCE LIMITATION.—A grant awarded under this section for an award year shall be awarded in an amount that does not exceed—

"(1) the student's cost of attendance for the award year; less

"(2) an amount equal to the sum of—

"(A) the expected family contribution for the student for the award year; and

"(B) any Federal Pell Grant award received by the student for the award year.

"(c) SUPPLEMENT NOT SUPPLANT.—Grants awarded from funds made available under subsection (e) shall be used to supplement, and not supplant, other Federal, State, or institutional grant funds.

"(d) USE OF EXCESS FUNDS.—

"(1) FIFTEEN PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by 15 percent or less, then all of the excess funds shall remain available for making grant payments under this section during the next succeeding fiscal year.

"(2) MORE THAN FIFTEEN PERCENT.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by more than 15 percent, then all of such funds shall remain available for making such grant payments but grant payments may be made under this paragraph only with respect to awards for that fiscal year.

"(e) AUTHORIZATION AND APPROPRIATION OF FUNDS.—

"(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out this section—

"(A) $2,620,000,000 for fiscal year 2008;
"(B) $3,040,000,000 for fiscal year 2009;
"(C) $3,460,000,000 for fiscal year 2010;
"(D) $3,900,000,000 for fiscal year 2011;
"(E) $4,020,000,000 for fiscal year 2012;
"(F) $10,000,000 for fiscal year 2013;
"(G) $3,650,000,000 for fiscal year 2014;
"(H) $3,850,000,000 for fiscal year 2015;
"(I) $4,175,000,000 for fiscal year 2016; and
"(J) $4,180,000,000 for fiscal year 2017.

"(2) AVAILABILITY OF FUNDS.—Funds appropriated under paragraph (1) for a fiscal year shall remain available through the last day of the fiscal year immediately succeeding the fiscal year for which the funds are appropriated.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

TITLE II—STUDENT LOAN BENEFITS, TERMS, AND CONDITIONS

SEC. 201. DEFERMENTS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking "3 years" and inserting "6 years".

(b) INTEREST SUBSIDIES.— Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking "3 years" and inserting "6 years".

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking "3 years" and inserting "6 years".

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking "3 years" and inserting "6 years".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to the loans made to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 202. STUDENT LOAN DEFERMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M)(iii) (20 U.S.C. 1078(b)(1)(M)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking "not in excess of 3 years";

(2) in subclause (II), by striking "; or" and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or".

(b) DIRECT LOANS.—Section 455(f)(2)(C) (20 U.S.C. 1087e(f)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "not in excess of 3 years";

(2) in clause (ii), by striking "; or" and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or".

(c) PERKINS LOANS.—Section 464(c)(2)(A)(iii) (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking "not in excess of 3 years";

(2) in subclause (II), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);".

(d) APPLICABILITY.—Section 8007(f) of the Higher Education Reconciliation Act of 2005 (20 U.S.C. 1078 note) is amended by striking "loans for which" and all that follows through the period at the end and inserting "all loans under title IV of the Higher Education Act of 1965.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 203. INCOME-BASED REPAYMENT PLANS.

(a) FFEL.—Section 428 (as amended by sections 201(b) and 202(a)) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "income contingent" and inserting "income-based"; and

(ii) in subparagraph (E)(i), by striking "income-sensitive" and inserting "income-based"; and

(B) by striking clause (iii) of paragraph (9)(A) and inserting the following:

"(iii) an income-based repayment plan, with parallel terms, conditions, and benefits as the income-based repayment plan described in subsections (e) and (d)(1)(D) of section 455, except that—

"(I) the plan described in this clause shall not be available to a borrower of an excepted PLUS loan (as defined in section 455(e)(10)) or of a loan made under 428C that includes an excepted PLUS loan;

"(II) in lieu of the process of obtaining Federal income tax returns and information from the Internal Revenue Service, as described in section 455(e)(1), the borrower shall provide the lender with a copy of the Federal income tax return and return information for the borrower (and, if applicable, the borrower's spouse) for the purposes described in section 455(e)(1), and the lender shall determine the repayment obligation on the loan, in accordance with the procedures developed by the Secretary;

"(III) in lieu of the requirements of section 455(e)(3), in the case of a borrower who chooses to repay a loan made, insured, or guaranteed under this part pursuant to income-based repayment and for whom the adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, the borrower shall provide the lender with other documentation of income that the Secretary has determined is satisfactory for similar borrowers of loans made under part D;

"(IV) the Secretary shall pay any interest due and not paid for under the repayment schedule described in section 455(e)(4) for a loan made, insured, or guaranteed under this part in the same manner as the Secretary pays any such interest under section 455(e)(6) for a Federal Direct Stafford Loan;

"(V) the Secretary shall assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under this part (other than an excepted PLUS Loan or a loan under section 428C that includes an excepted PLUS loan), for a borrower who satisfies the requirements of subparagraphs (A) and (B) of section 455(e)(7), in the same manner as the Secretary cancels such outstanding balance under section 455(e)(7); and

"(VI) in lieu of the notification requirements under section 455(e)(8), the lender shall notify a borrower of a loan made, insured, or guaranteed under this part who chooses to repay such loan pursuant to income-based repayment of the terms and conditions of such plan, in accordance with the procedures established by the Secretary, including notification that—

"(aa) the borrower shall be responsible for providing the lender with the information necessary for documentation of the borrower's income, including income information for the borrower's spouse (as applicable); and

"(bb) if the borrower considers that special circumstances warrant an adjustment, as described in section 455(e)(8)(B), the borrower may contact the lender, and the lender shall determine whether such adjustment is appropriate, in accordance with the criteria established by the Secretary; and";

(2) in subsection (e)—

(A) in the subsection heading, by striking "INCOME-SENSITIVE" and inserting "INCOME-BASED";

(B) in paragraph (1)—

(i) by striking "income-sensitive repayment" and inserting "income-based repayment"; and

(ii) by inserting "and for the public service loan forgiveness program under section 455(m), in accordance with section 428C(b)(5)" before the semicolon; and

(C) in paragraphs (2) and (3), by striking "income-sensitive" each place the term occurs and inserting "income-based"; and

(3) in subsection (m)—

(A) in the subsection heading, by striking "INCOME CONTINGENT" and inserting "INCOME-BASED";

(B) in paragraph (1), by striking "income contingent repayment plan" and all that follows through the period at the end and inserting "income-based repayment plan as described in subsection (b)(9)(A)(iii) and section 455(d)(1)(D)."; and

(C) in the paragraph heading of paragraph (2), by striking "INCOME CONTINGENT" and inserting "INCOME-BASED".

(b) CONSOLIDATION LOANS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(3)(B)(i)(V), by striking "for the purposes of obtaining an income contingent repayment plan," and inserting "for the purpose of using the public service loan forgiveness program under section 455(m),";

(2) in subsection (b)(5)—

(A) in the first sentence, by striking ", or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender," and inserting ", or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m),"; and

(B) in the second sentence, by striking "income contingent repayment under part D of this title" and inserting "income-based repayment"; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking "of graduated or income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary." and inserting "of graduated repayment schedules, established by the lender in accordance with the regulations of the Secretary, and income-based repayment schedules, established pursuant to regulations by the Secretary."; and

(ii) in the second sentence, by striking "Except as required" and all that follows through "subsection (b)(5)," and inserting "Except as required by such income-based repayment schedules,"; and

(B) in paragraph (3)(B), by striking "income contingent repayment offered by the Secretary under subsection (b)(5)" and inserting "income-based repayment".

(c) DIRECT LOANS.—Section 455 (as amended by sections 201(c) and 202(b)) (20 U.S.C. 1087e) is further amended—

(1) in subsection (d)—

(A) in paragraph (1)(D)—

(i) by striking "income contingent repayment plan" and inserting "income-based repayment plan"; and

(ii) by striking "a Federal Direct PLUS loan" and inserting "an excepted PLUS loan or any Federal Direct Consolidation Loan that includes an excepted PLUS loan (as defined in subsection (e)(10))"; and

(B) in paragraph (5)(B), by striking "income contingent" and inserting "income-based"; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "INCOME CONTINGENT" and inserting "INCOME-BASED";

(B) in paragraphs (1), (2), and (3), by striking "income contingent" each place the term appears and inserting "income-based";

(C) in paragraph (4)—

(i) by striking "Income contingent" and inserting "Income-based"; and

(ii) by striking "Secretary." and inserting "Secretary, except that the monthly required payment under such schedule shall not exceed 15 percent of the result obtained by calculating the amount by which—

"(A) the borrower's adjusted gross income; exceeds

"(B) 150 percent of the poverty line applicable to the borrower's family size, as determined under section 673(2) of the Community Service Block Grant Act, divided by 12.";

(D) in paragraph (5), by striking "income contingent" and inserting "income-based";

(E) by redesignating paragraph (6) as paragraph (8);

(F) by inserting after paragraph (5) the following:

"(6) TREATMENT OF INTEREST.—In the case of a Federal Direct Stafford Loan, any interest due and not paid for under paragraph (2) shall be paid by the Secretary.

"(7) LOAN FORGIVENESS.—The Secretary shall cancel the obligation to repay an outstanding balance of principal and interest due on all loans made under this part, or assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under part B, (other than an excepted PLUS Loan, or any Federal Direct Consolidation Loan or loan under section 428C that includes an excepted PLUS loan) to a borrower who—

"(A) makes the election under this subsection or under section 428(b)(9)(A)(iii); and

"(B) for a period of time prescribed by the Secretary not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 of the following requirements with respect to each payment made during such period:

"(i) Has made the payment under this subsection or section 428(b)(9)(A)(iii).

"(ii) Has made the payment under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

"(iii) Has made a payment that counted toward the maximum repayment period under income-sensitive repayment under section 428(b)(9)(A)(iii) or income contingent repayment under section 455(d)(1)(D), as each such section was in effect on June 30, 2008.

"(iv) Has made a reduced payment of not less than the amount required under subsection (e), pursuant to a forbearance agreement under section 428(c)(3)(A)(i) for a borrower described in 428(c)(3)(A)(i)(II).";

(G) in the matter preceding subparagraph (A) of paragraph (8) (as redesignated by subparagraph (E)), by striking "income contingent" and inserting "income-based"; and

(H) by adding at the end the following:

"(9) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-based repayment may choose, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.

"(10) DEFINITION OF EXCEPTED PLUS LOAN.—In this subsection, the term 'excepted PLUS loan' means a Federal Direct PLUS loan or a loan under section 428B that is made, insured, or guaranteed on behalf of a dependent student.".

(d) CONFORMING AMENDMENTS AND TECHNICAL CORRECTIONS.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(H) (20 U.S.C. 1077(a)(2)(H))—

(A) by striking "or income-sensitive"; and

(B) by inserting "or income-based repayment schedule established pursuant to regulations by the Secretary" before the semicolon at the end; and

(2) in section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)), by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)".

(e) TRANSITION PROVISION.—A student who, as of June 30, 2008, elects to repay a loan under part B or part D of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) through an income-sensitive repayment plan under section 428(b)(9)(A)(iii) of such Act (20 U.S.C. 1078(b)(9)(A)(iii)) or an income contingent repayment plan under section 455(d)(1)(D) of such Act (20 U.S.C. 1087e(d)(1)(D)) (as each such section was in effect on the day before the date of enactment of this Act) shall have the option to continue repayment under such section (as such section was in effect on such day), or may elect, beginning on July 1, 2008, to use the income-based repayment plan under section 428(b)(9)(A)(iii) or 455(d)(1)(D) (as applicable) of the Higher Education Act of 1965, as amended by this section.

(f) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

TITLE III—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 301. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended—

(1) in the matter preceding clause (i), by striking "insures 98 percent" and inserting "insures 97 percent";

(2) in clause (i), by inserting "and" after the semicolon;

(3) by striking clause (ii); and

(4) by redesignating clause (iii) as clause (ii).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 302. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent'; and

"(II) beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '24 percent'.".

SEC. 303. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007, except that section 428I of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of this Act) shall apply to eligible lenders that received a designation under subsection (a) of such section prior to October 1, 2007, for the remainder of the year for which the designation was made.

SEC. 304. DEFINITIONS.

(a) AMENDMENTS.—Section 435 (20 U.S.C. 1085) is amended—

(1) in subsection (o)(1)—

(A) in subparagraph (A)(ii), by striking "100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size"; and

(B) in subparagraph (B)(ii), by striking "to a family of two" and inserting "to the borrower's family size"; and

(2) by adding at the end the following:

"(p) ELIGIBLE NOT-FOR-PROFIT HOLDER.—

"(1) DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.—The term 'eligible not-for-profit holder' means an eligible lender under subsection (d) (except for an eligible lender described in subsection (d)(1)(E)) that requests a special allowance payment under section 438(b)(2)(I)(vi)(II) and that is—

"(A) a State of the United States, or a political subdivision thereof, or an authority, agency, or other instrumentality thereof (including such entities that are eligible to issue bonds described in section 1.103–1 of title 26, Code of Federal Regulations, or section 144(b) of the Internal Revenue Code of 1986);

"(B) an entity described in section 150(d)(2) of such Code that has not made the election described in section 150(d)(3) of such Code;

"(C) an entity described in section 501(c)(3) of such Code; or

"(D) a trustee acting as an eligible lender on behalf of an entity described in subparagraph (A), (B), or (C),

except that no entity described in subparagraph (A), (B), or (C) shall be owned or controlled in whole or in part by a for-profit entity.

"(2) PROHIBITION.—In the case of a loan for which the special allowance payment is calculated under section 438(b)(2)(I)(vi)(II) and that is sold by the eligible not-for-profit holder holding the loan to a for-profit entity or to an entity that is not an eligible not-for-profit holder, the special allowance payment for such loan shall, beginning on the date of the sale, no longer be calculated under section 438(b)(2)(I)(vi)(II) and shall be calculated under section 438(b)(2)(I)(vi)(I) instead.

"(3) REGULATIONS.—Not later than 1 year after the date of enactment of the Higher Education Access Act of 2007, the Secretary shall promulgate regulations in accordance with the provisions of this subsection.".

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall only apply with respect to any borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 305. SPECIAL ALLOWANCES.

(a) REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking "(iii), and (iv)" and inserting "(iii), (iv), and (vi)"; and

(2) by adding at the end the following:

"(vi) REDUCTION FOR LOANS DISBURSED ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

"(I) for loans held by an eligible lender not described in subclause (II)—

"(aa) by substituting '1.24 percent' for '1.74 percent' in clause (ii);

"(bb) by substituting '1.84 percent' for '2.34 percent' each place the term appears in this subparagraph;

"(cc) by substituting '1.84 percent' for '2.64 percent' in clause (iii); and

"(dd) by substituting '2.14 percent' for '2.64 percent' in clause (iv); and

"(II) for loans held by an eligible not-for-profit holder—

"(aa) by substituting '1.99 percent' for '2.34 percent' each place the term appears in this subparagraph;

"(bb) by substituting '1.39 percent' for '1.74 percent' in clause (ii);

"(cc) by substituting '1.99 percent' for '2.64 percent' in clause (iii); and

"(dd) by substituting '2.29 percent' for '2.64 percent' in clause (iv).".

(b) INCREASED LOAN FEES FROM LENDERS.—Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

"(2) AMOUNT OF LOAN FEES.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007.".

TITLE IV—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

SEC. 401. LOAN FORGIVENESS FOR PUBLIC SERVICE EMPLOYEES.

Section 455 (as amended by sections 201(c), 202(b), and 203(c)) (20 U.S.C. 1087e) is further amended by adding at the end the following:

"(m) REPAYMENT PLAN FOR PUBLIC SERVICE EMPLOYEES.—

"(1) IN GENERAL.—The Secretary shall cancel the balance of interest and principal due, in accordance with paragraph (2), on any eligible Federal Direct Loan not in default for an eligible borrower who—

"(A) has made 120 monthly payments on the Federal Direct Loan after October 1, 2007, pursuant to any combination of—

"(i) payments under an income-based repayment plan under section 455(d)(1)(D);

"(ii) payments under a standard repayment plan under section 455(d)(1)(A); or

"(iii) monthly payments under a repayment plan under section 455(d)(1) of not less than the monthly amount calculated under section 455(d)(1)(A); and

"(B)(i) is employed in a public service job at the time of such forgiveness; and

"(ii) has been employed in a public service job during the period in which the borrower makes each of the 120 payments described in subparagraph (A).

"(2) LOAN CANCELLATION AMOUNT.—After the conclusion of the employment period described in paragraph (1), the Secretary shall cancel the obligation to repay, for each year during such period described in paragraph (1)(B)(ii) for which the eligible borrower submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings were less than or equal to $65,000, 1/10 of the amount of the balance of principal and interest due as of the time of such cancellation, on the eligible Federal Direct Loans made to the borrower under this part.

"(3) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE BORROWER.—The term 'eligible borrower' means a borrower who submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings is less than or equal to $65,000.

"(B) ELIGIBLE FEDERAL DIRECT LOAN.—The term 'eligible Federal Direct Loan' means a Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Loan, or a Federal Direct Consolidation Loan if such consolidation loan was obtained by the borrower under section 428C(b)(5) or in accordance with section 428C(a)(3)(B)(i)(V).

"(C) PUBLIC SERVICE JOB.—In this paragraph, the term 'public service job' means—

"(i) a full-time job in public emergency management, government, public safety, public law enforcement, public health, public education, public early childhood education, public child care, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services (including prosecution or public defense), public library sciences, public school library sciences, or other public school-based services; or

"(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b).".

SEC. 402. UNIT COST CALCULATION FOR GUARANTY AGENCY ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended—

(1) by striking "Account" and inserting the following:

"(1) FOR FISCAL YEARS 2006 AND 2007.—For each of the fiscal years 2006 and 2007, account"; and

(2) by adding at the end the following:

"(2) FOR FISCAL YEAR 2008 AND SUCCEEDING FISCAL YEARS.—

"(A) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B).

"(B) AMOUNT DETERMINATION.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

"(i) establish the per-loan cost basis amount by dividing the total amount of account maintenance fees paid under subsection (a)(3) for fiscal year 2006 by the number of loans under part B that were outstanding for that fiscal year; and

"(ii) for subsequent fiscal years, adjust the amount determined under clause (i) as the Secretary determines necessary to account for inflation.".

TITLE V—FEDERAL PERKINS LOANS

SEC. 501. DISTRIBUTION OF LATE COLLECTIONS.

Section 466(b) (20 U.S.C. 1087ff(b)) is amended by striking "March 31, 2012" and inserting "September 30, 2012".

TITLE VI—NEED ANALYSIS

SEC. 601. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as follows:

"(D) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478):

"(i) for academic year 2009–2010, $3,750;

"(ii) for academic year 2010–2011, $4,500;

"(iii) for academic year 2011–2012, $5,250; and

"(iv) for academic year 2012–2013, $6,000;".

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

"(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478):

"(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2)—

"(aa) for academic year 2009–2010, $7,000;

"(bb) for academic year 2010–2011, $7,780;

"(cc) for academic year 2011–2012, $8,550; and

"(dd) for academic year 2012–2013, $9,330; and

"(II) for married students where 1 is enrolled pursuant to subsection (a)(2)—

"(aa) for academic year 2009–2010, $11,220;

"(bb) for academic year 2010–2011, $12,460;

"(cc) for academic year 2011–2012, $13,710; and

"(dd) for academic year 2012–2013, $14,960;".

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Paragraph (4) of section 477(b) (20 U.S.C. 1087qq(b)(4)) is amended to read as follows:

"(4) INCOME PROTECTION ALLOWANCE.—The income protection allowance is determined by the tables described in subparagraphs (A) through (D) (or a successor table prescribed by the Secretary under section 478).

"(A) ACADEMIC YEAR 2009–2010.—For academic year 2009–2010, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$17,720	$14,690			
3	22,060	19,050	$16,020		
4	27,250	24,220	21,210	$18,170	
5	32,150	29,120	26,100	23,070	$20,060
6	37,600	34,570	31,570	28,520	25,520

NOTE: For each additional family member, add $4,240.
For each additional college student, subtract $3,020.

"(B) ACADEMIC YEAR 2010–2011.—For academic year 2010–2011, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$19,690	$16,330			
3	24,510	21,160	$17,800		
4	30,280	26,910	23,560	$20,190	
5	35,730	32,350	29,000	25,640	$22,290
6	41,780	38,410	35,080	31,690	28,350

NOTE: For each additional family member, add $4,710.
For each additional college student, subtract $3,350.

"(C) ACADEMIC YEAR 2011–2012.—For academic year 2011–2012, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$21,660	$17,960			
3	26,960	23,280	$19,580		
4	33,300	29,600	25,920	$22,210	
5	39,300	35,590	31,900	28,200	$24,520
6	45,950	42,250	38,580	34,860	31,190

NOTE: For each additional family member, add $5,180.
For each additional college student, subtract $3,690.

"(D) ACADEMIC YEAR 2012–2013.—For academic year 2012–2013, the income protection allowance is determined by the following table:

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$23,630	$19,590			
3	29,420	25,400	$21,360		
4	36,330	32,300	28,280	$24,230	
5	42,870	38,820	34,800	30,770	$26,750
6	50,130	46,100	42,090	38,030	34,020

NOTE: For each additional family member, add $5,660.
For each additional college student, subtract $4,020.".

(d) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) REVISED TABLES.—

"(A) IN GENERAL.—For each academic year after academic year 2008–2009, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of such sections, subject to subparagraphs (B) and (C).

"(B) TABLE FOR INDEPENDENT STUDENTS.—

"(i) ACADEMIC YEARS 2009–2010 THROUGH 2012–2013.—For each of the academic years 2009–2010 through 2012–2013, the Secretary shall not develop a revised table of income protection allowances under section 477(b)(4) and the table specified for such academic year under subparagraphs (A) through (D) of such section shall apply.

"(ii) OTHER ACADEMIC YEARS.—For each academic year after academic year 2012–2013, the Secretary shall develop the revised table of income protection allowances by increasing each of the dollar amounts contained in the table of income protection allowances under section 477(b)(4)(D) by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.

"(C) TABLE FOR PARENTS.—For each academic year after academic year 2008–2009, the Secretary shall develop the revised table of income protection allowances under section 475(c)(4) by increasing each of the dollar amounts contained in the table by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10."; and

(2) in paragraph (2), by striking "shall be developed" and all that follows through the period at the end and inserting "shall be developed for each academic year after academic year 2012–2013, by increasing each of the dollar amounts contained in such section for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 602. AUTOMATIC ZERO IMPROVEMENTS.

(a) IN GENERAL.—Section 479(c) (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking "20,000" and inserting "$30,000"; and

(2) in paragraph (2)(B), by striking "$20,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 603. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

The third sentence of section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by inserting "or an independent student" after "family member"; and

(2) by inserting "a change in housing status that results in homelessness (as defined in section 103 of the McKinney-Vento Homeless Assistance Act)," after "under section 487,".

SEC. 604. DEFINITIONS.

(a) IN GENERAL.—Section 480 (20 U.S.C. 1087vv) is amended—

(1) in subsection (a)(2)—

(A) by striking "and no portion" and inserting "no portion"; and

(B) by inserting "and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax," after "1986,";

(2) in subsection (d)—

(A) by redesignating paragraphs (1), (2), (3) through (6), and (7) as subparagraphs (A), (B), (D) through (G), and (I), respectively, and indenting appropriately;

(B) by striking "INDEPENDENT STUDENT.—The term" and inserting "INDEPENDENT STUDENT.—

"(1) DEFINITION.—The term";

(C) by striking subparagraph (B) (as redesignated by subparagraph (A)) and inserting the following:

"(B) is an orphan, in foster care, or a ward of the court, or was in foster care when the individual was 13 years of age or older or a ward of the court until the individual reached the age of 18;

"(C) is an emancipated minor or is in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;";

(D) in subparagraph (G) (as redesignated by subparagraph (A)), by striking "or" after the semicolon;

(E) by inserting after subparagraph (G) (as redesignated by subparagraph (A)) the following:

"(H) has been verified as an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) during the school year in which the application is submitted, by—

"(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

"(ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; or

"(iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or"; and

(F) by adding at the end the following:

"(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under paragraph (1)(I) based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.";

(3) in subsection (e)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) special combat pay.";

(4) in subsection (f), by striking paragraph (3) and inserting the following:

"(3) A qualified education benefit shall be considered an asset of—

"(A) the student if the student is an independent student; or

"(B) the parent if the student is a dependent student, regardless of whether the owner of the account is the student or the parent.";

(5) in subsection (j)—

(A) in paragraph (2), by inserting ", or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code," after "1986"; and

(B) by adding at the end the following:

"(4) Notwithstanding paragraph (1), special combat pay shall not be treated as estimated financial assistance for purposes of section 471(3)."; and

(6) by adding at the end the following:

"(n) SPECIAL COMBAT PAY.—The term 'special combat pay' means pay received by a member of the Armed Forces because of exposure to a hazardous situation.".

SEC. 605. AUTHORIZATION AND APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 for fiscal year 2008 for the Department of Education to pay the estimated increase in costs in the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) resulting from the amendments made by sections 603 and 604 for award year 2007–2008.

TITLE VII—MISCELLANEOUS

SEC. 701. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"PART I—COMPETITIVE LOAN AUCTION PILOT PROGRAM; STATE GRANT PROGRAM

"SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE FEDERAL PLUS LOAN.—The term 'eligible Federal PLUS Loan' means a loan described in section 428B made to a parent of a dependent student.

"(2) ELIGIBLE LENDER.—The term 'eligible lender' has the meaning given the term in section 435.

"(b) PILOT PROGRAM.—The Secretary shall carry out a pilot program under which the Secretary establishes a mechanism for an auction of eligible Federal PLUS Loans in accordance with this subsection. The pilot program shall meet the following requirements:

"(1) PLANNING AND IMPLEMENTATION.—During the period beginning on the date of enactment of this section and ending on June 30, 2009, the Secretary shall plan and implement the pilot program under this subsection.

"(2) ORIGINATION AND DISBURSEMENT; APPLICABILITY OF SECTION 428B.—Beginning on July 1, 2009, the Secretary shall arrange for the origination and disbursement of all eligible Federal PLUS Loans in accordance with the provisions of this subsection and the provisions of section 428B that are not inconsistent with this subsection.

"(3) LOAN ORIGINATION MECHANISM.—The Secretary shall establish a loan origination auction mechanism that meets the following requirements:

"(A) AUCTION.—The Secretary administers an auction under this paragraph for each State under which eligible lenders compete to originate eligible Federal PLUS Loans under this paragraph at all institutions of higher education within the State.

"(B) PREQUALIFICATION PROCESS.—The Secretary establishes a prequalification process for eligible lenders desiring to participate in an auction under this paragraph that contains, at a minimum—

"(i) a set of borrower benefits and servicing requirements each eligible lender shall meet in order to participate in such an auction; and

"(ii) an assessment of each such eligible lender's capacity, including capital capacity, to participate effectively.

"(C) TIMING AND ORIGINATION.—Each State auction takes place every 2 years, and the eligible lenders with the winning bids for the State are the only eligible lenders permitted to originate eligible Federal PLUS Loans made under this paragraph for the cohort of students at the institutions of higher education within the State until the students graduate from or leave the institutions of higher education.

"(D) BIDS.—Each eligible lender's bid consists of the amount of the special allowance payment (including the recapture of excess interest) the eligible lender proposes to accept from the Secretary with respect to the eligible Federal PLUS Loans made under this paragraph in lieu of the amount determined under section 438(b)(2)(I).

"(E) MAXIMUM BID.—The maximum bid allowable under this paragraph shall not exceed the amount of the special allowance payable on eligible Federal PLUS Loans made under this paragraph computed under section 438(b)(2)(I) (other than clauses (ii), (iii), (iv), and (vi) of such section), except that for purposes of the computation under this subparagraph, section 438(b)(2)(I)(i)(III) shall be applied by substituting '1.74 percent' for '2.34 percent'.

"(F) WINNING BIDS.—The winning bids for each State auction shall be the 2 bids containing the lowest and the second lowest proposed special allowance payments, subject to subparagraph (E).

"(G) AGREEMENT WITH SECRETARY.—Each eligible lender having a winning bid under subparagraph (F) enters into an agreement with the Secretary under which the eligible lender—

"(i) agrees to originate eligible Federal PLUS Loans under this paragraph to each borrower who—

"(I) seeks an eligible Federal PLUS Loan under this paragraph to enable a dependent student to attend an institution of higher education within the State;

"(II) is eligible for an eligible Federal PLUS Loan; and

"(III) elects to borrow from the eligible lender; and

"(ii) agrees to accept a special allowance payment (including the recapture of excess interest) from the Secretary with respect to the eligible Federal PLUS Loans originated under clause (i) in the amount proposed in the second lowest winning bid described in subparagraph (F) for the applicable State auction.

"(H) SEALED BIDS; CONFIDENTIALITY.—All bids are sealed and the Secretary keeps the bids confidential, including following the announcement of the winning bids.

"(I) ELIGIBLE LENDER OF LAST RESORT.—

"(i) IN GENERAL.—In the event that there is no winning bid under subparagraph (F), the students at the institutions of higher education within the State that was the subject of the auction shall be served by an eligible lender of last resort, as determined by the Secretary.

"(ii) DETERMINATION OF ELIGIBLE LENDER OF LAST RESORT.—Prior to the start of any auction under this paragraph, eligible lenders that desire to serve as an eligible lender of last resort shall submit an application to the Secretary at such time and in such manner as the Secretary may determine. Such application shall include an assurance that the eligible lender will meet the prequalification requirements described in subparagraph (B).

"(iii) GEOGRAPHIC LOCATION.—The Secretary shall identify an eligible lender of last resort for each State.

"(iv) NOTIFICATION TIMING.—The Secretary shall not identify any eligible lender of last resort until after the announcement of all the winning bids for a State auction for any year.

"(J) GUARANTEE AGAINST LOSSES.—The Secretary guarantees the eligible Federal PLUS Loans made under this paragraph against losses resulting from the default of a parent borrower in an amount equal to 99 percent of the unpaid principal and interest due on the loan.

"(K) LOAN FEES.—The Secretary shall not collect a loan fee under section 438(d) with respect to an eligible Federal Plus Loan originated under this paragraph.

"(L) CONSOLIDATION.—

"(i) IN GENERAL.—An eligible lender who is permitted to originate eligible Federal PLUS Loans for a borrower under this paragraph shall have the option to consolidate such loans into 1 loan.

"(ii) NOTIFICATION.—In the event a borrower with eligible Federal PLUS Loans made under this paragraph wishes to consolidate the loans, the borrower shall notify the eligible lender who originated the loans under this paragraph.

"(iii) LIMITATION ON ELIGIBLE LENDER OPTION TO CONSOLIDATE.—The option described in clause (i) shall not apply if—

"(I) the borrower includes in the notification in clause (ii) verification of consolidation terms and conditions offered by an eligible lender other than the eligible lender described in clause (i); and

"(II) not later than 10 days after receiving such notification from the borrower, the eligible lender described in clause (i) does not agree to match such terms and conditions, or provide more favorable terms and conditions to such borrower than the offered terms and conditions described in subclause (I).

"(iv) CONSOLIDATION OF ADDITIONAL LOANS.—If a borrower has a Federal Direct PLUS Loan or a loan made on behalf of a dependent student under section 428B and seeks to consolidate such loan with an eligible Federal PLUS Loan made under this paragraph, then the eligible lender that originated the borrower's loan under this paragraph may include in the consolidation under this subparagraph a Federal Direct PLUS Loan or a loan made on behalf of a dependent student under section 428B, but only if—

"(I) in the case of a Federal Direct PLUS Loan, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions that would otherwise be available to the borrower if the borrower consolidated such loans in the loan program under part D; or

"(II) in the case of a loan made on behalf of a dependent student under section 428B, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions offered by an eligible lender other than the eligible lender that originated the borrower's loans under this paragraph.

"(v) SPECIAL ALLOWANCE ON CONSOLIDATION LOANS THAT INCLUDE LOANS MADE UNDER THIS PARAGRAPH.—The applicable special allowance payment for loans consolidated under this paragraph shall be equal to the lesser of—

"(I) the weighted average of the special allowance payment on such loans, except that such weighted average shall exclude the special allowance payment for any Federal Direct PLUS Loan included in the consolidation; or

"(II) the result of—

"(aa) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period; plus

"(bb) 1.59 percent.

"(vi) INTEREST PAYMENT REBATE FEE.—Any loan under section 428C consolidated under this paragraph shall not be subject to the interest payment rebate fee under section 428C(f).

"(c) COLLEGE ACCESS PARTNERSHIP GRANT PROGRAM.—

"(1) PURPOSE.—It is the purpose of this subsection to make payments to States to assist the States in carrying out the activities and services described in paragraph (7) in order to increase access to higher education for students in the State.

"(2) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $113,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

"(3) PROGRAM AUTHORIZED.—

"(A) GRANTS AUTHORIZED.—From amounts appropriated under paragraph (2), the Secretary shall award grants, from allotments under paragraph (4), to States having applications approved under paragraph (5), to enable the State to pay the Federal share of the costs of carrying out the activities and services described in paragraph (7).

"(B) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(i) FEDERAL SHARE.—The amount of the Federal share under this subsection for a fiscal year shall be equal to ⅔ of the costs of the activities and services described in paragraph (7).

"(ii) NON-FEDERAL SHARE.—The amount of the non-Federal share under this subsection shall be equal to ⅓ of the costs of the activities and services described in paragraph (7). The non-Federal share may be in cash or in-kind, and may be provided from a combination of State resources and contributions from private organizations in the State.

"(C) REDUCTION FOR FAILURE TO PAY NON-FEDERAL SHARE.—If a State fails to provide the full non-Federal share required under this paragraph, the Secretary shall reduce the amount of the grant payment under this subsection proportionately.

"(D) TEMPORARY INELIGIBILITY FOR SUBSEQUENT PAYMENTS.—

"(i) IN GENERAL.—The Secretary shall determine a State to be temporarily ineligible to receive a grant payment under this subsection for a fiscal year if—

"(I) the State fails to submit an annual report pursuant to paragraph (9) for the preceding fiscal year; or

"(II) the Secretary determines, based on information in such annual report, that the State is not effectively meeting the conditions described under paragraph (8) and the goals of the application under paragraph (5).

"(ii) REINSTATEMENT.—If the Secretary determines a State is ineligible under clause (i), the Secretary may enter into an agreement with the State setting forth the terms and conditions under which the State may regain eligibility to receive payments under this subsection.

"(4) DETERMINATION OF ALLOTMENT.—

"(A) AMOUNT OF ALLOTMENT.—Subject to subparagraph (B), in making grant payments to States under this subsection, the allotment to each State for a fiscal year shall be equal to the sum of—

"(i) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the poverty line applicable to the resident's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States; and

"(ii) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States.

"(B) MINIMUM AMOUNT.—No State shall receive an allotment under this subsection for a fiscal year in an amount that is less than ½ of 1 percent of the total amount appropriated under paragraph (2) for such fiscal year.

"(5) SUBMISSION AND CONTENTS OF APPLICATION.—

"(A) IN GENERAL.—For each fiscal year for which a State desires a grant payment under paragraph (3), the State agency with jurisdiction over higher education, or another agency designated by the Governor of the State to administer the program under this subsection, shall submit an application to the Secretary at such time, in such manner, and containing the information described in subparagraph (B).

"(B) APPLICATION.—An application submitted under subparagraph (A) shall include the following:

"(i) A description of the State's capacity to administer the grant under this subsection and report annually to the Secretary on the activities and services described in paragraph (7).

"(ii) A description of the State's plan for using the grant funds to meet the requirements of paragraphs (7) and (8), including plans for how the State will make special efforts to provide such benefits to students in the State that are underrepresented in postsecondary education.

"(iii) A description of how the State will provide or coordinate the non-Federal share from State and private funds, if applicable.

"(iv) A description of the existing structure that the State has in place to administer the activities and services under paragraph (7) or the plan to develop such administrative capacity.

"(6) PAYMENT TO ELIGIBLE NONPROFIT ORGANIZATIONS.—A State receiving a payment under this subsection may elect to make a payment to 1 or more eligible nonprofit organizations, including an eligible not-for-profit holder (as defined in section 438(p)), or a partnership of such organizations, in the State in order to carry out activities or services described in paragraph (7), if the eligible nonprofit organization or partnership—

"(A) was in existence on the day before the date of enactment of the Higher Education Access Act of 2007; and

"(B) as of the day of such payment, is participating in activities and services related to increasing access to higher education, such as those activities and services described in paragraph (7).

"(7) ALLOWABLE USES.—

"(A) IN GENERAL.—Subject to subparagraph (C), a State may use a grant payment under this subsection only for the following activities and services, pursuant to the conditions under paragraph (8):

"(i) Information for students and families regarding—

"(I) the benefits of a postsecondary education;

"(II) postsecondary education opportunities;

"(III) planning for postsecondary education; and

"(IV) career preparation.

"(ii) Information on financing options for postsecondary education and activities that promote financial literacy and debt management among students and families.

"(iii) Outreach activities for students who may be at risk of not enrolling in or completing postsecondary education.

"(iv) Assistance in completion of the Free Application for Federal Student Aid or other common financial reporting form under section 483(a).

"(v) Need-based grant aid for students.

"(vi) Professional development for guidance counselors at middle schools and secondary schools, and financial aid administrators and college admissions counselors at institutions of higher education, to improve such individuals' capacity to assist students and parents with—

"(I) understanding—

"(aa) entrance requirements for admission to institutions of higher education; and

"(bb) State eligibility requirements for Academic Competitiveness Grants or National SMART Grants under section 401A, and other financial assistance that is dependent upon a student's coursework;

"(II) applying to institutions of higher education;

"(III) applying for Federal student financial assistance and other State, local, and private student financial assistance and scholarships;

"(IV) activities that increase students' ability to successfully complete the coursework required for a postsecondary degree, including activities such as tutoring or mentoring; and

"(V) activities to improve secondary school students' preparedness for postsecondary entrance examinations.

"(vii) Student loan cancellation or repayment (as applicable), or interest rate reductions, for borrowers who are employed in a high-need geographical area or a high-need profession in the State, as determined by the State.

"(B) PROHIBITED USES.—Funds made available under this subsection shall not be used to promote any lender's loans.

"(C) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State may use not more than 2 percent of the total amount of the Federal share and non-Federal share provided under this subsection for administrative purposes relating to the grant under this subsection.

"(8) SPECIAL CONDITIONS.—

"(A) AVAILABILITY TO STUDENTS AND FAMILIES.—A State receiving a grant payment under this subsection shall—

"(i) make the activities and services described in clauses (i) through (vi) of paragraph (7)(A) that are funded under the payment available to all qualifying students and families in the State;

"(ii) allow students and families to participate in the activities and services without regard to—

"(I) the postsecondary institution in which the student enrolls;

"(II) the type of student loan the student receives;

"(III) the servicer of such loan; or

"(IV) the student's academic performance;

"(iii) not charge any student or parent a fee or additional charge to participate in the activities or services; and

"(iv) in the case of an activity providing grant aid, not require a student to meet any condition other than eligibility for Federal financial assistance under this title, except as provided for in the loan cancellation or repayment or interest rate reductions described in paragraph (7)(A)(vii).

"(B) PRIORITY.—A State receiving a grant payment under this subsection shall, in carrying out any activity or service described in paragraph (7)(A) with the grant funds, prioritize students and families who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act).

"(C) DISCLOSURES.—

"(i) ORGANIZATIONAL DISCLOSURES.—In the case of a State that has chosen to make a payment to an eligible not-for-profit holder in the State in accordance with paragraph (6), the holder shall clearly and prominently indicate the name of the holder and the nature of its work in connection with any of the activities carried out, or any information or services provided, with such funds.

"(ii) INFORMATIONAL DISCLOSURES.—Any information about financing options for higher education provided through an activity or service funded under this subsection shall—

"(I) include information to students and the students' parents of the availability of Federal, *State, local, institutional, and other grants and loans for postsecondary education; and*

"(II) present information on financial assistance for postsecondary education that is not provided under this title in a manner that is clearly distinct from information on student financial assistance under this title.

"(D) COORDINATION.—A State receiving a grant payment under this subsection shall attempt to coordinate the activities carried out with the payment with any existing activities that are similar to such activities, and with any other entities that support the existing activities in the State.

"(9) REPORT.—A State receiving a payment under this subsection shall prepare and submit an annual report to the Secretary on the program under this subsection and on the implementation of the activities and services described in paragraph (7). The report shall include—

"(A) each activity or service that was provided to students and families over the course of the year;

"(B) the cost of providing each activity or service;

"(C) the number, and percentage, if feasible and applicable, of students who received each activity or service; and

"(D) the total contributions from private organizations included in the State's non-Federal share for the fiscal year.

"(10) SUNSET.—The authority provided to carry out this subsection shall expire on September 30, 2009.

"(d) FINANCIAL LITERACY PROGRAM ESTABLISHED.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit or for-profit organization, or a consortium of such organizations, with a demonstrated record of effectiveness in providing financial literacy services to students at the secondary and postsecondary level.

"(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (6), the Secretary shall award grants to eligible entities to enable the eligible entities to increase the financial literacy of students who are enrolled or will enroll in an institution of higher education, including providing instruction to students on topics such as the understanding of loan terms and conditions, the calculation of interest rates, refinancing of debt, debt management, and future savings for education, health care and long-term care, and retirement.

"(3) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

"(4) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

"(5) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include the following:

"(A) A detailed description of the eligible entity's plans for providing financial literacy activities and the students and schools the grant will target.

"(B) The eligible entity's plan for using the matching grant funds, including how the funds will be used to provide financial literacy programs to students.

"(C) A plan to ensure the viability of the work of the eligible entity beyond the grant period.

"(D) A detailed description of the activities that carry out this subsection and that are conducted by the eligible entity at the time of the application, and how the matching grant funds will assist the eligible entity with expanding and enhancing such activities.

"(E) A description of the strategies that will be used to target activities under the grant to students in secondary school and enrolled in institutions of higher education who are historically underrepresented in institutions of higher education and who may benefit from the activities of the eligible entity.

"(6) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $10,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

"(e) SECONDARY SCHOOL GRADUATION AND COLLEGE ENROLLMENT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

"(i) IN GENERAL.—The term 'eligible local educational agency' means a local educational agency with a secondary school graduation rate of 70 percent or less—

"(I) in the aggregate; or

"(II) applicable to 2 or more subgroups of secondary school students served by the local educational agency that are described in clause (ii).

"(ii) SUBGROUPS.—A subgroup referred to in clause (i)(II) is—

"(I) a subgroup of economically disadvantaged students; or

"(II) a subgroup of students from a major racial or ethnic group.

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium of a nonprofit organization and an institution of higher education with a demonstrated record of effectiveness in raising secondary school graduation rates and postsecondary enrollment rates.

"(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (7), the Secretary shall award grants to eligible entities to enable the eligible entities to carry out activities that—

"(A) create models of excellence for academically rigorous secondary schools, including early college secondary schools;

"(B) increase secondary school graduation rates;

"(C) raise the rate of students who enroll in an institution of higher education;

"(D) improve instruction and access to supports for struggling secondary school students;

"(E) create, implement, and utilize early warning systems to help identify students at risk of dropping out of secondary school; and

"(F) improve communication between parents, students, and schools concerning requirements for secondary school graduation, postsecondary education enrollment, and financial assistance available for attending postsecondary education.

"(3) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the funds—

"(A) to implement a college-preparatory curriculum for all students in a secondary school served by the eligible local educational agency that is, at a minimum, aligned with a rigorous secondary school program of study;

"(B) to implement accelerated academic catch-up programs, for students who enter secondary school not meeting the proficient levels of student academic achievement on the State academic assessments for mathematics, reading or language arts, or science under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, that enable such students to meet the proficient levels of achievement and remain on track to graduate from secondary school on time with a regular secondary school diploma;

"(C) to implement an early warning system to quickly identify students at risk of dropping out of secondary school, including systems that track student absenteeism; and

"(D) to implement a comprehensive postsecondary education guidance program that—

"(i) will ensure that all students are regularly notified throughout the students' time in secondary school of secondary school graduation requirements and postsecondary education entrance requirements; and

"(ii) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial assistance and other State, local, and private financial assistance and scholarships.

"(4) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

"(5) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in-kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

"(6) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(7) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $25,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.".

SEC. 702. INNOCENT CHILD PROTECTION.

(a) IN GENERAL.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States, to carry out a sentence of death on a woman while she carries a child in utero.

(b) DEFINITION.—In this section, the term "child in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

TITLE VIII—OTHER MATTERS

SEC. 801. SENSE OF SENATE ON THE DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) During the War on Terror, senior members of al Qaeda have been captured by the United States military and intelligence personnel and their allies.

(2) Many such senior members of al Qaeda have since been transferred to the detention facility at Guantanamo Bay, Cuba.

(3) These senior al Qaeda members detained at Guantanamo Bay include Khalid Sheikh Mohammed, who was the mastermind behind the terrorist attacks of September 11, 2001, which killed approximately 3,000 innocent people.

(4) These senior al Qaeda members detained at Guantanamo Bay also include Majid Khan, who was tasked to develop plans to poison water reservoirs inside the United States, was responsible for conducting a study on the feasibility of a potential gas station bombing campaign inside the United States, and was integral in recommending Iyman Farris, who plotted to destroy the Brooklyn Bridge, to be an operative for al Qaeda inside the United States.

(5) These senior al Qaeda members detained at Guantanamo Bay also include Abd al-Rahim al-Nashiri, who was an al Qaeda operations chief for the Arabian Peninsula and who, at the request of Osama bin Laden, orchestrated the attack on the U.S.S. Cole, which killed 17 United States sailors.

(6) These senior al Qaeda members detained at Guantanamo Bay also include Ahmed Khalfan Ghailani, who played a major role in the East African Embassy Bombings, which killed more than 250 people.

(7) The Department of Defense has estimated that of the approximately 415 detainees who have been released or transferred from the detention facility at Guantanamo Bay, at least 29 have subsequently taken up arms against the United States and its allies.

(8) Osama bin Laden, the leader of al Qaeda, said in his 1998 fatwa against the United States, that "[t]he ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it".

(9) In the same fatwa, bin Laden said, "[w]e—with God's help—call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it".

(10) It is safer for American citizens if captured members of al Qaeda and other terrorist organizations are not housed on American soil where they could more easily carry out their mission to kill innocent civilians.

(b) SENSE OF SENATE.—It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2007 second quarter Mass Mailings is Wednesday, July 25, 2007. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

ORDERS FOR MONDAY, JULY 23, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Monday, July 23; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then proceed to the consideration of S. 1642, with the other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 23, 2007, AT 10 A.M.

Mr. REID. Mr. President, I believe there is no business now to come before the Senate. That being the case, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:03 p.m., adjourned until Monday, July 23, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

BLUE CROSS BLUE SHIELD OF SOUTH CAROLINA CONTRIBUTIONS TO THE ROSA CLARK FREE MEDICAL CLINIC IN OCONEE COUNTY, SOUTH CAROLINA

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to thank Blue Cross Blue Shield (BCBS) of South Carolina for their continued support of the Rosa Clark Free Medical Clinic in Oconee County, South Carolina.

For more than 50 years, BCBS of South Carolina has worked to increase access to quality health care for all South Carolina residents with the hope of providing a higher quality of life to individuals and families across the state. The BCBS of South Carolina has shown leadership in attempting to tackle the problem of preventative health care for the uninsured. Their work is a good example of how the private sector, and not the Federal Government, is better equipped to find innovative solutions to the challenges facing our Nation.

In addition to serving nearly 1 million customers and employing 12,000 South Carolinians, BCBS of South Carolina has also awarded millions of dollars in grants to local schools and medical facilities. These philanthropic efforts facilitated the hiring of health care professionals, furthering health care education, and ensuring South Carolinians have access to affordable quality health care.

One example of this giving exists in my home district, the Third District of South Carolina. In 2006, BCBS of South Carolina contributed $100,000 to the Rosa Clark Free Medical Clinic in Oconee County, which helps provide health care to low-income residents who have no private medical insurance and are ineligible for government insurance programs. In addition, this year they are contributing an additional $34,040 to the facility as a measure of support for the clinic's ongoing mission of serving those in Oconee County.

I ask my colleagues in the 110th Congress to join me in applauding BCBS of South Carolina for being an active partner with the local community and for their ongoing efforts to help reduce overall health care costs for my constituents and our State. I also want to thank those at the Rosa Clark Free Medical Clinic in my home county for all they do to improve the lives of others on a daily basis.

THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. SLAUGHTER. Madam Speaker, today, as we mark the anniversary of the first ever women's rights convention in Seneca Falls, New York, I am proud to celebrate the accomplishments of our foremothers by introducing the National Women's Rights History Project Act.

In contemporary American society, women enjoy rights to education, wages, and property ownership. However, it was only 87 years ago that women were finally granted the right to vote. Yet few Americans have any real knowledge of the long struggle to obtain the rights that we take for granted today. The National Women's Rights History Project Act will provide Americans with the opportunity to learn more about the female heroes that fought tirelessly to secure these rights.

On July 19, 1848, a group of activists including Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first women's rights convention at Wesleyan Chapel in Seneca Falls, New York. The women's rights convention heralded the beginning of a 72-year struggle for suffrage. During the convention, 68 women and 32 men signed the Declaration of Sentiments, which was drafted to mirror the Declaration of Independence and set out such radical notions like women's freedom to own property, receive an education, and file for divorce.

In 1851, a second women's rights convention was held in Akron, Ohio. It was at this convention that Sojourner Truth delivered the famous "Ain't I a Woman?" speech. The woman's suffrage movement, however, was not solely limited to organized conventions. Under the leadership of Elizabeth Cady Stanton and Susan B. Anthony the National American Women Suffrage Association (NAWSA) was formed.

Susan B. Anthony also established the Equal Rights Association to refute ideas that women were inferior to men and fight for a woman's right to vote. In 1872, Susan B. Anthony and other women voted in the Presidential election, and were arrested and fined for illegal voting. At her trial, which attracted nationwide attention, Susan B. Anthony made a speech that ended with the slogan "Resistance to Tyranny Is Obedience to God." She also campaigned for the rights of women to own property, to keep their own earnings, and to have custody of their children. I am especially proud that it was in Rochester, New York, that Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. In fact, in 1900, she persuaded the University of Rochester, in my Congressional District, to admit women.

In the early 1900s, a new generation of leaders joined the women's suffrage movement, including Carrie Chapman Catt, Maud Wood Park, Lucy Burns, Alice Paul, and Harriot E. Blatch. During this era, the women's rights movement increased its momentum by organizing marches, pickets and other protests. Suffragette Alice Paul and other activists began chaining themselves to the White House fence and participating in hunger strikes to gain the attention of Congress.

The struggle for women's suffrage was not easy, and oftentimes it was made more difficult as a consequence of public misinformation and fear. Consider these remarks which, in 1912, appeared in the New York Times under the title, "The Uprising of Women":

> The vote will secure to woman no new privilege that she either deserves or requires . . . Women will get the vote and play havoc with it for themselves and society, if men are not wise and firm enough and it may as well be said, masculine enough, to prevent them.

If by playing havoc, the New York Times meant becoming the single most sought after voting block in the country that often determines the outcome of elections, I guess they were right.

Because of the persistent dedication of Susan B. Anthony and other remarkable leaders, women persevered. Although Susan B. Anthony was not alive to see it, the efforts of the women's rights struggle came to fruition when the nineteenth amendment to the U.S. Constitution, giving women the right to vote, was finally passed by Congress on June 4, 1919, and ratified on August 18, 1920.

We have clearly come a long way in 87 years—and we still have a long way to go. We must work to continue the momentum that started in Seneca Falls, by not only ensuring that all women vote, but that they do so with an understanding of the long fight to obtain this right and with a sense of responsibility to do their part in the struggle for women's equality.

To honor these important women, the National Women's Rights History Project Act will establish a trail route linking sites significant to the struggle for women's suffrage and civil rights. It also will expand the current National Register travel itinerary Web site, "Places Where Women Made History," to include additional historic sites. Finally, this bill will require the Department of the Interior to establish a partnership-based network to offer financial and technical assistance for interpretive and educational program development of national women's rights history.

The women of this country have fought tirelessly to achieve equitable rights for our grandmothers, our mothers, ourselves, and our daughters. It is my hope that this bill will provide Americans with the opportunity to learn more about the female leaders who struggled to secure these rights.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, I encourage all Members to join me in celebrating their accomplishments by cosponsoring the National Women's Rights History Project Act today.

COMMEMORATING THE 20TH ANNIVERSARY OF McKINNEY-VENTO HOMELESS ASSISTANCE ACT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. GRIJALVA. Madam Speaker, this is a very aupicious time for affordable housing advocates. For the first time in far too long, we have significant progress on this critical issue with this new majority in this people's House. Chairman FRANK and Chairwoman WATERS have been true leaders on this issue, and I would like to recognize their efforts.

Today, we also gather to recall a past leader, who 20 years ago brought about a major increment of progress. I speak, of course, of Stewart B. McKinney and Bruce Vento, and the law that bears their name.

There are really very few, extremely few, cases of an elected official committing themselves to accompaniment of those in need the way Congressman MCKINNEY did. Indeed, the late Congressman lost his life as a result of his commitment. And while we commemorate his work and recall the circumstances of his passing, we should not lose sight of the many thousands who died in a similar way, and those who are still on the streets today, and at risk.

Many Americans have passed out of this world in lonely alleys, on top of grates, isolated from friends and family, and then been buried in unmarked plots. Indeed, as noted in the resolution commemorating McKinney-Vento, the condition of homelessness on average causes the loss of 30 years in life expectancy.

The McKinney-Vento programs have been critical in addressing this great American tragedy, and it is worth reflecting on this progress and recognizing this achievement of dedicated leadership. Across the board, McKinney-Vento has addressed the core issue of housing and deeply intertwined issues of health care access, education, job training, and reaching out to homeless youth and getting them back in school, this law has made a difference.

This is an important precedent to keep in mind as we move forward with a new agenda. After all, this was an emergency response, and while necessary and just, it was not claimed that this would put an end to homelessness, and certainly the Federal response to homelessness should not be limited to these programs.

So I look forward to working with advocates like you in this session and continually as we strive to address this problem and better this society. What we are doing, really, is increasing the decency of this country, our level of morality, our concern for our fellow man. When we conquer homelessness, which is fundamentally a problem of social isolation and abandonment, we are truly rebuilding the moral foundation of this great Nation.

TRIBUTE TO BRETT BOOT, BROCK GARDNER AND DANEN CLARKE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. WESTMORELAND. Madam Speaker, it is my great honor to inform the House that three of my constituents in Georgia's 3rd Congressional District have won the Honor Medal With Crossed Palms, a distinction given the Boy Scouts of America to herald heroism carried out at extreme personal risk.

These courageous young men put their lives on the line to save a friend, and one of them died in the rescue attempt.

In July of 2005, during the onslaught of Hurricane Cindy, three Eagle Scouts, Brett Boot, Brock Gardner and Danen Clarke, were at a park in Peachtree City, Ga., with a small group of family and friends. After they helped a man dislodge his golf cart from rising waters, Danen' s cousin ventured into what appeared to be still waters near a flooded road and was immediately sucked under by an unseen rip current.

Thinking that the cousin was pinned by a possible grate, the three Scouts waded in the dangerous waters to feel around for him with their feet. The cousin had actually been sucked through a 40–foot-long culvert located 5 feet below the road, which wasn't visible under the high water. The cousin was swept under the road, reappearing on the other side with severe cuts on his feet, but alive.

Danen was then caught under the ferocious current, followed by Brock, whose one leg caught on the entrance of the 4–foot-wide culvert. Brett was behind Brock in the water and was able to secure him with his arms against the pull of the current.

Danen's body was found the next morning in the stream that feeds into Lake Peachtree, caught in branches that prevented him from being swept into the lake. It is believed that Danen hit his head on a large piece of the culvert, knocking him out and causing him to drown.

The awarding of the Honor Medal With Crossed Palms is as prestigious within the scouting community as it is rare. The honor has been awarded nationally only 199 times since it was created in 1922. The Boy Scouts of America have given out only four such medals this year, and I will have the great honor of presenting these awards at a ceremony later this month to Brock and to the siblings of Danen and Brett, the latter of whom is serving his church as a missionary in South America. The medals read: "The Honor Medal With Crossed Palms presented by the Boy Scouts of America upon the Recommendation of the National Court of Honor to Bretton Boot, Danen Clarke and Brock Gardner for unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at extreme risk to self."

The courage and selflessness of these young men testifies to their character and to the unwavering values they learned from loving families, their church and, yes, from the Boy Scouts of America. Georgia's 3rd Congressional District proudly claims them as its own. I can think of no more deserving recipients for this award. The July 28th ceremony presents an opportunity to celebrate heroism and to remember and mourn Danen Clarke's sacrifice on that fateful day.

Danan, Brett and Brock set an example for us all. They will serve as an inspiration for present and future generations of Boy Scouts in Troop 208 and throughout the Flint River Council.

TRIBUTE TO DANLEY STRAIGHT

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the patriotism and self sacrifice of Air Force COL Danley Elson Straight of Longmont, CO, for his service to both his community and to his country during World War II, the Korean war, and the Vietnam war.

Straight was born in Greeley, CO, on October 8, 1922, the 11th of 12 children. After graduating from Greeley High School he earned his bachelor of arts and master of arts degrees from Colorado State College of Education. He also served in the Air Force during three wars and retired with more than 30 years of service as a full colonel command pilot. During his career, "the colonel" as he is affectionately known, flew more than 29 types of aircraft, including *Flack Bait,* which is on display in the Smithsonian Air and Space Museum.

Straight's years of service to our country are complemented by his service to his community. After retiring from the Air Force in 1976, Straight volunteered with various groups including the American Red Cross, the Boy Scouts, the Longmont Rotary Club, Masons and Shriners, the Patient Advocacy Team, St. Vrain Photographic Society, the Salvation Army, Westview Presbyterian Church, and the Rollins Pass Restoration Association, for which he served as president for more than 25 years. Straight's motto was "Never give up."

On February 7, 2007, Danley Elson Straight passed away at the age of 84. He is survived by his wife of 64 years, Juanita Watson Straight, his 5 children, 10 grandchildren, and 8 great-grandchildren.

Madam Speaker, I am honored to represent Mr. Straight and the other men and women who have given so much for our freedom. Like so many other members of the "greatest generation," I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation for the patriotic service of Danley Elson Straight.

HONORING SERGEANT ERIC A. LILL OF CHICAGO, ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor and pay tribute to Sergeant Eric A.

Lill, a courageous young soldier and father, who died in Iraq on July 6, 2007. As we all deeply mourn his loss, we use this time to honor his life and express our gratitude for his dedicated service.

Eric Lill grew up in Chicago's Bridgeport neighborhood and graduated in 1997 from St. Lawrence High School in Burbank, IL. He then attended Marshall University where he played hockey and studied criminal justice. From an early age, Eric desired to serve the public and our Nation, and he felt called to enlist in the U.S. Army.

Eric's determination and outstanding performance enabled him to attain the rank of sergeant and become a mentor to other soldiers. Most recently, Sergeant Lill served under the 2nd Infantry Division and was deployed to Iraq in October 2006. During this time, Sergeant Lill utilized his background and interest in criminal justice to help train Iraqi police officers. Although this mission was hazardous, Sergeant Lill always downplayed the danger to his family so that they would not worry. Two days after Independence Day, an improvised explosive device detonated near Sergeant Lill's vehicle during combat operations in Baghdad. The injuries sustained by Sergeant Lill resulted in his death—he was only 28.

Aside from his military service to our Nation, Eric Lill was dedicated to his family as a loving father and son. He is survived by his two children, Cody and Mikayla, affectionately known to him as "Bug" and "Lala;" his parents, Charmaine and Tony; his sister, Kortne; and his maternal grandparents, John and Marlene Alvarado.

Today, I ask my colleagues to join me in mourning the loss of Sergeant Eric A. Lilt. We will never forget his sacrifice and are forever indebted to him, as well as all of our soldiers who have died, for making the ultimate sacrifice for our country. My thoughts, prayers, and deepest sympathies are with the Lill family in this difficult time.

ON THE INTRODUCTION OF LEGISLATION TO PROHIBIT THE USE OF FUNDS FOR MILITARY OPERATIONS IN IRAN WITHOUT CONGRESSIONAL AUTHORIZATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to prevent the Bush Administration from launching war in Iran without prior congressional authorization. It is a companion bill to S. 759, authored by Senator JIM WEBB of Virginia.

This is not a unique proposal—several of our colleagues in the House have introduced resolutions expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress.

This legislation would establish a binding legal limit on the ability of the President to expend funds to commence military action against Iran in the absence of explicit prior congressional authorization.

I think several factors require Congress to insist that the President meet that requirement before committing this country to another war.

Those factors include this administration's inability or unwillingness to engage with the Iranian regime, the stated interest on the part of many administration officials and political supporters in attacking Iran, and the U.S. deployment of additional aircraft carrier groups to the Persian Gulf.

These have led many—likely including the Iranian regime—to think the U.S. is intent on preparing a military strike against Iran. While that perception could be far from the mark, I think there is no doubt that there are increased risks of confrontation brought on by heightened tensions in the region.

If we've learned nothing else from the war in Iraq, we should have learned that saber rattling doesn't get us far—especially when the tough rhetoric comes from an administration with a history of mismanaging the war in Iraq, a war that is in its fifth year of straining our military and depleting our Nation's blood and treasure.

As I said in 2002—before voting against the resolution authorizing war in Iraq—I am reluctant to vest in the President all discretion about when and where America will go to war. I thought then and I think today that Congress, which has the constitutional responsibility to declare war, must play a more significant role in authorizing the use of our armed forces in what could become a full-scale war.

My purpose in introducing this legislation is to reassert Congress's constitutional responsibility and to remind the Bush Administration of the important role that Congress plays when it comes to matters of war and peace.

I recognize that the President, as commander-in-chief, must have some flexibility in deciding whether to allow U.S. forces to conduct intelligence gathering and to directly respond to attacks or possible attacks from Iran. That's why my legislation makes exceptions for these contingencies.

Madam Speaker, my introduction of this legislation should not be seen as evidence that I deny the reality of the potential danger Iran presents to our country, our allies, and others.

The prospect of an Iran with nuclear weapons is a matter of serious concern for America and the rest of the world. Since the revelation of its nuclear program, Iran has defied the international community by continuing to work to advance it, Iran's president has publicly stated his intention to "wipe Israel off the map," and there is evidence that Iran is arming insurgents in Iraq and Afghanistan.

So it is no surprise that there are also reports—as recently as last month—that the internal debate on Iran among the White House, State Department, and Defense Department is heating up, and that the mood is shifting back toward military action against Iran. My bill responds to those reports by reasserting the basic principle that Congress must consent before the president can take such action.

Sending our troops into harm's way is a decision that affects all Americans, as we've learned the hard way in Iraq. So before this president makes any more rash decisions about going to war, I believe he must come to Congress for authorization to commence military action.

The bill I am introducing today—like its companion in the Senate—is intended to do one thing: to restore the balance between the executive and legislative branches with regard to authorizing large-scale military activities. It is a balance that needs restoring after the mismanagement of the war in Iraq, and it is a balance we should be watching closely as some in the Administration continue to discuss presidential authority to wage war in contravention of the Constitution.

COMMENDING AMPUTEES ACROSS AMERICA ON THEIR ACHIEVEMENTS AND MISSION TO INCREASE PUBLIC AWARENESS OF AMPUTEES AS PEOPLE WITH ACTIVE LIFESTYLES

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to commend Amputees Across America for their achievements and mission to increase public awareness of amputees as people with active lifestyles.

Amputees Across America is a group of amputees cycling from coast-to-coast. The riders departed on May 28, 2007 from Tustin, California, and arrive in Alexandria, Louisiana on Monday, July 2. The group is riding in 150-mile relays, visiting hospitals and local amputee support groups. The group will complete their 3,500 mile journey when they arrive in Vero Beach, Florida on July 25, 2007.

While in Alexandria, Amputees Across America cyclists Joe Sapere, Abel Cruz, Clifford Clark, and Beasey Hendrix will visit with patients and members of a stroke and amputee support group to share stories of overcoming their amputations to live healthy, fulfilling lives.

Madam Speaker, I ask my colleagues to join me in commending the mission and achievements of Amputees Across America. I acknowledge their commendable mission and significant contribution to not only the state of Louisiana, but our nation as well.

RECALLING THE INFAMOUS ANNIVERSARY OF THE INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to recall the tragic anniversary of the Turkish invasion of Cyprus.

On July 20, 1974, Turkey brutally attacked the Republic of Cyprus. To my deep regret, the shameful legacy of this despicable act remains. To this day, Turkish troops illegally occupy Cyprus, splitting the island into two areas, and continuing the oppression of the people of Cyprus which has remained since that infamous day.

Reminiscent of the infamous Berlin Wall, Cyprus has remained divided by "the green line," a 113-mile barbed-wire fence that has run across the island for the past 33-years. Despite pressure from the United States, the European Union, and the United Nations, Cyprus remains one of the most militarized areas in the world.

Although Cyprus remains divided, there is reason for optimism that the nation will one day be made whole. In late April of 2004, the people of Cyprus went to the polls to vote on a plan of reunification. Unfortunately, this reunification proposal was rushed, allegedly to coincide with the ascension of Cyprus into the European Union. Because of many legitimate concerns, including security, and in a demonstration of great courage and independence, approximately 75 percent of Greek Cypriots opposed the plan. However, this rushed and unfortunate effort must not, and will not, be the end of attempts to reunify the island. A lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon.

I firmly support the efforts begun with the bicommunal agreement reached at the meeting of July 8, 2006. The framework of July 8 established guiding principles to accomplish the goal reunifying the two halves of Cyprus within a bizonal, bicommunal federation. I urge both parties to proceed with establishing working groups so that there can be movement forward in implementing these principles. The remarkable achievement of the July 8 agreement gives me great reason to be hopeful that a solution is near. Yet so long as Cyprus remains divided, we have great work ahead of us.

I remain committed to achieving a solution to this problem so that we never have to gather again to commemorate an anniversary of this condemnable invasion. Madam Speaker, I pray that this will be the last year of a divided Cyprus. It is my fervent hope that, 33 years after Cyprus was torn asunder, all Cypriots can be reunited, living in peace and freedom forever.

APPROVAL OF THE "MEN OF MIKE" RESOLUTION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. TERRY. Madam Speaker, I rise to applaud today's passage of H. Res. 541 by unanimous consent to recognize the Marines of Company "M," or "Mike Company," on the occasion of their 25th annual reunion. I am proud that men in my home State of Nebraska served in this distinguished unit.

In fact, former Marine Commandant General Chuck Krulak and General Tom Draude served together in Vietnam in this unit. The U.S. Marine Corps told me that during General Krulak's tenure as CMC, he often took the opportunity in speeches to extol the heroism of fellow Marines from Mike Company—in particular Tom Draude, a former Commander of M/3/7 who was awarded the Silver Star for heroism in a 1966 action.

The Marines of Mike Company served honorably and heroically in the Vietnam war from July 1965 to October 1970. Their service in defense of freedom, liberty and political self determination for the South Vietnamese people earned the unit numerous citations and commendations for valor, including:

The Presidential Unit Citation Streamer with 2 Bronze Stars;

Navy Unit Commendation Streamer;

Meritorious Unit Commendation Streamer with 2 Bronze Stars;

National Defense Service Streamer;

Vietnam Service Streamer with 2 Silver Stars and 3 Bronze Stars;

Vietnam Cross of Gallantry with Palm Streamer; and

The Vietnam Meritorious Unit Citation Civil Actions Streamer.

The Men of Mike Company were the subject of a 1968 documentary entitled "A Face of War," which accurately portrayed the sights and sounds of Marines performing their duties in a combat zone. My constituent, retired Captain James Sackett, appeared in the film as part of the Mike Company "Band of Brothers" who displayed their courage under fire on behalf of all U.S. Marines.

The Marines of Mike Company, along with their loved ones, have held a reunion every year since 1983. They have formed the Mike 3/7 Vietnam Association to honor the memories of their fallen comrades; celebrate the lives of their surviving comrades; express profound appreciation to their families and loved ones; recognize the monumental sacrifices and achievements necessary for freedom; and to hold forth their contribution to the Marine Corps legacy of courage, patriotism and military excellence as an example to future generations.

Americans everywhere owe a debt of gratitude to the Marines of Mike Company for their selfless dedication to duty and their admirable display of courage under fire. The U.S. House of Representatives is proud to honor their sacrifices on the occasion of their 25th annual reunion.

SUPPORT FOR H.R. 2337

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. RAHALL. Madam Speaker, in recent weeks, I have witnessed the lengths to which the oil and gas industry will go to frighten my colleagues about the contents of H.R. 2337, the energy legislation approved last month by the House Natural Resources Committee. The tales they weave would make good fodder for a Stephen King novel.

I have heard arguments of all kinds—that the bill will cause oil and gas prices to increase, that it will harm energy supplies, and even that it will cost American jobs. Falsehoods such as these, while creative, are simply unfounded.

I have seen no data to substantiate these claims or to show how the mild provisions of Titles I and II in my bill will result in such ill effects. And, I might add, what these detractors always conveniently fail to reveal is that the Energy Policy Act of 2005 provided zip in the way of lower prices.

Let me take this opportunity to give you a little insight into what is really behind this smear campaign.

The bottom line here is production royalties from Federal lands and waters are owed to the American people. For the last 6 years under the Bush administration, the oil and gas industry has been pampered by friends in high places.

Consider this: From 2002 to 2005, collections of oil and gas royalties from drilling rigs on public lands have fallen to an annual average of $48 million—half the average, $115 million, collected annually in the 20 years prior, despite increased production.

Consider this: Between 1998 and 2001, the Minerals Management Service, MMS, conducted over 540 audits per year. From 2002 through 2005, the average number of audits dropped to 393. And in 2006, MMS completed only 144 audits. That means that MMS reduced the number of oil and gas audits by 22 percent.

By comparison, The New York Times reported recently that the IRS has more than doubled the number of individual tax returns audited from 2000 to 2006, increasing from nearly 618,000 to nearly 1.3 million of us whom IRS decided to scrutinize.

So here we have oil and gas companies raking in profits and getting a wink and a nod when it comes to paying the royalties they owe, while the IRS knuckles down to squeeze every possible nickel and dime out of regular folks and hardworking families. Thank you very much, Mr. President.

From the earliest days of this administration when energy executives, or their representatives, gathered behind the curtains of executive privilege shrouding the Vice President's office, the energy policy of this Nation has been tilted against the regular folks most of us in this body represent. These huge, multinational firms would seem to be the least in need of coddling by and protection of our government, yet, the policies of this administration have sheltered them from "ponying up" their fair share of what is truly owed to the Federal Treasury. At a time when the oil and gas industry is reaping record profits, consumers at the pump are watching the price figures flip by at increasing speed as the quantity of gas they actually pour hums ever more slowly into the tank.

We have an opportunity here, in H.R. 2337, to make some real and positive changes—to even out the policies so slanted in favor of the oil company executives whose nameplates appear at Mr. CHENEY's energy bargaining table. We have the chance to restore some accountability to the system and improve the way the Federal Government manages its public energy resources.

H.R. 2337 will step up the number of audits performed each year and give the agency the teeth it has long needed to go after those companies that underpay the Treasury at the expense of the rest of us.

Madam Speaker, every year over Memorial Day weekend we have a tall tales contest in my home State of West Virginia. That event draws some of the biggest fibbers and spinners the Lord has seen fit to create. Having listened to the bizarre claims ricocheting around these halls in recent weeks, I look forward to next Memorial Day when I expect to see a string of oil and gas executives taking the stage to share their whoppers.

The winner of this time-honored contest, by the way, is awarded an enviable trophy—a golden shovel. What a nice—and appropriate—decoration for the walls of some mighty oil company CEO.

IN REMEMBRANCE OF LIVES LOST IN CYPRUS DURING THE TURKISH INVASION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. McINTYRE. Madam Speaker, I rise today in commemoration of the 33rd anniversary of the Turkish invasion of Cyprus, which occurred on July 20, 1974. Many lost their lives and livelihoods as a result of that invasion. It is disappointing that 33 years later the island of Cyprus remains divided and contentious.

A United Nations Security Council resolution states "a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession." I look forward to the day when such a settlement is realized.

Cyprus has been a staunch ally of the United States. It has aided our efforts in Afghanistan and Iraq by allowing the United States over-flight and landing rights, as well as port access for our ships. In addition, Cyprus provided valuable assistance for our evacuation and rescue efforts after the 1983 Beirut barracks bombing and the 2006 hostilities in Lebanon.

Also, it is important that we ensure the protection of human rights in Cyprus and work to preserve the Cypriots' religious and cultural heritage. I am troubled by reports that religious sites, including Greek Orthodox churches, have been pillaged, destroyed, or in any way harmed.

I am encouraged that efforts are underway to facilitate the integration of Greek and Turkish Cypriots, specifically the opening of crossing points on this divided island. After 33 years of division and contention, it is time to reach a just and lasting peace that will unify Cyprus and allow it to grow politically, socially, and economically. I encourage my colleagues to support any efforts to reach such a settlement.

PEACE FOR GREEK AND TURKISH CYPRIOTS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. WHITFIELD. Madam Speaker, I rise today with the hope that the Island of Cyprus will soon be reunified, and with resolve of her citizens and the help from the international community, both the Greek and Turkish Cypriots will know tranquility.

Tragically, thirty-three years ago, violence and bloodshed ripped Cyprus apart, dividing the island. Although it is peaceful today, the Greek and Turkish Cypriots are still separated to the detriment of many Turkish Cypriots, who have been deprived of economic and social advancements.

Unfortunately, decades of negotiations under the auspices of the United Nations and involving motherlands Greece and Turkey, have produced no lasting agreement. There was hope in April 2004 when the comprehensive, U.N.-sponsored "Annan Plan," was put to referenda. To the dismay of the international community, this plan failed when the Greek Cypriots overwhelmingly voted against it, despite the fact that the Turkish Cypriots overwhelmingly voted in favor of it.

After the unsuccessful adoption of the "Annan Plan," Turkish Cypriots called for action to discuss the situation. It was then that Turkish Cypriot leader Mehmet Ali Talat and Greek Cypriot leader Tassos Papadopoulos met on July 3rd and 8th, 2006, and agreed to hold further meetings based on a "Set of Principles" aimed at the unification of Cyprus. The meeting of the two leaders and the agreement they reached have been welcomed by the international community, including the United States, the European Union and others.

It is important that this new and positive spirit demonstrated by the two Cypriot leaders be supported by the United States in order to help the parties build trust and forge an atmosphere conducive to progress and prosperity. It is our sincere hope that the spirit of reconciliation and goodwill generated in recent times will continue to be promoted by all parties involved.

Madam Speaker, as the process moves forward it is also important to recognize the resolve of the Turkish Cypriot people who have demonstrated time after time an unwavering commitment to reconciliation as well as remarkable flexibility by supporting the "Annan Plan." Despite their continued commitment to reunify Cyprus, Turkish Cypriots are still awaiting the fulfillment of the promises made to them by the international community that their isolation would be lifted. We believe that both the Turkish Cypriots and Turkey, whose support was crucial in securing the "yes" vote of the Turkish Cypriots in the 2004 referenda, should be rewarded, not penalized, in order for the process to move forward toward a lasting settlement.

More than ever before, it is important to support a diplomatic compromise in Cyprus to ensure a bright future for Greek and Turkish Cypriots.

TRIBUTE TO DR. WILSON WEST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the late Dr. Wilson West. Dr. West is a native of Belleville, IL, and was a well-known doctor and professor.

Dr. West was born near Centralia on September 13, 1913 and graduated from Salem High School. He went on to earn a bachelor's degree from Southern Illinois University Carbondale. In 1937 he graduated from St. Louis University Medical School. Dr. West was a member of the St. Clair County Medical Society and served as its president in 1971. He also served on the Board of Directors of the Union Bank of St. Clair County for 25 years.

Dr. West was an active member and leader in the Republican Party and was viewed by many as the foremost authority on the Republican Party in southwestern Illinois. He served as chairman of the St. Clair County Republican Century Club for more than 25 years, elected as a delegate at seven Republican National Conventions, and was an Elector in the Electoral College for three presidential elections. He was very active in local, State, and national politics and hosted prominent politicians at St. Clair County events. He was proud to have attended the inaugurations of many presidents and governors and was a frequent guest at the Governor's Mansion and the White House.

Dr. West wrote for medical research journals and was a professor at Southern Illinois University School of Medicine, Washington University School of Medicine, and Barnes Hospital. Dr. West is the namesake and past recipient of the St. Clair County Medical Society's Wilson H. West Award for service in the health care profession. He was honored as an "outstanding alumnus" by the St. Louis University School of Medicine. In 1966, he received the Everett Dirksen Award and subsequently established a Nursing Scholarship with the same organization. In 2002, Dr. West was awarded the prestigious Eisenhower Commission. He was awarded lifetime membership on the Republican National Committee, the honorary organizations, Republican Speaker's Circle, and the Presidents Club.

Dr. West leaves a legacy to his patients of 60 years of service with dedicated professionalism and compassionate care. He touched many lives with his understanding, care, and concern. He provided outstanding treatment and service to three generations of southwestern Illinoisans.

My thoughts and prayers will be with the family and friends of Dr. Wilson West.

TRIBUTE TO BEECHIE BROOKS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a community leader and real estate and economic development visionary of the 4th Congressional District, Beechie Brooks.

Beechie Brooks' vision was instrumental in revitalizing and changing the character of neighborhoods in Milwaukee's central city by developing the Halyard Park subdivision. The United Realty Group, a firm that was formed from the merger of several African American real estate companies in 1976, gained approval from the City of Milwaukee's Redevelopment Authority to develop a subdivision of single-family suburban style homes. Mr. Brooks' leadership was integral to creating this "model" of privately financed housing in the central city that continues to draw the attention of people in urban areas around the country. It serves as a testament to the fact that central cities can provide the same quality of life as suburbs.

Beechie Brooks did not rest on his laurels but continued to spearhead development in the community including: assisted in the development of the Northtown Shopping Center on Dr. Martin Luther King, Jr. Drive and North Avenue which has been renamed Brooks Plaza in his honor; designed and built Brook's X-Press Car Washing Plant on 7th Street and W. North Avenue; oversaw the development of the Masterpiece Supper Club and Motor Lodge on 6th and W. Walnut Streets; and was a founder and treasurer of the state's second oldest African American-owned financial institution, the North Milwaukee State Bank. Mr. Brooks also served on the City of Milwaukee's Board of Assessment, the Wisconsin Real Estate License Examining Board and the NAACP Milwaukee Chapter's Executive Board and chaired their Housing Committee.

Mr. Brooks was devoted to his wife of 58 years, Vernadine who passed away in 2004. They were both active members of St. Mark AME Church. He was instrumental in planning and constructing the building the church currently occupies and continues to serve on St. Mark's Trustee Board that manages the church's real estate holdings. Mr. Brooks is also a member of the Anvil Housing Board which manages the church's two senior citizen housing complexes.

I am honored to have this opportunity to pay tribute to Beechie Brooks for his unwavering commitment to making Milwaukee a great place to live and work.

TRIBUTE TO THE SOUTHERN ILLINOIS UNIVERSITY OF EDWARDSVILLE COUGARS SOFTBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SHIMKUS. Madam Speaker, today I rise to honor my alma mater Southern Illinois University of Edwardsville, where I graduated with my MBA in 1997, on winning its first national NCAA Division II softball championship.

The fifth ranked Cougars (49–8) closed out the season with a 16-game winning streak. The 3-hour and 15 minute game was the longest in Division II championship history.

Ashley Price hit an RBI single in the 12th inning to give SIUE a 3–2 championship victory over defending national champion Lock Haven at Firestone Stadium in Akron, OH. The national championship is the 17th in the school's history and first in softball.

Members of the team include Ashley Price, Chaleen Rumpf, Carly Wildenradt, Emily Lenart, Courtney Mall, Lindsey Laas, Haylee Eubanks, Abbie Bates, Katy Biggs, Nicole Beecher, Lauren Zembruski, Sabra McCune, Amanda Puce, Jodie Ohlau, Kaeleigh Rousey, Libby Lenart, Mallory Ruggles and Kaitlin Colosimo. The Head Coach is Sandy Montgomery; Valerie McCoy is the Assistant Coach, and the Student Assistant is Shannon Evans.

I am very pleased to congratulate the softball team of Southern Illinois University of Edwardsville on their national championship and wish them the best of luck for next season.

RECOGNIZING THE IMPORTANT TESTIMONY OF MR. CHARLES DAHAN BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LANTOS. Madam Speaker, on Wednesday, June 20, 2007, the Congressional Human Rights Caucus held an extraordinary briefing on Morocco's progress toward gender equality.

The briefing addressed the very important issue of women's rights in Morocco that has been the number one priority of King Mohammed VI. The Moudawana (the Family Law), adopted in 2003, has sought to raise women's status as full partners with men, in order to uphold equality between the two spouses and to protect children's rights. Women are now able to initiate divorce and to gain custody of their children. Polygamy has become practically impossible.

Madam Speaker, Mr. Charles Dahan, the World Vice President of the Federation of the Moroccan Jewry, shared his exceptional knowledge of women's rights in Morocco. Mr. Dahan's speech was not only eloquent but tremendously important in educating the Members and their staff on this issue.

I ask my colleagues to join me in thanking Mr. Dahan for sharing with so many prominent leaders his expertise. With that I would like to place Mr. Dahan's testimony in the CONGRESSIONAL RECORD.

MOROCCO, PROGRESS TOWARD EQUALITY

(By Charles Dahan)

Thank you for inviting me to visit with you about Jews in Morocco today. Let me start with a brief overview of how the Jews came to settle in Morocco.

Two major groups of migration:

1. 3–400 BC Destruction of the Temple. Jews crossed Egypt and settled in the Berber region of what is now Libya and Morocco. These Jews are referred to in Hebrew as "Tochavim". At this time, the Berbers had no organized religion and the Jews lived their Jewish life coexisting with the tribes and, on occasion, conversions would occur. In the 1300s, Islam was introduced in Morocco and most Berbers converted to Islam.

2. 1490s Spanish Inquisition. Both Muslims and Jews were forced out of Spain and settled in Northern Africa. This was a shared historical experience. These Jews are called "Megorachim" in Hebrew and they numbered between 25–30,000.

There were several important moments where the Jewish contribution to Moroccan life was recognized and, therefore, protected by the Sultans. Two examples are:

We see the creation of "Mellahs" during the 1600s. Jews were considered "dhimmis" (literally, protected persons) at this time by the Sultan. Original purpose of mellahs was to protect Jewish communities. Mellahs developed center of services for royal authority like duties, minting coins, diplomacy, and royal merchants.

In the 1800s, Sir Moses Montefiore met with Sultan Ridi Muhammad b. 'Abd al-Rahman who issued royal decree proclaiming Jews in Morocco were protected by justice under Moroccan law.

A very important development in 1862 is the creation of first school of the Alliance Israelite in Tetouan. The result of this school significantly increased the education level of Jews as the network spread across Morocco. This focus on education of the existing 200–250,000 Moroccan Jews is a major force in their historical value as a community. For example, in 1991 King Hassan II said to Moroccan Jews in a speech "You preceded the Arabs in Morocco, and you still stand out by a quality which distinguishes you in the cultural and religious fields. The Moroccan Talmudic School was universally recognized as the best in the world."

Feast of the throne, 1943: "I consider the Jews as Moroccan citizens with the same full and equal rights, as their Moslem brothers. Their property and their persons are inviolable. I am completely opposed to the new anti-semitic laws, and refuse to be associated with measures which I disapprove. I wish to inform you that, as in the past, the Jews remain under my protection, and I will not tolerate any discrimination between my subjects."

Moroccan independence from France greatly altered the Moroccan Jewish life. Anxiety over the future mounted among Jews. In 1955, a year before Moroccan independence, North African Jews represented 87% of new immigrants in Israel.

Even though the newly independent King Mohammad V declared in 1956 "The Jews will enjoy every right, in complete equality, and be associated in every form of our national life, including responsibilities within the government", life dramatically changed for the Jews in Morocco. Several social, political and economic factors were conditions for a perfect storm:

Decolonization led to an economic vacuum by the French. A whole level of life had been economically dependent on the French and the balance of this life shifted dramatically adding anxiety to the Jewish population.

Arabization was one of the main objectives of the Nationalists. Remember that French had been the language of education, much culture, daily life and commerce for this generation. The Jewish elite, living outside of the Mellah, did not speak Arabic and this lack of communication led to more confusion and anxiety.

Hardening of the National Political Party was new to the Jews. Encouragement from Nasser and the Arab League led to many demonstrations against the French colonists. In addition, the Party was leaning to the Left with communist ideas and forging relations with Moscow. It was too dangerous to attack French Christian citizens so the Moroccan Jews became the invented symbol of colonization. Any kind of demonstration or riot ended up targeting Moroccan Jews.

After the Independence, King Mohammad V restricted emigration. The Jews were torn between the consequences and uncertainty of their future in Morocco and the illegal departure for a totally unknown life. Some chose to escape and one historical consequence was 1961 ship called the Pisces that sank killing all 43 Jews who had been smuggled aboard. This was an important event that politicized the Moroccan Jews. In 1962, upon the ascension of King Hassan II, Jews were allowed to emigrate. King Hassan told the community: ". . . I have recognized your rights as full-fledged Moroccan citizens. I request that you will be the ambassadors of Morocco wherever you may choose to emigrate and that you defend the reputation of your country whenever it is maligned by the media through bad faith or ignorance".

That was the first major Jewish exodus from Morocco. Two-thirds of that population left Morocco for Israel and Canada. The second exodus was in 1967 during the Six-Day War and the third was in 1973 during the Yom Kippur War.

This brings us to life today as a Moroccan Jew, both inside and outside the country. King Mohammad VI is a young and modern monarch who faces worldwide pressure. His legacy to follow is that of a peacemaker, often behind the scenes. His vision is to bring Morocco to a western level of development.

Although the population of Jews within Morocco has dwindled to approximately 3,000, there remains a vibrant community involved in many levels of society.

Although many of the Moroccan Jews have left, we still retain our unique blending of Judaism and Moroccan culture. This infusion is apparent in:

Religion: only Moroccan Jews pay homage to sainted Rabbis buried on Moroccan soil. These pilgrimages, "hiloulahs," involve a return to Morocco and a visit to the buried site which is tended and respected as well by Moroccan Muslims.

Weddings in Israel and Moroccan Jews worldwide are preceded by Hennas—typical of the Berber/Muslim religion. Also carrying of brides on "litters".

In conclusion, there is more to bring Moroccans together than to separate them. The single biggest threat to unity is extremism.

The United States needs to support Morocco in the strongest way to encourage their development as through the recent Trade Agreement and to help them fight the threat of terrorism. Through investment and development, there are promises to be a bright future.

As for Moroccan Jews who have emigrated, I think the words of Yitzhak Shamir sum it up: "Moroccan Jews were the only Jews that never renounced their country, nor were they rejected by their country".

THE WAR

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. CLAY. Madam Speaker, in the fall of 2002, I was among the majority of Democrats in the House of Representatives who voted against the Iraq war resolution. Claims about weapons of mass destruction had not been substantiated and there was no evidence that Saddam Hussein was linked to al Qaeda and the 9-11 attacks. I did not accept—as administration officials asserted—that the costs of the war and rebuilding of Iraq could be financed by Iraqi oil revenues. At that time, I told my colleagues that Iraq did not pose a direct threat to our national security and that we should concentrate our power on capturing Osama Bin Laden and destroying al Qaeda.

The invasion and occupation of Iraq has not achieved what its proponents promised. The war has degraded our military, undermined our nation's influence in the world, vitalized terrorists, and left the American people more vulnerable to attack than we were before the war.

Now, the National Intelligence Estimate confirms that while the administration vainly wrestles to salvage some semblance of victory in Iraq, Osama Bin Laden and his followers are poised for a resurgence. Al Qaeda's terrorist network, which was weakened but not destroyed after we invaded Afghanistan, never lost sight of its enemy. Today, al Qaeda poses as grave a threat to the United States as it did before 9–11.

As long as we remain in Iraq, al Qaeda will profit and the American people will pay the price. The security of our Nation demands that we withdraw from Iraq and use all of our military, intelligence and diplomatic resources to tear down the terrorist networks that want to destroy our way of life.

This Administration must stop blindly pandering to elitist dreams of rebuilding other nations in our image. Protecting the American people is a fundamental purpose of our government. The Iraq war is not advancing our national security; it is time to bring our troops home.

The Bush policy in Iraq has already cost the lives of over 3,600 brave Americans, with over 26,000 wounded. It has squandered and scattered resources that we should have devoted to our homeland security. And it has cost the U.S. citizens over half a trillion dollars in hard earned wages and lost Government services.

When history is written, it might say that we lost the first battle in the war against terrorism, but I pray it will not say that we lost the war.

IN RECOGNITION OF THE 90TH BIRTHDAY OF THELMA NEWMAN FRAZIER

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mrs. JONES of Ohio. Madam Speaker, today I ask you and my colleagues to join me in celebrating the life Thelma Newman Frazier on the occasion of her 90th birthday. The daughter of farm workers Eugene Newman and Kate Robinson, Thelma was born on July 26, 1917 in Richland County, AR.

Thelma is truly a child of God having accepted Christ as her Lord and savior at an early age. She is a past member of Morning Star Missionary Baptist Church and currently attends Shalom Church City of Peace.

Thelma was united in holy matrimony to Nathaniel Frazier, Sr. on April 17, 1941. To this union were born two children, Katie M. McKinney and Nathaniel Jr. Sadly, Nathaniel Jr. preceded her in death. In 1952, Thelma and her family migrated to St. Louis, MO. There she became active in the community. A devout member of the Order of the Eastern Star, Thelma worked tirelessly to carry out their mission.

Mrs. Frazier has been rewarded in life by her hard work and dedication to family. She has a devoted daughter, Katie M. McKinney, son-in-law, Lewis L. McKinney Sr., 13 grandchildren, 22 great-grandchildren, and 7 great-great-grandchildren. Her hard work has influenced her family tremendously. She is proud of all their accomplishments.

The matriarch of her family, Mrs. Frazier continues to live independently in St. Louis and is a constant support to her family through her unconditional love and encouragement. If only every child was blessed to have had a mother, grandmother or aunt like Thelma Newman Frazier, the world would be a better place. Happy birthday Mrs. Frazier, and may you be blessed with many, many more.

REV. DR. LARRY WAYNE ELLIS AND FIRST LADY VANDERLER ELLIS HONORING THEIR 20 YEARS OF LEADERSHIP AT PILGRIM BAPTIST CHURCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LANTOS. Madam Speaker, I rise today to congratulate Reverend Doctor Larry Wayne Ellis and his wife, First Lady Vanderler Ellis, on their two decades of leadership at Pilgrim Baptist Church, located in San Mateo, California, within my Congressional District.

Pastor Larry Wayne Ellis, a native of Clarksville, Tennessee, graduated in 1975 from Austin Peay State University located in Tennessee. In 1981, Dr. Ellis earned a Master of Divinity from Golden Gate Theological Seminary. In 1988, he was awarded a master's degree in counseling psychology with an emphasis in marriage and family counseling from the College of Notre Dame in Belmont. He earned a Doctor of Ministry degree in 1995 from the Northern Baptist Theological Seminary in Lombard, Illinois. Currently, he is vice president and professor at Southern Marin Bible Institute and teaches at Golden Gate Seminary.

In August 1986, the Bay Area Baptist Congress of Christian Education named Dr. Ellis president of their organization. He was selected as Pastor of the Year in 1988, president of the Ministers' Council and moderator for the Bay Area Baptist District Association.

Dr. Ellis served at Mt. Zion Baptist Church of Redwood City for nearly 10 years, serving as full-time minister during the last 4 years of his tenure there. Dr. Ellis' leadership has been instrumental in the revitalization of this Church. Dr. Ellis was called as the pastor of Pilgrim Baptist Church on September 4, 1987.

In addition to his teaching and preaching at Pilgrim, he consistently remains involved in the community. In 1988, he founded C.H.O.I.C.E.S., a drug information and referral non-profit agency. He also serves on several civic and corporate boards. In 1996, Dr. Ellis achieved one of his most recent accomplishments when he became an Adjunct Professor at Golden Gate Seminary in Mill Valley, California. Among his many other accomplishments is the fact that, in 1998, he taught in

Russia. Additionally, in 1999, he was selected as President of Congress Christian Education. He currently serves as Vice President of the State Congress of Christian Education. In 1999 Pastor Ellis also founded "Teach The Word" radio ministry. In 2002, he became President and Chief Executive Officer of the Pilgrim Organization, Inc., a youth through senior non-profit organization.

He is married to the former Vanderler Hines and proud father of 3 children, Tawana, Justin, and Austin.

Madam Speaker, I urge my colleagues in the House to join me in offering sincere congratulations and respect for the 20 years of dedication and service that Pastor Larry Wayne Ellis and his wife, Vanderler Ellis, have given to the Pilgrim Baptist Church community.

TRIBUTE TO MR. ERNEST R. SUTTON

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise to pay tribute to an outstanding citizen, Mr. Ernest R. Sutton. Mr. Sutton, a native of Elizabeth City, NC, is retiring after 36 years of loyal, dedicated service to the North Carolina Department of Correction. He has served this department in many capacities and now completes his career as the Superintendent for the Pasquotank Correctional Institution. Mr. Sutton is a graduate of Elizabeth City State University in 1977 with a bachelor's of science degree in political science.

I have had the privilege of knowing Mr. Sutton for many years as a friend, supporter, and community leader in the Albemarle Region of our state. I first met Mr. Sutton when he was intricately involved in the Southern Christian Leadership Conference, an organization founded by Dr. Martin Luther King, Jr.

Mr. Sutton currently serves as the Chairman of the Leadership Development and Governance Committees for the American Hospital Association. He is also a member of the Elizabeth City-Pasquotank County Community Relations Committee.

Madam Speaker, Mr. Sutton is an activist for change. In 1997, he introduced the first Hospital/Prison "Health Fair" in North Carolina, and played a key role in the transition of Albemarle Hospital from county owned to a free standing Regional Hospital Authority. In 2000, Mr. Sutton led the development of a unique process to search for and secure a new hospital president and CEO for Albemarle Hospital, Elizabeth City, NC.

Mr. Sutton served as past Vice-Chair of the International Association of the Friends of Africa; past Chairman of the Albemarle Hospital Authority Board of Commissioners; past Chairman of the Albemarle Hospital Executive Committee; past Chairman of the Personnel and Grievance Committee of the Albemarle Hospital Board of Trustees; and past Co-Chair of the Community Relations Committee of Elizabeth City, NC. He also served as Treasurer of the North Carolina 12th District NAACP, past member of the North Carolina Cultural Alliance, and past member of the North Carolina Council on Alcoholism.

Mr. Sutton's work reaches far beyond Elizabeth City. His article "Ernest R. Sutton: Growing Potential," which emphasizes his passion for leadership and human resources development, was featured in the September 2002 issue of Trustee Magazine. He was also interviewed on diversity in health care in the Bridges Magazine—Institute for Diversity in Health Management in the Fall of 2002. As President of Faith Consultants, LLC, Mr. Sutton has conducted several health care lectures and seminars at local universities and for many religious organizations.

Mr. Sutton has received many awards for his work. In 1984, he was the recipient of NAACP Outstanding Humanitarian Award, and went on to receive the silver, gold, and platinum Gavel Awards from the Governance Institute of Physicians, Trustees and Healthcare Executives in La Jolla, CA. In 2002, he received the North Carolina Hospital Association Trustee Service Award: Trustee of the Year, and received the Harvard School of Conflict Resolution and Healthcare Negotiations: Graduate with Distinction Award.

Over this extensive career, Mr. Sutton has made a tremendous impact on his community. Through his commitment and devotion to service, he has helped to lay the ground work for continued change in both Elizabeth City and beyond. I ask that all of my colleagues join me in paying tribute to an exemplary citizen, Mr. Ernest Sutton.

RECOGNIZING ANTONIO MANIBUSAN PALOMO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize Mr. Antonio Manibusan Palomo for a lifetime of service to our community, and for his efforts to preserve Guam's history and culture. Mr. Palomo, a prolific writer and long-time reporter for Guam media, and a former Guam lawmaker, recently retired as the administrator of the Guam Museum on June 13, 2007.

Tony was born in 1931 in Hagatna, the eldest of the nine children of the late Vicente Gogo Palomo and Dolores Lydia Mendiola Manibusan. He attended Guam's prewar Padre Palomo and Agana Elementary Schools and graduated from George Washington High School. He also attended Belmont Abby Preparatory School in Belmont, North Carolina, and Marquette University in Milwaukee, Wisconsin, graduating from Marquette's College of Journalism in 1954. He worked full-time as a copy boy for the Milwaukee Sentinel while in school. Upon his return to Guam, Tony applied his skills as a proofreader, a general assignment reporter, a sports editor, and an assistant managing editor for the Guam Daily News, forerunner of the Pacific Daily News. He also served as a correspondent for the Associated Press and as a stringer for the Pacific Stars and Stripes.

During his long career as a journalist, Tony served as editor of the Pacific Journal, a daily newspaper; as publisher-editor of Pacific Profile, a monthly magazine; and editor of the Pacifican, a weekly newspaper.

He then served as a special assistant to Guam's first elected Governor, Carlos G. Camacho, and as administrative director and records manager for the Eighth Guam Legislature before being elected to the legislature himself. Tony served in the 12th, 14th, and 15th Guam Legislatures. As a lawmaker, Tony chaired the legislature's Committee on Rules and the Committee on Territorial and Federal Affairs, which spearheaded the movement for a change in Guam's political status. He served as president of Guam's first Constitutional Convention in 1969 and was a member of Guam's first Commission on Self-Determination. He served briefly as general manager of the Guam Tourist Commission, predecessor of the Guam Visitors Bureau, and as Guam's delegate to the South Pacific Conference in Noumea, New Caledonia, in 1969, and as adviser to the U.S. delegation to the South Pacific Commission.

In 1982, Tony served as special assistant to the assistant secretary of the U.S. Department of Interior. He later served as desk officer for American Samoa and the U.S. Virgin Islands and as DOI's field representative in Guam from 1986 until 1994. He also served as acting assistant secretary of the Interior for Territorial and International Affairs.

He served as chairman of Guam's Political Status Education Coordinating Commission, which produced and published the "Haleta" ("roots") series of history textbooks for Guam's public schools. He is a member of the Chamorro Historic Society, the Guam Humanities Council, the Chamorro Heritage Institute Planning Group, the Manenggon Memorial Foundation, the Fena Memorial Committee, the Guam Preservation Trust, the Council on Cultural Tourism, and GVB's subcommittee on Community Development, and is the corporate secretary of the Latte of Freedom Foundation.

Tony still makes time to teach History of Guam courses at the University of Guam and the Guam Community College today. He continues his long membership in the Knights of Columbus, having served as grand knight, deputy grand knight, recorder, and trustee; as well as in the Young Men's League of Guam, for which he as held the positions of director, historian, and chairman of the Council of Elders. He is a past member of the Benevolent and Protective Order of Elks and the Rotary Club of Tumon, and served on the governor's Vision 2001 and Vision 2005 committees on Family Values and Education and Culture.

Mr. Antonio Manibusan Palomo's many contributions to the history, language and culture of Guam are significant, and today we commend him for his lifetime of service to our community.

INTRODUCTION OF THE DENTAL HEALTH PROMOTION ACT OF 2007

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to broaden applications for personal health accounts.

The legislation that I have proposed will amend existing Internal Revenue Service Code to permit the purchase of dental care items, including fluoride toothpaste, powered and manual toothbrushes, dental floss, dental cleaners, oral irrigators, and preventive and therapeutic mouth rinses and toothpastes.

Specifically, my proposal adds a definition to the IRS Code for medical care tax treatment to include "products used to diagnose, cure, mitigate, treat, or prevent the onset of tooth decay, periodontal diseases, and conditions ailing the teeth, gums, and mouth or affecting the proper function thereof."

Personal health care accounts are funding arrangements where health care expenses are paid or reimbursed with funds set aside in pre-tax accounts. These pre-tax contributions can be made by the employer, the employee, or both, depending on the type of account. In recent years, Congress has worked to make these accounts more accessible and easier to manage.

Expanding access to tax free savings accounts is a sensible way to help individuals manage health care costs and have greater control over their own care options. I believe this addition will create better opportunities for dentists and patients to provide and receive better quality dental care, which is especially important in rural and lower-income communities across the country.

I urge my colleagues to support this bill.

UNITED STATES NEEDS TO INVEST IN FINANCIAL LITERACY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. PAYNE. Madam Speaker, there is an urgent need for the United States to invest in financial literacy. On June 15, 2007, the Washington Post reported that, according to the Mortgage Bankers Association, "the percentage of U.S. mortgages entering foreclosures in the first three months of the year was the highest in more than 50 years." With aggressive subprime lenders preying upon unknowledgeable yet eager homeowners, foreclosure rates around the country have reached unprecedented heights.

On June 10, 2007, the New York Times reported that "private loans have become the fast-growing sector of the student finance market, more than tripling over five years to $17.3 billion in the 2005–2006 school year, according to the College Board." Yet, in that same article, it was reported that many students fail to understand the risks associated with private loans as opposed to federally subsidized loans. Along those same lines, easy access to credit cards without the understanding of its potential pitfalls has led to the indebtedness of many college students.

According to the Bureau of Economic Analysis, personal savings for Americans in May 2007 was negative $139.8 billion, which was an $18 billion increase from the previous month. The Federal Reserve Board stated that consumer debt has exceeded $2.4 trillion as of May 2007. According to the 2007 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, it is not registering with American workers that the U.S. retirement system is no longer one of defined benefits but that of defined contributions. In fact, fewer than 50 percent of workers have retirement savings and investments over $25,000.

These facts are unfortunately not surprising. The results from the JumpStart Coalition for Personal Financial Literacy's 2006 survey showed that of the approximately 5,700 high school seniors nationwide tested, participants scored slightly above 52 percent on a test of very basic financial literacy skills.

The United States must address this growing problem of financial illiteracy. The consequences, as shown by these statistics, could be dire if more is not done. I would encourage the Federal Government to take proactive measures to stem this tide. The Department of Education, in particular, can play a key role in reversing this negative trend by instilling the principles of fiscal discipline while our children are still in their formative years and in fact, can work to incorporate these values into already existing subjects such as mathematics, social studies and business classes.

As a matter of fact, I will soon be introducing the Youth Financial Education Act which would authorize monies for financial literacy through State block grants and through the Fund for the Improvement of Education. I hope to work with other Members of Congress and appropriators to see this important initiative realized.

THE BIPARTISAN IMPORT SAFETY ACT OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. KIRK. Madam Speaker, last month, the U.S. Consumer Product Safety Commission and toy company RC2 announced a recall of 1.5 million various Thomas & Friends wooden railway toys because they might contain dangerous amounts of lead.

Lead poisoning causes vomiting, diarrhea, convulsions, anemia, loss of appetite, abdominal pain, irritability, fatigue, constipation, difficulty sleeping, headaches and coma. It can even be fatal.

The toys on recall are made in China and are retailed throughout the United States.

In March, a wave of pet deaths revealed toxic chemicals in Chinese-manufactured pet food. The U.S. Food and Drug Administration investigated and nearly 100 brands of pet food made with the ingredient were ordered recalled.

A few weeks ago, consumers were advised to discard all toothpaste made in China after federal health officials found toothpaste containing a poison used in antifreeze.

Then it was Thomas the Tank Engine. Just about every family with young kids in America knows Thomas the Tank Engine well.

On Tuesday, about 40 tubes of potentially toxic toothpaste fraudulently labeled Colgate "Triple Action" were pulled from the shelf of a discount store in Arlington Heights, Illinois.

Congress needs to send a clear notice to importers that goods which threaten the safety of kids will be left to rot on America's docks.

That is why I am introducing H.R. 3100, the bipartisan Import Safety Act of 2007, to increase penalties for willful violators of federal regulations on imported goods and increase our commitment to overseas inspections by the FDA and the Commission. This will increase the ability of the U.S. Government to halt the importation of pet food, toothpaste or children's goods that could present a danger to Americans.

33RD ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SPACE. Madam Speaker, tomorrow marks the 33rd anniversary of Turkey's illegal invasion and occupation of Cyprus, which occurred on July 20, 1974. This black anniversary commemorates 33 years too long of suffering and injustice for the people of the Republic of Cyprus.

Thirty-three years ago, Turkish troops invaded Cyprus in flagrant disregard for international law. As a result, an estimated 160,000 true Cypriots were displaced and another 5,000 Cypriots were killed. The current occupied area is notably one of the most highly militarized areas in the world with 43,000 Turkish troops stationed there illegally. In an act of further defiance, in 1983, Turkish Cypriots declared themselves a sovereign nation. To date, they are the only ones who recognize themselves as such.

Together with both the E.U. and the U.N., the U.S. has been a strong ally of the Republic of Cyprus, and we owe it to her to continue our steadfast support. As a Congress, we must uphold our Nation's pledge to advance the July 8th agreement that President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat reached a year ago. This agreement would begin the process of setting up bi-communal committees and working groups to address day-to-day issues facing those caught up in this conflict.

Unfortunately, Talat is not only yet to move forward with his earlier promise, but has also now gone back on his word. We must work to convince Talat that it is in his best interest, and in the best interest of Turkish Cypriots, to cooperate. They will be left behind and without a seat at the table if they choose to disregard plans for progress toward a solution.

Meanwhile, Greek Cypriots continue working toward their national commitment. The Republic of Cyprus took the initiative to demolish a portion of the fortification at Ledra Street in the capital of Nicosia. Opening up this crossing point was a confidence building step, as was demolishing a Cypriot National Guard post in Kato Pyrgos in an effort to open up another crossing point.

There are steps members of this House can take to show support for the people of the Republic of Cyprus. We can cosponsor legislation to resolve the Cyprus problem—H.R. 1456, H. Res. 405, and H. Res. 407.

H.R. 1456 enables U.S. citizens who own property in Turkish-occupied Cyprus to seek financial remedies with either current inhabitants of their land or the government of Turkey. The intent here is to ensure that property not only benefits the lawful owner, but also that it stays out of the hands of illegal squatters.

H. Res. 405 expresses the sense of Congress for the support and implementation of the July 8th agreement as a way forward for the reunification of Cyprus. And H. Res. 407 expresses the support of the House of Representatives for the positive actions of the Republic of Cyprus to open more crossing points and to reach a cease-fire.

These are all bills that I'm a cosponsor of, and I urge other members to join me in my support for these worthwhile measures.

As a Greek American and as a member of the Hellenic Caucus, I could not feel more strongly about the reunification of Cyprus. The issue is straightforward and clear: we must aid our ally, the Republic of Cyprus, in righting the wrongs of the past 33 years. I cannot think of a better day than today, on the eve of the 33rd anniversary of the Turkish invasion, to express my conviction on the matter.

Tomorrow, we must both remember the past and look to the future. In recognizing the significance of July 20th for the citizens of the Republic of Cyprus, we must recommit ourselves to the cause of restoring the island nation to its rightful inhabitants. I ask for the support of my colleagues in this worthy undertaking.

COSPONSORSHIP OF H.R. 1400, THE IRAN COUNTER-PROLIFERATION ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. MARKEY. Madam Speaker, I am proud to cosponsor H.R. 1400, the Iran Counter-Proliferation Act of 2007. This bill will give the United States far superior economic and political leverage against Iran's ongoing and dangerous nuclear program by significantly strengthening our sanctions package against Tehran.

The necessity for the United States and the world to negotiate a final termination to Iran's nuclear program cannot be overstated. The signals that Iran's nuclear program may not be peaceful are legion: Iran is in violation of its International Atomic Energy Agency safeguards agreement, it has yet to explain decades of deception surrounding their nuclear research and construction programs, it is pursuing a uranium enrichment program which could eventually produce weapons-grade uranium, and it is building a heavy-water nuclear reactor which will produce plutonium which could be used for weapons.

An Iranian nuclear weapon could threaten the United States, the security of the Persian Gulf, and it would certainly threaten one of our greatest allies, Israel. Iran's position in the region has unfortunately been greatly strengthened by our misadventure in Iraq, and the regime in Tehran may believe that with a nuclear bomb they could become the regional hegemon, the local strong-man. Such an outcome would be disastrous for the stability of the region, and would be deeply threatening to the United States and our allies. We must do everything we can to avoid this scenario. The Iran Counter-Proliferation Act will put stronger arrows in the diplomatic quiver of the United States through its expanded sanctions package, and it hopefully will help us find a resolution to this important issue.

Iran's development of a nuclear weapon would also be a deeply damaging blow to the Nuclear Nonproliferation Treaty, and could signal the death-knell for international efforts to halt the spread of the bomb. An Iranian nuclear weapon would so dramatically alter the balance of power in the Middle East and Central Asia that other nearby countries could decide that they must pursue a weapons program as well to protect themselves from the sway of Iranian regional hegemony. In such a scenario, an Iranian bomb could spur the development of a Saudi bomb, an Egyptian bomb, or a Turkish bomb. If the cascading security implications for the region from an Iranian nuclear weapon did lead to neighboring countries also pursuing nuclear programs, the NPT may truly be shattered beyond repair.

While I support H.R. 1400 and am proud to cosponsor it, I am concerned that one provision of the bill may have the unintended consequence of undermining our international efforts to unify all governments around the world against Iran's dangerous and destabilizing nuclear program. This bill would remove the President's ability to waive sanctions against foreign countries and corporations if the sanctions could harm the national security interests of the United States. I share the view of the bill's authors that such Presidential waiver authority has been utilized far too frequently—in fact, the international sanctions contained in the Iran Sanctions Act have never been utilized because they have been waived every year! However, I am concerned that by removing the waiver altogether, we will go too far in the other direction.

A number of American allies would be targeted by a universal application of the sanctions contained in H.R. 1400, and while it may be desirable in many cases to do so, leveraging such costly sanctions against our international partners could in certain circumstances make it more difficult to convince these countries to support our efforts to obtain further multilateral sanctions against Iran. No country and no corporation should get a free pass to conduct business in Iran, but at the same time we must retain the flexibility necessary to assure success at the multilateral level. For this reason, I intend to work with my colleagues to make sure that a tightly-crafted waiver authority is included in the final legislation—not to encourage its use, but to ensure that the United States retains the flexibility that we must have to be successful.

It is also very important that H.R. 1400 includes a provision clarifying that nothing in the act authorizes the use of force or the use of the United States Armed Forces against Iran. I believe that our best strategy for success against the Iranian nuclear program will be a strong combination of economic sanctions, political engagement, and multilateral pressure with a clear and persuasive package of benefits to Iran in exchange for the renunciation of their nuclear program. A successful strategy does not involve the use of force, and in fact the use of force against Tehran would most likely backfire by solidifying the domestic political support for the hard-line regime which is continually loosing the support of its people.

I believe that we can solve the Iranian nuclear issue with smart diplomacy, forceful engagement, unilateral and multilateral sanctions, and a sophisticated understanding what combination of sticks and carrots will be persuasive to the decision-makers in Tehran. While it is my opinion that most of the Bush Administration's efforts in this regard have been heavy-handed, ideologically rigid, uncreative, and ultimately counter-productive, I believe that some of their recent actions point to the slow adoption of a more sophisticated approach towards this extremely important problem. The Iran CounterProliferation Act will help strengthen this approach, and will help us ratchet up the pressure on Iran. It is yet to be seen whether the Bush Administration will be wise enough to couple this bigger stick with a bigger carrot, and I hope that they do so. Far too much hangs in the balance, and the United States strategy must be smart, adaptive, and tough.

I urge adoption of the bill.

"LANDMARKS"

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. KINGSTON. Madam Speaker, during the July 4th holidays with my family, I heard the following inspirational sermon in Denver, Colorado. I would like to share it with my fellow colleagues:

LANDMARKS

(By Bill Huth)

I am deeply grateful to be a citizen of the USA and I know that it is a privilege to be an American.

I love this week and the 4th of July:
Watermelons are juicy
Flags are waving from businesses and homes
Fireworks light up the night sky
Families are cooking hot dogs and dousing them with mustard and relish
Churches gather to sing patriotic hymns
Apple pies bake in the ovens
There is a sharp crack to the sound of baseball bats
We see old John Wayne movies

There are Parades and we sing "The Star Spangled Banner"
We pray for the nation and for peace
Everywhere we discover Red, White, and Blue
People and families intentionally come to the YMCA of the Rockies

These are Landmarks to mark the birthday celebration of the USA!

In ancient times, boundary stones or landmarks identified personal property. Boundaries in Israel were sacred because God owned the land. To extend ones property by moving the landmarks was a violation of the covenant and sacred oath. To move a landmark was to renege on the commitment to God's promise.

Unfortunately, moving a boundary stone was and still is a major problem—not so much in the realm of property—but those founding principles, the landmarks, the ancient boundaries on which America was founded. Those landmarks have either been forgotten or diluted in this relativistic, postmodern age when everything seems to be up for grabs, with no absolutes, and everyone interprets things the way they personally see them.

Lets talk today about some of these permanent landmarks that we should recall and revere.

A poet wrote: "We eat from orchards we did not plant. We drink from wells we did not dig. We reap from fields we did not sow. Fires we did not kindle warm us. Roofs we did not build shelter us. We are blessed by monies we did not give."

A landmark will always be that of Sacrifice and Liberty, and we cannot fudge on our own commitment to tend the tree of Liberty by our own acts of self sacrifice and service. If we do, then we stand to lose one of our great American traditions—July 4th!

Someone has said, "The temptation is to enjoy the fruits of citizenship without tending the tree of liberty." Many of us have not personally earned the freedoms we enjoy. We did not go to Germany, North Africa, France, Iwo Jima, Hawaii, Italy—we did not find ourselves on beaches named Omaha, Salerno, or Sword. We, you and me, have not shed our blood or not given an arm or leg or not sacrificed our lives for our Freedom.

John Adams, as he said as he signed the Declaration of Independence, "Whether we live or die, sink or swim, succeed or fail, I stand behind this document. And if God wills it, I am ready to die in order that this country might experience freedom!" That is patriotism which led men, armed with little more than hunting rifles, to engage in battle with, what was then the most powerful nation on earth. Many of our forefathers paid a terrible price in the Revolutionary war, but finally they won the victory so that you and I might be citizens of this "land of the free and the home of the brave."

Because of them a landmark has been established and my responsibility is to tend the Tree of Liberty.

Another landmark is our commitment to Religious Freedom. In the early days of the country, it was made clear that Congress would not establish a state religion, that Americans would be free to worship God according to the dictates of their own conscience. That is our freedom, to worship, or not.

Peter Marshall prayed before the U.S. Senate, "Lord Jesus, thou who art the way, the truth and the life, hear us as we pray for the truth that shall make all free. Teach us that liberty is not only to be loved but also to be lived. Liberty, Lord, is too precious to be buried in books, costs too much to be hoarded."

French writer Alexis de Toqueville, after visiting America in 1831 wrote, "I sought for the greatness of the U.S. in her commodious harbors, her ample rivers, her fertile field, and boundless forests . . . and it was not there. I sought for it in her rich mines, her vast world commerce, her public school system, and in the institutions of higher learning . . . but it was not there. I went into the churches of America and heard her pulpits flames with righteousness and I understood the secret of her genius and power: America is great because America is good, and if America ever ceases to be good, America will cease to be great!"

The final landmark is very sacred and special to each one of us. Our Constitution ends with "In the year of our Lord." Our National Motto is "In God we trust." The Pledge of Allegiance states "One nation, under God." The landmark is our faith in God, the Divine Creator.

Patrick Henry, first governor of Virginia and member of the Continental Congress stated, "It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians . . . not on religious, but on the Gospel of Jesus Christ."

We all received the news that a Federal Appeals court in San Francisco decided that the Pledge of Allegiance, when recited in schools, represents an unconstitutional endorsement of religion. The ruling overturned a 1954 act of Congress that inserted the phrase, under God, in the pledge.

On every coin, on every dollar we find "In God We Trust" which reminds everyone of us and this nation, that the business and economy of the nation is based on our faith and trust in the Almighty.

The pledge and the motto remind us of the founding principle that this is a nation under the care of God.

A warning from Deuteronomy 8:7–14: "The Lord your God is bringing you into a good land . . . brook of water, fountains and springs, a land of plenty, vines and trees, a land in which you will plenty to eat and lack nothing. A land that will provide you the tools. Take heed lest you forget the Lord your God by not keeping his commandments and his statues. You shall remember the Lord God for it is He who gives you power . . . Lest you forget the Lord your God and go after other gods and serve them . . . on that day you will perish because you would not obey the voice of the Lord.

When, as a nation, our courts and leaders want to remove the sacred Scriptures, the Ten Commandments, the prayers, no Bibles, the Motto . . . what is next? Will there be censorship of the pulpits of the land? Out of this pulpit to achieve political correctness?

It is fascinating and inspirational to know that:

Twelve of the original thirteen colonies incorporated the entire 10 commandments into their civil and criminal codes.

George Washington said, "It is impossible to govern the world without God and the Bible."

That we have heard so much talk of the "separation of church and state" when we find that the phrase does not appear in the constitution. It was coined from a letter that was penned by Thomas Jefferson to the Danbury Baptist Association assuring them that he would keep the Government out of the Church, and not the church out of government.

When our Presidents take the oath of office, they place their hand on the Bible and concludes the oath of office by affirming "so help me God."

The constitutions of all states mention God.

Abraham Lincoln, the besieged 16th President, said this over a nation on the brink of the Civil War, "We have been the recipients of the choicest bounties of heaven, but we have forgotten God and his gracious hand which preserved us in peace and multiplied and enriched and strengthened us, intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God who made us."

Presidents Roosevelt, Wilson, and Coolidge all spoke about our dependence on God.

Franklin Roosevelt prayed this prayer on national radio on D-Day, June 6, 1944: Almighty God, with Thy blessing we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogance. Lead us to the saving of our country. They will be done, Almighty God."

President Ronald Reagan, "If we ever forget that we are 'one nation under God,' then we will be one nation gone under."

Landmarks are there for you and me, from the past, for the future . . . and with your help and the strength of the Lord our God they shall not be moved.

SENATE—*Monday, July 23, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, as we enter a new week, let Your favor rest upon the Members of our Government's legislative branch. Establish the works of their hands, and strengthen them to honor You by serving others. Let Your life-giving spirit move them to feel greater compassion for those in need. Use them to remove barriers that divide us, to make suspicions disappear, and to cause strife to cease. May they strive to be agents of healing and hope as they help us all live in greater justice and peace. Help them to daily develop greater respect and submission to Your commands.

Today, we unreservedly commit to You our lives and the decisions to be made. We relinquish our control and submit to Your will.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BYRON L. DORGAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are getting used to Senators ENZI and KENNEDY. They seem to have been on the floor for several days now, and we have at least 1 more day, maybe part of another day, but I hope not—not because I don't want them here but because we have other things to do.

The Senate is going to immediately proceed to S. 1642, the higher education reauthorization legislation. There will be no morning business. Under a previous agreement, there will be 8 hours for debate on the bill and amendments. First-degree amendments are limited to 12 amendments per side, with 6 for each manager and an additional managers' amendment, with first-degree amendments limited to 30 minutes for debate equally divided and any second-degree amendments limited to 15 minutes for debate equally divided. So at approximately 5:15 today, we will begin voting on the pending amendments. We are hopeful we will be able to dispose of all of them this evening.

Following the disposition of this bill, we are going to proceed to H.R. 2638, the Department of Homeland Security appropriations bill. I hope we can finish that bill quickly. I hope we don't have to file cloture on it. If we do, that is what we will do. Hopefully, we can finish the bill. It is extremely important. It deals with homeland security. I will tell all Senators, the bill we have calls for more money than the President's suggestion, but remember, we go to conference on all of these bills. The House will have passed by the end of this week—certainly by the middle of next week—all the appropriations bills. So we need to get some done over here so that we can go to conference. So I repeat, if somebody has a concern about ours being for more money than the President's, don't worry about it. We have conference to go to, and as we know, in years past, the White House always has the ability to work with us in conference.

When we finish Homeland Security, we are going to go to the children's health bill, which is extremely important. It is important because the bill that has been brought before the Senate is one that is a compromise, a bipartisan piece of legislation, a bill that was reported out of the committee by a 17-to-4 vote. That certainly suggests bipartisanship, and it provides health care for millions of American children. So I hope we can get consent to proceed to this legislation following Homeland Security. If not, we will file cloture, and we will go to it after that.

But as everyone has heard me say, this work period, we are going to complete Homeland Security, SCHIP, we are going to complete the conference report on the 9/11 Commission recommendations, we are going to complete work on the ethics and lobbying reform, and we are going to move to another appropriations bill, which will be Military Construction and VA. All Senators and staff should be alerted that we may have to work weekends. I say plural because it is according to where we are on the procedural matters.

This weekend, I know there is a big trip planned to go to Greenland, and we certainly hope Senators can go there. It is something everyone needs to see and Senators need to see, with global warming being as it is. We will do our best to complete work so that people can have the weekend off to go to Greenland and to do whatever they need to do. But there are no guarantees in this business, especially at this time of the year. We worked all night one night last week, we worked until early in the morning one night, and that may be necessary this week and next week. I hope we can break in time for our recess, but, again, as I have said now for weeks, we have to finish this work first.

I hope people who have amendments on this bill today will come and start offering them. We are going to make sure that all quorum time is charged against the bill itself so we can finish that time. The time, we are going to finish today; the amendments, we hope to finish today.

HIGHER EDUCATION AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 1642, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1642) to extend the authorization programs under the Higher Education Act of 1965, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Amendments of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. Additional definitions.
Sec. 102. General definition of institution of higher education.
Sec. 103. Definition of institution of higher education for purposes of title IV programs.
Sec. 104. Protection of student speech and association rights.
Sec. 105. Accreditation and Institutional Quality and Integrity Advisory Committee.
Sec. 106. Drug and alcohol abuse prevention.
Sec. 107. Prior rights and obligations.
Sec. 108. Transparency in college tuition for consumers.
Sec. 109. Databases of student information prohibited.
Sec. 110. Clear and easy-to-find information on student financial aid.
Sec. 111. Performance-based organization for the delivery of Federal student financial assistance.
Sec. 112. Procurement flexibility.
Sec. 113. Institution and lender reporting and disclosure requirements.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality partnership grants.
Sec. 202. General provisions.

TITLE III—INSTITUTIONAL AID

Sec. 301. Program purpose.
Sec. 302. Definitions; eligibility.
Sec. 303. American Indian tribally controlled colleges and universities.
Sec. 304. Alaska Native and Native Hawaiian-serving institutions.
Sec. 305. Native American-serving, nontribal institutions.
Sec. 306. Part B definitions.
Sec. 307. Grants to institutions.
Sec. 308. Allotments to institutions.
Sec. 309. Professional or graduate institutions.
Sec. 310. Authority of the Secretary.
Sec. 311. Authorization of appropriations.
Sec. 312. Technical corrections.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Sec. 401. Federal Pell Grants.
Sec. 402. Academic competitiveness grants.
Sec. 403. Federal Trio Programs.
Sec. 404. Gaining early awareness and readiness for undergraduate programs.
Sec. 405. Academic achievement incentive scholarships.
Sec. 406. Federal supplemental educational opportunity grants.
Sec. 407. Leveraging Educational Assistance Partnership program.
Sec. 408. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 409. Robert C. Byrd Honors Scholarship Program.
Sec. 410. Child care access means parents in school.
Sec. 411. Learning anytime anywhere partnerships.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Sec. 421. Federal payments to reduce student interest costs.
Sec. 422. Federal Consolidation Loans.
Sec. 423. Default Reduction Program.
Sec. 424. Reports to consumer reporting agencies and institutions of higher education.
Sec. 425. Common forms and formats.
Sec. 426. Student loan information by eligible lenders.
Sec. 427. Consumer education information.
Sec. 428. Definition of eligible lender.
Sec. 429. Discharge and cancellation rights in cases of disability.

PART C—FEDERAL WORK-STUDY PROGRAMS

Sec. 441. Authorization of appropriations.
Sec. 442. Allowance for books and supplies.
Sec. 443. Grants for Federal work-study programs.
Sec. 444. Job location and development programs.
Sec. 445. Work colleges.

PART D—FEDERAL PERKINS LOANS

Sec. 451. Program authority.
Sec. 452. Cancellation of loans for certain public service.

PART E—NEED ANALYSIS

Sec. 461. Cost of attendance.
Sec. 462. Definitions.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

Sec. 471. Definitions.
Sec. 472. Compliance calendar.
Sec. 473. Forms and regulations.
Sec. 474. Student eligibility.
Sec. 475. Statute of limitations and State court judgments.
Sec. 476. Institutional refunds.
Sec. 477. Institutional and financial assistance information for students.
Sec. 478. Entrance counseling required.
Sec. 479. National Student Loan Data System.
Sec. 480. Early awareness of financial aid eligibility.
Sec. 481. Program participation agreements.
Sec. 482. Regulatory relief and improvement.
Sec. 483. Transfer of allotments.
Sec. 484. Purpose of administrative payments.
Sec. 485. Advisory Committee on student financial assistance.
Sec. 486. Regional meetings.
Sec. 487. Year 2000 requirements at the Department.

PART G—PROGRAM INTEGRITY

Sec. 491. Recognition of accrediting agency or association.
Sec. 492. Administrative capacity standard.
Sec. 493. Program review and data.
Sec. 494. Timely information about loans.
Sec. 495. Auction evaluation and report.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Authorized activities.
Sec. 502. Postbaccalaureate opportunities for Hispanic Americans.
Sec. 503. Applications.
Sec. 504. Cooperative arrangements.
Sec. 505. Authorization of appropriations.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. Findings.
Sec. 602. Graduate and undergraduate language and area centers and programs.
Sec. 603. Undergraduate international studies and foreign language programs.
Sec. 604. Research; studies.
Sec. 605. Technological innovation and cooperation for foreign information access.
Sec. 606. Selection of certain grant recipients.
Sec. 607. American overseas research centers.
Sec. 608. Authorization of appropriations for international and foreign language studies.
Sec. 609. Centers for international business education.
Sec. 610. Education and training programs.
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SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

"(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.";

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

"(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.";

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

"(6) DISTANCE EDUCATION.—

"(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

"(i) to deliver instruction to students who are separated from the instructor; and

"(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

"(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

"(i) the Internet;

"(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

"(iii) audio conferencing; or

"(iv) video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii)."; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

"(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.".

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking "to the Committee on Appropriations" and all that follows through "House of Representatives" and inserting "to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees";

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking "House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources" and inserting "authorizing committees";

(B) in the matter following paragraph (2) of subsection (g), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(C) in subsection (n)(4), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(5) in section 428A(c) (20 U.S.C. 1078-1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees";

(B) in paragraph (3), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees"; and

(C) in paragraph (5), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "members of the authorizing committees";

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking "the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate" and inserting "either of the authorizing committees"; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(8) in section 439 (20 U.S.C. 1087-2)—

(A) in subsection (d)(1)(E)(iii), by striking "advise the Chairman" and all that follows through "House of Representatives" and inserting "advise the members of the authorizing committees";

(B) in subsection (r)—

(i) in paragraph (3), by striking "inform the Chairman" and all that follows through "House of Representatives," and inserting "inform the members of the authorizing committees";

(ii) in paragraph (5)(B), by striking "plan, to the Chairman" and all that follows through "Education and Labor" and inserting "plan, to the members of the authorizing committees";

(iii) in paragraph (6)(B)—

(I) by striking "plan, to the Chairman" and all that follows through "House of Representatives" and inserting "plan, to the members of the authorizing committees"; and

(II) by striking "Chairmen and ranking minority members of such Committees" and inserting "members of the authorizing committees";

(iv) in paragraph (8)(C), by striking "implemented to the Chairman" and all that follows through "House of Representatives, and" and inserting "implemented to the members of the authorizing committees, and to"; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking "days to the Chairman" and all that follows through "Education and Labor" and inserting "days to the members of the authorizing committees"; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "Treasury and to the Chairman" and all that follows through "House of Representatives" and inserting "Treasury and to the members of the authorizing committees"; and

(ii) in subparagraph (B), by striking "Treasury and to the Chairman" and all that follows through "House of Representatives" and inserting "Treasury and to the members of the authorizing committees";

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives" and inserting "authorizing committees";

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees"; and

(B) in subsection (g)(4)(B), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(B) in paragraph (2), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees".

SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting ", or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary" after "such a degree"; and

(2) by striking subsection (b)(2) and inserting the following:

"(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school.".

SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

Section 102 (20 U.S.C. 1002) is amended—

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

"(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting "and" after the semicolon;

(ii) in subparagraph (E), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following:

"(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school."; and

(3) by striking subsection (c)(2) and inserting the following:

"(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school.".

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "It is the sense"; and

(B) by adding at the end the following:

"(2) It is the sense of Congress that—

"(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

"(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

"(C) a college should facilitate the free and open exchange of ideas;

"(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

"(E) students should be treated equally and fairly; and

"(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association."; and

(2) in subsection (b)(1), by inserting ", provided that the imposition of such sanction is done objectively and fairly" after "higher education".

SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

"SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.

"(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall have 15 members, of which—

"(A) 5 members shall be appointed by the Secretary;

"(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

"(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

"(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

"(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

"(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

"(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

"(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

"(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

"(A) 2 years for members appointed under paragraph (1)(A);

"(B) 4 years for members appointed under paragraph (1)(B); and

"(C) 6 years for members appointed under paragraph (1)(C).

"(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

"(c) FUNCTIONS.—The Committee shall—

"(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

"(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

"(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

"(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

"(5) advise the Secretary with respect to the relationship between—

"(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

"(B) State licensing responsibilities with respect to such institutions; and

"(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

"(d) MEETING PROCEDURES.—

"(1) SCHEDULE.—

"(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

"(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

"(2) AGENDA.—

"(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

"(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

"(3) SECRETARY'S DESIGNEE.—

"(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

"(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

"(e) REPORT AND NOTICE.—

"(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

"(A) a list containing, for each member of the Committee—

"(i) the member's name;

"(ii) the date of the expiration of the member's term of office; and

"(iii) the individual described in subsection (b)(1) who appointed the member; and

"(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

"(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

"(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

"(B) a list of the date and location of each meeting during the preceding fiscal year;

"(C) a list of the members of the Committee and appropriate contact information; and

"(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

"(f) TERMINATION.—The Committee shall terminate on September 30, 2012.".

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 90 days after such date.

SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

"(B) determine the number of drug and alcohol-related incidents and fatalities that—

"(i) occur on the institution's property or as part of any of the institution's activities; and

"(ii) are reported to the institution;

"(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and".

SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking "1999 and for each of the 4 succeeding fiscal years" and inserting "2008 and for each succeeding fiscal year"; and

(2) in paragraph (2), by striking "1999 and for each of the 4 succeeding fiscal years" and inserting "2008 and for each succeeding fiscal year".

SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

"SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

"(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

"(b) HIGHER EDUCATION PRICE INDEX.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

"(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

"(A) 4-year public degree-granting institutions of higher education.

"(B) 4-year private degree-granting institutions of higher education.

"(C) 2-year public degree-granting institutions of higher education.

"(D) 2-year private degree-granting institutions of higher education.

"(E) Less than 2-year institutions of higher education.

"(F) All types of institutions described in subparagraphs (A) through (E).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(c) REPORTING.—

"(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

"(2) COMPILATION.—

"(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

"(i) 4-year public institutions of higher education.

"(ii) 4-year private, nonprofit institutions of higher education.

"(iii) 4-year private, for-profit institutions of higher education.

"(iv) 2-year public institutions of higher education.

"(v) 2-year private, nonprofit institutions of higher education.

"(vi) 2-year private, for-profit institutions of higher education.

"(vii) Less than 2-year public institutions of higher education.

"(viii) Less than 2-year private, nonprofit institutions of higher education.

"(ix) Less than 2-year private, for-profit institutions of higher education.

"(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

"(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

"(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

"(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

"(A) be known as the 'Higher Education Price Increase Watch Lists';

"(B) report the full price of tuition and fees at the institution and the net price;

"(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and

"(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

"(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

"(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

"(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

"(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

"(d) NET PRICE CALCULATOR.—

"(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

"(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

"(A) 4-year public institutions of higher education.

"(B) 4-year private, nonprofit institutions of higher education.

"(C) 4-year private, for-profit institutions of higher education.

"(D) 2-year public institutions of higher education.

"(E) 2-year private, nonprofit institutions of higher education.

"(F) 2-year private, for-profit institutions of higher education.

"(G) Less than 2-year public institutions of higher education.

"(H) Less than 2-year private, nonprofit institutions of higher education.

"(I) Less than 2-year private, for-profit institutions of higher education.

"(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

"(A) based on a model calculator developed by the Department; or

"(B) developed by the institution of higher education.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry *out this subsection such sums as may be necessary.*

"(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

"(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

"(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

"(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

"(A) A statement of the institution's mission and specialties.

"(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

"(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

"(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

"(E) Percentage of male and female undergraduate students enrolled at the institution.

"(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

"(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

"(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

"(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

"(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

"(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

"(L) The undergraduate major areas of study with the highest number of degrees awarded.

"(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

"(N) Percentage of faculty at the institution with the highest degree in their field.

"(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

"(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

"(i) full-time undergraduate students living on campus;

"(ii) full-time undergraduate students living off-campus; and

"(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

"(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

"(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

"(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

"(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

"(U) The average net price for all undergraduate students enrolled at the institution.

"(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

"(W) Information on the policies of the institution related to transfer of credit from other institutions.

"(X) Information on campus safety required to be collected under section 485(f).

"(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

"(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

"(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(g) GAO REPORT.—The Comptroller General of the United States shall—

"(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

"(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

"(B) present recommendations for reducing such burden;

"(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

"(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.".

SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

"SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.

"(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

"(b) EXCEPTION.—The provisions of subsection (a) shall not affect the loan obligation enforcement activities described in section 485B.

"(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.".

SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

"SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

"(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

"(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

"(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

"(3) DISSEMINATION.—The Secretary shall make the availability of the information on the website widely known through a major media campaign and other forms of communication.".

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "operational" and inserting "administrative and oversight"; and

(B) in paragraph (2)(D), by striking "of the operational functions" and inserting "and administration";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "the information systems administered by the PBO, and other functions performed by the PBO" and inserting "the Federal student financial assistance programs authorized under title IV"; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) assist the Chief Operating Officer in identifying goals for—

"(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

"(ii) the updating of such systems to current technology."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "administration of the information and financial systems that support" and inserting "the administration of Federal";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "of the delivery system for Federal student assistance" and inserting "for the Federal student assistance programs authorized under title IV";

(II) by striking clauses (i) and (ii) and inserting the following:

"(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

"(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;";

(III) in clause (iii), by striking "delivery" and inserting "administration";

(IV) in clause (iv)—

(aa) by inserting "the" after "supporting"; and

(bb) by striking "and" after the semicolon;

(V) in clause (v), by striking "systems that support those programs." and inserting "the administration of the Federal student assistance programs authorized under title IV; and"; and

(VI) by adding at the end the following:

"(vi) ensuring the integrity of the student assistance programs authorized under title IV."; and

(iii) in subparagraph (B), by striking "operations and services" and inserting "activities and functions"; and

(3) in subsection (c)—

(A) in the subsection heading, by striking "PERFORMANCE PLAN AND REPORT" and inserting "PERFORMANCE PLAN, REPORT, AND BRIEFING";

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking "information and delivery"; and

(ii) in clause (iv)—

(I) by striking "Developing an" and inserting "Developing"; and

(II) by striking "delivery and information system" and inserting "systems";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "the" after "PBO and"; and

(ii) in subparagraph (B), by striking "Officer" and inserting "Officers";

(D) in paragraph (3), by inserting "students," after "consult with"; and

(E) by adding at the end the following:

"(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).";

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (4)"; and

(ii) in subparagraph (C), by striking "this";

(5) in subsection (f)—

(A) in paragraph (2), by striking "to borrowers" and inserting "to students, borrowers,"; and

(B) in paragraph (3)(A), by striking "(1)(A)" and inserting "(1)";

(6) in subsection (g)(3), by striking "not more than 25";

(7) in subsection (h), by striking "organizational effectiveness" and inserting "effectiveness";

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking ", including transition costs".

SEC. 112. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "for information systems supporting the programs authorized under title IV"; and

(ii) by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) through the Chief Operating Officer—

"(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

"(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.";

(2) by striking subsection (c)(2) and inserting the following:

"(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.";

(3) in subsection (d)(2)(B), by striking "on Federal Government contracts";

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking "SOLE SOURCE.—" and inserting "SINGLE-SOURCE BASIS.—"; and

(ii) by striking "sole-source" and inserting "single-source"; and

(B) in paragraph (7), by striking "sole-source" and inserting "single-source";

(5) in subsection (h)(2)(A), by striking "sole-source" and inserting "single-source"; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

"(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.".

SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

"SEC. 151. DEFINITIONS.

"In this part:

"(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

"(2) COVERED INSTITUTION.—The term 'covered institution'—

"(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

"(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

"(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

"(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

"(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

"(B) which arrangement or agreement—

"(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

"(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

"(5) LENDER.—The term 'lender'—

"(A) means—

"(i) any lender—

"(I) of a loan made, insured, or guaranteed under part B of title IV; and

"(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

"(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

"(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

"(6) OFFICER.—The term 'officer' includes a director or trustee of an institution.

"SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

"(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

"(b) DISCLOSURES.—

"(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

"(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

"(A) of the interest rates of the educational loan being offered;

"(B) showing sample educational loan costs, disaggregated by type;

"(C) that describes, with respect to each type of educational loan being offered—

"(i) the types of repayment plans that are available;

"(ii) whether, and under what conditions, early repayment may be made without penalty;

"(iii) when and how often interest on the loan will be capitalized;

"(iv) the terms and conditions of deferments or forbearance;

"(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

"(vi) the collection practices in the case of default; and

"(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

"(D) of such other information as the Secretary may require in regulations.

"(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

"(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

"(A) the amount of each specific instance in which the lender provided such reimbursement;

"(B) the name of the financial aid official or other employee to whom the reimbursement was made;

"(C) the dates of the activity for which the reimbursement was made; and

"(D) a brief description of the activity for which the reimbursement was made.

"(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

"SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

"(a) SECRETARY DUTIES.—

"(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall—

"(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

"(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

"(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

"(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

"(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

"(III) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

"(IV) the average interest rate on such loans provided to such students for the preceding academic year; and

"(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

"(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

"(C)(i) submit the report and model format to the authorizing committees; and

"(ii) make the report and model format available to covered institutions, lenders, and the public.

"(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

"(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

"(B) covered institutions to use such format in preparing the information report under subsection (c).

"(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

"(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

"(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

"(A) the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

"(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

"(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.".

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY PARTNERSHIP GRANTS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

"(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

"(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

"(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

"(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

"(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

"(B) a State licensed or regulated child care program or school; or

"(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and prenumeracy), social, emotional, and physical development.

"(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

"(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a high-need local educational agency;

"(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

"(iii) a partner institution;

"(iv) a school, department, or program of education within such partner institution; and

"(v) a school or department of arts and sciences within such partner institution; and

"(B) may include any of the following:

"(i) The Governor of the State.

"(ii) The State educational agency.

"(iii) The State board of education.

"(iv) The State agency for higher education.

"(v) A business.

"(vi) A public or private nonprofit educational organization.

"(vii) An educational service agency.

"(viii) A teacher organization.

"(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

"(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

"(xi) A school or department within the partner institution that focuses on psychology and human development.

"(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of *reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.*

"(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program that is among the highest 25 percent of early childhood programs in the geographic area served by the local educational agency in the partnership, in terms of the percentage of students from families with incomes below the poverty line.

"(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

"(ii) that serves not fewer than 10,000 children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

"(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

"(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

"(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

"(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

"(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

"(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

"(B) with—

"(i) a baccalaureate degree in an academic major in the arts and sciences; or

"(ii) an associate's degree in a related educational area; and

"(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

"(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

"(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

"(A) High-quality teacher mentoring.

"(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

"(C) The application of empirically based practice and scientifically valid research on instructional practices.

"(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

"(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

"(F) Faculty who—

"(i) model the integration of research and practice in the classroom; and

"(ii) assist new teachers with the effective use and integration of technology in the classroom.

"(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

"(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

"(I) Regular evaluation of the new teacher.

"(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

"(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 205(b); and

"(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

"(B) that requires—

"(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

"(ii) each student in the program preparing to become a teacher to become highly qualified; and

"(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

"(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

"(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

"(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

"(C) includes, appropriate to the research being conducted—

"(i) use of systematic, empirical methods that draw on observation or experiment;

"(ii) use of data analyses that are adequate to support the general findings;

"(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

"(iv) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be limited to random-assignment experiments;

"(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

"(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

"(vii) use of research designs and methods appropriate to the research question posed.

"(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

"(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

"(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

"(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

"(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

"(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

"(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

"(i) teaching and learning;

"(ii) assessment of student learning;

"(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

"(iv) the improvement of the mentees' capacity to measurably advance student learning; and

"(F) includes—

"(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

"(ii) joint professional development opportunities.

"(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

"(A) increase student learning, achievement, and the ability to apply knowledge;

"(B) effectively convey and explain academic subject matter;

"(C) employ strategies grounded in the disciplines of teaching and learning that—

"(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

"(ii) are specific to academic subject matter; and

"(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

"(D) conduct an ongoing assessment of student learning;

"(E) effectively manage a classroom;

"(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

"(G) use age-appropriate strategies and practices for children, including in early childhood education programs.

"(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

"(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

"(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

"(C) acquires effective teaching skills; and

"(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

"SEC. 202. PARTNERSHIP GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

"(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

"(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

"(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

"(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

"(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

"(5) a resource assessment that describes the resources available to the partnership, including—

"(A) the integration of funds from other related sources;

"(B) the intended use of the grant funds;

"(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

"(6) a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

"(C) the partnership's evaluation plan under section 204(a);

"(D) how the partnership will align the teacher preparation program with the—

"(i) early learning standards for early childhood education programs, as applicable, of the State in which the partnership is located; and

"(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

"(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

"(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

"(G) the in-service professional development strategies and activities to be supported; and

"(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

"(7) with respect to the induction program required as part of the activities carried out under this section—

"(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

"(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

"(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

"(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

"(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

"(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

"(1) REFORMS.—

"(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

"(i) preparing—

"(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

"(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

"(III) as applicable, early childhood educators to be highly competent; and

"(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

"(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

"(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

"(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

"(I) can understand and implement research-based teaching practices in classroom-based instruction;

"(II) have knowledge of student learning methods;

"(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

"(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

"(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

"(bb) differentiate instruction for such students; and

"(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

"(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

"(iv) developing and implementing an induction program; and

"(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

"(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

"(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

"(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

“(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

“(C) Provide high-quality teacher mentoring.

“(D)(i) Be offered over the course of a program of teacher preparation;

“(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

“(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

“(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

“(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

“(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

“(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

“(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

“(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

“(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

“(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

“(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

“(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

“(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

“(C) Ensuring that teaching residents that participated in the teaching residency program receive—

“(i) effective preservice preparation as described in paragraph (2);

“(ii) teacher mentoring;

“(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

“(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

“(2) TEACHING RESIDENCY PROGRAMS.—

“(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

“(i) The integration of pedagogy, classroom practice, and teacher mentoring.

“(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

“(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

“(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

“(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

“(III) who may have full relief from teaching duties as a result of such additional responsibilities.

“(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

“(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

“(II) Appropriate instruction that engages students with different learning styles.

“(III) Collaboration with colleagues to improve instruction.

“(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

“(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

“(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

“(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

“(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

“(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

“(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

“(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

“(II) submit an application to the teaching residency program.

“(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

“(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

“(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

“(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

“(C) STIPEND AND SERVICE REQUIREMENT.—

“(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

“(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

“(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

“(f) CONSULTATION.—

“(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

“(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

“(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

“(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

“SEC. 203. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

“(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

“(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant

with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

"(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

"(b) PEER REVIEW.—

"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

"(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

"(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

"(c) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

"(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 204. ACCOUNTABILITY AND EVALUATION.

"(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

"(1) student achievement for all students as measured by the eligible partnership;

"(2) teacher retention in the first 3 years of a teacher's career;

"(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

"(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

"(B) the percentage of such teachers who are members of under represented groups;

"(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

"(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

"(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

"(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

"(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

"(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

"(1) successful practices developed by eligible partnerships under this part; and

"(2) information regarding such practices that were found to be ineffective.

"SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

"(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

"(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

"(ii) the percentage of all such students who passed each such assessment;

"(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

"(iv) the average scaled score for all students who took each such assessment;

"(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

"(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

"(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

"(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

"(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

"(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

"(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

"(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

"(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

"(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary

Education Act of 1965 and State early learning standards for early childhood education programs.

“(D) For each of the assessments used by the State for teacher certification or licensure—

“(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

“(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

“(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

“(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

“(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

“(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

“(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

“(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

“(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

“(i) area of certification or licensure;

“(ii) academic major; and

“(iii) subject area for which the teacher has been prepared to teach.

“(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

“(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

“(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

“(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

“(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

“(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

“(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

“(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

“(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

“(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

“SEC. 206. STATE FUNCTIONS.

“(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

“(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

“(1) shall be ineligible for any funding for professional development activities awarded by the Department;

“(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

“(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

“(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

“(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

“SEC. 207. GENERAL PROVISIONS.

“(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

“(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act; and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

“(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

“(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

“(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

“(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

“(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

“(B) is possessed, controlled, or accessible by the State educational agency.

“(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

“(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

“(B) may include—

“(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

“(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.”.

SEC. 202. GENERAL PROVISIONS.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

“PART C—GENERAL PROVISIONS

“SEC. 231. LIMITATIONS.

“(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit,

allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

"(b) No Change in State Control Encouraged or Required.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(c) National System of Teacher Certification or Licensure Prohibited.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.".

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "351" and inserting "391"; and

(B) in paragraph (3)(F), by inserting ", including services that will assist in the education of special populations" before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting ", including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.";

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking "distance learning academic instruction capabilities" and inserting "distance education technologies"; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking "subsection (c)" and inserting "subsection (b) and section 391".

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking "subsection (c) of this section" and inserting "subsection (d)"; and

(2) in subsection (d)(2), by striking "subdivision" and inserting "paragraph".

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

"(3) Tribal College or University.—The term 'Tribal College or University' means an institution that—

"(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

"(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).";

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: "and the acquisition of real property adjacent to the campus of the institution";

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

"(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;";

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

"(M) developing or improving facilities for Internet use or other distance education technologies; and"; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking "subparagraphs (A) through (K)" and inserting "subparagraphs (A) through (M)"; and

(3) by striking subsection (d) and inserting the following:

"(d) Application, Plan, and Allocation.—

"(1) Institutional Eligibility.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

"(2) Application.—

"(A) In General.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

"(B) Streamlined Process.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

"(3) Allocations to Institutions.—

"(A) Construction Grants.—

"(i) In General.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

"(ii) Preference.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

"(B) Allotment of Remaining Funds.—

"(i) In General.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

"(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

"(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

"(ii) Minimum Grant.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

"(4) Special Rules.—

"(A) Concurrent Funding.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) Exemption.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagrapn (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.".

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) Grant Program Authorized.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

"SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

"(a) Program Authorized.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

"(b) Definitions.—In this section:

"(1) Native American.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

"(2) Native American-Serving, Nontribal Institution.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

"(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

"(B) is not a Tribal College or University (as defined in section 316).

"(c) Authorized Activities.—

"(1) Types of Activities Authorized.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

"(2) Examples of Authorized Activities.—Such programs may include—

"(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

"(D) curriculum development and academic instruction;

"(E) the purchase of library books, periodicals, microfilm, and other educational materials;

"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

"(G) the joint use of facilities such as laboratories and libraries; and

"(H) academic tutoring and counseling programs and student support services.

"(d) Application Process.—

"(1) Institutional Eligibility.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

"(2) Applications.—

"(A) Permission to Submit Applications.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

"(B) Simplified and Streamlined Format.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

"(C) Content.—An application submitted under subparagraph (A) shall include—

"(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and *"(ii) such other information and assurances as the Secretary may require.*

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

SEC. 306. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting ", in consultation with the Commissioner for Education Statistics" before "and the Commissioner".

SEC. 307. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "360(a)(2)" and inserting "399(a)(2)";

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.".

SEC. 308. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

"(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

"(1) enrolled Federal Pell Grant recipients in the preceding academic year;

"(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

"(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.".

SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting ", and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement" after "services";

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

"(5) tutoring, counseling, and student service programs designed to improve academic success;

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;";

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking "establish or improve" and inserting "establishing or improving";

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking "assist" and inserting "assisting"; and

(ii) by striking "and" after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(10) other activities proposed in the application submitted under subsection (d) that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after "the following";

(ii) in subparagraph (Q), by striking "and" at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(S) Alabama State University qualified graduate program;

"(T) Coppin State University qualified graduate program;

"(U) Prairie View A & M University qualified graduate program;

"(V) Fayetteville State University qualified graduate program;

"(W) Delaware State University qualified graduate program;

"(X) Langston University qualified graduate program; and

"(Y) West Virginia State University qualified graduate program.";

(B) in paragraph (2)(A)—

(i) by inserting "in law or" after "instruction"; and

(ii) by striking "mathematics, or" and inserting "mathematics, psychometrics, or";

(C) in paragraph (3)—

(i) by striking "1998" and inserting "2007"; and

(ii) by striking "(Q) and (R)" and inserting "(S), (T), (U), (V), (W), (X), and (Y)";

(3) in subsection (f)—

(A) in paragraph (1), by striking "(P)" and inserting "(R)";

(B) in paragraph (2), by striking "(Q) and (R)" and inserting "(S), (T), (U), (V), (W), (X), and (Y)"; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "(R)" and inserting "(Y)";

(ii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

"(i) allocates from institutional resources;

"(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

"(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

"(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.";

(iii) in subparagraph (C), by striking "(or the equivalent) enrolled in the eligible professional or graduate school" and all that follows through the period and inserting "enrolled in the qualified programs or institutions listed in paragraph (1).";

(iv) in subparagraph (D)—

(I) by striking "students" and inserting "Black American students or minority students"; and

(II) by striking "institution" and inserting "institution or program"; and

(v) by striking subparagraph (E) and inserting the following:

"(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year."; and

(4) in subsection (g), by striking "1998" and inserting "2007".

SEC. 310. AUTHORITY OF THE SECRETARY.

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking "and" after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.".

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 326 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 312. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ",," and inserting ",";

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting "SALE OF QUALIFIED BONDS.—" before "Notwithstanding";

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking "support" and inserting "supports";

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking "subparagraph (E)" and inserting "subparagraph (D)";

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking "eligible institutions under part A institutions" and inserting "eligible institutions under part A"; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking "360" and inserting "399".

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "2004" and inserting "2013"; and

(ii) in the second sentence, by striking ",," and inserting ","; and

(B) in paragraph (3), by striking "this subpart" and inserting "this section";

(2) in subsection (b)—

(A) by striking paragraph (2)(A) and inserting the following:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

"(i) $5,400 for academic year 2008–2009;

"(ii) $5,700 for academic year 2009–2010;

"(iii) $6,000 for academic year 2010–2011; and

"(iv) $6,300 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.";

(B) by striking paragraph (3);

(C) in paragraph (4) (as redesignated by subparagraph (C)), by striking "$400, except" and all that follows through the period and inserting "10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level."; and

(D) by striking paragraph (5) (as redesignated by subparagraph (C)) and inserting the following:

"(5) In the case of a student who is enrolled, on at least a half-time basis and for a period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year."; and

(3) in subsection (c), by adding at the end the following:

"(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

"(A) be determined without regard to whether the.student is enrolled on a full-time basis during any portion of the period of time; and

"(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "academic"; and

(B) in paragraph (2), by striking "third or fourth academic" and inserting "third, fourth, or fifth";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "full-time" and all that follows through "is made" and inserting "student who";

(B) by striking paragraph (1) and inserting the following:

"(1) is eligible for a Federal Peil Grant for the award year in which the determination of eligibility is made for a grant under this section;";

(C) by striking paragraph (2) and inserting the following:

"(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and"; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "academic" and all that follows through "higher education" and inserting "year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)"; and

(II) in clause (ii)—

(aa) by striking "academic"; and

(bb) by striking "or" after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking "academic";

(II) by striking "four" and inserting "4";

(III) by striking clause (i)(II) and inserting the following:

"(II) a critical foreign language; and"; and

(IV) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, but do study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by the appropriate official of the demonstrating institution; and

"(ii) offered such curriculum prior to February 8, 2006; or

"(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

"(i) is pursuing a major in—

"(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

"(II) a critical foreign language; and

"(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "The" and inserting "IN GENERAL.—The";

(II) in clause (ii), by striking "or" after the semicolon at the end;

(III) in clause (iii), by striking "subsection (c)(3)(C)." and inserting "subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or"; and

(IV) by adding at the end the following:

"(iv) $4,000 for an eligible student under subsection (c)(3)(E)."; and

(ii) in subparagraph (B)—

(I) by striking "Notwithstanding" and inserting "LIMITATION; RATABLE REDUCTION.—Notwithstanding";

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

"(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);";

(B) by striking paragraph (2) and inserting the following:

"(2) LIMITATIONS.—

"(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

"(B) NUMBER OF GRANTS.—

"(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

"(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

"(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

"(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study."; and

(C) by adding at the end the following:

"(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in

the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than 1''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not''; and

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(3) in subsection (e), by striking ''(g)(2)'' each place the term occurs and inserting ''(h)(4)'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the enrollment of such students in an institution of higher education; and

''(v) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students; and

''(v) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking ''or'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to identify qualified youths with potential for education at the postsecondary level and to encourage such youths'' and inserting ''to encourage eligible youths'';

(B) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(C) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

"(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

"(3) assistance in preparing for college entrance examinations and completing college admission applications;

"(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(5) guidance on and assistance in—

"(A) secondary school reentry;

"(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

"(C) entry into general educational development (GED) programs; or

"(D) postsecondary education; and

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

"(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

"(1) personal and career counseling or activities;

"(2) information and activities designed to acquaint youths with the range of career options available to the youths;

"(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

"(4) workshops and counseling for families of students served;

"(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

"(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system."; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking "talent search projects under this chapter" and inserting "projects under this section".

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

"(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in secondary and postsecondary course selection;

"(3) assistance in preparing for college entrance examinations and completing college admission applications;

"(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(5) guidance on and assistance in—

"(A) secondary school reentry;

"(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

"(C) entry into general educational development (GED) programs; or

"(D) postsecondary education; and

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.";

(2) in subsection (c)—

(A) in the subsection heading, by striking "REQUIRED SERVICES" and inserting "ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS"; and

(B) by striking "upward bound project assisted under this chapter" and inserting "project assisted under this section";

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

"(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

"(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

"(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

"(3) on-campus residential programs;

"(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

"(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

"(6) special services to enable veterans to make the transition to postsecondary education; and

"(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

"(e) PRIORITY.—In providing assistance under this section the Secretary—

"(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

"(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.";

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking "upward bound projects under this chapter" and inserting "projects under this section"; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking "during June, July, and August" each place the term occurs and inserting "during the summer school recess, for a period not to exceed 3 months"; and

(B) by striking "(b)(10)" and inserting "(d)(5)".

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) by striking paragraph (3) and inserting the following:

"(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system."; and

(C) by adding at the end the following:

"(4) to improve the financial literacy and economic literacy of students, including—

"(A) basic personal income, household money management, and financial planning skills; and

"(B) basic economic decisionmaking skills.";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

"(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in postsecondary course selection;

"(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

"(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

"(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

"(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

"(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

"(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

"(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

"(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

"(5) mentoring programs involving faculty or upper class students, or a combination thereof;

"(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

"(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.";

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking "subsection (b)" and inserting "subsection (c)"; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking "student support services projects under this chapter" and inserting "projects under this section".

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "REQUIRED" before "SERVICES";

(B) in the matter preceding paragraph (1), by striking "A postbaccalaureate achievement project assisted under this section may provide services such as—" and inserting "A project assisted under this section shall provide—";

(C) in paragraph (5), by inserting "and" after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

"(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

"(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

"(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

"(3) exposure to cultural events and academic programs not usually available to disadvantaged students.";

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking "postbaccalaureate achievement";

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking "postbaccalaureate achievement project" and inserting "project under this section"; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking "402A(f)" and inserting "402A(g)"; and

(B) by striking "1993 through 1997" and inserting "2007 through 2012".

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) to improve the financial literacy and economic literacy of students, including—

"(A) basic personal income, household money management, and financial planning skills; and

"(B) basic economic decisionmaking skills."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

"(5) education or counseling services designed to improve the financial literacy and economic literacy of students;";

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

"(7) individualized personal, career, and academic counseling;"; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

"(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.".

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting ", including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system" before the period at the end.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

*(1) by striking the section heading and inserting "**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION**.";*

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

"(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

"(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

"(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

"(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

"(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities."; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

"(2) PRACTICES.—

"(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

"(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

"(ii) the preparation of the individuals and students for postsecondary education; and

"(iii) fostering the success of the individuals and students in postsecondary education.

"(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

"(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

"(3) EVALUATION SPECIAL RULES.—

"(A) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

"(B) PERMISSIBLE PRIORITY.—If the Secretary elects to provide for the conduct of an evaluation of a program or project under this chapter using a control group, then the Secretary may give priority in providing assistance under this chapter, subject to section 402C(e), to an eligible entity that elects to participate in such an evaluation.".

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

"(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

"(A) the risk of such students dropping out of school; or

"(B) the need for remedial education for such students at the postsecondary level; and

"(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.";

(2) by striking subsection (b)(2)(A) and inserting the following:

"(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;"; and

(3) by striking subsection (c)(2) and inserting the following:

"(2) a partnership—

"(A) consisting of—

"(i) 1 or more local educational agencies; and

"(ii) 1 or more degree granting institutions of higher education; and

"(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.".

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

"(a) FUNDING RULES.—

"(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

"(A) the geographic distribution of such awards; and

"(B) the distribution of such awards between urban and rural applicants.

"(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.";

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

"(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.".

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

*(1) in the section heading, by striking "**ELIGIBLE ENTITY PLANS**" and inserting "**APPLICATIONS**";*

(2) in subsection (a)—

(A) in the subsection heading, by striking "PLAN" and inserting "APPLICATION";

(B) in paragraph (1)—

(i) by striking "a plan" and inserting "an application"; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

"(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

"(B) describe how the eligible agency will meet the requirements of section 404E;

"(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

"(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

"(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

"(i) how vacancies in the program under this chapter will be filled; and

"(ii) how the eligible entity will serve students attending different secondary schools;

"(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

"(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

"(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.";

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking "a plan" and inserting "an application"; and

(B) by striking "such plan" and inserting "such application"; and

(4) in subsection (c)(1), by striking the semicolon at the end and inserting "including—

"(A) the amount contributed to a student scholarship fund established under section 404E; and

"(B) the amount of the costs of administering the scholarship program under section 404E;".

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

"SEC. 404D. ACTIVITIES.

"(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

"(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

"(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

"(3) Support activities designed to improve the number of participating students who—

"(A) obtain a secondary school diploma; and

"(B) complete applications for and enroll in a program of postsecondary education.

"(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

"(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

"(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

"(3) Providing supportive services to eligible students.

"(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

"(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

"(A) meeting challenging academic standards;

"(B) successfully applying for postsecondary education;

"(C) successfully applying for student financial aid; and

"(D) developing graduation and career plans.

"(6) Providing support for scholarships described in section 404E.

"(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

"(8) Providing an intensive extended school day, school year, or summer program that offers—

"(A) additional academic classes; or

"(B) assistance with college admission applications.

"(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

"(A) the identification of at-risk children;

"(B) after-school and summer tutoring;

"(C) assistance to at-risk children in obtaining summer jobs;

"(D) academic counseling;

"(E) volunteer and parent involvement;

"(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

"(G) skills assessments;

"(H) personal counseling;

"(I) family counseling and home visits;

"(J) staff development; and

"(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

"(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

"(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

"(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing technical assistance to—

"(A) middle schools or secondary schools that are located within the State; or

"(B) partnerships described in section 404A(c)(2) that are located within the State.

"(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

"(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

"(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

"(5)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

"(B) Identifying and disseminating information on best practices with respect to—

"(i) increasing parental involvement; and

"(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

"(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

"(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

"(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

"(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

"(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

"(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

"(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

"(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be

provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.".

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—

"(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

"(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.";

(4) in subsection (d) (as redesignated by paragraph (2)), by striking "the lesser of" and all that follows through the period at the end of paragraph (2) and inserting "the minimum Federal Pell Grant award under section 401 for such award year.";

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

"(e) PORTABILITY OF ASSISTANCE.—

"(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

"(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

"(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

"(B) enrolled in an institution of higher education.

"(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

"(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

"(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

"(4) RETURN OF FUNDS.—

"(A) REDISTRIBUTION.—

"(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

"(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

"(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter."; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking "1993" and inserting "2001"; and

(B) in paragraph (4), by striking "early intervention component required under section 404D" and inserting "activities required under section 404D(a)".

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking "404H" and inserting "404G";

(2) in section 404B(a)(1), by striking "404H" and inserting "404G"; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking "404H" and inserting "404G".

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking "$675,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking "$450" and inserting "$600".

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking "such institution" and all that follows through the period and inserting "such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).".

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking "not in excess of $5,000 per academic year" and inserting "not to exceed the lesser of $12,500 or the student's cost of attendance per academic year"; and

(2) by striking paragraph (10) and inserting the following:

"(10) provides notification to eligible students that such grants are—

"(A) Leveraging Educational Assistance Partnership grants; and

"(B) funded by the Federal Government, the State, and other contributing partners.".

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

"SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

"(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

"(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

"(A) carry out activities under this section; and

"(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

"(2) provide need-based grants for access and persistence to eligible low-income students;

"(3) provide early notification to low-income students of the students' eligibility for financial aid; and

"(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

"(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

"(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

"(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

"(i) If a State applies for an allotment under this section in partnership with—

"(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

"(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or *"(bb) private corporations that are located in, or that do business in, the State,*

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

"(ii) If a State applies for an allotment under this section in partnership with—

"(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

"(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

"(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

"(B) NON-FEDERAL SHARE.—

"(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

"(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

"(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

"(c) APPLICATION FOR ALLOTMENT.—

"(1) IN GENERAL.—

"(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

"(i) A description of the State's plan for using the allotted funds.

"(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

"(I) The State shall specify the methods by which non-Federal share funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

"(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

"(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

"(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

"(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

"(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

"(I) Leveraging Educational Assistance Partnership Grants; and

"(II) funded by the Federal Government, the State, and other contributing partners.

"(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

"(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

"(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

"(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

"(C) not less than 1—

"(i) philanthropic organization located in, or that provides funding in, the State; or

"(ii) private corporation located in, or that does business in, the State.

"(4) ROLES OF PARTNERS.—

"(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

"(i) shall—

"(I) serve as the primary administrative unit for the partnership;

"(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

"(III) encourage each institution of higher education in the State to participate in the partnership;

"(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

"(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

"(ii) may provide early information and intervention, mentoring, or outreach programs.

"(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

"(i) shall—

"(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

"(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

"(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

"(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

"(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

"(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

"(B) AMOUNT OF GRANTS.—

"(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

"(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, work study amount, and scholarship amount received by the student), and such amount shall be used toward the cost of attendance at an institution of higher education located in the State.

"(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any other Federal or State sponsored grant amount, work study amount, and scholarship amount received by the student).

"(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student), and such amount shall be used by the student to attend an institution of higher education located in the State.

"(C) SPECIAL RULES.—

"(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

"(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

"(2) EARLY NOTIFICATION.—

"(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

"(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

"(i) shall include—

"(I) information about early information and intervention, mentoring, or outreach programs available to the student;

"(II) information that a student's candidacy for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

"(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

"(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of a grant for access and persistence and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

"(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

"(aa) meet the requirement under paragraph (3);

"(bb) graduate from secondary school; and

"(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

"(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

"(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

"(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

"(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

"(II) annual Federal and State appropriations; and

"(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

"(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

"(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

"(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

"(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

"(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

"(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

"(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

"(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

"(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

"(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

"(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

"(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

"(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

"(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

"(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

"(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

"(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

"(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.".

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking "parents" and inserting "immediate family";

(B) in paragraph (3)(B), by inserting "(including preparation for college entrance examinations)" after "college program";

(C) in paragraph (5), by striking "weekly";

(D) in paragraph (7), by striking "and" after the semicolon;

(E) in paragraph (8)—

(i) by inserting "(such as transportation and child care)" after "services"; and

(ii) by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(9) other activities to improve persistence and retention in postsecondary education.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "parents" and inserting "immediate family"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "to improve placement, persistence, and retention in postsecondary education," after "services"; and

(II) in clause (i), by striking "and career" and inserting "career, and economic education or personal finance";

(iii) in subparagraph (E), by striking "and" after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

"(F) internships; and"; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking "support services" and inserting "essential supportive services (such as transportation and child care)" ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ", and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and"; and

(iii) by adding at the end the following:

"(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.";

(3) in subsection (e), by striking "section 402A(c)(1)" and inserting "section 402A(c)(2)";

(4) in subsection (f)—

(A) in paragraph (1), by striking "$150,000" and inserting "$180,000"; and

(B) in paragraph (2), by striking "$150,000" and inserting "$180,000";

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

"(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).";

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

"(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

"(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school

graduation, entrance into postsecondary education, and completion of postsecondary education;

"(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

"(3) make such report available to the public."; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking "$15,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years."; and

(B) in paragraph (2), by striking "$5,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting "(or a home school, whether treated as a home school or a private school under State law)" after "public or private secondary school".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking "A grant" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), a grant"; and

(2) by adding at the end the following:

"(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.".

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

"(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

"(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

"(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

"(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

"(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking "and" after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

"(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

"(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

"(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

"(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

"(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education."; and

(II) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.";

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking "and" after the semicolon;

(II) in subclause (IV), by striking "and" after the semicolon; and

(III) by adding at the end the following:

"(V) the effective date of the transfer;

"(VI) the date the current servicer will stop accepting payments; and

"(VII) the date at which the new servicer will begin accepting payments."; and

(C) by striking paragraph (3) and inserting the following:

"(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

"(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

"(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

"(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

"(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

"(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

"(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

"(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department."; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking "preclaims" and inserting "default aversion"; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking "and" after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

"(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

"(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

"(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

"(II) the fact that interest will accrue on the loan for the period of forbearance;

"(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

"(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

"(V) the borrower's option to discontinue the forbearance at any time.".

SEC. 422. FEDERAL CONSOLIDATION LOANS.

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (H); and

(3) by inserting after subparagraph (E) the following:

"(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

"(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

"(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

"(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

"(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

"(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

"(ii) whether consolidation would result in a loss of loan benefits under this part or part D,

including loan forgiveness, cancellation, and deferment;

"(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

"(I) the borrower will lose all interest-free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

"(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

"(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

"(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

"(vi) the consequences of default on the consolidation loan; and

"(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and".

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking "428C(b)(1)(F)" and inserting "428C(b)(1)(H)".

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended by adding at the end the following:

"(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.".

SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking "**CREDIT BUREAUS**" and inserting "**CONSUMER REPORTING AGENCIES**"; and

(2) in subsection (a)—

(A) in the first sentence, by striking "with credit bureau organizations" and inserting "with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))";

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

"(1) the type of loan made, insured, or guaranteed under this title;";

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

"(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)";

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(6) any other information required to be reported by Federal law.".

SEC. 425. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: "Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.".

SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

"(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

"(g) LOAN BENEFIT DISCLOSURES.—

"(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

"(A) by repaying the loan by automatic payroll or checking account deduction;

"(B) by completing a program of on-time repayment; and

"(C) under any other interest rate reduction program.

"(2) INFORMATION.—Such borrower information shall include—

"(A) any limitations on such options;

"(B) explicit information on the reasons a borrower may lose eligibility for such an option;

"(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

"(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

"(E) information on borrower recertification requirements.".

SEC. 427. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

"SEC. 433A. CONSUMER EDUCATION INFORMATION.

"Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.".

SEC. 428. DEFINITION OF ELIGIBLE LENDER.

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

"(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

"(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

"(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

"(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

"(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

"(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

"(i) is also employed by the lender for other purposes; and

"(ii) made all appropriate disclosures regarding such employment;"; and

(2) by adding at the end the following:

"(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

"(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

"(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

"(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

"(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

"(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

"(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

"(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

"(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.".

SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting ", or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months" after "of the Secretary),"; and

(2) by adding at the end the following: "The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

"(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

"(A) receives a loan made, insured or guaranteed under this title; or

"(B) has earned income in excess of the poverty line; or

"(2) the Secretary determines necessary.".

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking "or if he" and inserting "if the borrower"; and

(B) by inserting ", or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months" after "the Secretary"; and

(2) by adding at the end the following:

"(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

"(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

"(i) receives a loan made, insured or guaranteed under this title; or

"(ii) has earned income in excess of the poverty line; or

"(B) the Secretary determines necessary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking "$1,000,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking "this subparagraph if" and all that follows through "institution;" and inserting "this subparagraph if—

"(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

"(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;".

SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking "$50,000" and inserting "$75,000".

SEC. 445. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking "work-learning" and inserting "work-learning-service";

(2) in subsection (b)—

(A) in paragraph (1), by striking "under subsection (f)" and inserting "for this section under section 441(b)"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "pursuant to subsection (f)" and inserting "for this section under section 441(b)";

(ii) in subparagraph (A), by striking "work-learning program" and inserting "comprehensive work-learning-service program";

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

"(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and";

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking "work-learning" each place the term occurs and inserting "work-learning-service"; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking "work service learning" and inserting "work-learning-service";

(3) in subsection (c), by striking "by subsection (f) to use funds under subsection (b)(1)" and inserting "for this section under section 441(b) or to use funds under subsection (b)(1),";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "4-year, degree-granting" after "nonprofit";

(ii) in subparagraph (B), by striking "work-learning" and inserting "work-learning-service";

(iii) by striking subparagraph (C) and inserting the following:

"(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and"; and

(iv) in subparagraph (D), by striking "work-learning" and inserting "work-learning-service"; and

(B) by striking paragraph (2) and inserting the following:

"(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

"(A) is an integral and stated part of the institution's educational philosophy and program;

"(B) requires participation of all resident students for enrollment and graduation;

"(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

"(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

"(E) recognizes the educational role of work-learning-service supervisors; and

"(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program."; and

(5) by striking subsection (f).

PART D—FEDERAL PERKINS LOANS

SEC. 451. PROGRAM AUTHORITY.

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking "$250,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 2008 through 2012.".

SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "Head Start Act which" and inserting "Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that";

(B) in subparagraph (H), by striking "or" after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

"(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

"(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

"(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965."; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting "(D)," after "(C),"; and

(ii) by striking "or (I)" and inserting "(I), (J), (K), or (L)";

(B) in clause (ii), by inserting "or" after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART E—NEED ANALYSIS

SEC. 461. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

"(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 462. DEFINITIONS.

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting ", except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded" before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 471. DEFINITIONS.

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting "and that measures program length in credit hours or clock hours" after "baccalaureate degree".

SEC. 472. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

"(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

"(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

"(2) the required recipients of each report or disclosure;

"(3) any required method for transmittal or dissemination of each report or disclosure;

"(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

"(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

"(6) any other information which is pertinent to the content or distribution of the report or disclosure.".

SEC. 473. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

"(1) IN GENERAL.—

"(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

"(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

"(2) PAPER FORMAT.—

"(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

"(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

"(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

"(B) EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

"(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

"(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

"(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

"(C) PHASE-OUT OF FULL PAPER FAFSA.—

"(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

"(I) phase out the printing of the full paper version of FAFSA;

"(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

"(III) provide a printed copy of the full paper version of FAFSA upon request.

"(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

"(3) ELECTRONIC VERSIONS.—

"(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

"(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

"(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

"(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

"(i) require applicants to complete data required by any State other than the applicant's State of residence; and

"(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

"(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

"(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

"(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

"(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

"(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

"(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

"(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

"(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

"(4) STREAMLINED REAPPLICATION PROCESS.—

"(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this *title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.*

"(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

"(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

"(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

"(5) STATE REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

"(i) which data items each State requires to award need-based State aid; and

"(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

"(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

"(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

"(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

"(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

"(ii) not require any resident of such State to complete any data items previously required by that State under this section.

"(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

"(i) by the applicant's State; or

"(ii) by the Secretary.

"(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

"(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

"(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

"(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

"(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

"(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.";

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "that is authorized" and all that follows through the period at the end and inserting "or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.";

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

"(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

"(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

"(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

"(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

"(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

"(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

"(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

"(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

"(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms."; and

(5) by adding at the end the following:

"(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

"(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

"(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

"(A) to complete an application under this subsection during the academic year that is 2

years prior to the year such students plan to enroll in an institution of higher education; and

"(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

"(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

"(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

"(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

"(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

"(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

"(i) expected family contribution for the first year of the student's planned enrollment; and

"(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

"(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

"(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

"(A) States selected through the application process described in paragraph (5);

"(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

"(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

"(i) advertising the availability of the program;

"(ii) identifying students who might be interested in participating in the program;

"(iii) encouraging such students to apply; and

"(iv) participating in the evaluation of the program.

"(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

"(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

"(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

"(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

"(ii) estimates of State financial aid awards to other dependent students participating in the program;

"(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

"(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

"(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

"(ii) serve different populations of students;

"(iii) in the case of institutions of higher education—

"(I) to the extent possible, are of varying types and control; and

"(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

"(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

"(bb) estimates of institutional awards to other participating dependent students; and

"(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

"(E) a commitment to participate in the evaluation conducted by the Secretary; and

"(F) such other information as the Secretary may require.

"(6) SPECIAL PROVISIONS.—

"(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

"(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

"(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

"(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

"(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

"(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

"(C) determine what operational changes would be required to implement the program on a larger scale;

"(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

"(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

"(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

"(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

"(1) FORMATION OF STUDY GROUP.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose members shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and such other individuals as the Comptroller General and Secretary of Education may designate.

"(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

"(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

"(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

"(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

"(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

"(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

"(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

"(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

"(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

"(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

"(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

"(C) whether data provided by the Internal Revenue could be used to—

"(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

"(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

"(D) the extent to which the use of income data from 2 years prior to a student's planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

"(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

"(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

"(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

"(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

"(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

"(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

"(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

"(iii) whether data are required by State law, State regulations, or policy directives;

"(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

"(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

"(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

"(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

"(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

"(A) Program costs.

"(B) Redistributive effects on students.

"(C) Accuracy of aid determinations.

"(D) Reduction of burden to the FAFSA filers.

"(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

"(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

"(7) REPORT.—Not later than 18 months after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.".

SEC. 474. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

"(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.";

(2) by striking subsection (l) and inserting the following:

"(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

"(1) RELATION TO CORRESPONDENCE COURSES.—

"(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

"(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

"(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

"(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection."; and

(3) by adding at the end the following:

"(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

"(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

"(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who—

"(i) has completed secondary school with a diploma or certificate; or

"(ii) has completed secondary school; or

"(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

"(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

"(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

"(B) includes an advising and curriculum structure;

"(C) requires students to participate on at least a half-time basis, as determined by the institution; or

"(D) includes—

"(i) regular enrollment in courses offered by the institution;

"(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

"(iii) enrollment in noncredit, nondegree courses;

"(iv) participation in internships; or

"(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

"(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

"(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy."; and

(2) by adding at the end the following:

"(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.".

SEC. 476. INSTITUTIONAL REFUNDS.

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking "may determine the appropriate withdrawal date." and inserting "may determine—

"(A) the appropriate withdrawal date; and

"(B) that the requirements of subsection (b)(2) do not apply to the student.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraph (M) and inserting the following:

"(M) the terms and conditions of the loans that students receive under parts B, D, and E;";

(ii) in subparagraph (N), by striking "and" after the semicolon;

(iii) in subparagraph (O), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(P) institutional policies and sanctions related to copyright infringement that inform students that unauthorized distribution of copyrighted material on the institution's information technology systems, including engaging in unauthorized peer-to-peer file sharing, may subject the students to civil and criminal penalties;"

"(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

"(i) male;

"(ii) female;

"(iii) from a low-income background; and

"(iv) a self-identified member of a major racial or ethnic group;

"(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

"(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources; and

"(T) the fire safety report prepared by the institution pursuant to subsection (i).";

(B) by striking paragraph (4) and inserting the following:

"(4) For purposes of this section, institutions may—

"(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government."; and

(C) by adding at the end the following:

"(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.";

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through "465." and inserting the following:

"(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

"(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

"(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

"(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

"(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

"(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

"(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

"(vii) the consequences of default on such loans;

"(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

"(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

"(III) the ability of the borrower to prepay the loan or change repayment plans; and

"(IV) that borrower benefit programs may vary among different loan holders; and

"(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans."; and

(B) by adding at the end the following:

"(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

"(A) the effects of consolidation on total interest to be paid,. fees to be paid, and length of repayment;

"(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

"(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

"(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

"(E) the consequences of default.";

(3) in subsection (d)(2)—

(A) by inserting "grant assistance, as well as State" after "describing State"; and

(B) by inserting "and other means, including through the Internet" before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

"(3) For purposes of this subsection, institutions may—

"(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.";

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting ", other than a foreign institution of higher education," after "under this title"; and

(ii) by adding at the end the following:

"(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

"(i) to notify the campus community in a reasonable and timely manner in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

"(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

"(iii) to test emergency response and evacuation procedures on an annual basis.";

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

"(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

"(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, *of best practices information about campus safety and emergencies."; and*

(6) by adding at the end the following:

"(h) TRANSFER OF CREDIT POLICIES.—

"(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the institution's transfer of credit policies which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

"(A) a statement of whether the institution denies a transfer of credit solely on the basis of the agency or association that accredited such other institution of higher education; and

"(B) a list of institutions of higher education with which the institution has established an articulation agreement.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

"(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

"(C) limit the application of the General Education Provisions Act; or

"(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

"(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

"(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

"(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

"(i) the number of fires and the cause of each fire;

"(ii) the number of injuries related to a fire that result in treatment at a medical facility;

"(iii) the number of deaths related to a fire; and

"(iv) the value of property damage caused by a fire;

"(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

"(C) the number of regular mandatory supervised fire drills;

"(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

"(E) plans for future improvements in fire safety, if determined necessary by such institution.

"(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

"(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

"(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

"(B) make annual reports to the campus community on such fires.

"(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

"(A) make such statistics submitted to the Secretary available to the public; and

"(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

"(i) identify exemplary fire safety policies, procedures, programs, and practices;

"(ii) disseminate information to the Administrator of the United States Fire Administration;

"(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

"(iv) develop a protocol for institutions to review the status of their fire safety systems.

"(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

"(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

"(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

"(D) establish any standard of care.

"(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

"(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.".

SEC. 478. ENTRANCE COUNSELING REQUIRED.

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

(2) by inserting after subsection (a) the following:

"(b) ENTRANCE COUNSELING FOR BORROWERS.—

"(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

"(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

"(i) during an entrance counseling session conducted in person;

"(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

"(iii) online, with the borrower acknowledging receipt and understanding of the information.

"(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

"(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

"(A) an explanation of the use of the Master Promissory Note;

"(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

"(i) the ability of the borrower to pay the interest while the borrower is in school; and

"(ii) how often interest is capitalized;

"(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

"(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

"(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

"(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

"(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.".

SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking "effectiveness." and inserting "effectiveness;"; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

"(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

"(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

"(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

"(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

"(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

"(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

“(C) defines and explains the categories of information included in the data system;

“(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

“(E) explains the measures taken by the Department to safeguard the students' data; and

“(F) includes other information as determined appropriate by the Secretary;

“(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

“(A) submitted to the data system; and

“(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

“(5) regularly reviewing the data system to—

“(A) delete inactive users from the data system;

“(B) ensure that the data in the data system are not being used for marketing purposes; and

“(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

“(6) developing standardized protocols for limiting access to the data system that include—

“(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

“(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

“(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.”; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

“(e) REPORTS TO CONGRESS.—

“(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

“(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

“(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

“(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

“(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

“(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

“(2) STUDY.—

“(A) IN GENERAL.—The Secretary shall conduct a study regarding—

“(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

“(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

“(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.”.

SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

“SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

“(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

“(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

“(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

“(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

“(B) disseminate such informational materials as the Secretary determines necessary.

“(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

“(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

“(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

“(A) is as accurate as possible;

“(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

“(C) uses dissemination mechanisms suitable for adult learners.

“(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

“(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

“(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

“(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).”.

SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

“(21) CODE OF CONDUCT.—

“(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

“(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything *of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.*

"(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

"(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

"(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

"(v) INTERACTION WITH BORROWERS.—The institution will not—

"(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

"(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

"(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

"(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.";

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

"(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration."; and

(D) by adding at the end the following:

"(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

"(26) PREFERRED LENDER LISTS.—

"(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

"(i) clearly and fully disclose on the preferred lender list—

"(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

"(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

"(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

"(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

"(II) the preferred lender list—

"(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

"(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

"(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

"(I) highly competitive interest rates, terms, or conditions for loans made under part B;

"(II) high-quality customer service for such loans; or

"(III) additional benefits beyond the standard terms and conditions for such loans.

"(B) DEFINITION OF AFFILIATE; CONTROL.—

"(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

"(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

"(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

"(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

"(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

"(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).";

(2) in subsection (c)(1)(A)(i), by inserting ", except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States" before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

"(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

"(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

"(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

"(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

"(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

"(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title."; and

(5) by adding at the end the following:

"(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

"(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

"(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

"(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

"(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

"(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

"(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

"(i) conducted on campus or at a facility under the control of the institution;

"(ii) performed under the supervision of a member of the institution's faculty; and

"(iii) required to be performed by all students in a specific educational program at the institution.

"(F) Institutional aid, as follows:

"(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

"(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

"(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

"(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

"(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

"(2) SANCTIONS.—

"(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

"(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).".

SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking "1998" and inserting "2007" ; and

(B) by striking "1999" and inserting "2008"; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

"(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—"; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "Upon the submission of the report required by paragraph (2), the" and inserting "The"; and

(ii) by inserting "periodically" after "authorized to";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting ", including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492" after "requirements in this title";

(ii) by inserting "(other than an award rule related to an experiment in modular or compressed schedules)" after "award rules"; and

(iii) by inserting "unless the waiver of such provisions is authorized by another provision under this title" before the period at the end.

SEC. 483. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking "413D." and inserting "413D; and"; and

(3) by adding at the end "(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.".

SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking "offsetting the administrative costs of" and inserting "administering".

SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

"(i) of their eligibility for assistance under this title; and

"(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

"(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.";

(2) in subsection (c), by adding at the end the following:

"(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.";

(3) in subsection (d)(6), by striking ", but nothing" and all that follows through "or analyses";

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting "and simplification" after "modernization" each place the term appears; and

(ii) by striking "including" and all that follows through "Department,"; and

(B) by striking paragraphs (4) and (5) and inserting the following:

"(4) conduct a review and analysis of regulations in accordance with subsection (l); and

"(5) conduct a study in accordance with subsection (m).";

(5) in subsection (k), by striking "2004" and inserting "2013"; and

(6) by adding at the end the following:

"(l) REVIEW AND ANALYSIS OF REGULATIONS.—

"(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

"(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

"(3) CONSULTATION.—

"(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

"(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

"(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

"(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

"(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

"(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

"(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification

of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

"(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

"(A) The impact of such programs on baccalaureate attainment rates.

"(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

"(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

"(D) The ways in which nontraditional students can be specifically targeted by such programs.

"(E) The .cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

"(4) CONSULTATION.—

"(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

"(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

"(5) REPORTS TO CONGRESS.—

"(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

"(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).".

SEC. 486. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting "State student grant agencies," after "institutions of higher education,".

SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

PART G—PROGRAM INTEGRITY

SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

"(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

"(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

"(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

"(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;";

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, through the determination of expected levels of student achievement that are established by the institution, and which use, as appropriate, empirical evidence and external indicators with respect to criteria regarding—

"(i) student retention rates;

"(ii) course completion rates;

"(iii) program completion and graduation rates;

"(iv) for prebaccalaureate career and technical education programs, degree programs leading to initial professional licensure or certification, and other programs as appropriate—

"(I) results on State licensing examinations; and

"(II) job placement rates;

"(v) as appropriate, enrollment in graduate or professional programs; and

"(vi) as appropriate, other student performance information selected by the institution, particularly information—

"(I) used by the institution to evaluate or strengthen the institution's programs; and

"(II) that reflects the institution's individual mission and the institution's distinctive goals for students;";

(C) by striking paragraph (6) and inserting the following:

"(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

"(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

"(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

"(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

"(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

"(ii) is subject to a conflict of interest policy; and

"(D) the right to representation by counsel for such an institution during an appeal of the adverse action;"; and

(D) by striking paragraph (8) and inserting the following:

"(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

"(A) the award of accreditation or reaccreditation of an institution;

"(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

"(C) any other adverse action taken with respect to an institution.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", including those regarding distance education" after "their responsibilities";

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

"(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

"(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

"(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

"(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

"(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

"(C) The institution notifies the accrediting agency that the institution intends to cease operations.";

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

"(A) that are publicly disclosed; and

"(B) that include a statement of whether the institution denies a transfer of credit based solely on the accreditation of the sending institution."; and

(3) in subsection (g), by adding at the end the following: "Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.".

SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting "and" after the semicolon; and

(2) by adding at the end the following:

"(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

"(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

"(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through

the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

"(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

"(B) to assume the liabilities of the closed institution.".

SEC. 493. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

"(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

"(A) a written statement addressing the institution of higher education's response;

"(B) a written statement of the basis for such report or determination; and

"(C) a copy of the institution's response; and

"(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.".

SEC. 494. TIMELY INFORMATION ABOUT LOANS.

(a) In General.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.

"(a) Regular Bill Providing Pertinent Information About a Loan.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

"(1) the borrower's principal borrowed;

"(2) the borrower's current balance;

"(3) the interest rate on such loan;

"(4) the amount the borrower has paid in interest;

"(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

"(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

"(7) a description of each fee the borrower has been charged for the current payment period;

"(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

"(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

"(10) the lender's address and toll-free phone number for payment and billing error purposes.

"(b) Information Provided Before Commencement of Repayment.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

"(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

"(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

"(3) The conditions under which a loan may default, and the consequences of default.

"(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

"(c) Information Provided During Delinquency.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

"(d) Information Provided During Default.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

"(1) The options available to the borrower to be removed from default.

"(2) The relevant fees and conditions associated with each option.".

SEC. 495. AUCTION EVALUATION AND REPORT.

(a) Evaluation.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) Reports.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting ", including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period at the end;

(3) by inserting after paragraph (5) the following:

"(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

"(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions."; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking "distance learning academic instruction capabilities" and inserting "distance education technologies".

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) Establishment of Program.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) Program Authorized.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

"(b) Eligibility.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is a Hispanic-serving institution (as defined in section 502); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 512. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for 1 or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 513. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.".

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking "subsection (b)" and inserting "subsection (c)".

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking "section 503" and inserting "sections 503 and 512".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting "part A of" after "carry out";

(2) by striking "$62,500,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.";

(3) by striking "(a) AUTHORIZATIONS.—" and inserting the following:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are"; and

(4) by adding at the end the following:

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking "**AND PURPOSES**" and inserting "; **PURPOSES; CONSULTATION; SURVEY**";

(2) in subsection (a)(3), by striking "post-Cold War";

(3) in subsection (b)(1)(D), by inserting ", including through linkages with overseas institutions" before the semicolon; and

(4) by adding at the end the following:

"(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

"(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.".

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking "and" after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(I) support for instructors of the less commonly taught languages."; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

"(C) Programs of linkage or outreach between or among—

"(i) foreign language, area studies, or other international fields; and

"(ii) State educational agencies or local educational agencies.";

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting ", including Federal or State scholarship programs for students in related areas" before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking "and (D)" and inserting "(D), and (E)";

(2) in subsection (b)—

(A) in the subsection heading, by striking "GRADUATE"; and

(B) by striking paragraph (2) and inserting the following:

"(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

"(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

"(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

"(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

"(I) predissertation level study;

"(II) preparation for dissertation research;

"(III) dissertation research abroad; or

"(IV) dissertation writing.";

(3) by striking subsection (d) and inserting the following:

"(d) ALLOWANCES.—

"(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

"(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

"(A) are closely linked to the overall goals of the recipient's course of study; and

"(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures."; and

(4) by adding at the end the following:

"(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.".

SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

"(I) providing subgrants to undergraduate students for educational programs abroad that—

"(i) are closely linked to the overall goals of the program for which the grant is awarded; and

"(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;"; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

"(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

"(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

"(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary."; and

(2) in subsection (c)—

(A) by striking "FUNDING SUPPORT.—The Secretary" and inserting "FUNDING SUPPORT.—

"(1) THE SECRETARY.—The Secretary";

(B) by striking "10" and inserting "20"; and

(C) by adding at the end the following:

"(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).".

SEC. 604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking "and" after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

"(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

"(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.".

SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking "new electronic technologies" and inserting "electronic technologies";

(B) by inserting "from foreign sources" after "disseminate information";

(C) in the subsection heading, by striking "AUTHORITY.—The Secretary" and inserting "AUTHORITY.—

"(1) IN GENERAL.—The Secretary"; and

(D) by adding at the end the following:

"(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

"(A) An institution of higher education.

"(B) A public or nonprofit private library.

"(C) A consortium of an institution of higher education and 1 or more of the following:

"(i) Another institution of higher education.

"(ii) A library.

"(iii) A not-for-profit educational organization.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "to facilitate access to" and inserting "to acquire, facilitate access to,";

(B) in paragraph (2), by inserting "or standards for" after "means of";

(C) in paragraph (6), by striking "and" after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

"(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

"(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

"(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section."; and

(3) in subsection (c), by striking "institution or consortium" and inserting "institution of higher education, library, or consortium".

SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking "evaluates the applications for comprehensive and undergraduate language and area centers and programs." and inserting "evaluates—

"(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

"(2) the applications for undergraduate foreign language and area or international studies centers and programs."; and

(2) in subsection (b), by adding at the end the following: "The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.".

SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

"(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.".

SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking "$80,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting ", and that diverse perspectives will be made available to students in programs under this section" before the semicolon.

SEC. 610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: "Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.".

SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking "$11,000,000 for fiscal year 1999" and all that follows through "fiscal years" and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years"; and

(2) in subsection (b), by striking "$7,000,000 for fiscal year 1999" and all that follows through "fiscal years," and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years".

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: "Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable."; and

(2) in subsection (e)—

(A) by striking "MATCH REQUIRED.—The eligible" and inserting "MATCHING FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the eligible"; and

(B) by adding at the end the following:

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.".

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking "Tribally Controlled Colleges or Universities" and inserting "tribally controlled colleges or universities"; and

(B) by striking "international affairs programs." and inserting "international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title."; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting "and" after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking "as defined in section 322 of this Act"; and

(2) by striking "tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978" and inserting "tribally controlled colleges or universities".

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking "**MASTERS**" and inserting "**ADVANCED**";

(2) in the first sentence, by inserting ", and in exceptional circumstances, a doctoral degree," after "masters degree";

(3) in the second sentence, by striking "masters degree" and inserting "advanced degree"; and

(4) in the fourth sentence, by striking "United States" and inserting "United States.".

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking "as defined in section 322 of this Act";

(B) by striking "tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978" and inserting "tribally controlled colleges or universities";

(C) by striking "an international" and inserting "international,"; and

(D) by striking "the United States Information Agency" and inserting "the Department of State"; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting "and" after the semicolon;

(B) in subparagraph (F), by striking "; and" and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

"SEC. 626. FINANCIAL ASSISTANCE.

"(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

"(b) SUMMER STIPENDS.—

"(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

"(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

"(c) RALPH BUNCHE SCHOLARSHIP.—

"(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

"(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

"(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

"(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.".

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking "annually" and inserting "biennially".

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking "annual report described in section 626" and inserting "biennial report described in section 627".

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking "$10,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking "comprehensive language and area center" and inserting "comprehensive foreign language and area or international studies center";

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

"(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;";

(6) in paragraph (6), as redesignated by paragraph (2), by striking "and" after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

"(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and"; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking "undergraduate language and area center" and inserting "undergraduate foreign language and area or international studies center".

SEC. 622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

"SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

"(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

"(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

"SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

"The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

"SEC. 634. BIENNIAL REPORT.

"The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address. those needs. The report shall be provided to the authorizing committees and made available to the public.".

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting ", including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering" before the semicolon at the end.

SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

"(1) APPOINTMENT.—

"(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

"(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

"(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

"(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

"(iii) appoint members to represent the various geographic regions of the United States; and

"(iv) include representatives from minority institutions, as defined in section 365.".

SEC. 703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking "graduate fellowships" and inserting "Graduate Research Fellowship Program".

SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking "$30,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.".

SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

"(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

"(1) the extent to which the interest in the area is compelling;

"(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

"(3) an assessment of how the program may achieve the most significant impact with available resources; and

"(4) an assessment of current and future professional workforce needs of the United States.".

SEC. 706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking "1999-2000" and inserting "2008–2009"; and

(B) by striking "graduate fellowships" and inserting "Graduate Research Fellowship Program"; and

(2) in subsection (c)—

(A) by striking "716(a)" and inserting "715(a)"; and

(B) by striking "714(b)(2)" and inserting "713(b)(2)".

SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999-2000" and inserting "2008–2009"; and

(2) by striking "1998–1999" and inserting "2007–2008".

SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking "$35,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.".

SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting "secondary school and" after "disadvantaged"; and

(B) by inserting "and admission to law practice" before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting "secondary school student or" before "college student";

(3) in subsection (c)—

(A) in paragraph (1), by inserting "secondary school and" before "college students";

(B) by striking paragraph (2) and inserting the following:

"(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;";

(C) in paragraph (4), by striking "and" after the semicolon;

(D) by striking paragraph (5) and inserting the following:

"(4) to motivate and prepare such students—

"(A) with respect to law school studies and practice in low-income communities; and

"(B) to provide legal services to low-income individuals and families; and;"; and

(E) by adding at the end the following:

"(6) to award Thurgood Marshall Fellowships to eligible law school students—

"(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

"(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting "pre-college programs, undergraduate" before "pre-law";

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting "law school" before "graduation"; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;";

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(D) by inserting after paragraph (1) the following:

"(2) summer academic programs for secondary school students who have expressed interest in a career in the law;"; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting "and Associates" after "Thurgood Marshall Fellows";

(5) in subsection (e)(1), by inserting ", including before and during undergraduate study" before the semicolon;

(6) in subsection (f)—

(A) by inserting "national and State bar associations," after "agencies and organizations,"; and

(B) by striking "and organizations." and inserting "organizations, and associations.";

(7) by striking subsection (g) and inserting the following:

"(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course)."; and

(8) in subsection (h), by striking "$5,000,000 for fiscal year 1999" and all that follows through the period at the end and inserting "such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years".

SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);";

(B) in paragraph (7), by striking "and" after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

"(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

"(A) focus on poverty and human capability; and

"(B) include—

"(i) a service-learning component; and

"(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths."; and

(2) by adding at the end the following:

"(c) PROJECT GRAD.—

"(1) PURPOSES.—The purposes of this subsection are—

"(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

"(B) to promote the establishment of new programs to implement such integrated education reform services.

"(2) DEFINITIONS.—In this subsection:

"(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

"(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

"(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

"(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

"(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

"(B) directly carry out—

"(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

"(ii) activities for the purpose of implementing new Project GRAD program sites;

"(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

"(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

"(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

"(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

"(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

"(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

"(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

"(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

"(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

"(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

"(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

"(3) CENTER ACTIVITIES.—The center funded under this section shall—

"(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

"(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

"(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

"(D) develop and disseminate best practices for such programs.

"(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

"(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

"(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

"(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

"(A) reviewing Federal higher education regulations;

"(B) maintaining a clearinghouse of compliance training materials; and

"(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

"(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

"(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

"(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

"(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

"(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

"(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with

demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

"(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

"(A)(i) a dependent student who is a child of—

"(I) an individual who is—

"(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

"(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

"(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

"(ii) an independent student who is a spouse of—

"(I) an individual who is—

"(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

"(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

"(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

"(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

"(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

"(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

"(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

"(B) $5,000.

"(5) AMOUNTS FOR SCHOLARSHIPS.—100 percent of amounts appropriated to carry out this subsection shall be used for scholarships awarded under this subsection.".

SEC. 711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

"(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

"(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

"(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

"(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

"(4) Development, evaluation and dissemination of model programs, including model core curricula that—

"(A) provide students with a broad and integrated knowledge base;

"(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

"(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

"(5) International cooperation and student exchanges among postsecondary educational institutions.".

SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking "$30,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "to teach students with disabilities" and inserting "to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education";

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

"(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.";

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting ", including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.";

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

"(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

"(E) DISABILITY CAREER PATHWAYS.—

"(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

"(I) encourage interest and participation in such fields, among students with disabilities and other students;

"(II) enhance awareness and understanding of such fields among such students;

"(III) provide educational opportunities in such fields among such students;

"(IV) teach practical skills related to such fields among such students; and

"(V) offer work-based opportunities in such fields among such students.

"(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling."; and

(vi) by adding at the end the following:

"(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development."; and

(B) in paragraph (3), by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (G)"; and

(2) by adding at the end the following:

"(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.".

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

*(1) in the part heading, by striking "**DEMONSTRATION**";*

(2) by inserting after the part heading the following:

"Subpart 1—Quality Higher Education";

and

(3) by adding at the end the following:

"Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

"SEC. 771. PURPOSE.

"It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

"SEC. 772. DEFINITIONS.

"In this subpart:

"(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program offered by an institution of higher education that—

"(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

"(B) includes an advising and curriculum structure; and

"(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

"(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

"SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

"(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

"(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

"(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

"(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

"(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

"(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

"(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

"(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

"(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

"(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

"(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

"(A) academic enrichment;

"(B) socialization;

"(C) independent living, including self-advocacy skills; and

"(D) integrated work experiences and career skills that lead to gainful employment;

"(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

"(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

"(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

"(7) plans for the sustainability of the model program after the end of the grant period; and

"(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

"(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

"(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

"(a) IN GENERAL.—

"(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

"(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

"(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

"(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

"(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

"(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

"(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

"(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

"(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

"(i) an expert in higher education;

"(ii) an expert in special education;

"(iii) a disability organization that represents students with intellectual disabilities; and

"(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

"(B) define the necessary components of such programs, such as—

"(i) academic, vocational, social, and independent living skills;

"(ii) evaluation of student progress;

"(iii) program administration and evaluation;

"(iv) student eligibility; and

"(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

"(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

"(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

"(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

"(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

"(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking "part" and inserting "subpart";

(2) in section 762 (as amended by subsection (a)), by striking "part" each place the term appears and inserting "subpart";

(3) in section 763, by striking "part" both places the term appears and inserting "subpart";

(4) in section 764, by striking "part" and inserting "subpart"; and

(5) in section 765, by striking "part" and inserting "subpart".

SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

(1) by striking paragraph (1) and inserting the following:

"(1) a description of how such institution plans to address the activities allowed under this subpart;";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking "$10,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SEC. 717. RESEARCH GRANTS.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

"PART E—RESEARCH GRANTS

"SEC. 781. RESEARCH GRANTS.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an institution of higher education;

"(B) a State agency responsible for higher education;

"(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

"(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

"(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

"(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

"(B) will reach a broad and diverse range of audiences;

"(C) has participated in work in improving postsecondary education;

"(D) has participated in work in developing or improving assessments to measure student achievement;

"(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

"(F) will focus on program specific measures of student achievement generally applicable to an entire—

"(i) institution of higher education; or

"(ii) State system of higher education.

"(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

"(1) the quality of an application for a grant under this section;

"(2) the distribution of the grants to different—

"(A) geographic regions;

"(B) types of institutions of higher education; and

"(C) higher education accreditors.

"(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

"(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

"(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

"(3) to measure improvement in student achievement over time;

"(4) to evaluate student achievement;

"(5) to develop models of effective practices; and

"(6) for a pilot or demonstration project of measures of student achievement.

"(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

"(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

"(h) REPORT.—

"(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

"(2) CONTENT.—The report shall include—

"(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

"(B) a description of the assessments or other measures developed by eligible entities;

"(C) the results of any pilot or demonstration projects assisted under this section; and

"(D) such other information as the Secretary may require.".

TITLE VIII—MISCELLANEOUS

SEC. 801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"TITLE VIII—MISCELLANEOUS

"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

"(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

"(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

"(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

"(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

"(1) in an amount that does not exceed $1,000; and

"(2) for not more than 2 years of undergraduate study.

"(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

"(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART B—POSTSECONDARY EDUCATION ASSESSMENT

"SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.

"(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

"(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

"(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

"(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001-2002 academic year and succeeding academic years;

"(2) identify and evaluate measures being used to control postsecondary education costs;

"(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

"(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

"SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

"(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

"(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

"(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

"(A) is independent, as defined in section 480(d);

"(B) attends an institution of higher education—

"(i) on less than a full-time basis;

"(ii) via evening, weekend, modular, or compressed courses; or

"(iii) via distance education methods; or

"(C) has delayed enrollment at an institution of higher education.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

"(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

"(B) local high-growth occupations or industries; and

"(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

"(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

"(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

"(2) take into consideration the capability of the institution of higher education—

"(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

"(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

"(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

"(D) to serve nontraditional or low-income students, or adult or displaced workers; and

"(E) to serve students from rural or remote communities.

"(e) USE OF FUNDS.—Grant funds provided under this section may be used—

"(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

"(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

"(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

"(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

"(5) to build partnerships with local businesses in high-growth occupations or industries;

"(6) to support curriculum development related to entrepreneurial training; and

"(7) for other uses that the Secretary determines to be consistent with the intent of this section.

"(f) REQUIREMENTS.—

"(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

"(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

"(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS

"SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

"(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

"(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

"(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

"(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

"(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

"(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

"(c) GRANT AMOUNT; AWARD BASIS.—

"(1) GRANT AMOUNT.—For each academic year after academic year 2006-2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

"(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

"(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

"(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

"(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

"(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

"(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

"(i) an equitable geographic distribution of the grants among the States; and

"(ii) an equitable distribution of the grants among different types of institutions of higher education.

"(d) PROHIBITION.—

"(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"PART E—AMERICAN HISTORY FOR FREEDOM

"SEC. 831. AMERICAN HISTORY FOR FREEDOM.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

"(1) traditional American history;

"(2) the history and nature of, and threats to, free institutions; or

"(3) the history and achievements of Western civilization.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

"(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

"(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

"(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

"(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of—

"(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

"(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

"(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

"(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

"(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

"(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

"(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

"(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

"(3) sustain the activities funded under this part after the grant has expired.

"(e) USE OF FUNDS.—

"(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

"(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

"(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

"(ii) development, publication, and dissemination of instructional materials;

"(iii) research;

"(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

"(v) support for graduate and postgraduate fellowships, if applicable; or

"(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

"(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

"(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

"(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

"(iii) to faculty;

"(iv) to local educational agencies; and

"(v) within the local community.

"(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

"(A) collaboration with entities such as—

"(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

"(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

"(B) other activities that meet the purposes of this part.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART F—TEACH FOR AMERICA

"SEC. 836. TEACH FOR AMERICA.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

"(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

"(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

"(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

"(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

"(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

"(3) to serve a substantial number and percentage of underserved students.

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

"(A) Recruiting and selecting teachers through a highly selective national process.

"(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

"(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

"(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

"(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

"(e) REPORTS AND EVALUATIONS.—

"(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

"(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

"(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

"(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

"(2) STUDY.—

"(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

"(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

"(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

"(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

"PART G—PATSY T. MINK FELLOWSHIP PROGRAM

"SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

"(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

"(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

"(c) PROGRAM AUTHORIZED.—

"(1) GRANTS BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

"(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

"(2) APPLICATIONS.—

"(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) APPLICATIONS MADE ON BEHALF.—

"(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

"(I) A graduate school or department of such institution.

"(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

"(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

"(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

"(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

"(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

"(A) take into account—

"(i) the number and distribution of minority and female faculty nationally;

"(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

"(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

"(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

"(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

"(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

"(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

"(i) are eligible for assistance under title III or title V; or

"(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

"(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

"(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

"(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of

the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

"(5) INSTITUTIONAL ALLOWANCE.—

"(A) IN GENERAL.—

"(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

"(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007-2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

"(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

"(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

"(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

"(d) FELLOWSHIP RECIPIENTS.—

"(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

"(A) intend to pursue a career in instruction at—

"(i) an institution of higher education (as the term is defined in section 101);

"(ii) an institution of higher education (as the term is defined in section 102(a)(1));

"(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

"(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

"(B) sign an agreement with the Secretary agreeing—

"(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

"(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

"(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

"(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

"(B) Impose a fine or penalty in an amount to be determined by the Secretary.

"(3) WAIVER AND MODIFICATION.—

"(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

"(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

"(i) inequitable and represent an extraordinary hardship; or

"(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

"(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

"(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

"(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

"(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

"(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

"(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

"PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

"(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

"(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

"(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

"(A) an evaluation of the local educational agency's and State's leadership strategies;

"(B) the secondary school curriculum and class offerings of the local educational agency and State;

"(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

"(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

"(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

"(F) strategies to mobilize student leaders to build a college-bound culture; and

"(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

"(A) participated in the needs assessment described in paragraph (2); and

"(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

"(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

"(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

"(2) in a college transition data management system.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART I—PREDOMINANTLY BLACK INSTITUTIONS

"SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

"(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

"(b) DEFINITIONS.—In this section:

"(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

"(A) has an enrollment of needy undergraduate students;

"(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

"(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

"(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

"(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

"(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

"(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

"(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

"(B) come from families that receive benefits under a means-tested Federal benefit program;

"(C) attended a public or nonprofit private secondary school—

"(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

"(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

"(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

"(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

"(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

"(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

"(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

"(A) that is an eligible institution with not less than 1,000 undergraduate students;

"(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

"(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

"(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(c) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

"(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

"(d) AUTHORIZED ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

"(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

"(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

"(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

"(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

"(A) The activities described in paragraphs (1) through (11) of section 311(c).

"(B) Academic instruction in disciplines in which Black Americans are underrepresented.

"(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

"(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

"(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

"(i) contribute to carrying out the purpose of this section; and

"(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

"(3) ENDOWMENT FUND.—

"(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

"(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

"(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

"(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

"(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

"(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

"(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

"(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

"(4) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

"(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

"(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

"(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

"(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

"PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

"SEC. 851. SHORT TITLE.

"This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

"SEC. 852. PURPOSE.

"It is the purpose of this part—

"(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

"(2) to create—

"(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

"(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

"(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

"SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

"In this part, the term 'early childhood education program' means—

"(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

"(A) provides early childhood education;

"(B) uses developmentally appropriate practices;

"(C) is licensed or regulated by the State; and

"(D) serves children from birth through age 5;

"(2) a Head Start Program carried out under the Head Start Act; or

"(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

"SEC. 854. GRANTS AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

"(1) to establish a State Task Force described in section 855; and

"(2) to support activities of the State Task Force described in section 856.

"(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

"(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

"(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

"SEC. 855. STATE TASK FORCE ESTABLISHMENT.

"(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

"(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

"SEC. 856. STATE TASK FORCE ACTIVITIES.

"(a) ACTIVITIES.—The State Task Force shall—

"(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

"(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

"(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

"(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

"(A) race, gender, and ethnicity;

"(B) compensation levels;

"(C) type of early childhood education program setting;

"(D) specialized knowledge of child development;

"(E) years of experience in an early childhood education program; and

"(F) attainment of—

"(i) academic credit for coursework;

"(ii) an academic degree;

"(iii) a credential;

"(iv) licensure; or

"(v) certification in early childhood education; and

"(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

"(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

"(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

"(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

"(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

"(i) shall only be provided to an individual who—

"(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

"(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

"(ii) shall be provided in an amount that does not exceed $17,500;

"(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

"(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

"(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

"(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

"(i) entry into and continuing education requirements for professional roles in the field;

"(ii) available financial assistance; and

"(iii) professional development and career advancement in the field;

"(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

"(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

"(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

"(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

"(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

"SEC. 857. STATE APPLICATION AND REPORT.

"(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

"(1) the membership of the State Task Force;

"(2) the activities for which the grant assistance will be used;

"(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

"(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

"(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

"(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

"(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

"(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

"(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

"SEC. 858. EVALUATIONS.

"(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

"(1) evaluate the activities that are assisted under this part in order to determine—

"(A) the effectiveness of the activities in achieving State goals;

"(B) the impact of a career lattice for individuals working in early childhood education programs;

"(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

"(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

"(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

"(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

"(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

"(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

"SEC. 859. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

"SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

"(a) PURPOSE.—The purpose of this section is—

"(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

"(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

"(b) DEFINITIONS.—In this section:

"(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

"(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

"(A) 1 or more colleges or schools of engineering;

"(B) 1 or more colleges of science, engineering, or mathematics;

"(C) 1 or more institutions of higher education that offer 2-year degrees; and

"(D) 1 or more private entities that—

"(i) conduct career awareness activities showcasing local technology professionals;

"(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

"(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

"(iv) assist with placement of interns and apprentices.

"(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

"(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

"(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

"(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

"(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

"(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

"(4) Such other activities that are consistent with the purposes of this section.

"(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

"(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

"(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

"SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

"(A) meets the requirements of section 484(a);

"(B) is enrolled at least half time;

"(C) is not younger than age 19 and not older than age 33;

"(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

"(E) has a family income below 200 percent of the poverty line;

"(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

"(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

"(c) USES OF FUNDS.—

"(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

"(A) to provide scholarships in accordance with subsection (d); and

"(B) to provide counseling services in accordance with subsection (e).

"(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

"(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

"(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

"(C) to evaluate the success of the program.

"(d) SCHOLARSHIP REQUIREMENTS.—

"(1) IN GENERAL.—Each scholarship awarded under this section shall—

"(A) be awarded for 1 academic year;

"(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

"(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

"(D) be paid in increments of—

"(i) $250 upon enrollment (prorated for quarters);

"(ii) $250 upon passing midterm examinations (prorated for quarters); and

"(iii) $500 upon passing courses (prorated for quarters).

"(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

"(e) COUNSELING SERVICES.—

"(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

"(A) have a caseload of less than 125 students;

"(B) use a proactive, team-oriented approach to counseling;

"(C) hold a minimum of 2 meetings with students each semester; and

"(D) provide referrals to and follow-up with other student services staff, including financial and career services.

"(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

"(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) the number of students to be served under this section;

"(2) a description of the scholarships and counseling services that will be provided under this section; and

"(3) a description of how the program under this section will be evaluated.

"(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

"(h) EVALUATION.—

"(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

"(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

"(A) When students are recruited for the program, all students will be told about the program and the evaluation.

"(B) Baseline data will be collected from all applicants for assistance under this section.

"(C) Students will be assigned randomly to 2 groups, which will consist of—

"(i) a program group that will receive the scholarship and the additional counseling services; and

"(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

"(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

"SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

"(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

"(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

"(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

"(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 50 percent.

"(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

"(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

"(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

"(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

"(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

"(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

"(A) security assessments;

"(B) security training of personnel and students at the institution of higher education or consortium;

"(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

"(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

"(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

"(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to provide a private right of action to any person to enforce any provision of this section;

"(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

"(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

"The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

"(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

"(2) to disseminate information concerning those policies, procedures, and practices.".

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting "**laurent clerc national deaf education center**";

(2) in subsection (a)(1)(A), by inserting "the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out" after "maintain and operate"; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(B) in paragraph (2), by striking "elementary and secondary education programs" and inserting "Clerc Center"; and

(C) by adding at the end the following:

"(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

"(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

"(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

"(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

"(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).".

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(2) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "an institution of higher education" and inserting "the Rochester Institute of Technology, Rochester, New York"; and

(II) by striking "of a" and inserting "of the"; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) Notwithstanding the requirement under paragraph (1), if the Secretary or the Rochester Institute of Technology terminates the agreement under paragraph (1), the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with 1 of such institutions for the establishment and operation of a National Technical Institution for the Deaf."; and

(2) in subsection (b)—

(A) in paragraph (3), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate"; and

(B) in paragraph (5)—

(i) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(ii) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"PART C—OTHER PROGRAMS

"SEC. 121. CULTURAL EXPERIENCES GRANTS.

"(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

"(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

"(1) enrich the lives of deaf and hard-of-hearing children and adults;

"(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

"(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

"(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.".

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end "; OTHER PROGRAMS".

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "sections" and all that follows through the period and inserting "sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209."; and

(B) in paragraph (3), by inserting "and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" after "Secretary"; and

(2) in subsection (c)(2)(A), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate";

(2) in paragraph (1), by striking "preparatory,";

(3) in paragraph (2)(C), by striking "upon graduation/completion" and inserting "on the date that is 1 year after the date of graduation or completion"; and

(4) in paragraph (3)(B), by striking "of the institution of higher education" and all that follows through the period and inserting "of NTID programs and activities.".

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking "The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of" and inserting "The Secretary shall annually transmit information to Congress on"; and

(2) in subsection (c), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013".

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking "Not later than 30 days after the date of enactment of this Act, the" and inserting "The".

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking "fiscal years 1998 through 2003" each place it appears and inserting "fiscal years 2008 through 2013".

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking "preparatory, undergraduate," and inserting "undergraduate";

(B) by striking "Effective with" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), effective with"; and

(C) by adding at the end the following:

"(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

"(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

"(B) not be charged a tuition surcharge, as described in subsection (b)."; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

"(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

"(1) 100 percent for a postsecondary international student from a non-developing country; and

"(2) 50 percent for a postsecondary international student from a developing country.

"(c) REDUCTION OF SURCHARGE.—

"(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

"(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

"(i) a student described under subsection (b)(1) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

"(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

"(i) a student described under subsection (b)(2) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

"(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

"(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

"(B) shall be approved by the Secretary.

"(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.".

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking "Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013"; and

(2) in subsection (b), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2008 through 2013".

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22

U.S.C. 4604(b)(3)) is amended by striking "the Arms Control and Disarmament Agency,".

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking "(b)(5)" each place the term appears and inserting "(b)(4)"; and

(2) in subsection (e), by adding at the end the following:

"(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.".

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking "to be appropriated" and all that follows through the period at the end and inserting "to be appropriated such sums as may be necessary for fiscal years 2008 through 2013."; and

(2) by adding at the end the following:

"(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.".

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.

(2) Part C (20 U.S.C. 1070 note).

(3) Part F (20 U.S.C. 1862 note).

(4) Part J.

(5) Section 861.

(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

"(a) DEFINITION.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

"(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

"(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

"(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

"(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

"(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

"(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

"(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

"(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

"(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

"(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

"(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

"(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

"(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

"(iii) attainment of employment both prior to and subsequent to release;

"(iv) success in employment indicated by job retention and advancement; and

"(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

"(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

"(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

"(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

"(1) annually report to the Secretary regarding—

"(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

"(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

"(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

"(2) provide to each State for each student eligible under subsection (e) not more than—

"(A) $3,000 annually for tuition, books, and essential materials; and

"(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

"(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

"(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

"(2) is 35 years of age or younger; and

"(3) has not been convicted of—

"(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

"(B) murder, as described in section 1111 of title 18, United States Code.

"(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

"(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.".

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking "this section" and all that follows through the period at the end and inserting "this section such sums as may be necessary for fiscal years 2008 through 2013.".

SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking "to be appropriated" and all that follows through the period at the end and inserting "to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.".

PART D—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking "in the field of Indian education" and inserting "in the fields of tribally controlled colleges and universities and Indian higher education".

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) 'Indian student' means a student who is—

"(A) a member of an Indian tribe; or

"(B) a biological child of a member of an Indian tribe, living or deceased;".

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "paragraph (7) of subsection (a)" and inserting "subsection (a)(8)";

(2) by striking paragraph (5) and inserting the following:

"(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

"(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

"(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university."; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (3), the following:

"(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

"(B) according to such an agency or association, is making reasonable progress toward accreditation.".

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through "The Secretary shall" and inserting the following:

"SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

"(a) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall";

(2) in the second sentence, by striking "In the awarding of contracts for technical assistance, preference shall be given" and inserting the following:

"(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded"; and

(3) in the third sentence, by striking "No authority" and inserting the following:

"(b) EFFECT OF SECTION.—No authority".

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking "(a) Except as provided in section 111," and inserting the following:

"(a) REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,";

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking "him" and inserting "the Secretary"; and

(ii) by striking "product of" and inserting "product obtained by multiplying";

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking "section 2(a)(7)" and inserting "section 2(a)(8)"; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking "$6,000," and inserting "$8,000, as adjusted annually for inflation."; and

(4) by striking "except that no grant shall exceed the total cost of the education program provided by such college or university." and inserting the following:

"(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.".

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking "1999" and inserting "2008";

(2) in paragraphs (1), (2), and (3), by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (2), by striking "$40,000,000" and inserting "such sums as may be necessary";

(4) in paragraph (3), by striking "$10,000,000" and inserting "such sums as may be necessary"; and

(5) in paragraph (4), by striking "succeeding 4" and inserting "5 succeeding".

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking "1999" and inserting "2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking "$2,000,000 for fiscal year 1999" and inserting "such sums as may be necessary for fiscal year 2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions

"SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

"In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

"SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

"(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

"(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

"(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

"(b) SELECTION OF CERTAIN INSTITUTIONS.—

"(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

"(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

"(A) the United Tribes Technical College; and

"(B) the Navajo Technical College.

"(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

"(d) DISTRIBUTION.—

"(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

"(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

"(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

"(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

"(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

"(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

"SEC. 503. APPLICABILITY OF OTHER LAWS.

"(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

"(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

"(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

"(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

"(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

"(3) any other applicable program under which a benefit is provided for—

"(A) institutions of higher education;

"(B) community colleges; or

"(C) postsecondary educational institutions.

"SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.".

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

"(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

"(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

"(2) the Navajo Community College Act (25 U.S.C. 640a et seq.)."; and

(B) by striking subsection (d) and inserting the following:

"(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95-471) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.".

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the "Tribally Controlled Colleges and Universities Assistance Act of 1978".

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the "Navajo Nation Higher Education Act of 2006".

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking "Navajo Tribe of Indians" and inserting "Navajo Nation"; and

(2) by striking "the Navajo Community College" and inserting "Diné College".

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting "the" before "Interior";

(B) by striking "Navajo Tribe of Indians" and inserting "Navajo Nation"; and

(C) by striking "the Navajo Community College" and inserting "Diné College"; and

(2) in the second sentence—

(A) by striking "Navajo Tribe" and inserting "Navajo Nation"; and

(B) by striking "Navajo Indians" and inserting "Navajo people".

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "the Navajo Community College" and inserting "Dine College"; and

(ii) by striking "August 1, 1979" and inserting "October 31, 2010"; and

(B) in the second sentence, by striking "Navajo Tribe" and inserting "Navajo Nation";

(2) in subsection (b), by striking "the date of enactment of the Tribally Controlled Community College Assistance Act of 1978" and inserting "October 1, 2007"; and

(3) in subsection (c), in the first sentence, by striking "the Navajo Community College" and inserting "Diné College".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$2,000,000" and all that follows through the end of the paragraph and inserting "such sums as are necessary for fiscal years 2008 through 2013."; and

(B) by adding at the end the following:

"(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).";

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "the Navajo Community College" and inserting "Diné College"; and

(ii) by striking ", for each fiscal year" and all that follows through "for—" and inserting "such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—";

(B) in subparagraph (A)—

(i) by striking "college" and inserting "College";

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking ", and" at the end and inserting "; and";

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking ", and" at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

"(i) higher education programs;

"(ii) career and technical education;

"(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

"(iv) employment and training opportunities;

"(v) economic development and community outreach; and

"(vi) a safe learning, working, and living environment."; and

(3) in subsection (c), by striking "the Navajo Community College" and inserting "Diné College".

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c-2) is amended—

(1) by striking "the Navajo Community College" each place it appears and inserting "Diné College"; and

(2) in subsection (b), by striking "college" and inserting "College".

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c-3) is amended by striking "the Navajo Community College" each place it appears and inserting "Diné College".

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I am going to speak a little bit about this very important bill, S. 1642, the Higher Education Amendments Act of 2007. This legislation is a bipartisan product of 3 years of negotiations by the members of the Senate Health, Education, Labor and Pensions Committee, or the HELP Committee. It builds on the legislation the HELP Committee passed in the 109th Congress.

It is important to note that the legislation before us today is not a Democratic or a Republican bill; it is a bipartisan bill. We worked on it carefully. We made sure that parts which were objectionable to either side were eliminated or a third way found, and as a result of that very congenial process, it has gotten us to this point where we are on the floor with the bill.

Following the bill we had last week, which also dealt with higher education—more with the funding issues—this bill covers a number of the other issues. But Republican Senators were able to secure changes to the Higher Education Act that were important to them, as were Democratic Senators.

Our committee works a little differently than a lot of the committees. We use the committee markup to see what the objections are to a bill, the intensity of those objections, and identify possible solutions. Then, once the bill has been marked up, we will get together a managers' package that will overcome any remaining objections. I am pleased with the effort that has gone into this bill since markup. We worked together to bring to the floor a piece of legislation that can be supported by the most liberal and the most conservative Members of the Senate.

I am pleased we are taking up this bill today. The companion legislation, the Higher Education Access Reconciliation Act of 2007, passed the Senate last week, as I mentioned. My colleagues heard me say over and over again last week that the reconciliation bill was only a small piece of the Higher Education Act. Without considering both bills, we would only be doing part of the job.

I wish to thank my leadership for hearing me and my Republican colleagues on the HELP Committee when we requested that both these bills be considered sequentially.

At this point, I ask unanimous consent to have printed in the RECORD and sent to the desk the letter several of us sent requesting that both these higher education bills be considered together.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 12, 2007.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: On June 20th the Committee on Health, Education, Labor and Pensions reported two separate pieces of legislation: S. 1642 the Higher Education Amendments of 2007, which reauthorizes the discretionary programs within the Higher Education Act; and the Higher Education Access Act of 2007, a reconciliation bill that responds to the Budget Resolution adopted earlier this year. This legislative package takes important steps to make college more affordable, while ensuring American students have the knowledge and skills they need to be successful in the 21st century economy.

Both the reauthorization and reconciliation bills must be considered together on the Senate floor as a comprehensive reform of our laws pertaining to higher education and should not be moved separately. If the Senate moves forward with just the Higher Education Access Act, which as a budget bill has a privileged status, we lose an important opportunity to pass essential bipartisan reforms contained in the Higher Education Amendments bill. The reforms in the reauthorization bill include: simplifying the student aid application process; authorizing a year-round Pell Grant to better serve nontraditional students; and expanding graduate programs at Historically Black Colleges and Universities and Hispanic Serving Institutions. More importantly, moving the reconciliation bill without the reauthorization bill would result in making significant cuts to education subsidies, while ignoring important ethical, privacy, and disclosure requirements taken from Republican bills. We believe these new requirements as contained in the reauthorization bill are necessary to protect students from those who would exploit loan programs.

We will only be doing half our job if we allow the reconciliation bill to move forward without the companion reauthorization bill. Such a piecemeal approach to reforming higher education is inadequate. The Senate must ensure an ample and meaningful debate on both bills at the same time so that the vital reforms to higher education are given the attention and scrutiny that they warrant. We urge you to take a comprehensive approach to addressing the challenges facing higher education and our status as a world economic leader by moving both of these bills together on the floor.

Sincerely,
MICHAEL B. ENZI, JUDD GREGG, LAMAR ALEXANDER, PAT ROBERTS, RICHARD BURR, ORRIN HATCH, JOHNNY ISAKSON, WAYNE ALLARD, LISA MURKOWSKI.

Mr. ENZI. Mr. President, today we are going to consider the rest of the higher education pie—the foundation of the programs we discussed last week. I believe that without considering both pieces of legislation, we will not make the changes necessary to help students enter into and succeed in higher education.

These are all of the pieces of the higher education pie. We see the little red triangle there; that is the reconciliation piece which we did last week, and it deals with the Pell grant funding, primarily. This bill deals with the other pie pieces we see on this chart.

ACG, the Academic Competitiveness grants, and the SMART grants, are grants to students who will specialize in science, technology, engineering, math, and some selected languages. These grants provide extra support above the Pell grants, and that is so we turn out the kind of people we need in technical fields to keep the innovation in the United States going. We passed the America COMPETES package that ties in with this.

Teacher quality. The key to a classroom is the teacher. We had to have a piece in there that would encourage teachers and get them extra instruction so they can be better teachers.

FAFSA simplification. There are a lot of people who have not applied for grants because the process is so difficult. You probably saw us last week mention that this was the application—actually, these are the instructions; the applications are equally as long. We have been able, through this bill, to reduce that to a very simple form for students to be able to fill out to see if they can qualify for the Federal help that is available. There is significant Federal help available, and we don't want anybody not attending higher education, whether it be college or technical school, because they don't have the resources for it. We are trying to provide the resources, and now we are trying to make sure the process isn't so difficult that people skip the process and skip higher education. We need the technical skills that are provided by a higher education, a higher level of thought. So we now have a much easier form.

You will also find some little improvements, such as if you do work while you are in junior high and high school and you earn and save some money, you won't be penalized when you apply for college. We want people to be saving their money, not spending their money so that it doesn't count against them when they go to make the application.

Graduate and international education, and loan disclosures are also included in this bill. There has been quite a bit of emphasis on this lately. I was pleased to be able, as an accountant, to provide a lot of suggestions for the ways these problems could be handled so that people would know exactly what is available and so that companies and colleges dealing with loans would do the right thing.

Pell grants and campus-based aid are a huge part. It complements the Pell grant work we did last week, which was essential to what we did in the reconciliation bill. And, of course, financial literacy. We incorporate that into our work whenever we possibly can. People need to know as much about their financial situation as possible. It is particularly critical for college students. We don't want them winding up in an impossible situation when they graduate. We want them to be able to take advantage of the resources available before they enter college.

So we have a lot of pieces that will be completed when we finish the day today, and I am convinced we will be able to complete this today. We have a limited number of amendments, and many are very reasonable and should not be too difficult. We will have discussions on some others. We will have a very bipartisan discussion on what can be put in the bill to complete it, and we will get it done today.

Why is that important? This year marks 50 years since Sputnik was launched. That launch sparked huge turmoil in this country and worry about the knowledge and skills necessary to keep our economy growing and competitive. I was in junior high at the time. It was a shock to our Nation. Every one of us could recognize it—teachers, parents and, probably as important, students, recognized it. Russia was beating us. They had put a satellite into orbit. It shocked us. But it also brought out that American competitive spirit. We said they were not going to beat us. It launched a change in education such as we had not seen in the United States in decades, maybe centuries. We were ultimately the winners of the space race, but it wasn't just the space race; it was an education race. It was the broad range of education the United States delved into and the innovation that was brought about at the time that put us ahead of Russia. Of course, the Government probably helped considerably too. Sputnik had a dramatic effect on our education system and made us recognize a high school diploma was no longer just a nice thing to have. We could no longer rest on our past successes as a Nation. We met the challenge of Sputnik through the National Defense Education Act. We looked to education as a path to continued success, and we supported an increase in the number of people who would continue their education beyond high school, particularly in math, science, engineering, and technology.

We are again being challenged. For millions of Americans, access to an affordable college education is the key to their success in the 21st century global economy. In the 1950s, skilled jobs comprised 20 percent of the U.S. job market. In 2000, 85 percent of all U.S. jobs are categorized as skilled. Without some college education, these Americans will not have the qualifications for over 90 percent of the new jobs being created over the next 10 years. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess. We have a huge challenge, not just in K–12 and higher education but in continuing education. It is estimated the average person leaving college will change careers 14 times. I didn't say "change jobs" 14 times, I said "change careers" 14 times. That is the pace at which things are accelerating.

Here is an even more important statistic. Of those 14 career changes, 10 of them don't even exist now. So we are educating people for a level of jobs that do not exist at the present time. That is quite a challenge. In this decade, 40 percent of job growth will be in jobs requiring postsecondary education. Those jobs requiring associate degrees are growing the fastest. Learning is never over; school is never out. Technology is demanding that everybody continue to learn and gain skills to remain competitive in the workplace.

America's ability to compete in a global economy depends increasingly on the number of students entering and completing college. Of the 75 percent of high school seniors who continue their studies, only 50 percent receive a degree in 5 years after enrolling in college. Only 25 percent of them receive a bachelor's degree or higher. These numbers, incidentally, are even worse for children of low-income families. Among eighth graders in 1988, only 16 percent from low-income families attained a bachelor's degree by 2000. The fact is that over four times as many eighth graders from high-income families attain bachelor's degrees than from low-income families. This is using the eighth graders from 1988 who should have graduated by 2000.

On the chart, you can see the level from low to high income who completed a bachelor's degree based on family income. Some of that is a failure on our part to emphasize to those in the low-income category they can do it and they should do it and how they can do it. That is part of what this bill does.

It is important to ensure that more students enroll in college prepared to learn and that more students have the support they need to complete college with the knowledge and skills to be successful. Slightly less than one-third—31 percent—of all public high school students are prepared for postsecondary education, as demonstrated by the academic courses they pursue. Well-prepared and well-supported students are more likely to persist to a degree completion and obtain the knowledge and skills they need.

For years, institutions of higher education and employers have expressed their dissatisfaction about the fact that our high school graduates need remedial study or training in order to do college-level work or to participate in the workforce. Nearly one-third of entering college freshmen take at least one remedial course. Each year, taxpayers pay an estimated $1 billion to $2 billion to provide remedial education to students at our public universities and community colleges.

Our goal should be to keep the cost of college down, expand the availability of information, help students and parents make more informed decisions, and improve financial literacy across the board so students and families have a better understanding of how they can manage their loans and monthly payments. Schools and colleges must do more to increase accountability and seek efficiencies that bring down the cost of postsecondary education.

S. 1642, the Higher Education Amendments of 2007, refines and focuses Federal policy on access, affordability, and accountability. It attempts to tackle the complexity of the Federal student data system. Right now, filling out the free application for federal student aid prevents many students from even considering college. That was never our intent. This bill, as I pointed out, reduces the number of questions on the FAFSA to those that are necessary to determining the need students have for financial assistance. We are making the FAFSA less complicated than filling out tax forms, which has not been the case in the past. The bill puts us on the path of greater coordination between Federal agencies so students and their families will have the opportunity to allow information that is already provided to the Government through tax forms, be used to complete the FAFSA.

Also, it is our responsibility to ensure that students and their families have the information they need to make informed decisions about the investment of time and money they are making to secure a college education. The cost of college has risen dramatically and at the same time the need for a college education has never been greater. Students will receive upfront information about financial decisions they are making. Similar information would be provided to them periodically throughout their college experience.

The quality of classroom teacher preparation is critical to the education of our K-12 students. The goal of the teacher preparation programs supported under this bill is to help teachers be prepared to meet the ever-increasing diverse needs of students and to improve student achievement.

The bill also addresses recent concerns that institutions of higher education and lenders have not been operating in the best interest of students and their families. Although what we have seen are isolated incidents, we wish to make sure the confidence in our institutions and financial aid advisors is not questioned. We have included requirements that institutions establish codes of conduct for how they work with lenders and prohibit incentives and other arrangements that would appear inappropriate. Students and their parents must have knowledge to make informed choices and financial decisions that will impact their lives for years to come.

It is no longer an option whether to pursue college or skills certification that is nationally recognized. Everybody needs tools to understand and shape their future. Higher education is the onramp to success in the global economy, and it is our responsibility to make sure everyone can access that opportunity and reach their goals. Without a lifetime of education, training, and retraining opportunities for everyone, we will not meet our 21st century needs and challenges.

There is tremendous opportunity in the United States. We recently went to India to see why they were winning in some markets and getting American jobs, and their method is kind of abhorrent to Americans, and it should be. They begin excluding students at very early ages. They make the prize very desirable in the end, and that results in lots of people pursuing and competing and getting those few opportunities for higher education out of that huge population.

We believe in higher education for anyone who wants it, and the need is there. I look forward to the opportunity to discuss this bill and to consider the amendments that will be offered. I thank Senator KENNEDY for working with me and my Republican colleagues in order to bring a bipartisan bill to the floor. As he mentioned last week, this is essentially the bill he and I worked on the past 2 years and wanted to bring to the floor, but were not able to. We now have that opportunity, and I am pleased everyone is willing to cooperate and get it done quickly.

As we move forward, I am hopeful we will move forward with both the Higher Education Access Act of 2007, the reconciliation bill we passed last week, and this bill. The comprehensive reauthorization of both of these bills will make a huge difference. There is no reason they cannot accompany each other moving forward, as they have on the Senate floor. Each complements the other, and without both, the changes made in reconciliation will be less meaningful. I encourage the Democratic leadership to ensure we don't do just a piece of the pie as we move forward; otherwise, as was said last week, "any way you slice it, higher education is left undone." We need both pieces to get it done right.

Again, I thank Senator KENNEDY and those on the other side of the aisle on the committee for their tremendous cooperation, participation, focus, and willingness to figure out what we are trying to solve and find a way to solve it. We have done a very adequate job with what is in this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I congratulate Senator KENNEDY and

Senator ENZI for their leadership in getting this higher education bill to the floor. I know they have worked on it for many years now. As I understand it, the current Higher Education Act, which we have had to extend, was scheduled to expire in 2004. We are now getting around to actually passing a reauthorization of that legislation, which I think is very important to do.

Last week, we overwhelmingly approved the student aid package that promises millions of students the ability to afford college. That package included more than $17 billion in student aid over 5 years. For my State of New Mexico, that translated into $177 million of new aid for New Mexico students and their families over the next 5 years.

I was glad to be part of the committee that prepared that legislation. I am glad to see it passed by an overwhelming vote of 78 to 18. But financial assistance is only one part of the puzzle, as Senator ENZI pointed out. We need to do more, and the legislation before us today gives us the ability to do more.

First, we need to do more to address the increasing cost of attending college. Second, we need to ensure more students graduate from college and are prepared to succeed in this 21st-century global economy. And, third, we need to reform the student loan system so it works better for students rather than just for lenders.

I believe this legislation accomplishes all three of those objectives.

These higher education amendments of 2007 have a number of provisions designed to address the rising cost of college. We have all talked about the rising cost of college. The cost of going to college is 6.3 percent higher than it was last year, and the average cost of going to a 4-year college is $13,000 this year. The bill sets forth a comprehensive approach to addressing these problems.

First, the amendments will establish a higher education price index to accurately reflect annual changes in tuition and fees for undergraduate students. The Secretary of Education will be required to report annually in a national list and in a list for each State a ranking of colleges according to the extent of changes they have made in their tuition and fees.

The Secretary is also required to establish a higher education price increase watch list in order to hold colleges accountable for their rising costs by publicizing those colleges where increases are the highest.

Second, the bill makes significant changes to the financial aid process. It makes Pell grants available to students all year round so they can take courses during the summer, and they can finish college earlier. It will also simplify the forms that these students have to complete.

The bill also removes barriers for students with disabilities and students with limited English proficiency so they can apply for financial aid.

These amendments provide a number of types of loan forgiveness, scholarships, and fellowship opportunities. Let me mention just a few. The bill provides loan forgiveness for early childhood educators, including Head Start teachers and preschool program instructors, full-time faculty members of tribal colleges and universities, school librarians, speech and language pathologists, and members of the Armed Forces. It authorizes graduate fellowships for minority students and women.

We need to increase the number of students who can succeed and graduate from college, and this bill places great emphasis on activities that not only help high school students prepare for college but help those same students succeed in college and graduate from college.

The higher education amendments improve student academic readiness for college by strengthening the GEAR UP and TRIO programs. For example, the bill requires GEAR UP partnerships to systematically change the way schools prepare students for college. It requires States and school districts to encourage more students to enroll in rigorous high school course work and emphasizes activities that will support the development of college prep curricula, including advanced placement courses. The bill also strengthens the TRIO programs by establishing outcome criteria for measuring the quality and effectiveness of the programs around the country.

The bill includes a provision that I authored that creates a new grant program to assist colleges and universities that serve large numbers of Native American students. Currently, there is no particular Federal program to assist nontribal schools that provide educational services and support to large Native American student populations. We have a number of such schools in my home State of New Mexico such as San Juan College, University of New Mexico in Gallup, New Mexico State University in Grants, and the Eastern New Mexico campus in Ruidoso.

The bill provides grants to such colleges to improve and expand their capacity to serve Native American students through such activities as curriculum development, academic instruction, faculty development, acquisition of education instruction, research equipment, and a variety of other activities.

The higher education amendments also improve programs for students whose families are engaged in migrant and seasonal farm work to enter and succeed in college. This is very important.

In addition, the bill authorizes funding for the Navajo Technical College to help pay the costs to operate postsecondary career and technical educational programs for Native American students. This authorization will significantly increase the Navajo Technical College's ability to provide high-quality career and technical training to ensure that Native American students graduate with the skills needed to succeed in this economy.

I am also very glad this legislation contains provisions from the Next Generation Hispanic-Serving Institutions Act of 2007. This is legislation that I introduced, along with Senator HUTCHISON and others, to establish a long overdue Hispanic-serving institution graduate program.

Current law only provides support for 2-year and 4-year colleges. The percentage of Hispanic students attending college has increased significantly in recent years. Unfortunately, Hispanic students are woefully underrepresented in the graduate programs around our country, and this legislation will try to help solve that problem.

The higher education amendments will also require teacher preparation programs to substantially improve over the next several years.

Finally, as we see the price of college rising steadily, an increased number of students are forced to rely on loans in order to finance their education. We have seen from recent investigations that some lenders in the Student Loan Program, and even some financial aid officers, have been exploiting the student loan system to the detriment of the very students they are meant to help.

This reauthorization will make a number of very important changes to the Student Loan Program. It will ensure that colleges recommend lenders to their students based on the best interest of the students and not on the self-interests of the financial aid officers.

Further, it will prohibit payments or gifts or other inducements from lenders to colleges or to financial aid administrators that constitute a conflict of interest.

Importantly, it will require colleges to establish and follow a code of conduct with respect to student loans.

Let me reiterate that this is extremely important legislation. I commend the majority leader for bringing it to the Senate floor. I commend Senator KENNEDY and Senator ENZI for their bipartisan effort to move this legislation forward. Together with the student aid package that we approved last week, this legislation will allow us to make college accessible to all and affordable for every family in this country. I urge my colleagues to support the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). Who yields time? The Senator from North Dakota is recognized.

AMENDMENT NO. 2366

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2366.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the development of a student loan clearinghouse)

At the end of title VIII, add the following:

SEC. 802. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

Mr. DORGAN. Mr. President, I join my colleague from New Mexico in commending Senator KENNEDY and Senator ENZI for bringing this bill to the floor of the Senate. It is important legislation and one that I hope we will move to pass very quickly.

This is about education. I don't know there is a subject much more important than education. H.G. Wells once said that human history becomes a race between education and .catastrophe. Education is so unbelievably important. As I was sitting here, I was thinking about this amendment and about education and what it means to our country. I was thinking about something I have told my colleagues previously.

The first week I served in the Congress, I served in the U.S. House of Representatives. I went to visit, then, the oldest man serving in the Congress. I read a lot about him and was interested in him. So I went to say hello, to greet him. His name was Claude Pepper from Florida. Claude Pepper was an old man by then but a vibrant man nonetheless. He had an office that was very much like a museum, full of history over the many decades.

As I indicated before, one of the things I remember about that morning walking into Claude Pepper's office was seeing all of his memorabilia about his service. But I saw two things that struck me. They were behind his chair looking over his desk. There were two photographs. One was a photograph of December 17, 1903, Wilbur and Orville Wright making the first powered human flight to leave the surface of the Earth. It was autographed to Congressman Claude Pepper. Before Orville Wright died, he autographed this wonderful photograph of that little airplane in the wind in Kitty Hawk, NC, leaving the ground. It says: "To Congressman Claude Pepper, with admiration. Orville Wright." I thought, this is interesting. I am speaking to a living man who has an autographed photograph of the first person to leave the ground.

Beneath that was something just as interesting. It was Neil Armstrong setting foot on the Moon autographed "To Claude Pepper, with admiration. Neil Armstrong." I thought, these pictures are only about 4 inches apart in frames, but what is the distance between these photographs? From 1903 to 1969, leaving the Earth for the first time in human-powered flight and then stepping on the surface of the Moon. What is that distance measured in? It is measured in education. It comes from this country's education system—knowledge, engineering, science, mathematics, the knowledge to build flying machines, to build rockets, to build Moon capsules. The basic knowledge comes from our school system, from your education system.

I know we spend a lot of time in this country describing what is wrong with education. But the fact is, we are the ones who have split the atom and spliced genes. We are the ones who invented the telephone and the television and the computer. We are the ones who built airplanes and then learned to fly them, built rockets and walked on the surface of the Moon, all as a result of the foundation of learning and education.

So the bill comes to the floor of the Senate today saying education is a priority, and it is, and we have some issues with education that we want to fix because we want to strengthen our educational system. It is not that our system is perfect, we know it is not. It needs to be strengthened and improved.

With respect to higher education, we want to encourage every person in this country who has an urge to get a college degree, to go to a technical school, to go to a vocational school, to be able to advance their interests. In doing so, we offer a series of financial incentives. For those who have no money, we offer Pell grants. For those who have very little money, we offer Stafford loans and direct loans. And for those who perhaps do not qualify for the low-income components, they have other loan opportunities from private lenders to get the money to go to college.

That is what we want in this country. We want every young child to grow up, and as they grow up, to become whatever their God-given talents can allow them to be. We don't want the brakes to exist for anybody. We want this to be an opportunity for everybody.

I recall one day when my father came home for supper—and my father was a very successful man, very bright man, did very well in his life, but he only went through sixth grade in school because his mother died during childbirth and my father spent most of his time trying to raise some money and work and try to help his brothers and sisters, who had been farmed out to uncles and aunts and so on. So my dad had only a sixth grade education.

I recall him coming home one day, never having told our family, and announcing at the supper table that he had just passed the GED. He had gotten his high school degree. He was somewhere in his fifties. He had gotten his high school degree. I will never forget the look on his face when he told us: I am a high school graduate. Got my GED.

We didn't even know he was doing it, but he did. It meant the world to him because he had never gotten the opportunity to go beyond the sixth grade. And it means the world to a lot of people, in my judgment, to find out: What are my talents? What capabilities do I have? What are my interests to better myself? What kinds of things am I interested in, and where can I go to college? How can I finish school and then go to college and advance my opportunities?

Well, that is what the legislation that is brought before us today offers us the opportunity to do, to advance those interests. We have done it in steps over many decades, and it is the difference, as the Senator from Wyoming said, it is the difference between this country and many others.

There are many other countries where they separate these kids at an early age, and they say: Well, based on your track record, based on the way things look for you, you are going in this direction. You are not going to college. And based on the way things look, you are going here. They separate them and they channel kids. Not in this country. We want every single kid to have an opportunity to become whatever their God-given talents allow them to become.

So the issue is funding for many kids because many young people don't have the money to go to college unless they get some help—Pell grants, Stafford loans, direct loans, and other loans. So we have programs that we have put together that provide that kind of assistance through the student loan process, and this bill, the underlying bill, strengthens programs to prepare students for college, and it takes important steps to help kids get to college and then make both kids and colleges accountable.

Now, we have rising costs, as everyone knows. Every single parent knows that the costs for a college education are increasing dramatically. With respect to lending money for students going to college, we have discovered recently that there are some abusive lending practices, and this bill takes some steps to address those abusive practices.

Some student lenders have undertaken to secure spots on what are called "preferred lender lists." Some colleges, many colleges, have preferred lender lists. They put out a list that says: Here are the lenders from which you can get a guaranteed loan. There is a lot of money in this process for the lenders, and that is why the lenders are so anxious to be on these lists.

My preference would be that we eliminate the lists altogether—eliminate the preferred lender lists—but I don't think that is possible to get through this Chamber at this point, so I am going to do it in another way. I am going to address this in another way with the amendment I have just offered.

The HELP Committee has done an admirable job in digging into this, as well as have, for example, some officials, the attorney general of New York, and others. The HELP Committee has put together some information about colleges and some colleges' financial aid officers soliciting favors, gifts, and financial assistance from lenders in exchange for putting that lender on a preferred list. Here is something that came from the HELP Committee that I noticed when I was looking at this issue.

A Bank of America employee noted in an e-mail that Larry Burt, former Director of the University of Texas Office of Student Financial Aid, had requirements to get on the UT-preferred lender list. Again, it is very important to get on these lists for these companies that want to have lending opportunities to students. So here is someone who ran the University of Texas Student Financial Aid Office. This is a quote.

> Happy hour with UT loan department staff, staff luncheons, lunch and/or dinner with Larry Burt, parties for Larry's family—birthdays, et cetera—invitations to golf tournaments—expenses paid by lender—and free tickets to sports events. Larry loves tequila and wine—since becoming director at UT Austin, he has not had to buy any tequila or wine—lenders provide this to him on a regular basis.

This was an e-mail from a Bank of America employee from a HELP report on marketing practices in the lending program. Not all lenders went along with these inappropriate demands. The HELP Committee investigation said Citibank did not go along with them because they deemed those requests to be inappropriate. And the very next year, apparently, with respect to this campus and Mr. Burt, Citibank was dropped from the UT-preferred lender list.

Student Loan Xpress, another major lender, paid $21,000-plus for the chief financial officer at Johns Hopkins University to attend an executive doctorate program at the University of Pennsylvania after the financial aid officer sent the following lender an e-mail. This is the e-mail that went around from the financial aid officer at Johns Hopkins.

> I have been accepted to a doctoral program at Penn that begins in August. I am searching for ½ tuition support—know of any good scholarship programs?? I already know where to get loans—or, why don't you put me on retainer to EdLending.

This is an e-mail from Dr. Ellen Frishberg, former Johns Hopkins University financial aid director. Once again, I think this is important information discovered by the HELP Committee. They began to investigate these issues.

An investigation by New York attorney general Andrew Cuomo uncovered a revenue-sharing agreement between Citibank and Syracuse University. Citibank was paying Syracuse ½ percent of the interest earned on student loans steered to the bank—a deal worth about $100,000 a year to the school. According to Attorney General Cuomo's investigation, during the last academic year, 98 percent of Syracuse students who took out loans went through Citibank.

Just an unusual occurrence? Doesn't sound like it to me. Many lenders have invited college financial aid officers to serve on advisory boards, flying them around the country and various parts of the world and on harbor cruises.

Now, why do lenders go through all this trouble? Well, the stakes are high. The student loan business is an $85 billion industry. It has grown 27 percent since 2001, and the lenders listed on the college's preferred lender list typically receive up to 90 percent of the loans taken out by students attending that institution. Again, these are guaranteed loans—guaranteed by the Federal Government. Lenders fight to get to the top of a list—of a preferred lender list—at a college.

According to one survey, the first lender on the preferred list gets as much as 75 percent of the loan value. So this is big money to private interests that want to get government-guaranteed loans, move them out to students, and make a lot of money off those loans.

Now, I know that the managers of the bill share my concerns. Senators ENZI, along with ALEXANDER, ALLARD, BURR, HATCH, ISAKSON, MURKOWSKI, and ROBERTS introduced legislation to ban preferred lender lists altogether. And Senator KENNEDY has worked tirelessly to uncover and document abusive practices. I, frankly, would like to ban preferred lender lists altogether. We don't need preferred lender lists by colleges in which they describe who gets on the list and who gets to the top of the list. I don't think we ought to be doing that. But it is quite clear we can't ban those lists at the present time, so I am offering a different amendment.

The bill before us addresses some of these practices by prohibiting payments, gifts, and other inducements that lenders give to colleges and student aid officers. The bill also forces schools to explain the rationale for selecting preferred lenders, and I think these are important steps.

I don't diminish these steps at all. I am concerned that lenders will still do whatever they can do to get on those lists and get to the top of those lists. There are substantial incentives for abuse, and there is no evidence—there is no evidence at all—that the lenders on the preferred list actually offer the best deal to the students.

The PRESIDING OFFICER. The Senator's time in support of his amendment has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. DORGAN. As I was saying, there is no evidence that being on the list or put on the list by the college offers the students the best financial arrangement, and with the cost of college increasing at twice the rate of inflation, I think we need to make sure that students have access to affordable loans.

So I offer an amendment that does the following: It will create a clearinghouse of student loans, both Federal and private loans. That clearinghouse will put students in the driver's seat, allowing them to search for a loan that offers the best deal, the best financial arrangements for them, whether that be the loan that has the lowest rate or the loan with the best borrower's benefits. This gives the students the opportunity to shop in an informed way for the best situation for themselves.

This type of clearinghouse will create more competition in the student loan industry. I can't imagine that many students would go to this clearinghouse and pick the loan with the highest interest rate. This will empower students. It is not a new concept. In fact, some schools, including the University of North Dakota in my home State, are already directing students to Web sites that allow the students to search through dozens of loan options by themselves to pick the best terms.

But creating a clearinghouse is not enough. We need to make certain that students know that it exists. My amendment would require schools to include a disclosure statement on their preferred lending list that lets students know that they might find a better deal by visiting the clearinghouse themselves.

My amendment won't cost taxpayers a dime. The clearinghouse would be fully paid for by nominal fees that lenders would be charged in order to be listed in the clearinghouse.

Finally, my amendment would direct the Government Accountability Office to issue a report to Congress about whether students have been able to use the clearinghouse and are using the clearinghouse, and it will examine whether students who chose to use one of the school's preferred lenders could have gotten a better rate—better financial arrangements—by visiting the clearinghouse had they done so. It is my hope this report will inform our future efforts in this area. If it becomes clear that students can do much better by visiting the clearinghouse than by going to preferred lenders, I think we ought to take a hard look at whether the preferred lenders ought to exist at all and whether we ought not in the future to prohibit a preferred lender list and develop, instead, a comprehensive clearinghouse that allows students to find the best arrangements for themselves.

I believe this amendment will make the student loan industry more transparent and more accountable to students and their families who already struggle often to pay for these college expenses. So I encourage my colleagues to support this amendment. I think it is a reasonable and measured approach to clean up some of the abusive practices and to empower students.

Finally, again, I would have preferred to just end the preferred lending list, but that is not possible. So this is the step I think accomplishes some of the same goals by empowering students, and I hope the Senate will consider this favorably today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from North Dakota for offering this amendment. I think we will be able to take it on voice—I know we will be able to take it on a voice vote, and I appreciate what he has done to enhance what we have in the bill that deals with more transparency and better information for students and parents on their loans.

We created a number of new programs and disclosure requirements that will better equip students to make informed choices about how to finance their postsecondary education, which is always desired and what we are always working toward, and we have to find some mechanism through which that can be done. So I appreciate the way in which the Senator from North Dakota has approached this.

I appreciate, too, his information. I always learn a lot from listening to him, and the Claude Pepper pictures about the 1903 Wright flight and the 1969 Moon landing are particularly interesting. It does show how education is accelerating—learning how to do flight in 1903, landing on the Moon in 1969—but it was the Sputnik event I mentioned in 1957 that touched off a lot of that. So it was essentially 12 years of development that got us to the Moon.

I also want to mention the Grameen Bank. The founder of the Grameen Bank got a Nobel Peace prize for the work he has been doing loaning money to poor people. And this is a whole different level of poor than we know about in the United States. His first loan was for 27 cents to a lady who was then able to go into a weaving business. But the point I want to make is that the reason a lot of people aren't able to get loans is because they do not have any collateral. Students fall into that category, unless their parents have money. The student doesn't have money, and the student doesn't have collateral.

So what we have provided for in the United States, through the Higher Education Act, both the reconciliation and this act, is a mechanism for people who don't have collateral but just have that collateral of desire; that collateral of a work ethic to be able to get loans and grants to be able to go on to college.

The poorer they are, the more grants they qualify for in different ways. But they can get loans based on their desire to go to college. This mechanism, this clearinghouse, will help people make better determinations on their loans.

We also have a new mechanism which deals with the Parent PLUS loans, which are about 10 percent of the loans. That is going to be an auction process. We looked at some ways to be able to auction the rights to provide the loans in order to bring down the costs, particularly the Federal Government. What we decided on was taking this one category and trying it. To do the whole thing could disrupt the entire student loan process, so we are trying it through an auction process on the Parent PLUS loans. That will answer some of these questions, too, on certification and perhaps bring down some of the costs. But it will increase the ability of students to get loans.

I thank the Senator from North Dakota for his effort. At the appropriate time, we will do a voice vote on that if that is agreeable?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, a voice vote will be fine. I don't know if we are able to clear it now. I think it is cleared on our side. If it were cleared on your side, I think perhaps we could proceed to have it considered.

Let me make a point. The Senator mentioned the microcredit issue. I have been in various parts of the world where they are using microcredit. In many ways, it is the same thing as microcredit in a different way—people with no collateral to be able to have some funding to advance themselves. The microcredit approach has been unbelievably successful, giving poor people the opportunity to buy needles for crocheting and bicycles for delivery services in various parts of the world. It was interesting the Senator referred to that.

This approach allows a student who has no collateral of any type—all they have is promise, they have the promise of their capability to do better in life if they go to college—it allows them to get a loan to advance their interests. I think it is exactly the right thing.

If we are able to consider that amendment now, I think it would be appropriate.

Mr. ENZI. The amendment is cleared on both sides. Would it be appropriate to finish it now?

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2366) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2367

Mr. DEMINT. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2367.

Mr. DEMINT. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To have the Government Accountability Office conduct a study regarding the employment of postsecondary education graduates)

At the end of title I, add the following:

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for-profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

Mr. DEMINT. Mr. President, I am offering a very simple amendment today which I hope will get overwhelming bipartisan support. My amendment simply instructs the Government Accountability Office to complete a study regarding the employment of postsecondary education graduates.

As my colleagues know, we live in a global economy that is creating intense competitive pressure on our workforce. It is more important than ever that our Nation's students, employers, and policymakers have access to good information about the effectiveness of our higher education system as it relates to employment and job placement.

One of my favorite books, one I know many of my colleagues have read, is "The World Is Flat" by Thomas Friedman. According to Friedman, the convergence of advanced technology, the removal of economic and political obstructions, and the rapid introduction of millions of young professionals into the global economy have dramatically flattened the economic playing field. Friedman believes these changes are creating opportunities for people to tap their full potential, boost their prosperity, and live out their dreams. He believes that Americans with the knowledge, skills, and adaptability to compete in this newly flattened world can look forward to a bright future, while those without these skills will be left behind.

If our higher education system is going to equip our students with the skills they need to compete, we need to have good information on graduate job performance so other students can pick the best schools and the most promising degrees.

My amendment would instruct the GAO to study the feasibility of collecting information on the employment of students who complete a postsecondary education program. It would also instruct the GAO to provide Congress with recommendations on several important questions, including whether the current State programs that bring education and employment functions together can be replicated in other States; whether there is a value to collecting additional information about the employment of postsecondary graduates; the most promising ways of obtaining and disseminating this information; if a Web site is used, whether the Web site should be run by a Government agency or contracted out to an independent organization; whether a voluntary information system would work, both from the graduates' and employers' perspective; how the information could be used in practical ways; whether the requests for such information are duplicative of information already being collected or whether the National Postsecondary Student Aid Survey could be amended to collect such information. These are all important issues we must consider as we seek to expand information on the employment experiences of our Nation's college graduates.

Before I conclude, I wish to explain how powerful this information could be in making our Nation more competitive in the global economy. If students could see how graduates from specific schools and with specific degrees have performed in the workplace, they could make better choices of alternative colleges and universities. If employers could see how graduates of specific schools and with specific degrees performed, they could make better hiring decisions. If colleges and universities could see exactly how they are performing in equipping students for the workplace, they could make adjustments to better compete with other higher education institutions. Finally, if lawmakers could see exactly how our education system is performing, it would help us all make better policy decisions in this important area.

I thank the Senator from Wyoming, Mr. ENZI, for his interest in this issue and for the assistance he and his staff have provided me. I look forward to working with him and the Senator from Massachusetts to find ways to increase the availability of information we have that connects higher education and employment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator for his good work on this amendment.

The GAO study of the feasibility of collecting employment information on college graduates can help us find out how effective the program is before we have another reauthorization. Reliable information on student success, particularly employment success—that is our best measure—is very important to the future of higher education. The postsecondary education system needs facts at the State and institutional levels to identify successes and challenges, and consumers need the information to make informed decisions about education and training programs. Some States have pretty strong relationships between higher education and State agencies to get those employment statistics, but it is not done nationally. I think this would be a great step to providing that information and helping us to see how well we are doing, as well as the students.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator for what I think is an excellent suggestion. It is an excellent idea. Some years ago, when we had the consolidation of our work-training program, we had 16 work-training programs in 6 different agencies. Under the Kassebaum-Kennedy program, we tried to consolidate those. In those programs, we tried to do an assessment of training programs so someone coming will have the information that will be valuable to them—if they took X program for 8 weeks, what their possibilities of getting placed were and what the possibilities would be for their income and how that might grow over a period of time. That would give the various students, at that time, the information to know, with what options, what the future was going to be.

It also is helpful to us on our committee to know in what areas individuals are being trained. We have the responsibility in our committee to review where the vacancies are in our job markets and how we are going to deal with those. The amendment of the Senator is going to take this to another level in terms of the postgraduate education.

I think we will have a chance, when this is achieved, to evaluate what our national needs are as a country and as an economy and whether we want to incentivize them. We can have that as a matter of public discussion and debate, as a Congress, in committees, so the American people understand what is going on in terms of graduate students. It will be enormously valuable and helpful.

We always have a debate and discussion about our doctors: Do we have too many specialists in some areas and don't have enough general practitioners in others? What have been the defining aspects that get them to go into those areas? That is a constant issue our committee is dealing with at any particular time in the reauthorization.

I think the amendment of the Senator will have the GAO come back and report. We look forward to working with the Senator when that comes back to try to get us greater information. It is a very solid amendment and a very useful one. I certainly recommend we accept it, for the reasons I have outlined briefly and for the reasons the Senator has explained.

If the Senator is ready for a vote on that?

Mr. DEMINT. Yes. A voice vote will be fine.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2367) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we thank the Senator. We have made good progress this morning on two very useful and important amendments. As we pointed out during the discussion and debate at the end of last week, we are in an extremely fortunate position. We thank the leadership, and I thank Senator ENZI for his persistence, insisting that we deal with the authorization at a time when we are going to deal with the student assistance program. They should be considered together.

We are grateful to the leadership for giving us the opportunity today to have a good chance to consider some ideas—as we have earlier this morning—some good ideas on the higher education legislation. This legislation is long overdue, and it is appropriate that we address it. We thank all of our colleagues for their cooperation.

Hopefully, we will have a conclusion of this legislation after we have the consideration of some amendments. I have gone through a number of amendments. They are very solid and helpful and useful to the purpose and thrust of this legislation. We will have a chance to continue the good progress we have made earlier.

I did wish to say a word generally about the legislation and highlight some of the provisions. I start off by again thanking my friend and colleague from Wyoming for his very strong work in this area. As I mentioned last week, our committee basically spent a great deal of time on this reauthorization. The legislation we have here today—with the exception, probably, of the provisions we have added on the student loans and perhaps one or two other important issues—is very much the legislation that would have come through our committee under his leadership.

We have worked in a very important tradition and we want to try to maintain that tradition of strong bipartisanship. We have tried to keep this free from some of the other kinds of issues people feel strongly about here on the floor of the Senate because I think both of us understand that the education of the young people of this country is such an overwhelming issue for so many families that we want to try to meet our responsibilities to them and do it in a timely and thoughtful way.

That has been the tradition, certainly marks the tradition of this particular reauthorization legislation. This is a place, I say, to join with members of our committee. Again, we have—I think the Senator from Wyoming would agree—a committee that spends a great deal of time on education issues. Whenever we have a markup, we have a very well-informed discussion and debate.

There has been an enormous accumulation of knowledge—and always of concern—by the members of our committee for these higher education bills; people who have spent a good deal of time on the education issue, Republicans and Democrats alike. We have wide diversity of our committee, urban areas, rural areas, and we have tried to respond to those kinds of needs. But this reauthorization is extremely important.

Leading to the creation of the Higher Education Act back in 1965, President Kennedy said:

> Our progress as a Nation can be no swifter than our progress in education, our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. The human mind is our fundamental resource.

Those words rang true then, and they ring true today, as our country is once again in a time of war and conflict and faces great economic challenges. Equal access to higher education touches every aspect of American life. In order to compete effectively in the global economy and ensure a well-qualified Armed Forces, we need to equip all our citizens with the sound education from prekindergarten to college.

Each year, 400,000 students do not go on to a 4-year college simply because they cannot afford to do so.

Equally devastating—this is the 400,000—it shows that some 400,000 talented students, these are qualified students, students that effectively have the qualifications to gain entrance into institutions of higher learning, by and large; it is because of the lack of financial help and assistance that they do not attend a college.

As we have seen during the debate and discussion at the end of last week, we need to make a very strong downpayment to provide help and assistance to students and graduates, such as through loan forgiveness, so that if they go into public service, which so many of them want to, we provide a forgiveness program for them that will make a large difference.

As I mentioned last week, a key element that is going to help those 400,000 is the work that has been done by the chairman and Senator REED to make the FAFSA application a good deal simpler. As we have time through the afternoon, if others may wish to address the Senate, I will spend a little time going through the contrast between the two, and you will see the dramatic difference in the change we have had.

Secondly, our second chart shows the devastating, equally devastating, fact that 47 percent of low-income eight graders will be academically—only 47 percent—will be academically prepared for college at the time of high school graduation, compared to 86 percent of their higher income peers. This is, again, an issue we talked about briefly last week, the growing apart of America.

Education is the key. We do not want to have an education system that is going to help America grow apart. We have made every effort in this legislation to address that broader kind of issue. We are a better nation than that. We are a nation that believes in promise and opportunity for all our citizens.

This bill expired in 2003. It was last updated in 1998. We cannot afford to wait any longer to reaffirm our commitment to higher education in this country and create a framework so our students are prepared to meet the challenges of this new economy.

I am immensely pleased, and I know our committee members are, that we were able to swiftly move to this bill after the passage of the Higher Education Access Act last Thursday. Together, they make up the comprehensive higher education package.

Again, I thank my friend and colleague, Senator ENZI, for the strong support in both of these parts of our education program and for considering them in tandem.

The bill we passed last week includes several critical features, provisions to help make college affordable. We mentioned those during the debate. But it is important again to recognize the need-based grant aid; a significant increase in the maximum Pell grant; the repayment provisions that cap loan payments at 15 percent of monthly discretionary income; the loan forgiveness if individuals go into public service jobs; the protection for working students so those who are working, trying to put themselves through school, are not going to earn so much it will make them ineligible for student assistance programs; and the other protections we have provided for, such as those on active duty, which are Senator MURRAY's provisions.

There is no doubt the student aid in the Access Act is the single most important thing we can do to increase access for college-ready, low-income students. But it is also our responsibility to ensure the multibillion dollar investment of taxpayers we make to student aid is delivered in the most effective and efficient way possible.

This authorization bill will take steps to ensure the greatest return on this investment by addressing rising college costs, reforming the student loan system so it works for students not banks, simplifying the Federal aid application process, strengthening the college preparation programs such as GEAR UP and TRIO and promoting high-quality and effective teacher preparation programs.

As we provide more aid to students, this bill recognizes that colleges need to do their part to keep college costs down. Costs for college have more than tripled in the last twenty years, as this chart shows. Every middle-income family, who has a child in school or college knows this better than the charts can portray.

The costs have effectively tripled over the last 20 years. So the higher education amendments for 2007 will hold colleges accountable for skyrocketing college costs by creating nationwide watch lists of colleges whose costs are increasing at a rate greater than their peers and by encouraging the Department of Education and colleges to publish more consumer-friendly information about college costs and programs.

To ensure this aid is directed to students, its intended beneficiaries, we must keep them informed about choices and hold colleges and lenders accountable for getting the students the best loan deal possible.

The investigation by New York Attorney General Cuomo and other States and our committee have found many lenders are entering into sweetheart deals with colleges. Some lenders offer gifts to college employees in order to secure their student loan business. We have documented how lenders who participated in the Federal student loan program offer educational conferences, luxury hotels, free entertainment, free tickets to sporting events to college officials in order to entice those officials to recommend the lenders to their students.

Our legislation makes these practices illegal and protects students by ensuring that when a college recommends a lender, it is based on the best interests of students and nothing else. To ensure that students have access to the Federal financial aid they are eligible for, we simplify the financial aid process for all students by reforming the application for Federal student aid.

As you can see, the form is currently 10 pages long and includes more than 100 questions. This chart shows—the people who are watching cannot read the individual lines—but this is 10 pages long. Even up close it is difficult to read the questions. But it is enough to intimidate and inhibit many of the young people from moving ahead with this program.

As I mentioned, thanks to Senator ENZI and REED, this bill dramatically simplifies the FAFSA and examines how we can streamline it further in the future. Our bill will make the financial aid process more student friendly by immediately creating a 2-page form, what we call EZ FAFSA, for low-income students and phasing out the current long paper process. It will also create a pilot program to let students know how they can access Federal aid for college earlier by allowing students to receive an aid determination or estimate in junior high school so they can gain the information about whether they have a real opportunity to go on, to continue on to college, and get the information in an easy to understand and timely way. That is the purpose of this particular effort.

Ensuring access to adequate grant aid is one component of solving the college access crisis. We must also ensure more students are graduating from high school ready to succeed in college. In 2001, colleges required a third of all freshmen to take remedial courses in reading, writing or math.

Because so many high school students are not learning the basic skills to succeed in college or work, the Nation loses more than $3.7 billion a year. This figure includes the $1.4 billion to provide the remedial education of students who recently completed high school.

In addition, this figure factors in the almost $2.3 billion the economy loses because remedial students are more likely to drop out of college without a degree, therefore reducing their earning potential.

This is extremely important. That brings us to the work our committee is attempting on the No Child Left Behind Act. The target of that is the lower grades and high school, but we are interested in trying to find a seamless web, so that we're coordinating with Head Start, with kindergarten, coordinating with No Child Left Behind, coordinating with the colleges and universities.

We understand this ought to be a seamless web, so to speak. It is not, at the present time, and we are committed to trying to do it. If we have these kinds of gaps in the learning process for our students, we are certainly not serving them well.

This bill also includes provisions championed by Senator BROWN to maintain the strength of the TRIO and GEAR UP programs which provide underprivileged students with the support they need to go to college and graduate from college.

The Higher Education Act of 1965 established the National Teacher Corps, a federally funded Great Society program to develop our Nation's teaching force. This bill continues that tradition by promoting high-quality and effective preparation programs for new and prospective teachers. We are very committed to retaining high-quality teachers in high-need schools. This was of particular interest to Senator Nelson, Gaylord Nelson, who is deceased. He was very much involved in that program and it was very successful.

Finally, this bill will create a new student safety grant program to help colleges and universities improve their campus safety and emergency response systems. As the nightmare at Virginia Tech made us all too aware, tragedy can strike anywhere, include college campuses. We have important provisions in this area.

This legislation received unanimous bipartisan support in committee. I hope we will see that demonstrated today. One final point, when we are talking about the cost of colleges, we also encourage that states ensure students and families know what they're doing to support higher education. In a number of States, for example, my State of Massachusetts, in recent years, prior to the election of Deval Patrick, under a previous Governor, we saw substantial reductions of State help to colleges, and so the colleges have no alternative but to raise the fees on young people.

They didn't say these were increased taxes, but effectively they were for these young families. We had a dramatic reduction in terms of state appropriations for higher education recently. It is important for the American people to understand, are the States helping? Are they doing their fair share or is the fact that we are seeing an increase in particular States the result of State action? We want to make sure the public understands it and that we understand it as well. We are serious about trying to ensure that college education is affordable and accessible to everyone. This is not the final answer. We have a lot more work to do. But I would hope the students and their families and the education community would feel this is a very important and constructive step. It is reflected in a very important bipartisan effort on our part to make sure we are going to get help to the young people of this country so our Nation can be strong economically and can have the young people who will make sure that our great institutions are going to function to protect our values and our rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally.

Mr. KENNEDY. I suggest the absence of a quorum and ask unanimous consent that time under the quorum calls during consideration of S. 1642 be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2368

Mr. KENNEDY. Mr. President, I send to the desk an amendment by the Senator from California, Mrs. BOXER. I welcome the opportunity to offer it on her behalf.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. BOXER, proposes an amendment numbered 2368.

Mr. KENNEDY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend provisions relating to the upward bound program under section 402C of the Higher Education Act of 1965)

In section 403(c) of the Higher Education Amendments of 2007, add at the end the following:

(7) by adding at the end the following:

"(h) ADDITIONAL FUNDS.—

"(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

"(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

"(ii) receive a grant score above 70 on the applicant's application.

"(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.".

Mr. KENNEDY. I yield myself the time on the amendment itself.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. The Boxer amendment is to provide additional funding—$57 million for Upward Bound Programs. Upward Bound Programs are special programs, formed by colleges, to help students who come from lower income families and who are first-generation college students, and who have capacity and capability to continue on to college. It has been enormously successful. What has happened is there are applications submitted by Upward Bound Programs in order to get a grant. Depending on a variety of different factors, those grants are either approved or not. They are scored and then either approved or not. The cutoff time at the present time is 92 percent.

The Boxer amendment, with an increased authorization which amounts to approximately $57 million, will amend the Upward Bound scoring to say that any quality program above 70 on the most recent grant cycle would be eligible to receive funding.

This is a valuable and worthwhile effort. I have a chart which shows what the results of the Upward Bound Program have been. Nearly 90 percent of Upward Bound students graduate from high school compared to only 68 percent of all low-income 18- to 24-year-olds. We have gone through other charts that showed, even if they graduated, those who will be qualified for college. Nearly 70 percent of Upward Bound students attend college compared to the lower rate of 54 percent for all low-income students. Fifty percent of Upward Bound students attend a 4-year college compared to other low-income students. Upward Bound students are four times more likely to earn an undergraduate degree than students from similar backgrounds. This shows what all of us believe, and that is, all students can learn. They may learn at a somewhat different pace or a different time, but they can learn.

What we have seen is for a number of different reasons, we find particularly that those who are from the lower income families are either discouraged or, because of the costs, because of the application, the system is skewed against them. We are seeing that education, rather than being a factor which is uniting our country, is adding to the disparity.

One of the most effective programs, of course, is the TRIO Program. Within the TRIO Program is the Upward Bound Program. So Members are very familiar with this program. We all have programs in our own States. I have many in my State—over 50 TRIO programs in Massachusetts. I have the list here, and there are programs in just about every single State. These programs are out there and are working and providing important opportunities for students.

So this is just an authorization, but it is an important one. It is targeting the group of students who need that extra help and assistance. It is remarkable that the schools and colleges are so involved in trying to help secondary school students. We have the GEAR UP program, which our good friend, Chaka Fattah from Philadelphia, was the architect of, working through universities. I know in the city of Boston many of the high schools are tied into the colleges that work with these students. It is a wonderful relationship. It is the way it should be.

These kinds of outreach programs try to help and assist many of those students who are the neediest and are facing a wide variety of different challenges, recognizing they, too, have dreams, hopes, and interests in terms of furthering their education. This is an extremely modest program, but one that is enormously valuable and has demonstrated, time and again, its success.

So, Mr. President, that is the Boxer amendment, and I do not believe there is objection to it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to voice my appreciation for the presentation that was just made to give people a fuller understanding of what this amendment does. I will make a couple of additional comments on it.

One of the problems that brings this particular amendment forward is the appropriators did not appropriate the money that would have provided for all of the people who got a score of 70 or above to receive a grant in fiscal year 2007. Perhaps that has to do with a lack of authorization or too low of an authorization. So this one is an authorization.

It is an interesting process we have around here. We have the budget process, which is where the President sends us a bunch of recommendations as to how he thinks we ought to spend money, and then we revise it sort of the way we want to spend money, except the real revision is only in the caps. That is what a budget is, it is how much total money we get to spend. Then we have an authorization process, where the committees are involved in the actual legislation for that area.

In this case, higher education comes under Health, Education, Labor, and Pensions, the HELP Committee. So we get to authorize, which says what we think ought to happen, kind of in a maximum sort of way. So this amendment does authorize additional funds that would meet the criteria.

I do have some small concern. It says this would allow for those to reapply who did not apply for assistance. This is a competitive grant situation. For whatever reason, they might not have applied. If they did not apply, for a competitive grant, you simply do not get it. But I suspect that is something I will either better understand or we can make a correction on at a later time. So I do not have any problem with taking this amendment.

I do want to emphasize that anybody who wants higher education ought to look at the programs that are available out there. One of the things we are trying to do is get more information to more people about what is available. We originally called it the TRIO Program because there were three programs that would help students—some in minorities, some in lower income situations. But we had three programs. Now we are at eight programs, and we keep devising ways so more kids can get more education.

What we need, of course, is for the kids to take advantage of the programs that are out there. I certainly would not want to stifle a program by not authorizing this at this point in time. So I encourage us to accept this amendment by a voice vote.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2368.

The amendment (No. 2368) was agreed to.

Mr. KENNEDY. Mr. President, I yield myself the remainder of the time on this amendment for use in the debate on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, we know a college degree and a highly skilled labor force are the keys to increasing earnings and to Americans' competitiveness around the world.

When the Senate HELP Committee began work on the reauthorization of the Higher Education Act, my main priority at the time was to ensure that more students could access and afford college and job training.

Taken as a package, S. 1762—the Higher Education Access Act that we passed early Friday morning—and S. 1642—the Higher Education Amendments Act—that we are debating today—truly accomplish these goals and more.

Early Friday morning, the Senate increased the maximum Pell grant award to assist low-income students to go to college or to get job training. Then we added additional funding for the neediest of low-income students.

I am also very proud that we authorized and appropriated $226 million for the College Access Partnership Grant Program. This is a partnership between the Federal Government and the States to help more young Americans prepare for, apply to, and succeed in college.

We also did good work in the bill in protecting borrower benefits that are provided by State agency and nonprofit lenders.

In Alaska, we have a State agency lender that uses their special allowance payments, or their SAP payments, to reduce the loan interest rates to the lowest in the Nation. They provide outreach and college early awareness to middle and high school students. They provide need-based grants and other very important benefits.

Alaska's State agency, nonprofit lender, and others like it in States such as Wyoming, Tennessee, and North Carolina, are not plowing their SAP rate into their profit margin. I am gratified the Senate was able to recognize the good work the State of Alaska and many other States are doing.

Also in the legislation, we ensured that young Americans will not be saddled with unmanageable amounts of debt after they graduate.

It is these and other provisions in S. 1762 that go hand in hand with the bill we are debating today, and which I am hopeful we will see passage of by tonight.

This bill, S. 1642—the Higher Education Amendments of 2007—includes many important and beneficial provisions that will ensure that students, parents, and American taxpayers get the fairest deal, the best information, and truly the biggest bang for their buck.

This legislation makes the cost of college more transparent so parents and students can compare the costs of different colleges to determine which ones will most effectively and affordably meet their needs.

It places prohibitions on unauthorized entities using students' loan and grant information for marketing purposes. It provides fair, sensible, and rigorous ethics reform for financial aid administrators and lenders to ensure that the students receive the information they need to make decisions that will benefit them and not benefit unscrupulous lenders or postsecondary institutions.

Title II of the bill streamlines and strengthens Teacher Quality Enhancement grants to bring more accountability to university teacher training programs. It also directs the Secretary to further simplify the FAFSA the Free Application for Federal Student Aid. When we were talking on the floor last week about the FAFSA application, the Senator from Wyoming held up that eight-page application and demonstrated what it is the students are faced with when they take this on.

I am particularly proud of one provision that I worked to include in S. 1642. This provision makes it easier for servicemembers—particularly those in the lowest ranks—and their spouses to afford college.

I was in my State at Fort Richardson last winter, and I was visiting with some of the wives of the servicemen deployed to Iraq and Afghanistan. I asked them in this townhall meeting: What is it that I can do to help you as you wait for your loved one to return home? How can we make your lives better? We talked about quality-of-life initiatives. We talked about greater certainty with deployments. But one of the wives told me that during this time when her husband was deployed for 15 months, she was trying to take advantage of this time period to better herself by going on to college. She told me that one of the things keeping her from being able to afford to go to college was that the money the military pays to help offset a portion of their housing costs, which is counted toward their income, this allowance prevented her from being eligible for a Pell grant. Now, given the low rate of pay for many members of the military, particularly those in the lowest ranks, this is also a barrier for them in being able to take out student loans.

I soon found out from the National Military Families Association that many military spouses are in this same position. So when I came back to the Capitol, I worked to include language in S. 1642 that would exclude the cost of the basic allowance for housing for servicemembers living off base, as well as the value of on-base housing, from being included in calculations for financial need.

Excluding the basic allowance for housing—which, in the vast majority of cases, does not completely cover military families' housing costs—and the value of on-base housing will benefit the least well-paid members of our military and their spouses. These are privates, they are seamen's apprentices, lance corporals, airmen, and corporals whose base pay is less than $35,000 a year. As those who are deployed and serving our country, we can help the spouses who perhaps are here and looking to better themselves during this period of time as they wait for their loved ones to return home. This is a true benefit for them.

I could not be more proud to know that this strong woman whom I met last year and potentially thousands like her will have a better chance now of being able to attend college should we be successful in passing this legislation.

Overall, I believe we did a fine job in making college and job training more accessible and more affordable. I would like to thank my colleagues, especially Senator KENNEDY and Senator ENZI, for their generosity and their graciousness throughout this long process and their true dedication toward the goal of educating all of America's young people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, if the Senator from Virginia will withhold, I wanted to thank the good Senator from Alaska. She has been a very active member of our committee. Besides her earlier amendment that was on income-based assistance to the students, she had a very worthwhile amendment that is going to make a big difference in her State and in all of our States in terms of making greater availability of information and outreach to students who are qualified to go to the schools and colleges but otherwise would not be able to because of lack of information and support. That was a key element. Also, she has been very much involved in the grant program which is included in this for science and technology.

She has been a very active member. We value very much her input and involvement in the legislation. We thank her for her comments.

Mr. ENZI. Mr. President, I, too, would like to thank her for her comments and her tremendous participation on the committee, particularly with her rural approach to problem-solving, and that rural approach affects Wyoming equally—well, maybe not equally to Alaska because they have a lot more land with a few more people—but she has done a tremendous job in the committee.

I yield up to 15 minutes to the Senator from Virginia for a presentation of his amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 2371

Mr. WARNER. Mr. President, I thank the Presiding Officer, and I wish to particularly thank the managers of this bill. In my 29 years here in the Senate, I have stood on the floor many times with Senator KENNEDY, but at this time, we are absolutely joined in this magnificent piece of legislation which I submit on behalf of Senator KERRY and Senator WEBB and many other Senators who have worked on it through the years.

To my good friend, Senator ENZI, I was once on his committee, the Senate Committee on Health, Education, Labor and Pensions (HELP), but as we move around here, I just couldn't get on the HELP Committee this time around.

I commend Senator ENZI and Senator KENNEDY and their staffs for their very hard work in preparation of this amendment, and my staff, senior member Angela Stewart. Over the weekend, I was traveling, as many of our colleagues were in our respective States, and she and I must have had at least six to eight telephone calls over the period of 2 days, just working out refinements and protocol with regard to this amendment. I think it is a representation of the Senate. No matter whether we are here on the floor or wherever we may be, we constantly are working on the legislative proposals that many of us have from time to time.

Again, I wish to draw attention to the title of this particular amendment. First, I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. KERRY, and Mr. WEBB, proposes an amendment numbered 2371.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a digital and wireless network technology program, and for other purposes)

At the end of title VIII of the bill, insert the following:

SEC. 802. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

"PART N—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

"SEC. 876. PURPOSES.

"The purposes of the program under this part are to—

"(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

"(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

"SEC. 877. DEFINITION OF ELIGIBLE INSTITUTION.

"In this part, the term 'eligible institution' means an institution that is—

"(1) a historically Black college or university that is a part B institution, as defined in section 322;

"(2) a Hispanic-serving institution, as defined in section 502(a);

"(3) a Tribal College or University, as defined in section 316(b);

"(4) an Alaska Native-serving institution, as defined in section 317(b);

"(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

"(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

"SEC. 878. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

"(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

"(b) APPLICATION AND REVIEW PROCEDURE.—

"(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

"(A) a program of activities for carrying out 1 or more of the purposes described in section 876; and

"(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

"(2) Regulations.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

"(3) Application review criteria.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

"(A) demonstrated need for assistance under this part; and

"(B) diversity among the types of eligible institutions receiving assistance under this part.

"(c) Matching Requirement.—

"(1) In general.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

"(2) Waiver.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

"(d) Uses of Funds.—An eligible institution shall use a grant awarded under this part—

"(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

"(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

"(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

"(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

"(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

"(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

"(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

"(e) Data Collection.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

"(f) Information Dissemination.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

"(1) fostering collaboration and capacity-building activities among eligible institutions; and

"(2) disseminating information and ideas generated by such meetings.

"(g) Limitation.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

"SEC. 879. ANNUAL REPORT AND EVALUATION.

"(a) Annual Report Required From Recipients.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

"(b) Evaluation by Secretary.—The Secretary shall—

"(1) review the reports provided under subsection (a) each year; and

"(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

"(c) Contents of Evaluation.—The Secretary, in the evaluation under subsection (b), shall—

"(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

"(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

"(d) Report to Congress.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

"SEC. 880. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is entitled, "Minority Serving Institutions for Advanced Technology and Education," amendment to S. 1642, The Higher Education Act Amendments of 2007.

I remember in the 1980s, traveling to several of the historically—and they referred to them as "historically Black colleges" in the Commonwealth of Virginia, I noticed the absence of so much infrastructure in these struggling institutions that other institutions often had in abundance. Having had an engineering background myself, at my old school, Washington Lee University, we had laboratories with an abundance of equipment and all types of high technology.

I suppose at that time the thoughts in my mind led toward this day, and it has been a long climb up the mountain—not by just this Senator from Virginia but by many, many Senators. I remember Senator Cleland was very interested in this, former Senator Cleland, Max Cleland of Georgia, and my colleague and former Senator George Allen of Virginia. Fortunately, today, with the two managers of this bill, the chairman and ranking member of this important committee, the HELP Committee, and with the help of many others and the primary cosponsor, the distinguished Senator from Massachusetts, Mr. Kerry, and my colleague from my State, Senator Webb, we are here this afternoon to present this amendment.

I first ask unanimous consent that those Senators who desire to put in statements regarding this amendment of course may do so and that they be colocated in the Record following the introduction of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it appears statistically that over 60 percent of the jobs in America, all across our land, require not only a basic knowledge but really an advanced skill in what we refer to as "information technology." Jobs in this area, frankly, pay and command higher salaries. Today, as I said, many of the minority serving institutions—this covers a wide group of institutions which I will address later in my text, but the minority serving institutions simply lack the resources, the necessary capital, endowments, and all types of financing that go into these institutions to acquire the basic equipment, whether it is an actual computer itself, or the technology to hook it into systems, and they also need technology capabilities in their classrooms, dormitories and libraries. It is for that purpose we are asking the Senate today to support this bill to provide the sum of money for 5 consecutive years to form a competitive grant program so this wide range of institutions may compete for this pot of money and hopefully obtain it for their respective institutions.

We need to bridge—and I use the term the "digital divide" to help students who want to develop the skills necessary to succeed in a technology-based economy so that they can compete in today's modern world and take these jobs, which, incidentally, are badly needed in the workforce, and therefore get salary and perhaps a step up on the ladder of development of their career. This is definitely a bipartisan amendment and, as I said with the deepest sense of humility, many, many Senators have worked toward this day.

Specifically, the legislation will establish, as I said, a grant program for these institutions of higher learning to bring increased access to computers, technology, and the Internet to their student populations. Institutions can use funds to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to develop and provide these educational services. In addition, the grants can be used for such activities as campus wiring, equipment upgrades, and technology training. Finally, Minority Serving Institutions could use these funds to offer their students universal access to campus networks, thereby increasing connectivity and making infrastructure improvements.

Moreover, much has been said in this education debate about the importance of math and science education. I remember well, I and other Senators 2 years ago were authors of the SMART grant program, which provides stipends to economically disadvantaged students in their third and fourth year of college or university training who elect to study critical majors in math, science, and engineering and key foreign languages. We must now begin to encourage and provide for those students who want to start earlier than their third and fourth year and begin to enter and study these critical fields, not only of math and science but of high tech.

I point out, I remember very well when I came out of the Navy at the end of World War II, I had the GI bill, and I went to my university—a small one—and they had a very small engineering department at that time. The engineering department is now gone because it couldn't take the competition of larger schools. But I remember so well we would go into the laboratories in the afternoon and spend long hours. We didn't have any air-conditioning, so we opened the windows, obviously. You could hear the other students out on the playing fields enjoying all kinds of sports and other things while we were there laboring over the laboratory requirements. Then, at night, of course, we all had the obligatory homework. It seems to me that those of us who were in the high-tech and the math—I was a math major and physics major—we would spend endless, long hours on our homework.

I bring that up not to in any way eulogize myself and my career but simply to say that those students who want to dedicate that extra time to study in the high-tech world—and it does require extra time, thereby giving up some of the pleasures in life—we ought to have the proper equipment available for all of them.

The National Science Foundation reports that the percentage of bachelor's degrees in science and engineering across America has been declining. Many a time I and other Members of this body have pointed out how America is falling behind, particularly with reference to India and to China, as such a higher percentage of their university graduates are following the high-tech careers. So let's give a leg-up to those young people who want to devote that extra time, that extra motivation in their studies for these specialties in math, science, and technology.

This amendment also addresses the shortage of qualified professionals that teach courses in these areas. You simply have to have not only the hardware within the institution but knowledgeable teachers and professors, and this amendment provides an inducement for their training.

As I said, I am proud to say that my great State is home to six institutions that qualify for this grant program. Throughout the years that I have been in the Senate, they have proudly been referred to as Historically Black Colleges and Universities, known as the HBCUs: Norfolk State University, St. Paul's College, Virginia University of Lynchburg, Virginia Union University, Hampton University, and Virginia State University. Right now, at this point, I thank all of the faculty and presidents of those institutions and administrators who through these many years, year after year, have come into my office pleading for this modest program to help them put in the infrastructure and gain the teaching faculty to help the students who want to pursue these careers in science, math, and technology. Likewise, all across America, Minority Serving Institutions will qualify for this grant program. There are over 200 Hispanic-Serving Institutions, over 100 Historically Black Colleges outside of Virginia, and over 30 Tribal Colleges throughout the United States. In addition, Alaska Native-serving institutions and Native Hawaiian-serving institutions are also eligible for these grants.

In the mid-1980s, on the campus of St. Paul's, my first thoughts regarding the growing disparity between Historically Black Colleges and other institutions of higher education with respect to the infrastructure began leading up to this day.

This Senate has addressed similar pieces of legislation in the past year. In 2003, a similar bill passed in the Senate with a roll call vote of 97 to 0. In 2005, a similar bill passed in the Senate by Unanimous Consent. So I am pleased today, together with Senator KERRY and Senator WEBB, to offer this not only on behalf of ourselves, but the many Senators who through the years—some who have now retired—have worked hard on this legislation.

Again, I salute the faculty and presidents, and so forth, at these institutions and, most particularly, I salute the students who are ready and willing to seize the opportunity that this bill will provide to advance their intellectual skills to meet the requirements of today's workforce, so that America can be competitive.

I yield the floor.

Mr. KENNEDY. Mr. President, I thank my friend from Virginia, Senator WARNER, for his excellent presentation, and also for reminding us about the importance of math and science and technology and engineering. As a member of the Armed Services Committee, I think his involvement and focus on this is also enormously important because he understands that education is not only a value to the individual, not only a value to our economy, but it is an essential aspect in terms of our national security. I have talked with him frequently about the National Defense Education Act that made such a difference in terms of availability. That was after Sputnik in the late 1950s, when the country came together and passed the National Defense Education Act. Still, some of those individuals are in key positions today in both private and public sectors. They are individuals who took advantage of that.

In the Defense authorization, Senator COLLINS and I had spoken to the Senator when he was chairman of the Armed Services Committee. We have the small program that is directly focused on math, science, engineering, and technology that he included in legislation in the past. We have a number of enormously interested young people who are taking advantage of those scholarships. We remember the amendments the Senator offered on the reconciliation that he referenced here previously. So this is an area that he has shown enormous interest in and concern about. We are enormously grateful for his intervention.

As the Senator knows, we passed the COMPETE Act earlier this year. In that COMPETE Act there are provisions to assist these minority institutions. Quite frankly, there are a lot of other priorities in that COMPETE Act. I think the fact that the Senator has given us this legislation and this focus is incredibly helpful to us. I thank the Senator for all of his efforts. It is no surprise to me that my colleague and friend from Massachusetts, Senator KERRY, is your strong cosponsor because I have talked with him about this subject matter on many occasions.

I just draw the attention of the Senator to this chart, which I think makes the point the Senator pointed out. The bill provides resources for institutions to build capacity, develop facilities, and improve instruction; expands opportunities for institutions to serve more low- and middle-income students; supports greater financial literacy and strengthens the focus on studies in the STEM fields.

That is a pretty good summation of what the Senator is trying to do. I think it is enormously important that this legislation be included. Senator KERRY is very interested in this, as well as Senator WEBB. I thank all of you for giving this focus and attention.

This is a very important undertaking, very important legislation. I am grateful the Senator has taken the time to bring this to our attention.

Mr. WARNER. Mr. President, I thank my friend who has worked with me for these 29 years. Following Senator ENZI, I wonder if I may have 2 minutes on one other point.

Mr. ENZI. Yes. Mr. President, I congratulate the Senator, Mr. WARNER, for his tremendous effort, and not just on this bill but on the previous bills where his emphasis on science, technology, engineering, and math, has resulted in other grants that are available to students. We need to increase awareness among students of these opportunities, particularly in the lower grades, so they have the prerequisites they need to qualify for going to college. The Senator's emphasis on that has had tremendous effect on higher education and on the work we have done before.

I also thank the Senator for the comments he made about his staff working through the weekend and ours working through the weekend. This is not a 9-to-5 job around here. People don't realize the amount of dedication our staffs have. As I say, they work through the weekend for these students. It happened to be a beautiful weekend in Washington, and they were indoors making telephone calls and making sure that everything works precisely right so we can pass this amendment today. I think we would be willing to take it on a voice vote.

This will provide up-to-date technology, which is vitally important. Everything is operating off of technology today. And I especially appreciate the concern for and emphasis on minority-serving institutions having this opportunity. There is a disadvantage there, and we want to equalize that. The Senator has caught the essence of that and has the solution for it. I congratulate him. It will strengthen the national and digital and wireless infrastructure. That helps all of us because it increases national investment in that area and makes us all more communicative and to also have a greater ability for education.

I thank the Senator.

Mr. WARNER. Mr. President, I thank the Senator for the kind remarks of the Senators. Mr. President, I will just tell a short story. Senator KENNEDY mentioned the importance of this to the Armed Forces to have a pool of trained individuals to join the military today. I would like to contrast it to an early experience I had in life. In the winter of 1945, the war was raging in Europe—although it ended in May, it was still going on, as was the war in the Pacific. Like everybody else on my block, all students who were 17 and 18, we all joined the military. I don't claim to have a military career of any great consequence, but I will never forget the first night. We had been on a small train that stopped in stations all across the east coast picking up a dozen or two 17- and 18-year-olds on the train. It was cold as the dickens, and the train was chugging its way up to the Great Lakes.

We arrived at 2 or 3 in the morning. We were tired, cold, and huddled into a great big room. A petty officer, who was quite rotund, got up on a little platform and screamed at us, "All you guys who can't read and write raise your hands." I had the benefit of a wonderful education in high school. I almost flipped out. I did not realize, really, that many people didn't have the basic skills that I had been given.

Then the petty officer said, "All you smart so-and-sos fill out the forms for the others." About 20, 25 percent of the fellows came out of the coal mines and steel mills of Pennsylvania and up through the valley, where the train went picking up these guys. So we filled out the forms.

I want to say that those men had very short training once we got to the Great Lakes. The rest of us were shunted aside for technical schools. Within 90 days, they went aboard ships and right into the battle.

On those ships in those days there were dozens of jobs that persons who could not read and write could perform, and perform very well. In no way do I denigrate their abilities to fight, as they did bravely in World War II—those who could not read and write. Today's ship in the U.S. Navy—take a destroyer. The destroyers today are considerably larger than the destroyers of the past. But the crews are dramatically reduced in number, which means that every one of those naval persons today has to have high-tech skills. It is true also in the Army and Marine Corps.

When you visit Iraq and see the troops there, as most of us have, they are all working with high-tech equipment. There is no place available today in the military for one who is not skilled in high-tech work. So it is a changed society, albeit my story dates back more than a half century. They were fighters then, but in today's military we access those in the military with high school equivalent. The ones who show a technical proficiency are immediately moved into advanced technical courses.

So this legislation is laying the foundation for those in these institutions who so desire to join the U.S. military, and they will arrive on the first day not requiring a fellow soldier, sailor, airman, or marine to fill out their form. They are all smart and able to work with the high-tech equipment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the Warner amendment.

The amendment (No. 2371) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I suggest the absence of a quorum and ask that the time be charged to the Warner amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the remarks I will make be charged against the bill rather than the Warner amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Benjamin Franklin said:

> Genius without education is like silver in the mine.

What he was saying is that silver still in the rock, in the ore, is worthless until it is mined, taken out of the rock. It is the same with education. Genius without education is akin to silver in a mine.

We have, I am sure, a lot of geniuses who have not been educated, and that is too bad. That is what this legislation is all about. It is unquestioned that a college education is the single greatest weight on the scales of success. Yet today, more and more working-class Americans are shut out from the promise and opportunity of a college education because the price is out of their reach.

Last week, we took a significant step to restoring that promise to hundreds of thousands of American students by passing the bipartisan Higher Education Access Act. It should not go unnoticed that the $17 billion in new student aid and benefits represents the largest increase in college assistance since Congress passed the GI Bill of Rights more than 50 years ago.

The bill we passed last week did this in a comprehensive way by increasing grant aid, expanding the number of students eligible for Federal aid, making loan debt more manageable, and expanding loan forgiveness options for those professions that we all recognize are important to society—teaching, social work, law enforcement, and health care.

Today, in considering the higher education amendments, we authorize remaining programs and funding in the Higher Education Act. This bill is not weeks overdue or months overdue, it is years overdue.

First, this legislation addresses the recent student loan scandals. With provisions in the bill—increased disclosure requirements, prohibiting payments and gifts from lenders to colleges and financial aid administrators, and new restrictions on preferred lender lists—we are finally putting an end to these unacceptable practices and making sure the student loan system works in the interests of our students.

As importantly, we tackle the rising costs of college. Despite the billions in new student aid and benefits in the bill we passed last week, if college costs continue to rise at the rate they have been—tripling over the past 20 years—higher education will continue to remain further and further out of reach for too many Americans.

I am pleased to support this legislation. I am also pleased students in Nevada have the good fortune of a State university system with some of the lowest costs in the Nation. But the same is not true everywhere, and this bill will hold colleges accountable if their costs increase too dramatically. It also ensures students and parents have information they need to make objective decisions based on the cost of college.

Finally, the bill phases out the unnecessarily complicated Federal financial aid form which is currently 7 pages long—and probably more complicated than filing out a tax return—with a much simpler 2-page form.

Again, thanks to Senators KENNEDY and ENZI for the work they have done and the rest of the HELP Committee for their work in the formulation of this bill which, when combined with their efforts last week, reaffirms our commitment to making higher education affordable and accessible to America's students.

Mr. KENNEDY. Mr. President, I say to the majority leader, we thank him so much for scheduling this legislation, both the underlying legislation we passed last week, which will make a difference to students, and the authorization. I know my friend and colleague from Wyoming, as well as others, knows we saw this authorization expire some 3 years ago. So this is long overdue.

The idea that we passed both these pieces of legislation together is going to make a major difference, not only to the students, about whom we are primarily concerned, and to their families but also to the colleges and universities and to all the other entities in the educational community.

We are moving along with these amendments. We are very thankful for all the cooperation we have received this afternoon. Hopefully, we are able to conclude this bill either late tonight or tomorrow. This will be a very significant and important time in terms of educational policy for our country.

I thank the leader very much.

Mr. REID. Mr. President, if I may say to my friend, the distinguished Senator from Massachusetts, and my friend from Wyoming, we did not have time to do this legislation, but we had to take time to do this legislation. This is an example of how committees working together can get work done. Committees do a lot of work, but much of what comes out of the committees is done on a partisan basis. Democrats vote for it, Republicans vote against it. Frankly, we cannot get those bills to the floor. We cannot get them done.

I repeat, we did not have time to do this legislation. We have so much to do. We have appropriations bills we need to do. As soon as we finish this bill, we are going to move to Homeland Security appropriations, which is essential. SCHIP legislation, we have to do that. We have to do the conference report on the 9/11 Commission recommendations. We have to complete the work we have done and gone so far down the road on ethics and lobbying reform.

This is an example, and I say this to all committees, to work together such as these two men have worked together and we can get things done. That is how we were able to get the Energy bill passed earlier. We took those provisions from the Energy Committee, the Environment and Public Works Committee, and the Commerce Committee, on which there was unanimity, everyone agreed. I took those provisions and put them in a package, and that was the bill we passed in the Senate.

I appreciate Senator KENNEDY mentioning my name, but the work was done by this committee last week and arriving at the point where we can have this legislation completed today. This is important legislation.

I heard Senator WARNER on the floor today talking about when he went in the military. They had those who couldn't read or write during World War II raise their hand. Twenty-five percent of the people on the ship could not read or write. We don't have that situation today. But we do have a situation where there are many people, such as the example I gave, who have the intellect to have a college education and simply cannot do it. It is as Benjamin Franklin said, when the silver is still in the mine, it doesn't help anybody. When we have the people who have the ability to be educated who cannot be educated, it doesn't speak well of our country.

We have to continue down that road of educating our students, and this legislation, tied in with what we did last week, is a giant step forward.

I again express my appreciation to Senators KENNEDY and ENZI and the members of the committee for allowing us to get to the point where we have time to do a bill that we don't have time to do.

Mr. KENNEDY. Mr. President, the Senator from Hawaii was on the floor a moment ago. We are expecting his amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 2372

Mr. AKAKA. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2372.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include Native Hawaiians as groups underrepresented in graduate education for purposes of the Ronald E. McNair postbaccalaureate achievement program)

At the end of section 403, add the following:

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting ", including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders" after "graduate education".

Mr. AKAKA. Mr. President, I yield myself 15 minutes.

In our United States, Native Hawaiians and other Pacific Islanders are far less likely than the average American to earn a bachelor's or graduate degree. This makes Native Hawaiians and other Pacific Islanders drastically underrepresented in higher education. Unfortunately, Pacific Islanders are left with fewer opportunities to lift themselves out of underrepresentation because, unlike African Americans, unlike American Indians, unlike Alaska Natives, and unlike Hispanics, Native Hawaiians and Pacific Islanders have been largely excluded from programs such as the McNair Achievement Program based on a determination that they are not an underrepresented group.

The McNair program is designed to prepare young men and women from disadvantaged backgrounds who have demonstrated strong academic potential for doctoral studies through involvement in research and other scholarly activities. However, until the underrepresentation of Native Hawaiians and Pacific Islanders is addressed, the promise of the McNair program to help the underrepresented achieve their dreams of higher education will remain only partially fulfilled.

According to a study conducted by the Pacific Islander Access project, Native Hawaiian and other Pacific Islanders have difficulty gaining access to programs for underrepresented minorities in higher education, such as the McNair Program. In fact, the study reported that more than 80 percent of these scholarship programs did not recognize Native Hawaiians and other Pacific Islanders as underrepresented.

This is due, in part, to a misconception that Native Hawaiians and other Pacific Islanders are not a distinct group but are, instead, an Asian subgroup. This misconception is, to a large extent, rooted in the Federal Government's policy from 1977 to 1997 to lump Asians and Pacific Islanders into one category. Fortunately, in 1997, this Federal policy was changed to recognize that Pacific Islanders and Asians are separate and distinct groups. However, many programs, including the McNair Program, have yet to catch up with this Federal policy.

It is to our Nation's credit that we have developed programs such as the McNair Program in response to the needs of our country's minority students, and my amendment in no way excludes other underrepresented groups. Rather, this amendment simply ensures that Native-Hawaiian and other Pacific-Islander students are also allowed full access to the opportunities afforded the McNair Program, which has opened the door to an advanced degree for so many in our Nation.

I urge my colleagues to support this amendment and help young Native Hawaiians and other Pacific Islanders achieve their potential.

I wish to thank the chairman for his zealous attitude in which he has tried to help all those in the United States who need help in education, and I commend him for that.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I wish to thank my friend from Hawaii for bringing this to our attention, this situation which works to the disadvantage of Pacific Islanders and specifically Native Hawaiians. He quite appropriately points out that other groups are included as underserved populations but the Native Hawaiians are not and the Pacific Islanders are not. In many respects, the fact that they are not able to participate in these programs works to the disadvantage of the population generally from being included in terms of the life of not only their communities but the communities of our country. All his amendment does is to make sure they are going to be included in this program.

What is this program? This program is really a helping hand to those students who are going on to college—in this case, it would be the Hawaiians and the Pacific Islanders—a helping hand in counseling, giving guidance to these students so that they might participate in these other programs which offer real hope in terms of technology in the future. Effectively, his amendment says that Pacific Islanders and Native Hawaiians will be included so as to qualify for these programs in ways that mean students, who otherwise would be excluded from getting counseling—the helping hand—could continue for graduate degrees. It seems to me they should be included, and the amendment makes a good deal of sense.

For those reasons and the excellent reasons the Senator mentioned earlier, I thank him for bringing this to our attention. I must say, I was not aware those groups had been excluded, quite frankly, from the program. I don't know how this originally happened, but we always learn a good deal from our colleagues here in the Senate, and we have learned a good deal about this issue today. As always, the Senator from Hawaii is out front when it comes to issues on education and opportunity for Native Hawaiians and for Pacific Islanders, and we are very grateful to him for bringing this to our attention.

Hopefully, we will accept this and make sure it is a part of the legislation.

Mr. ENZI. Mr. President, I, too, wish to thank Senator AKAKA for bringing this to our attention. That is one of the reasons we have 100 people in the Senate and 435 people on the House side, so that we bring all these various backgrounds together, so that something which may have been overlooked can be corrected, and the amendment process is one of the places where we correct that.

As Senator AKAKA has said, this amendment would provide Native Hawaiians and Pacific Islanders with eligibility for the Ronald McNair Post-Baccalaureate Achievement Program, and that is a program which provides assistance to disadvantaged students who are pursuing doctoral degrees. The students in the McNair Program get research opportunities, they get seminars, they get summer internships, they get tutoring and academic counseling, and they get assistance in securing graduate admission and financial aid mentoring. Those are all things, of course, which increase the probability and the possibility that a person will get their doctoral degree.

I am sure it wasn't anyone's intention to leave these groups out, so this amendment, of course, would include the Native Hawaiians to the list of students eligible for this program. So, in his usual way of taking a careful look at things, I appreciate his doing this and enjoy all the times we have worked together on financial literacy.

I think there is still someone taking a look at the exact wording on this, so hopefully we can get that done and get to a voice vote a little later.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Am I correct in understanding that Senator AKAKA was a principal in an elementary school.

Mr. AKAKA. That is true. I was a principal in an elementary school.

Mr. KENNEDY. In an elementary school.

Mr. AKAKA. Yes.

Mr. KENNEDY. How many years were you a principal in an elementary school?

Mr. AKAKA. I was a principal for 6 years, before I was moved into the Governor's office.

Mr. KENNEDY. Good. Well, I thank the Senator.

Senator AKAKA brings many different qualities to his service, but the fact that he was a principal in an elementary school reflects that he understands the importance of education, and he knows this community.

It gives us additional information to understand his strong commitment in this area of opportunity for Pacific Islanders and for Native Hawaiians.

I think, Mr. President, we will hold up, but I expect we will pass this amendment in a short while. So I think at this time we are just going to hold, if we could.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will be charged to the amendment.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that we set aside the pending amendment so that we can proceed to another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2373

Mr. ENZI. Mr. President, I send to the desk an amendment by Senator BURR.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. BURR, proposes an amendment numbered 2373.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend provisions relating to the study group regarding simplifying the process of applying for Federal financial aid)

Strike lines 14 through 23 on page 814 and insert the following:

"(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

Strike line 22 on page 821 and all that follows through line 2 on page 822 and insert the following:

"(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.".

Mr. ENZI. Mr. President, Federal student aid is a tangled web of tax, grant, loan, and savings programs with rules and regulations that are so complicated, many prospective students don't know that they really can afford to go to college. Families have to fight their way through a maze of paperwork. We have talked about this several times, the difficulty of the present financial aid form. Nearly 10 million prospective aid recipients must file that form each year, and submitting the form is the only way for families to determine their eligibility for Federal grants and loans.

The free application for federal financial aid is longer and more complicated than a Federal tax form. It has 5 pages and 127 questions, so it is longer than the form 1040EZ, which is 1 page and 37 questions for filing your taxes, or the form 1040A, which is 2 pages and 83 questions. It is comparable to the form 1040, with 2 pages and 118 questions. The contrast between the tax forms and the financial aid forms is especially informative. With a third of the financial aid form questions and a fifth of its pages, the IRS captures the information needed to determine tax liability for the very population targeted by the Pell grant.

Financial aid officers and education specialists typically explain that the complexity of the form is a necessary evil, without which we could not target aid to students with the greatest need. The FAFSA, financial aid form, is long, it is argued, so that it can precisely measure who most needs aid. However, a few economists have recently completed research that measured empirically how much complexity in the current aid system contributes to its targeting. They found this complexity adds very little to the targeting of aid to those who most need it. Only a handful of questions on the FAFSA determine eligibility for Federal aid, and most of these questions are currently found even in the 1040EZ, the tax form.

In response, a small but growing number of researchers, economists, and leaders in higher education have offered proposals to reduce the FAFSA to one page and to prepopulate a student's FAFSA with the data their families have already submitted to the IRS. Such an approach would reduce the time-consuming and confusing FAFSA paperwork which requires parents and students to report to one Federal agency—the Department of Education—data they have already submitted to another Federal agency—the IRS.

Two North Carolinians—Senator BURR, on whose behalf I have submitted this amendment, and Erskine Bowles, who is the President of the University of North Carolina System, teamed up in the belief they could make applying for financial aid simpler and easier. President Bowles knows simplification of Federal applications is possible. As Administrator of the Small Business Administration in the 1990s, Erskine Bowles reduced the inch-thick SBA loan application to one page.

After a conversation between the two this spring, President Bowles put together a task force across the State of North Carolina and gave them 90 days to come up with a one-page form which made better use of data parents had already reported to the IRS. This June, President Bowles delivered the mockup of this one page to Senator BURR. So North Carolina showed we can and should work more rapidly to simplify the process of financial aid, both by reducing the length of the application and making better and more efficient use of data parents have already submitted to the Federal Government through their IRS forms.

I would mention we have had a task force, largely my staff, who has been working on reducing it. We have it down to a one-page form. But Senator BURR's amendment speeds up the time we study included in the higher education bill, so the relevant offices: Education, Comptroller General, Treasury, Office of Management and the Congressional Budget Office and representatives of higher education and State higher education executive officers who have a demonstrated commitment to simplifying the application for financial aid, report back to Congress in 1 year, how we could simplify the application and make even better use of data parents have already submitted to the Federal Government.

America's students and parents should not have to wait any longer than necessary for simplification. One stage of simplification should not preclude another stage of simplification. We do want to see that those who need the money the most have the highest priority. We want that to be done as simply as possible, so it doesn't discourage people from applying.

I appreciate this amendment to try to speed up the time to do a further simplification of FAFSA. I am pretty sure there are no objections on the other side of the aisle. We will leave the time open for further debate on that as well.

I suggest the absence of a quorum and allocate the time to the amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2328

Mr. REID. Mr. President, I ask the pending amendment be set aside and, as one of the Democratic amendments, I call up amendment No. 2328.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2328.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for campus-based digital theft prevention)

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

"(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

"(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

"(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

"(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to prevent the illegal downloading or peer-to-peer distribution of intellectual property.

"(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

"(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

"(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).".

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2328, AS MODIFIED

Mr. REID. Mr. President, I have an amendment pending, No. 2328, and I send a modification to the desk and ask unanimous consent I be allowed to modify this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

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"(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).".

(c) The Secretary shall not find any of the 25 institutions of higher education described in paragraph (b)(1) to be ineligible for continued participation in a program authorized under this subchapter because of failure to comply with this section.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged how it was being charged before.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2374

Mr. SESSIONS. Mr. President, for several years I have been looking at the question of student loans and the abuse that often exists in that process. Also, another issue that has concerned me is America's lack of physicians in numbers sufficient to meet our current demands and the demands we may have in the future. So I have an amendment today that, hopefully, the bill managers, Senators KENNEDY and ENZI, might feel comfortable supporting. It deals with both of those issues, I think, in a way that takes us in a positive direction.

The Association of American Medical Colleges, after the recommendation of Dr. Jordan Cohen, their president a couple years ago, recently stated it is their official policy that medical school enrollment should be increased by 30 percent. Most American medical schools are now already beginning to increase enrollment, some at about the rate of 15 percent, which can be done in most colleges without great expense. But as you get closer to a one-third increase, it actually begins to put a bite on people's programs. They have to have faculty, perhaps buildings, and other capabilities that may incur substantial costs.

One of the things that has concerned me—and I am not sure most Americans are fully aware of it—is that a shortage of physicians is being filled by an increasing number of graduates from foreign medical schools. Many of these are offshore schools in the Caribbean—for-profit schools. Many of them don't require test scores to get in, and they are not up to the standard of American schools. That is a fact. We have the finest, most magnificent medical schools in the world. We have a tremendous teaching and training program. We have some of the best equipment any schools could imagine in our country. So it is a special thing.

But I have been concerned that perhaps we have been too tough on enrollment, requiring too high of test scores, sometimes denying good people with good leadership skills, such as class presidents and captains of the football team, who scored a little bit below someone who had a higher physics or chemistry score, and they don't get in. So I think we need to expand the number of people who come into medical school, and we ought to be open to qualities that are proven to further medical success, frankly. So I am concerned about that.

The interesting development I have discovered that goes to the question of our Federal dollars and how we are supporting medical education is indicated by this chart. It deals with the number of loans certified for U.S. residents who are attending foreign schools. In general, whether you are going for a semester abroad to Italy or Brazil or England or wherever, this shows that during the 1993–1994 academic year, there were under 4,600 loans, and ten years later there were over 13,000 loans. That might make one think this is a good thing, that more Americans are taking a semester abroad, as is common in a lot of schools. They encourage students to take a semester abroad, and it is an enriching experience—maybe even a year abroad. One might think that is what that issue deals with. But let's show what is happening here.

Look at this chart. Of the 13,000 students who attend foreign schools, about 9,000 of those are attending foreign medical schools. About 75 percent of the total study abroad loan volume of 2003, or about $170 million—and I am sure that number has gone up—is now for loans to students who attend foreign medical schools. That is a rather shocking number and a dramatic number. It comes from a GAO report, dated July of 2003. That is a matter I would call attention to.

What about these loans? Are these people attending top Paris medical schools or what? Look at them in terms of the volume of loans, first. Let's look at No. 1, the No. 1 school in the world where students receive U.S. Federal loan money is a medical school in Dominica. They only have one medical school on that island in the Caribbean, and they receive $35 million in loan volume, with 1,700-plus students receiving loans to go to that school.

The next one in volume is Grenada. Remember during President Reagan's presidency, when we had an invasion of Grenada, where we had American medical students and their safety was of great concern to us when that invasion took place. Grenada has one medical school. It gets $30 million and has 1,500 students attending.

The third country to receive Federal loan money for medical school is Mexico. They have 11 schools and they get $27 million. England is fourth. They have 182 schools in England, but they only get $25 million in student loans, and they have quite an advanced medical program there.

The next school on the list—the next country is the Dominican Republic, another island school. The Dominican Republic has six schools, and they receive $20 million in student loans each year. The next one is St. Maarten, another Caribbean island, $16 million. Next is Canada. We would think that would be up there at the top, would we not? Canada, our neighbor. Canada has 108 schools and they get only $15 million. The next one is another island school in the Caribbean, St. Kitts, they have two schools and they get $14 million.

I think that begins to show the problem we are dealing with. I would suggest we need to take some real interest in it.

So I have offered an amendment that would deal with it. I send my amendment to the desk, as modified, and ask for its consideration.

The PRESIDING OFFICER (Mr. WEBB). The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2374.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the provisions of the Higher Education Act of 1965 regarding graduate medical schools located outside of the United States)

At the end of title I, add the following:

SEC. 114. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking "60" and inserting "75".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

Mr. SESSIONS. So to briefly summarize what the amendment does, it attempts to deal with this issue in a balanced but effective way. It seeks to protect taxpayers' dollars from subsidizing foreign medical schools that are failing to show positive results, and we have a way to determine which ones are showing results. Currently, in order to qualify for student financial aid, we have a rule in effect. That rule is that the foreign medical school must show 60 percent of its graduates pass the Educational Commission for Foreign Medical Graduates' Examination. This is a test you have to take after you graduate to become licensed to practice medicine in the United States. So, currently, that rule is 60 percent. This amendment would raise the bar from 60 to 75 percent, to be implemented in 2 years' time. It would give them 2 years to prepare for this.

I believe it is a reasonable change because approximately 90 percent of U.S. medical school graduates pass medical licensing examinations on their first attempt. That is a big difference. It is indisputable that the test failure rate is indicative of the quality of the instruction that one receives at a school.

During the next 2 years, prior to implementation of the new 75-percent standard, the amendment also requires the Government Accountability Office to conduct a study on the amount of Federal aid going to offshore medical schools, the percentage of foreign medical graduates who pass the examination on the first try or after multiple attempts, the percentage of recent foreign medical school graduates practicing medicine in the United States, and a description of where and what type of medicine they are practicing and asking for recommendations for the examination passage rate the United States should require of foreign medical schools who wish to qualify so that they can receive U.S. Federal student aid.

I am also modifying the amendment by adding a portion of the study to examine the rate of malpractice lawsuits and of lost or revoked medical licenses from graduates of foreign medical schools as compared to graduates of U.S. medical schools.

Now, the study we have, the GAO report, would involve this. It would examine what is happening with students of foreign medical schools after they leave in order to determine how effective the schools are. While many of these schools likely do a pretty good job, and some I think do, there is no way to know for sure, as they are not licensed or accredited by any American entity.

Many foreign medical schools do not use cadavers—do not use cadavers—but instead have students perform procedures that would be done, preferably on cadavers, by simulation on a computer. I don't know about you, but I don't want a doctor operating on me who has been practicing using a mouse and a keyboard.

In fact, an article in the Pittsburgh Tribune Review earlier this year quoted Dr. Cameron Wilkinson, medical director of Joseph N. France Hospital in St. Kitts and supervisor of clinical rotations for two medical schools on the island as saying this—this is at St. Kitts in the hospital there, the training school, and he said this: "No medical school here would have a cadaver."

He said: "It would be great," but he explained the schools in the islands aren't equipped to work with them. This was in reference to a school on the island that was actually found to have cadavers for clinical instruction, but they kept them in black bags in an unsterile, unlocked, air-conditioned room. They were not following protocol for the use of cadavers and lacked the necessary documents to have them shipped from the United States. They also did not smell like formaldehyde, which is one reason I didn't go to medical school, having gone into a place where something was kept in formaldehyde. But that is a great concern, as formaldehyde preservation is standard procedure for institutions that utilize cadavers in medical research. Thus, this school was handling cadavers inappropriately.

But this story also makes clear that schools on the island, for the most part, never use cadavers. Many of these schools do not even require that students take the MCAT; that is, the Medical College Admission Test. Standards at some of these schools are much lower than standards at American medical schools in regard to MCAT scores and GPAs—grade point averages—if they have those requirements at all.

The Association of American Medical Colleges states that about—get this—this is the Association of American Medical Colleges. They have found that about one in four physicians practicing in the United States today, and about one in four physicians in training in the United States today, are foreign medical graduates. This is a remarkable statistic, when we have this magnificent medical school system in our country. We have gotten out of sync.

These foreign medical school graduates are, in many ways, needed to fill the gaps that currently exist in the American medical school education system. In June of 2006, as I said, the Association of American Medical Colleges recognized this shortfall and formally recommended a 30-percent increase in medical school graduates by 2015. That expansion would allow for 5,000 new medical students each year beginning in 2015.

The PRESIDING OFFICER. The Senator has used the 15 minutes provided for him under the order for the amendment.

Mr. SESSIONS. I thank the Chair. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would note that the U.S. population is increasing by 25 million each decade. The number of people over 65 will double by 2030. We expect more and more out of health care. We must have additional medical physicians, and we need to increase our own system and reduce the amount of money, taxpayer money, going to medical schools that are below par.

This bill would make changes and move us in that direction. I ask our leaders to consider that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am going to urge that the Senate accept the Senator's amendment. It has been a number of years since our HELP Committee got into looking at the foreign medical schools, as the Senator pointed out. I think there are a number that are exceptional and incredibly good. Others are moderately good, and there are others that don't pass muster. It is, I think, useful to get that kind of information. We have a health care crisis. Personnel is a key aspect of the health care crisis. We have a concern about what the specialties are in different areas in this country. The amendment the Senator is offering is going to help us understand what is happening with these foreign medical schools. The amount of financial aid they receive—we ought to be updated on that. We ought to know the percentage of students that are going to pass that exam. We ought to know what specialties they are moving into and where they are practicing, the types of medicine they are practicing; that is exceedingly important and useful.

The Senator has other references in here, too, in terms of the number of times to take the exam and medical licenses that are revoked. I think it would provide important information, certainly, for our committee. We ought to have an update of information on what is happening. Also, I think it is important for the American taxpayer to understand what is happening as well, in terms of this kind of investment, so I thank the Senator. This is an important area. We have, as the Senator knows, programs to provide medical personnel—this is related but not directly on subject—in underserved areas in the United States, which has worked quite well. That is not the target of this particular program. But it is important that we have this kind of information. It will be useful for our HELP Committee to have it. So I hope the Senate will accept it. I thank the Senator for raising this issue. I think it is useful and important. We hope we can persuade our House Members to accept it at the appropriate time as well.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2374) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I think we are prepared to accept the Akaka amendment, if there is no further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2372.

The amendment (No. 2372) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ENZI. Mr. President, I think we are prepared to move on with the Burr amendment as well. That is next.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2373.

The amendment (No. 2373) was agreed to.

Mr. ENZI. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have remaining time on the amendments we have dealt with previously. I believe we have 15 minutes. I am glad to yield it to the Senator from Oregon. He wants to talk on another subject.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

CHIP

Mr. WYDEN. Mr. President, I thank the Senator from Massachusetts and the Senator from Wyoming for their thoughtfulness.

This is especially appropriate, since Chairman KENNEDY and the distinguished ranking minority member are on the floor. Both of them have great interest and involvement in health care. I thought it would be appropriate to talk for a few minutes about the upcoming CHIP legislation, the legislation that deals with the Children's Health Insurance Program, which is so important to America's youngsters.

There was a markup in the Senate Finance Committee last week and it passed out overwhelmingly, to a great extent because of the very important and laborious work done by Chairman BAUCUS, Senator ROCKEFELLER, and also the senior Republicans on the committee, Senators GRASSLEY and HATCH. I commend them greatly for their toil.

I wish to take a couple of minutes today to talk about the issue because the administration has indicated that at this point they would veto the legislation, which came from the Senate Finance Committee by a 17-to-4 vote. I am very hopeful they will choose not to veto this legislation because I felt it was striking in the Finance Committee last week that Senator after Senator on both sides of the aisle, including Senator CONRAD and Senator LOTT, for example—leaders of their respective parties on economic issues—they concurred that the system in this country is broken. The health care system cannot control the costs. Millions fall between the cracks. Administrative expenses are soaring. We have largely sick care rather than health care. This is something Democrats and Republicans alike agree on.

The administration has the view that one of the key changes that needs to be made is the Federal tax rules as they relate to health care. I share their view that these rules are a mess. But it is not going to be possible to get to the question of broader reform until you first get bipartisan cooperation on the urgent and immediate needs of this country's youngsters.

Frankly, I came out of the markup last week very encouraged about the Senate's interest and desire, on a bipartisan basis, to move ahead to fix health care. I think the clear feeling in the Senate Finance Committee is that this country cannot afford to wait to fix health care. I know there are a lot of people, particularly in the media, think tanks, and others who think: Let's wait a couple of years for another Presidential election. Let's wait 2, 3 more years.

That is sort of the way it goes for the political class. But for people who are hurting in this country and businesses that are struggling to meet the health needs of their workers and are dying to offer them coverage and cannot afford it, I don't think it is acceptable to say let's wait around a couple more years. It strikes me as pretty callous to say let's wait for another election, when we have all those needs of workers and businesses in parts of the country where there have been tremendous layoffs. They say: Well, they can wait a couple more years before anybody talks about fixing health care.

That is not what I heard in the Senate Finance Committee last week. I heard Senator after Senator—not just Senators CONRAD and LOTT but Senators CRAPO, SALAZAR, and other colleagues on both sides of the aisle—making it clear they share my view that the health care system is broken. Now, for the first time in more than 13 years, the Senate has an opportunity to work in a bipartisan way to fix health care.

Senator BENNETT, a member of the Republican leadership, has joined me in legislation—the Healthy Americans Act—that has been able to pick up support of labor and business. We have structured it so all our citizens can get health care coverage, such as their Member of Congress does, through the private sector, at no greater cost than we are spending as a nation today. The bill has been put together so workers and employers win with the very first paychecks that are offered. I don't see why America should wait any longer to fix health care. What we should be doing is building on the important work of Chairman BAUCUS and Senator GRASSLEY, Senators HATCH and ROCKEFELLER and move to get CHIP passed in a bipartisan way and meet the immediate needs of this country's youngsters and then move on to do what I have heard members on both sides of the aisle on the Finance Committee call for last week and that is to fix American health care.

The reality is—and you and I have had a chance to talk a bit about it, Mr. President—the system we have today was largely designed more than 70 years ago. It was set up after World War II. There were wage and price controls. Our troops were coming home. We wanted them to get good benefits. So we put it off essentially on the employer, and the Tax Code would change to make that possible. Well, a system designed for the 1940s surely doesn't make sense for 2007, when the typical worker changes jobs seven times by the time they are age 35.

The current Tax Code is regressive and it promotes inefficiency. If you are a high-flying CEO, you can get a designer smile put on your face and write off the cost of that operation on your taxes. But if you are a hard-working woman in a furniture store and your company has no health plan, you get practically nothing.

Now, my sense is, when the administration talks about changing the tax rules for health care and you look at what Senators were saying in the Senate Finance Committee about the system being broken, there is a pretty good opportunity to work in a cooperative way—not 2 or 3 years from now but to move forward in this session of Congress. To make that possible, it is going to be essential for the Bush administration to back off from this threat of vetoing the children's health program and to work with Members on both sides of the aisle so that this legislation can get passed, and it would be possible, on a bipartisan basis, to move on to fix our health care system.

We have a lot to work with. Certainly, we have seen great interest at the State level. A number of States are already moving forward with innovative programs. Mr. President, as you and I have discussed, no State can fix problems they didn't cause. No State can deal with the regressivity and inefficiency of the Federal tax rules on health care. No State can deal with Medicare. No State can deal with what is called the ERISA Program, the Employee Retirement Income and Security Act, with respect to large employers and multiemployer programs. No State can deal with that. We are going to have to have bipartisan action at the Federal level.

I have been very pleased that Senator BENNETT has joined me in this bipartisan effort. My sense is there is something of an ideological truce coming on health care. We see a lot of bipartisan cooperation. Today, in fact, the distinguished Senator from Wyoming, Senator ENZI, and Chairman KENNEDY are cooperating on issue after issue.

Senator BENNETT and I have said on health care that Republicans have moved a long way on coverage. We recognized that to fix health care, the people who are uninsured cannot just keep passing the bills on to people who are insured. We have to cover everybody, and Republicans have acknowledged that fact.

Democrats, on the other hand, have been making it clear that they do not think we can just turn it all over to Government. We cannot turn everything in health care over to Government and expect everything to come out well. We have to have some private choices, choices in a fixed market, where insurance companies cannot cherry-pick and just take healthy people and send sick people over to Government programs more fragile than they are.

We have to fix the private marketplace, but there ought to be choices in the private sector. That, too, is an opportunity for Democrats and Republicans in the Senate to work with the Bush administration once we get beyond the question of the children's health program.

I am convinced that we are right on the cusp of being able to move forward on health care in a bipartisan way. In the other body, the Healthy Americans Act that Senator BENNETT and I have been working for in the Senate will be introduced this week on a bipartisan basis. So that would then mean the Healthy Americans Act would be the first bipartisan, bicameral piece of legislation to fix American health care in more than 13 years.

Colleagues are going home every time there is a recess and talking with folks at home about health care. People are saying we know the system is broken and it is not enough to try to just take one small part. We really need to step back and make changes, for example, in the employer-based system which is hurting the competitiveness of so many of our companies. We need to have some health care rather than sick care because the system is biased against prevention. We clearly need to help those who are falling between the cracks.

Above all, we have to contain the costs. The costs are rising, according to PricewaterhouseCoopers, at far in excess of inflation, estimated to be about 12 percent this year. There is no way that is sustainable. It is not sustainable when we look at today's population trends and costs and the disadvantages our employers face.

I was very pleased last week that not only was the Senate Finance Committee able to pass the CHIP legislation on a 17-to-4 basis through the hard work of our bipartisan leadership, but I was impressed because so many Senators on both sides of the aisle said they want to go further and to fix a broken health care system. To do that, we are going to have to work in a bipartisan way. We are interested in working with the Bush administration on that issue.

I and others have said we can have differences of opinion with respect to how we straighten out this mess of a Tax Code as it relates to health care, but by and large, the administration is onto the key issue. To do this, we are going to have to recognize, first, that America cannot afford to wait any longer to fix health care. It is not enough to say let's just deal with it after the next election. That is not enough for people who are hurting in Virginia and Oregon and Wyoming. They want to see action in this session. That is what they give us an election certificate to do, to act on big issues and not just put them off for another 2 or 3 years.

So let us work together, Democrats and Republicans, in this body with the administration to pass the children's health program and then to continue that spirit of bipartisanship and fix American health care in this Congress.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have made very good progress during the morning and early afternoon on the reauthorization of the Higher Education Act. We have a pretty good idea now of the remaining amendments. We are getting in touch with our colleagues who intend to offer those amendments. I expect we will have votes, as the leader indicated, in the early evening, and this probably will necessitate that we will have a few votes in the morning tomorrow. But we will wind up this higher education reauthorization bill, which is really the good news.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining on the bill.

Mr. KENNEDY. Mr. President, I ask the Chair to advise when I have 1 minute left.

Finally, Mr. President, I want to review again exactly where we are on the two pieces of legislation, one of which we passed on Thursday night, which is the historic increase in the need-based grant aid, the largest increase in grant aid since the GI bill after World War II. We have also assisted in the management of these loans, the indebtedness, by offering loan forgiveness and by putting a limit on loan payments at 15 percent of the discretionary income. Discretionary income also takes into consideration if there are children and, obviously, that reduces the discretionary income.

We have the loan forgiveness for borrowers who work in the public service jobs. If you become a teacher and work with special needs children, or work with the disabled or the elderly, and you do that over a 10-year period, you will not pay more than 15 percent and qualify for the loan forgiveness.

The bill also protects working students, so that if they work hard and gain some money to be able to buy some books, that they are not going to break through these caps, need-based caps, and they are going to be able to buy the books and use those earnings. This is a realistic and important aspect of the legislation.

So this is assistance to the neediest students, assistance for those students from working families with middle income, and assistance for idealistic students who want to work in public service. All of that is going to be possible under this legislation.

Under the reauthorization, the other part which we are now on the floor of the Senate debating, we are also making sure that the student loan system is going to meet the ethical requirements and is going to ensure that the best interest of the students and the loan system is going to be protected.

We have had too many stories of inappropriate kinds of actions in the development of the loan system, which makes it more difficult for the students and, obviously, compromises the colleges and universities. So we have addressed that issue in this part of the program.

We are publicizing the cost information so that parents will understand and get real information as to what the cost is for the schools. We are going to also publicize what the States are providing. If they cut back, as they have in my own State, which has meant the fees have gone up, parents will know who is responsible. We hope this will make a difference in terms of the total cost of education.

The application itself, what they call the FAFSA, we have simplified that so it will no longer be a discouraging document. It will be one that will be easier to read and be easier to utilize, particularly for those students who don't have the kind of support systems that help them fill out those forms.

Finally, we have helped in the areas of the GEAR UP and TRIO programs to help improve preparation for higher education. For one reason or another, some students need a helping hand to continue their education and succeed in school. That has been true for the TRIO and GEAR UP programs and other programs that work with children who come from economically disadvantaged backgrounds but are talented and hard working students. This helps provide an outreach for those students.

Lastly, we have the programs to support higher quality teacher preparation. We understand at the end of the day the teacher in the classroom is the one who makes all the difference. Each and every one of us in this Chamber can all remember our favorite teachers, the one who inspired us, helped us, coached us, and really encouraged us to move ahead and grasp the opportunities of furthering our education.

Mr. President, this is a very meaningful piece of legislation. It represents the best judgment of Republicans and Democrats alike. We are enormously indebted to our Republican and Democratic colleagues and all of the staffs who have worked very long and hard on this legislation.

We are going to have more to say on these particular amendments, but I think it is useful to just give a summary of what this legislation is all about. We have added to this legislation over the course of the day in some very useful and meaningful ways. So we are going to look forward to getting a good vote on the final passage.

Mr. President, I believe my time is up.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 2375

Mr. ENZI. Mr. President, I send an amendment to the desk on behalf of Senator BURR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. BURR, proposes an amendment numbered 2375.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Higher Education Act of 1965 with respect to teacher development)

After section 205 of the Higher Education Act of 1965 (as amended by section 201 of the Higher Education Amendments of 2007), insert the following:

"SEC. 205A. TEACHER DEVELOPMENT.

"(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

"(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

"(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

"(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

"(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

"(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

"(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

"(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

"(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

Mr. ENZI. Mr. President, this is a teacher amendment. Teachers are the most important factor to a child's academic achievement. Student achievement will not improve unless we can ensure that all children have access to qualified teachers. Many of our schools, however, are lacking in a steady and ample supply of qualified teachers.

The current state of affairs for high schools and middle schools is especially troubling. Nationally, 24 percent of all high school classes are taught by teachers lacking in either a college major or minor in their field of teaching. However, for students in high-poverty schools, this number jumps to 34 percent in comparison to 19 percent in low-poverty schools.

Nearly 50 percent of math classes in high-poverty high schools are taught by teachers with neither a major nor minor in math or a math-related field, such as engineering, physics, or math education.

Schools and districts for too long have been forced to depend on teacher pipelines that are not producing sufficient numbers of qualified individuals to teach in high-need areas such as math, science, foreign language, special education, and English language proficiency, and in hard-to-staff schools both in urban and rural areas.

The Bipartisan Commission on No Child Left Behind, led by Tommy Thompson and Roy Barnes, though concentrating primarily on the Elementary and Secondary Education Act, recognized the critical connection between higher education—colleges of education—and K-12 education, for improving the supply of qualified teachers.

As one of its recommendations, the No Child Left Behind Commission recommended amending title II of the Higher Education Act to require institutions of higher education that prepare prospective teachers to set annual goals for increasing the number of prospective teachers in shortage areas, such as math, science, special education, and instruction of limited English-proficient students, and for more closely linking the instruction colleges of education provide prospective teachers with the needs new teachers will face in the classroom.

Additionally, the Commission recommended having institutions of higher education provide an assurance to the Secretary that, No. 1, teacher training responds to the needs of the school districts and States in which new teachers graduate; No. 2, regular education teachers are provided with training in teaching diverse populations, including special education students, limited English-proficient students, and low-income students; No. 3, prospective teachers receive training to teach in urban and rural schools; and, No. 4, special education teachers receive training on instruction in content areas.

Senator BURR's amendment puts into statute these important Higher Education Act recommendations made by the bipartisan, nonpartisan No Child Left Behind Commission. Senator BURR, on whose behalf I offer this amendment, and I share the belief we must forge stronger connections between higher education and our K-12 schools and that higher education has a responsibility to ensure that the pipeline of prospective teachers grows and responds to the needs of American students and schools.

All our children, regardless of background or neighborhood, must have access to high-quality teachers. So I am going to urge everyone to support this important amendment, which is offered by Senator BURR. This amendment requires teacher training programs to report to the Secretary of Education on how they are responsive to the needs of their graduates once they reach the classroom.

I am particularly pleased this amendment recognizes the special skills new teachers need when teaching in rural areas. Today's teachers need training to meet the needs for diverse student populations—ranging from students with disabilities to English language learners to gifted and talented students.

Finally, this amendment does not impose additional mandates on institutions with teacher training programs. It simply requires them to report on how they are meeting the needs of prospective teachers in local school districts, and I am sure they are working on that on a daily basis to figure out how they can meet the needs in the best way possible. Sharing that with us will help us in our work. So I ask that we adopt the Burr amendment.

Mr. KENNEDY. Mr. President, I thank the good Senator from North Carolina for offering this amendment. I had the opportunity to travel to North Carolina and to visit with their education department about their innovative and creative ways of trying to bring in highly qualified teachers in a lot of underserved areas. They have done a very good job.

This amendment doesn't surprise me. It is extremely worthwhile and reminds us of what the current situation is. If you have math students in high-poverty schools, they are more likely to be taught by out-of-field teachers. That means that over 33 percent of the math classes in high-poverty schools are being taught by a teacher without a degree in their field compared to less than 18 percent in low-poverty schools.

So as we have discussed during this entire debate, both last week and this week, this is a good example of our efforts to reduce the inequities in education, particularly when we are talking about the needs of developing skills in math, in science, engineering, and technology. This is a pretty good indication, the fact that if children are going to high-poverty schools, this is the chance they have to learn from a well-qualified teacher. It isn't always the case, but these statistics demonstrate the point the amendment is trying to make.

This is in science. If you take science students in high-poverty schools, they are more likely to be taught by out-of-field teachers. It is 56 percent in the high-poverty area, and only 22 percent in the low-poverty areas. This is repeated in other subjects as well.

Among other things, what the amendment is trying to do is hold institutions of higher education accountable for the quality and progress of teacher preparation and alternative certification programs. We have serious need for math and science teachers, especially in low-income and high-need schools. We ought to be encouraging our teaching institutions to help produce those teachers. That is really a very substantial part of what this amendment does. It helps high-need schools recruit and retain high-quality teachers so we give encouragement to schools to produce these teachers, and then help the high-needs schools to recruit and retain the highly qualified teachers and also help promote innovative models such as induction and teaching residency programs.

We have seen that some of these programs have been enormously successful in retaining teachers in high-poverty areas. These programs also encourage more accountability in teacher preparation. That is very consistent with what we are trying to do in this legislation.

Senator BURR has spoken of this issue. The Senator from Wyoming, you will remember, spoke about this during our discussions in the committee. We indicated a desire to work with him. This legislation is right on target with what we are attempting to do, recognizing what I said previously, and that is the key to education is the well-trained teacher. This is going to be helpful to make sure we are going to have a well-trained teacher in those areas of shortage. Clearly, math, science and engineering are very important, critical areas. As are teaching students with disabilities and English language learners. The amendment will help make this stronger legislation as a result of its acceptance.

I am more than glad to urge our colleagues to accept it. I will follow the lead of the Senator from Wyoming.

Mr. ENZI. I thank the Senator from Massachusetts for his comments. It is something he and I have talked about extensively. We do know teachers are the key to education.

I am not aware of any disagreement on either side. I am ready to wrap up the debate on it.

Mr. KENNEDY. We are prepared to accept the amendment.

Mr. ENZI. We ask the time left on the amendment be yielded to the bill itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2375) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, the Senator from Ohio, I understand, is on his way. We expect him shortly. He has an important amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2376

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 2376.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a Federal supplemental loan program)

At the end of title IV of the bill, add the following:

PART H—FEDERAL SUPPLEMENTAL LOAN PROGRAM

SEC. 499. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499B. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

"(a) Program Authorized.—The Secretary shall carry out a Federal Supplemental Loan Program in accordance with this section.

"(b) Eligible Individuals.—An individual shall be eligible to receive a loan under this section if such individual attends an institution of higher education on a full-time basis as an undergraduate or graduate student.

"(c) Fixed Interest Rate Loans and Variable Interest Rate Loans.—

"(1) In general.—Beginning with academic year 2008–2009, the Secretary shall make fixed interest rate loans and variable interest rate loans to eligible individuals under this section to enable such individuals to pursue their courses of study at institutions of higher education on a full-time basis.

"(2) Fixed interest rate loans.—With respect to a fixed interest rate loan made under this section, the applicable rate of interest on the principal balance of the loan shall be set by the Secretary at the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

"(3) Variable interest rate loans.—With respect to a variable interest rate loan made under this section, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) a margin determined on an annual basis by the Secretary to result in the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

"(d) Maximum Loan Amount.—

"(1) In general.—The Secretary shall make a loan under this section in any amount up to the maximum amount described in paragraph (2).

"(2) Maximum amount.—For an eligible individual, the maximum amount shall be calculated by subtracting from the estimated cost of attendance for such individual to attend the institution of higher education, any amount of financial aid awarded to the eligible individual and any loan amount for which the individual is eligible, but does not receive such amount, pursuant to the subsidized loan program established under section 428 and the unsubsidized loan program established under section 428H. For the purposes of this section, an institution of higher education may reduce its cost of attendance.

"(e) Cosigners.—The Secretary shall offer to eligible individuals both fixed interest rate loans and variable interest rate loans under this section with the option of having a cosigner or not having a cosigner.

"(f) Repayment.—The Secretary shall offer a borrower of a loan made under this section the same repayment plans the Secretary offers under section 455(d) for Federal Direct Loans.

"(g) Consolidation.—A borrower of a loan made under this section may consolidate such loan with Federal Direct Loans made under part D.

"(h) Disclosures and Cooling Off Period.—

"(1) Disclosures.—The Secretary shall provide disclosures to each borrower of a loan made under this section that are not less than as protective as the disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.), including providing a description of the terms, fees, and annual percentage rate with respect to the loan before signing the promissory note.

"(2) Cooling off period.—With respect to loans made under this section, the Secretary shall provide a cooling off period for the borrower of not less than 10 business days during which an individual may rescind consent to borrow funds pursuant to this section.

"(i) Discretion to Alter.—The Secretary may design or alter the loan program under this section with features similar to those offered by private lenders as part of loans financing postsecondary education.".

Mr. BROWN. Mr. President, a couple of months ago a distraught mother from Cincinnati wrote me about the private loan her daughter had taken to go to college. Her daughter had borrowed $21,000, was facing a bill for over $100,000 as a result. She sent me the disclosure sheet on the loan represented in this chart because she could not believe what she saw.

She took out a loan for $21,000 for 2 years of school. That loan grew, at an 18 percent interest rate, to almost $35,000 because there was a deferral on payback of the loan during her 2 years in school.

So she ended up owing $67,000 for the life of the loan. That is why she ended up paying $102,000 because of this incredibly high interest rate for student loan, 18¼ percent.

I have shown this statement to a loan officer at a bank and also to my attorney. They both expressed to me they had never seen anything such as this and there must be a mistake. Unfortunately, the only mistake is Congress has failed to act to restrain the costs of these loans, which as we have seen, can carry interest rates sometimes in excess of 18 percent.

It is not an isolated problem. Private loans have been growing at an annual pace of some 27 percent, meaning that because tuition continues to grow at a rapid rate, and the Federal Government has not met, through the Direct Student Loan Program or the Guaranteed Student Loan Program, has not met that increase, the amount that students need has grown at such a rapid rate that private lenders have come in charging interest rates similar to this, 18 percent, 16 percent, 17 percent, whatever.

The cost of college has climbed so much that we have seen this kind of growth. In Ohio, the median house income increased 3 percent between 2000 and 2006. Tuition went up 53 percent at 4-year public schools, 28 percent at 4-year private schools. Tuition went up 28 percent for some, 53 percent for others. Yet the average wage in our State went up only 3 percent.

The Federal loan limits have barely budged over the past several decades. In 1972, a freshman could borrow $2,500 in Federal loans. Last year, that number barely moved to $2,600, even though, in real terms, the limit on borrowing would amount to $12,000, if it kept pace with inflation. To be fair, the law changed this month. A freshman can borrow $3,500 for school. But even though the limits in the first 2 years have been increased somewhat, the overall cap on borrowing remains the same, $23,000 for a dependent undergraduate. This bill does nothing to change the cap because the HELP Committee decided, correctly in my view, the bulk of savings we could achieve should be plowed back into Pell grants. I applaud Chairman KENNEDY for doing that.

With the price tag for 4 years of college at $120,000 for private schools, $50,000 for public schools, there is obviously a big gap for many students. That gap gets filled in many ways: savings, work, grants, PLUS Loans, credit cards, you name it. But for more students, private loans are playing a bigger role.

According to testimony before the Banking Committee last month, Sallie Mae made $7 billion in private loans and $15 billion in Federal loans. In other words, one out of three college student loan dollars originated by the biggest student lender in the country is a private loan subject to much higher rates.

As this chart indicates, the private loan program may well outstrip the Federal program over the next decade. What we have done on this chart is use the growth rates of the two programs over the past several years to predict how large they will grow if current trends continue. The darker reddish-purple there is the unregulated private bank loans that students are getting, growing more than 20 percent a year. You can see how within 7 or 8 years, they will overtake student loans.

More and more students are forced to go through private banks for private loans at higher and higher interest rates every year. Think about these numbers: A 28-percent increase in tuition over the last 6 years for private 4-year institutions, 53 percent for public 4-year institutions. Yet the average wage has only gone up 3 percent.

Congress very often legislates through the rear-view mirror. We wait until a problem becomes close to unmanageable before we feel compelled to act. Today we can take a different approach. We can act to address a problem before it becomes widespread. This amendment I am offering will create an alternative for the fastest growing segment of the student loan industry, private loans.

My amendment creates a supplemental loan program that would be run by the Federal Government. It would provide one more option for students to finance their education. Over the years, my Republican colleagues have defended the private guaranteed student loan program by arguing there should be competition between the guaranteed and the Direct Loan Program and that the competition made both better. Right now there is no competition for these private loans with the results that students have been charged in excess of 18 percent.

Mr. KENNEDY. Would the Senator yield?

Mr. BROWN. I will yield.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. There is 10 minutes remaining in favor of the amendment.

Mr. KENNEDY. There is 15 minutes divided between Senator ENZI and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I would be glad to, if the Senator would yield on my time.

Is it not true that there is sort of three major components of paying for the cost for higher education? We have one aspect of it, which is the student loan program, which is the Federal student loan program. Included in that program is the authorization program, that we are going to deal with this issue.

Then we have the private loan programs which the Senator from Ohio is addressing. So as we are on the floor of the Senate, and middle-income families are watching us, we say we want to do something about the cost of tuition, certainly we make a downpayment on that in the reconciliation bill, where we have taken some $17 billion out of the lenders in order to provide more Federal grant aid to needy students. We have helped the neediest students.

But the Senator from Ohio has put his finger on what is happening at the other end; that is, the dramatic increase in the students borrowing at these exorbitant rates of 18 percent.

Does the Senator share my belief that we will never get a handle on the cost of tuition for colleges and universities until we get a handle on that program as well?

Mr. BROWN. I think that is exactly right, what Senator KENNEDY said. Because of the efforts of Senator ENZI and Senator KENNEDY, in a bipartisan effort in this body last week, to move money that has been subsidizing those private companies into Pell grants and into better rates and better payback periods and all of that for students, we have gone a big part of the way.

But on this chart, as Senator KENNEDY suggests, the dollars students will need continue to skyrocket, and the only place they can go is these private banks.

Mr. ENZI. Parliamentary inquiry: It is my understanding of the time that it was equally divided by the pro and the con on the amendment rather than——

The PRESIDING OFFICER. That is correct.

Mr. ENZI. Rather than half to the presenter.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Let me ask the Senator from Ohio, if you look at the left part of that chart, that is 1996; is that correct?

Mr. BROWN. This is actually 2005.

Mr. KENNEDY. So what you are pointing out is what has happened in the last 6 years; am I not correct?

Mr. BROWN. Well, we also had a chart earlier that showed that increase of 20-plus percent, up until now, in real dollars. If the percentage increase continues, and there is no reason it would not, it will grow similar to this. But we have had several years of this already.

Mr. KENNEDY. Well, the point I am making is this is a relatively new phenomenon that has taken place, correct?

Mr. BROWN. Correct.

Mr. KENNEDY. As we try to get a handle on trying to provide need-based assistance, we've seen a cutback in the proportion of grants compared to loans in Federal aid. We've seen the huge increase in Federal student loan debt—more and more students must borrow to afford a college education. At the same time we are seeing the explosion of private student loans, which often carry interest rates as high as 18 percent, which the Senator has talked about.

Does the Senator not agree with me, if we are really serious about dealing with the cost of tuition for students, we ought to deal with all of those components? As I understand, the Senator from Ohio is doing that with his amendment, to make sure we are going to, as a result of his amendment, help the neediest students in terms of Pell grants, and we are going to get help managing student loan debt by offering loan forgiveness to those in public service and by capping monthly loan repayments. We are using some $17 billion that we take from the lenders, and we are going to make sure that students will get the best possible loan—even if it's a private loan.

Mr. BROWN. That is correct. We are not regulating the banks. We are simply setting up a program so that the Government will break even. It will not cost taxpayer dollars. We are setting up a program to compete directly with private lenders, which we are certain, as my Republican friends have said, with the direct student loan program, that competition will make both operate better.

I will briefly summarize the amendment and then reserve our time.

The amendment requires the Secretary of Education to offer two types of loans, a fixed rate and a variable. Each type of loan would be offered for borrowers with or without cosigners. The Secretary would then have the discretion of designing the program to mirror other features offered by private loans such as delayed payment until after graduation or deferment for certain hardships. This amendment will clearly stop situations like this one from happening to a student, where a student goes in with a $21,000 loan and has to pay $500 monthly for 179 times and ends up paying $102,000 for a $21,000 student loan. We will see a competitive situation which will save those students dramatic amounts of money, working with what Senator KENNEDY and Senator ENZI did last week on debt forgiveness, on the Pell grants—all that will absolutely matter for students.

Mr. KENNEDY. This is providing competition; am I correct?

Mr. BROWN. Yes.

Mr. KENNEDY. So this isn't just mandating. This is creating competition, if they want competition in this area; am I correct?

Mr. BROWN. This creates a competitive situation similar to what we have had since 1939 but for students who have to borrow money beyond the $23,000 limit. It doesn't regulate the banks. It doesn't tell the banks what to do. It simply sets up a competitive situation from which all of us will gain.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to oppose the amendment. There are some statements that I would like to clear up a little bit. I would not want anybody to think that this is increasing competition. This is increasing Government price fixing. It is requiring the Secretary of Education to do the price fixing. She is the one who sets the interest rate, or he, as the case might be at the time it was put into effect. That is not the person with the expertise to know what kind of interest rate ought to be charged on anything.

I also have objection because this amendment has neither been through the Education Committee nor the Banking Committee. This is something the Banking Committee would strongly believe should be in their jurisdiction. I am glad we are having the discussion because it is very important for people to hear that you can borrow money at 18 percent, $21,000, defer all payments for 2 years, and pay off the loan in equal installments after that and wind up paying $100,000. If you are buying a car at $21,000 and you have to pay 18 percent interest and you don't have to pay anything for the first 2 years, that car is going to cost $100,000.

That comes under the subject of financial literacy. It is important for us to impress on young people today what the cost of interest means, what the cost of deferring interest means. There are people buying houses under that kind of a proposal right now. They are very surprised at how much they owe on their house. We are trying to do as much as we can in the bill on financial literacy. Part of that financial literacy would be to encourage the parents to have a home equity loan to provide for the student, and that way it is deductible on their income tax. There are a number of different ways of doing this, but I don't think having the Secretary of Education determine an interest rate would intentionally bring down the cost of interest. Hopefully, we can get banks to be responsible on the interest rates they charge. But when there is no Federal backing, no Federal guarantee on the loan, they are actually providing the loan at very high risk to a student with no collateral, which is why the interest rates come in at 18 percent. There are other ways to correct the problem other than putting this in the hands of the Secretary.

We had some experience with this before. There was a tuition credit that was initiated in 1978 to solve a huge problem at that time. It was supposed to apply to both elementary and secondary education and higher education, but it was focused on tuition tax credits for parochial schools. Almost all of the public attention was on the higher education part of it. The Carter administration very quickly came up with a two-part plan, automatic Pell eligibility for every family if their income was below $25,000, and automatic eligibility for a student loan to any student who wanted one regardless of family income. Of course, one of the things that Money magazine pointed out was that even a Rockefeller could get a loan at 9 percent. That is what the Government set the loan rate at, 9 percent.

What is the problem with that? If we had a Secretary of Education right now, and they happened to set the loan rate at 9 percent, I am sure the press would say that was absolutely terrible. On the other hand, if it was a Democrat who set it at 9 percent, they would probably say it was great. But this was the case where the Government set the rate at 9 percent. What is the problem? It was a time when interest rates were climbing through the roof and were on their way to 21 percent prime. So there was an incentive to borrow money at a fixed 9 percent rate, which is what the student loan interest rate was, and that didn't have to be repaid until after college when interest rates were going through the roof.

So students borrowed the money, put the funds in a money market, and paid it back as soon as the repayment began, having made a tidy profit on the float.

Other students borrowed money and used it to finance cars and other things unrelated to college. In fact, parents were encouraged to borrow and do home improvements and other things because they could get this 9 percent money from the Federal Government. The amount of money being borrowed jumped from $1.7 billion in 1977 and 1978 to $67.2 billion in 1980–1981, an increase of 265 percent in 4 years. Federal costs associated with student loans grew from $480 million to $2.5 billion which was also growth of 420 percent.

Under the Brown-Sanders amendment, a student attending an expensive private college could borrow the entire cost of attendance, as much as $45,000 a year, on highly favorable terms. Repayment would, indeed, start right away, but if families have college money in the bank, they can pay off the loan gradually and earn on the interest, as they do, the same as we had a problem with before.

The amendment also will encourage students to have their children borrow money for college rather than finance it through the PLUS loans or other mechanisms that would put the burden on the adults. In some cases, of course, parents will have the student take out the loans and would repay it for them.

I am suggesting this is something we haven't reviewed enough to do yet; that it would put some of the present loans in jeopardy. We have been very careful in both last week's bill and this week's to be sure that there was some competition between direct loans and the private loans. But those were reviewed over a period of time, looked at with some history, and this one doesn't have the history.

I hope we will vote against it.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. How much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes remaining. The Senator from Wyoming has 8½ minutes remaining.

Mr. BROWN. Mr. President, I would prefer to close, if the Senator from Wyoming has any more time he would like to use.

The PRESIDING OFFICER. The Senator from Wyoming has 8½ minutes remaining. Does he choose to use more time?

Mr. ENZI. I will use some more of my time. I haven't used all of it yet today, and I probably will not on this one either.

I do have a letter I ask unanimous consent to have printed in the RECORD. It is from the American Association of State Colleges and Universities, U.S. Public Interest Research Group, and the United States Student Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 23, 2007.

DEAR SENATOR: On behalf of students and institutions of higher education we urge you to oppose the Brown amendment to create a new supplemental loan program and eliminate all federal student loan limits. We share the desire to help students avoid risky and expensive private loans to pay for college. However, by eliminating all limits on federal student loan borrowing, this amendment may allow states to pass on more of the cost of college to students.

Federal Stafford loan limits for undergraduate students are currently set at $23,000 for dependent students and $46,000 for independent students. Students can borrow additional aid through the Perkins loan program and parents are eligible to borrow up to the cost of attendance through the PLUS loan program. Independent students, and in certain circumstances dependent students, are eligible to borrow FLUS loans when their parents do not. Despite the availability of federal student loans a growing number of borrowers are turning to the private loan market to finance their education.

The Brown amendment would create a new supplemental loan program designed as an alternative to these more expensive private loans. About 5% of undergraduate students take out private loans to finance their education each year. However, the Brown amendment would allow all students to borrow federal loans up to the cost of attendance minus other federal aid.

By eliminating all federal loan limits, the Brown amendment could have serious, negative unintended consequences on state investment in higher education. Over the past decade states all across the country have cut funding for higher education or restrained funding increases when faced with tight budgets. States have compensated by increasing the cost of college to students. Making available such a massive source of new funds, without any limitations, may have the unintended consequence of facilitating tuition increases in states across the country.

We urge you to oppose the Brown amendment to S. 1642.

For questions please contact Luke Swarthout at U.S. PIRG or Brittny McCarthy.

Sincerely,

American Association of State Colleges and Universities (AASCU).

U.S. Public Interest Research Group (U.S. PIRG).

United States Student Association (USSA).

Mr. ENZI. A few of the highlights:

Dear Senator: On behalf of students and institutions of higher education we urge you to oppose the Brown amendment to create a new supplemental loan program and eliminate all federal student loan limits.

By eliminating all federal loan limits, the Brown amendment could have serious, negative unintended consequences on state investment in higher education.

I also have a letter from the Financial Services Roundtable. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, July 19, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: As the Senate considers S. 1642, the Higher Education Amendment of 2007, the Roundtable is writing to express our opposition to the amendment by Senator Sherrod Brown. The Financial Services Roundtable would urge you to oppose the Brown Amendment, which would ultimately be detrimental to student borrowers.

The Brown Amendment would create a new federal-run student loan program, in addition to current programs that would offer loans currently being made by private student lenders. This new government system with the ability to borrow money at government rates would essentially supplant lenders offering private student loans. The policy implications of such a program are broad and the unintended consequences are numerous.

The private market and competition most efficiently serve consumers. There are many lenders in the private student loan marketplace and competition among lenders benefits students. S. 1642 supports competition in the private student loan market, while the Brown Amendment eliminates competition.

This expansive new government bureaucracy created by the Brown Amendment would drive private lenders out of the student loan marketplace. Students would essentially have no alternative to the federal government for student loans. The federal government is not able to respond to market demands like the private market and having one lender on which student must rely is potentially problematic.

We urge you to oppose the Brown Amendment.

Best regards,

STEVE BARTLETT,
President and CEO.

Mr. ENZI. I will mention, again, a couple of highlights. They, of course, express their opposition and point out that it would "create a new federal-run student loan program, in addition to current programs that would offer loans currently be made by private student lenders. This new government system with the ability to borrow money at government rates would essentially supplant lenders offering private student loans. The policy implications of such a program are broad and the unintended consequences are numerous."

Once again, I reiterate that this hasn't been tested. It hasn't been vetted through the committees. Of course, when it goes through committee, that is an opportunity for a diverse group of people to put their opinions behind it, as well as to meet with stakeholders and get an outside opinion.

I would ask that Members oppose the amendment.

Does the Senator from New Hampshire wish to speak on this amendment.

Mr. GREGG. I do.

Mr. ENZI. I yield the remainder of my time to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time remains?

The PRESIDING OFFICER. The Senator is recognized for 6 minutes 24 seconds.

Mr. GREGG. How much time remains to the offeror of the amendment?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes and wishes to sum up.

Mr. GREGG. Mr. President, when we structured the arrangement between direct student lending and private lending back in the 1990s, when Senator KENNEDY was chairman of the committee, there was considerable open dialog about the fact that we were going to set an even playing field where we would allow the marketplace, essentially the students and the schools, to decide who was going to win, who would be used more often, direct lending or the private market. That was the theory.

The Senator from Massachusetts and the Senator from Indiana, at that time Mr. Coats, and I worked on this at great length. We worked out an arrangement where this was the way we would approach it. But ever since then, or at least in the last year, there has been an attempt to tilt the playing field significantly toward direct lending and to make the Government the lender of first resort and last resort for most students, even though in most instances that has been rejected both by the students and the education community.

This amendment is just an extension of that effort and is arguably an extremely expensive extension because even though the scoring rules may reflect a zero scoring—and I am not sure it will—we know those rules don't adequately reflect the cost to the Government of having participated in these types of lending programs.

What we are doing now under this amendment is saying not only do you have these base lending amounts that are available under direct lending, but you are going to be able to borrow up to the full cost of your education. So it dramatically skews the system to favor direct lending and especially to allow students and parents, as has been pointed out by the ranking member on the committee, to arbitrage that money and encourages high cost schools to become even more expensive.

One of the things we have seen is that there appears to be a direct correlation between tuition going up at schools and federally supported lending and Federal grants being increased. So the students are not usually advantaged by this expansion of direct lending and, many times, grants. It is, rather, the schools that are advantaged, especially high-end schools which simply raise their tuition to absorb whatever new money is flowing in out of the Federal Treasury. It has become a fairly cynical game on the part of many academic institutions, but it is exactly what has happened.

This amendment needs a hearing. It needs to be vetted very aggressively in committee, as the Senator from Wyoming, the ranking Republican, pointed out. It basically, in my humble opinion, right up front, undermines three of the basic principles we should be trying to resist occurring.

The first principle is we not unduly tilt the playing field in favor of direct lending over private lending or private lending over direct lending. Last week's amendment, which I think took a significant amount of money out of the subsidy for private lending, was a good step in the direction of not allowing private lending to get an advantage. This amendment should not be passed because it gives direct lending an unfair advantage.

Secondly, it should not create an atmosphere where students are pushed toward higher income schools, higher cost schools, and where parents and students are allowed to basically game the system through arbitraging funds—borrowing at one rate, lending at another rate—assuming they had some other sources of revenue.

Thirdly, it should not encourage this process which is occurring out there of giving significant resources without any discipline to higher education facilities so they can then raise their tuition, at the expense of students who do not have these types of resources to pay these loans or who do not qualify for these loans and end up with education becoming more expensive simply because the higher education institutions see there is easy money out there to capture, and they do not have to be disciplined in managing their education systems.

So there are a lot of issues this raises—a lot of issues. Now, I know the basic goal of some on the other side is to move the whole thing to direct lending. Unfortunately, that has become the cause célèbre around here, and the purpose. Much like universal health care, they would like to have universal Federal lending policies around here. But the private sector plays a significant and constructive role in making college affordable for American students, and has.

The original agreement, which was reached in the 1990s to make the playing field balanced and fair and to keep it balanced and fair, is the way we should proceed. We should not be putting in place, out of the clear blue sky, a brand-new major direct lending program which will undermine some of the major tenets and efforts we have undertaken in higher education lending.

Mr. President, I reserve the remainder of the time for the ranking member.

Mr. BROWN. Mr. President, how much time do the opponents of the amendment have?

The PRESIDING OFFICER. Those opposed have 49 seconds.

Mr. BROWN. I thank the Chair. I will close.

We know several things. We, first of all, know that my amendment sets up a competition. It does not set up, it does not run the system. It simply sets up a competition. It does not tilt the playing field. It makes the playing field even so interest rates will not continue to be at a usurious rate of 16 and 17 and 18 percent.

We know the Direct Loan Program works. We have seen the Government involved in the Direct Loan Program, as in Pell, as in Stafford. The Government, in fact, has negative subsidy rates of 7 percent and 4 percent. In other words, the Government has done these so efficiently that the Government either breaks even or actually makes money.

We know my amendment does not take effect until students have exhausted up to $23,000. There are other opportunities to get financing for college. It only goes there. It is not a new program that simply will take people in because it is tilted, as my friend, the Senator from New Hampshire, says. We also know if we do nothing, as USA Today said: There is just one problem. The efforts short of this amendment would do little to rein in the fastest growing area of the market—loans that are not federally backed whose rates can generally rise without limit. Bills in Congress would not affect rates on these loans, also often called private loans, until this amendment.

The ranking member said he hopes the banks charge lower interest rates. The fact is—as the Senator from New Hampshire talked about gaming the system—the banks are gaming the system. That is why this woman from Cincinnati had to—on a loan of $21,000—pay $102,000 back, at 18 percent interest.

We just want some competition. I do not want to see the easy money—the Senator from New Hampshire talks about the easy money. It is easy money for the banks. It is huge profits for the banks.

This is really a decision that comes down to, are you going to support students in giving them the opportunity to go to school? This is not buying a car. This is not making car loans. This is providing an opportunity for a lot of students. It is their first chance to go to college.

My wife went to college, enrolled at Kent State University 30 years ago. She was the first one in her family to go to college. She probably could not do that today because the loans and the grants are not available the way they were 30 years ago. She probably would have either not been able to go to school because she could not have put the financial package together or she would have seen a situation where she would have been burdened with such huge loans, huge debt when she graduated.

There is the choice, are you voting for students in this country—giving opportunity to middle-class students, opportunity to working families—or are you going to vote to support the banks so they can continue to charge these kinds of 15, 16, 17, 18 percent interest rates?

Mr. President, I ask for support of the Brown amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that a letter from the Consumer Bankers Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMER BANKERS ASSOCIATION,
Arlington, VA, July 23, 2007.

DEAR SENATOR: I am writing to let you know of the strong opposition of the Consumer Bankers Association to an amendment that will be offered by Senator Brown to the S. 1624, the Higher Education Act Amendments of 2007. The Brown Amendment would create a new "Federal Supplemental Loan Program."

The effects of this program are hard to ascertain as it is being proposed with little input from anyone involved with or affected by student financial assistance programs. There have been no hearings or other public discussion of this massive proposal. We understand that student and school groups oppose the legislation, and we urge you to read letters to that effect from their representatives.

The loan program envisioned by this legislation would enlarge the government by tens of billions of dollars a year and represents an attempt to fully nationalize student lending, putting all responsibility for making and collecting tens of billions of dollars in new loans every year into the hands of the Department of Education and its contractors.

A private student lending system already exists; it is competitive and serves the needs of millions of students every year. The Brown Amendment is attempting to replace this system with a government-only monopoly that will eliminate students' and parents' choice of lender. This will only put a stop to innovation and improvement while doing nothing about the high cost of higher education.

We urge you to oppose the Brown Amendment to S. 1624.

Sincerely,

JOE BELEW,
President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just for the benefit of Members, I think we will have a rollcall vote on the Senator's amendment. We will work out with the leadership the time for that vote. I think that is going to be the way we are going to proceed.

I see the Senator from Illinois on the Senate floor now who has an amendment and, hopefully, we will be able to address that at the present time.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2377

Mr. DURBIN. Mr. President, I rise today to offer the John R. Justice Prosecutors and Defenders Incentive Act as an amendment to the Higher Education Act of 2007.

This amendment would create a targeted student loan repayment assistance program that will bolster the ranks of attorneys in the criminal justice system in America.

I think the need for this amendment is clear. Prosecutor and public defender offices throughout the country are having serious difficulties recruiting and retaining qualified attorneys.

In a recent survey, over a third of prosecutor offices nationwide reported problems with keeping attorneys on staff. Over 60 percent of prosecutor offices that serve populations of 250,000 or more reported serious problems with the retention of attorneys.

The story is the same for public defender offices. Another recent survey found that over 60 percent of State and local public defender offices reported difficulty in attorney recruitment and retention.

When prosecutor and defender offices cannot attract new lawyers or keep experienced ones, their ability to protect the public is compromised. Caseloads become unmanageable, cases can be delayed or mishandled, crimes may go unprosecuted, and innocent defendants may sit in jail.

Why is it that prosecutor and defender offices are struggling to keep attorneys on staff? I will tell you one major reason: student loan debt.

Over 80 percent of law students take out loans to finance their legal education. The average educational debt for law school graduates in the class of 2005 was almost $79,000 for private school graduates, and $51,000 for public school graduates. Two-thirds of law students also carry additional debt from their undergraduate experience.

In light of this, it is not surprising that two-thirds of law students in a recent national survey stated that student loan debt prevented them from even considering a public interest or Government job—two-thirds of law school graduates. Of those dedicated law graduates who initially accept criminal justice jobs, many cannot stay. They just cannot afford to do so with the student loans they face.

The higher education reconciliation bill we passed last week does much to address student loan debt in general for those who have already been in public service for 10 years. There is student loan forgiveness. There is a cap on how much a graduate would have to repay for a period of time, and at the end of 10 years there is student loan forgiveness.

But, unfortunately, it does not go far enough to address the urgent need to help our criminal justice system recruit and retain qualified attorneys. We need a special solution to provide immediate assistance.

My amendment, the John R. Justice Prosecutors and Defenders Incentive Act, is a tailored solution. My amendment would establish, within the Department of Justice, a program of student loan repayment assistance for borrowers who agree to remain employed for at least 3 years as State or local criminal prosecutors or as State, local, or Federal public defenders.

I should point out that Federal prosecutors are already eligible for loan relief through existing programs.

Under my amendment, borrowers could enter into another agreement, after the 3-year minimum, for an additional period of service. Attorneys who participate in this program can receive student loan debt repayments of up to $10,000 annually, with a maximum over time of $60,000. Repayments would begin with the first year of service. But, remember, there is no repayment unless there is a pledge to work at least 3 years, and then an opportunity to come back for another 3 years. So a commitment has to be made.

The program gives priority in repayment benefits to attorneys who have the least ability to repay their loans. It ensures a fair allocation of benefits among prosecutors and defenders nationwide.

If an attorney receives loan repayments under this program but does not complete the agreed-upon period of service, they have to pay back the money.

The John R. Justice Act is modeled on existing loan repayment programs that cover Federal executive branch employees and the Department of Justice. They have been demonstrated to be a great success as an attorney recruitment and retention tool.

Simply put, a targeted loan repayment assistance program such as this one would make criminal justice careers more feasible and more attractive to qualified attorneys.

Let me say, this bill has passed out of the Senate Judiciary Committee twice. It has strong bipartisan support. It was brought to me by the prosecutors and the defenders in our criminal justice system. As we read in the news about case after case where those in prison have had their prosecutions reevaluated, we understand that competent counsel is the bedrock of a good system of criminal justice. We need the very best attorneys on both sides of the table—prosecuting those who have been accused of a crime and defending those who have that presumption of innocence in America.

This bill has strong bipartisan support, with 38 Senate cosponsors. Companion legislation in the House passed by a vote of 341 to 73. It is supported by prosecutor, defender, and criminal justice organizations. I urge my colleagues to support their State and local prosecutors and defenders, and to support this legislation.

It has, among others, the support of the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, the National Association of Criminal Defense Lawyers, the American Council of Chief Defenders, the National Juvenile Defender Center, the American Bar Association, the Conference of Chief Judges, and the American Law Deans Association.

Mr. President, I would like to ask, is there an amendment currently pending on this legislation?

The PRESIDING OFFICER. There is an amendment pending.

Mr. DURBIN. Mr. President, I ask unanimous consent that the amendment be set aside and I send this amendment to the desk. Then, of course, I would agree to step back in line and defer to the chairman and ranking member as to the sequence of amendments that will be called later. So I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2377.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide loan repayment for prosecutors and public defenders)

At the end of title IX, add the following:

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3001. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

"(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

"(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

"(B) subject to the availability of appropriations.

"(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact on law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

Mr. DURBIN. Mr. President, I will defer to the chairman and ranking member as the sequence of amendments are considered on the bill. My amendment, I assume, is currently pending, but I understand if there is a different sequence both of these Senators would seek.

I thank the Chair.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate the Senator being willing to allow us to go back to the previous amendment or on to another amendment. We have one more that will be presented on our side. I think there is another one that will be presented on the Democratic side.

I do have to oppose this amendment. I understand the importance, the desire, but I would oppose it on the basis that we spent a lot of time last week doing this same thing. I appreciate the time the Senator from Massachusetts, Mr. KENNEDY, took to explain to everybody what we were doing in a very general way so we did not have to pick one profession over another profession so we could give some reduced loan repayments and then forgiveness to public prosecutors, defenders, teachers—a whole category, a whole bunch of service sector people. There was a lot of support, although we spent more time debating that part than we did several other parts of the bill, showing there is some discomfort with doing that, but also support for doing that, but in a general way.

When we start picking out one particular area of Federal service over others, what we are doing is touching off a whole raft of people coming in with their particular public service and asking for the same kind of a reduction. Of course, if we do that for everybody, we have increased the cost considerably. We ought to start with the proposal that is in there, and after that works, make modifications to it, rather than encouraging every specialty of public service to come in and do that as well.

I know the Judiciary passed it. That does not surprise me. That is a special Judiciary category. If it were a category coming through one of the other committees that dealt with their committee, it would get that same kind of support. But what we tried to do is come up with a way we could have fairness between professions. Each of the professions we talked about have some special needs, and we would be able to encourage and incentivize people to go into those professions earlier, quicker, and with less debt if we have this same kind of proposal for them. So I hope we will resist separating the prosecutors and public defenders at this point in time when we have included them in other language with loan forgiveness. Although it is not as short a period of time as the Senator might like, I think it is what we ought to do at the present time, and we shouldn't be increasing the program and then leveraging everybody else at the same time.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I respect the Senator from Wyoming. I wish to make sure we understand what happened last week. It was a good thing. We basically kept the amount that all student borrowers would pay based on the income they receive. As I understand the bill that was passed last week, which I was happy to support, there is a cap at 15 percent of the discretionary income of graduate students for those loans that are either in the Direct Loan Program or consolidated into the Direct Loan Program.

Basically, what it means from the chart I saw is that students, instead of paying back $600 or $700 a month, might face half that amount they would pay back because of the limit they would pay each year of 15 percent discretionary income, which I understand to be gross income less 150 percent of poverty for the student or the graduate in that category.

The reason I have come back this week to offer this is because we are talking about a group of individuals who are in an exceptional circumstance. They are people who will face an even greater debt than most college graduates. In addition to their undergraduate debt, they have the debt of a law education, which, as I noted here, can be substantial—almost $80,000 for those who have gone to public law schools, and $50,000 for those in private law schools on top of their undergraduate debt. Then we find that two-thirds of these students cannot seriously consider taking any job in public service or Government work because of the amount of their debt. So we have prosecutors coming in from all over the United States—and I would bet from your own State—saying: We are having some difficulties here. We can't attract the kind of talented young men and women from law schools, because of their debt, to come work as prosecutors and defenders in the criminal justice system and once there, we can't keep them. As soon as they have a good offer to go with a private firm, they leave. One of the compelling reasons is the fact that their student debt is so high.

So even though the bill passed last week is a good step, it is not adequate to the task. These particular graduates face more debt—dramatically more debt—than ordinary undergraduates or even graduate degree students in America. We have a special need. I would say to the Senator from Wyoming, I guess you can argue that this is special interest because it deals with our system of justice, but I think we all concur that as legislators, we can pass the best laws in the world in the criminal justice system, but if we don't have well-trained and competent lawyers prosecuting those cases on behalf of the people of this country, defending those charged on behalf of those who have been named defendants, then our system of justice will not work as well as it should.

I will concede that this goes after a special group, but I think there are special circumstances that warrant it.

So I hope the Senator will reconsider his opposition to this. As I said, it has bipartisan sponsorship because I think people realize that if we don't do this, we will diminish this branch of our Government which is so important for our democracy.

Mr. ENZI. Mr. President, I thank the Senator for his explanation. I would suggest that the phones are probably ringing off the hook over in my office saying: My public service profession is as important as those public defenders, and that is probably what this phone call was on the floor over here earlier as well.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2369

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2369 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2369.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To certify that taxpayers' dollars and students' tuition support educational rather than lobbying activities)

At the end of title I of the bill, insert the following:

SEC. 114. DEMONSTRATION AND CERTIFICATION REGARDING THE ABSENCE OF PAYMENTS FOR INFLUENCE.

Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that no student tuition amounts or funds from a Federal contract, grant, loan, or cooperative agreement received by the institution were used to hire a registered lobbyist or to pay any person or entity for influencing or attempting to influence an officer or employee of any agency of the Federal Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action.

Mr. COBURN. Mr. President, I wish to thank Senator KENNEDY and Senator ENZI for allowing me to offer this amendment. Everything I try to do is toward transparency in our Federal Government, because what you cannot measure, you cannot manage.

This is a very simple amendment. What we know is that in the last 7 years, the cost of a 4-year college education has doubled. It has gone from $2,700 to $5,800 at State universities. It has gone from about $10,500 to $23,000 at private universities. The costs have doubled. It is the only thing in this country that is rising twice as fast as the cost of health care. We ought to ask ourselves why.

This amendment is very clear. What it says is if you are a university and you are lobbying Congress, you have to certify to Congress that you are not spending tuition money or other Federal money that you have gotten for a project for your students or for your university in terms of lobbying to get more money.

This, by the way, was excluded from the lobbying and ethics bill we considered. I have some experience on it because last year, as chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs, I queried 500 colleges and universities in this country, asking them about their earmarks. I asked them how they spent the money. The interesting thing is only 50 percent of them replied, and of the 50 percent that replied, only half of them actually knew where the money went. The other half didn't dare reply, either because they didn't know where the money went or the money didn't go for the purpose it was earmarked. So we have a grave problem in terms of earmarks.

Let me give my colleagues some statistics about what has happened. First of all, in 2005, $127 million were spent by universities to lobby our institution to get earmarks—$127 million. Divide that and see how many kids we could educate in this country with that amount of money that was spent on lobbying.

What we do know is between 1996 and 2005, the number of earmarks at the Department of Education increased by 29,375 percent. I wonder if that has anything to do with this marked increase of 14.5 percent per year in the cost of a college education.

Those earmarks—the overall cost of the earmarks came to a half a billion dollars a year last year—a half a billion dollars in earmarks. What we also saw—that was in the Department of Education. Then, separate earmarks for separate universities and colleges in the same time period increased from 369 to 1,964, up to $2 billion a year. Now, you would think that for $2.5 billion a year, we ought to be able to see where the money is spent. We ought to have transparency to see.

There are several problems with our earmarking, and the biggest problem is we choose to pick winners and losers. When we do that on research and development at our universities, which are the ones we want to do it to, when we do it, we say that the peer review scientific community shouldn't have any input. That is what we are saying. Consequently, when we spend $2.6 billion on earmarking specific projects at universities, what we are doing is getting a whole lot less value for our money. What we do know is if we let the scientists, through peer-reviewed guidance of scientific discovery, tell us where to go next, we will get two to three to four times return on our research than when I, as a Senator from Oklahoma, decide to earmark a specific research project at a university in the State of Oklahoma.

Now, the question we should be asking—similar to the amendment of the Senator from Illinois—where is the money going to come from? The true deficit last year was $434 billion. That is not what we told the American people, but that is how much our debt increased, so that is what the actual increase in expenditures over the increase in revenues was. If I was a prosecutor, I would love Senator DURBIN's amendment, if I owed the money.

But the principle we should be thinking about is this: Why are we having trouble getting the best into the offices of the public defenders and the prosecutors? Because we don't pay enough. What Senator DURBIN is attempting to do is a State function. It is an indirect payment. We are going to pay off loans, we are going to have loan forgiveness for this group of people when, in fact, the way we should be enhancing that is having States choose to increase reimbursement for people who fulfill that very worthy task.

So what we are actually doing is jumping all over States' rights, because States haven't increased those fees, as they should, because they don't evidently value it the way the 38 cosponsors of the Durbin amendment do, and we are saying: Time out. It is not your responsibility; we are going to do it. It is the same type of thing we have in terms of earmarks.

This amendment is very simple. Certify to Congress, if you are getting Federal funds and you want more Federal funds, in terms of earmarks or grants, that you are not going to spend that money or your students' tuition to come up here to get more money. What you ought to do is use your endowment.

There are some very interesting statistics on endowment that I would like to alert my colleagues to so everybody can be aware. I commend to my colleagues a 2006 National Association of College and University Business Officers Endowment Study.

The top 25 universities in this country have $178 billion in endowments. Now, if they earn 6 percent on that, that is $9 billion a year that they have funds available to them to do research with, or whatever else they want to do. If you take the entire group of endowments, which is some 20 pages long, what you find is a massive amount of money that is endowed.

Why do people give to universities? They give to universities to secure their future because they felt rewarded by the gift they gave them of education. Yet we have almost $1 trillion in endowments in this country in universities, and we are saying we need earmarks. We need extra moneys. Fine. If we do need extra moneys for research, let's let the peer-reviewed scientific community tell us where to go. Let's put the research at the place that it is going to get us the best return, rather than one that has the greatest political pull. That makes absolute sense to anybody outside of Washington.

Now, it doesn't make sense if you are trying to get something for your university, and University X obviously has the expertise, but you want it at your university. So what do we do? We end up paying double. We are going to fund one that is not as efficient, not as capable, and not as successful at the expense of the university that is far more capable of doing that.

A lot of the university earmarks came about because it was stated they couldn't compete on the grant process; that the major universities—those top 25 research universities in the United States—could outcompete them all on grants. So we did some things when we doubled NIH funding. We did allow for things. What has happened is a pox on our house. We have gone to this large number of earmarks, 2,000 earmarks a year for universities, and we are not getting our money's worth for them.

I come back to one of the reasons I would like for us to consider this amendment: How do you tell a student who is working a second job, who can't afford a tutor, he has borrowed student loans up to his gills and is trying to make it, that a percentage of his university's budget out of his tuition is coming up here to get another earmark that is not necessarily going to be efficient or not going to enhance or advance his education or her education?

So it is real simple. Transparency creates accountability.

I ask unanimous consent to have printed in the RECORD four case studies—one from the University of Alaska, one from the University of North Carolina, Chapel Hill, one from the University of Georgia, and one from Iowa State University—on what they have done with earmarks and how they have spent them. It is remarkable.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Lobbyist confirms that academic earmarks are indeed a "gateway drug on the road to spending addiction": Earmarks are the "gateway drug to the spending addiction." A lobbyist for one of the universities polled (the University of Alaska) agrees. According to a profile of this lobbyist in the Chronicle of Higher Education, "She equates getting earmarks to having a heroin addiction. 'Once you start getting them, it's hard to let go.'" It's noteworthy that this same lobbyist advised her institution not to respond to the Subcommittee's oversight request on the University of Alaska's past earmarks.

"Martha Stewart, director of federal relations for the University of Alaska, is one who said her institution would not respond.

"Stewart said she showed the Coburn request to the Alaska Congressional delegation, including the office of Stevens, whose clout as an appropriator and earmarker is legendary.

"Answering the letter 'would be providing someone with bullets to shoot you,' said Martha Stewart, director of federal relations for the University of Alaska system. She said she assumes that Senator Coburn would use the information to try to block Alaska's requests for earmarked projects—which she declined to describe—from appropriations bills for the 2007 fiscal year, which begins October 1."

Lobbying for academic earmarks is on the rise: In 2003, it was reported that:

"[T]he brisk rate of growth has outpaced almost all other sectors that pay for lobbyists. That has made higher education one of the biggest players on the lobbying scene in Washington, on a par with defense contractors and ranking ahead of some other large, influential interest groups such as lawyers, labor unions, and the construction industry, according to rankings compiled by Political Money Line, a company that tracks lobbying reports . . . By far the single biggest reason for the spurt appears to be the appetite colleges have for pork-barrel projects. The burst in lobbying came at a time when Congress was quadrupling spending on directed, noncompetitive grants from $495-million to $2-billion. Such earmarks were rare 20 years ago, but the floodgates opened in the late 1990s."

Even though universities claim to be lobbying innocently for general education funding increases, in fact, this lobbying is often for specific projects: In response to the Subcommittee's questions, a number of universities reported that the lobbyists they hire are to help them reach out to Congress for general issues related to academia and the need for more federal research dollars. But there's some evidence that schools are lobbying for specific projects:

"The Chronicle collected and analyzed lobbying-disclosure reports for all colleges, universities, and other academic institutions for the 1998, 2001, and 2003 calendar years. . . . While the reports are supposed to state the purpose of the lobbying, the wording often mentions federal appropriations generally, not specific projects.

"The reports do show that not all of the academic lobbying is for earmarks . . . But at many colleges, officials don't feel compelled to pay lobbyists to spend lots of time on those and other policy issues because they know places like Yale and Rutgers are already making the case, as are higher-education associations like the American Council on Education.

"*Most institutions apparently prefer to concentrate their lobbying dollars on getting earmarks.*" [Emphasis added.]

The resistance universities show to disclosing information about their lobbying activities suggests that they recognize the unsavory nature of this sort of spending. The Subcommittee specifically asked about the use of lobbyists to help obtain earmarks.

The response—or lack of it—was surprising. Despite receiving taxpayer money for special projects, some universities were still unwilling to answer the question. Of the top 50 pork recipients for 2003, and the top 50 R&D ranked universities questioned: 23 wouldn't respond to whether they retained a lobbyist—they simply skipped the question or did not write a letter response at all; 6 said they had "considered" hiring a lobbyist, but didn't respond whether they had actually hired a lobbyist or not, and two said they had "no plan to retain a federally lobbyist at the moment"; 22 stated that they retained a contract lobbyist; 14 stated that they had not hired a contract lobbyist; and 5 stated they had hired a contract lobbyist in the past, but not at the time of their response.

CASE STUDY: UNIVERSITY OF GEORGIA

Which comes first—the lobbyist or the earmark? And is either actually a value to a student? At the University of Georgia—it's hard to tell. The university retains a lobbyist who seems to be an expert in the peanut and Vidalia onion industry, among other things, and the University has received federal earmarks for research on Vidalia onions and peanuts. However, because the University is hiding information on those particular earmarks, it's hard for students and taxpayers to judge the educational value of the projects.

In fact, the university tasked its lobbyist with responding to the Subcommittee inquiry. The response was sent from the email account of "C. Randall Nuckolls, Washington Counsel, University of Georgia, McKenna Long & Aldridge LLP."

According to the Center for Responsive Politics' OpenSecrets.org website, Mr. C. Nuckolls' firm, McKenna Long & Aldridge, earned $160,000 in 2006 from its contract with the University of Georgia.

In addition, data compiled by the Center for Responsive Politics shows that the University of Georgia also paid another lobbyist, Robert Redding, Jr., $40,000–$60,000 each year for the years 2000–2006. In 2006, the University paid $20K for the main university campus and $20K for the University of Georgia School of Agriculture & Environmental Sciences. Robert Redding, Jr., also represents the Georgia Peanut Commission, the National Association of FSA County Office Employees, and the Vidalia Onion Business Council, among others.

In response to the question about its past earmarks, the university supplied the subcommittee with a three page attachment with the titles of only 9 earmarked projects from 2000–2006, the amount of funding, the funding agency, and a short description of the earmark projects. The total value of projects listed was $62.117 million. That's 9 earmarks reported, for the 7-year period from 2000–2006.

However, the Chronicle earmarks database tells a different story. The database lists 53 earmarks distributed over just four of the years in that 7-year period, worth nearly $41 million to the University of Georgia. Information after 2003 is unavailable because earmarks grew so much that the publication no longer had the resources to keep track of them.

Meanwhile, the Congressional Research Service has refused to conduct research in this area, despite repeated requests.

Two earmarks the University failed to report to the Subcommittee come from the U.S. Agency for International Development's (USAID) budget. One earmark, for $200,000 in 2000 was "for support above what the agency would otherwise have spent, to promote the availability of food in developing nations by educating leaders to manage natural resources." The second earmark, for $200,000 in 2000, was for "for support above what the agency would otherwise have spent, to improve the production, processing, and marketing of peanuts in developing nations as a high-protein food source."

Even when the university did report earmarks, it grouped them in vague categories, particularly those from the Department of Agriculture. The Chronicle database is more forthcoming about what the university merely described as "Ag special research grants." These types of earmarks come from a pork-slush-fund at USDA, and include the following for the University of Georgia: $16 million from 2001–2003 to conduct "research to combat fusarium head blight, or scab, a fungus that damages wheat and barley"; $170,470 in 2003 to "develop the cultivation and marketing of grass-fed cattle raised in the Appalachian region"; $488,615 over three years for "research on predation by small mammals, such as raccoons and foxes, on ground-nesting game birds"; $657,000 over two years for "research on pests, soil quality, and water quality related to the cultivation of peanuts"; $800,000 over two years for research on the "quality of cotton fibers"; $493,000 over two years "to study the quantity of water used in agriculture in Georgia"; $1,972,000 over four years for "research on canola"; $1,800,000 in 2000 for "unspecified research"; $1,091,000 over three years for the for the National Center for Peanut Competitiveness, "which works to improve peanut-production methods and product safety"; $694,000 over three years "for research on tomato-wilt virus, which damages peanuts" $350,000 over three years "to develop pungency-testing procedures to improve the quality and "sensory consistency" of Vidalia onions"; $64,000 in 2000 to "to develop better methods of monitoring and controlling termites and ants".

That's 12 projects under one vague category reported to the Subcommittee as one item. What else is the University of Georgia hiding?

CASE STUDY 2: IOWA STATE UNIVERSITY

When asked by the Subcommittee to provide a list of past appropriations from the year 2000 to present, and the amount of assistance received, Iowa State University apparently did not have this information available in any form that could be presented to the Subcommittee. The university asked for additional time to comply with the request, along with answering a few of the questions in the initial response.

The university was granted more time by the Subcommittee to complete a response. Three months after the original request date, the university sent a second response letter, a notebook containing summaries of Iowa State University Congressionally directed funding 2000–2006 (minus the requested actual funding amounts), and 6 boxes containing, according to the letter, "540 published reports, studies, and other materials that had been produced throughout the requested timeframe."

Quotes from second response:

"I want to thank you for making this request, because compiling this information has proved very useful to the university. We have added this information to our own on-campus process of evaluation and review of federally appropriated projects. To that end, we took great care to make sure that we collected and reviewed all relevant information for our own purposes as well as your request. We regularly go to great lengths to assure the merit and value all university research, but I am also aware of the importance of additional informed review. Following this letter is a compilation of the congressionally directed funding that Iowa State University has received from FY2000 through FY2006."

The second response from Iowa State University was heavy on detail when it came to lists of published reports (provided only for some projects; others included far less detail), but not when it came to requested information. Only one of the 31 earmark summaries included in the notebook sent by the University contained a table breaking out funding streams by sponsoring agency for the earmark in Question. but even that table did not include the years the university received funding for the project, and the table was rife with acronyms (a practice well known in D.C. and apparently also in the academic world) and therefore not easily decipherable. Only one other project included a paragraph describing the history and origin of the earmark, and some information on the funding stream, as well as details on significant oversight by the lead agency from which the funding originated.

Despite the reams of paper provided by the university, The Chronicle database lists a significant number of earmarks which do not appear in the project summaries provided by Iowa State University. However, what is even worse is the university's lack of responsiveness on the funding for the earmarks they chose to highlight to the subcommittee: the total value of the earmark funding from the Chronicle database for the years 2000 through 2003, is over $83 million. Information after 2003 is unavailable because earmarks grew so much that the publication no longer had the resources to keep track of them.

CASE STUDY 3: UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

In response to the FFM Subcommittee's oversight request, the university provided a list of 17 earmarks spanning six years, from 2001–2006, worth a total value of $17.7 million. The university included brief, one sentence "program objectives" for each earmark it listed its response. These cursory sentences do not answer the Subcommittee's request for detailed descriptions, findings and accomplishments for each project.

According to the University, 8 of those projects were funded from earmarks handed out over the years 2001–2003 with a value of $6.975 million. However, in contrast, over the same timeframe, the Chronicle database lists 10 non-shared earmarks, and two shared earmarks distributed over 2001–2003, with a total value of a little over $14 million.

According to data in the Chronicle earmarks database, for the three years 2001–2003, the university failed to include and report on the following earmarks funding 6 projects with a total value of $12.593 million. Without Chronicle data, who would know the difference—and who knows for the years 2004 through 2006 since information after 2003 is unavailable because earmarks grew so much that the Chronicle no longer had the resources to keep track of them. Here are the six projects: $3.5 million over three years from the Department of Defenses for "Research on improving logistics management for the military and businesses, and to develop an executive-education project"; $223,537 from the Department of Defense in 2002 for "personnel, student internships, research, and other expenses to expand technological education and applications through its KnowledgeWorks Institute"; $2.4 million through NASA over 2002–2003 for "academic programs at the Science Discovery Outreach Center"; $4 million in 2002 through the Department of Defense for the "Southeast Atlantic Coastal Ocean Observing System (to be shared with the University of Miami)"; $969,000 from the Department of Energy for "mathematical and computational research and software development to solve environmental problems"; $1.5 million in 2002 through the Environmental and Protection Agency to "advance the 'one-atmosphere approach' to determining the health effects of air pollution for the university's schools of public health and medicine"

FFM Subcommittee staff received calls and faxed communications from the university's lobbyist, James E. Hyland, who helped to coordinate the response and who forwarded the university's first interim response via fax. According to the Center for Responsive Politics' OpenSecrets.org website, James E. Hyland, "Career Client List, 1998–2006," works for Greenberg Traurig LLP, which had a contract worth in $120,000 in 2006 alone with UNC.

Mr. COBURN. With that, I will cease discussing this other than to say we ought to figure out why a college education and the costs thereof are growing twice as fast as health care, which is four times as fast as everything else in this country. Something isn't right. Transparency is the key to getting accountability for that problem. To vote against this amendment would be saying you don't want the universities to be transparent, to be accountable. I believe they should be accountable and certify to us that not one penny of tuition, one penny of Federal money is spent back here. Mr. President, $127 million was spent last year to lobby this body on university grants and earmarks. We ought to change that. That could educate a ton of our young people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am wondering if the Senator would help clarify his amendment for me. How much time do I have?

The PRESIDING OFFICER. The chairman has 15 minutes.

Mr. KENNEDY. Let me know after I have used 7 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Would the Senator be good enough to answer some questions?

Mr. COBURN. Yes.

Mr. KENNEDY. I was reading through the amendment. As the Senator knows, we have at the present time on the bill the Byrd amendment, title 31 of the U.S. Code, which forbids what I imagine is much of this amendment. Under the law, recipients of Federal contracts—whether through grants, loans, or cooperative agreements—are barred from using those funds to lobby, to extend, or modify a Federal award.

I am trying to understand what you include that his amendment doesn't include. Let me ask the question: if the President of a university or a government affairs person of the university called a Member of Congress about the student loan program, is that considered to be part of a lobbying effort? This is on my time.

Mr. COBURN. No. What I am looking at is for them to, in a positive, forward way, assert that as they take Federal funds, those funds are not used to, in fact, pay a lobbyist. When a university President calls you, he is not calling as a lobbyist. He has a right to lobby this as an individual. My amendment is fairly narrow in that those funds are not spent to lobby, i.e. lobbying payment.

Mr. KENNEDY. I was interested, if there is a government affairs person at one of our fine universities—for example, Tufts University in Massachusetts, which was in touch with us about loan forgiveness. In government affairs, they have an interesting program where they had a good deal of loan forgiveness for students, and they were calling asking about how their program fits in with this bill. It was a government affairs figure who called us about this, signaling that they thought their program was better than the one we had. Is that considered lobbying by the government affairs person?

Mr. COBURN. No.

Mr. KENNEDY. If there were inquiries on No Child Left Behind, on the special needs of disabled children, or they wanted to find out about bilingual programs and about grants from the NIH—there is this concern, as the Senator knows, about cuts in the NIH budget, and I have had calls from some of the great research centers in my home State, from universities and in some instances from presidents and in some instances from government affairs people, about their concern about where we are going as a country in terms of NIH and in terms of the future. Does it affect any of those?

Mr. COBURN. No, sir.

Mr. KENNEDY. Even though the universities may be affected by some of these cuts. Is it just that the lobbyists—the hiring of the lobbyists and the lobbyists then speaking to the Member—I am trying to get what the Senator is driving at.

Mr. COBURN. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. COBURN. I am trying to get to this paradigm where we pay $200,000 a year for lobbyists, and the lobbyists work to get an earmark for the university back in that is out of the priority of the peer review, scientifically evaluated, and at the same time, some of that $200,000 somehow ends up in campaign coffers, for some reason. I cannot figure out why, but it seems to. This doesn't stop it. What this says is they are going to just certify that the money they used for that wasn't their students' tuition and other Federal dollars that were designed for another purpose and coming back against that. It doesn't mean they cannot pay a lobbyist or hire a lobbyist or that anybody in there government affairs office cannot contact us to lobby for a particular position, which is their right. This is very narrowly defined to say: Do not spend the money you get from us, or your students, to hire the lobbyists to earmark something that is outside the peer review.

Mr. KENNEDY. I think that might be wrong. I thought that was the point of the Byrd amendment. In your language you have on page 2, "any person or entity for influencing or attempting to influence an officer or employee of any agency of the Federal Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action." I am trying to understand this. Can a government affairs person at a university—I am a Member of Congress—talk to me about support for the NIH and NIH funding?

I hear what the Senator wants to do. I would be interested in where you get the $127 million. I will accept what the Senator says on this.

I had thought, when we passed the Byrd amendment, Senator BYRD spoke very eloquently about what I think the Senator is dealing with, and that is lobbyists getting part of the action when they have the earmark. I thought that is the effect.

It goes further than that, but I am concerned about—and I have said this in my questions—whether you have a person representing a university or a government affairs person calling a Member of Congress about a lot of the matters that we are considering in this legislation, whether it is a student loan program or the NIH or whether it is the regulations that are guiding some of the education programs, the programs dealing with disabled student—let me ask you, how would this affect a university? If there was a conference by one of the agencies—the Department of Education—and they were having a conference on the subject of higher education, can the university send any individuals there to express their views on education policies? Say they want to go down there and see more laboratories built because they want additional research, and they speak to the Department of Education about those kinds of items.

Mr. COBURN. It does not limit that in any way.

Mr. KENNEDY. The Senator's responses are helpful. I don't know whether the Senator is familiar with the Byrd amendment. If it is not interfering with colleges or universities or institutions dealing with a wide range of educational issues or some of the fine schools that offer criminology wanting to call the Justice Department to try to get grants to deal with the problems of violence in the communities. But the Senator has given assurance that is not the area he is trying to get at. It is basically the lobbyists. I don't know whether the Senator is familiar with title I of the Byrd amendment, which prohibits, as I understand it, a great deal of what the Senator spoke about with great eloquence in the earlier program.

Mr. COBURN. Will the Senator yield?

Mr. KENNEDY. Yes, I am glad to.

Mr. COBURN. What we are trying to get is this. It is true that the Byrd amendment makes that illegal. The problem is that nobody has to certify it. So whether it is illegal or not, it is obviously happening. Yet we don't have any proactive basis going on at the universities for them to certify that they are not doing it. That is the difference between this and the Byrd amendment.

Mr. KENNEDY. Just to continue, Mr. President, there are penalties with the Byrd amendment, civil penalties on the Byrd amendment. Maybe it is enforcement. The Byrd amendment says:

> None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this subsection.

Then it goes on:

(2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal Actions:

(A) The awarding of Federal contract.

(B) The making of any Federal grant.

(C) The making of any Federal loan.

(D) The entering into of a cooperative agreement.

(E) The extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

If the Senator says this is pretty good language but not enforceable and he has ideas about how we can try to enforce it, I am certainly open to it and would welcome it. I don't have a problem.

My concern was looking at the Senator's amendment and seeing that language talking about "to pay any person or entity for influencing or attempting to influence an officer or employee of an agency of the Federal Government, a Member of Congress. . . ." My office has frequent phone calls from universities and colleges, certainly as the chairman of the HELP Committee, particularly as we are dealing with this education issue—from scores of universities and colleges. They express strong views about different aspects of this. We have heard a great deal from the lending institutions—Sallie Mae and the others—that have a direct financial interest in this. I think it is valuable to have clarity in this area so we know what is permitted and what is not permitted. These were some of the areas of concern that I had, and the Senator has been helpful.

Mr. COBURN. If the Senator will yield, it put forth a parliamentary idea that the Byrd rule applies on bills consistent with reconciliation, if I am correct. What this is intended to do is proactively have—this does two things: It requires the university to know what they are doing, which is one of the things we found in my subcommittee—that they didn't know what they were doing. They weren't aware of where the money was going or how they were spending the money. It makes them look at that. Two, it makes them proactively say they are within the law in terms of how they are spending the student money and the Federal money.

I appreciate the colloquy on this issue. I hope we have clarified the intent of the amendment. I am more than happy to accept a second degree that would clarify it more and that would give Senator KENNEDY the safeguards he is concerned about. Nevertheless, there is a gigantic problem out there today, not the least of which is that it is hard to find in the Constitution where we should be earmarking $2.6 billion a year to private and State universities for education.

Mr. KENNEDY. Mr. President, the Senator is quite correct. The Byrd rule applies to reconciliation. The Byrd amendment applies to this. Let me just say that I listened and there is much to what the Senator says. There are also some concerns. In 1980, we had, for example, a very good program to help colleges, large colleges and small, to develop research centers at the colleges and universities. What we had seen in our committee at that time was the deterioration of laboratories and research centers. We passed a very good bill. We had close to in excess of a billion dollars that was going out for peer review. That program was effectively eliminated. The budget cutters eliminated it. They eliminated the program but not the need. I haven't been very successful. I have done my best to try to help outstanding colleges and universities that are in need in terms of research, that are doing some of the breakthrough research, that are making progress in health and other areas, that are trying to get assistance. I am proud of that fact.

I share the view that in a perfect world, we have peer-reviewed science. There is a lot to what he says. In other areas, we do the best we can with the circumstances we have.

I will take a look at what we have in terms of whether an amendment or clarification would be the best way to proceed.

I suggest the absence of a quorum.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 4 minutes 48 seconds remaining.

Mr. COBURN. If I can be recognized, Mr. President?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, Senator KENNEDY makes my point. In 1980, we had a program that was designed on merit, scientific, and peer-reviewed analysis. We had no earmarks then. Now we have 2,000 earmarks, and about 1 out of every 3 accomplishes something, and then not to the level of what it should because most of the money did not go to the best place to get the research done.

The Senator makes my point. We have a corrupted process in how we fund much of the money that goes to universities. Personally, the Senator from Massachusetts recognizes, I believe, that is not necessarily a legitimate role for the Federal Government, but it is one that is there. So if it is there, it ought to be transparent. We ought to be able to hold all universities accountable, and we ought to know where the money goes, how it is spent, and what money was spent to accomplish the receipt of that money in the first place.

Those who vote against transparency like the status quo. You cannot fight against transparency. The facts are the facts. You cannot put a political spin on it. The facts will be the facts. The American people—actually, our American grandchildren, against whom we charged $434 billion this last year, ought to have the right to know where their money is being spent, and the devil is in the details on whether they are taking Federal money and using that Federal money to turn around to hire a lobbyist to get more Federal money. That is a corrupt system, and transparency will clean that up.

I ask consideration of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COBURN. Mr. President, is there an order in which the votes are going to roll this evening? Can this be combined into those votes? I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2328, AS MODIFIED

Mr. REID. Mr. President, I ask that the Reid amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my intention—this has been cleared with the two managers—to have two votes tonight and finish whatever votes remain in the morning. It is my understanding that in the morning the first vote will be on the Dodd amendment. He is involved with other matters tonight. We will give him 5 minutes, and if there is opposition, they can have 5 minutes, or should we split 5 minutes, I say to my friend from Wyoming? I am not asking consent now—we will do that later—but I am giving an idea.

Mr. ENZI. Mr. President, we should have some time for debate because I don't even know what amendment he is offering.

Mr. REID. We will talk with the managers in more detail about that situation. Likely, what we will have is on the Dodd amendment, 5 minutes equally divided, and on other amendments, there will be 1 minute of explanation, for or against, and after that, 10-minute votes. We understand there could be three to five votes in the morning or there could be more. Whatever, we will finish in the morning. We will come in at 10 o'clock because of the leadership meetings that take place in the Capitol. There will be no morning business. We will go right to the bill and dispose of these amendments before we have our regular work sessions on Tuesday.

Does that seem reasonable to my friend from Wyoming?

Mr. ENZI. That sounds reasonable to me. I assume we are going to have a couple votes tonight.

Mr. REID. Yes, that is what I said, we will do two votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to speak in favor of the Durbin amendment. I thank my colleague from Illinois for introducing this important amendment. It gives us an opportunity to provide for equal access to justice in this country.

There is a problem today in our legal system, and it is the cost of legal education. The average attorney who graduates from law school will have $70,000 of debt in addition to the $16,000 of average debt in attending an undergraduate school. When you have that type of debt, it affects your career choice.

Today, we want to make sure we get the best qualified attorneys going into public interest law, whether it is as a prosecutor or whether it is as a public defender. I think Senator HARKIN will be here, either later tonight or tomorrow, to talk about the civil legal services, and the average starting salary for a legal aid attorney is $36,000 a year. For a public defender or for a prosecutor, it is not much higher than that. How can you possibly take a career in those fields and still be able to pay off your loans?

The Durbin amendment does something about it. It came through the committee on which I have the honor of serving, the Judiciary Committee. I think it is a well-balanced approach. I know we will probably have a chance to vote on this tomorrow—I don't believe we will vote on it tonight—but there will not be debate time available tomorrow, and I wanted to come to the floor and urge my colleagues to support the amendment.

If Senator HARKIN offers his second-degree amendment that deals with civil legal services, I hope this body will also support that amendment.

I yield the floor.

Mr. DURBIN. I thank my colleague from Maryland for his support. I might also say, during the course of the debate he raised an important issue—legal aid attorneys. These are attorneys who work primarily in the civil area, representing people of limited means. They are not very well paid. Many of them come out of law school facing debt on their own. We want to make sure that people, regardless of their economic status in America, have access to good legal counsel. So I have pledged to him—and I renew the pledge—that if there is a way for us to help the legal aid attorneys as well as defenders and prosecutors, we should.

It is in the best interests of our country to have competent counsel available for all Americans in terms of our civil and criminal justice systems. Think about how much we count on prosecutors to take the bad guys off the street and keep them off. We don't want somebody bungling a trial because of lack of experience or lack of skill. We want the best and brightest as prosecutors. Similarly, if the system is going to work and work well, there is a good attorney across the table defending the person who has been charged so there truly is a contest that is respectful of our judicial system.

The same thing for legal aid attorneys. Whether they are representing people of modest means who are dealing with the daily drudgery of divorce or wills or landlord-tenant issues or small claims court, we want to make certain that those who are of modest circumstances in this country do not lose because the race always goes to the swift; that is, to those with more money.

I thank the Senator from Maryland for his commitment to this amendment and his general commitment to justice in this country.

Mr. CARDIN. Will my colleague yield?

Mr. DURBIN. I am happy to yield.

Mr. CARDIN. I thank my colleague for his leadership on this issue. I know he has been working for many years to get this accomplished, and I hope this is the vehicle on which we will get it done. I had the chance to chair the Maryland Legal Services Corporation and chaired a commission in Maryland looking to services for our population, and there are not enough attorneys who will handle poverty law. There are not enough attorneys who will handle public defender cases. It is difficult to get experienced prosecutors today because you can go into a private law firm and make a lot of money, much more than you can as a public defender or legal aid attorney or as a prosecutor.

The Senator's legislation gives us a chance to say we want to make sure every citizen in our State has equal access to justice in our State. I applaud him for it. I think this is what we need to do. We have a chance in this bill to get it done. I thank the Senator for bringing it to the floor, and I support his amendment.

Mr. DURBIN. In my hometown of Springfield, IL, we have an appellant defender program. These are young men and women who handle cases on appeal after the trials and work for a government salary. When I announced this amendment—that we had the possibility of student loan forgiveness—two young women came to the press conference. One of them said to me that she has plotted out how long it will take her, working as an appellate defender, to pay off her student loan. She said, "I will be paying when I qualify for Social Security." That is hard to imagine, but it is a fact. The debt these young lawyers incur to get through law school, unless they are lucky enough to grab the brass ring and go to a big law firm, is so large that it haunts them for a lifetime. It colors their life decisions as to where they will work, whether they can own a car, whether they can finally have an apartment of their own and move out of their parents' homes. All of these things are associated many times with student debt.

Whether we are talking about appellate defenders or prosecutors or public defenders, I think we want to make sure these young people are spared some of this financial worry and some of this financial burden if they are willing to dedicate themselves to public service. That is what this is about.

I think this is a noble calling, and I have to recall it has not been but a few weeks since a Justice of the Supreme Court testified before the Senate Judiciary Committee. This Justice came and said he thought the current pay for Federal judges was inadequate in America. That pay is in the realm of $165,000 to $200,000 or maybe more, certainly more at the Supreme Court level. We asked how much more he thought these Federal judges should receive.

The PRESIDING OFFICER. There is a time limit on this amendment, and the time of the Senator has expired.

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2380 TO AMENDMENT NO. 2377

Mr. HARKIN. Mr. President, I call for the regular order to bring up the amendment offered by the Senator from Illinois, Mr. DURBIN, No. 2377.

The PRESIDING OFFICER. The Senator has that right. The amendment is now pending.

Mr. HARKIN. Mr. President, I send to the desk a second-degree amendment to Durbin amendment No. 2377.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2380 to amendment No. 2377.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys)

At the appropriate place, insert the following:

In part B of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 2007, insert after section 428K the following:

"SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

"(b) DEFINITIONS.—In this section:

"(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

"(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

"(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

"(C) is continually licensed to practice law.

"(2) STUDENT LOAN.—The term 'student loan' means—

"(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

"(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

"(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

"(ii) a loan made under section 428, 428B, or 428H; or

"(iii) a loan made under part E.

"(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a civil legal assistance attorney; and

"(2) is not in default on a loan for which the borrower seeks repayment.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

"(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

"(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

"(i) $6,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $40,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

"(B) received repayment benefits under this section during the preceding fiscal year; and

"(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

Mr. HARKIN. I will take a minute. I understand we are getting ready to vote very soon. But I cleared this, of course, with Senator DURBIN. He was fine with the second-degree amendment.

This amendment that I offered would be to provide for loan forgiveness for young attorneys who go into civil legal practice, legal services. Now, the Durbin amendment provides for loan guarantees for those going into prosecution, or I should say criminal work, prosecuting attorneys, district attorney's offices, that type of thing, which is fine.

But we also need them for civil legal attorneys, those who are going into legal services. They make the bottom of the ladder. I mean, even the district attorney's offices pay them more than legal services. So I think it is needed in both areas.

Right now, with the costs of law school and with the need we have for legal services attorneys, this amendment is drastically needed. Right now, about 50 percent of the people eligible for legal services, which means they had household income for a family of four of $25,800 or less—$25,000 a year or less—only 50 percent of them were able to get help from a legal aid program. That is 50 percent of the people who actually went and sought help. You can imagine how many more there are out there who, for one reason or another, did not seek the help.

Estimates are that closer to 80 percent of low-income Americans have unmet civil legal needs. Right now there is 1 legal aid attorney for 6,800 low-income Americans. One legal services attorney for every 6,800 low-income Americans. Compare that to 1 attorney for every 525 middle-income Americans.

Well, again, the key reason for this is the inability of the legal aid programs to recruit and retain attorneys. Given the financial realities, many law graduates who are able to take positions with legal aid leave after 1 or 2 years. One Midwestern program cited a turnover rate of 60 percent over a 2-year period of time, with an average tenure for new attorneys of 17 months.

So what my amendment does is it builds on the existing loan repayment and retention programs for Federal prosecutors and 29 other Government agencies, including the Department of Justice and the Congress. All we are saying is, if we are going to do it for people who come to work here or the Department of Justice, why not for civil legal aid attorneys?

This would provide for up to $6,000 a year in loan repayments. You would have to sign it, you would have to be at least 3 years as a legal services attorney to get that, with a maximum lifetime benefit of $40,000. The amendment authorizes up to $10 million to do this. We know how many there are. We are only talking about 1,200 nationwide. So we know it does not cost a lot of money, but it is sorely needed. Time and again, people who have unmet civil legal needs, whether it is child custody, divorce proceedings, it could be landlord-tenant problems, these people do not have access to the civil legal system. Then they take the law into their own hands, they do something else.

By providing good legal services to low-income people, we basically keep people from doing things they otherwise would not do if they had some legal help available to them. People get desperate. I can tell you this, that the strongest bulwark against domestic violence is legal aid attorneys.

What happens is, when someone is in an abusive relationship and they need legal help and they cannot afford it, that is when you get problems. Now, I can speak about this from experience. I started out my life as a legal services attorney. That is what I did when I got out of law school.

I thought it was a great opening. I thought it was a great thing to do. You get the cases no one else takes. You get people who are at the end of their rope. Maybe they have tried to get legal help and they cannot get it anywhere else. You are sort of the last hope they have for settling something civilly.

I can tell you from my time as a legal services attorney, we had a lot of people who got in a lot of trouble simply because they did not either know we were there or they could not access the civil legal system. You have domestic violence. Some people go to jail. Or you have child custody battles that go on.

I have had landlord-tenant cases where people are at the end of their rope, maybe they have a dispute with the landlord, they cannot get it resolved, so they sort of take the law into their own hands and do something rash.

To me, while it is important to encourage young lawyers to get into criminal prosecution, I think it is equally as important for us to provide some help for young lawyers who want to be legal services attorneys.

I see the Senator from Vermont who has been a strong supporter of our legal services program. I know of his commitment to this. I yield to the Senator.

Mr. SANDERS. I rise in support of the Senator's amendment. If we are a nation of equal justice under the law, then low-income people must have legal representation. Legal aid does a phenomenally good job. In Vermont, the wage scale for legal aid workers is embarrassingly low. Any young person who graduates law school with the kind of debt we are talking about would find it almost impossible to work at a legal aid salary. We should be supportive of legal aid. I strongly support the Senator's amendment, and I thank him for offering it.

Mr. HARKIN. I thank the Senator from Vermont. Check with the American Bar Association, with the State bar associations; they all support legal services. They know this is one way in which we can provide, as the Senator from Vermont said, access to equal justice under the law. I can remember when I was a legal services attorney in the 1970s, the case files we received. I mean, there were so many. We were there late at night. We were actually working weekends on some of these cases. You feel that maybe you are not serving their interest well because you have so many cases and so many case files.

I appreciate the remarks of the Senator. I hope we can get good support on the vote for this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

AMENDMENT NO. 2381 TO AMENDMENT NO. 2369

Mr. KENNEDY. Mr. President, I send up a second-degree amendment to Coburn amendment No. 2369 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator would withhold, it requires unanimous consent to send up a second-degree amendment to that amendment at this time.

Mr. KENNEDY. Mr. President, I call for the regular order with respect to the Coburn amendment.

The PRESIDING OFFICER. Is there objection to returning to the Coburn amendment? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2381 to amendment No. 2369.

The amendment is as follows:

Strike all after the first word and insert the following:

114. Restriction on Use of Federal Funds

(1) No Federal funds received by an institution of higher education may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this section.

(2) The prohibition in paragraph (1) of this section applies with respect to the following Federal actions:

(a) the awarding of any Federal contract;

(b) the making of any Federal grant;

(c) the making of any Federal loan;

(d) the entering into of any cooperative agreement;

(e) the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Mr. KENNEDY. Mr. President, I don't intend to press this amendment this evening. I have talked to the Senator from Oklahoma. I would hope we would have a chance over the evening to work with him to address the substantive matter of his amendment. I don't intend that we will have a vote on that amendment this evening, but for the benefit of the membership, I wanted to be able to at least file this amendment. I have talked to the Senator from Oklahoma earlier, about 45 minutes ago. We had a good conversation. He was working on some language. But we do believe that we are probably getting fairly close to a vote on the Brown amendment.

We wanted to be able to at least indicate to the membership that there may very well be a vote tomorrow. Hopefully, we will have a chance to work through the evening and get a chance to work that amendment out.

The reason I offer this amendment is, I agree with the Senator from Oklahoma that Federal funds should not be used for lobbying. That is the current law. I would support the clarifying language in the law that prevents it. But there are very important reasons for institutions to communicate with Members of Congress, and I am afraid this amendment would have the unintended consequence of restricting universities and colleges from advocating for research grants and protections for their students. It would make it possible for universities to comment on Federal regulations of the Department of Education. It may very well have impact regarding communications with Members of Congress whether we ought to increase NIH funding. It would require that universities use private or foundation dollars to share findings with Congress, and this would especially harm small institutions, rural institutions, historically Black colleges, and other institutions with limited resources.

I am worried that the Senator's amendment goes too far. It is important we make very clear that Federal funding should not be used for lobbying, and if we need to do more to ensure that it is enforced, I am happy to work with the Senator from Oklahoma to do so. That is what my second degree amendment does. It is a restatement that no Federal funds received by any institution may be used to pay any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress.

It says:

No federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

Then it continues: Any person who makes a prohibited expenditure shall be subject to a civil penalty of not less and not more than a million dollars, and the Secretary of Education shall take such actions as necessary to ensure these provisions.

I would hope as part of an enforcement effort, that we would get a statement or attestation of colleges that they are not using these funds and report back to the Congress if universities are not doing it. We will try to work with the Senator from Oklahoma, but I wanted to at least include that second degree as we work with him through the evening.

That is where we are.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, so tomorrow we will be voting on whatever is needed to be voted on on Coburn, and then we will be voting on Durbin and then final passage, but we also have the second-degree amendment that Senator HARKIN has offered. Does that preclude anybody from putting in more second-degree amendments?

I thought we had that whole issue done last week when we dealt with loan forgiveness. I think that would have been a more appropriate place to deal with loan forgiveness. Now we have some special cases. I doubt that anybody in public service doesn't consider themselves to be a special case. There are some people who consider themselves to have spent a lot of money.

I guess people can turn in amendments, second-degree amendments, for virtually any profession they want by tomorrow morning, and we will vote on each of those separately.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2382

Mr. KENNEDY. Mr. President, I have the managers' amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. KENNEDY. I ask unanimous consent that reading of the managers' amendment be dispensed with and the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 2382) was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at 5:40 today, the Senate—would the Senator want 1 minute? Would that be agreeable, 1 minute on each side on the Brown amendment?

I ask unanimous consent that at 5:41 today the Senate proceed to vote in relation to the Brown amendment No. 2376; that no amendments be in order to the Brown amendment prior to the vote; and that time in the next 2 minutes be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, I ask for support for the Brown amendment. We know in the last 5 years the cost of public education has gone up for a 4-year degree 53 percent. We know the cost of private education for a 4-year degree has gone up 28 percent. We also know that wages have gone up only 3 to 4 percent for the average person during this 5-year period. The Federal Government is not keeping up with helping students get the opportunity to go to college. We have seen students have no alternative. They have exhausted what they can do with Pell grants. They have exhausted what they can do either through the direct loan program or other federally backed programs. The fastest growing part of their student loan availability is going to private institutions with a 16- to 18-percent interest rate. This amendment is no cost to the Government. It competes with banks.

We reauthorize every 5 to 7 years the Higher Education Act. This is an opportunity we should not pass up. The problem is only getting worse. I ask for support of the Brown amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Wyoming.

Mr. ENZI. Mr. President, as Senator GREGG and I have both explained, this amendment is very problematic. It has not been to a committee. It has not been heard. There has been no vote on it. It creates another loan program. It creates a different loan program than any we have ever done because this says the Secretary of Education will set the loan rate and the requirements on it. We have never had that kind of a situation.

Most problematic, the system of education in this country is successful because it is a partnership between the private and public sectors. This one moves it all to private. It off-balances the direct loan versus the private loan market. We should not be supporting this amendment. The Secretary is not in a position to make the kind of decisions this calls for. We do have to have a private market. This would eliminate it.

We also have a previous example of where this kind of loan was used back in the 1970s, but that was because the interest rates were about 21 percent in the regular market, and the Secretary set it at—well, it wasn't the Secretary, but the loan rate wound up being set at 9 percent. People borrowed it for everything except education.

I ask Members to defeat the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2376.

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 53, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—38

Akaka
Baucus
Bingaman
Boxer
Brown
Cantwell
Cardin
Casey
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reid
Rockefeller
Sanders
Schumer
Stabenow
Tester
Whitehouse
Wyden

NAYS—53

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—9

Biden
Clinton
Dodd
Johnson
Lincoln
Lott
McCain
Obama
Reed

The amendment (No. 2376) was rejected.

Mr. ALEXANDER. Mr. President, I would ask through the Chair to the managers, would it be appropriate now to speak on the bill or would they prefer to go ahead with other business that they have?

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 20 minutes and that following me, Senator MENENDEZ be allowed to speak for——

Mr. MENENDEZ. For about 15 minutes.

Mr. ALEXANDER. For 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I congratulate Senator KENNEDY and Senator ENZI and the members of the Health, Education, Labor, and Pensions Committee for their work on this bill. I have been around awhile, but I have not been in the Senate for very long, and we have been working on this bill since I came to the Senate, which was 4 years ago. It needed to be reauthorized some time ago. But similar to some other things, it has gotten a little better with age, and it is a very good bill.

Although we have been working on this bill for some time, I believe it has gotten better over time. It has a number of excellent provisions in it. There is one major concern I have which I intend to speak on. Let me say what that is at the outset before I begin to talk about what I like about the bill. My late friend, Alex Haley, used to say, "Find the good and praise it," and I can do that with this bill, but I do have one concern. My concern is the creeping regulation of higher education.

I believe the single most important thing we could do to help improve excellence in higher education in America, which is already pretty good—the best in the world—is to deregulate, not add more federal regulations. Unfortunately, with this bill, we significantly add to the stack of regulations that college and university presidents all over America have to wade through every year in order to accept students who receive Federal grants and loans.

Let me talk about some of the good things about this bill. In the first place, it was an excellent decision to separate this piece of legislation from the work we acted on last week—what we call the reconciliation bill. This reauthorizes the Higher Education Act for the next 5 years, and it has separate provisions which deserve separate attention. For example, it increases the amount of Pell grants from $4,300 to $6,300 over the next 5 years. Pell grants are for the lowest income students. They don't help the middle-income families very much because the dollars don't get up to that level. Those families are eligible for other aid from universities and other grants and loans. But $6,300 for a Pell grant is a significant amount of money.

For example, if you go to Harvard, it doesn't come close to paying the cost, but if you go to the University of Tennessee, it pays almost the entire tuition for the year. In fact, if you go to the University of Tennessee with a Pell grant, you are very likely to show up with what we call a HOPE scholarship, which also pays for tuition. So you would start off with a HOPE scholarship of—I think the amount is about $4,000—plus your $6,300 from the Pell grant, if you needed that additional amount of money. So the Pell grant would be increasing from its current level of $4,310 to $6,300. If there are families across the country who are watching our debate and thinking they can't go to college, it is important for them to know that the community colleges of America cost several hundred dollars a quarter, and that the great State universities of America typically cost $5,000 or $6,000 or $7,000 a year in tuition. Now, that does not include living expenses, but we all pay living expenses, whether we are in college or we are not in college.

This decision to move up the Pell grant to $6,300 is a big help. I hope it sends a signal across this country to families without means that their son or their daughter may start their higher education, for example, at a community college for 2 years, living at home and paying a few hundred dollars and letting the Pell grant pay for the total cost of the tuition, the total cost of the books. So there will be zero charge for that family for 2 years, and then after 2 more years, go on to a State University, where the tuition might not be very much more than the Pell grant. In addition, the Pell grants will be even larger for students who are majoring in math, science, critical foreign languages, and thereby encouraging students to pursue those fields.

This Congress is taking a number of steps to try to refocus our country's attention on our brain power advantage, to make sure we keep that so we can keep our good jobs from going overseas. Senator KENNEDY and Senator ENZI and Senator Frist last year changed the law and created the SMART grants to focus on our competitiveness, and the increase to the Pell grants do that significantly more in this legislation.

In addition, this legislation, in an overdue way, recognizes the importance of a year-round Pell grant. Many people still have in their mind the idea of the traditional college student on the traditional campus. That life has changed. Many of the students who take Pell grants have to work. They are older. They may be moms going back to school to get the training to get a better job or a dad doing the same, and they may not have time to take the summer off, or that might not fit their schedule. The way the law has been, they couldn't get the Pell grant, if there were, say, three quarters, they could only get it for two. This says that—and Senator CLINTON, I congratulate her for working on this as well. A number of Senators have worked on making the Pell grant a year-round opportunity.

I am also delighted about legislation I introduced, again with Senator CLINTON, to expand Teach For America. Teach For America attracts some of the brightest young men and women in our country who have a passion for serving. There are many ways to serve our country. Some of our most valued are in Iraq and Afghanistan. Others are in the inner city helping children who haven't had a chance to learn to read, to learn to compute, and learn to have a chance in this country. As Lyndon Johnson used to say, we want people to be equal at the starting line, but we need to help some people get to that starting line, and through Teach For America, young men and women can do just that. This will build a corps of young college graduates who will spend 2 years in those schools, and it will expand the group of influential alumni of Teach For America who care about our public schools.

I actually think that what may end up being more important about Teach For America than their service for 2 years in the inner city schools is that we will expand these young men and women who will grow to be the leaders of this country in a relatively short period of time. Then they will always have within their personal missions the idea of giving every student an opportunity to go to a first-class public school. Having a corps of Americans who value education and who value public schools, especially, will do our country more good than almost anything I can think of.

Mr. President, I believe we have the best colleges and universities in the world. We don't just have some of them, we have almost all of them. They have their problems, but we should recognize the asset that they are. One of my primary goals as a Senator is to relieve the burdensome, oppressive paperwork that the Federal Government places upon our colleges and universities, freeing up scarce dollars to spend on improving quality teaching and research rather than paperwork.

The higher education system—and I want to be careful saying this because I don't want to drive anyone away from this idea—is a Republican's dream, a conservative's dream. We have 6,000 autonomous institutions. Some are public, some are private. Some are religious, some are secular. Some are historically Black, some are Native American, some are Jewish. Some are in cities. There is Harvard and there is the Nashville Auto Diesel College. There are 6,000 autonomous institutions that compete. We don't give money directly to those institutions, for the most part. We give the money to the students, and students take those vouchers—one-half of America's college students attend our autonomous institutions with a Federal grant or loan that helps them to pay for college, and they are flat out vouchers.

I have introduced several times a Pell grant for kids, saying that is what a voucher is for K–12, but we will reserve that discussion for another day.

Since World War II, quite by accident, we have said to the world: Here is the way we organize our education. It is a marketplace of 6,000 institutions, where (1) colleges compete for students, (2) Government money follows those students to the institution of their choice, and (3) the Federal research money is, for the most part, competed for in peer-reviewed efforts. The rest of the world is scrambling to catch up with our system.

In China, they are deregulating. In France, they are deregulating and creating a more competitive system and trying to emulate the model that we have.

So what concerns me about our Government's attitude toward higher education is the number of forms each institution has to fill out. I have a stack of forms this tall in my office. I didn't bring it here to the Senate floor. Every institution has to fill that out in order to accept students who bring with them Federal grants or loans, which are almost all of the students. That means the small church-related schools have to hire somebody else. They have to go through all that. The President of Stanford—not a small, church-related school—said 7 out of 10 cents of every tax dollar is spent on complying with Government regulations.

Would it not be better if we allowed Stanford and the small schools and the Nashville Auto Diesel College, as well as Harvard, to use more of their money to help students and less to comply with paperwork?

With passage of this bill, we will require the Advisory Committee on Student Financial Aid to review regulations imposed under the act and report to the Secretary and Congress ways to reduce regulation, streamline procedures, and simplify for the benefit of students. That will be one small force moving in the right direction.

It would create a discretionary grant program for an institution of higher education to maintain a Web site that keeps track of Federal regulations that have an impact on institutions of higher education. A small, church-related college might only have to hire a person who spends half of his or her time keeping up with the rules and regulations because the Web site might have done it for them.

We require the Secretary to develop an annual compliance calendar for disclosures required by the Higher Education Act.

These provisions might seem not very important, but I can guarantee you, as a former president of a university, they can make a lot of difference. I would like very much to have spread out before me a calendar from the Government that said we have listed all of the rules and regulations and forms and papers that you have to file. That would mean I knew what it was and that would save me a lot of time in figuring it out.

Despite that good news, I am afraid there are, nevertheless, problems in this bill. Currently there are 24 reporting categories and 74 reporting requirements with hundreds of data points. That is today, before this bill passes. My staff has identified 26 new categories and over 100 new reporting requirements imposed on higher education with this law, and that is even before the department starts its regulations.

So I hope we can figure out a way to create competitive forces in favor of deregulation. It is as bad on our side of the aisle as it is on that side of the aisle. Very often, my Republican friends say, for example, prices at colleges have gone up, so let's put on price controls.

When the pilgrims arrived in Massachusetts, they said we know what religious oppression is, so let's practice it ourselves. We are supposed to be for markets and choice and less Federal regulation. So let's apply that to Federal higher education.

I have worked on a number of provisions in the bill, and I thank Senators KENNEDY and ENZI for permitting me to do that, working with others, including Senators GREGG and REED, and I have worked on provisions that have been included that simplify the application form for students who apply for grants or loans.

As I mentioned, I worked with Senator CLINTON to help allow students who have Pell grants to use them year-round so they can finish earlier and get back to work and back with their families, rather than the antiquated requirement that they may only use them part of the year. I mentioned the compliance calendar to make it simpler for colleges, and the Teach for America plan, which Senators HARKIN and REID and others have cosponsored.

There is an accountability research grant and a state data system pilot project. I thank Secretary Spellings for agreeing with these. As a result of her study of higher education, which pointed out a number of important things, we do have a fine system of higher education, but it needs to be challenged if we are going to keep our advantage. I felt that the Secretary, in her recommendations, was going too far in federalizing higher education, whether it be transfer of credit provisions, or whether it might be proposals mandated from Washington about student accountability. I thought that was a good goal but the wrong way to go about it.

So Secretary Spellings has agreed to step back and focus instead on challenging our State boards of education and our college boards of trustees and our university presidents and our Governors and legislators to do their own on accountability. We are not going to kick it to Washington, DC, and let us conduct oversight of how they are doing their jobs, rather than to try to impose more of the one-size or a few-sizes-fit-all ideas from Washington. A part of doing that would be these new grants from the Department.

In this bill, we have provided grants from the Secretary to create new measures for assessing student achievement in higher education. There is a difference in the Harvard classics department and the Nashville Auto Diesel College. I mention that because Harvard classics might be the best department for classics. I know the Nashville Auto Diesel College is the best training for mechanics. There is no need for us to figure out what is the appropriate accountability at those institutions.

With great respect to the chair and Senators KENNEDY and ENZI and the Department of Education, the institutions of higher education know more about accountability in higher education. We ought to make sure they are doing their job, not try and do it for them from here.

Mr. KENNEDY. Will the Senator yield for a consent agreement?

Mr. ALEXANDER. I am happy to.

Mr. KENNEDY. I believe I have time remaining. I ask unanimous consent that the remaining time be given to the Senator from New Jersey—I believe I have 5 minutes left—and I ask that he be given an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back.

Mr. ALEXANDER. Mr. President, I thank the Senator from Massachusetts and the Senator from Wyoming. Another example of what I would call the propensity to federalize education is to regulate the transfer of credit policy that individual institutions have. If we are going to have a marketplace, and if students are going to have choice, then it is the job of the students to find out from the colleges and universities what their rules are. Otherwise, we go to a European system or a Chinese system, or a system like our K-12 system where we, knowing all, tell everybody what to do, what the transfer of credit policies might be.

So I strongly resist saying that the Federal Government ought not to have anything to say about whether the Nashville Auto Diesel College ought to be required to accept a transfer of credit from the Harvard classics department. I am not sure that a graduate or student in Harvard classics would know anything about a Nissan engine in Nashville, and vice versa. I am pretty sure we don't need to interfere with that, particularly if so much of the excellence in our system comes from this competition, and these autonomous institutions and this marketplace that allows students, followed by Government money, to choose and allows researchers to compete to see who deserves the money.

So my hope is that as time goes on we can have a serious discussion in the Health, Education, Labor, and Pensions Committee and in the Education and Labor Committee in the House about deregulation of higher education. We all have good ideas about what to do. Some will be voted on as amendments tomorrow. If we all impose our good ideas from here, then they add up to another stack like this, and our higher education system begins to be smothered.

I have had the privilege of working at several levels in higher education. When I was president of the University of Tennessee, I had a lot of oversight. The Governor was chairman of the board. The legislature approved the largest share of money that I received. I had a board of trustees to which I had to respond. There was a faculty council to which I paid a lot of attention. In terms of student accountability, the professors graded students on a regular basis. The dean graded the professors. The trustees, the president, the provost, the Tennessee Higher Education Commission, the Governor, and the legislature all had their say. There is plenty of supervision of higher education based on my experience. So we need to be careful. We have been wise since World War II with our loans and grants that half of Americans use to go to college to say here is the money.

If the college is accredited, a student can take their choice. You may go to Notre Dame or to the community college down the street. You may go to the University of Tennessee or to Rhode Island. That is your choice, as long as it is accredited. Of course, some mistakes are made. I am sure that at the fringes some colleges are teaching goofy courses. Some schools are better than others.

Overall, we don't have any enterprise in America that today has consistently outperformed the rest of the world as well as our system of higher education—not our automobile business, not our aluminum business, and not our K–12 system. Even the Senate rarely raises above the level of the Baghdad Parliament when it comes to getting consensus on the war in Iraq. But the system of higher education, with all its sometimes stuffiness and its disagreeable political correctness, and even with the lengthy vacations and even with more tenure than probably is deserved, as a whole, is by far the finest in the world; and more regulation, as a whole, will make it worse, not more excellent.

There is one other provision I want to mention. I am glad the committee included this. It is a statement about the protection of free speech.

Willie Morris, who wrote the "North Toward Home" about his days in Mississippi and the University of Texas and New York, wrote an eloquent statement about how the American Association of University Presidents rose up about the political correctness at the time he was a student. That was in the 1950s—I guess early 1960s. At that time, the political correctness in part of Texas, or all of Texas, was segregationist, very conservative, and oppressive to those who had different points of view.

Today, the shoe is often on the other foot. Some deny that, but we know that is true. There are not many conservative speakers at college graduation ceremonies.

The PRESIDING OFFICER. The Senator's time has expired

Mr. ALEXANDER. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Often legitimate speakers with different points of view are booed and not welcomed in the academic environment.

I testified about this situation before Secretary Spellings' committee on higher education. I ask unanimous consent to have printed in the RECORD following my remarks my testimony in Nashville last year.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, I hope my friends in the university community will see in me someone who values higher education, who defends the importance of it in our society, who is working hard to keep our brainpower advantage in the world marketplace, who supports funding it generously, but who also believes that the greatest Achilles' heel of our system of higher education today is political correctness and a failure to take it seriously.

Colleges and universities are places where people ought to be allowed to say even outrageous things from the right and from the left. It is not a free and academic environment if you are only allowed to say outrageous things from the left.

Without belaboring that point, I conclude my remarks by expressing my appreciation once more to Senators KENNEDY and ENZI. This is a first-rate bill. It will help students. It will help our country. It has a great many good ideas in it, and I hope there are others in this body and in the House of Representatives who will join me in recognizing that along with political correctness, the greatest threat to quality of higher education, in my view, is overregulation by the Federal Government, and perhaps over time we can find some sensible ways to give it a little more freedom from this big stack of regulations that piled up over the years.

I thank the Chair and yield the floor.

EXHIBIT 1

REMARKS OF SENATOR ALEXANDER TO COMMISSION ON THE FUTURE OF HIGHER EDUCATION, NASHVILLE, TENNESSEE

Thank you for the time you are giving to this Commission's work, and thank you for inviting me to testify.

I've seen higher education from many sides, so I'm sometimes asked, "What's harder: being governor of a State, a member of a president's cabinet, or president of a university?"

My answer is, "Obviously, you've never been president of a university, or you wouldn't ask such a question."

I have six suggestions for recommendations you might make:

First, I hope you will urge the Administration that appointed you to make the National Academies' "Augustine Report" a focus of the President's State of the Union address in January and of his remaining three years in office.

This 20-point, $10 billion a year report is the National Academies' answer to the following question that Senator Pete Domenici, Senator Jeff Bingaman and I posed to them in May: "What are the ten top actions, in priority order, that federal policy makers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper and be secure in the global community of the 21st century?" The report was written by a distinguished panel of business, government and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

As 2005 ends, we Americans—who constitute just five percent of the world's population—will once again produce nearly thirty percent of the world's wealth.

Most of this good fortune comes from the American advantage in brainpower: an educated workforce and our science and technology. More Americans go to college than in any other country. Our universities are the world's best, attracting more than 500,000 of the brightest foreign students. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science, and have registered the most patents. We have invented the Internet, the automobile and the computer chip, television and electricity. From such advances have come a steady flow of the world's best paying jobs.

As one scientist has said, we don't have science and technology because we're rich. We're rich because we have science and technology.

Yet I am worried that America may be losing its brainpower advantage. Most Americans who travel to China, India, Finland, Singapore and Ireland come home saying, "Watch out."

The Augustine panel found I am right to be worried:

Last year, China trained 500,000 engineers, India 200,000, while the U.S. trained 70,000.

For the cost of one chemist or engineer in the U.S., a company can hire five chemists in China or 11 engineers in India.

China is spending billions to recruit the best Chinese scientists from American universities to return home to build up Chinese universities.

They also found signs that we are not keeping up:

U.S. 12th graders performed below the international average of 21 leading countries on tests of general knowledge in math.

In 2003, only three American companies ranked among the top 10 recipients of new U.S. patents.

Of 120 new chemical plants being built around the world with price tags of $1 billion dollars or more, one is in the U.S. and 50 are in China.

Among the Augustine Report's 20 recommendations were:

Recruit 10,000 new science and math teachers with 4-year scholarships and train 250,000 current teachers in summer institutes.

Triple the number of students who take Advanced Placement math and science exams.

Increase Federal funding for basic research in the physical sciences by 10 percent a year for 7 years.

Provide 30,000 scholarships and graduate fellowships for scientists.

Give foreign students who earn a PhD in science, engineering and computing a "green card" so they can live and work here.

Give American companies a bigger research and development tax credit so they will keep their good jobs here instead of moving them offshore.

Some may wince at the $10 billion a year price tag. I believe that the cost is low. America's brainpower advantage has not come on the cheap. This year, one-third of State and local budgets go to fund education. Over 50 percent of American students have a Federal grant or loan to help pay for college. The Federal government spends nearly $30 billion per year this year on research at universities and another $34 billion to fund 36 national research laboratories.

Just this year, Congress has authorized $75 billion to fight the war in Iraq, $71 billion for hurricane recovery, $13 billion in increased Medicaid spending and $352 billion to finance the National debt. If we fail to invest the funds necessary to keep our brainpower advantage, we'll not have an economy capable of producing enough money to pay the bills for war, Social Security, hurricanes, Medicaid and debt.

Aside from the war on terror, there is no greater challenge than maintaining our brainpower advantage so we can keep our good paying jobs. That is the surest way to keep America on top.

I have attached an executive summary of the Augustine Report to my comments.

Second, I suggest that you recommend that presidents of the United States appoint a lead adviser to coordinate all of the Federal government responsibilities for higher education.

My greatest regret as U.S. Education Secretary was that I did not volunteer to be that lead person. Secretary Spellings, with the appointment of this commission, has assumed at least some of that responsibility. But the authority of the Secretary of Education over higher education is somewhat like the authority of the U.S. Senate majority leader or a university president: overestimated. Almost every agency of the federal government has something to do with higher education, tens of billions of taxpayer dollars are invested every year and someone should be looking at all of this in a coordinated way.

Third, I urge you to join me on the bandwagon for deregulation of higher education.

The greatest threat to the quality of American higher education is not underfunding. It is overregulation. The key to the quality of our higher education system is that it is NOT a system. It is a marketplace of 6,000 autonomous institutions. Yet, thanks largely to the last two rounds of the Federal Higher Education Act, each one of our 6,000 higher education institutions that accepts students with Federal grants and loans must wade through over 7,000 regulations and notices. The president of Stanford has said that seven cents of every tuition dollar is spent on compliance with governmental regulations.

I have attached to my testimony remarks I made to the U.S. Senate in June when I introduced the Higher Education Simplification and Deregulation Act of 2005, much of which was incorporated in the Higher Education Act reauthorization bill this year.

Fourth, I urge the Congress to overhaul the Medicaid program and free states from outdated federal court consent decrees so that states may properly fund colleges and universities.

You have two charts before you that tell the story. Nationally, during the five year period from 2000 to 2004, State spending for Medicaid was up 36 percent, while State spending for higher education was up only 6.8 percent. As one result, tuition was up 38 percent.

The story in Tennessee was worse. Medicaid spending was up 71 percent, while higher education was up only 10.5 percent, and tuition was up 43 percent.

By the way, during this same four year period, Federal spending for higher education was up 71 percent.

When I left the governor's office in 1987, Tennessee was spending 51 cents of each State tax dollar on education and 16 cents on health care, mainly Medicaid. Today it is 40 cents on education and 26 cents on health care, mainly Medicaid.

To give governors and legislatures the proper authority to allocate resources, Congress should give States more authority over Medicaid standards and more ability to terminate outdated Federal court consent decrees that remove decision-making authority from elected officials.

In addition to the two charts on spending trends, I have attached my remarks when Senator Mark Pryor of Arkansas and I introduced the Federal Consent Decree Fairness Act.

Fifth, I hope you will put a spotlight on the greatest disappointment in higher education today: colleges of education. "At a time when America 's schools face a critical demand for effective principals and superintendents, the majority of programs that prepare school leaders range in quality from inadequate to poor." Those are not my words, but those of a new report by Arthur Levine, the president of Teachers College, Columbia University. Or ask Richard Light, the Harvard professor, who is working with university presidents trying to find and inspire a new generation of leaders for our colleges of education. Sometimes colleges of education are even roadblocks to the very reforms they ought to be championing. In 1983, when I asked colleges of education to help me find a fair way to pay teachers more for teaching well (which not one State was doing at the time), they said it couldn't be done. So we invented our own system for thousands of teachers, with virtually no help from the very people who are in business to figure out such things. And still today, despite the good work of Governor Hunt and others, the lack of differential pay is the major obstacle to quality teaching.

I have attached an executive summary of Dr. Levine's report, "Educating School Leaders."

Finally, I hope you will put a spotlight on the greatest threat to broader public support and funding for higher education: the growing political one-sidedness which has infected most campuses, and an absence of true diversity of opinion.

To describe this phenomenon, allow me to borrow some words from the past, which may sound familiar to your chairman, Charles Miller, who was once Chairman of the Board of Regents of the University of Texas: "systematic, persistent and continuous attempts by a politically dominant group to impose its social and educational views on the university." This was what the American Association of University Professors (AAUP) called it in its censure of Texas Governor Pappy O'Daniel's Board of Regents when the Board fired University of Texas President Homer Rainey in the 1940s. This is reported in Willie Morris' book, "North Toward Home." Then the AAUP was talking about one-sidedness imposed by the right, instead of by the left—but political one-sidedness is political one-sidedness, no matter from what direction it comes.

There is more to this charge of one-sidedness than the academic community would like to admit. How many conservative speakers are invited to deliver commencement addresses? How many colleges require courses in U.S. history? How many even teach Western Civilization? How many bright, young faculty members are encouraged to earn dissertations in the failures of bilingual education or on the virtues of vouchers or charter schools?

I am not surprised that most faculties express liberal views, vote Democratic and that most faculty members resist authority. That is the nature of most university communities. But I am disappointed when true diversity of thought is discouraged in the name of a preferred brand of diversity. This one-sidedness is not good for students. It is not good for the pursuit of truth. And it undermines broad public support for higher education. The solution to this political rigidity lies not in Washington, D.C., but in the hands of trustees, deans and faculty members themselves.

Last year Senator Kay Bailey Hutchison of Texas invited former Brazilian President Fernando Henrique Cardoso to join a small group of U.S. senators in the majority leader's office for a discussion. Dr. Cardoso was completing a residency at the Library of Congress.

"What memory of the United States will you take back to your country?" Senator HUTCHISON asked Dr. Cardoso.

"The American university," he replied immediately. "The uniqueness, strength and autonomy of the American university. There is nothing like it in the world."

I salute Secretary Spellings and this Commission for undertaking to preserve and improve higher education, America's secret weapon for its future success.

In coming to your conclusions, I hope that you will urge the President to adopt the Augustine Report and to designate a lead advisor for higher education, that you will jump on the bandwagon to deregulate higher education and preserve its autonomy, that you will urge Congress to overhaul Medicaid and Federal court consent decrees so States can properly fund higher education, and that you will urge trustees to revamp colleges of education and ensure a campus environment that honors true diversity of opinion.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I also rise in strong support of the higher education reauthorization bill before the Senate today.

I first thank my colleague, the chairman of the Health, Education, Labor and Pensions Committee, a true champion for education in our country. Senator KENNEDY's vision for higher education will help make sure college is more accessible and affordable to all our young people regardless of their race, their class, or their income. It is because of the vision of Senator KENNEDY, of Senator Pell before, and others that the doors to college have been opened to millions of Americans who otherwise would not have had access to that American dream.

I appreciate Senator ENZI's leadership as well in bringing and moving this bill on the floor. I salute him for all of his work, both on the bill we had last week and now the bill we have today. It is a tremendous testament of what we can do when we join in a common cause.

As someone whose dreams of college could not have been realized without the power of the Pell grant and without other Federal aid, I am proud to be able to support legislation that will open the doors for the next generation of students in this country. Without the critical assistance I received, I would never have been able to be the first in my family to graduate from college, then later from law school, and I certainly wouldn't be speaking here on the floor of the Senate.

The bill before us takes great steps toward improving and leveling the playing field for all students so that more students are able to access and afford a higher education. Today, all students do not have an equal chance to attend college. As an example, Latinos and African Americans are less likely to be able to afford college and, therefore, more likely to qualify for Federal financial aid. Latinos and African Americans are 40 to 60 percent less likely to earn a bachelor's degree in their lifetime than other students. By also expanding Federal aid opportunities for minorities, the bill will help improve those numbers and close the gap in higher education.

My own story of growing up poor yet having the opportunity to fulfill my dream of attending college because of Federal aid is still true as a challenge for so many of our young people today, and it will continue to be for the young people of tomorrow.

The changes in this bill come at a critical time. It is projected that by the year 2015, 8 short years from now, college enrollment of African-American students will increase by 23 percent, and for Latinos that number will increase by a whopping 73 percent. Moreover, 75 percent of undergraduate students are nontraditional students, meaning they either are attending part time and working full time, non-high school graduates, or have dependents, among other characteristics. The student populations of our Nation's colleges will increasingly reflect the changing landscape of our country. So this bill is going to help all of our students.

More and more of our students will not be the sons and daughters of previous college graduates. The student of tomorrow will be a mother who juggles a full-time job and attends community college part time at night so she can gain skills that will lead to a better job and provide her children economic security.

The student of tomorrow will be a naturalized U.S. citizen who, with the help of Federal aid, can fulfill his dream of becoming an engineer who can give back to this country by helping build new infrastructure.

The student of tomorrow will be a foster child who is able to attend college with Federal aid and fulfill her dream of becoming a nurse so she can not only live a stable life but give back to a system that saved hers.

The student of tomorrow will be a bright high school student who works part time through college and despite his family's low income can attend the college of his choice because of Pell and Perkins.

These are the students who will help define the students of our Nation—the first-generation students breaking through new barriers, the parents working to improve life for their children, the naturalized citizen building a better life in this country. They will each be charting their own path, able to realize their dreams because of the opportunity only a college education can provide.

How well educated they are will not just determine how successful they are in the workforce but how successful our Nation is in the global economy. As a nation, I am convinced that the single greatest asset we will have in this global economy is our collective intellect. To be a leader globally, we will have to be at the apex of the curve of intellect. That means the most highly educated generation this Nation has ever known. To get there, our education pipeline must be accessible and affordable to a great cross-section of young people.

However, rising costs, combined with far too stagnant growth in family income and declining Federal aid, have effectively priced out many students. Even with student loans and work study, today's students have thousands in unmet financial need they often cannot afford to pay. As a nation, we simply cannot afford to have our students priced out of a college education. Our Nation's future depends on it.

The legislation before us will make key changes to help ensure the doors to college remain open to all, not just those who can afford it out of pocket. This bill realizes that improving access to college does not just mean increasing funding. Improving access to college means curbing rising tuition costs so that young people will be able to better afford a higher education. This bill will hold colleges accountable for rising tuition costs by making tuition data public and available so students and their families can compare costs. By publicizing costs to prospective families, colleges will need to justify tuition increases that far exceed those of comparable institutions.

Improving access to college means reforming the student loan system so students get loans that are fair, not loans that wash them away in debt. Outrageous loan debt is forcing borrowers to delay either buying a home in the future or taking the dream job of their choice after college simply because it will not pay enough. This bill reverses this troubling trend by not only expanding Federal aid but ensuring students are getting the best possible deal when they take out a loan.

Improving access to college also means starting at the first step—filling out the forms. As someone who had to fill out the FAFSA form by myself, it was pretty daunting. For any student facing this process on their own or for families with income, language, or other barriers, the financial aid process itself can be overwhelming. By reducing the FAFSA from 10 pages to 2 pages, we make it easier for students to accomplish the very first step necessary to get financial aid.

By improving access to college, it also means helping students get on the right path early by strengthening and expanding programs such as GEAR UP and TRIO, by promoting quality teacher preparation programs, and helping high-needs public schools recruit and retain high-quality teachers. This bill takes low-income and first-generation students closer to their dreams of college.

We also need to expand access beyond the undergraduate realm. I am particularly pleased that this bill expands funding for minority-serving institutions and specifically supports the creation of graduate programs at Hispanic-serving institutions, a proposal I have supported for a long time. Latinos currently make up less than 6 percent of graduate students, and by expanding opportunities at Hispanic-serving institutions which enroll more than 50 percent of all Latino students in this country, this expansion is an important step to ensuring the Nation's graduate and doctorate students reflect the diversity of our Nation.

Ensuring our students are prepared to be the next generation of innovators, business owners, and leaders requires a serious commitment to making college affordable and accessible. This means making education work for all students. That is why we must take the steps to increase critical grant aid and strengthen key programs to help open the doors to college for all our young people. We must ensure our young people are getting the best possible deal when they apply to college and that every student who is willing to work hard has the opportunity to graduate from college.

I believe that in this Nation in which this challenge for us globally is so significant, in which an engineer's report is created in India and transmitted back to the United States for a fraction of the cost, in which a radiologist's report is done in Pakistan and sent to your local hospital, read by your local doctor, if you have a problem with a credit card, as I recently did, you may end up in a call center in

South Africa, in the pursuit of human capital for the creation of a product for the delivery of a service; we are globally challenged. That is why this ability to have a generation that has the greatest educational achievement is so important to the Nation's competitive future.

I want to make sure that the opportunity I had as someone who had challenges is an opportunity that can be met by every student who is willing to work hard, has the ability, and gives something back to their country. This bill is going to make that happen. I think this bill takes us significantly in the right direction. I hope it will have incredibly robust support when its final passage comes up for a vote.

Mrs. HUTCHISON. Mr. President, I rise today to speak about the Higher Education Act.

As the reauthorization process continues, I want to highlight the importance of Hispanic serving institutions, and the role they play in educating our young people.

Hispanics should have equal opportunities to receive a first-class education, acquire the great jobs available in America, and pursue careers in any field they desire whether it's in medicine, law, business, education, or any other area.

According to the Census Bureau, Hispanics account for 1 out of every 2 people who are added to the Nation's population, and the U.S. Department of Labor estimates that 1 out of every 3 new entrants into the job market is Hispanic.

The percentage of Hispanic students attending college has also increased significantly over the past few years. Because the pace of bachelor's degrees earned by Hispanics is accelerating rapidly, we must keep pace by increasing the capacity of our institutions of higher education to serve these students.

Our Hispanic serving institutions are able to do this.

HSIs continue to grow in stature and importance. They are home to more than half of all Hispanic college students, and are often the only viable opportunity for individuals of modest economic backgrounds to attend college.

I applaud HSIs for their vast contributions in providing quality educational opportunities to all Hispanic and non-Hispanic students who attend their institutions, and I remain committed to opening the doors of higher education to all Americans and keeping our country competitive in the global marketplace.

I have been proud to serve as cochair of the HSI Coalition with my colleague Senator BINGAMAN of New Mexico. The success we have had over the past 11 years has us headed in the right direction.

From 1995–2006, we have helped increase Federal funding for HSIs from $12 million to $95.8 million.

The Third Higher Education Extension Act of 2006 removed two barriers harmful to Hispanics and HSIs. It eliminated the 2-year wait-out period between HSI grant funding cycles, as well as the requirement that 50 percent of the Hispanic student population must be low-income for the school to qualify for HSI eligibility. This allows HSIs to gain funding without costly gathering and reporting of individual Hispanic-student income documentation, which was often impossible for universities to obtain.

Despite the positive increases in college student matriculation, overall, too few Hispanic-Americans graduate from high school or college. If we fail to properly educate one-half of America's future workforce, there will be disastrous economic and social consequences for the entire nation.

As we debate the reauthorization of the Higher Education Act, I want to make sure that our federally-designated HSIs are not left behind.

I have ensured that the language of the Next Generation Hispanic Serving Institutions Act is included in the Higher Education Act. I am an original cosponsor of this legislation, which I introduced with Senator BINGAMAN on February 13, 2007.

This bill provides fellowships and support services for graduates, as well as facility and faculty improvements at HSIs. It provides new technology for distance education and collaborative arrangements with other institutions.

In addition, the legislation increases the authorization of the current HSI program to $175 million and authorizes $125 million for the new HSIs graduate program for fiscal year 2008.

I strongly urge my colleagues in the Senate to support these provisions.

Mr. CARDIN. Mr. President, I rise today in strong support of the higher education amendments before the Senate. This bill works toward one of the most important responsibilities elected representatives shoulder: opening the doors of educational opportunity for each American child and every American family.

Last week, the Senate took a critical step toward making college more affordable by passing the Higher Education Access Act, legislation that increases Pell grants, caps student loan repayments, and provides loan forgiveness for those who enter and stick with careers in public service.

But we must actually control college costs if we hope to make permanent progress on college affordability. The legislation now before the Senate would not only allow the Secretary of Education to highlight those colleges and universities whose tuition increases are out of line with their peers, it would allow the Secretary to study what factors are driving soaring higher education costs in this country and identify what measures could be utilized to bring them under control.

Even with this effort and the important measures passed last week, most students and their families in Maryland and around the Nation will still have to borrow money to make their college dream a reality.

Today, that means completing lengthy and confusing Federal and school-based student aid applications. Once those applications are submitted, families must decipher various colleges' price estimates and various banks' descriptions of loan terms and conditions. Financial award letters often contain inconsistent definitions and formats to describe the cost of attendance, the financial aid offered, and the costs associated with various types of loans. Too many banks provide inadequate information about their rates and terms. As a result, families are unable to shop around for the financial aid package or best loan rates and are ill-prepared for post-graduation monthly payments. Jim Guest, president of the Consumers Union, has said that "[f]inancing a house or car can be confusing, but it's nothing compared with trying to pay for a college education."

In the face of such confusion, many students and their families turn to financial aid officers to guide their choices. But throughout this year, thanks to the New York Attorney General and my distinguished colleagues on the Senate Health, Education, Labor, and Pensions Committee, we have learned that some financial aid officers, including, unfortunately, some from Maryland, were not giving families honest advice. Some financial aid offices were receiving expensive gifts, travel and other kickbacks from lenders and in return recommended those lenders to students, even if the product was not in the students' best interest.

This important legislation takes critical steps to reform the entire student loan system so that students and their families will receive timely, accessible, and reliable information and can make wise college financing decisions.

First and foremost, the legislation would simplify the financial aid process for all students and their families.

The bill reforms the Federal financial aid application. The Free Application for Federal Student Aid, FAFSA, is currently 10 long pages full of complex questions. Its length and complexity create an unnecessary obstacle for low- and middle-income students seeking the aid they need to attend college. The higher education amendments simplify the FAFSA by creating a new two-page EZ-FAFSA for low-income students, and phasing out the current seven-page FAFSA for all applicants within 5 years.

Further, the bill creates a pilot program that allows students to receive an aid determination or estimate in their junior year of high school. Rather than making complicated decisions in a frenzy of paper and options, the bill facilitates student planning, giving families time to investigate their financing options.

This critical bill makes sure that those options are easier to understand. The bill requires the Secretary of Education work with colleges and universities to develop several model price calculators that would give students an institution's actual net price. With these bottom-line prices in hand—in clear and consistent terms—families will be better equipped to make the right college and financing choices.

Plus, the bill requires lenders clearly disclose the terms of their loans and again asks the Secretary of Education to develop a consumer-friendly format so that families receive information in a consistent and accessible way.

But critically important, the bill protects students by ensuring colleges recommend lenders based on students—not banks' or financial aid officers'—best interest.

The bill requires that colleges adopt and enforce a code of conduct that prohibits the college or any of its employees from accepting any significant gifts, trips, services, or other benefits from lenders, period. If a college chooses to select a "preferred lender," it must provide the Secretary of Education and the public a clear report explaining why the preferred products are in the best interest of students or their parents.

These provisions take critical steps towards cleaning up the student loan industry by removing the conflicts of interest that compromised the advice and integrity of too many financial aid offices and officers.

Beyond the student loans, the higher education amendments make more grant aid available to students in Maryland and around the nation. This bill expands eligibility criteria for Academic Competitiveness Grants, ACG, and National Science Mathematics Access to Retain Talent, SMART, grants; expands critical opportunities and services provided for low-income, first generation, and homeless college students under Federal TRIO Programs; increases grants to States to provide its young scientists and mathematicians with scholarships; and increases colleges' ability to reach out and prepare younger students for college through partnership programs. The bill makes it easier for colleges to use grant money to provide financial counseling and for students to engage in public service opportunities as part of their work-study obligations.

Grant programs encourage colleges to build partnerships with the business community to address the Nation's workforce needs and to build programs that teach all students, and especially minority students, foreign languages and encourage them to enter international service fields. The bill creates a new grant program for predominantly Black institutions to enhance their capacity to service more low- and middle-income Black American students; and a new grant for colleges to develop and improve their campus safety and emergency response systems in the wake of the terrible tragedy at Virginia Tech.

What do these changes mean for Maryland students? Well, instead of filling out a seven-page monstrosity, students will have access to a simpler two-page form, and eventually an online smart form that tailors later questions as a student answers earlier ones and may even be able to populate information from forms submitted to the IRS and other Government agencies.

Students will know their financial needs by their junior year of high school, enabling their family to examine straight-forward and honest documents outlining financing options. Families will be able to rely on financial aid officers for honest advice and will have greater access to financial aid counseling. Expanded grant eligibility requirements will give Maryland students increased access to grants and a better ability to pursue their dreams. St. John's students in Annapolis, for instance, will now be able to apply for SMART grants whereas this unique institution's absence of formal majors was a barrier to student eligibility in the past. Students who choose to go to school year round will be eligible for a second Pell grant. The books and supplies allowance for Federal work-study students will go from $450 to $600.

Perhaps most important, this bill takes steps toward addressing one of the most critical education problems we have in this country: a growing teacher shortage. As you know, Mr. President, teachers are our most valuable resource when it comes to educating our Nation's children. According to research, teacher quality is the schooling factor with the greatest effect on student achievement. Good teachers can make up to a full year's difference in learning growth for students and dwarf the impact of any other educational investment, even smaller class sizes.

But between the retirement of hundreds of thousands of baby boomers, efforts to reduce class sizes, and the No Child Left Behind law's raised standards for new teachers, school systems across the Nation can't find enough qualified recruits to fill their class rooms.

Maryland is no different. In 2006, the Maryland Higher Education Commission found that the State "is not producing or attracting enough teachers to fulfill the staffing requirements of the State's school systems, especially in high need certification fields." High turnover only makes the problem worse.

It is widely accepted that it takes 5 years to master the complex art of teaching. But one-third of new teachers leave the profession within 3 years, half within 5 years, and attrition is greater in schools in low-income, urban districts. Of the estimated 6 million people in the U.S. with teaching backgrounds or credentials, only 3 million are actually teaching. Not only does the turnover leave our classrooms without teachers, but recruiting and training new teachers costs the country $7 billion a year.

Because research shows even modest monetary incentives lower teacher attrition, especially in high-risk school districts, I introduced the Master Teacher Act of 2007 to reward "master teachers" with a 25-percent Federal tax exemption on their salary for 4 years if they agree to teach in a school that is not meeting No Child Left Behind's annual achievement goals. That legislation is now before the Senate Finance Committee.

But more must be done to attract our best and brightest to teaching and then keep them there. Most professions, require new entrants go through extensive formal or informal apprenticeships before taking on the profession's full responsibilities. Not many graduate law school and the next day walk into a courtroom and try a death penalty case or graduate medical school and immediately walk into an operating room to perform open-heart surgery. Those professions require decades of training post-graduation. Teaching is an equally complex profession, melding academic theory and practice, and carries enormous responsibility for children's personal and our Nation's collective economic future.

But too many teachers are thrown into a classroom with their own students, many with complex social, emotional, and learning needs, without sufficient training or support. And too many leave the profession feeling frustrated, defeated, and disheartened. Studies have shown a connection between support in the first year and teachers' moving between schools and leaving the profession. A helpful mentor, as reported by teachers, significantly reduces the chances of quitting in the first year. Common planning time and collaboration with other teachers are strong predictors of teachers' decisions to stay in a school and the profession.

The higher education amendments will improve teacher quality, training, and retention by promoting high-quality and effective teacher preparation programs for new and prospective teachers, and help high-need schools by focusing on recruiting and retaining high-quality teachers in high-need schools.

The bill creates competitive grants for innovative teacher preparation programs that address the need for stronger teaching methods and better teacher support. The bill provides a competitive grant for college level preparation programs that include evidence-based teaching methods, mentoring programs for the teacher's first 2 years in service—called induction programs—and new accountability measures to allow programs to improve the training offered.

The bill also provides grants to teaching residency programs, programs that provide participants a 1-year stipend to engage in a guided teaching apprenticeship with a master teacher that integrates theory and practice and includes master's degree coursework. These residency programs must place participants in high-needs schools and work with local school districts to develop an induction program to provide continued support to residents once the program ends. These programs must also contain accountability measures methods that allow for program evaluation and improvement.

I want to express my gratitude to Senators KENNEDY and ENZI and the rest of my colleagues on the Senate Health, Education, Labor, and Pensions Committee for all their hard work and leadership in bringing such a comprehensive and innovative bill to the floor.

Mr. President, I first ran for elected office in my home State of Maryland at the age of 22. I sought elected office because I believed that government can make a difference in people's lives. This bill, reauthorizing the Higher Education Act of 1965, does just that, and I am proud to offer my support.

Mr. REED. Mr. President, due to the delay of my flight from Rhode Island, I was unavoidably absent for vote No. 273, the Brown amendment to create a new Federal Supplemental Loan program.

Had I been present, I would have supported the Brown amendment No. 2376. We know that more and more students are taking out private loans with high interest rates. Senator BROWN's amendment seeks to provide an alternative for those students who have exhausted their grant and Stafford loan aid and continue to need assistance in meeting their college cost of attendance. I have heard concern that such a program could provide a disincentive to States to provide additional grant aid, but I believe we must address the fact that too many moderate- and low-income students take out high interest private loans, which creates an unmanageable loan burden for these students and their families. The Brown amendment is an attempt to rectify this situation and although not perfect, it is worthy of inclusion in the committee's deliberation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The pending amendment is the Kennedy second-degree amendment to the Coburn amendment.

AMENDMENT NO. 2377

Mr. DURBIN. Mr. President, I ask unanimous consent to return to the amendment I filed earlier.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mr. DURBIN. I ask the Chair if there is a pending second-degree amendment by the Senator from Iowa.

The PRESIDING OFFICER. There is.

Mr. DURBIN. I would say to the Chair, for those Members following, there has been agreement reached, and there will be no objection to the adoption of the second-degree amendment to my amendment and then the adoption of my amendment, both by voice vote.

So at this point, I urge the adoption of the second-degree amendment offered by the Senator from Iowa.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2380) was agreed to.

Mr. DURBIN. Now, Mr. President, I urge adoption of the Durbin amendment, as amended by the second-degree amendment of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, the amendment, as amended, is agreed to.

The amendment (No. 2377), as amended, was agreed to.

AMENDMENT NO. 2381

Mr. DURBIN. Mr. President, I ask to return to the pending business before I make my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 1642 in the morning, July 24, no amendments other than those in this agreement be in order; that there be 20 minutes of debate time remaining, divided as follows: 10 minutes each for Senators KENNEDY and ENZI; upon the use of that time, the Senate proceed to vote in relation to the Kennedy second-degree amendment, No. 2387; that upon disposition of the Kennedy amendment, if the Kennedy amendment is agreed to, then it be in order for Senator COBURN to offer a further second-degree amendment on the same subject; that there be 2 minutes of debate prior to a vote in relation to the Coburn second-degree amendment, if offered, with the time equally divided and controlled in the usual form; that upon disposition of the Coburn second-degree amendment, there be 2 minutes for debate, equally divided, prior to a vote in relation to the Coburn amendment No. 2369, as amended; that upon disposition of the Coburn amendment No. 2369, as amended, if amended, the committee substitute amendment, as amended, be agreed to, the motion to reconsider be laid upon the table; the bill be read a third time, and the Senate proceed to vote on passage of the bill without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINIMUM WAGE INCREASE

Mr. KENNEDY. Mr. President, tomorrow we will celebrate the first increase in the minimum wage in 10 years—in 10 years. That will be the first increase in the minimum wage. It will be increased to $5.85 an hour, followed by an additional 70 cents one year later, and an additional 70 cents one year after that.

This will mean new hope and opportunity for 13 million men and women. Primarily women, because almost 60 percent of minimum wage workers are women. It will benefit some 6.4 million children because more than half of the women who will benefit from the increase have children. So it will benefit the children. This means hope is on the way.

It has been a long time, Mr. President. We have heard those who say: Well, the increase in the minimum wage is going to cost jobs, and it will work a hardship on these people. Of course, that is what they have said on every increase there has been. This is the 10th increase in the minimum wage, and they have been wrong each and every time. Currently, the second largest economy in Western Europe is Great Britain—they are paying $10.97 as a minimum wage. They have lifted almost a million children out of poverty. At the present time, Ireland also has one of the strongest economies in Western Europe and their minimum wage is $11.25 an hour, and they have the strongest economy in all of Western Europe. They have reduced child poverty by 40 percent, and their economy is strong. So $5.85 in this great country at this time is just a statement that many of us believe that work should pay, and that people who work 40 hours a week, 52 weeks of the year, should not live in poverty.

So tomorrow will be an important day, Mr. President, and it is appropriate that the Senate be reminded of it.

VOTE-ARAMAS

Mr. BYRD. Mr. President, last Thursday night, in an embarrassing display, the Senate engaged in the perennial and painfully ridiculous budget vote-arama.

This is the process where the Senate considers either a budget resolution or reconciliation bill, and, under the rules of the Budget Act, Senators are permitted to offer and secure votes on amendments after the statutory limitation on debate has expired. By consent, Senators are usually allocated 2 minutes to describe their positions for and against an amendment before the Senate votes. Because Senators are not required to file their amendments in advance, far too often, Senators cannot read an amendment before a rollcall vote begins. We cannot even get an inkling of some of the mischief contained in many of these amendments. Many times, the amendments being considered would require sweeping changes to current law, and Senators are forced to cast their votes on these complex matters without the benefit of debate, an understanding of the costs, or even the chance to peek at the text of the amendment.

In recent years, the budget vote-arama has come to signify an absolute breakdown in the deliberations of the U.S. Senate. The vote-arama is a degrading process that sullies the reputation of the Senate every time it occurs. I can only imagine, and I cringe at the thought of, how the Senate must appear to the American people, voting on matters without debate, and without even something as simple as a copy of the amendment.

Last Thursday night, during the debate on the Higher Education Access Act, the so-called education reconciliation bill, the process deteriorated even further, into something appalling. The Senate fell into a political tit-for-tat, with Senators offering, at first, an unrelated amendment regarding the Federal Communications Commission, and then a sense-of-the-Senate resolution regarding the detainees at Guantanamo Bay, Cuba, and then an unrelated amendment to alter the collective bargaining rights of American workers. The free-for-all further deteriorated when an amendment was offered urging the President not to pardon the Vice President's former Chief of Staff, I. Lewis "Scooter" Libby, and then a retaliatory amendment was offered regarding the pardons granted by President Clinton. And on it went.

Amendment after amendment was offered, each completely unrelated to the education bill before the Senate, and subject to multiple violations under the Budget Act. And, yet, each side continued to raise the stakes, taking political shots at the opposing side, while the Senate suffered through a humiliating night of political ping-pong. Cooler heads finally prevailed, thanks to the intervention of the majority leader, and, at least, the amendments regarding Presidential pardons were withdrawn. Nevertheless, the soap opera of last Thursday night underscores the dangers of the budget reconciliation process—where bills are considered under expedited procedures, where debate is almost nonexistent, where vote-aramas occur, and where Senators are called upon to cast votes on nearly anonymous amendments that amount to little more than colorful sloganeering.

The spectacle also underscored the absolute necessity of the Byrd Rule. Section 313 of the Budget Act—the Byrd Rule—prevents extraneous matter from being added to reconciliation bills, and being jammed through the Senate on party-line votes, like the ones we saw last Thursday night. The Byrd Rule was designed to prevent passage of exactly the kind of amendments that were being offered.

As the hours ticked by, I believe that many Members were embarrassed by the performance of the Senate, as it got dragged into a political game of tossing zingers. In hindsight, we have to admit that matters got carried away, and that this body drifted far from its constitutional responsibility to legislate for the American people, and not the political media. Last Thursday night, the Senate displayed an utter lack of seriousness and appreciation for the depth and complexity of the issues before this country. I opposed every amendment that violated the Byrd Rule—regardless of whether it was offered by a Republican or Democrat, and regardless of how I viewed the subject matter—because I was so appalled by the deterioration in the Senate's deliberative processes. I can say honestly that I took no part in the message-mongering amendments that were extraneous to the underlying bill, and that showed this institution in such a shameful light.

Last Thursday night's spectacle ought to cause every Senator to reevaluate the budget process in the U.S. Senate. I will renew my efforts to do away with these pernicious vote-aramas, and I hope my colleagues will join me in that effort.

REFUGEE CRISIS IN IRAQ ACT

Mr. KENNEDY. Mr. President, yesterday's Washington Post included details from a memo by our Ambassador to Iraq, Ryan Crocker, in which he makes a strong case that we need to do more to make it possible for Iraqis employed by our government to come to the United States.

Ambasador Crocker emphasizes the growing danger facing these Iraqis, who as he states "work under extremely difficult conditions, and are targets for violence including murder and kidnapping." According to the article, Ambassador Crocker has called for establishment of an immigrant visa program for these Iraqi employees.

In fact, Senators SMITH, BIDEN, HAGEL, LIEBERMAN, LEAHY, LEVIN, and I have introduced legislation which establishes a program to do precisely what Ambassador Crocker calls for.

Our legislation establishes an immigrant visa program for Iraqis who have worked for or directly with the United States government for at least 1 year. Our Government now provides such special immigrant visas but only for Iraqi and Afghan translators and interpreters. Our bill expands it to include Iraqis in other professions who have been employed by us or who have worked directly with us.

In addition, our legislation creates additional options for Iraqis who are under threat because of their close association with the United States to apply to our refugee resettlement program.

The Senate is obviously divided on the best overall policy to pursue on the war. I thought it was a mistake from the beginning. That is no secret. Some of our colleagues are convinced that continuing the use of military force in Iraq is necessary to protect our national security.

But our divisions on that issue should not obscure the fact that all of us on both sides of the aisle agree that America owes an immense debt of gratitude to these Iraqis, and we have a special responsibility to help them. They have supported our effort, saved American lives, and are clearly at great risk because of it.

David Keene, chairman of the American Conservative Union, recognized this obligation and called for action in a June 12 article in "The Hill." He recalled a Vietnamese friend who did not make it out of Vietnam when the U.S. left, and said, "There are in Iraq today untold numbers of people like my Vietnamese friend who rushed to our aid when we arrived and have worked with us since. If we abandon them, they may not be so lucky."

Similarly, in a June 24 op-ed in the Washington Post, Julia Taft called for swift action to assist Iraqis whose lives are in danger because of their work with our government. Ms. Taft served as director of the Interagency Task

Force for Indochinese Refugee Resettlement in the Ford Administration and was later Assistant Secretary of State for Population, Refugees and Migration. She wrote about an Iraqi couple working for the U.S. Embassy in Baghdad who had been kidnapped and executed.

She said:

> They are among the most recent of thousands of cases in which Iraqis affiliated with the United States have been forced into hiding, tortured or, often, killed . . . I found myself thinking of this husband and wife last week . . . and struggling with a terrible contradiction. The United States is the world's most generous contributor to refugee relief, and we have always taken the lead on resettling refugees. Yet our country has done the bare minimum to help these Iraqis facing death and exile.

In her call for action, Taft said, "The administration and Congress cannot waste any more time. Their lack of political will has cost too many people their lives. . . ."

In a July 19 op-ed in USA Today, Michael Medved, a conservative Republican who supports the ongoing war effort, and Lanny J. Davis, a liberal Democrat who supports the withdrawal of U.S. forces from Iraq, called for swift and bold action to help Iraqi refugees.

They wrote:

> One issue should bring together all factions of the ongoing debate, and that is America's moral obligation to open our doors—immediately—to Iraqis who face danger and death because of their assistance to our forces.

They specifically called for action on our legislation, saying:

> Last month, a bipartisan group of senators, including Kennedy, who is anti-war, and Lieberman, who supports the war, introduced legislation that would provide special refugee status for Iraqis who are in danger because of their association with the United States or its contractors. This legislation, or something like it, needs strong support from the administration as well as from citizens across ideological and partisan lines. . . . days, even hours, could mean the difference between life and death for people who did nothing wrong other than help Americans.

Many Iraqis have been working with our Armed Forces, our diplomatic mission, and our reconstruction teams in Iraq and have performed valiantly, and their lives are at risk. Many have lost their lives and many more have lost their homes, their property, and their livelihood. For some, it will be too dangerous to ever return home.

America has a special obligation to keep faith with the Iraqis who now have a bulls-eye on their back because of their association with our Government.

Our bipartisan legislation will establish the kind of process that Ambassador Crocker, David Keene, Julia Taft, Roy Medved, Lanny Davis, and many others have called for to help these Iraqis who have sacrificed so much for the United States. I ask unanimous consent that the Washington Post article and other articles I have mentioned be printed in the Record.

I urge my colleagues to support our legislation, S. 1651, to keep the faith with the many brave Iraqis whose lives are in great danger because they have the courage to work with the United States.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, July 22, 2007]

ENVOY URGES VISAS FOR IRAQIS AIDING U.S.

(By Spencer S. Hsu)

The American ambassador in Baghdad, Ryan C. Crocker, has asked the Bush administration to take the unusual step of granting immigrant visas to all Iraqis employed by the U.S. government in Iraq because of growing concern that they will quit and flee the country if they cannot be assured eventual safe passage to the United States.

Crocker's request comes as the administration is struggling to respond to the flood of Iraqis who have sought refuge in neighboring countries since sectarian fighting escalated early last year. The United States has admitted 133 Iraqi refugees since October, despite predicting that it would process 7,000 by the end of September. "Our [Iraqi staff members] work under extremely difficult conditions, and are targets for violence including murder and kidnapping," Crocker wrote Undersecretary of State Henrietta H. Fore. "Unless they know that there is some hope of an [immigrant visa] in the future, many will continue to seek asylum, leaving our Mission lacking in one of our most valuable assets."

Crocker's two-page cable dramatizes how Iraq's instability and a rapidly increasing refugee population are stoking new pressures to help those who are threatened or displaced. As public sentiment grows for a partial or full American withdrawal, U.S. Embassy officials are facing demands from their own employees to secure a reliable exit route, and the administration as a whole is facing pressure from aid groups, lawmakers and diplomats to do more for those upended by the war.

With Iraqi immigration to the United States stuck at a trickle, however, it appears that humanitarian concerns have been trumped so far by fears that terrorists may infiltrate through refugee channels. Bureaucratic delays at the departments of State and Homeland Security have also bogged down the processing of immigration requests by Iraqis fleeing violence.

Skeptics contend another reason the administration has been slow to resettle Iraqis in large numbers is that doing so could be seen as admitting that its efforts to secure Iraq have failed. The intense pressure for visas "reflects the fact that the situation is pretty dire," said Roberta Cohen, principal adviser to the U.N. secretary general's representative on internally displaced persons.

The Office of the U.N. High Commissioner for Refugees says that about 2 million Iraqis have been displaced inside the country so far, and that an estimated 2.2 million others have fled to Syria, Jordan and other neighbors, where they threaten to overwhelm schools and housing, destabilize host governments and provide a recruiting ground for radical unrest. Each month, an additional 60,000 Iraqis flee their homes, the U.N. agency said.

Overall estimates of the number of Iraqis who may be targeted as collaborators because of their work for U.S., coalition or foreign reconstruction groups are as high as 110,000. The U.N. refugee agency has estimated that 20,000 Iraqi refugees need permanent resettlement.

In the cable he sent July 9, Crocker highlighted the plight of Iraqis who have assumed great risk by helping the United States. Since June 2004, at least nine U.S. Embassy employees have been killed—including a married couple last month. But Iraqi employees other than interpreters and translators generally cannot obtain U.S. immigrant visas, and until a recent expansion that took the annual quota to 500 from 50, interpreter-translator applicants faced a nine-year backlog.

As a result, Crocker said, the embassy is referring two workers per week to a U.S. asylum program. Outside analysts and former officials say the number of Iraqi staffers at the embassy has fallen by about half from 200 last year, while rough estimates place the number of Iraqi employees of the U.S. government in the low thousands.

A 43-year-old former engineer for the U.S. Embassy who gave his name as Abu Ali said Iraqis working with Americans at any level must trust no one, use fake names, conceal their travel and telephone use, and withhold their employment even from family members. Despite such extreme precautions, he said they are viewed as traitors by some countrymen and are still mistrusted by the U.S. government.

"We have no good end or finish for us," said Ali, who quit the embassy in June and moved to Dubai with his four children.

Kirk W. Johnson, who served as regional reconstruction coordinator in Fallujah in 2005 for the U.S. Agency for International Development, said the damage to the United States' standing in the Muslim world will be long-lasting if the country's immigration officials are unable to tell friend from foe in Iraq—between terrorists and those who have sacrificed the most to work and fight alongside Americans.

"If we screw this group of people, we're never going to make another friend in the Middle East as long as I'm alive," said Johnson, who is advocating the resettlement of Iraqis who have worked for coalition forces. "The people in the Middle East are watching what happens to this group."

The State Department declined to comment on Friday about Crocker's proposals or his cable, a copy of which was obtained by The Washington Post. But Homeland Security Secretary Michael Chertoff said last week that he would like Iraqis who worked for the United States or who have been vouched for by American authorities to be processed "as quickly as we can, because I think we have a responsibility there."

Kenneth H. Bacon, president of Refugees International, who has urged broader U.S. resettlement efforts, said that "the U.S. does have an obligation to be fair to the people who have served it, whether in Iraq or elsewhere. That's what Ryan Crocker wants to be able to promise." Bacon was among several refugee experts who said that Iraqi employees seeking immigrant visas have already shown their trustworthiness by exposing themselves to brutal attacks over their work in the Green Zone and elsewhere.

But such Iraqis are only a small part of a broader refugee problem that Washington confronts as a result of the war. In recent months, the U.N. refugee agency has referred 8,000 Iraqi refugee applications to the U.S. government. About 1,500 of them have been interviewed, and about 1,000 "conditionally approved" pending security checks and travel arrangements, a DHS official said. The State Department expects 4,000 more interviews to be completed by October.

But State and DHS are unlikely to admit more than 2,000 Iraqi refugees by October, U.S. officials said. Since 2003, the year of the U.S. invasion, the United States has admitted 825 Iraqi refugees, many of them backlogged applicants from the time when Saddam Hussein was in power. By comparison, the United States has accepted 3,498 Iranians in the past nine months.

Smaller countries have also done more. Sweden received 9,065 Iraqi asylum applications in 2006, approving them at a rate of 80 percent, although it recently announced tighter restrictions.

By past standards, the U.S. response also has been meager. Washington admitted nearly 140,000 Vietnamese refugees in eight months in 1975, although only after the U.S. defeat in South Vietnam became clear.

A DHS official blamed the State Department for paperwork delays. Assistant Secretary of State Ellen R. Sauerbrey said officials are speeding up processing and anticipate "a significantly larger number" of admissions. "The people who are in the pipeline will be admitted by next year or, hopefully, the end of the calendar year," she said.

But DHS has opposed boosting the U.S. intake of Iraqis. In a June 26 memo to Congress, the department opposed a legislative proposal to allow applications by Christians and other Iraqi religious minorities, saying it would "vastly increase" the number of refugees. "No vetting process is perfect, and even a strong vetting process can be strained by rapid growth or high volumes," the memo stated.

U.S. officials declined to discuss details about security checks for Iraqis, but said that, under special rules, applicants are subjected to interviews, fingerprinting and examination of their family histories. The information is checked against military, FBI, State and Homeland Security databases.

But DHS rules sometimes pose problems peculiar to the Iraqi conflict: Those who pay ransom to free relatives kidnapped by insurgents, for example, are sometimes viewed as providing material support to terrorists.

Homeland Security officials say they have worked hard to adjust their policies, but Chertoff said in the interview that Washington will not compromise on screening quality. "What we can't afford to do and what would be devastating for the program would be if we were to start to allow people in who actually were a threat," he said.

Years ago, Chertoff added, Europe had more relaxed asylum standards, and it "wound up admitting a bunch of people who are now the radical extremists who are fomenting homegrown terrorism."

Congress is nonetheless stepping up pressure on the administration to do more, with Rep. Earl Blumenauer (D-Ore.) and Sens. Edward M. Kennedy (D-Mass.) and Gordon Smith (R-Ore.) introducing separate legislation to expand U.S. refugee and immigrant visa programs for Iraqis, including for those threatened because they helped coalition or reconstruction efforts.

"The Administration has ignored this crisis for far too long, and its response is inadequate," Kennedy said in a written statement. "We can't solve this problem alone, but America has an obligation to provide leadership and resettle greater numbers of Iraqis who are targeted by the assassin's bullet because they assisted us in the war."

[From the American Conservative Union, June 12, 2007]

RETURNING THE FAVOR

(By David A. Keene)

I had a Vietnamese friend who didn't make it out when we abandoned his country more than 30 years ago. I wondered for years what happened to him amid reports of the deaths of hundreds of thousands of Vietnamese who had worked with and trusted us to stand by them in their fight against the communists.

One can only imagine the sense of abandonment he and his friends must have felt as they watched the last of our helicopters, with desperate and panicked Vietnamese clinging to their skids, lift off from the abandoned U.S. Embassy in Saigon. The footage of that scene remains burned into the consciousness of many of those who watched it from the comfort of their homes back then, but many more of us simply changed the channel and chose to forget what happened to those left behind.

It turned out that my friend was one of the "lucky" ones. He wasn't executed, but was sentenced to three years in one of Ho's camps, which he somehow managed to survive. Once he got out, he rounded up his family and fled, eventually making it to this country, where he lives to this day.

There are in Iraq today untold numbers of people like my Vietnamese friend who rushed to our aid when we arrived and have worked with us since. If we abandon them, they may not be so lucky.

My daughter is in the Army and recently returned from a year in and around Baghdad, where she and fellow members of her unit worked closely with an interpreter they came to know as "Timmy."

When she told me about what might await Timmy if we leave his country, I was reminded of my Vietnamese friend.

In many ways, Timmy is much like thousands of other Iraqis who threw in with us in the fight against tyranny and terrorism after our troops arrived in his country. At age 21, Saddam Hussein's goons arrested him as an enemy of the regime and sentenced him to four years in prison, where he was tortured and witnessed the deaths of thousands of his fellow prisoners.

After the arrival of U.S. forces and the fall of Saddam Hussein, he joined the New Iraqi Army's Special Forces. In the next couple of years his unit suffered heavy casualties and he won numerous medals.

By 2005, Timmy had been promoted, but after being reprimanded on several occasions by superiors who caught him saluting "infidel occupiers," he left the army and signed on as a contract interpreter, or "terp," as our troops call people like him.

Offered a choice of assignments, Timmy picked the most dangerous forward operations base in Baghdad because, as he put it, "It's where I can do the most good." That's where he met my daughter and those who served with her.

"Terps" aren't armed, but Timmy put his own life at risk on a daily basis, saved the lives of many of our people and, as a result of just one such incident, was nominated by Gen. George Casey for the secretary of defense's "Medal for Valor."

Timmy was married at the time he decided to work with us and his wife was expecting, but when her father learned what he was up to, he had her kidnapped and the marriage annulled. Timmy has never seen his child and is now so well-known in Baghdad that those who work with him say he will be killed within days if we leave.

My daughter called me before she left Baghdad to tell me she and those who served with her want Timmy out. "If we leave him," she said, "we will be sentencing him to death and we can't do that because he's one of us and we owe him our lives." Then she put Timmy on the phone, introduced us and before she hung up said, "I wanted you to say hello to him so that you'll remember that he's a person and not just a name on a piece of paper."

Sadly, we have allowed very, very few Timmies into this country. He and thousands like him have risked everything in a common struggle for which many here and in Iraq have no stomach. But we have allowed fewer than 800 of them into the U.S. since 2003.

Democratic Rep. Earl Blumenauer of Oregon and Republican Rep. Christopher Shays of Connecticut want to expand that number. H.R. 2265, which they introduced, would help us deliver on Undersecretary of State Paula Dobriansky's promise that "we are committed to those Iraqis who have provided assistance to the U.S. military and embassy."

It's the least we can do for Timmy and those like him who have risked everything to help us.

FLEEING OUR RESPONSIBILITY: THE U.S. OWES SUCCOR TO IRAQI REFUGEES

(By Julia Taft)

Last month an Iraqi couple working for the U.S. Embassy in Baghdad were kidnapped and executed. Their deaths were not acknowledged by the State Department, and the media made little mention of the murders. They are among the most recent of thousands of cases in which Iraqis affiliated with the United States have been forced into hiding, tortured or, often, killed.

I found myself thinking of this husband and wife last week, as World Refugee Day passed, and struggling with a terrible contradiction. The United States is the world's most generous contributor to refugee relief, and we have always taken the lead on resettling refugees. Yet our country has done the bare minimum to help these Iraqis facing death and exile. Instead of clearing the way for their resettlement, we have blocked their path to safety with bureaucratic barriers and political hurdles.

President Bush should look to another Republican president, Gerald Ford, as an example of executive leadership in addressing refugee crises. In 1975 President Ford asked me to direct an interagency task force charged with resettling Indochinese refugees in the United States. Between May 1 and Dec. 20, 1975, we evacuated and resettled more than 131,000 Vietnamese who were at risk of persecution.

We rescued these people in the face of fierce political opposition. Initially, for example, California Gov. Jerry Brown announced that he wanted no refugees in his state. We overcame his reluctance and all other obstacles because the president had committed to doing everything possible to save the lives of the Vietnamese who had stood beside us. Ford persuaded Republicans and Democrats in Congress to appropriate emergency funds, and he visited refugees awaiting resettlement at Fort Chaffee in Arkansas. American families, churches and synagogues responded to the president's leadership with offers to sponsor refugees in need. At staging grounds in the South Pacific, our immigration officers worked 14-hour days.

Why is there no similar sense of urgency for the 4.2 million Iraqis displaced and in danger? President Bush himself has yet to speak of the crisis. Although members of his administration claim to have made Iraqi refugees a top priority, admission numbers tell a different story. Only one Iraqi refugee made it through our process to safety in the United States in May, and only one made it the month before. The United States has committed to reviewing 7,000 cases and admitting 3,000 refugees by the end of this fiscal year, in September. That is as many as our team processed in a single day back in 1975.

What has happened to our leadership on this issue?

The administration and Congress cannot waste any more time. Their lack of political will has cost too many people their lives. A bill introduced last week by Sens. Edward Kennedy (D-Mass.) and Gordon Smith (R-Ore.), the Refugee Crisis in Iraq Act, would begin this process by swiftly providing increased resettlement options and visas for those at risk because of their association with the United States. The president also should direct that 20,000 unallocated refugee visas from this year be used for Iraqis. Finally, we must increase aid to countries in the Middle East that combined are hosting 2 million Iraqis; this would help ensure that the refugees can stay and that the host countries remain willing to keep their doors open.

Administration officials say that the best solution to the Iraqi refugee crisis is a stable homeland to which refugees can return. No one wants that solution more than the refugees themselves, but conditions in Iraq are not heading in that direction. The humanitarian crisis must not become a pawn in political pronouncements about the state of our efforts in Iraq. This was true with respect to our rescue of Vietnamese refugees, and it is true now. No matter your view of the war, welcoming the persecuted and standing by our friends is the right thing to do.

[From USA Today, July 19, 2007]

ONE IRAQ ISSUE THAT SHOULD UNITE US ALL

(By Lanny J. Davis and Michael Medved)

Iraqis who have aided the U.S.-led mission are already targets. Once the American troops pull back—and they inevitably will—entire families will be left to fend for themselves. We still live with the haunting images from the Vietnam War. This country must not let history repeat itself in Iraq.

The war in Iraq has inspired bitter divisions—over whether America should have intervened, how we conducted the conflict, and how we should get out. But one issue should bring together all factions of the ongoing debate, and that is America's moral obligation to open our doors—immediately—to Iraqis who face danger and death because of their assistance to our forces.

Anna Husarska, a senior policy adviser at the International Rescue Committee, recently offered a chilling report of two Iraqis—a husband and wife team—who worked for the U.S. Embassy in Baghdad and were killed. As Husarska wrote, "A statement on the Internet made clear why: 'The swords of the security personnel of the Islamic State in Iraq . . . are with God's grace slitting the throats of crusaders and their aides and lackeys.' "

Another young Iraqi was more fortunate. Several weeks ago, he lost his job as a contractor on a U.S. Army base. Security rules forced him to leave the base immediately. Driven from the safety of an American enclave within hours, he faced the likelihood that his association with coalition forces would lead almost immediately to his murder—if not by the anti-American insurgents then by his own family, who believed he had dishonored them.

On the other side of the world, a group of U.S. lawyers working pro bono for this young man (including Lanny J. Davis, the co-author of this commentary) learned of his dilemma and interrupted a sunny spring afternoon to try to save his life. SOS calls to congressional VIPs, including staffers of Sens. Joe Lieberman, D-Conn., Edward Kennedy, D-Mass., and Lindsey Graham, R-S.C., produced a surprisingly quick response. Graham interrupted his weekend and called a senior government attorney in Iraq (late in the evening Iraq time) who had legal authority on this type of situation. A Washington lawyer close to U.S. Army senior officials reached top brass. The result: This Iraqi was placed in another job and allowed to stay on the base.

A CONSTANT RISK

This loyal young man continues working at the U.S. facility in Iraq, but he can't leave or he'll be killed. That is because under current immigration policies, despite his service to our country, he can't find refuge in the land of the free.

Regardless of one's views on the Iraq war, all people of goodwill must recognize that we owe a debt to those Iraqis who risked everything to assist the U.S. dream of a pro-Western democracy in the heart of the Middle East. Recently, the assistant secretary of the State Department's refugees bureau, Ellen Sauerbrey, announced spots for up to 25,000 Iraqis who can qualify for refugee status, but most of those slots remain unfilled.

According to Husarska, 11 were admitted to the USA in February, eight in March, one in April and one in May. Considering the direct peril to some of our closest associates among Iraqis, we need to improve on this pathetic record.

In 1975, we shared the revulsion of nearly all Americans at the awful scenes of Vietnamese civilians hanging on to the last U.S. helicopters, literally by their finger tips, as they took off from the rooftops of U.S. buildings in Saigon. We remember the images of women left behind, holding babies, crying hysterically, their hands reaching into the air as their American protectors abruptly departed. British historian Paul Johnson aptly observed that this moment symbolized "the most shameful defeat in the whole of American history. . . . But it was the helpless people of the region who had to pay the real price."

In response to that shame, President Ford authorized the admission to the USA of more than 131,000 South Vietnamese refugees. So why not show comparable commitment to Iraqis who have worked closely with our troops and civilian personnel and face dire risks because of their association with the American cause?

Even if the Bush administration succeeds in its determined efforts to stabilize the current Iraqi government, an American departure could still put at risk some of the individuals most closely associated with our long-term role in the country. And even if a greatly reduced contingent of U.S. troops remains in Iraq on a semipermanent basis to battle al-Qaeda (as even the anti-war Senate Democratic resolution stipulated), those soldiers will have their hands full with other assignments without diverting attention to the protection of Iraqi families whose pro-American roles placed them at risk. These people deserve our support, regardless of our differing positions on ongoing disputes about the war and its execution.

OPENING OUR GATES

Last month, a bipartisan group of senators, including Kennedy, who is anti-war, and Lieberman, who supports the war, introduced legislation that would provide special refugee status for Iraqis who are in danger because of their association with the United States or its contractors. This legislation, or something like it, needs strong support from the administration as well as from citizens across ideological and partisan lines. As the experience with the young Iraqi described above proves, days, even hours, could mean the difference between life and death for people who did nothing wrong other than help Americans.

No one—not even the most fervent critics of the Iraq war—expects that an end to that struggle will bring an overall conclusion to the larger war with Islamo-Nazi terrorists. In the continued battle against jihadist fanatics, the admission to our country of Iraqi Arabs who courageously proved their support of the American cause can only enrich our resources for challenges to come. The language skills and cultural perspective of moderate Iraqis won't damage our society and could play an important role in helping to defend it.

Finally, we must consider our moral obligation here, especially for those who support an immediate or definite timetable for withdrawal of U.S. forces. To deny that obligation, or worse, to ignore it, would tragically stain the legacy of another generation of Americans—whether pro- or anti-war—as did our passivity and indifference to the plight of Vietnamese allies left behind to suffer and die.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 207(c) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 207(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2008 for four program integrity initiatives. The initiatives are continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

The Senate Appropriations Committee reported the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, on June 27, 2007. That bill contains provisions that fulfill the conditions of section 207(c) for adjustments related to continuing disability reviews and supplemental secrity income redeterminations, health care fraud and abuse control, and unemployment insurance improper payment reviews.

In addition, the Senate Appropriations Committee reported the Financial Services and General Government Appropriations Act, 2008, on July 13, 2007. That bill contains provisions that fulfill the conditions of section 207(c) for Internal Revenue Service tax enforcement.

As a result, for fiscal year 2008, I am revising both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays. The amount of the adjustment is $1,042 million in budget authority and $699 million in outlays. The revised discretionary limits and allocations for discretionary budget authority and outlays are the appropriate levels to be used for enforcement during consideration of the fiscal year 2008 appropriations bills.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 207(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation/limit	Adjustment	Revised allocation/limit
FY 2008 Discretionary Budget Authority	953,053	1,042	954,095
FY 2008 Outlays	1,028,398	699	1,029,097

SAFE NURSING AND PATIENT CARE ACT

Mr. KERRY. Mr. President, every American who has ever visited a hospital knows that nurses are on the front lines of our health care system. Our Nation's nurses treat patients, work with doctors, and perform complex duties critical to providing care to all patients. For these reasons, I am joining Senator KENNEDY in introducing the Safe Nursing and Patient Care Act. I have done so for the last three sessions of Congress and will continue to do so until this vital legislation is enacted.

At the heart of the bill is the belief that nurses should not be forced to work beyond their ability to offer exemplary care to patients. Mandatory overtime requires nurses, given very short notice to work excessive hours in our hospitals and other institutions that provide health care services. Nurses are left with no recourse when mandatory overtime is applied. They continue treating patients, despite fatigue in many instances, impacting the delivery of care to patients. It is time that we answer the call made by nurses from across the Nation to immediately address this issue.

Individual States have begun to respond to this call. Massachusetts is one of several States seeking to tackle adverse nursing conditions and curb requirements of mandatory overtime for its nurses. This bill would give nurses the necessary tools to continue putting patient care first by prohibiting mandatory overtime and providing protections if nurses report cases of it happening. Each year, 98,000 deaths are attributed to medical errors, and so addressing this issue is critical to the safety of our patients and the well-being of our nurses.

The Safe Nursing and Patient Act is the first step toward addressing important issues in our Nation's health care system. Our legislation offers support and protections to nurses. It is time that Congress act to create a healthy and safe work environment for nurses so that they can continue to create healthy environments for patients.

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 21, 2007, in Hoboken, NJ, two men assaulted a gay couple near a well-known nightclub. They knocked the two victims to the ground, beat them, and shouted antigay slurs. After noticing the attack, a bouncer at a nearby nightclub chased the two men down the street and held them until police arrived. The attackers now face charges of assault and bias intimidation. Police Captain Anthony Romano confirmed for reporters that the attackers hit the two men because they were gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING FREDERICK "TIM" McCLINTOCK

Mrs. FEINSTEIN. Mr. President, I wish to honor one of the Senate's own, a man who went above and beyond the call of duty to save another's life.

Frederick "Tim" McClintock has been a fixture in the Senate for over 30 years. He is a skilled carpenter and a familiar face in the Senate.

He has come to my office on numerous occasions to perform various tasks. He does his job well and is always ready with a smile and a kind word.

Yet, on Friday, July 6, 2007, Tim McClintock was confronted with a terrible scene, well outside the routine of the Senate.

As he headed home at the end of the day, he noticed a man laying face down in the reflecting pool in Lower Senate Park. Without hesitation, Tim McClintock came to his aid. He turned the man over and performed CPR until he was resuscitated. Then with the assistance of a Capitol Police officer, he pulled the man out of the water.

That afternoon, Tim McClintock selflessly and courageously saved a man from drowning.

He would deny that he is a hero.

He was quoted in Roll Call newspaper as saying, "A hero is someone who risks their own well-being or life. The worst that was going to happen to me is that my feet would get wet."

His modesty is astounding.

The fact is that acts of compassion and bravery such as these display the true character of a man.

On that day, Tim McClintock demonstrated quick thinking, resourcefulness, bravery, and, above all, compassion and humanity for a stranger. The brave actions that Friday afternoon, as many others rushed home eager to start the weekend, were the actions of a true hero.

So, on behalf of the Senate, I commend the heroism of Frederick "Tim" McClintock, who on July 6, 2007, demonstrated the principles of kindness, bravery, and compassion that we value so much.

TRIBUTE TO SENATOR THOMAS

Mr. ENZI. Mr. President, I ask unanimous consent that an Albert Caswell tribute entitled "The Promise of Thomas" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PROMISE OF THOMAS

The promise of Thomas
Wyo, Craig Thomas, Cowboys and The Marines
Are some of the greatest dam things, this our country has ever seen
Walk soft,
But, carry a big heart . . . A straight shooter, The Promise of Thomas
Surely, this was Craig's greatest of parts . . . as what his life so surely means
A cowboy, from the great wide west

A hero who worn the uniform, A Marine . . . one of America's Best
Then, upon House and Senate floors . . . as a legislator . . . his state and country he'd bless

He was so kind, and ever so cool . . .
He was nobody's patsy nor anybody's fool, following The Golden Rule
Understated, not complicated . . . just the way God created, a beautiful calm western scene

A Father and a Friend,
A Devoted and Loving Husband . . .
As has been this life of a patriot, time and again . . .

A man of the land,
For nature and wildlife he'd take a stand . . .
Like a beautiful Yellow Stone sunset . . . as was so this man

A leader of woman and man,
A quiet, and classy kind of guy . . . like a Gary Cooper he'd stride . . .
Making many a fan, under control, a thoughtful soul, as wherever you'd find honor . . . he'd stand

For he was as real as it gets,
The happiest, when in his cowboy boots and hat, in his jeans and belt buckle . . . heading for home on a jet
Yea, you my fine son . . . Craig . . . you were quite the one . . . we will never forget

About a week before you died,
Meeting inside, how you stopped to provide a warm moment still yet . . .
What does that say, about a man on death's way . . . nothing but greatness, yea you conveyed!

Now Marine, this is your life's final scene,
High and Tight, with our Lord up in Heaven . . . ready to fight . . .
As an Angel in The Army of Our Lord, on this night

In Yellow Stone, when on a quiet night all alone . . .
As the river runs through you in tone, and the wind in the branches to all heart so moans . . .
All in serenity, and in peace, among our Lord's beautiful beasts . . . you'll find Craig there at home! What to our world, such promises unfurled . . . do we so leave behind?

ADDITIONAL STATEMENTS

HONORING WARREN HERRON

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate my friend Warren Herron, who is a great Georgian, a great American, and a great citizen of Cobb County.

Warren Herron was the most important positive influence on my decision to enter public life. His active political participation and bipartisan approach is the role model I aspire to emulate to this day. He has given unselfishly of himself to make his community better through his work, his church and the Republican Party.

Warren was the first chairman of the Cobb County Board of Elections and Registration when it was created in 1985. As chairman, a post he held until January 1993, he shaped the organization through the creation of its policies and bylaws. He was known as a guiding force who led his team to a higher level by example, and his contributions can still be seen in the board today.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the Senate the contributions of Warren Herron to Cobb County and the State of Georgia.•

RECOGNIZING WALL, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Wall, S.D. The town of Wall will celebrate the 100th anniversary of its founding this year.

Wall, located in Pennington County, has a rich history of hospitality towards visitors. It was here in 1931 that the world famous Wall Drug Store began handing out free ice water to travelers during the height of the Depression. Today, Wall Drug attracts over a million people each year. Despite the large number of visitors, the same generosity that first attracted people to the town back in 1931 can still be found today.

The Wall community is a fine example of what makes South Dakota such a great place to live and work. As they celebrate this milestone anniversary, I am confident that Wall will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Wall on their 100th anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING MEADOW, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Meadow, SD. The town of Meadow will celebrate the 100th anniversary of its founding this year.

Meadow, located in Perkins County, was founded in 1907. Since its beginning, Meadow has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Meadow will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Meadow on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING KAYLOR, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Kaylor, SD. The town of Kaylor will celebrate the 100th anniversary of its founding this year.

Kaylor, located in Hutchinson County, was founded in 1907. Since its beginning, Kaylor has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Kaylor will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Kaylor on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING INTERIOR, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Interior, SD. The town of Interior will celebrate the 100th anniversary of its founding this year.

Interior, located in Jackson County, was founded in 1907. Since its beginning, Interior has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Interior will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Interior on this milestone anniversary and wish them continued prosperity in the years to come.•

MESSAGE FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3043. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the National Council on the Arts: Ms. MCCOLLUM of Minnesota.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3043. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 479. A bill to reduce the incidence of suicide among veterans (Rept. No. 110–132).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1844. A bill to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. LEAHY):

S. 1845. A bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. BOND:

S. 1846. A bill to improve defense cooperation between the Republic of Korea and the United States; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. NELSON of Florida):

S. 1847. A bill to reauthorize the Consumer Product Safety Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. WYDEN, Mr. COLEMAN, Ms. STABENOW, Ms. CANTWELL, Mr. SALAZAR, Mrs. MURRAY, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. LEVIN, and Mr. OBAMA):

S. 1848. A bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes; to the Committee on Finance.

By Mr. SMITH:

S. 1849. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. BAUCUS):

S. 1850. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. BUNNING):

S. 1851. A bill to amend the Internal Revenue Code of 1986 to allow personal exemptions under the individual alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. AKAKA, and Mr. STEVENS):

S. 1852. A bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KERRY, Mr. MCCAIN, Mrs. MCCASKILL, Ms. SNOWE, Mr. STEVENS, and Mr. INOUYE):

S. 1853. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. KERRY, and Mr. DODD):

S. 1854. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALLARD, and Mr. BROWNBACK):

S. 1855. A bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1856. A bill to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense; considered and passed.

By Mr. WARNER:

S. 1857. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. HATCH, Mrs. CLINTON, and Mr. KENNEDY):

S. 1858. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Res. 277. A resolution commemorating the 200th anniversary of the Archdiocese of New York; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 617

At the request of Mr. SMITH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 821

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 858

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 881

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 923

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 923, a bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1306

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1306, a bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1382

At the request of Mr. REID, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1451

At the request of Mr. WHITEHOUSE, the names of the Senator from Montana (Mr. TESTER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1476

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1476, a bill to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System.

S. 1605

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1697

At the request of Mr. SUNUNU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1697, a bill to amend the Internal Revenue Code of 1986 to provide a credit for residential biomass fuel property expenditures.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemebers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1792

At the request of Mr. BROWN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1792, a bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. REED), the Senator from

Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. RES. 221

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 221, a resolution supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. NELSON of Florida):

S. 1847. A bill to reauthorize the Consumer Produce Safety Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Product Safety Modernization Act of 2007".

SEC. 2. REAUTHORIZATION OF CONSUMER PRODUCT SAFETY ACT.

(a) IN GENERAL.—Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081) is amended by striking paragraphs (1) and (2), and inserting the following:

"(1) $70,000,000 for fiscal year 2008.
"(2) $77,500,000 for fiscal year 2009.
"(3) $85,000,000 for fiscal year 2010.
"(4) $92,500,000 for fiscal year 2011.
"(5) $100,000,000 for fiscal year 2012.".

(b) REPEAL OF QUORUM REQUIREMENT FOR TRANSACTION OF BUSINESS.—Section 4(d) of such Act (15 U.S.C. 2053(d)) is amended by striking ", but three" and all that follows through "to decline to two".

(c) REDUCED PERIOD OF NOTICE TO MANUFACTURERS AND PRIVATE LABELERS WITH RESPECT TO DISCLOSURE OF INFORMATION.—Section 6(b)(1) of such Act (15 U.S.C. 2055(b)(1)) is amended by striking "not less than 30 days" and inserting "not fewer than 10 days".

(d) EXPEDITION OF RELEASE OF INFORMATION IN CASE OF NONCOOPERATION BY MANUFACTURER OR PRIVATE LABELER.—Section 6(b) of such Act (15 U.S.C. 2055(b)) is amended by adding at the end the following:

"(9)(A) Notwithstanding any other provision of this subsection and paragraphs (5) and (6) of subsection (a), if the Commission makes an affirmative determination under subparagraph (B) with respect to information obtained under this Act pertaining to a consumer product of a manufacturer or private labeler, the Commission may immediately disclose such information to the public. .

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. WYDEN, Mr. COLEMAN, Ms. STABENOW, Ms. CANTWELL, Mr. SALAZAR, Mrs. MURRAY, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. LEVIN, and Mr. OBAMA):

S. 1848. A bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am proud to join with my good friend and colleague Senator SNOWE to introduce the Trade and Globalization Adjustment Assistance Act of 2007. This legislation would invest in America's workers and firms, farmer, and communities. It would help them to compete in the global marketplace.

The open trade system that has evolved over the past 50 years has created new markets for American ingenuity. It has delivered more affordable goods to American consumers. In Montana alone, trade supports nearly one in five jobs.

But for some Americans, trade-related economic change has not always been smooth. In 2005, the Owens and Hurst sawmill in Eureka, Mt, closed its doors. That mill fell victim to an onslaught of unfairly dumped and subsidized Canadian lumber. Jerry Ross, a supervisor at the mill, lost the job that she had held for over a decade.

Jerry's prospects for reemployment looked dim. Luckily for Jerry, she qualified for Trade Adjustment Assistance, or TAA. With a diligent, caring job service caseworker by her side, Jerry charted a new course in life.

Jerry has been training intensively the Building Trades program at the Flathead Valley Community College in Kalispell, Mt. She is also taking accounting coursework. When she finishes her training in December, she will be qualified as a construction superintendent. She hopes to start her own business.

Trade Adjustment Assistance helps tens of thousands of American workers like Jerry retrain for and fill jobs, right here at home. But the program is set to expire on September 30. It is up to this Congress to reauthorize and expand the program.

I have consulted closely with workers in Montana. I have sought advice from not just Montana's Department of Labor I have also consulted with officials from Iowa, Michigan, Ohio, North Carolina, and Pennsylvania. I have sat down with unions, businesses, economists, and other experts.

Everyone agrees. TAA is a lifeline to American workers reentering an increasingly global labor market.

But for all the good that Trade Adjustment Assistance does, the current program is a complicated maze of hurdles and exceptions. For instance, workers can qualify for benefits if their jobs move offshore to Canada, Mexico, or another free trade agreement partner. But they will not qualify if their jobs move to China or India. Trade-displaced manufacturing workers can qualify for TAA if they lose their jobs. But accountants or any other service providers cannot. Workers can qualify for wage insurance, but only if they give up their right to retraining.

It does not have to be this way. The Trade and Globalization Adjustment Assistance Act authorizes a more fair, flexible, and relevant program.

Today's TAA overlooks the 80 percent of America's workforce employed in the services sector. Tens of thousands of workers who applied for TAA last year were shut out, simply because current law covers workers who produce "an article." This technicality is a holdover from a different era. That was an era when only the manufacturing sector experienced strong foreign competition. We must extend the same protections to services sector workers.

Equally confounding is why workers whose firms move to Canada deserve any less protection than workers whose firms move to India. Globalization does not adhere to any trade agreement. My bill will end this discrimination, by covering any workers whose jobs move offshore, regardless of whether our nations have a trade agreement in force.

Losing health care coverage can be nearly as devastating as losing a job. In 2002, Congress passed legislation to provide TAA-certified workers and certain retirees with an advanceable, refundable healthcare tax credit to cover 65 percent of their insurance premiums. But few have used this credit to replace a portion of their former employer's contribution to their health care premiums. Since folks who are out of work cannot afford to pay more for health coverage, that means most are going without. Our bill would increase the Government share of participants' premiums to 85 percent. That could give workers a real shot at keeping their healthcare coverage. Our bill also would fix the glitches that have made it difficult for workers to access this tax credit.

Our bill would also ensure that States have enough funds to pay for the 2 years of training to which TAA-certified workers are entitled. Today, the law caps the amount of available funds. That leads some States either to run out of or to ration training funds. The Baucus-Snowe bill would double the cap on training funds. That would ensure that all workers, including newly eligible ones, get training. Our bill also includes a trigger to automatically raise the cap to respond to unanticipated training demands.

Our bill also would make important improvements to the pilot wage insurance program that Congress created in 2002. Wage insurance helps older workers supplement lost wages when they get a new job. While older workers suffer worse wage loss, they are certainly not alone. Our bill would allow younger workers to participate in the pilot program. It also would eliminate the requirement that workers forfeit training if they opt for wage insurance. Instead, our bill would allow workers to choose what income assistance is right for them. They could choose this assistance either with training, without training, or after successfully completing training. Wage insurance should supplement, not supplant, TAA benefits.

Our bill also would make important changes in the Commerce Department's TAA for firms program. This program helps workers and employers avoid painful layoffs in the first place. TAA for firms gives small businesses the technical assistance that they need to compete in the global economy. But the program runs a substantial backlog of approved but unfunded adjustment projects for participating firms. Our bill would extend coverage to services firms and triples funding to $50 million annually.

Likewise, our bill would improve the Department of Agriculture's TAA for Farmers program. It would ease the overly strict eligibility criteria that have kept many farmers and fishermen legitimately affected by trade from receiving assistance.

But we can do more than that. Many communities in which workers, firms, or farmers have been certified for TAA are struggling to redefine their place in the global market. This bill would create a new TAA for Communities program to help communities uniquely challenged by trade to plan for the future and to access grant funding to implement that future.

Jerry Ross faced long odds when she lost her job. But because of Trade Adjustment Assistance, she has a bright career. ahead of her. Jerry believes in TAA. She traveled all the way to Washington, DC to urge its renewal and improvement at a Finance Committee hearing in June. I look forward to working with my Colleagues on the Finance Committee and in this chamber to ensure that this Congress does not disappoint Jerry and the tens of thousands of American workers just like her.

Ms. SNOWE. Mr. President, as we know, this administration has sought closer trade ties to a growing number of nations throughout the world. It asked the last Congress to consider four free trade agreements, and is currently negotiating at least that number of new agreements, in addition to the Doha round of the World Trade Organization. Yet, in its march to lower our tariffs on imported goods, we must be sure we are not selling our domestic businesses and their works short or worse still—out.

Last year saw a record U.S. trade deficit of $764 billion with the rest of the world. This includes bilateral imbalances with each of China, the European Union, and Japan. These are the latest figures demonstrating a steady slide of U.S. producers' market share in both the domestic and global markets.

One of the most troubling features of the decline of America's trade profile is the dramatic reduction in the number of manufacturing jobs in recent years. Since 2000, America has lost approximately 3 million, or 17 percent of its manufacturing jobs. Maine has lost over 21,000 jobs, representing over 26 percent of our manufacturing workforce. Other States have also found it difficult to retain these high-wage, high-benefit jobs as manufacturing operations move overseas and our demand for foreign-made goods surges.

Unlike job losses due to technological advances, which are the initiative of private enterprise, trade liberalization that sacrifices foundational domestic industries is the chosen policy of government. We therefore have an obligation to ensure that the costs are not borne by these most vulnerable workers alone.

That is why Senator BAUCUS and I—along with Senators WYDEN, COLEMAN, and STABENOW—are today introducing the Trade and Globalization Adjustment Assistance Act of 2007, which will reauthorize and expand the TAA program to cover new groups of Americans disfranchised by trade liberalization, as I had proposed in previous Congresses.

First among these are service workers and firms. While TAA currently aids U.S. citizens who lost their manufacturing jobs to trade, it fails to address the growing problem of those finding themselves unemployed as a result of foreign outsourcing, also known as offshoring. It is already bad enough that Americans who had careers in the service sector—which proponents of free trade argue should benefit from trade liberalization—are finding themselves out of work. But it is simply Kafkaesque that such service workers, now unemployed due to policies that were supposed to benefit them, would not be eligible for aid under TAA. That is why the legislation we are proposing today critically extends TAA to cover service workers and firms.

It is similarly illogical for workers to be excluded from the TAA program simply because they lost their job due to multilateral trade liberalization carried out under the auspices of the World Trade Organization, as opposed to a bilateral trade agreement, such as a free trade agreement. Yet, thousands of workers remain ineligible for TAA benefits under current law because they happened to lose their job to trade competition from a WTO member such as China or India rather than an FTA partner country. Accordingly, our legislation extends TAA to cover Americans who have been adversely affected by trade liberalization with WTO member, such as China, who are often the worst offenders of international trade rules.

Of critical importance to Maine and other coastal States is TAA's failure to cover fishermen who have suffered from the adverse effects of trade liberalization. U.S. fishermen have seen their livelihoods dissolve due to the reduction of duties on foreign fish and seafood imports. Yet, TAA benefits remain unavailable to these hard-working Americans under the current program. That is why I am pleased to cosponsor this legislation which will make such fisherman eligible for TAA.

An additional concern with the present TAA program is its failure to address the inability of displaced workers in communities that have few jobs to offer. In small towns, including many in Maine, where the livelihood of the local economy often depends on one industry, one plant, or one company that is suffering under trade liberalization, the closure of that business is sure to cause economic ruin and devastation of individual lives.

Accordingly, the legislation we are introducing today would create a program to address economic dislocation in entire communities negatively affected by international trade and provide readjustment assistance to such communities. As we approach the expiry of authorization for both the TAA program and trade promotion authority, I view inclusion of relief for trade-affected communities as a necessary component of any comprehensive trade package.

By Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. AKAKA, and Mr. STEVENS):

S. 1852. A bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise today to introduce a bill that would designate the Friday following Thanksgiving of each year as Native American Heritage Day.

I believe that it is well known to most Members of this body that the original inhabitants of the lands that now constitute the U.S.—the aboriginal, indigenous, native people of America—occupied and exercised sovereignty over more than 550 million acres of land prior to the first European contact.

In the early days of our history, well before our Nation was formed, the native people fought alongside our soldiers in the Revolutionary War. The Indian tribes enabled the survival of General George Washington and his troops during the harsh winter at Valley Forge by providing food to the troops.

A few years later, as our Founding Fathers were engaged in the challenge of forming a new Nation, they drew upon the democratic model of government that they learned from the Six Nations of the Iroquois Confederacy. There they found the well-institutionalized practice of the fundamental principles of freedom of speech and a system of governmental checks and balances provided through the separation of governmental powers.

In our early days as a Nation, we entered into treaties with Native Americans pursuant to the provisions of the U.S. Constitution that recognize them as sovereigns. But later, we abandoned the path of an honorable course of dealings, and turned to war. Thousands lost their lives through these battles and horrific massacres. The native population everywhere was decimated.

Forced marches to relocate the native people from their traditional homelands to areas west of the Mississippi in the dead of winter cost thousands of more lives. Few Americans know that there was not one Trail of Tears, but many.

The Treaties could have signaled a return to a course of honorable dealings with the native people had the U.S. not proceeded to break provisions in every single one of the treaties that were ratified by the U.S. Senate.

Amazingly, notwithstanding these appalling deeds, the native people of the U.S. have always been and continue to be staunchly patriotic and loyal to this country. They have volunteered to serve in the defense of our nation in every military action and war in which we have been engaged, and on a per capita basis, more Native Americans have put themselves in harm's way and given their lives to protect the U.S. than any other group of Americans. They have made the greatest sacrifice, but their contributions do not end there.

We have only to look to the history that is sadly not found in the public school textbooks of America's schools, but has been recorded by historians and anthropologists and through direct, eye-witness accounts, we know that the native people of the U.S. have made significant contributions to our society in every walk of life, in every profession, in medicine and agriculture and as stewards of the lands and resources we all hold dear.

There have been great men and women who have led their native nations out of war, poverty, and despair. Throughout the generations, they have shown us the true meaning of courage in the face of the greatest odds, and the quiet strength to persevere.

A recent nationwide poll of Americans conducted in March of this year reveals that 85 percent of those polled strongly support the setting aside of a day each year to honor the contributions that native people of this land have made to the fabric of American society. Such a day would provide an opportunity for all Americans to learn more about the rich cultural legacy that this Nation's native people have given to us.

I believe the time has come to honor the first Americans of the country in this manner, and I urge my colleagues to join me in this endeavor.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KERRY, Mr. McCAIN, Mrs. McCASKILL, Ms. SNOWE, Mr. STEVENS, and Mr. INOUYE):

S. 1853. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Community Broadband Act of 2007. I am pleased to be joined in this effort by Senator SMITH of Oregon, Senator KERRY of Massachusetts, Senator McCAIN of Arizona, Senator McCASKILL of Missouri, and Senator SNOWE of Maine.

Far too many U.S. residents live in areas of the country where there is no broadband access. Too many others live in areas where there may as well be no access because broadband is so expensive. This legislation will promote economic development, enhance public safety, increase educational opportunities, and improve the lives of the people who live in those areas.

In 2004, President Bush called for universal and affordable broadband in the U.S. by the year 2007. We are now more than halfway through 2007, and the U.S. is far from reaching this goal. Not only has the U.S. failed to provide universal, affordable broadband, but we are lagging far behind other countries. A recent study by the International Telecommunication Union shows that the U.S. ranks 15th worldwide in the percentage of people with broadband connections. If you take into account the availability of affordable broadband, the U.S. ranks 21st in the world. The U.S. should be a leader in providing fast and affordable broadband to its citizens.

Many of the countries ahead of the U.S. have successfully combined public and private efforts to deploy municipal networks that connect their residents and businesses with high-speed Internet services. The U.S. should be encouraging these innovative networks. We should not be creating obstacles for municipalities that want to provide affordable broadband access. Unfortunately, 14 States have passed legislation to prohibit or significantly restrict the ability of local municipalities and communities to offer advanced communications services and capabilities to their citizens. More States are considering such legislation. The Community Broadband Act is in response to efforts by States to tell local communities that they cannot establish networks for their residents, even in communities that have no access to broadband, in communities where access is not affordable to all residents, and in communities that want to build high-capacity networks that are comparable to those being built in the leading cities in the world.

The Community Broadband Act is a simple bill. It says that no State can prohibit a municipality from offering high-speed Internet to its residents; and when a municipality is a provider, it cannot abuse its governmental authority as regulator to discriminate against private competitors. Furthermore, a municipality must comply with Federal telecommunications laws. It also contains provisions to ensure transparency by making sure the public is aware of its town's or city's effort and intention to provide broadband either itself or in partnership with a private entity, and provides those in the community with an opportunity to be heard on the costs and benefits of the project and potential alternatives.

This bill will allow communities to make broadband decisions that would: improve their economy and create jobs by serving as a medium for development, particularly in rural and underserved urban areas; aid public safety and first responders by ensuring access to network services while on the road and in the community; strengthen our country's international competitiveness by giving businesses the means to compete more effectively locally, nationally, and internationally; encourage long-distance education through video conferencing and other means of sharing knowledge and enhancing learning via the Internet; and create incentives for public-private partnerships.

A century ago, there were efforts to prevent local governments from offering electricity. Opponents argued that local governments didn't have the expertise to offer something as complex as electricity. They also argued that businesses would suffer if they faced competition from cities and towns. But local community leaders recognized that their economic survival depended on electrifying their communities. They knew that it would take both private investment and public investment to bring electricity to all Americans.

We face a similar situation today. Municipal networks can play an essential role in making broadband access universal and affordable. We must not put up barriers to this possibility.

Some local governments will decide to do this; others will not. Let me be clear, this is not going to be the right decision for every municipality. But there are plenty of examples of municipalities that need to provide broadband, and those municipalities should have the power to do so.

A few months ago, the Parish Council of Jefferson Parish, Louisiana voted unanimously to create a wireless network. Jefferson Parish, like New Orleans, was plagued with communications problems following Hurricane Katrina. New Orleans has already created a wireless network. Now, Jefferson Parish plans to establish its own network to make sure that, should another disaster strike, emergency officials and family members will be able to communicate with one another. During non-emergency times, the network will foster communication between public workers and stimulate economic development.

These stories come from all across the country, from small towns to underserved urban areas. The small town of Granbury, TX, population 6,400, initiated a wireless network after waiting years for private industry to take an interest. In Scottsburg, IN, a city and its 6000 residents and businesses north of Louisville, KY, could not get broadband service from their local phone company. When two important businesses threatened to leave unless they could obtain broadband connectivity, municipal officials stepped forward to provide wireless broadband throughout the town. The town retained the two businesses and gained much more. There are many Granburys and Scottsburgs across the country.

There are also underserved urban areas, where private providers may exist, but many in the community simply cannot afford the high prices. For example, the City of Philadelphia reports that 90 percent of the residents of its affluent neighborhoods have broadband, whereas only 25 percent of residents in its low-income areas have broadband. For that reason, Philadelphia is now creating a city-wide wireless network.

Community broadband networks have the potential to create jobs, spur economic development, and bring the full benefits of the Information Age to everyone. I hope my colleagues will join Senators SMITH, KERRY, MCCAIN, MCCASKILL, SNOWE and me in our effort to enact the Community Broadband Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Broadband Act of 2007".

SEC. 2. LOCAL GOVERNMENT PROVISION OF ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.

No State or local government statute, regulation, or other State or local government legal requirement may prohibit, or have the effect of prohibiting, any public provider from providing advanced telecommunications capability, or services using advanced telecommunications capability, to any person or any public or private entity.

SEC. 3. SAFEGUARDS.

(a) ADMINISTRATION.—To the extent any public provider regulates competing providers of advanced telecommunications capability or services, such public provider shall apply its ordinances and rules and policies, including those relating to the use of public rights-of-way, permitting, performance bonding, and reporting, without discrimination in favor of itself or any other provider of advanced telecommunications capability or service that such provider owns or with which such provider is affiliated.

(b) APPLICATION OF GENERAL LAWS.—Nothing in this Act exempts a public provider that offers advanced telecommunications capability or services to the public from any Federal communications law or regulation that applies to all providers of advanced telecommunications capability or services to the public.

SEC. 4. PUBLIC-PRIVATE PARTNERSHIPS ENCOURAGED.

Each public provider that intends to provide advanced telecommunications capability or services to the public is encouraged to consider the potential benefits of a public-private partnership prior to providing such capability or services.

SEC. 5. PUBLIC INPUT.

(a) NOTICE AND OPPORTUNITY TO BE HEARD.—Before a public provider may provide advanced telecommunications capability or services to the public, either directly or through a public-private partnership, such public provider shall—

(1) publish notice of its intention to do so;

(2) generally describe the capability or services to be provided and the proposed coverage area for such capability or services;

(3) identify any special capabilities or services to be provided in low-income areas or other demographically or geographically defined areas; and

(4) provide local citizens and private-sector entities with an opportunity to be heard on the costs and benefits of the project and potential alternatives to the project.

(b) APPLICATION TO EXISTING PROJECTS AND PENDING PROPOSALS.—Subsection (a) shall not apply to—

(1) any contract or other arrangement under which a public provider is providing advanced telecommunications capability or services to the public as of the date of enactment of this Act; and

(2) any public provider proposal to provide advanced telecommunications capability or services to the public that, as of the date of enactment of this Act—

(A) is in the request-for-proposals process;

(B) is in the process of being built; or

(C) has been approved by referendum.

SEC. 6. EXEMPTIONS.

The requirements of sections 3 and 5 shall not apply—

(1) when a public provider provides advanced telecommunications capabilities or services other than to the public or to such classes of users as to be effectively available to the public; or

(2) during an emergency declared by the President, the Governor of the State in which the public provider is located, or any other elected local official authorized by law to declare a state of emergency in the jurisdiction in which the public provider is located.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term "advanced telecommunications capability" has the meaning given that term by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note).

(2) PUBLIC PROVIDER.—The term "public provider" means a State or political subdivision thereof, any agency, authority, or instrumentality of a State or political subdivision thereof, or an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or any entity that is owned, controlled, or otherwise affiliated with a State, political subdivision thereof, agency, authority, or instrumentality, or Indian tribe.

By Mr. REID (for himself, Mr. KERRY, and Mr. DODD):

S. 1854. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce the Stop Senior Suicide Act.

As many of you know, suicide prevention is an issue close to my heart for personal reasons. In 1972, I lost my own father to suicide. Over the years that followed, my family did not talk about it and instead carried the pain in a very private and lonely way.

Sadly, this continued until I was contacted by Jerry and Elsie Weyrauch from the Suicide Prevention Action Network USA, a national advocacy organization focused on suicide prevention. Knowing that I had lost my dad to suicide, they asked if I would speak at their second annual suicide awareness event. I was also asked to sponsor a suicide resolution to focus much needed attention on the issue of suicide in America. On May 6, 1997, I introduced such a resolution and saw it pass the Senate that same day with unanimous support. I was heartened that my work on suicide prevention had begun on this auspicious note, but it was also clear that much more work remained to be done.

Today, 10 years later, I rise to address one of those challenges before us: the unacceptably high suicide rates among the elderly. While the public is increasingly aware of suicide as a leading cause of death in America, what is less well-known is the vulnerability of older adults. Suicide is disproportionately a killer of seniors, with the risk climbing steadily with age. In fact, the suicide rate for men 85 years of age and older is the highest of all. Moreover, older adults who attempt suicide are much more likely than younger people to carry it out to completion.

As shocks to the national conscience, these statistics point us to the despair, hopelessness, and desperation that predispose so many seniors to suicide. They also lead to the question: Why are older Americans more vulnerable? Compared to other age groups, they often must deal with social isolation, financial hardship, and debilitating illnesses. We also know that far too many have mental health care needs that go unrecognized and unmet. Tragically, one-third of older adults who die from suicide had seen their primary care physician in the week before their deaths, and 70 percent during the prior month.

These findings do not just constitute a serious public health problem. They also conflict with America's belief in living our golden years in dignity. The "bankruptcy of hope and resources" affecting those at risk ultimately affect us all as a nation.

I am introducing the Stop Senior Suicide Act to take action on this issue. As a start, this legislation would create an Interagency Geriatric Mental Health Planning Council to improve the geriatric mental health and social services delivery system. Composed of representatives from the health Federal agencies and the community of older adults, the council will make recommendations and foster the integration of mental health, suicide prevention, health, and aging services. In doing so, the council will ensure that senior suicide and geriatric mental health receive the attention befitting a national priority.

As another step, my legislation would authorize a grant program for suicide prevention and early intervention programs focused on seniors. Many of the risk factors and challenges facing the elderly, after all, are unique. Through these grants, public and private nonprofit entities would be able to build innovative approaches and implement them in settings that serve seniors, such as Older Americans Act delivery sites. To help grantees achieve their goals, the bill also would authorize additional funding for the Suicide Prevention Technical Assistance Center to offer guidance and training.

Finally, the Stop Senior Suicide Act would eliminate a major barrier to receiving and affording mental health care. Clinical depression and suicidal feelings are not a normal part of aging, yet these treatable conditions are often misdiagnosed, untreated, or ignored in far too many seniors. Out-of-pocket expenses under Medicare, the health insurance program for 37 million Americans aged 65 years and older, is a key reason. Medicare currently imposes a 50 percent coinsurance payment for outpatient mental health services, even though it charges just a 20 percent coinsurance for all other outpatient care. The resulting coverage inequity discourages beneficiaries, especially low-income and fixed-income retirees, from seeking mental health treatment. It keeps some from getting treatment altogether. The Stop Senior Suicide Act would thus adjust the 50 percent coinsurance to 20 percent.

Together, the provisions in the legislation I am introducing today are designed to take an important step forward in our efforts to prevent senior suicides. That is why the Stop Senior Suicide Act is endorsed by the American Association for Geriatric Psychiatry, the American Geriatrics Society, the American Psychiatric Association, the American Public Health Association, Mental Health America, the National Alliance on Mental Illness, the National Association of Social Workers, the National Council on Aging, and the Older Women's League. I would like to thank the Suicide Prevention Action Network USA in particular for all its hard work on this issue.

Anyone, regardless of age, can be at risk of suicide, but older Americans are especially vulnerable. The resulting call to action will only grow in importance and urgency as more of America's 77 million baby boomers enter their 60s in the coming years. As such, I hope that my Senate colleagues will join me in supporting the Stop Senior Suicide Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Senior Suicide Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The rate of suicide among older adults is higher than that for any other age group, and the suicide rate for individuals 85 years of age and older is the highest of all. In 2004, 6,860 older Americans (age 60 and older) died by suicide (Centers for Disease Control and Prevention, 2007).

(2) In 2004, the elderly (age 65 and older) made up only 12.4 percent of the population but accounted for 16 percent of all suicides.

(3) According to the Centers for Disease Control and Prevention, from 1980 to 1992, the suicide rate rose 9 percent for Americans 65 years of age and above, and rose 35 percent for men and women ages 80 to 84.

(4) Older adults have a considerably higher rate of completed suicide than other groups. While for all age groups combined there is one suicide for every 20 attempts, there is one suicide for every 4 attempts among those 65 years of age and older.

(5) Of the nearly 35,000,000 Americans age 65 and older, it is estimated that 2,000,000 have a depressive illness and another 5,000,000 suffer from depressive symptoms and syndromes that fall short of meeting full diagnostic criteria for a disorder (Mental Health: A Report of the Surgeon General, 1999).

(6) Seniors covered by Medicare are required to pay a 50 percent co-pay for outpatient mental health services while they are only required to pay a 20 percent co-pay for physical health services.

(7) It is estimated that 20 percent of older adults who complete suicide visited a physician within the prior 24 hours, 41 percent within the past week, and 75 percent within the past month (Surgeon General's Call to Action to Prevent Suicide, 1999).

(8) A substantial proportion of older patients receive no treatment or inadequate treatment for their depression in primary care settings (National Institutes of Health Consensus Development Panel on Depression in Late Life, 1992; Lebowitz et al., 1997).

(9) Suicide in older adults is most associated with late-onset depression. Among patients 75 years of age and older, 60 to 75 percent of suicides have diagnosable depression (Mental Health: A Report of the Surgeon General, 1999).

(10) Research suggests that many seniors receive mental health assistance from their primary care providers or other helping professionals versus specialty mental health professionals (Mental Health: A Report of the Surgeon General, 1999).

(11) Objective 4.6 of the National Strategy for Suicide Prevention calls for increasing the proportion of State Aging Networks that have evidence-based suicide prevention programs designed to identify and refer for treatment of elderly people at risk for suicidal behavior.

(12) Objective 1.1 of the President's New Freedom Commission on Mental Health calls for advancing and implementing a national campaign to reduce the stigma of seeking care and a national strategy for suicide prevention. The report addresses targeting to distinct and often hard-to-reach populations, such as ethnic and racial minorities, older men, and adolescents (NFC Report, 2003).

(13) One of the top 10 resolutions at the 2005 White House Conference on Aging called for improving the recognition, assessment, and treatment of mental illness and depression among older Americans.

SEC. 3. ESTABLISHMENT OF A FEDERAL INTERAGENCY GERIATRIC MENTAL HEALTH PLANNING COUNCIL.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish an Interagency Geriatric Mental Health Planning Council (referred to in this section as the "Council") to coordinate and collaborate on the planning for the delivery of mental health services, to include suicide prevention, to older adults.

(b) MEMBERS.—The members of the Council shall include representatives of—

(1) the Substance Abuse and Mental Health Services Administration;

(2) the Indian Health Service;

(3) the Health Resources and Services Administration;

(4) the Centers for Medicare & Medicaid Services;

(5) the National Institute of Mental Health;

(6) the National Institute on Aging;

(7) the Centers for Disease Control and Prevention;

(8) the Department of Veterans Affairs; and

(9) older adults, family members of older adults with mental illness, and geriatric mental health experts or advocates for elderly mental health concerns, to be appointed

by the Secretary of Health and Human Services in consultation with a national advocacy organization focused on suicide prevention, including senior suicide prevention.

(c) CO-CHAIRS.—The Assistant Secretary for Health and the Assistant Secretary for Aging of the Department of Health and Human Services shall serve as the co-chairs of the Council.

(d) ACTIVITIES.—The Council shall—

(1) carry out an interagency planning process to foster the integration of mental health, suicide prevention, health, and aging services, which is critical for effective service delivery for older adults;

(2) make recommendations to the heads of relevant Federal agencies to improve the delivery of mental health and suicide prevention services for older adults; and

(3) submit an annual report to the President and Congress concerning the activities of the Council.

SEC. 4. ELIMINATION OF DISCRIMINATORY CO-PAYMENT RATES FOR MEDICARE OUTPATIENT MENTAL HEALTH SERVICES.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by striking subsection (c).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2008.

SEC. 5. ELDERLY SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

Title V of the Public Health Service Act is amended by inserting after section 520E-2 (42 U.S.C. 290bb-36b) the following:

"SEC. 520E-3. ELDERLY SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

"(a) IN GENERAL.—The Secretary shall award grants or cooperative agreements to eligible entities to develop strategies for addressing suicide among the elderly.

"(b) ELIGIBLE ENTITIES.—To be eligible for a grant or cooperative agreement under subsection (a) and entity shall—

"(1) be a—

"(A) State or local government agency, a territory, or a federally recognized Indian tribe, tribal organization (as defined in the Indian Self-Determination and Education Assistance Act), or an urban Indian organization (as defined in the Indian Health Care Improvement Act); or

"(B) a public or private nonprofit organization; and

"(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

"(1) develop and implement elderly suicide early intervention and prevention strategies in 1 or more settings that serve seniors, including senior centers, nutrition sites, primary care settings, veterans' facilities, nursing facilities, assisted living facilities, and aging information and referral sites, such as those operated by area agencies on aging or Aging and Disability Resource Centers (as those terms are defined in section 102 of the Older Americans Act of 1965);

"(2) collect and analyze data on elderly suicide early intervention and prevention services for purposes of monitoring, research and policy development; and

"(3) assess the outcomes and effectiveness of such services.

"(d) REQUIREMENTS.—An applicant for a grant or cooperative agreement under this section shall demonstrate how such applicant will—

"(1) collaborate with other State and local public and private nonprofit organizations;

"(2) offer immediate support, information, and referral to seniors or their families who are at risk for suicide, and appropriate postsuicide intervention services care, and information to families and friends of seniors who recently completed suicide and other interested individuals; and

"(3) conduct annual self-evaluations concerning the goals, outcomes, and effectiveness of the activities carried out under the grant or agreement, in consultation with interested families and national advocacy organizations focused on suicide prevention, including senior suicide prevention.

"(e) PREFERENCE.—In awarding a grant or cooperative agreement under this section, the Secretary shall give preference to applicants with demonstrated expertise and capability in providing—

"(1) early intervention and assessment services, including voluntary screening programs, education, and outreach to elderly who are at risk for mental or emotional disorders that may lead to a suicide attempt and that are integrated with aging services support organizations;

"(2) early intervention and prevention practices and strategies adapted to the community it will serve, with equal preference given to applicants that are already serving the same community, and applicants that will serve a new community under a grant or agreement under this section, if the applicant has already demonstrated expertise and capability in providing early intervention and prevention practices and strategies adapted to the community or communities it currently serves;

"(3) access to services and care for seniors with diverse linguistic and cultural backgrounds; and

"(4) services in States or geographic regions with rates of elder suicide that exceed the national average as determined by the Centers for Disease Control and Prevention.

"(f) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of amounts received under a grant or cooperative agreement under this section shall be used to provide direct services.

"(g) COORDINATION AND COLLABORATION.—

"(1) IN GENERAL.—In carrying out this section (including awarding grants and cooperative agreements under subsection (a)), the Secretary shall collaborate with the Interagency Geriatric Mental Health Planning Council.

"(2) CONSULTATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in developing and implementing Federal policy to carry out this section, the Secretary shall consult with—

"(i) State and local agencies, including agencies comprising the aging network;

"(ii) national advocacy organizations focused on suicide prevention, including senior suicide prevention;

"(iii) relevant national medical and other health specialty organizations;

"(iv) seniors who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention and prevention services;

"(v) families and friends of seniors who are at risk for suicide, who have survived attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

"(vi) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve seniors at risk for suicide and their families; and

"(vii) other entities as determined by the Secretary.

"(B) LIMITATION.—The Secretary shall not consult with the entities described in subparagraph (A) for the purpose of awarding grants and cooperative agreements under subsection (a).

"(h) EVALUATIONS AND REPORTS.—

"(1) EVALUATIONS BY GRANTEES.—

"(A) EVALUATION DESIGN.—Not later than 1 year after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary a plan on the design of an evaluation strategy to assess the effectiveness of results of the activities carried out under the grant or agreement.

"(B) EVALUATION OF EFFECTIVENESS.—Not later than 2 years after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary an effectiveness evaluation on the implementation and results of the activities carried out by the eligible entity under the grant or agreement.

"(2) REPORT.—Not later than 3 years after the date that the initial grants or cooperative agreements are awarded to eligible entities under this section, the Secretary shall submit to the appropriate committees of Congress a report describing the projects funded under this section and include an evaluation plan for future activities. The report shall—

"(A) be a coordinated response by all representatives on the Interagency Geriatric Mental Health Advisory Council; and

"(B) include input from consumers and family members of consumers on progress being made and actions that need to be taken.

"(i) DEFINITION.—In this section:

"(1) AGING NETWORK.—The term 'aging network' has the meaning given such term in section 102(5) of the Older Americans Act of 1965.

"(2) EARLY INTERVENTION.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

"(3) PREVENTION.—The term 'prevention' means a strategy or approach that reduces the likelihood of risk or onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

"(4) SENIOR.—The term 'senior' means—

"(A) an individual who is 60 years of age or older and being served by aging network programs; or

"(B) an individual who is 65 years of age or older and covered under Medicare.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section there is authorized to be appropriated $4,000,000 for fiscal year 2008, $6,000,000 for fiscal year 2009 and $8,000,000 for fiscal year 2010.

"(2) PREFERENCE.—If less than $3,500,000 is appropriated for any fiscal year to carry out this section, in awarding grants and cooperative agreements under this section during such fiscal year, the Secretary shall give preference to applicants in States that have rates of elderly suicide that significantly exceed the national average as determined by the Centers for Disease Control and Prevention.".

SEC. 6. INTERAGENCY TECHNICAL ASSISTANCE CENTER.

(a) INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.—Section

520C(d) of the Public Health Service Act (42 U.S.C. 290bb-34(d)) is amended—

(1) in paragraph (1), by striking "youth suicide early intervention and prevention strategies" and inserting "suicide early intervention and prevention strategies for all ages, particularly for groups that are at a high risk for suicide";

(2) in paragraph (2), by striking "youth suicide early intervention and prevention strategies" and inserting "suicide early intervention and prevention strategies for all ages, particularly for groups that are at a high risk for suicide";

(3) in paragraph (3)—

(A) by striking "youth"; and

(B) by inserting before the semicolon the following: "for all ages, particularly for groups that are at a high risk for suicide";

(4) in paragraph (4), by striking "youth suicide" and inserting "suicide for all ages, particularly among groups that are at a high risk for suicide";

(5) in paragraph (5), by striking "youth suicide early intervention techniques and technology" and inserting "suicide early intervention techniques and technology for all ages, particularly for groups that are at a high risk for suicide";

(6) in paragraph (7)—

(A) by striking "youth"; and

(B) by inserting "for all ages, particularly for groups that are at a high risk for suicide," after "strategies"; and

(7) in paragraph (8)—

(A) by striking "youth suicide" each place that such appears and inserting "suicide"; and

(B) by striking "in youth" and inserting "among all ages, particularly among groups that are at a high risk for suicide".

(b) CONFORMING AMENDMENT.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is amended in the heading by striking "youth".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) **In general**.—In addition to any other funds made available, there are authorized to be appropriated for each of fiscal years 2008 through 2010, such sums as may be necessary to carry out the amendments made by subsection (a).

(2) SUPPLEMENT NOT SUPPLANT.—Any funds appropriated under paragraph (1) shall be used to supplement and not supplant other Federal, State, and local public funds expended to carry out other activities under section 520C(d) of the Public Health Service Act (42 U.S.C. 290bb-34(d)) (as amended by subsection (a)).

(3) RESULT OF INCREASE IN FUNDING.—If, as a result of the enactment of this Act, a recipient of a grant under subsection (a)(2) of section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) receives an increase in funding to carry out activities under subsection (d) of such section related to suicide prevention and intervention among groups that are at a high risk for suicide, then, notwithstanding any other provision of such section, such recipient shall provide technical assistance to all grantees receiving funding under such section or section 520E-3 of such Act (as added by section 5).

By Mr. GRASSLEY (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALLARD, and Mr. BROWNBACK):

S. 1855. A bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, right now millions of Americans don't know whether they should be paying an estimated tax because Congress hasn't passed AMT relief. In other words, there are many taxpayers who will be facing a big tax bill if we don't pass AMT relief. By law, many of these taxpayers should be paying estimated tax right now based on the fact that as the law is today, they are subject to the AMT. In order to these taxpayers, I am introducing the AMT Penalty Protection Act of 2007.

Under this legislation, in computing tax for purpose of the penalties in the tax code dealing with estimated tax, a taxpayer would be permitted to disregard the alternative minimum tax if the individual was not liable for the alternative minimum tax for the preceding tax year.

So if you didn't have to pay AMT last year we aren't going to penalize you if you don't file estimated taxes for AMT this year.

Just because Congress can't do its job, doesn't mean the taxpayer should be punished.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "AMT Penalty Protection Act of 2007".

SEC. 2. ESTIMATED TAX SAFE HARBOR FOR ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 6654 of the Internal Revenue Code of 1986 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SAFE HARBOR FOR CERTAIN ALTERNATIVE MINIMUM TAX PAYERS.—In the case of any individual with respect to whom there was no liability for the tax imposed under section 55 for the preceding taxable year—

"(1) any required payment calculated under subsection (d)(1)(B)(i) shall be determined without regard to any tax imposed under section 55,

"(2) any annualized income installment calculated under subsection (d)(2)(B) shall determined without regard to alternative minimum taxable income, and

"(3) the determination of the amount of the tax for the taxable year for purposes of subsection (e)(1) shall not include the amount of any tax imposed under section 55.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 277—COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 277

Whereas it is a tradition of the Senate to honor and pay tribute to those places and institutions within the United States with historic significance that has contributed to the culture and traditions of the citizens of the United States;

Whereas, in accordance with this tradition, the Senate is proud to commemorate the 200th anniversary of the Archdiocese of New York and its history of faith and service;

Whereas the Archdiocese of New York has planned a year-long series of events beginning in April 2007 to celebrate its bicentennial;

Whereas the Archdiocese of New York is coordinating with Catholic Charities of New York to institute an Archdiocese of New York Day of Service to celebrate its history of serving the broader community;

Whereas, on April 8, 1808, the Diocese of New York was established with the Most Reverend R. Luke Concanen as its first Bishop, and the Diocese was elevated to an Archdiocese in 1850;

Whereas, on March 15, 1875, His Eminence John Cardinal McCloskey, the second Archbishop of the Archdiocese of New York, became the first Cardinal Archbishop of the Roman Catholic Church in the United States;

Whereas the Archdiocese of New York has welcomed Papal visits from Pope Paul VI, on October 5, 1965, and Pope John Paul II, on October 7, 1979 and October 5, 1995;

Whereas, on September 14, 1975, Elizabeth Ann Seton, a member of the Archdiocese of New York and founder of the modern Catholic education parochial school system, became the first person born in the United States to be named a saint;

Whereas Elizabeth Ann Seton is described on the front doors of St. Patrick's Cathedral as a "Daughter of New York" and several schools are named after her, including Seton Hall University in South Orange, New Jersey;

Whereas the Archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was installed on June 19, 2000 and elevated to Cardinal on February 21, 2001;

Whereas the Archdiocese of New York originally included the entirety of the States of New York and New Jersey, an area that is now divided into 12 dioceses;

Whereas the Archdiocese of New York has 2,500,000 Catholics in its fold;

Whereas the Archdiocese of New York consists of 402 parishes, 278 elementary and high schools, and 3,729 charitable ministries, including Catholic Charities, hospitals, nursing homes, and outreach programs; and

Whereas, throughout its rich historical past and up to the present day, the Archdiocese of New York has been sustained by the beneficent efforts of countless parishioners and ministries that have generously supported their community with abundant kindness and good deeds: Now, therefore, be it

Resolved, That the Senate commemorates the 200th anniversary of the Archdiocese of New York.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2365. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table.

SA 2366. Mr. DORGAN proposed an amendment to the bill S. 1642, supra.

SA 2367. Mr. DEMINT proposed an amendment to the bill S. 1642, supra.

SA 2368. Mr. KENNEDY (for Mrs. BOXER (for herself, Mr. LEVIN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1642, supra.

SA 2369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1642, supra.

SA 2370. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1642, supra; which was ordered to lie on the table.

SA 2371. Mr. WARNER (for himself, Mr. KERRY, and Mr. WEBB) proposed an amendment to the bill S. 1642, supra.

SA 2372. Mr. AKAKA proposed an amendment to the bill S. 1642, supra.

SA 2373. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, supra.

SA 2374. Mr. SESSIONS proposed an amendment to the bill S. 1642, supra.

SA 2375. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, supra.

SA 2376. Mr. BROWN proposed an amendment to the bill S. 1642, supra.

SA 2377. Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 1642, supra.

SA 2378. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1642, supra; which was ordered to lie on the table.

SA 2379. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2380. Mr. HARKIN proposed an amendment to amendment SA 2377 proposed by Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

SA 2381. Mr. KENNEDY proposed an amendment to amendment SA 2369 submitted by Mr. COBURN to the bill S. 1642, supra.

SA 2382. Mr. KENNEDY (for himself and Mr. ENZI) proposed an amendment to the bill S. 1642, supra.

TEXT OF AMENDMENTS

SA 2365. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, between lines 9 and 10, insert the following:

PART H—FEDERAL DIRECT LOANS

SEC. 498. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.

Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

"(m) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest on a loan made under this part shall not accrue for an eligible borrower.

"(2) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual—

"(A) who is—

"(i) serving on active duty during a war or other military operation or national emergency; or

"(ii) performing qualifying National Guard duty during a war or other military operation or national emergency; or

"(B) who is the spouse of an individual described in subparagraph (A).

"(3) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.".

SA 2366. Mr. DORGAN proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 802. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

SA 2367. Mr. DEMINT proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for-profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

SA 2368. Mr. KENNEDY (for Mrs. BOXER (for herself, Mr. LEVIN and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

In section 403(c) of the Higher Education Amendments of 2007, add at the end the following:

(7) by adding at the end the following:

"(h) ADDITIONAL FUNDS.—

"(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

"(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

"(ii) receive a grant score above 70 on the applicant's application.

"(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.".

SA 2369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title I of the bill, insert the following:

SEC. 114. DEMONSTRATION AND CERTIFICATION REGARDING THE ABSENCE OF PAYMENTS FOR INFLUENCE.

Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that no student tuition amounts or funds from a Federal contract, grant, loan, or cooperative agreement received by the institution were used to hire a registered lobbyist or to pay any person or entity for influencing or attempting to influence an officer or employee of any agency of the Federal Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action.

SA 2370. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 114. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking "60" and inserting "75".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SA 2371. Mr. WARNER (for himself, Mr. KERRY, and Mr. WEBB) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title VIII of the bill, insert the following:

SEC. 802. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

"PART N—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

"SEC. 876. PURPOSES.

"The purposes of the program under this part are to—

"(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

"(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

"SEC. 877. DEFINITION OF ELIGIBLE INSTITUTION.

"In this part, the term 'eligible institution' means an institution that is—

"(1) a historically Black college or university that is a part B institution, as defined in section 322;

"(2) a Hispanic-serving institution, as defined in section 502(a);

"(3) a Tribal College or University, as defined in section 316(b);

"(4) an Alaska Native-serving institution, as defined in section 317(b);

"(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

"(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

"SEC. 878. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

"(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

"(b) APPLICATION AND REVIEW PROCEDURE.—

"(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

"(A) a program of activities for carrying out 1 or more of the purposes described in section 876; and

"(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

"(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

"(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

"(A) demonstrated need for assistance under this part; and

"(B) diversity among the types of eligible institutions receiving assistance under this part.

"(c) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

"(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

"(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

"(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

"(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

"(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

"(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

"(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

"(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

"(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

"(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

"(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

"(1) fostering collaboration and capacity-building activities among eligible institutions; and

"(2) disseminating information and ideas generated by such meetings.

"(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

"SEC. 879. ANNUAL REPORT AND EVALUATION.

"(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

"(b) EVALUATION BY SECRETARY.—The Secretary shall—

"(1) review the reports provided under subsection (a) each year; and

"(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

"(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

"(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

"(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

"(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

"SEC. 880. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

SA 2372. Mr. AKAKA proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of section 403, add the following:

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a-15(d)(2)) is further amended by inserting ", including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders" after "graduate education".

SA 2373. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

Strike lines 14 through 23 on page 814 and insert the following:

"(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

Strike line 22 on page 821 and all that follows through line 2 on page 822 and insert the following:

"(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.".

SA 2374. Mr. SESSIONS proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 114. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking "60" and inserting "75".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SA 2375. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

After section 205 of the Higher Education Act of 1965 (as amended by section 201 of the Higher Education Amendments of 2007), insert the following:

"SEC. 205A. TEACHER DEVELOPMENT.

"(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

"(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

"(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

"(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

"(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

"(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

"(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

"(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

"(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

SA 2376. Mr. BROWN proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title IV of the bill, add the following:

PART H—FEDERAL SUPPLEMENTAL LOAN PROGRAM

SEC. 499. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499B. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Federal Supplemental Loan Program in accordance with this section.

"(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a loan under this section if such individual attends an institution of higher education on a full-time basis as an undergraduate or graduate student.

"(c) FIXED INTEREST RATE LOANS AND VARIABLE INTEREST RATE LOANS.—

"(1) IN GENERAL.—Beginning with academic year 2008–2009, the Secretary shall make fixed interest rate loans and variable interest rate loans to eligible individuals under this section to enable such individuals to pursue their courses of study at institutions of higher education on a full-time basis.

"(2) FIXED INTEREST RATE LOANS.—With respect to a fixed interest rate loan made under this section, the applicable rate of interest on the principal balance of the loan shall be set by the Secretary at the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

"(3) VARIABLE INTEREST RATE LOANS.—With respect to a variable interest rate loan made under this section, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) a margin determined on an annual basis by the Secretary to result in the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

"(d) MAXIMUM LOAN AMOUNT.—

"(1) IN GENERAL.—The Secretary shall make a loan under this section in any amount up to the maximum amount described in paragraph (2).

"(2) MAXIMUM AMOUNT.—For an eligible individual, the maximum amount shall be calculated by subtracting from the estimated cost of attendance for such individual to attend the institution of higher education, any amount of financial aid awarded to the eligible individual and any loan amount for which the individual is eligible, but does not receive such amount, pursuant to the subsidized loan program established under section 428 and the unsubsidized loan program established under section 428H. For the purposes of this section, an institution of higher education may reduce its cost of attendance.

"(e) COSIGNERS.—The Secretary shall offer to eligible individuals both fixed interest rate loans and variable interest rate loans under this section with the option of having a cosigner or not having a cosigner.

"(f) REPAYMENT.—The Secretary shall offer a borrower of a loan made under this section the same repayment plans the Secretary offers under section 455(d) for Federal Direct Loans.

"(g) CONSOLIDATION.—A borrower of a loan made under this section may consolidate such loan with Federal Direct Loans made under part D.

"(h) DISCLOSURES AND COOLING OFF PERIOD.—

"(1) DISCLOSURES.—The Secretary shall provide disclosures to each borrower of a loan made under this section that are not less than as protective as the disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.), including providing a description of the terms, fees, and annual percentage rate with respect to the loan before signing the promissory note.

"(2) COOLING OFF PERIOD.—With respect to loans made under this section, the Secretary shall provide a cooling off period for the borrower of not less than 10 business days during which an individual may rescind consent to borrow funds pursuant to this section.

"(i) DISCRETION TO ALTER.—The Secretary may design or alter the loan program under this section with features similar to those offered by private lenders as part of loans financing postsecondary education.".

SA 2377. Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title IX, add the following:

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3001. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or "(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

"(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

"(B) subject to the availability of appropriations.

"(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SA 2378. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

On page 678, strike line 23 and all that follows through page 679, line 2, and insert the following:

(III) in clause (i)—

(aa) in subclause (I), by striking "or" after the semicolon;

(bb) by striking subclause (II) and inserting the following:

"(II) a critical foreign language; or

"(III) science, technology, engineering, or mathematics education, if such major requires students to take the same science, technology, engineering, or mathematics courses, respectively, as students majoring in science, technology, engineering, or mathematics, respectively; and"; and

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SA 2379. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141of title 10, United States Code, as amended by section 826cc of this Act, is further amended by adding at the end the following new section:

"§ 2410r Multiyear procurement authority: purchase of synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines, on the basis of a business case prepared by the agency, that—

"(1) the proposed purchase of fuels under such contract is cost effective for the agency; and

"(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

"(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from conventional petroleum-based fuels that are used in the same application.

"(d) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

"(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(B) is produced by chemical or physical transformation of domestic sources of energy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

"2410r. Multiyear procurement authority:
purchase of synthetic fuels.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations requiring the head of an agency initiating a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), to find that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of synthetic fuels as so authorized; and

(C) the technical risks associated with such technologies are not excessive.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring the synthetic fuel concerned through annual contracts. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring the synthetic fuel concerned through annual contracts, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

SA 2380. Mr. HARKIN proposed an amendment to amendment SA 2377 proposed by Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

In part B of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 2007, insert after section 428K the following:

"SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

"(b) DEFINITIONS.—In this section:

"(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

"(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

"(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

"(C) is continually licensed to practice law.

"(2) STUDENT LOAN.—The term 'student loan' means—

"(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

"(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

"(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

"(ii) a loan made under section 428, 428B, or 428H; or

"(iii) a loan made under part E.

"(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a civil legal assistance attorney; and

"(2) is not in default on a loan for which the borrower seeks repayment.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

"(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

"(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

"(i) $6,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $40,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

"(B) received repayment benefits under this section during the preceding fiscal year; and

"(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SA 2381. Mr. KENNEDY proposed an amendment to amendment SA 2369 submitted by Mr. COBURN to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

Strike all after the first word and insert the following:

114. RESTRICTION ON USE OF FEDERAL FUNDS

(1) No federal funds received by an institution of higher education may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this section.

(2) The prohibition in paragraph (1) of this section applies with respect to the following Federal actions:

(a) the awarding of any Federal contract;

(b) the making of an Federal grant;

(c) the making of any Federal loan;

(d) the entering into of any cooperative agreement;

(e) the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(3) No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(4) Any person who makes an expenditure prohibited by section (1) or section (3) shall be subject to a civil penalty of not less than $100,000 and not more than $1,000,000.

(5) The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced in such agency.

SA 2382. Mr. KENNEDY (for himself and Mr. ENZI) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

On page 561, line 12, strike "90" and insert "30".

On page 577, strike lines 20 through 22, and insert the following:

"(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

On page 601, strike lines 5 through 12 and insert the following:

"(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

On page 611, line 9, after "learning" insert ", which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation".

On page 611, strike lines 14 through 16 and insert the following:

"(G) use, in the case of an early childhood educator, age- and developmentally-appropriate strategies and practices for children in early education programs.

On page 614, strike lines 18 through 21 and insert the following:

"(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

On page 631, between lines 4 and 5, insert the following:

"(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

On page 631, line 5, strike "(f)" and insert "(g)".

On page 631, line 23, strike "(g)" and insert "(h)".

On page 632, line 6, strike "(h)" and insert "(i)".

On page 667, line 8, strike "and".

On page 667, strike line 10, and insert "fied graduate program;".

On page 667, between lines 10 and 11, insert the following:

"(Z) Kentucky State University qualified graduate program; and

"(AA) Grambling State University qualified graduate program.";

On page 667, line 20, strike "and".

On page 667, line 20, after "(Y)" insert ", (Z), and (AA)".

On page 668, line 3, strike "and (Y)" and insert "(Y), (Z), and (AA)".

On page 668, line 7, strike "(Y)" and insert "(AA)".

On page 679, strike lines 12 through 23 and insert the following:

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

"(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

"(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

"(aa) 4 years of study in mathematics; and

"(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

On page 712, between lines 2 and 3, insert the following:

(3) in subsection (b), by adding at the end the following:

"(3) CARRY OVER.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.";

On page 716, between lines 8 and 9, insert the following:

(4) in subsection (c)(1), by striking "paid to students from State, local, institutional, or private funds under this chapter" and inserting "obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,";

On page 716, between lines 16 and 17, insert the following:

(5) in subsection (c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.".

On page 720, between lines 11 and 12, insert the following:

"(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

"(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

On page 767, strike lines 20 through 22 and insert the following:

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: "Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history."; and

(B) by adding at the end the following:

"(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan."; and

(2) by adding at the end the following:

On page 784, between lines 20 and 21, insert the following:

SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 451B. PERKINS LOAN FORBEARANCE.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking ", upon written request," and inserting ", as documented in accordance with paragraph (2),";

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting "(1)" after "FORBEARANCE.—"; and

(D) by adding at the end the following:

"(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

"(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

"(B) recording the terms in the borrower's file."; and

(2) in subsection (j), by striking "(e)(3)" and inserting "(e)(1)(C)".

On page 824, strike lines 13 through 16 and insert "who has completed secondary school; or".

On page 828, strike lines 6 through 12 and insert the following:

"(P) institutional policies and sanctions related to copyright infringement, including—

"(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

"(ii) a summary of the penalties for violation of Federal copyright laws;

"(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

"(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

On page 838, line 4, strike "institution's".

On page 838, line 5, insert "established by the institution" after "policies".

On page 838, strike lines 8 through 11, and insert the following:

"(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

On page 887, strike lines 21 through 23, and insert the following:

"(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.";

On page 827, between lines 20 and 21, insert the following:

(i) in subparagraph (G)—

(I) by striking "program, and" and inserting "program,"; and

(II) by inserting ", and (iv) any plans by the institution for improving the academic program of the institution" after "instructional personnel"; and

On page 829, line 11, strike "and" after the semicolon.

On page 829, strike line 13 and insert the following:

institution pursuant to subsection (i).

"(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.";

On page 883, strike line 1 and all that follows through page 884, line 9 and insert the following:

"(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;";

On page 887, line 24, strike "and".

On page 888, line 7, strike the second period and insert "; and".

On page 888, between lines 7 and 8, insert the following:

(4) in subsection (o), by adding at the end the following: "Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).".

Strike line 24 on page 939 and all that follows through line 2 on page 940 and insert the following:

"(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.".

After line 24 on page 1032, insert the following:

SEC. 802. ADDITIONAL PROGRAMS.

Title VIII (as added by section 801) is further amended by adding at the end the following:

"PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

"SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

"(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be—

"(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

"(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

"(C) a public or nonprofit entity that—

"(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

"(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

"(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

"(c) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

"(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

"(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

"(3) any other consideration the Secretary determines necessary.

"(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

"(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

"(f) DEFINITION OF PUBLIC HEALTH PRACTICE.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

"PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

"SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

"(a) DEMONSTRATION PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

"(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

"(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

"(2) GRANTS.—

"(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

"(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

"(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

"(1) PARTICIPANTS.—

"(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

"(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

"(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

"(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

"(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

"(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

"(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

"(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

"(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

"(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS.—Each application shall include—

"(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

"(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

"(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

"(D) such other information as the Secretary may require.

"(d) SELECTION CONSIDERATIONS.—

"(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

"(A) the number and quality of State educational agency applications received;

"(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

"(C) a State educational agency's—

"(i) financial responsibility;

"(ii) administrative capability;

"(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

"(iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

"(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

"(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

"(A) the number and quality of local educational agency applications received;

"(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

"(C) a local educational agency's—

"(i) financial responsibility;

"(ii) administrative capability;

"(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

"(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

"(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

"(e) EVALUATION.—

"(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

"(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

"(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

"(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

"(B) identify the barriers to the effectiveness of the demonstration program;

"(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

"(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

"(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

"(i) were more likely to take a college-prep curriculum while in secondary school;

"(ii) submitted any college applications; and

"(iii) took the PSAT, SAT, or ACT;

"(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

"(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

"(H) identify the impact on the parents of students eligible to participate in the demonstration program.

"(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

"(f) TARGETED INFORMATION CAMPAIGN.—

"(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

"(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

"(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

"(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

"(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

"(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

"(I) type of institution, including—

"(aa) 2-year public degree-granting institutions of higher education;

"(bb) 4-year public degree-granting institutions of higher education; and

"(cc) 4-year private degree-granting institutions of higher education;

"(II) component, including—

"(aa) tuition and fees; and

"(bb) room and board;

"(ii) Federal Pell Grants, including—

"(I) the maximum Federal Pell Grant for each award year;

"(II) when and how to apply for a Federal Pell Grant; and

"(III) what the application process for a Federal Pell Grant requires;

"(iii) State-specific college savings programs;

"(iv) State merit-based financial aid;

"(v) State need-based financial aid; and

"(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

"(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

"(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

"(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

"(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

"(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

"SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

"(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

"(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

"(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

"(3) to support programmatic efforts associated with the web-based media projects of the archives;

"(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

"(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

"(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

"(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

"(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

"(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

"(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

"(B) improve student achievement; and

"(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

On page 1036, strike lines 8 through 15 and insert the following:

"(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf."; and

On page 1038, line 15, strike "2007" and insert "2008".

On page 900, line 1, strike "(a) AUTHORIZATIONS.—" and insert "(a) AUTHORIZATIONS.—There are".

On page 674, lines 20 and 21, strike "paragraph (4) (as redesignated by subparagraph (C))" and insert "paragraph (5)".

On page 675, lines 6 and 7, strike "paragraph (5) (as redesignated by subparagraph (C))" and insert "paragraph (6)".

On page 675, line 9, strike "(5)" and insert "(6)".

On page 579, between lines 11 and 12, insert the following:

SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

"SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

"(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while .protecting the confidentiality of students' personally identifiable information; and

"(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State higher education system; or

"(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

"(c) COMPETITIVE GRANTS.—

"(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

"(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

"(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

"(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

"(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

"(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

"(2) how the activities funded by the grant will be supported after the 3-year grant period.

"(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

"(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

"(2) improve the capacity of institutions of higher education to analyze and use student data;

"(3) select and define common data elements, data quality, and other elements that will enable the data system to—

"(A) serve the needs of institutions of higher education for institutional research and improvement;

"(B) provide students and the students' families with useful information for decision-making about postsecondary education;

"(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

"(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

"(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

"(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

"(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

"(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "Oversight: Gulf Coast Disaster Loans and the Future of the Disaster Assistance Program," on Wednesday, July 25, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Monday, July 23, 2007, at 5 p.m., in room 215 of the Dirksen Senate Office Building, to consider S.J. Res. 16, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Ann Clough, a fellow in my office, be granted floor privileges during the consideration of S. 1642, the Higher Education Amendments Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following interns be given floor privileges for the duration of this debate: Kelly Shepherd, Christopher Schmidt, and Shannon Saltclah.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

75TH ANNIVERSARY OF THE INTERNATIONAL PEACE GARDEN

Mr. REID. I ask unanimous consent the Senate Judiciary Committee be discharged from further consideration of S. Res. 270 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 270) honoring the 75th anniversary of the International Peace Garden.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas the International Peace Garden was conceived in 1928 by Dr. Henry J. Moore, a Canadian member of the National Association of Gardeners, who said the garden would be "a memorial to international friendship that shall endure to all time";

Whereas the International Peace Garden, a National Park affiliate, was dedicated in 1932, with 50,000 people in attendance, on the border between the State of North Dakota and the Province of Manitoba as a symbol of the long-standing peace, friendship, and cooperation between the United States and Canada;

Whereas a cairn of native stone was constructed on the international border and inscribed "To God in His Glory. . . We two nations dedicate this garden and pledge ourselves that as long as men shall live we will not take up arms against one another";

Whereas in 1934 the Civilian Conservation Corps helped plant and construct the garden on the 2,339 acres of land donated by the State of North Dakota and Province of Manitoba;

Whereas the first building built by the Civilian Conservation Corps, the Lodge, made of North Dakota granite and timber from the Duck Mountains in Manitoba, still remains in the garden today;

Whereas more than 150,000 flowers grace the garden each year and another 2,000 to 5,000 plants and flowers comprise a large working floral clock, a centerpiece of the garden;

Whereas symbols of peace appear throughout the garden, including the 120 foot Peace Tower honoring early immigrants, the Peace Poles donated by the Japanese government that declare "May Peace Prevail" in 28 different languages, and the Peace Chapel, the only building to straddle the international border;

Whereas the garden's bell tower has a set of Sifton chimes, cast by Gillett and Johnston of Croydon, England, that are 1 of only 4 sets that exist in the world today;

Whereas more than 150,000 visitors travel to the International Peace Garden every year to view the floral displays, fountains, sunken garden, and other scenic vistas;

Whereas the International Peace Garden hosts the International Music Camp, which offers musical opportunities and instruction for students and adults from around the world, and the Legion Athletic Camp, one of the top student athletic training camps;

Whereas the State of North Dakota proudly declares itself the Peace Garden State in recognition and honor of the International Peace Garden;

Whereas the State of North Dakota, the Province of Manitoba, the United States, and the Canadian Governments have each contributed to the garden and its continued preservation;

Whereas the International Peace Garden is undertaking numerous restoration efforts of existing facilities and the addition of a stone-and-glass interpretive center, a tropical plant observatory, and a conflict resolution center; and

Whereas on July 14, 2007, the International Peace Garden will commemorate its 75th Anniversary: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the International Peace Garden on its 75th anniversary;

(2) honors the International Peace Garden for sharing its history, beautiful gardens, and a message of peace with the public; and

(3) urges support for continued restoration and expansion efforts at the International Peace Garden.

MAKING TECHNICAL CORRECTIONS TO THE NEW BORDER TUNNELS AND PASSAGES OFFENSE

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1856.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1856) to amend title 18 United States Code to make technical corrections to the new border tunnels and passages offense.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1856) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFENSE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(b) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, "Border tunnels and passages", and inserting the following:

"555. Border tunnels and passages.".

SEC. 2. CRIMINAL FORFEITURE.

Section 982(a)(6)of title 18, United States Code, is amended by striking "554" and inserting "555".

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking "554" and inserting "555".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 161, 232, 233, 234, 235, 236, 237, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

SECURITIES INVESTOR PROTECTION CORPORATION

William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2007.

Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be rear admiral

Jonathan W. Bailey

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be rear admiral (lower half)

Philip M. Kenul

SECURITIES INVESTOR PROTECTION CORPORATION

William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2010.

IN THE COAST GUARD

PN581 COAST GUARD nomination of Jason D. Rimington, which was received by the Senate and appeared in the Congressional Record of May 21, 2007.

PN582 COAST GUARD nomination of Jeffery J. Rasnake, which was received by the Senate and appeared in the Congressional Record of May 21, 2007

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR TUESDAY, JULY 24, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, July 24; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1642, as under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I thank all Members for their cooperation today. We got a lot done.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Tuesday, July 24, 2007, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23, 2007:

DEPARTMENT OF DEFENSE

MICHAEL G. VICKERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2007 VICE DEBORAH DOYLE MCWHINNEY, TERM EXPIRED.

MARK S. SHELTON, OF KANSAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008.

WILLIAM S. JASIEN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

JONATHAN W. BAILEY

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

PHILIP M. KENUL

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2010.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATION OF JASON D. RIMINGTON, 8968, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF JEFFERY J. RASNAKE, 8595, TO BE LIEUTENANT.

HOUSE OF REPRESENTATIVES—*Monday, July 23, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MCNERNEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 23, 2007.

I hereby appoint the Honorable JERRY MCNERNEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PLIGHT OF IRAQI REFUGEES

Mr. BLUMENAUER. Mr. Speaker, the front page of the Washington Post yesterday had the harsh and ugly reality. We cannot afford not to help the Iraqis who trusted and worked with the United States with the opportunity for refugee status.

I quote:

"The American Ambassador in Baghdad, Ryan Crocker, has asked the Bush administration to take the unusual step of granting immigrant visas to all Iraqis employed by the United States Government in Iraq because of growing concern that they will quit and flee the country if they cannot be assured of eventual safe passage to the United States."

For the last 7 months, I have been working with a broad bipartisan group of people on legislation that would deal with the largest ongoing humanitarian crisis in the world other than Darfur. And unlike the tragedy in the Darfur region of the Sudan, the United States is front and center in Iraq. We have over 300,000 American soldiers, contractors, and civilian U.S. Government employees. We see firsthand every day the train wreck, while officials at the top of the food chain appear, sadly, oblivious and powerless to do anything about it.

I am proud to say that there are young American soldiers who will try to do something about it, even after they rotate out of the country. That is how I first became involved in this issue, as young Oregonian Guard members fought valiantly to try to save the life of their interpreter when they returned to Oregon, knowing that her life was at risk. Working with those young guardsmen and with high school students from Lincoln High School in Portland, Oregon, we were able to have a happy resolution in this one case. But, sadly, it is only one case.

I have become acquainted with another true American hero. Kirk Johnson was a young USAID worker who, as he rotated out, embarked upon a crusade to save the lives of Iraqis who were at risk because they were known to have helped the United States. He has compiled a list of over 500 Iraqis who were interpreters, who were guides, who were civilian employees. Not one, the last time I talked to Mr. Johnson, had been able to make it to the United States.

The sad fact is that we are failing miserably in terms of responding to the refugee requirements. Since I became involved last fall, the United States has admitted the grand total of 133 Iraqi refugees, a shocking number when we consider that over 2 million Iraqis have fled the country and another 2 million within Iraq have been displaced from their homes. It's not that we can't figure out how to do it if we care, if we establish a priority, if we work on it. In that same period of time that we could only admit 133 Iraqis, we have allowed 3,500 refugees from Iran, a country with whom we have rocky relations, to say the least, where we have deep concerns about terrorism.

It makes a mockery of our commitment to accept 7,000 during this fiscal year which ends September 30. There must be a sense of urgency and a profound sense of obligation. In order to make even that modest goal of 7,000, we are going to have to admit more Iraqi refugees every working day than we have for the entire last 9 months.

It is not just the right thing to do for these poor souls and their families. There is a harsh geopolitical reality. With 4 million Iraqis displaced, more than half fleeing the country, there's 1.2 million in Syria, and the accounts of what these people are forced to do to keep body and soul together are truly disturbing. Or three-quarters of a million Iraqi refugees across the border in Jordan, threatening to overwhelm that small country, adding another element of instability to this already unsettled part of the world.

I urge my colleagues in the House of Representatives to look at a letter that we are circulating to them today that includes this article from the Post. I urge them to cosponsor our bipartisan legislation, H.R. 2265, have them urge a markup and action before we recess for August. Our failure to keep our commitment will be exceedingly serious. We undermine our ability to carry out our current mission in Iraq if people we depend upon know that they can't depend upon us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MAHONEY of Florida) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, America returns to another workweek while some coworkers and family members are away on summer vacation.

May this be a lesson to us all; that life must be lived with balance and none of us is irreplaceable in Your divine plan.

Inspire Members of the House of Representatives, Lord, to make the best use of the time given them. In the midst of many duties, let family needs be attended to. May the productive work of Congress stabilize this Nation and create a better social order, so that all Your people may enjoy responsible freedom and equal justice under the law.

To You be praise and glory now and forever. Amen.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. SARBANES) come forward and lead the House in the Pledge of Allegiance.

Mr. SARBANES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATIONS FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following communications from the President of the United States:

THE WHITE HOUSE,
Washington, July 21, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAME SPEAKER: This morning I will undergo a routine medical procedure requiring sedation. In view of present circumstances, I have determined to transfer temporarily my Constitutional powers and duties to the Vice President during the brief period of the procedure and recovery.

In accordance with the provisions of Section 3 of the Twenty-Fifth Amendment to the United States Constitution, this letter shall constitute my written declaration that I am unable to discharge the constitutional powers and duties of the office of the President of the United States. Pursuant to Section 3, the Vice President shall discharge those powers and duties as Acting President until I transmit to you a written declaration that I am able to resume the discharge of those powers and duties.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE,
Washington, July 21, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAME SPEAKER: In accordance with the provisions of Section 3 of the Twenty-Fifth Amendment to the United States Constitution, this letter shall constitute my written declaration that I am presently able to resume the discharge of the Constitutional powers and duties of the office of the President of the United States. With the transmittal of this letter, I am resuming those powers and duties effective immediately.

Sincerely,

GEORGE BUSH.

THE STOCK MARKET SOARS, AMERICA'S ECONOMY IS BOOMING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, all Americans should be grateful that the New York Stock Exchange closed at a record high of 14,000 last Thursday. Students benefit as college endowments grew, reducing tuition costs. Retirees benefit as retirement accounts appreciated. And with increased liquidity, jobs are created for small businesses. The stock market in 5 years has soared 91 percent from the decline caused by the 9/11 terrorist attacks.

More than 2 million jobs have been created in the last year, and 8.2 million jobs have been created since the tax relief was initiated in June 2003. This has led to an unemployment rate lower than the average of the 1970s, 1980s and 1990s. There is record high homeownership.

The Republican tax reductions are helping workers. I urge my colleagues to act immediately to make the tax cuts permanent so American workers, not the Federal Government, can continue to decide how to spend their hard-earned money. This proves the point of Jerry Bellune, editor of the Lexington County Chronicle, that the earnings of America's workers belong to the people and are not a handout from the government.

In conclusion, God bless our troops, and we will never forget September 11th.

BRITISH PETROLEUM POLLUTING LAKE MICHIGAN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the Great Lakes are the source of our drinking water for 30 million Americans, and the Congress has enacted new laws to protect the Great Lakes ecosystem, including the Great Lakes Legacy Act and the Regional Collaboration.

This is why we were surprised, no, stunned, when British Petroleum applied for the rights to increase its pollution of Lake Michigan. A 35-percent increase in ammonia dumping, a 54-percent increase in the dumping of suspended solids.

BP is one of the most profitable companies on Earth. Their plans include a $3 billion upgrade to the facility, but they presented excuses from their own paid consultant that they had to increase their pollution of the lake.

Now, tomorrow the Congress will take up a resolution condemning BP and the actions of the State of Indiana that approved this pollution.

BP is a company spending millions to brand itself as a friend of the environment, but we know what BP stands for, "Bad Polluter."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 20, 2007, at 12:00 p.m.:

That the Senate passed with an amendment and requests a conference with the House, appoints conferees, H.R. 2272.

That the Senate passed with an amendment and requests a conference with the House, appoints conferees, H.R. 2669.

Appointments:

United States Holocaust Memorial Council.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. MARK UDALL OF COLORADO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bristol, Congressional Aide, Office of the Honorable MARK UDALL of Colorado, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN BRISTOL,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. MARK UDALL OF COLORADO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Carter Ellison, Congressional Aide, Office of the Honorable MARK UDALL of Colorado, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CARTER ELLISON,
Congressional Aide.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1388) to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner National Historic Trail Act".

SEC. 2. AUTHORIZATION AND ADMINISTRATION OF TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(____) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

"(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

"(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

"(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

"(i) carrying out preservation and development of the trail; and

"(ii) providing education relating to the War of 1812 along the trail.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1388 would designate the Star-Spangled Banner Trail in Maryland, Virginia, and the District of Columbia as a National Historic Trail to commemorate the events of the Chesapeake campaign during the War of 1812. The bill was introduced by my colleague on the Natural Resources Committee, Mr. SARBANES of Maryland, who is a valued member of our National Parks, Forests and Public Lands Subcommittee.

The Star-Spangled Banner National Historic Trail designated by H.R. 1388 would follow the historic routes used by British and American troops during the war. The National Park Service supports this designation, as do an impressive array of State and local governments and numerous private organizations.

Mr. Speaker, as the bicentennial of the War of 1812 approaches, this historic trail will help Americans retrace some of the crucial events of a war that fashioned our Nation's character. Mr. SARBANES has done great work on this measure, and I urge my colleagues to support the bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

We cannot support H.R. 1388 for a number of reasons. To start, a more apt description of this bill is the "Trail With No Beginning or End." It sprawls over a 200-mile radius, has countless possible routes, and isn't even continuous. How can the public possibly support a trail when the National Park Service doesn't even know where the trail is? The American people deserve transparency in the legislation we create.

More importantly, if this legislation were to become law along with Chairman RAHALL's Energy Policy Reform and Revitalization Act, the outcome would be devastating to people living within 100 miles of this Chamber. Section 103 of that bill, which could be debated on the floor next week, prevents desperately needed energy corridors from being designated within 1 mile of historic areas such as this proposed Federal trail. Edison Electric Institute, whose members represent 67 percent of all electric customers nationwide, recently submitted a statement to the Natural Resources Committee. It states: "New and arbitrary siting restrictions established by section 103 of H.R. 2337 . . . could have negative impacts far beyond the effects envisioned by many proponents of such designations." It clearly lays out the ramifications of the majority's unsound energy policy coupled with Federal designations such as this proposed trail.

At this point, I will include this statement in the CONGRESSIONAL RECORD.

STATEMENT OF THE EDISON ELECTRIC INSTITUTE WITH RESPECT TO LEGISLATION TO DESIGNATE SEVERAL NEW NATIONAL HERITAGE AREAS

The Edison Electric Institute (EEI) appreciates the opportunity to provide comments with respect to proposed legislation to designate additional National Heritage Areas for inclusion in the record of the July 12 hearing. EEI appreciates the importance of such designations for encouraging tourism and expanding opportunities for Americans to learn about and experience the richness of American history. In making such designations, we believe it is important for Congress to assure that these designations do not become an automatic impediment to the siting of infrastructure necessary to provide essential services that are critical to American consumers and a productive and competitive American economy. Towards that end, EEI would be pleased to work with the Committee to develop language that would address the concern.

EEI is the association of U.S. shareholder-owned electric companies. Our members serve 92% of the ultimate customers in the shareholder-owned segment of the industry and represent approximately 67% of all electric utility customers nationwide. As such, EEI's member companies are charged with assuring that Americans continue to receive reliable, reasonably-priced electricity. Fulfilling this responsibility requires a robust electricity transmission grid. Yet, recent long term reliability assessments of the grid by the North American Electric Reliability Corporation (NERC) and the August 2006 congestion study by the Department of Energy (DOE) confirm that additional transmission capacity is necessary. Our growing economy, expanding population, increasing use of efficient electric technologies, and demand for renewable and clean coal generation resources require expansion of the transmission grid.

As proposals to designate National Heritage Areas have increased and the geographic areas proposed for inclusion in the heritage areas have expanded to include hundreds of square miles comprising major portions of states throughout the country, EEI believes that it is important for Congress to address the potential conflict between these designations and the equally important responsibility to assure that the most basic and critical infrastructure needs of localities, regions and the nation can be met. Under the best of circumstances, electric transmission and other infrastructure facilities are extraordinarily difficult to site, can take many years to complete, and necessarily involve a balancing of interests. The length of time it takes to site the facilities does not come without a cost. For example, already some of our largest population centers are experiencing significantly higher electricity costs because of a congested electricity grid. Siting complications also affect the cost of capital and overall project costs—costs that are ultimately born by the electricity consumer.

Legislation proposing National Heritage Area designations generally leave this potential conflict unaddressed or allow the unelected private management boards of each heritage area to decide what would be considered an adverse impact on the heritage area. Thus we are concerned that heritage designations could be used to block the siting of needed infrastructure.

Of related concern, the House Committee on Natural Resources recently reported H.R. 2337, "The Energy Policy Reform and Revitalization Act of 2007." Section 103 of that bill would halt current federal agency reviews of areas suitable for energy transmission corridors across federal land, and it would establishing as a principle that rights-of-way for energy facilities cannot be sited "within one mile of any [area] designated or otherwise identified by State or Federal law or any applicable Federal or State land use plan for recognition or protection of scenic, natural, cultural, or historic resources. . . ." The Secretaries of Agriculture, Commerce, Energy, Defense, and Interior would be required to complete and regularly update a study in which these protected areas are identified and made off limits, and use of that study is made mandatory when right-of-way decisions are made.

EEI is deeply concerned that Section 103 will halt recent progress underway to plan for new energy facilities that will be needed to transmit electricity to American consumers where that goal cannot be accomplished without crossing federal land. We believe that planning for such facilities is the best way to assure that the facilities can be accommodated in a way that is compatible with the other significant values for which federal land is managed.

Furthermore, because of the new and arbitrary siting restrictions established by Section 103 of H.R. 2337, if it were enacted into law, heritage area designations covering large areas could have negative impacts far beyond the effects envisioned by many proponents of such designations. For example, there are regions of this country in which currently proposed heritage area designations, in light of Section 103, would make it impossible to import electricity produced from renewable energy resources and clean coal facilities to urban population centers where such power is in demand. Yet, geographic, population, zoning, environmental, and other constraints make it virtually impossible to locate new generating facilities to meet local demand in these urban areas.

EEI firmly believes that, given the projected vulnerabilities in the nation's electricity grid that have been identified for the next five to fifteen years, the Congress should not—as it does in Section 103—be establishing new and arbitrary barriers to the siting or upgrading of transmission facilities.

Given the importance of electric transmission and other infrastructure to serve our nation, while also recognizing the value of National Heritage Area designations to local and state economies and historic preservation, we strongly urge the Subcommittee and Congress to resolve the potential for conflict between the benefits of such designations and the need for basic, critical infrastructure.

H.R. 1388, coupled with the Democrats' "No Energy Policy" bill, has the effect of leaving millions of people across the United States in the dark. I urge my colleagues to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. GRIJALVA. Mr. Speaker, at this time I yield such time as he may consume to the sponsor of the legislation, my colleague from the Natural Resources Committee, Representative JOHN SARBANES.

Mr. SARBANES. I thank my colleague for yielding his time.

Mr. Speaker, I rise to ask for my colleagues' support of the Star-Spangled Banner National Historic Trail Act.

At the outset, I would like to thank Chairman GRIJALVA and Chairman RAHALL for their support of this bill all through the process.

This legislation is the product of thorough study and planning by interested parties such as the Park Service; local jurisdictions in Maryland, Virginia and the District of Columbia; and historians and experts on the War of 1812.

There are too many to mention here, but over several years these individuals have been dedicated advocates for creating the Star-Spangled Banner Trail. This legislation represents the culmination of their efforts and hard work.

With the bicentennial of the War of 1812 fast approaching us, now is the time to pass the legislation and begin the process of implementing the Star-Spangled Banner Trail, which will measurably enhance the celebration of one of the seminal moments in American history.

The Star-Spangled Banner Trail, through the Park Service at the Fort McHenry National Monument and Shrine, would commemorate the routes used by the British and Americans during the 1812 Chesapeake Campaign of the War of 1812.

The trail, which, in fact, is quite clearly demarcated, would begin with the June 1814 battles between the British Navy and the American Chesapeake Flotilla in St. Leonard's Creek in Calvert County, Maryland, and end at Fort McHenry, where Francis Scott Key composed our national anthem as he witnessed the Battle of Baltimore and the British met their ultimate defeat. It would also mark the British invasion of Washington, DC, the burning of the Capitol and the White House, and other battles in between.

Mr. Speaker, this legislation has special meaning for me because of the time I spent growing up in Baltimore and the long relationship my family has had with the centerpiece of the trail, Fort McHenry. On countless occasions, I've enjoyed the fort's history, its vistas of the Chesapeake Bay, and the surrounding wetlands. I highly recommend that Members visit the site themselves.

Many refer to the War of 1812 as the "second war of independence." When the war began, our fragile experiment in democracy was still in its early stages, and the Nation found itself under attack from one of the most powerful countries in the world. Many wondered whether a democracy could hold together through the trials of war. The War of 1812 proved that it could, and set the stage for the spread of democracy around the world.

I urge my colleagues to support the bill. And I yield my time back, again, with many thanks to Chairman GRIJALVA for his strong support.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1388, the Star-Spangled Banner National Historic Trail Act. This bill aims to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia, as well as through the District of Columbia.

I would first like to begin by commending my distinguished colleague and the representative of Maryland's 3rd Congressional District, Congressman JOHN P. SARBANES on his work with this very important piece of legislation. As with most national historic trails, its purpose and significance must be examined for its unique characteristics. I applaud the gentleman for his work in aiming to protect and preserve our Nation's trails.

A national historic trail is an extended trail that follows routes of travel that are typically of historic and national significance. The Star-Spangled Banner National Historic Trail consists of water and overland routes totaling appropriately 290 miles extending from southern Maryland through the District of Columbia and Virginia, and north of Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812, as generally depicted on the maps.

A national historic trail ought to be significant with respect to several facets of American history, ranging from trade and commerce, exploration, migration and settlement, or military campaigns and must have significant potential for public recreational or historic use. The trail ought to be continuous and might include land, water or marked highway segments. The Star-Spangled Banner National Historic Trail land routes would follow existing public roads, along which British and American troops traveled.

Mr. Speaker, this bill would mandate the administration of this trail by the Secretary of the Interior. The Secretary ought to encourage public participation by communities, owners of land along the trail, and volunteer trail groups with the administering, planning, development and maintenance of the trail. Any land or interest in land outside the exterior boundaries of any federally administered area would be prohibited, unless with prior consent from the owner of the land or interest in land. It would be the responsibility of the Secretary to authorize and provide interpretive programs and services, and technical assistance to State and local government and non-profit organizations.

Mr. Speaker, the primary focus of this initiative has been providing conservation and enjoyment of, public access to, and interpretation of the historic route and its resources. Historians and regional trail groups have recognized the importance of the untold stories and legacy of the events of the Chesapeake Campaign and the need for protection and interpretation of related historical resources.

H.R. 1388 commemorates the events leading up to the writing of "The Star-Spangled Banner" during the Chesapeake Campaign of the War of 1812. Along these trails are the bedrock of many events of historical significance—British invasion of Maryland, the Battle of Bladensburg, the burning of the White House, the Capitol and Washington Navy Yard, as well as the Battle for Baltimore (1814). The route of the invasion is known and documented, and the proposed trail would follow it as closely as possible.

Mr. Speaker, I rise today in strong support, as well as to encourage my colleagues to join Representative SARBANES in amending the National Trails Systems Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail. Visitors to this region ought to enjoy the opportunity to envision and experience this great piece of American history- the heritage and struggles that ensued during the War of 1812. The Star-Spangled Banner National Historic Trail Act would give recognition to the patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1388, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND CONVEYANCE

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 761) to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as a historical interpretive site along the trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of two parcels as generally depicted on the map titled "Lewis and Clark National Historic Trail", numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 761, sponsored by Representative FORTENBERRY of Nebraska, would transfer to a nonprofit foundation an existing visitor center for the Lewis and Clark Historic Trail in Nebraska. The legislation turns the site over to the nonprofit entity which currently manages the facility in partnership with the National Park Service.

This measure includes a reversionary clause and other safeguards to protect the Federal investment in the center.

We have no objection to H.R. 761 and support its passage by the House today.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 761 and yield myself such time as I may consume.

H.R. 761 has been adequately explained by the majority. I am pleased that Mr. FORTENBERRY has brought us this legislation that will benefit both his constituents and taxpayers across the Nation.

Mr. SMITH of Nebraska. Mr. Speaker, along with my colleagues from Nebraska, I am pleased to offer my support for H.R. 761, a bill that would authorize the conveyance of certain federal lands by the Secretary of Interior to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. and authorize the appropriation of annual funds to operate the Center.

The journey of Meriwether Lewis and William Clark does not belong to Nebraska, but to all of America.

The Lewis and Clark Interpretive Center features descriptions of 178 plants and 122 animals recorded by Lewis and Clark during their explorations.

This center should be a destination for any person who is interested in American history, in the species of flora and fauna then found in the unexplored regions of our country, or in the spirit of expansion that helped form our country.

I urge my colleagues to join me in supporting this bill authorizing the transfer of Federal lands associated with the Lewis and Clark National Historic Trail in Nebraska to the private nonprofit foundation. It is a valuable resource for every American.

Mr. FORTENBERRY. Mr. Speaker, I am pleased to offer my strong support for H.R. 761, a bill to authorize the Secretary of the Interior to convey a Lewis and Clark visitor center in my district from the National Park Service to a well-respected non-profit organization.

As the sponsor of this bill, I encourage my colleagues to support this important legislation.

I would like to begin by expressing my sincere appreciation to the distinguished gentleman from West Virginia (Mr. RAHALL), the Chairman of the House Committee on Natural Resources and the distinguished gentleman from Alaska (Mr. YOUNG), the Ranking Member on the Committee, as well as the distinguished gentleman from Arizona (Mr. GRIJALVA), the Chairman of the National Parks, Forests and Public Lands Subcommittee, and the distinguished gentleman from Utah (Mr. BISHOP), the Ranking Member on the Subcommittee for their outstanding work in bringing this legislation to the Floor.

The Lewis and Clark Interpretive Trail and Visitor Center is the culmination of a vision that was outlined 20 years ago. Starting with the efforts of former Congressman Doug Bereuter, the Center's completion required a great deal of hard work and dedication for which the entire Nebraska City community should be proud.

I would also like to take this opportunity to express my gratitude to Nancy Hoch from Nebraska City, who has played such a key role in the construction of the visitor center and its ongoing operation. Her vision and leadership have been instrumental in making the center such an outstanding success.

The bill is very straightforward. It would simply convey certain federal land near Nebraska City associated with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center to the related non-profit group, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. The bill also authorizes $150,000 annually for 10 years to operate the facility. This legislation would actually save the federal government about $50,000 a year since the National Park Service currently provides about $200,000 for the center.

It is important to note that I worked with the National Park Service in drafting the language for the bill and this proposed conveyance fits with the long-range plans for the center. I also believe that it would be the most cost-effective option for the Park Service.

H.R. 761 is cosponsored by both of my colleagues from Nebraska, Representatives LEE TERRY and ADRIAN SMITH. A companion bill in the Senate, S. 471, has the support of both Nebraska senators, CHUCK HAGEL and BEN NELSON.

The Interpretive Trail and Visitor Center is an outstanding resource and impressive facility. The non-profit organization associated with it includes a committed group of individuals who have spent many years making the center a reality and ensuring that it provides a meaningful and educational experience for those who visit. This legislative action is needed to fulfill the original plan for operating the visitor center.

The Missouri River Basin Lewis and Clark Interpretive Center is truly unique. It is the only visitor center or museum in the United States to focus on the flora and fauna and scientific discoveries recorded by Lewis and Clark.

The Lewis and Clark Expedition was a watershed mark in American history. Two centuries later, the courageous story of these two outstanding explorers and the Corps of Discovery continues to inspire Americans of all ages. This legislation will help ensure that future generations will have the opportunity to learn about this remarkable journey.

Again Mr. Speaker, I encourage my colleagues to vote for H.R. 761.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 761, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SNOQUALMIE PASS LAND CONVEYANCE ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1285) to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Snoqualmie Pass Land Conveyance Act".

SEC. 2. LAND CONVEYANCE, NATIONAL FOREST SYSTEM LAND, KITTITAS COUNTY, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 1285, introduced by Representative DOC HASTINGS of Washington, conveys 1.5 acres of land in the Mt. Baker-Snoqualmie National Forest to facilitate the construction of a new fire and rescue station.

Snoqualmie Pass Fire and Rescue is in need of a new fire station as the current station has numerous deficiencies. The fire station is important to the community and often responds to fires on Federal lands.

Mr. Speaker, it is our understanding that there are ongoing discussions in Washington State to address some lingering issues related to this conveyance, and we support those efforts.

With that understanding, we have no objection to H.R. 1285, and support its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

The majority has adequately explained the bill. I would like to commend Congressman DOC HASTINGS and his staff for their work on this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, the Snoqualmie Pass Land Conveyance Act would transfer an acre and a half of Forest Service land to the King and Kittitas Counties Fire District No. 51—also known as Snoqualmie Pass Fire and Rescue. This land would be conveyed at no cost, but would have to be used by the Fire District specifically for the constructon of a new fire station or it would revert back to the federal government.

Snoqualmie Pass Fire and Rescue serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90. This is a very rural area, with a small number of full-time residents, but it is also the major transportation corridor for goods and services between Eastern and Western Washington, as well as a destination for winter recreation. In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches. The Fire District is often the first responder to incidents in the area.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was never designed to be a fire station. Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station.

They have identified a nearby site that would better serve the public safety needs of interstate travelers. This location would provide easy access to the interstate in either direction, reducing response times in emergencies. The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

I acknowledge that the Forest Service does not normally support conveyances of land free of charge. However, I believe an exception should be made in this particular circumstance because of the important public service provided by the Fire District, the heavy traffic and emergency calls created by non-residents in the area, the distance of Snoqualmie Pass from other communities with emergency services, and because of the high amount of federal land ownership in the area, which severely limits the local tax base. In fact, the Forest Service has acquired 20,000 acres in King and Kittitas counties at a cost of more than $52 million over just the last ten years. I would also note again that under this bill, this land would revert back to the Forest Service if for whatever reason a new fire station is not built on the property.

Passage of this legislation would not guarantee that a new station would be built—the Fire District would have to work hard to gather the financing that would be required from state and local sources, as well as any applicable federal grants or loans. However, the conveyance of this site at no cost would help this Fire District hold down the overall cost of this project.

I first introduced this legislation last year, with my colleague from Washington, Mr. Reichert. Unfortunately, the bill was not considered before the end of the last Congress. We reintroduced the bill in early March and were pleased the Natural Resources Committee held a subcommittee hearing on the bill in April to take testimony on the issues involved. At a subsequent markup of the bill last month, the acreage involved was reduced to acre and a half to address concerns that a fire station would not require three acres. With this change, the bill was approved by voice vote in committee.

Last week, at a meeting in the region, several environmental interest groups expressed reservations about the conveyance. Over the next several weeks, it is understood these groups will meet with the Fire District to discuss their concerns. I am committed to working with my colleagues from Washington state in the Senate, as well as the Natural Resources Committee, to facilitate these discussions to ensure we have the public safety infrastructure necessary to meet the needs of this unique area. I am confident this can be done with little or no impact to the environment. It is my hope that the parties can reach agreement on this issue by September when the Congress will reconvene and can resume work on the legislation.

I appreciate the efforts of my colleagues on the Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the Pass and my Washington colleagues to improve public safety in the area.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1285, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SANTA ROSA URBAN WATER REUSE PLAN ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 716) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Rosa Urban Water Reuse Plan Act".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following new section:

"SEC. 16___. CITY OF SANTA ROSA, CALIFORNIA, URBAN WATER REUSE PLAN.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Santa Rosa, California, is authorized to participate in the design, planning, and construction of projects to implement the plan titled 'Santa Rosa Urban Water Reuse Plan'.

"(b) COST SHARE.—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost. The Secretary shall credit the City of Santa Rosa with the value of all expenditures made before the date of the enactment of this section that are used toward completion of projects that are compatible with this section.

"(c) LIMITATIONS.—

"(1) Federal funds shall not be used for the operation or maintenance of a project authorized by this section.

"(2) Funds authorized by this legislation shall not be used for the development of new wetland areas.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the last item relating to title XVI the following:

"Sec. 16___. City of Santa Rosa, California, Urban Water Reuse Plan.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the purpose of H.R. 716, as amended, is to authorize the Secretary of the Interior to participate in the design and construction of the Santa Rosa Urban Water Reuse Plan. The water recycling facilities authorized by this legislation will result in significant improvements in water quality and water supply reliability in the Santa Rosa area.

I commend the sponsor of this legislation, Ms. WOOLSEY, for her commitment in this important project.

I urge my colleagues to join me in supporting this important bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 716.

Mr. Speaker, I want to thank Chairman RAHALL for his leadership in bringing H.R. 716, the Santa Rosa Urban Water Reuse bill, to the floor. The Santa Rosa Urban Water Reuse bill is a huge step in the right direction for the City of Santa Rosa. It will help the city increase its reuse of wastewater as an alternative to releasing the water into the Russian River, where my district receives the great majority of our drinking water. The project is especially important in a region that remains arid for 6 months of the year and where droughts pose a genuine threat to humans and endangered species.

Under the reuse plan, the City of Santa Rosa will use recycled water for landscape irrigation, allowing the city to conserve valuable water for human consumption and for watershed preservation and enhancement. It is essential that we find new ways to reuse wastewater and prevent further discharge into nearby waterways. This project can help the City of Santa Rosa by making great strides in its water reuse program and give the city an opportunity to help endangered species, and at the same time protect the Russian River from further discharge.

Mr. Speaker, I ask for support of H.R. 1716, the Santa Rosa Urban Water Reuse bill.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

The chairman and sponsor have adequately explained the bill. I applaud the amendment agreed to in committee that prohibits taxpayer dollars from being used to create unrelated wetlands in this project.

However, given that the majority has not fully funded the title XVI program in the Energy and Water appropriations bill, I note that this bill makes the $328 million backlog problem worse.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 716, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1503) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Avra/Black Wash Reclamation and Riparian Restoration Project".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16___. AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT, PIMA COUNTY, ARIZONA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with Pima County, Arizona, may participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley west of the metropolitan Pima County area.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the cost of the project.

"(c) LIMITATION.—Federal funds provided under this section shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $14,000,000.

"(e) USE OF FUNDS.—Federal funds provided under this section shall only be used for the design, planning and construction of water-related infrastructure.".

(b) CLERICAL AMENDMENT.—The table of sections for Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

"Sec. 16___. Avra/Black Wash Reclamation and Riparian Restoration Project, Pima County, Arizona.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, this legislation, which I introduced on March 13 of this year, authorizes the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

The extremely arid climate of Tucson, Arizona, and that metropolitan area requires careful and innovative planning of both water supply and wastewater treatment systems.

The proposed Avra Valley Reclamation and Riparian Restoration Site would spread treated wastewater on mesquite riparian forest in Black Wash, creating valuable riparian habitats for migrating birds, while recharging groundwater for the greater Tucson area.

I want to thank the chairwoman of the subcommittee on Water and Power, Mrs. NAPOLITANO, and the chairman of the Committee on Natural Resources, Mr. RAHALL, for their assistance in advancing this legislation.

I urge my colleagues to support the passage of H.R. 1503, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

The chairman and sponsor of this legislation has adequately explained the bill.

As amended, the funding in this bill is now specifically targeted for wastewater infrastructure rather than trails and a visitors center. Despite this positive change, however, I note this bill also adds to the $328 million funding backlog in the overall program.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1503, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BAY AREA REGIONAL WATER RECYCLING PROGRAM AUTHORIZATION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1526) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bay Area Regional Water Recycling Program Authorization Act of 2007".

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

"SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

"SEC. 16xx. ANTIOCH RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

"SEC. 16xx. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

"SEC. 16xx. REDWOOD CITY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

"SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

"SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.".

(b) CONFORMING AMENDMENTS.—The table of sections for Public Law 102-575 is amended by inserting after the last item relating to title XVI the following:

"Sec. 16xx. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
"Sec. 16xx. Pittsburg Recycled Water Project.
"Sec. 16xx. Antioch Recycled Water Project.
"Sec. 16xx. North Coast County Water District Recycled Water Project.
"Sec. 16xx. Redwood City Recycled Water Project.
"Sec. 16xx. South Santa Clara County Recycled Water Project.
"Sec. 16xx. South Bay Advanced Recycled Water Treatment Facility.".

SEC. 3. SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.

It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-5).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I would first like to recognize Representative GEORGE MILLER's hard work and dedication to this legislation, and for his leadership in California water policy.

This legislation would authorize the Secretary of the Interior to participate in seven important water supply projects as part of the Bay Area Regional Water Recycling Program.

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The projects authorized by the enactment of H.R. 1526, as amended, will eventually produce 37,600 acre feet of recycled water annually. The water will be critical as California communities work to protect their water supply from future droughts.

Mr. Speaker, I thank Congressman GEORGE MILLER for his hard work on the legislation. I urge my colleagues to join me in supporting H.R. 1526, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman has adequately explained the bill. I note that this is another water recycling bill which will make the $328 million funding backlog in the program worse because the majority did not fully fund it in the Energy and Water appropriations bill.

Mr. GEORGE MILLER of California. Mr Speaker, this water recycling legislation, H.R. 1526, enables local agencies across California's Bay-Delta region to invest in sustainable and reliable new water supplies. I urge my colleagues to support the bill.

The Bay Area Regional Water Recycling Program Authorization Act will provide Federal assistance for an ambitious and forward-thinking regional water recycling program that will reduce demand on the Bay-Delta and drought-proof our regional municipal water supplies.

The legislation will assist efforts in Pittsburg, Antioch, Palo Alto, Mountain View, Pacifica, South Santa Clara County, Redwood City, and San Jose.

The city of Pittsburg and the Delta Diablo Sanitation District, in my congressional district, have been leading the charge on this effort, investing time, energy, and local funds in developing water recycling projects to help meet regional water needs. Water recycling is good for the environment and for local budgets.

In Pittsburg, for example, instead of using fresh water from the Delta, recycled water will be applied to city parks, golf courses, medians, and other green spaces. As the Contra Costa Times wrote about the bill, "There is no good reason to flush wastewater into rivers, bays, estuaries, and the ocean if it can be treated and used again for other purposes such as irrigating parks and golf courses."

I want to thank Chairman NICK RAHALL and Chairwoman GRACE NAPOLITANO, and the staff of the Natural Resources Committee and the Subcommiteee on Water and Power, for their assistance in this effort, and I encourage my colleagues to support this bill.

Ms. ESHOO. Mr. Speaker, first all my thanks to Representative GEORGE MILLER for his leadership and vision for sponsoring this legislation which I'm proud to be an original cosponsor of.

The legislation authorizes a total of seven new projects, including two in my district: the Mountain View Moffett Area Recycled Water Distribution Project and the Redwood City Recycled Water Project.

Since the 1990s a partnership of 17 local Bay Area governments, water, and wastewater agencies, the Bureau of Reclamation, and the California Department of Water Resources have worked to maximize water recycling around the Bay under the auspices of the Bay Area Regional Water Recycling Program (BARWRP). They have been found by the Bureau of Reclamation to be feasible or close to achieving feasibility, and they're now ready to move into construction with significant local funding commitments consistent with the Bureau of Reclamation's Title XVI water recycling program. Under the bill, the Federal Government may provide up to 25 percent of the cost of the planning, designing, and building each project, and the local sponsors will be responsible for securing at least 75 percent.

Despite the significant investments that communities have already made to these projects, they have not been able to secure federal funds because of a lack of investment by the Bureau of Reclamation in the Title XVI program and because of a lack of a specific Congressional authorization for these projects. This legislation addresses the question of authorization so that the funding may follow.

There's a clear federal interest in these water recycling projects since other federal water projects already contribute significant portions of the water supply to communities throughout the Bay Area. Taken together, the projects authorized in H.R. 1526 will conserve 5,000 acre-feet of potable water per year in the near-term (the first five years of operation) and more than 9,000 acre-feet per year over the long term (10 to 15 years). This represents 9,000 acre-feet which will not have to be extracted from the San Francisco Bay Delta, the Hetch Hechy system, and other sensitive areas.

Mr. Speaker, in coming years water supplies in California are going to be stretched and stressed by population growth, environmental stress, and supply reductions in water caused by the loss of snow pack due to global warming. If we're going to meet the challenge and relieve the stress on the existing system, we're going to need projects like these.

I urge my colleagues to vote for H.R. 1526.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1526, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OREGON WATER RESOURCES MANAGEMENT ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 495) to update the management of Oregon water resources, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Water Resources Management Act of 2007".

SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1), by striking "Deschutes River Basin Working Group" and inserting "Deschutes River Conservancy Working Group";

(2) by amending the text of subsection (a)(1)(B) to read as follows: "4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;";

(3) in subsection (b)(3), by inserting before the final period the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016"; and

(4) in subsection (h), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2016".

SEC. 3. WALLOWA LAKE DAM REHABILITATION ACT.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term "Associated Ditch Companies, Incorporated" means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term "Wallowa Lake Dam Rehabilitation Program" means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, "Phase I Dam Assessment and Preliminary Engineering Design", dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, both while and after activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this section, shall comply with applicable Oregon State water law.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—Activities funded under this section shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this section, $6,000,000.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

SEC. 4. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the "Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project", dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out subsection (a).

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

SEC. 5. NORTH UNIT IRRIGATION DISTRICT.

(a) SHORT TITLE.—This section may be cited as the "North Unit Irrigation District Act of 2007".

(b) AMENDMENT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting "(referred to in this Act as the 'District')" after "irrigation district"; and

(B) by inserting "(referred to in this Act as the 'Contract')" after "1953"; and

(2) by adding at the end the following:

“SEC. 3. ADDITIONAL TERMS.

“On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

“(1) In Article 8(a) of the Contract, by deleting ‘a maximum of 50,000’ and inserting ‘approximately 59,000’ after ‘irrigation service to’.

“(2) In Article 11(a) of the Contract, by deleting ‘The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled “Land Classification, North Unit, Deschutes Project, 1953” which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District’ and inserting ‘The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.’.

“(3) In Article 11(c) of the Contract, by deleting ‘, with the approval of the Secretary,’ after ‘District may’, by deleting ‘the 49,817.75 acre maximum limit on the irrigable area is not exceeded’ and inserting ‘irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required’ after ‘time so long as’.

“(4) In Article 11(d) of the Contract, by inserting ‘, and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘herein provided’.

“(5) By adding at the end of Article 12(d) the following: ‘(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the North Unit Irrigation District Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District’s construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District’s total construction charge obligation shall be completely paid by June 30, 2044.’.

“(6) In Article 14(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,’ after ‘and incidental stock and domestic uses’, by inserting ‘and for instream purposes as described above,’ after ‘irrigation, stock and domestic uses’, and by inserting ‘, including natural flow rights out of the Crooked River held by the District’ after ‘irrigation system’.

“(7) In Article 29(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘provided in article 11’.

“(8) In Article 34 of the Contract, by deleting ‘The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.’ after ‘for that purpose.’.

“SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

“The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 495, as introduced by our colleague from Oregon (Mr. WALDEN), is to update the management of Oregon water resources and to authorize various water projects in the State of Oregon.

The bill authorizes the extension of participation of the Bureau of Reclamation in the Deschutes River Conservancy and the Wallowa Lake Dam Rehabilitation, Little Butte/Bear Creek Subbasins Water Resource Study, and the North Unit Irrigation District. These projects will enhance the water resources in a number of areas in the State of Oregon. Almost identical legislation passed the House in the 109th Congress.

Mr. Speaker, we have no objection to this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 495, sponsored by my Pacific Northwest colleague, GREG WALDEN, improves a number of water management projects in central and eastern Oregon. The provisions in this bill reflect the work of the past two Congresses and enjoyed bipartisan support because they help water consumers and improve the environment.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 495.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OCEAN AND COASTAL MAPPING INTEGRATION ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2400) to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 2. INTEGRATED OCEAN AND COASTAL MAPPING PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States that enhances ecosystem approaches in decisionmaking for conservation and management of marine resources and habitats, establishes priorities for research and mapping, supports the siting of research and other platforms, enhances safety of navigation, and advances ocean and coastal science.

(b) PROGRAM PARAMETERS.—In developing such a program, the Administrator shall work with the Committee to—

(1) identify all Federal and federally funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in

new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan referred to in subsection (a).

SEC. 3. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 2.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CHAIRMAN.—The committee shall have as its chairman the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. The full committee may form working groups to address issues of short duration.

(d) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(e) COORDINATION.—The committee shall coordinate activities, when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of non-governmental entities.

(f) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee.

SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, such as Digital Coast, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this Act, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) ENHANCED OPPORTUNITIES FOR NON-GOVERNMENTAL CONTRACTING.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of non-governmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 5. INTERAGENCY PROGRAM REPORTING.

No later than 18 months after the date of enactment of this Act, and biannually thereafter, the Chairman of the Committee shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this Act, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle;

(3) identification of priority areas in need of survey coverage using present technologies;

(4) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(5) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(6) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(7) documentation of minimum and desired standards for data acquisition and integrated metadata;

(8) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(9) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(10) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs; and

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

(1) $20,000,000 for fiscal year 2008;

(2) $26,000,000 for fiscal year 2009;

(3) $32,000,000 for fiscal year 2010;

(4) $38,000,000 for fiscal year 2011; and

(5) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amount appropriated under subsection (a) for each fiscal year, no more than 25 percent may be appropriated to carry out section 4(c).

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term "coastal state" has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) COMMITTEE.—The term "Committee" means the Interagency Committee on Ocean and Coastal Mapping established by section 3.

(4) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) NON-GOVERNMENTAL ENTITIES.—The term "non-governmental entities" includes non-governmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(6) OCEAN AND COASTAL MAPPING.—The term "ocean and coastal mapping" means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(7) OUTER CONTINENTAL SHELF.—The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(8) TERRITORIAL SEA.—The term "territorial sea" means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2400 would direct the administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal waters and the territorial sea, the exclusive economic zone and the Continental Shelf. The legislation responds to the U.S. Commission on Ocean Policy's recommendation that the National Oceanic and Atmospheric Administration consolidate and coordinate the Federal Government's mapping activities. A National Research Council study made a similar recommendation.

To accomplish this end, H.R. 2400 would coordinate the efforts of all Federal agencies involved in mapping our oceans and coasts. Consistent protocols would be developed across all Federal agencies to collect data and develop maps, instead of various agencies using their own criteria.

In addition, the legislation would require Federal agencies to coordinate their efforts. Ultimately, those entities dependent on maps for navigation, national security, scientific research, energy development and location of cultural resources, such as shipwrecks, would all greatly benefit. H.R. 2400 will increase the efficiency of our mapping efforts, reduce redundancy and allow data used by one agency to be used again and again by others for multiple purposes.

Mr. Speaker, I support this bill and encourage Members to vote for this noncontroversial legislation.

Mr. Speaker, I will include for the RECORD the exchange of letters regarding the Committee on Science and Technology's jurisdictional interest in this legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, July 20, 2007.
Hon. NICK J. RAHALL, II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H.R. 2400, the Ocean and Coastal Mapping Integration Act, which was referred to both the Committee on Natural Resources and the Committee on Science and Technology on May 21, 2007.

As you know, I support passage of the bill, and I do not intend to object to its consideration on the House floor. I am therefore willing to waive further consideration of the bill by the Committee on Science and Technology at this time. I want to make clear, however, that this waiver does not in any way serve as a jurisdictional precedent as to our two committees. Also, I ask that you support my request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

I request that you send to me a letter confirming our agreement and that, as part of the consideration of the bill on the House floor, you insert our two letters in the Congressional Record.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 20, 2007.
Hon. BART GORDON,
Chairman, Committee on Science and Technology,
Washington, DC.

DEAR BART: Thank you for your willingness to allow floor consideration of H.R. 2400, the Ocean and Coastal Mapping Integration Act, to proceed unimpeded.

I appreciate your willingness to waive rights to further consideration of H.R. 2400, even though your Committee shares jurisdiction over it and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As you requested, I will insert our two letters in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2400, the Ocean and Coastal Mapping Integration Act. Chairman GRIJALVA has adequately explained the bill, which will lead to a more efficient and effective use of ocean data.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 2400, the Ocean and Coastal Mapping Integration Act, which I introduced on May 21, 2007, and which the Committee on Natural Resources ordered to be favorably reported to the House on June 28, 2007.

The surveying and mapping of our coasts and oceans is one of the oldest functions of the Federal Government. In 1807, Thomas Jefferson signed into law an act requiring the President "to cause a survey to be taken of the coast of the United States . . . together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts." Ever since the enactment of that law, the mapping and charting of our coasts and marine waters, including the Great Lakes, continues to be an activity of great national importance.

In 2004 the U.S. Commission on Ocean Policy released a report at the request of the President recommending actions needed to improve ocean policy in the United States. Among the suggestions made by the commission was a recommendation that existing Federal mapping activities be consolidated and coordinated, and that the National Oceanic and Atmospheric Administration, NOAA, lead this effort.

At the same time, the National Research Council, NRC, completed a study identifying the most pressing national needs for coastal mapping and charting. This study, requested by three of the primary agencies involved in ocean and coastal surveying, identified the same need for coordination. The NRC findings included a need for a consistent spatial framework, increased access to geospatial data and mapping products, and increased inter- and intra-agency communication, cooperation, and coordination.

Learning of these recommendations, I introduced H.R. 2400 along with my colleague from South Carolina, the ranking Republican Member of the Subcommittee on Fisheries, Wildlife and Oceans, Congressman HENRY BROWN, to coordinate and strengthen the efforts of Federal agencies to map our oceans and coasts.

The coordination required by this legislation will result in increased efficiency, eliminate redundant mapping efforts, and allow data collected by one agency to be used multiple times by other agencies and stakeholders for myriad purposes.

Passage of this legislation will fulfill an important recommendation of the U.S. Commission on Ocean Policy and result in immediate benefits for national security, maritime commerce, navigation, and marine resource, management and scientific research.

For these reasons, Mr. Speaker, I ask members on both sides to support passage of this non-controversial bill.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2400, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 50) to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multinational Species Conservation Funds Reauthorization Act of 2007".

SEC. 2. REAUTHORIZATION AND AMENDMENT OF AFRICAN ELEPHANT CONSERVATION ACT.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 2101(c) of the African Elephant Conservation Act (16 U.S.C. 4211(c)) is amended by striking "and to each country within which the project is proposed to be conducted".

(b) ADMINISTRATIVE EXPENSES.—Section 2306(b) of the African Elephant Conservation Act (16 U.S.C. 4245(b)) is amended by striking "$80,000" and inserting "$100,000".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking "2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "2007 through 2012".

SEC. 3. REAUTHORIZATION AND AMENDMENT OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 5(c) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5304(c)) is amended in the third sentence by striking ", to the Administrator, and to each country within which the project is to be conducted" and inserting "and to the Administrator" .

(b) ADMINISTRATIVE EXPENSES.—Section 10(b) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(b)) is amended by striking "$80,000" and inserting "$100,000".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking "2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "2007 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by commending Congressman DON YOUNG, the ranking Republican on the Committee on Natural Resources, for introducing H.R. 50, the Multinational Species Conservation Funds Reauthorization Act of 2007. This bill would authorize two important international wildlife conservation laws, the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act.

Mr. Speaker, illegal poaching, habitat loss and other factors have pushed African elephants, rhinoceroses and tigers dangerously close to extinction. H.R. 50 authorizes funding through fiscal year 2012 for scientific research, management, law enforcement and public education activities used to conserve and protect these keystone wildlife species and their habitat.

Congress has provided $26.9 million, which has been leveraged through matching funds and in-kind contributions to generate more than $96.1 million for international species conservation. This has been an excellent investment for the Federal Government.

We support this noncontroversial bill, and urge all Members on both sides to vote for this important conservation bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 50. This legislation, introduced by the distinguished ranking Republican on the Natural Resources Committee, the Honorable DON YOUNG, will extend the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act. This legislation builds upon the proven success of these two conservation funds and allows the Secretary of the Interior to continue to approve badly needed conservation grants for the next 5 years. These acts have been two of the most effective conservation laws ever approved by the United States Congress.

Mr. Speaker, I urge adoption of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 50, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 465) to reauthorize the Asian Elephant Conservation Act of 1997, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asian Elephant Conservation Reauthorization Act of 2007".

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 5(c)(2)(C) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4264(c)(2)(C)) is amended by striking ", the Administrator, and each of those countries" and inserting "and the Administrator".

(b) ADMINISTRATIVE EXPENSES.—Section 8(b) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(b)) is amended by striking "$80,000" and inserting "$100,000".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking "2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "2007 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, Congressman JIM SAXTON, for introducing H.R. 465, the Asian Elephant Conservation Reauthorization Act of 2007. H.R. 465 would authorize the Asian Elephant Conservation Act through fiscal year 2012. This law authorizes grants to be issued for the survival of the Asian elephant in the wild.

Unfortunately, Mr. Speaker, the status of the Asian elephant remains tenuous. Fewer than 4,000 Asian elephants are found throughout the forests and savannas of South Asia. Approximately 16,000 of these animals are held in captivity. The captive elephants are used to assist people in timber harvest, forest clearing and agriculture. In the wild, populations remain under heavy stress from several factors, especially habitat loss and deforestation.

Since the first grant was awarded in 1997, more than $10.3 million in matching contributions or in-kind support have been generated by leveraging the $7.8 million contribution made available by the Congress.

□ 1245

Funding supports cooperative conservation projects that protects Asian elephants and their habitat by providing scientific research, law enforcement and education.

I support this noncontroversial bill, and again commend the gentleman from New Jersey (Mr. SAXTON), the author of the original Asian Elephant Conservation Act, for his unwavering commitment to international wildlife conservation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 465, the Asian Elephant Conservation Rauthorization Act. This legislation will extend the Asian Elephant Conservation Fund at the existing authorization levels until September 30, 2012.

In the early 1900s, there were less than 40,000 wild Asian elephants living throughout the world. In response to this international wildlife crisis, the gentleman from New Jersey (Mr. SAXTON) introduced the Asian Elephant Conservation Act. Since 1997, the Secretary of the Interior has reviewed over 300 proposals to assist Asian elephants, and 183 grants have been awarded to various entities. These projects have received $7.8 million in Federal funds and $11.3 million in private matching funds.

This conservation fund has had a profound impact on protecting Asian elephants, and there is no question that these projects have stopped this specie's slide into extinction. This is a sound investment of a small amount of Federal tax dollars. I urge an "aye" vote on H.R. 465.

Mr. SAXTON. Mr Speaker, as the author of this legislation, I am pleased the House is now considering H.R. 465. This simple non-controversial legislation will extend the Asian Elephant Conservation Fund at existing authorization levels of up to $5 million each year until September 30, 2012.

During our public hearing on H.R. 465, the Fish and Wildlife Service, which administers this Fund, testified that: "The Asian Elephant Conservation Act has greatly enhanced the conservation status of the Asian elephant".

There are currently only about 40,000 wild Asian elephants living in south and southeastern Asia. As a result, this species is listed on our Endangered Species Act, on Appendix I of CITES and on the World Conservation Union's Red List.

In response to the ongoing slaughter of this keystone species, Congress adopted the Asian Elephant Conservation Act which I was pleased to sponsor in 1997. In the decade since its enactment, the Secretary of the Interior has carefully reviewed over 300 conservation projects designed to save Asian elephants for future generations. The Secretary has approved 183 of these grant proposals which have received $9 million in Federal funds and $11.3 million in private matching funds.

As every witness testified, there is an overwhelming need to extend this important conservation program and there is no question that these conservation funds have had a profound impact on protecting this irreplaceable species. While everyone enjoys seeing elephants at the National Zoo, it is far more important that they continue to exist in the wild in Burma, India and Thailand. The road to extinction is a one-way street and we must work to ensure that the Asian elephant does not make that journey.

I am proud to urge my colleagues to vote "aye" on H.R. 465, the Asian Elephant Conservation Reauthorization Act. It is an appropriate and sound investment of U.S. tax dollars.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 465, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM AMENDMENTS ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1239) to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Underground Railroad Network to Freedom Amendments Act of 2007".

SEC. 2. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 469l et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

(3) by adding at the end the following new section:

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

"(1) $2,000,000 is to be used for the purposes of section 3.

"(2) $500,000 is to be used for the purposes of section 4.

"(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1239, introduced by the gentleman from Florida (Mr. HASTINGS), seeks to further the commitment made by Congress with the passage of the National Underground Railroad Network to Freedom Act of 1998 by reconfiguring the authorization of funds to carry out the act.

Mr. Speaker, the Underground Railroad was a historic protest movement against slavery which helped escaped slaves find freedom in Northern States and Canada prior to the Civil War.

The National Underground Railroad Network to Freedom Act of 1998 established the Underground Network to Freedom Program administered by the National Park Service. Today the program carries out important activities in more than 27 States and the District of Columbia.

Mr. Speaker, I would like to commend my friend and colleague from Florida (Mr. HASTINGS) for his work on this legislation. He has been a real leader in this bipartisan effort to enhance the Underground Railroad Network to Freedom Program. We support passage of H.R. 1239, as amended, and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 1239, and yield myself such time as I may consume.

I would like to commend the sponsor, the gentleman from Florida (Mr. HASTINGS), as well as the chairman of the subcommittee Mr. GRIJALVA, for explaining this bill. We appreciate the work that has been done to improve the bill, and look forward to see the program succeed. I urge Members' support.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS), the author and sponsor of this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 1239, the National Underground Railroad Network to Freedom Reauthorization Act. I introduced this legislation with my good friend, the gentleman from Delaware (Mr. CASTLE).

The widespread bipartisan support this legislation has received with 67 cosponsors and endorsement by the National Parks Conservation Association has demonstrated that black history is synonymous with American history as life experience shared by all citizens of America.

I would like to thank Chairman RAHALL and Mr. DON YOUNG of the Natural Resources Committee for bringing this important legislation to the floor, and I would especially like to thank the gentleman from Arizona (Mr. GRIJALVA), the subcommittee chairman, and his counterpart, Representative ROB BISHOP, for their support. And my congratulations to Mrs. MCMORRIS RODGERS on her recent addition to her family and her finding time to come and support this legislation as well.

With passage of this legislation, I hope that the National Park Service will give the National Underground Railroad Network to Freedom its due priority with adequate staffing to maintain the growing network. Toward that end, I would also like to thank the staff of the respective committees who helped to expedite this matter.

Mr. Speaker, when I joined my esteemed former colleague, as did many other Members, and the person to whom I am referring is Representative Lou Stokes, in 1998, he led the effort to establish the National Underground Railroad to Freedom. I don't think any of us could have foreseen the emergence of the National Park Service as one of the largest stewards of black history in the United States. Nor could we have predicted the rapidly expanding support and interest for one of the most intriguing multicultural collaborations in the history of our Nation.

The Network to Freedom is a key feature that diversifies engagement in interpretive opportunities of our National Park System. It has grown to 300 programs, sites, and partners in 28 States and the District of Columbia. This network is a national treasure of historic buildings, routes, programs, projects, and museums with thematic connections to the Underground Railroad.

The legislation before us today appropriately adjusts the authorization levels for the Network to Freedom to reflect the growth of interest nationally, and the resulting expansion of opportunities. These adjustments will help to resolve the financial challenges facing the Network to Freedom that include the lack of consistent development grants and administrative support for affiliates.

Mr. Speaker, this bill protects the interpretive interests of our National Park System by providing the necessary support staff and oversight for the Network to Freedom to exist in perpetuity. It is time to take a stand for the future of our national parks and American history.

I urge my colleagues to support this bill and preserve a vital asset to the history of our Nation, the Underground Railroad.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 1239, the National Underground Railroad Network to Freedom Reauthorization Act. I introduced this legislation in February with my good friend Representative Castle of Delaware as one contribution to the celebration of Black History Month.

The widespread bi-partisan support this legislation has received with 67 cosponsors and endorsement by the National Parks Conservation Association has demonstrated that Black history is synonymous with American history as a life experience shared by all citizens of America.

I would like to thank Chairman RAHALL and Ranking Member YOUNG of the Natural Resources Committee for bringing this important legislation to the floor. I would also like to thank Subcommittee Chairman GRIJALVA and Representative ROB BISHOP for their support and minor adjustments to this legislation to meet the needs of the National Park Service administration. With passage of this legislation, I hope that the National Park Service will give the National Underground Railroad Network to Freedom its due priority with adequate staffing to maintain the growing network.

Mr. Speaker, when I joined my esteemed former colleague Representative Louis Stokes in 1998 to establish the National Underground Railroad Network to Freedom, I do not think we could have foreseen the emergence of the National Park Service as one of the largest stewards of black history in the United States. Nor could we have predicted the rapidly expanding support and interest for one of the most intriguing multicultural collaborations in the history of our Nation.

In this polarized historical moment of American politics, remembering the Underground Railroad as a unifying narrative in our history could not be timelier. The sacrifice at the risk of death made by conductors and travelers of the Underground Railroad was an unprecedented contribution to the abolition of slavery. The contributors to this network included the members of the Society of Religious Friends, commonly referred to as the Quakers, as well as other concerned individuals. Thus, the Underground Railroad was one of the first synergistic partnerships that fostered the development of the thriving multicultural society that is the United States of America.

Mr. Speaker, the Network to Freedom is a key feature that diversifies engagement in interpretive opportunities of our national park system. It has grown to 300 programs, sites, and partners in 28 states and the District of Columbia. This network is a national treasure of historic buildings, routes, programs, projects, and museums with thematic connections to the Underground Railroad.

The legislation before us today appropriately adjusts authorization levels for the Network to Freedom to reflect the growth of interest nationally and the resulting expansion of opportunities. As a part of a concerted movement to overcome the funding challenges that threaten all national parks, this legislation moderately expands the operating funds of Network to Freedom to an authorization for appropriations up to $2 million and establishes appropriate oversight for grant funds. These adjustments will help to resolve the financial challenges facing the Network to Freedom that include the lack of consistent development grants and administrative support for affiliates.

Mr. Speaker, this bill will protect the interpretive interests of our National Park System by providing the necessary support staff and oversight for the Network to Freedom to exist in perpetuity. It is time to take a stand for the future of our National Parks and American history.

I urge my colleagues to support this bill and join me in preserving a vital asset to the history of our Nation: the Underground Railroad.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 1239, the National Underground Railroad Network to Freedom Reauthorization Act of 2007.

Established in 1998, the Network to Freedom encompasses over 250 programs, sites, and partners in over 27 states and the District of Columbia, and is the only national program dedicated to the preservation, interpretation, and dissemination of Underground Railroad history.

Recent National Park Service financial projections, however, show the Network to Freedom budget reducing by 72 percent by the year 2011. Without continued and adequate funding, efforts to disseminate this critical history and build on the program's successes will be greatly diminished. H.R. 1239 will reauthorize the National Underground Railroad Network to Freedom Act by increasing funding to cover needed operations costs for the National Parks Service to carry out the provisions of the program, and by increasing the availability of grant funding to support Underground Railroad preservation and interpretative projects throughout the United States.

With nine Network to Freedom sites throughout Delaware and reports that more passengers came through Wilmington on the Underground Railroad than any other place, this program has a real local significance. Underground Railroad stations were operated by a few very effective people throughout Delaware in Blackbird, Camden, Middletown, New Castle, Hockessin and Wilmington. Thomas Garrett, for example, is known as Delaware's greatest station master. Spending the greater part of his lifetime working in the Underground Railroad, Thomas Garrett is credited with helping 2,700 slaves reach freedom.

By playing a critical role in helping local communities to effectively share the stories of the men and women who resisted slavery through escape and flight in the Underground Railroad, this program highlights the rich history of Delaware and many other states and is an asset to our National Parks System. I believe strongly in promoting programs and partnerships to commemorate this time in history and educating the public about the historical significance of the Underground Railroad.

I encourage my colleagues on both sides of the aisle to join me in supporting passage of H.R. 1239.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support the National Underground Railroad Network to Freedom, an important program that keeps alive the memory of the Underground Railroad and the spirit of freedom, justice and equality encompassed therein.

The Underground Railroad stood as a beacon of hope during a time of slavery and oppression for millions of African-Americans. Tens of thousands of enslaved individuals used the network of clandestine routes, safe houses, meeting points and secret codes known as the Underground Railroad to escape to freedom during the first half of the 19th century.

In 1998, Congress established the National Underground Railroad Network to Freedom. This network of 300 affiliate sites across the United States has done an excellent job over the last decade in increasing public awareness of the Underground Railroad, the amazing individuals who made it possible, and its numerous accomplishments. However, this tremendous program has faced persistent underfunding since its inception and is projected to face a budgetary shortfall of nearly 80 percent by 2011 unless its funding is increased.

The National Underground Railroad Network to Freedom Reauthorization Act presents a sensible and important solution to this challenge. This bill will authorize $2.5 million annually for the operation of the Network to Freedom program, an increase from the $500,000 currently authorized. This modest increase will provide the program with sufficient funding to allow it to retain the staff and resources necessary to continue educating the American public about this shining example of truly American values.

Mr. Speaker, I believe strongly in the values embodied by the Underground Railroad and the people who made it a reality. I am proud to be an original cosponsor of the National Underground Railroad Network to Freedom Reauthorization Act, which I believe is a crucial step in keeping alive the memory of the Underground Railroad. I commend my friend and colleague, Mr. HASTINGS of Florida, for introducing this important legislation.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1239, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes.".

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Hon. MARK UDALL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued in the Municipal Court of the City of Westminster, Colorado, for testimony in a criminal case.

I do not appear to have any relevant or material testimony to offer. Accordingly, after consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

MARK UDALL,
Member of Congress.

OVERSEAS PRIVATE INVESTMENT CORPORATION REAUTHORIZATION ACT OF 2007

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2798) to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Private Investment Corporation Reauthorization Act of 2007".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since its founding in 1971, the Overseas Private Investment Corporation (in this section referred to as "OPIC") has helped to mobilize and facilitate private capital by United States investors in developing and emerging market countries in support of United States foreign policy and development goals.

(2) OPIC assistance should not, in any way, support projects in countries that reject their obligations to support international peace, security, and basic human rights.

(3) OPIC assistance should not be provided to those who support enemies of the United States.

(4) OPIC assistance is a privilege and should be granted to persons that, along with their affiliated companies, demonstrate responsible and sustainable business practices, particularly with regard to the environment, international worker rights, and efforts

against genocide and nuclear proliferation. Denial of OPIC assistance is not a penalty or sanction.

(5) Over OPIC's 35-year history, OPIC has supported $177,000,000,000 in operating investments in more than 150 developing countries, helping to create more than 800,000 jobs and some $13,000,000,000 in host-government revenues.

(6) OPIC projects have generated $71,000,000,000 in United States exports and supported more than 271,000 United States jobs.

(7) Projects assisted by OPIC in fiscal year 2006 are projected to generate $1,000,000,000 in United States exports, support more than 2,700 United States jobs, and have a positive impact on the United States balance of payments.

(8) In fiscal year 2006, 87 percent of all OPIC-supported projects supported small-and-medium-sized businesses in the United States.

(9) In an era of limited Federal budgetary resources, OPIC has consistently demonstrated an ability to operate on a self-sustaining basis to support United States companies, all at a net cost of zero to the United States taxpayer.

(10) OPIC has reserves totaling approximately $5,300,000,000 and will make an estimated net budget contribution to the international affairs account of $159,000,000 in fiscal year 2008.

SEC. 3. REAUTHORIZATION OF OPIC PROGRAMS.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking "September 30, 2007" and inserting "September 30, 2011" .

SEC. 4. PREFERENTIAL CONSIDERATION OF CERTAIN INVESTMENT PROJECTS.

Section 231(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191(f)) is amended to read as follows:

"(f) to give preferential consideration to investment projects in less developed countries the governments of which are receptive to private enterprise, domestic and foreign, and to projects in countries the governments of which are willing and able to maintain conditions that enable private enterprise to make its full contribution to the development process;".

SEC. 5. REQUIREMENTS REGARDING INTERNATIONAL WORKER RIGHTS.

(a) COUNTRY REQUIREMENTS.—Subsection (a) of section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(a)) is amended—

(1) by amending the subsection heading to read as follows: "INTERNATIONAL WORKER RIGHTS";

(2) in paragraph (4), by striking "(4) In" and inserting "(5) ADDITIONAL DETERMINATION.—In " ; and

(3) by striking paragraphs (1) through (3) and inserting the following:

"(1) LIMITATION ON OPIC ACTIVITIES.—(A) The Corporation may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken has made or is making significant progress towards the recognition, adoption, and implementation of laws that substantially provide international worker rights, including in any designated zone, or special administrative region or area, in that country.

"(B) The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide financial support under this title:

" 'The investor agrees not to take any actions to obstruct or prevent employees of the foreign enterprise from exercising their international worker rights (as defined in section 238(h) of the Foreign Assistance Act of 1961), and agrees to adhere to the obligations regarding those international worker rights.'

"(2) PREFERENCE TO CERTAIN COUNTRIES.—To the degree possible and consistent with its development objectives, the Corporation shall give preferential consideration to projects in countries that have adopted, maintain, and enforce laws that substantially provide international worker rights.

"(3) USE OF ANNUAL REPORTS ON INTERNATIONAL WORKER RIGHTS.—The Corporation shall, in carrying out paragraph (1)(A), use, among other sources, the reports submitted to the Congress pursuant to section 504 of the Trade Act of 1974. Such other sources include the observations, reports, and recommendations of the International Labor Organization, and other relevant organizations.

"(4) INAPPLICABILITY TO HUMANITARIAN ACTIVITIES.—Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, guaranty, financing, or other assistance for the provision of humanitarian assistance in a country.".

(b) BOARD OF DIRECTORS.—Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended by adding at the end the following: "The selection of the small business, organized labor, and cooperative directors should be made, respectively, in consultation with relevant representative organizations.".

(c) DEFINITIONS.—Section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198) is amended—

(1) in subsection (f), by striking "and" after the semicolon;

(2) in subsection (g), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(h) the term 'international worker rights' means—

"(1) internationally recognized worker rights, as defined in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)); and

"(2) the elimination of discrimination with respect to employment and occupation.".

(d) GENERAL PROVISIONS AND POWERS.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended—

(1) in subsection (h), by adding at the end the following: "In addition, the Corporation should consult with relevant stakeholders in developing such criteria."; and

(2) in subsection (i), in the first sentence, by inserting ", including international worker rights," after "fundamental freedoms".

SEC. 6. ENVIRONMENTAL ASSESSMENTS.

Section 231A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(b)) is amended to read as follows:

"(b) ENVIRONMENTAL IMPACT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts, unless for at least 60 days before the date of the vote—

"(1) an environmental impact assessment, or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

"(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.".

SEC. 7. COMMUNITY SUPPORT.

Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is amended by adding at the end the following:

"(p) COMMUNITY SUPPORT.—To the maximum extent practicable, the Corporation shall require the applicant for a project that is subject to section 231A(b) to obtain broad community support for the project.".

SEC. 8. CLIMATE CHANGE MITIGATION ACTION PLAN.

Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CLIMATE CHANGE MITIGATION.

"(a) MITIGATION ACTION PLAN.—The Corporation shall, not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, institute a climate change mitigation action plan that includes the following:

"(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—

"(A) INCREASING ASSISTANCE.—The Corporation shall establish a goal of substantially increasing its support of projects that use, develop, or otherwise promote the use of clean energy technologies over the 4-year period beginning on the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007.

"(B) PREFERENTIAL TREATMENT TO PROJECTS.—The Corporation shall give preferential treatment to the evaluation and awarding of assistance for and provide greater flexibility in supporting projects that use, develop, or otherwise promote the use of clean and efficient energy technologies.

"(2) ENVIRONMENTAL IMPACT ASSESSMENTS.—

"(A) GREENHOUSE GAS EMISSIONS.—The Corporation shall, in making an environmental impact assessment for a project under section 231A(b), take into account the degree to which the project contributes to the emission of greenhouse gases.

"(B) OTHER DUTIES NOT AFFECTED.—The requirement under subparagraph (A) is in addition to any other requirement, obligation, or duty that the Corporation has.

"(3) REPORT TO CONGRESSIONAL COMMITTEES.—The Corporation shall, within 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the plan developed to carry out paragraph (1)(A). Thereafter, the Corporation shall include in its annual report under section 240A a discussion of such plan and its implementation.

"(b) EXTRACTION INVESTMENTS.—

"(1) PRIOR NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Corporation may not approve any contract of insurance or reinsurance, or any guaranty, or enter into any agreement to provide financing for any project which significantly involves an extractive industry and in which assistance by the Corporation would be valued at $10,000,000 or more (including contingent liability), until at least 30 days after the Corporation notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such contract or agreement.

"(2) COMMITMENT TO EITI PRINCIPLES.—The Corporation may approve a contract of insurance or reinsurance, or any guaranty, or enter into an agreement to provide financing to an eligible investor for a project that significantly involves an extractive industry only if—

“(A) the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria; or

“(B) the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria.

“(3) PREFERENCE FOR CERTAIN PROJECTS.—With respect to all projects that significantly involve an extractive industry, the Corporation, to the degree possible and consistent with its development objectives, shall give preference to a project in which both the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria, and the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria.

“(4) DEFINITIONS.—In this subsection:

“(A) EXTRACTIVE INDUSTRY.—The term ‘extractive industry’ refers to an enterprise engaged in the exploration, development, or extraction of oil and gas reserves, metal ores, gemstones, industrial minerals, or coal.

“(B) EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE PRINCIPLES AND CRITERIA.—The term ‘Extractive Industries Transparency Initiative principles and criteria’ means the principles and criteria of the Extractive Industries Transparency Initiative, as set forth in Annex A to the Anti-Corruption Policies and Strategies Handbook of the Corporation, as published in September 2006.

“(5) REPORTING REQUIREMENT.—The Corporation shall include in its annual report required under section 240A a description of its activities to carry out this subsection.

“(c) DEFINITIONS.—In this section:

“(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term ‘clean and efficient energy technology’ means an energy supply or end-use technology—

“(A) such as—

“(i) solar technology;

“(ii) wind technology;

“(iii) geothermal technology;

“(iv) hydroelectric technology; and

“(v) carbon capture technology; and

“(B) that, over its life cycle and compared to a similar technology already in commercial use—

“(i) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the country involved;

“(ii) results in—

“(I) reduced emissions of greenhouse gases; or

“(II) increased geological sequestration; and

“(iii) may—

“(I) substantially lower emissions of air pollutants; or

“(II) generate substantially smaller and less hazardous quantities of solid or liquid waste.

“(2) GREENHOUSE GAS.—The term ‘greenhouse gas’ means—

“(A) carbon dioxide;

“(B) methane;

“(C) nitrous oxide;

“(D) hydrofluorocarbons;

“(E) perfluorocarbons; or

“(F) sulfur hexafluoride.”.

SEC. 9. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 237 of the of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following:

“(q) PROHIBITION ON ASSISTANCE FOR CERTAIN RAILWAY PROJECTS.—The Corporation may not provide insurance, reinsurance, a guaranty, financing, or other assistance to support the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does connect Azerbaijan and Turkey.”.

SEC. 10. INELIGIBILITY OF PERSONS DOING CERTAIN BUSINESS WITH STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following:

“(r) INELIGIBLE PROJECTS.—

“(1) IN GENERAL.—A project will not be eligible to receive support provided by the Corporation under this title if either of the following applies:

“(A)(i) An applicant for insurance, reinsurance, financing, or other support for a project provided to the government of a state sponsor of terrorism a loan, or an extension of credit, that remains outstanding.

“(ii) For purposes of this subparagraph, the sale of goods, other than food or medicine, on any terms other than a cash basis shall be considered to be an extension of credit.

“(B) An applicant for insurance, reinsurance, financing, or other support for a project has an investment commitment valued at $20,000,000 or more for the energy sector in a country that is a state sponsor of terrorism.

“(2) DEFINITIONS.—In this subsection:

“(A) CASH BASIS.—The term ‘cash basis’ refers to a sale in which the purchaser of goods or services is required to make payment in full within 45 days after receiving the goods or services.

“(B) ENERGY SECTOR.—The term ‘energy sector’ refers to activities to develop or transport petroleum or natural gas resources.

“(C) INVESTMENT COMMITMENT.—The term ‘investment commitment’ means any of the following activities if such activity is undertaken pursuant to a commitment, or pursuant to the exercise of rights under a commitment, that was entered into with the government of a state sponsor of terrorism or a nongovernmental entity in a country that is a state sponsor of terrorism:

“(i) The entry into a contract that includes responsibility for the development of petroleum resources located in a country that is a state sponsor of terrorism, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

“(ii) The purchase of a share of ownership, including an equity interest, in that development.

“(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

“(D) STATE SPONSOR OF TERRORISM.—The term ‘state sponsor of terrorism’ means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, to be a government that has repeatedly provided support for acts of international terrorism.

“(3) CERTIFICATION.—

“(A) BY APPLICANTS.—A person or entity applying for insurance, reinsurance, a guaranty, financing, or other assistance under this title may not receive such support unless its chief executive officer certifies to the Corporation, under penalty of perjury, that the person or entity and its majority-owned subsidiaries are not engaged in any activity described in subparagraph (A) or (B) of paragraph (1).

“(B) BY ULTIMATE PARENT ENTITIES.—In the case of an applicant that is a majority-owned entity of another entity, in addition to the certification under subparagraph (A), the chief executive officer of the ultimate parent entity of the applicant must certify, under penalty of perjury, that it and its majority-owned subsidiaries are not engaged in any activity described in subparagraph (A) or (B) of paragraph (1).

“(C) APPLICATION TO STRAW MAN TRANSACTIONS.—In any case in which—

“(i) an applicant for insurance, reinsurance, financing, or other assistance under this title is providing goods and services to a project,

“(ii) more than 50 percent of such goods and services are acquired from an unaffiliated entity, and

“(iii) the unaffiliated entity is receiving $20,000,000 or more, or sums greater than 50 percent of the amount of the assistance provided by the Corporation for the project (including contingent liability), for such goods or services,

then the chief executive officer of the unaffiliated entity must make a certification under subparagraph (A), and any ultimate parent entity must make a certification required by subparagraph (B).

“(D) DILIGENT INQUIRY.—A certification required by subparagraph (A), (B), or (C) may be made to the best knowledge and belief of the certifying officer if that officer states that he or she has made diligent inquiry into the matter certified.

“(E) EXCEPTION.—(i) A chief executive officer of an applicant or other entity may provide a certification required by subparagraph (A), (B), or (C) with respect to the activity of a majority-owned subsidiary or entity notwithstanding activity by such majority-owned subsidiary or entity that would cause a project to be ineligible for support under subparagraph (A) or (B) of paragraph (1) if such activity is carried out under a contract or other obligation of such majority-owned subsidiary or entity that was entered into or incurred before the acquisition of such majority-owned subsidiary or entity by the applicant or ultimate parent entity.

“(ii) Clause (i) shall not apply if the terms of such contract or other obligation are expanded or extended after such acquisition.

“(F) DEFINITION.—For purposes of this paragraph, a person is an ultimate parent of an entity if the person owns directly, or through majority ownership of other entities, greater than 50 percent of the equity of the entity.

“(4) EXCEPTION.—The prohibition in paragraph (1) shall not—

“(A) apply to a loan, extension of credit, or investment commitment by an applicant, or other entity covered by a certification under subparagraph (A), (B), or (C) of paragraph (3), in Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei, Darfur, if the Corporation, with the concurrence of the Secretary of State, determines that such loan, extension of credit, or investment commitment will provide emergency relief, promote economic self-sufficiency, or implement a nonmilitary program in support of a viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement; or

"(B) prohibit the Corporation from providing support for projects in Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei, Darfur, if the Corporation, with the concurrence of the Secretary of State, determines that such projects will provide emergency relief, promote economic self-sufficiency, or implement a nonmilitary program in support of a viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

"(5) PROSPECTIVE APPLICATION OF SUBSECTION.—This subsection shall not be applied to limit support by the Corporation under this title because an applicant, or other entity covered by a certification under subparagraph (A), (B), or (C) of paragraph (3) engaged in commercial activity specifically licensed by the Office of Foreign Assets Control of the Department of the Treasury.".

(b) TERMINATION.—

(1) IN GENERAL.—The amendment made by this section shall cease to be effective with respect to a country that is a state sponsor of terrorism 30 days after the President certifies to the appropriate congressional committees that—

(A) the country has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism;

(B) the country does not possess nuclear weapons or a significant program to develop nuclear weapons; and

(C) the country is not committing genocide or conducting a program of ethnic cleansing against a civilian population that approaches genocide.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(B) STATE SPONSOR OF TERRORISM.—The term "state sponsor of terrorism" has the meaning given that term in section 237(r)(2)(D) of the Foreign Assistance Act of 1961, as added by subsection (a) of this section.

SEC. 11. INCREASED TRANSPARENCY.

(a) IN GENERAL.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following new subsections:

"(s) AVAILABILITY OF PROJECT INFORMATION.—Beginning 90 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, the Corporation shall make public, and post on its Internet website, summaries of all new projects supported by the Corporation, and other relevant information, except that the Corporation shall not include any confidential business information in the summaries and information made available under this subsection.

"(t) REVIEW OF METHODOLOGY.—Not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, the Corporation shall publish in the Federal Register and periodically revise, subject to a period of public comment, the detailed methodology, including relevant regulations, used to assess and monitor the impact of projects supported by the Corporation on the development and environment of, and international worker rights in, host countries, and on United States employment.

"(u) PUBLIC NOTICE PRIOR TO PROJECT APPROVAL.—

"(1) PUBLIC NOTICE.—The Board of Directors of the Corporation may not vote in favor of any action proposed to be taken by the Corporation on any Category A project until at least 60 days after the Corporation—

"(A) makes available for public comment a summary of the project and relevant information about the project; and

"(B) makes the summary and information described in paragraph (1) available to locally affected groups in the area of impact of the proposed project, and to host country nongovernmental organizations.

The Corporation shall not include any business confidential information in the summary and information made available under subparagraphs (A) and (B).

"(2) PUBLISHED RESPONSE.—To the extent practicable, the Corporation shall publish responses to the comments received under paragraph (1) with respect to a Category A project and submit the responses to the Board not later than 7 days before a vote is to be taken on any action proposed by the Corporation on the project.

"(3) DEFINITIONS.—In this subsection, the term 'Category A project' means any project or other activity for which the Corporation proposes to provide insurance, reinsurance, financing, or other support under this title and which is likely to have significant adverse environmental impacts.".

(b) OFFICE OF ACCOUNTABILITY.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following new subsection:

"(v) OFFICE OF ACCOUNTABILITY.—The Corporation shall maintain an Office of Accountability to provide problem-solving services for projects supported by the Corporation and to review the Corporation's compliance with its environmental, social, worker rights, human rights, and transparency policies and procedures, to the maximum extent practicable. The Office of Accountability shall operate in a manner that is fair, objective and transparent.".

SEC. 12. FRAUD AND OTHER BREACHES OF CONTRACT.

Section 237(n) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(n)) is amended—

(1) by striking "Whoever" and inserting:

"(1) IN GENERAL.—Whoever"; and

(2) by adding at the end the following:

"(2) DEFERRALS TO DEPARTMENT OF JUSTICE.—(A) The President of the Corporation shall refer to the Department of Justice for appropriate action information known to the Corporation concerning any substantial evidence of—

"(i) a violation of this title;

"(ii) a material breach of contract entered into with the Corporation by an eligible investor; or

"(iii) a material false representation made by an investor to the Corporation.

"(B) Subparagraph (A) does not apply if the President of the Corporation concludes that the matter described in clause (i), (ii), or (iii), as the case may be, of subparagraph (A)—

"(i) is not evidence of a possible violation of criminal law; and

"(ii) is not evidence that the Federal Government is entitled to civil remedy or to impose a civil penalty. ".

SEC. 13. TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.

(a) IN GENERAL.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended by adding at the end the following:

"(l) TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.—

"(1) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—With respect to any investment fund that the Corporation creates on or after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, the Corporation may select persons to manage the fund only by contract using full and open competitive procedures.

"(2) CRITERIA FOR SELECTION.—In assessing proposals for investment fund management proposals, the Corporation shall consider, in addition to other factors, the following:

"(A) The prospective fund management's experience, depth, and cohesiveness.

"(B) The prospective fund management's track record in investing risk capital in emerging markets.

"(C) The prospective fund management's experience, management record, and monitoring capabilities in its target countries, including details of local presence (directly or through local alliances).

"(D) The prospective fund management's experience as a fiduciary in managing institutional capital, meeting reporting requirements, and administration.

"(E) The prospective fund management's record in avoiding investments in companies that would be disqualified under section 237(r).

"(3) ANNUAL REPORT.—The Corporation shall include in each annual report under section 240A an analysis of the investment fund portfolio of the Corporation, including the following:

"(A) FUND PERFORMANCE.—An analysis of the aggregate financial performance of the investment fund portfolio grouped by region and maturity.

"(B) STATUS OF LOAN GUARANTIES.—The amount of guaranties committed by the Corporation to support investment funds, including the percentage of such amount that has been disbursed to the investment funds.

"(C) RISK RATINGS.—The definition of risk ratings, and the current aggregate risk ratings for the investment fund portfolio, including the number of investment funds in each of the Corporation's rating categories.

"(D) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—The number of proposals received and evaluated for each newly established investment fund.".

(b) GAO AUDIT.—Not later than 1 year after the submission of the first report to Congress under section 240A of the Foreign Assistance Act of 1961 that includes the information required by section 239(l)(3) of that Act (as added by subsection (a) of this section), the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an independent assessment of the investment fund portfolio of the Overseas Private Investment Corporation, covering the items required to be addressed under such section 239(l)(3).

SEC. 14. EXTENSION OF AUTHORITY TO OPERATE IN IRAQ.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended by adding at the end the following:

"(m) OPERATIONS IN IRAQ.—Notwithstanding subsections (a) and (b) of section

237, the Corporation is authorized to undertake in Iraq any program authorized by this title.".

SEC. 15. CONSISTENCY WITH EXISTING LAW.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is further amended by adding at the end the following:

"(n) CONSISTENCY WITH OTHER LAW.—Section 620L of this Act shall apply to any insurance, reinsurance, guaranty, or other financing issued by the Corporation for projects in the West Bank and Gaza to the same extent as such section applies to other assistance under this Act.

"(o) LIMITATION ON ASSISTANCE TO GAZA AND THE WEST BANK.—The Corporation may not provide insurance, reinsurance, a guaranty, financing, or other assistance to support a project in any part of Gaza or the West Bank unless the Secretary of State determines that the location for the project is not under the effective control of Hamas or any other foreign terrorist organization designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).".

SEC. 16. CONGRESSIONAL NOTIFICATION REGARDING MAXIMUM CONTINGENT LIABILITY.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is further amended by adding at the end the following:

"(p) CONGRESSIONAL NOTIFICATION OF INCREASE IN MAXIMUM CONTINGENT LIABILITY.—The Corporation shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 15 days after the date on which the Corporation's maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234(b) and (c), exceeds the previous fiscal year's maximum contingent liability by 25 percent.".

SEC. 17. ASSISTANCE FOR SMALL BUSINESSES AND ENTITIES.

Section 240 of the Foreign Assistance Act of 1961 (22 U.S.C. 2200) is amended by adding at the end the following:

"(c) RESOURCES DEDICATED TO SMALL BUSINESSES, COOPERATIVES, AND OTHER SMALL UNITED STATES INVESTORS.—The Corporation shall ensure that adequate personnel and resources, including senior officers, are dedicated to assist United States small businesses, cooperatives, and other small United States investors in obtaining insurance, reinsurance, financing, and other support under this title. The Corporation shall include, in each annual report under section 240A, the following information with respect to the period covered by the report:

"(1) A description of such personnel and resources.

"(2) The number of small businesses, cooperatives, and other small United States investors that received such insurance, reinsurance, financing, and other support, and the dollar value of such insurance, reinsurance, financing and other support.

"(3) A description of the projects for which such insurance, reinsurance, financing, and other support was provided.".

SEC. 18. TECHNICAL CORRECTIONS.

(a) PILOT EQUITY FINANCE PROGRAM.—Section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) TRANSFER AUTHORITY.—Section 235 of the Foreign Assistance Act of 1961 (22 U.S.C. 2195) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(c) GUARANTY CONTRACT.—Section 237(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is amended by inserting "insurance, reinsurance, and" after "Each".

(d) TRANSFER OF PREDECESSOR PROGRAMS AND AUTHORITIES.—

(1) TRANSFER.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by the preceding provisions of this Act, is amended—

(A) by striking subsection (b); and

(B) by redesignating the subsections (c) through (p) as subsections (b) through (o), respectively.

(2) CONFORMING AMENDMENTS.—(A) Section 237(m)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(m)(1)) is amended by striking "239(g)" and inserting "239(f)".

(B) Section 240A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2200A(a)) is amended—

(i) in paragraph (1), by striking "239(h)" and inserting "239(g)"; and

(ii) in paragraph (2)(A), by striking "239(i)" and inserting "239(h)".

(C) Section 209(e)(16) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 31 U.S.C. 1113 note) is amended by striking "239(c)" and "2199(c)" and inserting "239(b)" and "2199(b)", respectively.

(e) ADDITIONAL CLERICAL AMENDMENTS.—Section 234(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2194(b)) is amended by striking "235(a)(2)" and inserting "235(a)(1)".

SEC. 19. EFFECTIVE DATE.

(a) NEW APPLICATIONS.—This Act and the amendments made by this Act shall apply with respect to any application for insurance, reinsurance, a guaranty, financing, or other support under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 if the application is received by the Overseas Private Investment Corporation on or after July 1, 2007, and the application is approved by the Corporation on or after the date of the enactment of this Act.

(b) EXTENSIONS AND RENEWALS.—

(1) IN GENERAL.—Subject to paragraph (2), this Act and the amendments made by this Act shall apply with respect to any extension or renewal of a contract or agreement for any such insurance, reinsurance, guaranty, financing, or support that was entered into by the Corporation before the date of the enactment of this Act if the extension or renewal is approved by the Corporation on or after such date of enactment.

(2) EXCEPTION.—This Act and the amendments made by this Act shall not apply to any extension or renewal which is substantially identical to an extension or renewal formally requested in a detailed writing filed with the Corporation before July 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration, and on the next three resolutions that the House will consider, H. Res. 521, H. Res. 380, and H. Con. Res. 139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

I would like to thank the many colleagues who have been involved in crafting this legislation, including Chairman LANTOS, Ranking Member ROS-LEHTINEN, Ranking Member ROYCE, Mr. MANZULLO, Ambassador Watson and others. Their assistance was critical in the bipartisan effort of making the Overseas Private Investment Corporation even more effective.

As I proceed, I will point out that the Overseas Private Investment Corporation is saddled with the most unfortunate acronym in Washington, OPIC. Let us hope it is not confused with that other, nefarious organization, OPEC.

OPIC's mission is "to mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed countries and areas."

Since its creation in 1971, the Overseas Private Investment Corporation has generated $71 billion in U.S. exports, supported over 271,000 U.S. jobs, and supported projects in over 150 developing countries.

OPIC uses a nimble, private-sector model to accomplish its important public-sector goals, to further development in poor countries, including unstable countries, and to support the goals of American foreign policy. It supports targeted investments in some of the world's poorest countries, many of which would otherwise not benefit from American private-sector projects because the private sector would be otherwise unwilling to take the risks involved.

OPIC, being part of the Federal Government, is uniquely qualified to carry out this mission. There are private sector organizations which will sell on rare occasions expropriation insurance, but they often refuse to sell such insurance or refuse to finance projects in difficult and problematic countries because if expropriation did occur, they would only have their private-sector contacts to persuade the foreign government to relent. In the case of OPIC, it is able to rely on the United States State Department to convince foreign countries not to expropriate projects and assets funded by or guaranteed by the United States agency.

OPIC has a sophisticated system that reviews applications and funds projects in some of the places where companies are least likely to get the very kind of insurance they are most likely to need; namely, insurance for political risk. In fact, OPIC requires applicants for assistance to seek insurance in the private market and certify that it was unavailable before OPIC will offer its services.

OPIC operates at no net cost to the United States taxpayer. Amazingly, it has turned a profit in every single year of its operations and now has reserves of $5.3 billion on deposit in the U.S. Treasury. Despite working in some of the least developed countries of the world, it has amassed this $5.3 billion in reserves. If all of our government agencies ran this way, perhaps even those on the other side of the aisle would be more favorably disposed to Federal programs.

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Today's bill not only reauthorizes OPIC but improves both its strategy and oversight to make it the most responsible investor it can be.

With this bill, the new and improved OPIC will work in countries and with companies, private sector companies, in a manner which provides greater protection for international worker rights.

The new and improved OPIC will take additional steps to guarantee that its projects do not damage the environment and, in fact, move toward a greener economy.

The new and improved OPIC will be as transparent as possible and more transparent than any Federal agency I am aware of.

I want to especially focus on section 10 of the bill because it contains a provision that is unique as to bills that have come to this floor, but which is being talked about in a wide variety of our other bills, designed to focus on using the economic power of the United States to deal with terrorist countries, particularly those who are committing genocide, such as Sudan, or developing nuclear weapons, such as Iran and North Korea.

If this bill is enacted, this provision would be the only statute requiring a screen for companies doing business with a U.S. government agency that requires the private sector companies to certify that neither they nor any entity, as part of their affiliated group of corporations, is engaging in an enterprise which is helping terrorist states as defined in the bill.

Now, one of the toughest issues for anyone trying to use the economic power of the United States to achieve our foreign policy objectives must ask is, what types of investments are we trying to discourage? The broader the definition of what we're trying to discourage, the less focused the pressure that we put on private sector entities.

In this bill, and this is a bill that I hope will form a template for the divestiture movement in the United States, for procurement laws that come before this Congress, et cetera, we focus rather narrowly the economic pressure of the United States. We tell these multinational corporations that we're not going to bar you from dealing with OPIC if you sell a candy bar to a private store in Tehran or you sell paper clips to a stationery store in Khartoum.

Rather, you must certify that your corporation and all its affiliates have abstained from two very important actions: first, that you have made no loan to the terrorist government; and, second, that you are not investing significant assets in the oil and energy sector of a terrorist State, particularly no more than $20 million.

This builds on what used to be called the Iran-Libya Sanctions Act, now the Iran Sanctions Act, which draws the line and finds the pressure point for both Iran and Sudan, and probably Syria as well, in stating that our goal is to prevent investments of more than $20 million in the terrorist states' oil sector.

Also, OPIC would not be able to approve an application if the applicant company has an outstanding loan or extension of credit to one of the state sponsors of terrorist governments. Sales of goods other than food and medicine on anything other than a cash basis would constitute U.N. extension of credit for these purposes.

Now, section 10 of the bill would apply these prohibitions, as I've pointed out, to foreign subsidiaries of the applicant. In order to benefit from partnering with OPIC, the entire group of affiliated corporations would have to make the certification.

Section 10 of the bill would require the CEOs of any applicant and the CEO of the applicant's ultimate parent corporation to certify that none of the affiliated groups have engaged in the prohibited activities.

Section 10 is also narrowly targeted with regard to the geography of the Sudan in that it does not prohibit activities in those regions of Sudan not under the power of the Khartoum government.

For 35 years, OPIC has funded and ensured the type of infrastructure-building that no one else would do in some countries where no private corporation would otherwise go. OPIC has paved the way for roads and bridges, buildings and energy facilities in countries marked by conflict and war.

For these reasons, we should reauthorize OPIC.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I'd like to express my admiration to our distinguished chairman; our ranking member, Ms. ROS-LEHTINEN, as well as Mr. SHERMAN, for crafting this important legislation and for bringing it to the careful thought and consideration that colleagues and those looking on today would see easily in evidence in the gentleman from California's remarks, and I am grateful for his leadership.

Mr. Speaker, we all understand that from time to time the Overseas Private Investment Corporation has been the subject of controversy. On the other hand, it is accurate to say that it is significant that every President since 1971 has believed that OPIC is an important tool for advancing international development in U.S. foreign policy by stimulating private capital investment.

In recent years, OPIC appears to have better focused its resources and efforts, bringing economic development to underserved markets in Central America, Africa, Afghanistan, and now in Iraq.

OPIC has also reached out to U.S. small businesses and minority- and women-owned enterprises. For example, more than 80 percent of all OPIC projects approved in fiscal year 2006 involved U.S. small- and medium-sized enterprises.

OPIC has also sought to enhance transparency and fight corruption, thereby leveling the playing field for U.S. businesses as they compete in international markets.

It's also worth noting that OPIC is embarking on new efforts to encourage investments that reduce greenhouse gas emissions and promote the use of clean energy; and by charging market-based fees for its products, OPIC continues to operate as a self-sustaining agency, which I applaud, effectively operating at no net cost to taxpayers and returning net income every year of operation, with reserves now totaling more than $5 billion.

On balance, then, despite controversy, I believe OPIC continues to serve foreign policy interests of the United States, and I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no requests for time. Let me yield myself just a couple of minutes and reemphasize, this is an agency that has conducted its activities at no cost to the Federal Treasury and, in fact, made a profit. It is appropriate that we reauthorize OPIC.

Second, this bill is, I believe, the first to come before this House which defines what precisely it is that we want international corporations to stop doing, and that is, investing in the oil sector of terrorist states, and, second, making loans to terrorist states. That is why I think that this bill may be an important template for other legislation, and I hope it will become a guide for what we expect of companies in procurement legislation, Ex-Im Bank, et cetera.

Mr. MANZULLO. Mr. Speaker, it's a privilege and honor for me to be closely associated again with the effort to reauthorize the

Overseas Private Investment Corporation. Along with now Senator BOB MENENDEZ, former OPIC President George Munoz, and me—the 3Ms—we were able to rescue OPIC from oblivion with a resounding vote of confidence of 357 to 71 to reauthorize OPIC in 1999. OPIC represents the best of both worlds—the agency doesn't cost the U.S. taxpayer any money and it creates jobs and aids in economic development both here and abroad as evidenced by the Congressional findings section in this bill.

I also want to commend Mr. SHERMAN for working with the minority in a bipartisan way in order to produce a bill that can receive overwhelming support. The bill before us today wouldn't be the one I would have written from scratch. However, I am pleased that as the bill has moved through the legislation process, the majority has been sensitive to the concern as to the practical effects of certain provisions in order to insure that OPIC can remain open for business in various markets. I also appreciate the willingness of the majority to continue to keep the lines of communication open.

I also want to commend Mr. SHERMAN for including my suggestion in Section 17 to make sure that OPIC will always continue to have sufficient staff and resources to support small businesses. I also want to thank the majority for their willingness to add in report language a statement that the climate change initiative in Section 8 should not take away from other environmental remediation efforts by OPIC.

However, I would be remiss in my duties if I didn't raise a couple of concerns that I hope will get addressed through the rest of the legislative process. First, I believe that the language dealing with enhanced worker rights in Section 5 will have the counterproductive effect of taking OPIC out of some of the most challenging markets in the world where we have a significant foreign policy interest to see success such as Afghanistan. In my opinion, it would be much better to strengthen OPIC's oversight workforce to make sure that companies live up to the agreements they sign rather than remove OPIC totally from nations that are not making "significant progress" towards worker rights. You can't positively influence a nation in this sensitive area of internal domestic policy if you disengage from the country. A good example is better than speaking a thousands words.

Second, as evidenced by the difficulty to clarify the direction and intent of the language in Section 10, it's hard to narrowly target unilateral sanctions without it either harming other U.S. national interests or the people we are supposedly trying to help. This section could cause big problems down the line, particularly as more and more deals at OPIC are also co-financed or co-insured with foreign investment insurance agencies. This will only lead to the designing out American goods and services from a particular deal and will not produce the desired results.

Mr. Speaker, I commend the majority for their willingness to work together on this bill and I look forward to supporting final passage and eventually seeing an OPIC reauthorization bill signed into law by the President.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2798, the Overseas Private Investment Corporation Act of 2007. I would like to thank my colleague Mr. SHERMAN for introducing this important bipartisan legislation.

The Overseas Private Investment Corporation (OPIC) has led by example in improving the social and economic conditions in some of the world's poorest countries. Today's bill not only reauthorizes OPIC but it improves upon both its strategy and oversight to make it the most responsible investor it can be.

OPIC has, since its inception in 1971, applied a private-sector model to a number of important public-sector goals. By supporting targeted investments in a number of the world's poorest countries, OPIC extends the benefits of American projects to areas where a high level of risk might preclude investment by private companies. In this way, OPIC fills an important void left by the private financial sector. OPIC is essential and vital to the development of many countries, providing political risk insurance against the risks of inconvertibility, political violence, and expropriation allowing business to invest overseas and promote economic development in new and emerging markets.

For the past 35 years, OPIC has funded and insured the type of infrastructure building that no private company would do in some of the countries in which no company would otherwise go. OPIC has paved the way for roads, bridges, buildings, and energy facilities in war-torn and impoverished developing nations, and has accomplished all this while turning a profit and building billions in reserves.

Remarkably, OPIC has itself turned a profit in every single year of its operations. It currently has reserves of over $5.3 billion, despite working in many of the world's least developed nations.

OPIC's sophisticated system involves reviewing applications and funding projects in countries where companies are least likely to get insurance coverage for the risk they are taking. In addition OPIC also provides financing through direct loans and loan guaranties.

With H.R. 2798, OPIC will become a new and improved agency. We live in a world that requires all of us to work together to fight terrorism, hunger and poverty, and for fundamental freedom and rights of every individual. This bill will allow OPIC to work in countries and with companies that provide greater protection for international workers rights.

This legislation has a number of vital safeguards, preventing funds from being used for destructive purposes. It strictly prevents funding for any project that damages the environment, and it ensures that it is not funding projects in nations with the most dangerous regimes in the world, including Iran. This bill prohibits investment in any state sponsor of terrorism, and charges OPIC with researching the subsidiaries of every company it funds to enforce that prohibition. Under the provisions of this bill, OPIC will be as transparent as possible.

I was happy to work with Congressman SHERMAN to include language in the Committee Report to ensure that Iraq is not given a blank check. Given the violent and chaotic situation in Iraq, and due to difficulties in dealing with an unstable Iraqi government, it is necessary to waive certain requirements normally mandatory for OPIC involvement in a country. While I believe that OPIC investment has the potential to be extremely valuable and beneficial for Iraqi reconstruction, I also believe it to be necessary for Iraq to demonstrate that it is making definitive and substantial steps toward the benchmarks set by the United States, including achieving political and national reconciliation.

For 35 years, OPIC has funded and insured infrastructure-building activities that would not otherwise be undertaken by the private sector. This legislation ensures that OPIC can continue its valuable work, building on its legacy of constructive involvement and further refining its strategies and oversight. I believe that OPIC deserves our support, and I strongly support this legislation.

Mr. ROYCE. Mr. Speaker, I want to recognize Subcommittee Chairman SHERMAN for his work on this legislation. He worked this bill thoroughly, and while we disagree on OPIC's merits, he supported my text to reform its investment funds.

OPIC's investment funds, as some may remember, have a troubled history. In the 1990s, then-OPIC president Ruth Harkin said, "If you're an investor in an OPIC-supported fund, the worst you can do is get your money back at the need of 10 years." That's not the free market OPIC professes to support and not surprisingly, these funds were subject to political cronyism.

There have been reforms to the funds of late, including competitively selecting fund managers, but we should mandate them. My language does this.

Fundamentally though, I remain unconvinced that OPIC is doing something worthwhile that the private sector wouldn't do. The burden of proof should be on OPIC, especially in times of accelerating change in financial markets. Several companies have jumped into the political risk insurance business, for example, offering increasingly sophisticated products, . . . so why are we reauthorizing government-backed OPIC to continue competing against them?

We have heard much on the floor trumpeting OPIC's supposed benefits. However, most economists believe that subsidizing investment—which is what OPIC does—merely shifts it around, often to lesser productive locations and uses. The Congressional Research Service has reported, "From the point of view of the U.S. economy as a whole, there is little theoretical support or empirical evidence that supports claims that subsidizing exports or overseas investment offers a positive net gain in jobs to the U.S. economy." That's persuasive evidence against OPIC's claims, and its case for reauthorization.

OPIC makes much of the fact that it returns money to the U.S. Treasury. OK. But let's consider that this money is held against potential liabilities stemming from OPIC's activities. And give most anybody U.S. government-backing to trade on, and they'd turn a profit in financial markets.

One OPIC critic gave a useful description. Investment is like a rope. Less developed countries can only pull it in with good policies; efforts to push in investment, which is OPIC's mandate, are bound to be inefficient.

Mr. Speaker, these are some of the reasons I oppose this legislation reauthorizing OPIC.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2798, the "Overseas Private Investment Corporation Reauthorization Act of 2007". Since its establishment in 1971, OPIC has offered investment financing and political risk insurance to American businesses and lenders, which are willing to direct private capital to developing countries.

While OPIC has proven to be a valuable tool for U.S. foreign and commercial policy, it is in need of some improvement. I am pleased that H.R. 2798 establishes requirements that projects be approved only in countries that are making progress toward adopting international labor and environmental standards. H.R. 2798 also embraces the necessity of promoting peace and stability in the international system by prohibiting OPIC from participating in projects in countries that are sponsors of terrorism, possess or have programs to develop nuclear weapons, or commit genocide.

I would object, however, to one provision in this bill. H.R. 2798 requires OPIC to implement a climate change mitigation action plan, which would include increased support for projects that use and develop clean energy technologies. The bill further stipulates that OPIC submit a report on this plan, as well as annual environmental impact assessments of the projects that it supports, to the House Committee on Foreign Affairs and Senate Committee on Foreign Relations. I respectfully suggest that these reports also be submitted to the House Committee on Energy and Commerce, not only because of the committee's jurisdiction and expertise in policy matters related to energy and foreign commerce, but also because this would augment Congressional oversight of OPIC in order to ensure that its plans for environmentally responsible development receive careful and thorough consideration. It is my sincere hope that the Committee on Foreign Affairs will work with the Committee on Energy and Commerce to address this concern when H.R. 2798 is considered again during conference.

I would urge that the House approve H.R. 2798 and thank my colleagues on the Committee on Foreign Affairs for their work on this bill.

Mr. SHERMAN. Mr. Speaker, I yield back the balance of my time, and I move that we adopt the bill.

Mr. PENCE. Mr. Speaker, I urge adoption of the bill as well, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 2798, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RESOLUTION COMMENDING IDAHO ON WINNING THE BID TO HOST THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 380) commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 380

Whereas Special Olympics is an international nonprofit organization that promotes personal development through sports training and competition;

Whereas Special Olympics advances the understanding of intellectual disabilities through participation and fellowship in the Nation and around the World;

Whereas Special Olympics serves more than 2,500,000 individuals with intellectual disabilities around the globe;

Whereas Special Olympics offers more than 205 programs in over 165 countries;

Whereas Special Olympics offers 30 Olympic-type summer and winter sports to both children and adults with intellectual disabilities;

Whereas Boise, Idaho won the International bid to host the 2009 Special Olympics World Winter Games to be held during February 6–13, 2009;

Whereas thousands of athletes are expected to compete in 7 winter sports in the 2009 Special Olympics World Winter Games; and

Whereas the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the State of Idaho: Now, therefore, be it

Resolved, That the House of Representatives—

(1) applauds the goals and principles of Special Olympics;

(2) salutes the athletes, coaches, family members, friends, and volunteers that make Special Olympics World Winter Games possible;

(3) congratulates the State of Idaho as the host for the 2009 Special Olympics World Winter Games; and

(4) supports the 2009 Special Olympic World Winter Games and the goals of the Special Olympics to enrich the lives of people with intellectual disabilities through sports.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

In 1968, Eunice Kennedy Shriver, the world's great champion of people with intellectual disabilities, created the Special Olympics. For Mrs. Shriver, the founding of the Special Olympics was a capstone of her decades-long effort to improve the lives of people with intellectual disabilities. It is a testament to her dogged dedication that the Special Olympics thrives today.

Eunice's idea was simple: give people with intellectual disabilities the same opportunities other young people have to develop their physical fitness, to create friendships, and to enjoy the thrill of competition.

Today, the Special Olympics offers year-round training in 30 summer and winter sports for both children and adults with intellectual disabilities. The Special Olympics serves more than 2.25 million intellectually disabled people through 200 programs in 160 countries.

I want to salute my colleague Mr. SALI from Idaho for introducing this legislation. Mr. SALI rightfully takes pride that his State has landed the honor of hosting the 2009 Special Olympics World Winter Games. Being named host of the 2009 winter games is a tremendous achievement for the great State of Idaho. There could be no better backdrop than the stark beauty of the State of Idaho and the Sawtooth Mountains.

The Special Olympics has become an important global event. The 2009 games will include thousands of competitors from over 100 countries competing in seven different winter sports. It will be the largest multisport event in the history of the State of Idaho. Idaho will be a terrific host for an event that empowers these brave young men and women and builds their self-esteem.

I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'd like to congratulate Idaho on its successful bid, as well, to host the 2009 Special Olympics World Winter Games and express strong support for H. Res. 380.

The Special Olympics program has benefited countless people with disabilities nationwide and around the globe, raising awareness, fostering support for a great cause while enabling the participants to enhance their self-confidence and gain a sense of well-deserved personal accomplishment through sports and competition. It is, in every sense, a blessing to the participants.

The millions of volunteers, coaches and athletes involved with the Special Olympics do a great service for their community and their country and, of course, to those with intellectual disabilities. I would also say, though, having been involved and been in attendance at Special Olympics programs, I haven't met a volunteer yet, Mr. Speaker, who didn't think that they were richer as a result of their participation in this extraordinary program, to see the courage of those who compete and the extraordinary sacrifice of the parents of those who bring them to such a wonderful opportunity.

Through the dedication of these volunteers, the Special Olympics have continued to grow and impact the lives of more and more people around the world.

The 2009 Winter Games in Idaho promise to be a great showcase for Special Olympics participants from around the world to compete at a high level and demonstrate that disabilities are no match for individuals who are driven to succeed.

Again, I congratulate Idaho for being selected as the host of an event of such magnitude. I extend my best wishes to their new Governor and my friend, and I am fully confident that it will be a resounding success.

I urge my colleagues to render their full support for this resolution.

Mr. Speaker, I reserve the balance of my time.

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Mr. SHERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. PENCE. Mr. Speaker, I again express support for H. Res. 380 and congratulate the State of Idaho for winning the opportunity to host the 2009 Special Olympics World Winter Games.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 380.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

EXPRESSING SENSE OF CONGRESS REGARDING UNTOUCHABILITY IN INDIA

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 139

Whereas the Human Rights Watch and the Center for Human Rights and Global Justice at New York University School of Law released a report in February 2007 that describes caste discrimination against India's "Untouchables" based on in-depth investigations and the findings of Indian governmental and non-governmental organizations on caste-based abuses;

Whereas the United States and the Republic of India have entered into an unprecedented partnership;

Whereas the July 18, 2005, Joint Statement between President George W. Bush and Prime Minister Manmohan Singh stated that, "[a]s leaders of nations committed to the values of human freedom, democracy, and rule of law, the new relationship between India and the United States will promote stability, democracy, prosperity, and peace throughout the world [. . . and] it will enhance our ability to work together to provide global leadership in areas of mutual concern and interest";

Whereas caste is the socioeconomic stratification of people in South Asia based on a combination of work and heredity;

Whereas the "Untouchables", now known as the Dalits, and the people of the forest tribes of India, called Tribals, who together number approximately 200,000,000 people, are the primary victims of caste discrimination in India;

Whereas discrimination against the Dalits and Tribals has existed for more than 2,000 years and has included educational discrimination, economic disenfranchisement, physical abuse, discrimination in medical care, religious discrimination, and violence targeting Dalit and Tribal women;

Whereas Article 17 of the Constitution of India outlaws untouchability;

Whereas despite numerous laws enacted for the protection and betterment of the Dalits and Tribals, they are still considered outcasts in Indian society and are treated as such; moreover, in practice, Dalits and Tribals are frequently denied equal treatment under the law;

Whereas Dalit women suffer both caste and gender discrimination as a result of the deficient administration of justice and are often raped and attacked with impunity;

Whereas the National Commission on Scheduled Castes and Scheduled Tribes has declared that many of the reported cases of atrocities against Dalits and Tribals end in acquittals;

Whereas, despite the fact that many Dalits do not report crimes for fear of reprisals by the dominant castes, national police statistics averaged over the past five years by the National Commission on Scheduled Castes and Scheduled Tribes show that 13 Dalits are murdered every week, five Dalits' homes or possessions are burnt every week, six Dalits are kidnapped or abducted every week, three Dalit women are raped every day, 11 Dalits are beaten every day and a crime is committed against a Dalit every 18 minutes;

Whereas many Dalit girls are forced to become temple prostitutes who are then unable to marry and may be auctioned to urban brothels, and many women trafficked in India are Dalit women;

Whereas low-caste unborn females are targeted for abortions;

Whereas according to Human Rights Watch and India's official National Family Health Survey, most Dalits and Tribals are among those poorest of the poor living on less than $1 per day; most of India's bonded laborers are Dalits; and half of India's Dalit children are undernourished, 21 percent are "severely underweight", and 12 percent die before their 5th birthday;

Whereas Dalits and other low-caste individuals often suffer from discrimination and segregation in government primary schools leading to low enrollment, high drop-out, and low literacy rates, perhaps linked to a perception that Dalits are not meant to be educated, are incapable of being educated, or if educated, would pose a threat to village hierarchies and power relations;

Whereas the Dalits and Tribals maintain higher illiteracy rates than non-Dalit populations; and

Whereas the HIV/AIDS epidemic is India is massive and Dalits and Tribals are significantly affected by HIV/AIDS: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that, as the leaders of the United States and the Republic of India have expressed commitment to the values of human freedom, democracy, and the rule of law, it is in the interests of the United States to address the problem of the treatment of the Dalits and Tribals in India in order to better meet mutual social development and human rights goals by—

(1) raising the issues of caste discrimination, violence against women, and untouchability through diplomatic channels both directly with the Government of India and within the context of international bodies;

(2) encouraging the United States Agency for International Development to ensure that the needs of Dalit organizations are incorporated in the planning and implementation of development projects;

(3) ensuring that projects that positively impact Dalit and Tribal communities, especially Dalit women, are developed and implemented;

(4) ensuring that cooperative research programs targeting rural health care, the HIV/AIDS epidemic, and rural technology contain proper focus on the Dalits and Tribals;

(5) ensuring that anyone receiving funding in India from the United States Government—

(A) is aware that it is United States Government policy that caste discrimination is unacceptable, and that the United States is committed to eliminating it; and

(B) treat all people equally without engaging in caste discrimination;

(6) ensuring that—

(A) qualified Dalits are in no way discouraged from working with organizations receiving funding in India from the United States Government, and that transparent and fair recruitment, selection, and career development processes are implemented, with clear objective criteria; and

(B) procedures exist to detect and remedy any caste discrimination in employment conditions, wages, benefits or job security for anyone working with organizations receiving funding in India from the United States Government;

(7) encouraging United States citizens working in India to avoid discrimination toward the Dalits in all business interactions; and

(8) discussing the issue of caste during bilateral and multilateral meetings, including congressional delegations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

I would like to commend our distinguished colleague Mr. TRENT FRANKS of Arizona for introducing this resolution. Roughly 20 million people in India are subject to discrimination, and sometimes worse, simply because of their caste. Discrimination inflicted against people known as Dalits and Tribals in India is solely based on being born into a certain family. This is an unethical practice and is outlawed under the Indian Constitution. The whole concept of untouchability itself is banned by the Indian Constitution. However, enforcement of this law ought to be strengthened, and crimes against Dalits ought to be prevented, more vigorously investigated and prosecuted.

This resolution seeks to state clearly the sense of the United States Congress in this regard. We must continue to raise this issue in our bilateral meetings with our good friends in the Government of India, especially at a time when the United States-Indian relationship has entered into an unprecedented and unparalleled partnership.

Furthermore, we must ensure the antipoverty programs and other programs we support in India incorporate the needs of the Dalit community. Our government and our companies that do business in India ought to make a special effort to help these people, because right now they may often have little help in their own communities, although there are programs of the Indian Government also focused on meeting these needs.

It is our moral obligation to speak out against abuses of human rights, wherever we see them, even in countries that are our allies and excellent partners. That is why Congress must address the problem of the treatment of Dalits and Tribals in India.

We need to be consistent. It is easy to criticize our adversaries, but we have even more impact when we point out the failings, both past and present, and the need for improvement of our friends and allies.

The world's oldest democracy, the United States, and the world's largest democracy, India, should work together to end legacies of ethnic discrimination in both of our countries.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at the outset, I would like to commend both Chairman LANTOS and the author of this resolution, the distinguished gentleman from Arizona (Mr. FRANKS), as well as Mr. SMITH for their leadership on working to bring this and so many other human rights issues to the attention of this body.

As we all know, India is not only the world's largest English-speaking democracy, but it's one of the world's richest and most diverse civilizations.

India is also emerging as one of the world's most dynamic economies, with the results of that growth uplifting the lives of millions of citizens. Yet despite this impressive record of reform and growth, India, like all countries, including our own, also faces a number of compelling domestic challenges.

As was recently reported in a front-page story in the Washington Post, one of these social traumas relates to the problem of inequality and deep-seated caste prejudice. More than 200 million people in India are considered untouchable, people tainted by their birth into a caste system that deems them impure and almost less than human.

Despite constitutional protections and other legal and regulatory efforts by the Government of India to improve the lives of the Dalits and other Tribal peoples, all too many continue to suffer from human rights abuses, as well as discrimination.

In this regard, the State Department reports that while rare in urban settings, examples of intolerance occur regularly in rural areas. Many Dalits are malnourished, lack access to health care, work in poor conditions and continue to face serious social discrimination.

In addition, Dalit women are all too often the victims of rape and exploitation at the hands of cruel human traffickers. Tragically, they also suffer disproportionately from the ravages of HIV/AIDS.

This Congress and the American people are enormously respectful of Indian sovereignty, its impressive democratic heritage and its respect for the rule of law. As awkward as circumstances may be, for this body not to acknowledge these extraordinary issues would be an error.

In a respectful and well-balanced way, this resolution appropriately shines a light on the plight of India's untouchables, and I believe it deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. I thank the gentleman from Indiana, particularly for noting the ongoing efforts of the Indian Government to deal with this issue. I believe that this resolution should be regarded as one where we will work with the Government of India to deal with what both countries acknowledge to be an ongoing problem.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I am pleased to support this resolution and would reiterate the spirit with which this resolution is brought cannot be more eloquently stated than the gentleman from California just did. This is brought in a spirit of cooperation with a friend to assist them in confronting a domestic challenge, but it is among friends that we speak and will support this legislation today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 139, "Expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India." I believe that this is a very important issue that demands immediate attention, and I am very pleased to see it come before the House today.

I would first like to commend our distinguished colleague, Mr. TRENT FRANKS of Arizona, for introducing this important resolution.

Many Americans would be shocked to learn that the caste system continues to have a substantial hold on Indian society. The caste system is the traditional system of social stratification on the Indian Subcontinent, in which social classes are defined by a number of endogamous, hereditary groups often termed as castes. Within a caste there exist exogamous groups known as gotras, the lineage or clan of a person. Roughly 20 million people in India are subject to cruel and inhuman treatment simply due to their caste. The terrible discrimination inflicted against the people known as Dalits and Tribals in India occurs solely because a person was born into a certain family. 13 Dalits are murdered every week; 3 Dalit women are raped every day, often with impunity; and a crime is committed against a Dalit every 18 minutes.

The Indian Constitution has formally outlawed caste-based discrimination, but the caste system still plays a major role in Indian society and politics. The leaders of independent India decided that India will be a democratic, socialist and secular country. According to this policy there is a separation between religion and state. Enforcement of the law must be strengthened, and this resolution seeks to state clearly the sense of the United States Congress in this regard. I look forward to working with the vibrant Indian-American community on this continued concern.

We must continue to raise this issue during our bilateral meetings with our good friends in the Government of India, especially during a time in which the United States-India relationship has entered into an unprecedented partnership.

It is our moral obligation to speak out about abuses of human rights wherever they take place. That is why this Congress must address the problem of the treatment of Dalits and Tribals in India.

I strongly support this resolution and urge my colleagues to do the same.

Mr. PENCE. Mr. Speaker, I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 139, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING THE 75TH ANNIVERSARY OF THE 1932 WINTER OLYMPIC GAMES IN LAKE PLACID, NEW YORK

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 521) celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 521

Whereas Lake Placid, New York, was the site of the 1932 and 1980 Winter Olympic Games;

Whereas Lake Placid is the only site in North America to have hosted the Winter Olympic Games more than once;

Whereas the 1980 Winter Olympic Games featured one of the greatest triumphs in sports history with the men's United States hockey team victory over the Soviet team in the "Miracle on Ice";

Whereas Lake Placid, New York, has a population of under 2,700 residents, yet welcomes over 2.2 million visitors each year;

Whereas the residents of Lake Placid were wonderful ambassadors of the United States for the 1,324 Olympic athletes that participated in the 1932 and 1980 Winter Olympic Games;

Whereas the residents of Lake Placid take great pride in their place in Olympic history;

Whereas Lake Placid and the towns of North Elba and Wilmington have world class sports facilities that serve as an excellent training location for athletes and sports enthusiasts;

Whereas Lake Placid is the home of one of the three U.S. Olympic Committee's national training centers;

Whereas Lake Placid continues to successfully host international sports competitions on a regular basis; and

Whereas 2007 marks the 75th anniversary of the 1932 Winter Olympic Games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Village of Lake Placid, New York, as it celebrates its 75th anniversary of hosting the 1932 Winter Olympic Games;

(2) encourages all Americans to visit the state-of-the-art Olympic facilities in Lake Placid;

(3) recognizes Lake Placid's important place in Olympic history; and

(4) encourages the United States Olympic Committee to select Lake Placid to represent the United States in a future bid for the Olympic and Paralympic Winter Games.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me first express my appreciation to our colleague from the great State of New York (Mrs. GILLIBRAND) for introducing this important and timely resolution. I know the gentlelady from New York would like to be here, and if I speak very slowly may yet get here before we conclude, but whether she is here in person, she is certainly here in spirit.

The little village of Lake Placid lived up to its name on two spectacular occasions in the last century. The 1932 Winter Olympics and the 1980 Winter Olympics were two of the most exciting events of our time, featuring the most beautiful backdrops in the history of the games.

The organizing committee of the 1932 Olympics faced an uphill battle, raising money for the games in the middle of the Great Depression. But symbolizing the American spirit of generosity, Dr. Godfrey Dewey donated land owned by his family to be used for the all-important bobsleigh run. In fact, the Winter Olympics that year became a real distraction from the Great Depression for all the residents of the State of New York, and, in fact, the entire world.

In those 1932 Games, Eddie Eagan became the only Olympic athlete ever to win a gold medal in both the Summer and Winter Games. A great, versatile athlete, Eagan had already earned gold as a lightweight boxer in the 1920 Summer Games. At Lake Placid in 1932, he was part of the four-man bobsleigh team that triumphed in first place.

This resolution takes the opportunity to congratulate and celebrate Lake Placid upon the 75th anniversary of the games it hosted in 1932. This town deserves full congressional credit for the efficiency and grace with which it represented the United States during the Games of 1932 and, again, in 1980.

But Lake Placid outdid itself in 1980, when it had new facilities and a renewed spirit to host thousands of people for those Winter Games. Those Games became famous for the unbelievable Miracle-on-Ice conquest, when the United States hockey team, a group of amateurs and college kids, captured the hearts of the Nation by upending the Soviet Union's intimidating hockey machine in a dramatic 4-3 semifinal victory. They went on to win the gold.

Lake Placid's involvement with the Olympics has grown larger than just those two games. Lake Placid maintains world-class Olympic facilities and serves as one of the United States Olympic Committee's three national training centers. The small town in Upstate New York continues to host international sporting events, as well as some 2.2 million tourists every year.

I encourage Members to support the resolution recognizing Lake Placid's historic place in Olympic history and encouraging the USOC to select this idyllic town for future bids in the Olympic and Paralympic Winter Games so long as they are not in competition with an applicant from the State of California.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong and unqualified support of H. Res. 521, no Indiana exceptions, at least not today.

I congratulate Representative GILLIBRAND, as my colleague from California did, for this important resolution.

For close to a century, Lake Placid has been central to America's participation and achievements in international sports. It's the only site in North America to have hosted more than one Winter Olympics, both in 1932 and in 1980.

Moreover, in 1980, and if you haven't seen the movie, it was the site of one of America's greatest moments, when the U.S. national hockey team defeated the heavily favored Soviet Union. Walt Disney films recently created an extraordinary motion picture remembering that miracle on ice.

It was not only a victory for one hockey team over another, but for millions it symbolized the triumph of freedom over tyranny and seemed to be a part of setting into motion in 1980 what we would see with the collapse of Soviet communism in 1991. It forced you out of that, so in a very real sense, Lake Placid is important in the history of freedom as well as in the history of sport. Indeed, countless Americans actually remember where we were in that glorious moment.

Lake Placid's contributions to international sports continue to this very day. It's the home of one of the U.S. Olympic Committee's three national training centers and regularly hosts international sports competitions, bringing together athletes from across the globe to celebrate the excellence of sports.

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Perhaps above all, Mr. Speaker, Lake Placid is an example of what a society can accomplish. This small village in New York with a population of less than 2,700 not only is a venue for grand-scale sporting events but also welcomes over 2 million visitors every year. This resolution recognizes Lake Placid's place in Olympic history, encourages Americans to visit that village's state-of-the-art Olympic facilities, and further encourages the U.S. Olympic Committee to select Lake Placid to represent the United States in the future for the Olympic or Para-Olympic games.

I commend my distinguished colleague from New York again, Mrs. GILLIBRAND, and Mr. MCHUGH, for introducing this important resolution. I urge its adoption.

Mr. SHERMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentlelady from New York (Mrs. GILLIBRAND).

Mrs. GILLIBRAND. Mr. Speaker, I've offered H. Res. 521 to celebrate Lake Placid's prominent place in Olympic history. This year marks the 75th anniversary of the 1932 Olympic Games and the beginning of Lake Placid's storied history in American hearts and minds.

In the midst of a worldwide depression, 252 athletes from 17 countries participated in the 1932 Winter Olympic Games held at Lake Placid. Franklin Delano Roosevelt, whose home is just a few hours south of Lake Placid in Duchess County, officially opened the third ever Winter Olympic Games and the first one ever held in the Western Hemisphere.

Despite fierce competition from around the world, Lake Placid was once again chosen to host the Winter Olympic Games 48 years later, in 1980. This time, 1,072 athletes from 37 nations participated in the Games, and the question, "Do you believe in miracles?" forever became ingrained in the American consciousness. The American hockey team's victory over the Soviet Union permanently linked Lake Placid with one of the greatest triumphs, and prideful moments, in American sports history, with the "Miracle on Ice."

Lake Placid, a small village in the Adirondacks, is the only location in North America to have hosted the Winter Olympic Games more than once. Their success is phenomenal, when one considers that fewer than 2,700 residents live in the village.

I'm so incredibly fortunate to represent the citizens of Lake Placid and Essex County. Every year, Mayor Jamie Rogers and the villagers of Lake Placid welcome over 2.2 million visitors from all 50 States and countries all over the world. Lake Placid has been one of my favorite vacation places since I was a child, and I still enjoy taking my son there every year.

I strongly encourage all Americans to visit the state-of-the-art Olympic facilities in Essex County. The New York State Olympic Regional Development Authority, or ORDA, operates the various venues used in the 1932 and 1980 Olympic Games. Athletes from around the world come to Lake Placid to train and compete at these facilities, in addition to sports enthusiasts, young and old.

In addition, Lake Placid is the home of one of three U.S. Olympic Committee's national training centers, an honor that allows upstate New York to mold the next generation of gold medal winners. The facilities at Lake Placid allow every American to step into the shoes of a professional athlete. It's thrilling to skate at the Herb Brooks Arena where the miracle on ice took place, or skate at the Olympic Speed Skating Oval where America's speed skater, Eric Heiden, won an unprecedented five gold medals in 1980.

Visitors can try out the ski-jumping complex or sharpen their bobsled and luge skills. The beautiful Adirondack Mountains offer cross-county or alpine skiing on Whiteface Mountain, one of the top resorts in all the Nation, all with spectacular pristine views.

Lake Placid admirably hosted the Olympic games twice in the past. I hope the U.S. Olympic Committee will consider having Lake Placid represent the United States in a future bid for the Winter Olympic Games.

I congratulate the Village of Lake Placid as they celebrate the 75th anniversary of the 1932 Winter Olympic Games. I thank everyone in the House of Representatives for supporting this resolution that honors Lake Placid's continued distinguished place in American Olympic history.

Mr. HOLT. Mr. Speaker, I rise today to join the gentlelady from New York, Ms. GILLIBRAND, in support of H. Res. 521, Celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York. This was truly a great moment in the history of sports. The beautiful Lake Placid-Wilmington region played host to athletes from around the globe and the event put the USA on the map of winter sports. The graceful Norwegian figure skater Sonja Henie won the second of her three gold medals. American speed skater Jack Shea won two gold medals, a first for Olympic competition. The United States won 12 medals in all, the most in the competition. Ever since, the spirit and beauty of competitive winter sports have remained on display in Lake Placid, which played host to the United States' memorable 1980 hockey victory over the Soviet Union, and in countless skiing, skating, sledding and other events. We can all be proud of Lake Placid's rich history.

Mr. PENCE. I yield back the balance of my time.

Mr. SHERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 521.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

APPROVING RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 44) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Congress approves the renewal of import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. MERCHANDISE PROCESSING FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "October 14, 2014" and inserting "October 21, 2014".

SEC. 3. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.50 percent" and inserting "114.75 percent".

SEC. 4. RULE OF CONSTRUCTION.

This joint resolution shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 5. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2007, whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. This bill will renew the import ban on products from Burma. In light of the overwhelming evidence that that country continues to blatantly disregard human rights and suppress democracy, it is important, indeed I would say vital, to continue to continue sanctions for another year.

The State Peace and Development Consul, as it is called, the controlling military junta, continues to have total disregard for its own people and their basic rights. The Burmese regime forcibly relocates civilians and has created a situation in which hundreds of thousands of people have been displaced or forced to flee to neighboring countries. That government continues to arrest, imprison, torture, and beat political activists and senior officials of the National League for Democracy. Over 1,100 political prisoners are imprisoned.

In May, the Government of Burma extended the detention of Aung San Suu Kyi, the leader of the National League for Democracy and a Nobel Peace Prize laureate. She has been detained for 11 of the last 17 years without charge or trial, and has spent the past 4 years in isolation.

In light of that country's continuing dismal record and its lack of any concrete steps to provide basic human rights to its citizens, I urge all of my colleagues to extend the ban on the import of Burmese products for another year. And also, very importantly, we hope the European Union, ASEAN, and other nations around the world will continue to work with the United States to increase pressure on the Burmese regime.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that Mr. PORTER, the gentleman from Nevada, be allowed to control the time on this side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. PORTER. Mr. Speaker, I support extending import sanctions against Burma. Import sanctions have been in place for 4 years and, unfortunately, the Burmese military junta has shown no progress in improving its egregious human rights records. The actions of this regime in Burma are inexcusable.

The U.S. State Department's annual report on the effectiveness of the sanctions observes that Burma's already poor human rights record has only worsened. This regime continues to use forced labor, deny participation in democratic processes, and commit killings. Inexcusable.

Despite the regime's promised road map to democracy, no meaningful progress has been made to create a democratic system of governance. The regime continues to exclude pro-democracy groups from the national convention and to jail pro-democracy opposition leaders. Aung San Suu Kyi has been living under house arrest for 4 years. Therefore, I believe it is necessary and it is appropriate to continue these sanctions to send an important message to Burma leaders that their violation of basic human rights is inexcusable.

I generally approach unilateral trade sanctions with skepticism. Sanctions can have the unintended consequences of harming the people we seek to help. The State Department acknowledges that some opposition figures in Burma, academics, and exiled Burmese question whether U.S. unilateral sanctions have any chance of success without the participation of Burma's major trading partners, including ASEAN members China, India, and other regional countries. I do share their concerns. However, various aspects of the Burmese sanctions system mitigate my concerns to some degree.

The important sanctions will sunset after 1 year unless Congress votes under a privileged resolution to maintain their sanctions and are completely terminated in 2009. Furthermore, the administration is required to submit an annual report on whether the sanctions have effectively improved conditions in Burma and furthered U.S. national security, economic, and foreign policy objectives, along with impact of sanctions on other U.S. national security, economic and foreign policy interests.

Moreover the law grants the President the authority to waive the sanctions if it is in the national interest and also directs the President to craft a multilateral sanctions regime to pressure Burma to improve its human rights.

If we are to be successful inducing change by the Government of Burma, sanctions must be multilateral. There have been high-level international discussions on Burma over the past year. In September 2006, the U.N. Security Council discussed Burma; in December of 2006 the U.N. General Assembly adopted a resolution expressing its grave concern over human rights violations in Burma and calling on the regime to take urgent measures to address these violations. Separately, the ASEAN countries called for the release of those placed under detention and for effective dialogue with all parties concerned. I hope these words will be followed by tangible actions. Continued efforts to build multilateral pressure on Burma are critical to my future support for these import sanctions. I urge support of H.J. Res. 44.

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield such time as he may consume to the lead sponsor of this resolution, the chairman of the House Foreign Affairs Committee and someone who has taken a lead on human rights issues around this globe, Mr. LANTOS of California.

Mr. LANTOS. Mr. Speaker, let me first express my appreciation to my friend and colleague from Michigan, Congressman LEVIN, for his help in bringing this important legislation to the floor, and to the chairman of the Ways and Means Committee, CHARLIE RANGEL, for his great assistance and leadership.

Mr. Speaker, nearly two decades ago, Aung San Suu Kyi embarked on a personal journey that would parallel the terrible nightmare of her people, the people of Burma. That was the year in which she helped found the National League for Democracy, a movement to promote democratic change in her homeland. Her long and torturous journey has led her to both a Nobel Peace Prize and seemingly eternal incarceration.

Rather than cede to the widespread calls and massive protests for a free and fair election, a military junta seized and maintained power in Burma. The regime feared the power of one fearless voice for democracy, Aung San Suu Kyi.

In 1990, the military junta finally permitted a general election, which the National League for Democracy won handily. The military promptly nullified the results, preventing the daughter of the very general who negotiated Burma's independence from taking her rightful place as Prime Minister.

Since then, Mr. Speaker, Aung San Suu Kyi has been tossed back and forth in and out of prison and house arrest as though she were simply a pawn in the tumultuous and chaotic game being played by the corrupt fat cats running Burma. But like the people of her nation, she is in fact much more than a pawn; she is an ardent champion of freedom, an exemplary defender of democracy, and one of the strongest willed moral beacons on this planet.

She stands firmly in the tradition of Gandhi, Mandela, Martin Luther King, and all other voices of the oppressed. Those legendary figures eventually delivered their people to freedom, and we in this Congress aim to help Aung San Suu Kyi to do just that.

Inspired by her resolve and the resolve of the Burmese people, this Congress has been committed to their cause for many years. Today, we renew import sanctions aimed at forcing democratic change in Burma, which I can say categorically is one of the most repressive regimes on the planet.

America's tough sanctions against Burma, including an import ban, export sanctions, and arms embargo and financial sanctions, have spurred the civilized nations of the world to take similar actions against Burma. The European Union recently updated its own set of sanctions, though they need to be even tougher. The leading members of ASEAN, who for years went out of their way to defend Burma's horrendous behavior, are now exercising their significant diplomatic muscle to promote democratic change in Burma and to free Aung San Suu Kyi.

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The United Nations has held its first ever Security Council debate on the security threat to the Asia Pacific region posed by the Burmese regime.

But too many other nations, India and China in particular, continue to prop up the government through shockingly direct, blatant deals, including arms trading with this cruel junta in Burma.

Just this past week, Mr. Speaker, the BBC reported that in any major hotel in Rangoon, and I quote, "Russian arms dealers, South Korean and French oilmen, Singaporean consultants and Chinese bankers are all mingling over cocktails with their Burmese counterparts."

Mr. Speaker, these despicable deals undermine the entire international effort to help the Burmese people. And so today, as we renew our import sanctions, we aim both to pressure directly the military junta in Burma, and to influence those in the international community who are currently asleep at the wheel of justice and human rights. Oppressive power can only be delegitimized when it is fully isolated.

Mr. Speaker, Aung San Suu Kyi remains imprisoned. So do the people of Burma. Even out of power and out of sight, she remains a powerful symbol and, therefore, a leader of the plight of some 50 million people in her native land of Burma. We must do our part to carry her torch. And I urge all of my colleagues to vote today for these sanctions once again.

Mr. PORTER. Mr. Speaker, I appreciate the comments of my friends and colleagues across the aisle.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I want to add my admiration for the comments on both sides of the aisle, for the statement of the gentleman from Nevada (Mr. PORTER) and the very eloquent words of my colleague from California. I hope, as we proceed to pass this, that the words will be remembered, and that they will echo beyond Washington, DC, through capitals everywhere, so others will join us in trying to help bring about the freedom that the vast majority of people of Burma truly desire.

Mr. Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the joint resolution, H.J. Res. 44, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

The title was amended so as to read: "Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.".

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF WYOMING COWGIRLS FOR WINNING THE WOMEN'S NATIONAL INVITATIONAL TOURNAMENT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 384) congratulating the University of Wyoming Cowgirls for winning the Women's National Invitational Tournament for the first time and for their most successful season in school history.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 384

Whereas on March 31, 2007, the University of Wyoming Cowgirls defeated the University of Wisconsin Badgers by a score of 72–56 in the championship basketball game of the Women's National Invitation Tournament;

Whereas the victory of these 14 very accomplished young women and their coach, Joe Legerski, was witnessed by over 15,000 fans at the University of Wyoming's sold out Arena-Auditorium;

Whereas the Cowgirls won 21 games in their regular season and tied for second in the Mountain West Conference (MWC);

Whereas Jodi Bolerjack scored 16 points in the championship game and earned Third Team All-MWC honors;

Whereas Elisabeth Dissen scored the last shot for the Cowgirls of the first half, giving the team a 39–26 lead;

Whereas Megan McGuffey scored back-to-back layups in the second half, totaling 10 points for the game, and received the MWC Newcomer of the Year honor;

Whereas Justyna Podziemska scored 16 points in the championship game, had 10 rebounds, and 8 assists;

Whereas Dominique Sisk scored 5 points, had 2 assists, and 7 rebounds for the Cowgirls;

Whereas Rebecca Vanderjagt scored 4 points and had 1 block during the championship game;

Whereas Aubrey Vandiver brought a strong end to the first half, shooting or assisting the last seven points;

Whereas Hanna Zavecz scored 12 points and earned the award of the Women's National Invitation Tournament Most Valuable Player;

Whereas Amy Bolerjack, Mallory Cline, Annie Gorenstein, Angiah Harris, Gemma Koehler, and Megan Mordecai also contributed to the team's top season; and

Whereas these top athletes are also dedicated to academic achievement, and serve as the standard of excellence, scholarship, and sportsmanship for the entire Nation: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Wyoming women's basketball team for their championship victory in the 2007 National Invitational Tournament.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 384 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the University of Wyoming Cowgirls for winning the 2007 Women's National Invitational Tournament basketball tournament.

On March 31, 2007, the University of Wyoming won the Women's NIT by defeating the University of Wisconsin Badgers 72–56. The Cowgirls won the title in front of the largest women's basketball audience in school history, with over 15,000 in attendance.

Wyoming had their most successful season in team history, winning 21 regular-season games and tying for second in the Mountain West Conference. Overall, the Cowgirls finished 27–9, besting the previous team record of 25 wins, a record which had stood for nearly 30 years. They also advanced deeper into postseason play than any Cowgirls basketball team before them.

I want to congratulate head coach Joe Legerski, athletic director Tom Berman, University of Wyoming president Tom Buchanan, and the student athletes who won the NIT title.

I also want to extend my congratulations to the University of Wisconsin Badgers on their impressive season. Wisconsin finished their season with a school record 23 wins. Their 17 home wins were also the most in program history.

Winning the NIT title for the first time proved the Cowgirls have arrived as a force on the national scene, and I know all the fans of the university will continue to be proud of this team for years to come.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 384, congratulating the University of Wyoming's women's basketball team for winning the 2007 NCAA Division I Woman's National Invitational Tournament Championship.

On March 31, 2007, the University of Wyoming Cowgirls basketball team defeated the University of Wisconsin by a score of 72-56 to capture the NIT title and conclude their most successful season in school history.

Led by junior Hanna Zaveckz, the tournament MVP, and junior Jodi Bolerjack, who scored 16 points in the championship game, the Cowgirls of Wyoming truly had a remarkable season in which they compiled a record of 27–9, finishing second in the Mountain West Conference.

The tournament title capped what ended up being the most successful season ever for the Cowgirls basketball team in school history. No Wyoming Cowgirls team had won as many games. The previous record was set by the 1978–79 team, which finished at 25–7, and no team ever advanced so far in postseason play.

As the State's sole 4-year educational institution, the University of Wyoming receives strong support from the State and its residents, making it the perfect place for a great learning environment. The university was recently ranked by the Princeton Review as one of the Nation's best colleges for 2006, and the College of Business Department of Economics and Finance was also ranked 10th in the Nation and 12th in the world for its program in resource and environmental economics.

I extend my congratulations to head coach Joe Legerski, athletic director Tom Berman, president Tom Buchanan, all of the hard-working players, the fans and to the University of Wyoming.

I'm happy to join my good friend and colleague Representative CUBIN in honoring this exceptional team and all the accomplishments, and wish all involved continued success.

I join with my colleague from the Education and Labor Committee, Mr. SARBANES, in support of this resolution.

I have no further speakers and would yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I urge my colleagues to support this measure, and I yield back my time.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I might also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Joint Resolution 44, as amended, that was previously discussed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 384.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE McKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 561) recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness and endeavoring to continue working to eliminate homelessness in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 561

Whereas July 22, 2007, is the 20th anniversary of the enactment of the Stewart B. McKinney Homeless Assistance Act, which was renamed the McKinney-Vento Homeless Assistance Act in October 2000;

Whereas Representatives Stewart B. McKinney and Bruce Vento worked tirelessly in the Congress to develop a Federal response to homelessness;

Whereas Representative Stewart B. McKinney was committed to exposing the depth of the growing problem of homelessness in the 1980s;

Whereas Representative Stewart B. McKinney was a recognized expert on Federal housing law and urban affairs who successfully amended the National Housing Act and the Housing and Community Development Act of 1974 to better target Federal aid to smaller cities, but became terminally ill with pneumonia after sleeping on a grate outside a Federal building with the homeless of Washington, DC;

Whereas in 1985, after personally viewing the circumstances of the homeless and the need for crisis intervention in his congressional district in St. Paul, Minnesota, Representative Bruce Vento introduced a resolution to express the sense of the Congress that homelessness is a national problem requiring a national solution;

Whereas throughout his career, Representative Vento remained dedicated to securing a commitment of Federal resources to address homelessness;

Whereas the programs established by the McKinney-Vento Act have provided housing, education, health care, and job training assistance, and critical outreach, to thousands of homeless men, women, and children in the United States;

Whereas the Education for Homeless Children and Youth Program of the McKinney-Vento Act has resulted in a significant increase in the number of homeless children and youth attending school on a regular basis;

Whereas the McKinney-Vento Act was intended to be only an emergency response and not the sole Federal response to homelessness;

Whereas over the course of a year, as many as 3,500,000 persons are estimated to experience homelessness in the United States;

Whereas approximately 400,000 veterans of the Armed Forces of the United States experience homelessness at some point over the course of a year;

Whereas the homeless population includes vulnerable groups such as children, unaccompanied youth, and persons with disabilities; and

Whereas there were at least 142 unprovoked assaults against homeless persons in 2006, including 20 that resulted in death: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness in the United States;

(2) recognizes the positive impact the McKinney-Vento Act has had on hundreds of thousands of homeless men, women, children, and youth in the United States;

(3) recognizes the substantial contributions of Representatives Stewart B. McKinney and Bruce Vento in addressing homelessness;

(4) recognizes that homelessness continues to be an urgent problem in the United States;

(5) commends the dedication and commitment of service providers, including faith-based and nonprofit organizations, who are working to end homelessness in their communities and provide emergency food, shelter, and services to homeless Americans;

(6) recognizes that the lack of affordable housing exacerbates homelessness in the United States;

(7) supports the continued efforts of Federal, State, and local governments and private non-profit organizations in their efforts to prevent and end homelessness through the development of affordable housing;

(8) recognizes that the life expectancy of a homeless person in the United States is 30 years shorter than that of the average American and supports efforts to improve the health of homeless Americans;

(9) supports efforts to prevent and end homelessness among veterans of the Armed Forces of the United States;

(10) supports efforts to ensure accurate and timely processing of applications for disability benefits as a means of decreasing homelessness among disabled persons;

(11) recognizes that the safety and well-being of homeless persons is an urgent problem;

(12) recognizes the critical role of education and public schools in preventing and ending homelessness, and supports efforts to improve stability, services, and access to school for homeless children and youth; and

(13) endeavors to work with the same courage, dignity, and determination exemplified by Representatives McKinney and Vento to eliminate homelessness in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important resolution. It is an appropriate noting of the anniversary, 20-year anniversary, of the passage of the Homeless Assistance Act. It marked the beginning of a formal Federal recognition of the problem of homelessness; it's a great paradox, and one of which we should be embarrassed in this country.

It may not seem obvious to people, but before this, certainly 25 years ago and beyond, the homeless population was an invisible one. And it was in the 1980s that people began to focus on it.

Two former Members of this body, both of whom sadly died younger than should have been the case, while still in their fullness of powers as Members of this body were among the first to recognize it, and it was bipartisan. The former Member from Connecticut, Stewart McKinney, whose successor will be speaking on behalf of this very shortly, was one of those who began it. And he was joined in his advocacy by the late Bruce Vento from St. Paul. And they were two men of great compassion and vision. They were skilled legislators who served on the committee as it was then called on Banking, Finance and Urban Affairs, and they insisted that we, as a body, in this very wealthy Nation, address the terrible tragedy of people who were homeless, including children and war veterans.

A number of things contributed to the homelessness issue. There were some trends in this society, and often we hear about unintended consequences. There were some trends that in themselves were welcomed that had these negative consequences. One was the improvement in urban areas, the transformation of many downtowns in our big cities from places that were considered not very attractive places in which to live to places that people wanted to live in, the phenomenon known as gentrification.

The area that I represented when I was in the State legislature in the 1970s in Boston, in downtown Boston there were boarding houses, rooming houses in many of the downtown parts of Boston. Most of those are now much more expensive housing. They are single-family homes or condominiums. That, from the standpoint of the city, I suppose, is an improvement. But many of those who lived there were priced out of the market and, in many cases, found no alternative housing.

We also had the movement of deinstitutionalization, of deciding that people with various problems, emotional and mental problems, that it was better to try to get them integrated into communities than to have them living forever apart in institutions, and on the whole that was a very positive step. But no major social policy happens perfectly. The combination of the upgrading economically of these downtowns, of the release of people from institutions, these contributed to the homeless problem.

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There are, of course, other problems. Vietnam veterans who came back from a war that they didn't ask to start, who were sent by this country to this difficult country and came back to a country that treated them poorly, that did not honor their commitment and the sacrifice of their time and of their health. And in combination with substance abuse, all of these came together.

At any rate, 20 years ago we recognized that we had this problem, and we have begun to deal with it. And this resolution is a tribute to the two farsighted men who led this fight; to the many, many people who have worked to try to provide a solution to homelessness; to the homeless themselves, fellow citizens of all ages and races and backgrounds who have had to cope with these difficulties, some because of their own failings, often because of no thing that they did wrong but because of circumstances in which they found themselves. In any case, we ought to deal with it.

And this resolution is also very thoughtful, and I call attention to the "whereases." Whereases, to be candid, Mr. Speaker, are often unemployment. They are filler. But in this case the whereases make some very important points, and one in particular I want to address. It talks about the vulnerable groups that are included. Another one talks about the veterans who are involved. That is, this makes clear that we are dealing with people who have a very legitimate claim on our response. In addition, the resolution itself goes beyond really congratulating people for the work they did and deploring the continued existence of homelessness, but it makes some very specific policy recommendations, which, Mr. Speaker, the Committee on Financial Services will be responding to and has already begun to respond to.

For example, in the resolution, clause 6 says that we recognize "that the lack of affordable housing exacerbates homelessness in the United States." That may seem to state the obvious, but the obvious may have been stated but hasn't been acted on. We have not done nearly enough to produce affordable housing. Homelessness requires shelter; it requires services. But it requires, more than anything else, homes for people. Affordable housing, also rental housing, but it requires housing.

The resolution supports the continued efforts of Federal, State, and local governments in their efforts to prevent and end homelessness through the development of affordable housing. It was not an accident that the gentleman from Connecticut who succeeded Mr. McKinney will be soon speaking on this, is a member of our committee, and is a cosponsor with many of us on legislation that will actually return the Federal Government to the job of producing affordable housing.

So I welcome this resolution for what it commemorates but also for what it commits this Congress to do.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 561, a resolution recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act.

Our resolution, which I introduced along with Chairwoman MAXINE WATERS and Representative BETTY MCCOLLUM, acknowledges the 20th anniversary of the act, which was yesterday, July 22, and recognizes the impact Congressmen McKinney and Vento and their legislation named after them have had on homelessness.

Before reflecting on Stewart McKinney's life and the impact of his work on millions of lives across the country, I would like to express my gratitude to Chairwoman WATERS and particularly Chairman BARNEY FRANK, as well as Ranking Members SPENCER BACHUS and JUDY BIGGERT, for moving this resolution to the floor. I also appreciate the work of the National Law Center on Homelessness and Poverty and the 15 other organizations that have endorsed the recognition of this anniversary.

I serve in the seat previously represented by Stewart McKinney. Stewart served as the ranking member on the House Banking Subcommittee on Housing, as well as the Committee on the District of Columbia. It was in this capacity that he became especially concerned about homelessness, particularly in our capital city.

He loved urban areas, and like our colleague Bruce Vento, he recognized homelessness is a national problem that requires a national solution. Stewart's commitment to exposing the depth of the growing problem of homelessness in the 1980s led him to contract pneumonia after sleeping on a grate outside a Federal building with D.C. area homeless.

Shortly after his death on May 7, 1987, his family, friends, and staff gathered to discuss how to continue his philosophy of caring for those who are the least able to care for themselves. They created the Stewart B. McKinney Foundation, an organization whose mission is to provide funds to care for persons with HIV who are homeless or at risk of homelessness. Today, Lucie McKinney continues the work Stewart began in his memory and keeps his spirit alive in this precious foundation.

Stewart was beloved by his colleagues on both sides of the aisle. Reading the tributes that were offered to Stewart on the House floor on the day of his death, a rather thick book, I might add, I was struck by his colleagues' appreciation for his humanity, his warm spirit, bipartisanship, and dedication to good work. I particularly want to make reference to one colleague, former Representative Bill Frenzel, who said, "I remember I often asked how he could stand it for over 16 years being on the House Banking Committee, and he said, 'You do not understand. It is the Housing Subcommittee that keeps me here because it is the most important thing I am doing in Congress.'"

Let me conclude by saying the Stewart B. McKinney Homeless Assistance Act, now known as the McKinney-Vento Homeless Assistance Act, was first enacted in 1987 as the first major coordinated Federal response to homelessness. Passed in response to the rapid and dramatic growth of homelessness in the United States during the 1980s, the McKinney Act emphasized emergency measures, transitional measures, and long-term solutions to combat the homeless crisis.

Despite the impact of the McKinney-Vento Homeless Assistance Act, homelessness continues to be a pervasive problem in America. It is important Congress support a comprehensive range of programs beyond emergency food, shelter, and health care services for the homeless.

We must promote the development of affordable housing, provide supportive services to those who are homeless or in vulnerable housing situations, acknowledge and study the high rates of homelessness among our Nation's veterans, and recognize the critical role our schools play in preventing and ending homelessness among children.

On the anniversary of the McKinney-Vento Act, I want to express our sincere gratitude for the dedication and commitment of service providers who are working to end homelessness in our communities and provide emergency food, shelter, and services.

In Connecticut's Fourth Congressional District, I want to commend the work of Homes for the Brave, Bridgeport; Operation Hope, Fairfield; Shelter for the Homeless, Stamford; Norwalk Emergency Shelter; Interfaith Housing Association of Westport and Weston; Families in Transition, Bridgeport; St. Luke's Lifeworks, Stamford; Prospect House, Bridgeport; and all the other organizations working to assist the homeless or those who are at risk of becoming homeless.

With the passage of this resolution, I hope my colleagues and I will endeavor to work with the same courage, dignity, and determination exemplified by Representatives McKinney and Vento to eliminate homelessness in the United States.

At this time, Mr. Speaker, I yield such time as she may consume to the ranking member of the Housing Subcommittee from Illinois.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 561, recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act.

Since 1987, McKinney-Vento has served as the foundation of a cohesive national strategy against homelessness. In addition to housing, McKinney-Vento includes vital programs that address the nutritional, health care, and educational needs of the less fortunate.

As a member of the Education and Labor Committee, I have spent a great deal of time examining the unique obstacles that exist for runaway, homeless, and other disconnected youth, and I have seen first-hand the devastating impact that lost educational opportunities can have on the lives of homeless youth. Unfortunately, for many of these children, school is the only source of stability in their lives.

That is why in 2001 I introduced the McKinney-Vento Homeless Education Act, a bill that ensures homeless children have access to immediate enrollment without the barriers and red tape that had too often kept them out of school. My view was, and remains, that being without a home should not mean being without an education. I am pleased to report that Congress agreed and we were able to get this bill incorporated into the No Child Left Behind Act, signed into law in 2002.

Following the tragic hurricanes of Katrina and Rita, the Education for Homeless Children and Youth programs in NCLB were put to the test and proved crucial to providing much-needed stability and vital services to those in need. Because programs like McKinney-Vento were already in place, the Federal Government was better prepared to meet the educational and social needs of displaced children during a time of national crisis.

Perhaps most importantly, this anniversary is an opportunity to call attention to the work that still remains to be done, work like tearing down barriers that prevent unaccompanied homeless youth from attending school.

In this spirit, I would like to invite my colleagues to join me in supporting a vital piece of legislation that will do just that, H.R. 601, the FAFSA Fix for Homeless Kids Act. This important bill, which was introduced along with my good friend from Texas, Congressman HINOJOSA, will ensure that the doors of higher education remain open for some of our Nation's most vulnerable youth. At no additional cost to taxpayers, this bill simply ensures that unaccompanied homeless youth are not required to submit a parent's financial information to qualify for Federal student aid. While these requirements are logical for most applicants, they create insurmountable barriers for unaccompanied homeless youth who cannot supply these records.

As a member of the Financial Services and Education and Labor Committees, I look forward to working with my colleagues on other important policy initiatives like reauthorizing the McKinney-Vento programs under HUD and NCLB. As we move forward on these items in the coming months, we must join together to ensure that addressing the needs of America's homeless remains a top priority.

Mr. Speaker, I would like to take this opportunity to thank my good friend and distinguished colleague from Connecticut (Mr. SHAYS) for introducing this resolution and for his dedication to improving the lives of homeless Americans. I would also like to thank Mr. FRANK and Mr. BACHUS for cosponsoring this resolution and helping to move it through the Financial Services Committee in such a timely and bipartisan way.

Mr. Speaker, I strongly support this resolution and urge my colleagues to do the same.

Mr. SHAYS. Mr. Speaker, I thank Chairman FRANK. He made sure the bill got to the floor quickly, and I thank him for all of his good work on homeless issues as well as housing.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I again note that this is not simply words. Words are important and the work of Bruce Vento and Stewart McKinney, two outstanding Members of Congress, ought to be recognized. The fact that we are talking here about veterans, about children, about other populations that we all want very much to help, they are important. But I want to stress again this is also a commitment for the Committee on Financial Services. I know I speak for the chairwoman of the Housing Subcommittee, the gentlewoman from California (Ms. WATERS), and my colleague here.

And I want to again point to clauses 6 and 7 of the resolution. The resolution "recognizes that the lack of affordable housing exacerbates homelessness in the United States," and No. 7, "supports the continued efforts of Federal, State, and local governments and private nonprofit organizations in their efforts to prevent and end homelessness through the development of affordable housing."

The services that are provided, the shelter, the counseling, they are all absolutely essential. But so is a commitment by this very wealthy Nation to help build affordable housing. And if we were not to make that commitment, then the resolution would, I think, be an empty one.

So I look forward to the Committee on Financial Services working together in a bipartisan way to continue to bring to this floor, and I hope ultimately to the desk of the President, and, more important, ultimately to the streets of our cities and rural areas in this country the housing that is needed. This is a promise that we are going to go forward with building affordable housing, and it is a promise that we fully intend to keep.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 561, recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act of 1987. I was pleased to join my Housing Subcommittee colleague Mr. SHAYS, and Congresswoman MCCOLLUM, in introducing this resolution to honor their late predecessors—Stewart McKinney of Connecticut and Bruce Vento of Minnesota—for their work across party lines to create the McKinney-Vento programs in response to the widespread homelessness that had reoccurred in the early 1980s for the first time since the Great Depression.

Since then, the McKinney-Vento Act programs have helped thousands of homeless men, women, and children return to stable housing and lives in which they can reach their full potential. I am pleased that we will take up for consideration today a FY 2008 appropriations bill for the Department of Housing and Urban Development (HUD), which administers the majority of McKinney-Vento grants, that provides for $1.561 billion for the HUD homeless assistance account, a $234 million increase over FY 2006.

But as national homeless organizations noted poignantly at an event a few of us attended last week, this is truly a "bittersweet" anniversary. While this groundbreaking homeless legislation is a highlight of the legacy I inherit as the Chair of the Housing Subcommittee, the sad fact is that the McKinney-Vento Act programs should not still be so desperately needed on their 20th birthday.

In fact, because the McKinney-Vento Act was debated a few years before I entered Congress—though I had certainly addressed homeless issues during my tenure in the California state legislature—I had my staff provide me with some of the legislative history surrounding the bill. A couple of points are worth noting.

First, nobody ever thought that the McKinney-Vento Act was the answer to homelessness, despite its ambitious creation of 15 separate programs and authorization of over $400 million in funding. Indeed, the original House bill was entitled the "Urgent Relief for the Homeless Act." Of it, my distinguished predecessor as Chair of the then-Housing and Community Development Subcommittee, the late Henry Gonzalez, said, "The emergency assistance provided in this bill will not eradicate the causes of homelessness; but rather is an emergency short-term effort to assist homeless persons."

In other words, the McKinney-Vento programs were always meant as a first step—a first step toward a social safety net in which no person is forced to live on the streets or in shelters because of poverty, whether or not that poverty is coupled with additional challenges like mental illness, drug addiction or HIV/AIDS.

What is also striking, however, is how much the people involved then knew or suspected, even in the midst of a new crisis, about the real long-term solutions to homelessness. Of necessity, perhaps, given the rapid and overwhelming growth in homelessness at the time, the majority of early McKinney-Vento Act authorizations and appropriations funded emergency food and shelter assistance. Yet, from the start, the McKinney-Vento Act invested in a wide range of interventions—including permanent supportive housing, transitional housing, education, mental health and substance addiction services, job training, and other interventions.

Building on this basic infrastructure, academic research coupled with the hard-earned knowledge of practitioners and government have moved us to a place where we know much more about who the homeless are, and what it takes to end homelessness for them than we did in 1987.

I am proud that the McKinney-Vento Act itself grew out of Housing Subcommittee hearings then-Chairman Gonzales convened starting 25 years ago, and, after Congress returns from its August recess, I intend to hold a series of four in-depth Subcommittee hearings to examine lessons learned in the intervening period in order to formulate better federal housing policy, starting with an updated McKinney-Vento Homeless Assistance Act.

But reauthorizing the McKinney-Vento Act, no matter how perfectly, is only a small piece of a real federal agenda to end homelessness. Another glaring theme emerges from the 1987 CONGRESSIONAL RECORD—the increasing lack of affordable housing and the Federal government's progressive disinvestment in housing production programs.

Well, the situation has only gotten worse. As you know, the 800,000 people who experience homelessness on any given night—over 10 percent of them in my home city of Los Angeles—are only the most visible feature of an affordable housing crisis that has reached epic proportions across the country.

As Housing Subcommittee Chair, my response is simple. It's time to get the Federal government back in the affordable housing production business. I am hoping we start with enactment of H.R. 1851, The Section 8 Voucher Improvement Act and H.R. 2895, the National Affordable Housing Trust Fund. Simply put, if the Federal government does not reengage on affordable housing at this scale, and more, our successors will face the prospect of introducing a resolution to mark the 40th anniversary of the McKinney-Vento Act in 2027. Let us hope we can render such a sad event unnecessary.

Mr. AL GREEN of Texas. Mr. Speaker, I believe the greatness of our country will not be measured by the number of tractors it produces. But rather, I believe the greatness of our country will be measured by the number of persons it feeds. I believe the greatness of our country will not be measured by the number of skyscrapers it builds. But rather, I believe the greatness of our country will be measured by the number of persons it shelters.

Today, more than three quarters of a million people are homeless on any given night. There are as many as 189,000 homeless persons with disabilities. More than 98,452 families are homeless. If we are to end homelessness, rather than just reduce it, we must provide our Nation with right tools to fight homelessness. If we are to end homelessness within 10 years, rather than just reduce it, we must ensure that we support the programs that work well. That rests in our ability to fully fund them so that they achieve their true potential.

That is why I am a proud co-sponsor of H. Res. 561, which recognizes the 20th anniversary of the passage of the McKinney-Vento Homeless Assistance Act. The McKinney-Vento programs have successfully provided housing (e.g., shelter, transitional housing) and supportive services to tens of thousands of men, women and children experiencing homelessness. The McKinney-Vento Homeless Assistance Act is an important asset in our battle against homelessness. I commend my colleague, Mr. SHAYS, for introducing this important resolution.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 561, to recognize the 20th anniversary of the McKinney-Vento Homeless Assistance Act. Unfortunately, due to a delayed flight, I was unable to make it to the House Floor to speak, but I would like to thank Mr. SHAYS and Chairwoman WATERS for their work to bring this resolution to the Floor in recognition of the significant impact McKinney-Vento has had over the past 20 years, and will continue to have on efforts to eliminate homelessness.

A little over 20 years ago, my predecessor, Congressman Bruce Vento visited the Dorothy Day Center in downtown St. Paul, and saw firsthand the severity of homelessness and the need for crisis intervention.

During his more than 20 years in Congress, Representative Vento was a leading advocate for the homeless. He worked with Representative Stewart McKinney to make homelessness a national concern, and ultimately, in 1987, as a result of their work, Congress passed the landmark homelessness legislation that now bears both men's names.

Twenty years later, that legislation continues to provide vital assistance to those in need of safe and secure housing.

I often hear from people in Minnesota and around the country speak about what a difference the McKinney-Vento makes to help many overcome homelessness.

Yet we know, there remains more to do to reach the ultimate goal of Representatives Vento and McKinney—to eliminate homelessness.

In Minnesota alone, more than 20,000 people are homeless or lack secure shelter and every night, more than 500 children under the age of 18 are homeless and unaccompanied. Further, 5,000 individuals and families are on the waiting list for Section 8 housing in the 4th district, which Congressman Vento represented for more than 20 years.

We must do more to ensure that all individuals and families have safe and stable housing.

Reauthorizing the McKinney-Vento Homeless Assistance Act, increasing access to affordable housing, and expanding access to health care and other human services for all Americans are important steps in working towards the eradication of homelessness.

Today, we celebrate the vision of Stewart McKinney and Bruce Vento. I look forward to continuing to work together with my colleagues here today as well as with the housing advocacy community to prevent and eventually end homelessness.

□ 1415

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and agree to the resolution, H. Res. 561.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING DAVID RAY RITCHESON AND RECOGNIZING HIS EFFORTS IN PROMOTING FEDERAL LEGISLATION TO COMBAT HATE CRIMES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 535

Whereas David Ray Ritcheson, a Mexican-American, was a friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas, and a popular and talented football athlete who was loved and admired by his family and friends;

Whereas on April 23, 2006, at the age of 16, David Ray Ritcheson was severely assaulted while attending a party in Spring, Texas;

Whereas the former running back and freshman homecoming prince spent more than three months in the hospital as a result of the injuries he suffered in the assault and endured more than 30 surgeries to restore his appearance and regain the normal use of his bodily functions;

Whereas no human being deserves to be tortured and victimized like David Ray Ritcheson simply because he is of a different background, race, religion, ethnic group, or sexual orientation;

Whereas of all crimes, hate crimes are most likely to create or exacerbate tensions that can trigger larger community-wide racial conflict, civil disturbances, and riots in communities at-risk of serious social and economic consequences;

Whereas hate-motivated violence disrupts the tranquility and safety of communities, impedes the movement of members of targeted groups, and prevents members of targeted groups from purchasing goods and services, obtaining or sustaining employment, and fulfilling the American Dream;

Whereas the courageous, eloquent, and compelling testimony of David Ray Ritcheson before a committee of the House of Representatives brought into vivid relief the human face of victims of hate crimes and the terrible suffering that such crimes inflict on victims and their families, friends, and communities;

Whereas David Ray Ritcheson, in his testimony, emphasized that he was a survivor who urged the Federal Government to take the lead in deterring individuals like those who attacked him from committing violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk, or act;

Whereas David Ray Ritcheson's powerful testimony helped inspire the House of Representatives to pass the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592 of the 110th Congress), which incorporates key provisions of the David Ray Hate Crimes Prevention Act of 2007 (H.R. 254 of the 110th Congress);

Whereas David Ray Ritcheson vowed to do whatever he could to help make the United States a hate-free place in which to live;

Whereas the courage displayed by David Ray Ritcheson is an inspiration to all Americans and reinforces the message that acts of bigotry and hate are unacceptable in the United States; and

Whereas, on July 1, 2007, David Ray Ritcheson died at the age of 18: Now, therefore, be it

Resolved, That the House of Representatives mourns the passing of David Ray Ritcheson and commends him for his activism in contributing and raising awareness toward the eradication and elimination of hate crimes in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Mr. Speaker, it is with celebration and recognition that I rise today to honor and pay tribute to David Ray Ritcheson, first 17, and, in the loss of his life, only 18, yet an American hero, a teenager who experienced harshness in his life, but yet out of his courage, tenacity and spirit we stand here on the floor of the House today.

I rise in strong support of H. Res. 535, which honors the short life, but big contributions of David Ray Ritcheson, a victim, as I said earlier, of a horrific hate crime, who became an exceptionally effective advocate for Federal hate crimes legislation.

Over the years I have been privileged to take the floor many times to speak on behalf of my constituents and those who live in the greater Houston-Harris County area. On those occasions my heart has filled with joy on the knowledge that so many people entrusted me with the honor of giving voice to their hopes and aspirations. But as I rise today, my heart is enormously heavy, for I have the sad duty of informing the House of the tragic death of David Ray Ritcheson, a Texas teenager, and as I've said earlier, experienced and was a victim of a horrible hate crime only at the age of 17, who went on to become an effective advocate for Federal hate crimes legislation.

To his parents, to his attorney Mr. Leon, for their spirit, his wonderful family, his brothers and sisters, all who showed the great love and tenacity and courage to stand by David, I call them the stand-by-David family.

This tragedy should serve as a wake-up call to the Nation of the need to redouble our efforts to prevent hate crimes by juveniles, which I believe is, in the long run, the best and most effective way of eliminating the scourge of hate-motivated crimes from our society.

I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult. But once a child or juvenile has learned to hate, it is a short step to learning and liking to act out of hatred.

We will have, I hope soon, coming to this floor a bill named after David. Many in the community have asked that H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, be likewise named after him. You wonder why. It is because of the outstanding courage that this young man has shown.

I remember meeting with him in the offices of his attorney, Carlos Leon, and his family members way back in 2006. He was in the midst of several of his surgeries that had to be implemented or had to be done in order to help cure him. Quiet, determined, smiling, generous in his time, we spoke about what he could do and how he could support legislation to turn things around. I believe that that courage exudes today on the floor of the House.

A year ago last April, the people of Harris County and those in and around my congressional district saw just how easy and how dangerous it is for young people to commit a crime of hate. In a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican American, was severely assaulted on April 23, 2006, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teen attackers, a skinhead, yelled ethnic slurs and kicked a pipe in an inappropriate place, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days, almost all of it in critical care.

For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked in the head, suffered 17 cigarette burns sadistically inflicted that still scar his body. His assailants poured bleach on his face and body and then assaulted him with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

Might I say to you that he was the cause and the inspiration behind the passage of H.R. 1592. And I just want to share with my colleagues this young man's picture, along with his attorney. He was a young man who came here with a business suit on because he meant business. We honor him today with a resolution that acknowledges his life.

In addition, I will soon be introducing additional legislation intended to fill a big gap in current hate crimes prevention. And we must do more to assist the victims of hate crimes and their families recover from their physical, emotional and psychological wounds.

My legislation will authorize programs to provide psychological and emotional support services and appropriate economic assistance to the victims of hate crimes and their families. The legislation will focus on three main areas: counseling, prevention, and economic support.

Let me just say, in closing, that I indicated that it is with a heavy heart that I stand on the floor today. It is certainly with great celebration that I acknowledge to the world and to America, the youth of America, the name of David Ray Ritcheson, someone who, in essence, sacrificed his life so that America might be better, sacrificed his life so that those of us who want to be able to preach love, opportunity and quality maybe, sadly, will have a message of joy out of his living, and that is that you can move to move hearts and minds, and that we can provide America with a better moral compass and legal system to prevent hate crimes in America.

Mr. Speaker, I rise in strong support of H. Res. 535, which honors the short life but big contributions of David Ray Ritcheson, a victim of a horrific hate crime who became an exceptionally effective advocate for Federal hate crimes legislation.

Over the years I have been privileged to take the floor many times to speak on behalf of my constituents in the Eighteenth Congressional district of Texas. On those occasions my heart was filled with joy in the knowledge that so many people entrusted me with the honor of giving voice to their hopes and aspirations.

But as I rise today, my heart is heavy. I have the sad duty of informing the House of the tragic death of David Ray Ritcheson, a Texas teenager and victim of a horrible hate crime, who went on to become an effective advocate for Federal hate crimes legislation.

Mr. Speaker, this tragedy should serve as a wakeup call to the Nation of the need to redouble our efforts to prevent hate crimes by juveniles, which I believe is in the long run the best and most effective way of eliminating the scourge of hate motivated crimes from our society.

I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult. But once a child or juvenile has learned to hate, it is a short step to learning and liking to act out that hatred.

A year ago last April, the people of Harris County, Texas, and in my congressional district, saw just how easy and how dangerous it is for young people to commit a crime out of hate.

In a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican-American, was severely assaulted on April 23, 2006, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teenage attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days—almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked in the head, suffered 17 cigarette burns sadistically inflicted that still scar his body. His assailants poured bleach on his face and body, and then assaulted him with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

Mr. Speaker, no one deserves to be tortured and victimized like David Ray Ritcheson was simply because he is of a different nationality, or race, or religion, or ethnic group, or sexual orientation or preference. It is for that reason that I introduced the David Ray Hate Crimes Prevention Act of 2007, H.R. 254, earlier this year, key provisions of which were incorporated into H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. For example, my bill increased the penalties to 10 years in prison for any person whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person. Also, H.R. 1592 incorporated another key component of my hate crimes prevention bill: the establishment of a grants program administered by the Office of Justice Programs of the Department of Justice to award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles.

I will soon be introducing additional legislation intended to fill a big gap in the current hate crimes prevention regime. We must and can do more to assist the victims of hate crimes and their families recover from their physical, emotional, and psychological wounds.

My legislation will authorize programs to provide psychological, emotional support services and appropriate economic assistance to the victims of hate crimes and their families. The legislation will focus on three main areas: counseling; prevention; and economic support.

Hate Crime victims lose their jobs at least in part because of the impact of hate crime violence and lack of financial and economic support during recovery. By giving hate crime victims economic and financial support, Congress makes it more likely that employees who are victims of hate crimes could stay at work while they deal with the violence or promptly return to work if they have to take temporary leave. Therefore hate crime victims must be provided access to: (1) Healthcare support including counseling and therapy to prevent in the future severe depression, violent outbreaks, suicide; (2) construction and personnel cost for shelters and hate crime support centers; (3) direct services providers; (4) healthcare insurance for counseling and therapy; (5) hotline services; and (6) short- and long-term individual counseling and support groups for hate crime victims and their families.

Since prevention is always better than cure, my legislation also seeks to prevent violent hate crime attacks before it happens. The legislation will provide funding for outreach and educational programs to raise awareness against racist and discriminatory beliefs.

Specifically, it will lead to:

(1) Development community responses and public education campaigns working with elementary, middle and secondary school to raise awareness of racist crimes as unacceptable behavior.

(2) Provide educational programs working with teenagers and young adults in college and university campuses.

(3) Adoption of hate crime awareness programs in the workplace.

When he testified in support of H.R. 1592, David Ray Ritcheson challenged this committee to take a big step toward making hate a thing of history. Hear the words this young man, wise and courageous beyond his years, spoke to the Judiciary Committee:

> It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as the "Local Law Enforcement Hate Crimes Prevention Act of 2007". I can assure you, from this day forward I will do what ever I can to help make our great county, the United States of America, a hate free place to live.

I ask unanimous consent that to place a copy of David Ray Ritcheson's entire statement in the RECORD.

I believe the best thing we can do to hasten the day that the United States is a hate free place to live is to work at least as hard toward preventing hate crimes as we must at prosecuting and punishing those who commit them.

As important as it is to apprehend, prosecute, convict, and punish severely those who commit hate crimes, we can all agree that in the long run it is even more important and better for society if we can increase our effectiveness in eradicating the desire to commit a hate crime in the first place.

Mr. Speaker, I have never been as proud of any constituent as I was of David Ray Ritcheson that day when he spoke such eloquent truth to power. By force of his own example and moral courage he helped clear the way for House passage of strong and long overdue hate crimes legislation. In the process, he made America better, and he made Texas stand tall. That is why it is so fitting to honor his memory. And that is why I am pleased to announce that the introduction of a resolution in tribute to this remarkable young man.

Mr. Speaker, I would like to read into the RECORD the text of this resolution.

H. RES. 535

Whereas David Ray Ritches, Mexican-American, was a friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas, and a popular and talented football athlete who was loved and admired by his family and friends;

Whereas on April 23, 2006, at the age of 16, David Ray Ritcheson was severely assaulted while attending a party in Spring, Texas;

Whereas the former running back and freshman homecoming prince spent more than three months in the hospital as a result of the injuries he suffered in the assault and endured more than 30 surgeries to restore his appearance and regain the normal use of his bodily functions;

Whereas no human being deserves to be tortured and victimized like David Ray Ritcheson simply because he is of a different background, race, religion, ethnic group, or sexual orientation;

Whereas of all crimes, hate crimes are most likely to create or exacerbate tensions that can trigger larger community wide racial conflict, civil disturbances, and riots in communities at-risk of serious social and economic consequences;

Whereas hate-motivated violence disrupts the tranquility and safety of communities, impedes the movement of members of targeted groups, and prevents members of targeted groups from purchasing goods and services, obtaining or sustaining employment, and fulfilling the American Dream;

Whereas the courageous, eloquent, and compelling testimony of David Ray Ritcheson before a committee of the House of Representatives brought into vivid relief the human face of victims of hate crimes and the terrible suffering that such crimes inflict on victims and their families, friends, and communities;

Whereas David Ray Ritcheson, in his testimony, emphasized that he was a survivor who urged the Federal Government to take the lead in deterring individuals like those who attacked him from committing violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk, or act;

Whereas David Ray Ritcheson's powerful testimony helped inspire the House of Representatives to pass the Local Law Enforcement Hate Crimes Prevention Act of 2007

(H.R. 1592 of the 110th Congress), which incorporates key provisions of the David Ray Hate Crimes Prevention Act of 2007 (H.R. 254 of the 110th Congress);

Whereas David Ray Ritcheson vowed to do whatever he could to help make the United States a hate-free place in which to live;

Whereas the courage displayed by David Ray Ritcheson is an inspiration to all Americans and reinforces the message that acts of bigotry and hate are unacceptable in the United States; and

Whereas, on July 1, 2007, David Ray Ritcheson died at the age of 18: Now, therefore be it

Resolved, That the House of Representatives mourns the passing of David Ray Ritcheson and commends him for his activism in contributing and raising awareness toward the eradication and elimination of hate crimes in the United States.

Mr. Speaker, I ask unanimous consent to place into the RECORD the testimony David Ray Ritcheson gave before the Judiciary Committee in April of this year in support of H.R. 1592.

STATEMENT OF MR. DAVID RITCHESON AT THE HEARING ON H.R. 1592, THE "LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007"

I appear before you as a survivor of one of the most despicable, shocking, and heinous acts of hate violence this country has seen in decades. Nearly one year ago on April 22, 2006, I was viciously attacked by two individuals because of my heritage as a Mexican-American. After hanging out with a few friends at a local crawfish festival, my friend and I, along with the two individuals who would eventually attack me, returned to the home in Spring, Texas where I was to spend the night. It was shortly after arriving at this private residence that a minor disagreement between me and the attackers turned into the pretext for what I believe was a premeditated hate crime. This was a moment that would change my life forever. After I was surprisingly sucker punched and knocked out, I was dragged into the back yard for an attack that would last for over an hour. Two individuals, one an admitted racist skinhead, attempted to carve a swastika on my chest. Today I still bear that scar on my chest like a scarlet letter. After they stripped me naked, I was burned with cigarettes and savagely kicked by this skinhead's steeltoed army boots. After burning me in the center of the forehead, the skinhead attacker was heard saying that now I look like an Indian with the red dot on my forehead. Moreover, the witnesses to the attack recalled the two attackers calling me a "wetback" and a "spic" as they continued to beat me as I lay unconscious. Once the attack came to an end, I was dragged to the rear of the back yard and left for dead. Reportedy, I lay unconscious in the back yard of this private residence or the next 8–9 hours. It was not until the next morning that I was found and the paramedics came to my aid. I am recounting this tragic event from the testimony I heard during the trial of the two attackers this past fall. God spared me the memory of what happened that night. As I sit before you today, I still have no recollection of those life changing twelve hours or the weeks that followed.

Weeks later I recall waking up in the hospital with a myriad of emotions, including fear and uncertainty. Most of all, I felt inexplicable humiliation. Not only did I have to face my peers and my family, I had to face the fact that I had been targeted for violence in a brutal crime because of my ethnicity. This crime took place in middle-class America in the year 2006. The reality that hate is alive, strong, and thriving in the cities, towns, and cul-de-sacs of Suburbia, America was a surprise to me. America is the country I love and call home. However, the hate crime committed against me illustrates that we are still, in some aspects, a house divided. I know now that there are young people in this country who are suffering and confused, thirsting for guidance and in need of a moral compass. These are some of the many reasons I am here before you today asking that our government take the lead in deterring individuals like those who attacked me from committing unthinkable and violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk or act.

I believe that education can have an important impact by teaching against hate and bigotry. In fact, I have encouraged my school and others to adopt the Anti-Defamation League's No Place for Hate® program. If these crimes cannot be prevented, the federal government must have the authority to support state and local bias crime prosecutions.

As the weeks in the hospital turned into months, I began hearing the stories of support that came from literally all over the world. The local community pulled together in a really majestic way, reaffirming my hope in the good of humanity. My family told me about the crowded waiting rooms full of the great friends from past and present. I heard about prayer groups before school in front of my school, the Klein Collins Campus. The donations that helped my family and me get through an unthinkable time poured in from generous people scattered across the globe. These donations would help pay for the enormous hospital bills from the over thirty surgeries I underwent during the first three months after the attack. Most of these operations were essential to saving my life—and others were necessary just to make my body able to perform what would be normal functions.

As the recovery process continued, my family began to slowly inform me of what had happened to me. They went on to tell me of the effective response by the Harris County Sheriff's Department and the Harris County Constables who had investigated the hate crime committed against me. I slowly began learning the about the background of the two individuals who had been arrested for attacking me. I was informed that one of the attackers, David Tuck, was a self proclaimed racist skinhead who had viciously attacked at least two other Hispanics in the past few years, almost killing one of them. I learned that he had been in and out of several juvenile facilities. Most surprising, I learned that he had been released from the Texas Youth Commission a little over a month before he attacked me. In fact, he was still on probation the night he nearly ended my life. I was told that he had "white power" and swastikas tattoos on his body. I was informed that his older step brother, a major influence in his life, was also a self-proclaimed skinhead currently serving time in a Texas jail. Here I was, learning shocking details of a person who lived only miles from me and who had at one time attended the same high school that I attended. How could this type of hate be breeding just miles from my home in a city as diverse as Spring without anyone taking notice?

I quickly learned of and benefited from the support of groups such as the Anti-Defamation League (ADL) and League of United Latin American Citizens (LULAC). Both groups immediately provided whatever support they could to help me and my family. From setting up fundraisers to help my family with unanticipated expenses to providing emotional support confirming that I was not going through this alone, both groups were instrumental in assisting me and my family in the process of moving forward. There are so many people to thank for the support they have given me, including the ongoing encouragement to appear before you today.

Last November and December I sat in a courtroom in Harris County, Texas and faced my attackers for the first time as they went through their respective trials. I am glad to say that justice was done. I am proud of the job our county prosecutors and investigators did in ensuring life sentences for the two individuals who attacked me. Specifically, I want to recognize the great job that Assistant District Attorney Mike Trent did during the prosecution of these two individuals. However, despite the obvious bias motivation of the crime, it is very frustrating to me that neither the state of Texas nor the federal government was able to utilize hate crime laws on the books today in the prosecution of my attackers. I am upset that neither the Justice Department nor the FBI was able to assist or get involved in the investigation of my case because "the crime did not fit the existing hate crime laws." Today I urge you to take the lead in this time of needed change and approve the "Local Law Enforcement Hate Crimes Prevention Act of 2007". I was fortunate to live in a town where local law enforcement authorities had the resources, the ability—and the will—to effectively investigate and prosecute the hate violence directed against me. But other bias crime victims may not live in such places. I ask you to provide authority for local law enforcement to work together with federal agencies when someone is senselessly attacked because of where they are from or because of who they are. Local prosecutors should be able to look to the federal government for support when these types of crimes are committed. Most importantly, these crimes should be called what they are and prosecuted for what they are, "hate crimes"!

In fact, because there was so much attention focused on the fact that my case was not being prosecuted in Texas as a hate crime, the Anti-Defamation League and the Cook County (Illinois) Hate Crimes Prosecution Council published a Pamphlet called "Hate Crimes Data Collection and Prosecutions: Frequently Asked Questions," designed to address some of the basic legal and practical considerations involved in labeling and charging a hate crime.

My experience over the last year has reminded me of the many blessings I took for granted for so long. With my humiliation and emotional and physical scars came the ambition and strong sense of determination that brought out the natural fighter in me. I realized just how important family and the support of community truly are. I will always recall my parents at my bedside providing me with strength and reassurance. They showed me how to be strong during my whole recovery, a process I am still going through today. Seeing the hopeful look of concern in the faces of my siblings, cousins, aunts and uncles everyday was the direct support I needed to get through those terrible first few months. As each day passed, I became more and more aware of everything I had to live for. I am glad to tell you today that my best days still lay ahead of me.

> Thank you for the opportunity to tell my story. It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as the "Local Law Enforcement Hate Crimes Prevention Act of 2007". I can assure you, from this day forward I will do what ever I can to help make our great country, the United States of America, a hate free place to live.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the old book tells us to mourn with those who mourn and grieve with those who grieve. I rise in support today of H. Res. 535 in a spirit of bipartisanship and mutual mourning in the tragic end of the life of David Ray Ritcheson.

I rise to commend David Ray Ritcheson in this resolution, a survivor, as my colleague from Texas just described, of a horrific crime. We commend him for his activism in raising awareness of violent crimes in this United States.

As has been noted, at the age of 16 years, David Ray Ritcheson was brutally assaulted in April of 2006 while attending a party in Spring, Texas. He was hospitalized for more than 3 months, had more than 30 surgeries to restore his appearance and regain his health. David Ray Ritcheson recovered and became a spokesman and a tireless advocate against brutal crimes. He spoke eloquently and with great courage. He testified, even at his young age, with conviction before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security. He did so in a way that gave honor to both his convictions and his character. David Ray Ritcheson's courage stands as a testament to all crime victims, especially those who suffer brutal attacks.

Violent crime strikes at the heart of every victim, the victim's family, and their community. We must do all that we can to eradicate all violent crimes.

Today we gather in support of this resolution simply to mourn the passing of David, to extend our heart-felt sorrow and respect to his family and his community and all those whose life he touched with his courage. His memory will live on in our hearts. His courage will inspire us all.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from Texas has 14 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me take an opportunity to acknowledge Albert and Laticia Galvin, the parents of David Ray Ritcheson. I mention them, their strength and their sense of dedication.

I also wanted to acknowledge the outpouring of support by the Members of Congress, members of the House Judiciary Committee and our local community. We came together, people from all segments of the community, to honor him in his passing, but also to commit ourselves to ridding our community of hate. Representatives from the NAACP and LULAC, faith leaders, elected officials, all of them put aside differences, as my good friend from Indiana has indicated, partisan differences, and realized that hate is really not the definition of America.

And if I might refresh the memories of my colleagues, just a few weeks ago we stood on the floor to acknowledge July Fourth, the Independence Day for America, again a day of joy. But the points of accolades for this Nation really focused not only on the Constitution and the Bill of Rights, which gives us the freedom of association, due process so that your rights are protected, but we're reminded of the Declaration of Independence. And it indicated that we all are created equal, with certain inalienable rights of life and liberty and the pursuit of happiness.

That's all that David sought in his young life, and I hope that as we move legislation forward, in the other body and here, on stomping out hate crimes, we will be reminded of this young life, not only David, but his mother and father, Albert and Laticia Galvin, who, if you met them, you would know how David was able to be so strong and so determined.

Mr. Speaker, I reserve the balance of my time

Mr. PENCE. With that, I'm pleased to yield such time as he may consume to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I greatly appreciate the opportunity to pay tribute to David Ray Ritcheson, having met him, talked with him, and heard his testimony at the Judiciary Committee.

David Ray Ritcheson was truly a brave young man who had a horrible act committed against him. His early departure from this life made his story all the more tragic. The crime committed against him earlier in his life is one that should not be tolerated under any circumstances. The applicable State law dealt with that crime in such a way that I understand the main perpetrators received life and 90 years as sentences.

On hearing the sad testimony by David at our hearing, everyone was moved with a sense of outrage. Yet, on closer examination of what the majority was trying to do, it caused me to ask if there was anything in this hate crimes bill that would have changed anything about David's terrible situation. After all, the hate crimes bill has no sentence higher than life. It's not a capital situation.

☐ 1430

The answer was, and is, that there is nothing in the bill that would have really made any substantive difference in David's situation.

It is also tragic that any acquaintances of David who did not know the details of the brutality against him before apparently came to know about it through his courage and the national attention focused on him and the display of courage at our hearing. That is further testimony itself to his courage. But the ridicule at home that followed his testimony is also tragic. It is sad that he chose to end that life of such incredible potential.

David's earlier display of courage and the unfairness and outrage he faced deserve attention. He deserves a heartfelt salute. His family has our thoughts and prayers with them, especially in this loss of such a beautiful soul with so much potential.

But the bill being touted in this resolution does not bring us together. It divides us by saying that some people in this country are more important to protect than others. It divides by saying, for example, that those tragically killed at Virginia Tech are not as important to protect as a transvestite with gender identity issues. The bill further seeks to squelch religious teaching about immorality.

I stand here on the floor today to salute David Ray Ritcheson, an incredible young man. I want with all my heart to vote for a resolution to pay him proper tribute as well. But, unfortunately, I cannot vote for a resolution that, since it includes a pursuit and an adulation of the hate crimes bill, I cannot see the use of this tragedy to vote to give accolades to a bill that I think harms America and divides us.

If there is a recorded vote, I will vote "present" out of my incredible respect for David Ritcheson. But my "present" vote will also avoid the hypocrisy of my saying I support the hate crimes bill when I believe it harms the country, it harms religious teaching, and it would not undo what was done to David.

I look forward to any opportunity to do anything to pay tribute to David Ritcheson standing on its own.

Mr. PENCE. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as this bill is intended to do, let me dwell on the life of David Ray Ritcheson and how much he has contributed to moving this country forward. I would like to read just a portion of his statement from his own words in the Judiciary Committee speaking about the experience of his tragedy:

"After burning me in the center of the forehead, the skinhead attacker was heard saying that now I looked like an Indian with a red dot on my forehead. Moreover, the witnesses to the attack recall the two attackers calling me a 'wetback' and a 'spic' as they continued to beat me as I lay unconscious. Once the attack came to an end, I was dragged to the rear of the backyard and left for dead."

The bill that David was so articulate in helping us move forward provides resources for our smaller communities in order to ensure that if Federal resources are needed, that nexus, that connection, that assistance would be provided. Therefore, it is clear that David's testimony helped assist rural communities.

I cite, for example, another tragic incident that occurred in a rural area, and maybe the county in that area might not have been able to move forward. This bill, however, is already out of the House. So our tribute today really focuses on the courage which David provided to move that bill forward.

In Wyoming, Matthew Shepard was in a rural area. It was a rural area in Jasper, Texas, with Mr. James Byrd. So we know that the bill that has passed the House truly would provide assistance to those communities that would ask for it if such a tragedy occurred in their community. Again, Mr. Speaker, simply if they asked for it.

I want to emphasize that this is about David, so let me share with you his words. These are the words that he offered to the Judiciary Committee: "It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as H.R. 1592. I can assure you from this day forward I will do whatever I can to help America become our great country, the United States of America a hate-free place to live." These are David's words.

As we move forward in trying to capture what his life was truly about, this young, friendly, cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas, popular and a talented football athlete, who was loved and admired by his family and friends, we want to ensure that, as we go forward, if such a dastardly act would happen again, we focus on the family.

Mr. Speaker, we would like to see health care support, including supportive counseling and therapy to prevent future severe depression; construction and personnel costs for shelters and hate crime support centers; direct service providers who are trained to try and help those who have been victims of hate crimes; health care insurance for counseling and therapy; hotline services, so for those who witness hate crimes or other acts, we would be able to provide an immediate source of information for them to report what happened; short- and long-term individual counseling and support groups for hate crime victims and their families.

This is a time to acknowledge this former running back and freshman homecoming prince, who spent more than 3 months in the hospital. But at the same time, it is a time of celebration. That is what this resolution stands for. Let me thank the list of cosponsors who have provided their affirmation of the importance of David's life.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I would like to say to my friend across the aisle, the idea of assisting with counseling for anyone who has been through something so traumatic as what David Ritcheson experienced is a good idea. I would support a measure of that order.

Matthew Shepard was mentioned, as was James Byrd. Of course, most of us are familiar with those situations. Mr. Byrd was attacked because he was an African American. He was brutally drug behind a vehicle. And if I had my way and could put into law the law I would like to address that, it would be to allow the family of the victim to choose the terrain over which to drag the defendants, if they were convicted, and the rope by which to drag them. But, again, capital punishment was not an issue in this hate crimes bill.

Mr. Byrd's perpetrators, two received the death penalty, as I recall, and one received a life sentence, and that was State resources without the assistance of the Federal Government. With Matthew Shepard, I believe there were two life sentences in those cases, which would further not have been enhanced.

But I look forward to the day, as Martin Luther King said, when we are judged by the content of our character, not the color of our skin, and I would submit not by any other factors over which we have no control.

When it comes to a hate crime bill, we ought not to be dividing. A transvestite deserves protection. David Ritcheson, my goodness, deserved protection. We should work together to bring this Nation together, not divide it by saying some people deserve more protection than others.

Again, I think the idea of counseling, it might have served David well because, goodness knows, he had been through a great deal of trauma. Perhaps that would have assisted him in not bringing a permanent end to a temporary problem, which made it all the more tragic.

So I would welcome the opportunity, if something in the form of legislation along those lines were to arise, in working with my colleagues on the other side.

Mr. PENCE. Mr. Speaker, I am actually prepared to close with the gentlewoman's forbearance.

Ms. JACKSON-LEE of Texas. I am prepared to close. If the gentleman would close, I will follow.

Mr. PENCE. I would be pleased to do that. I thank the gentlewoman for her courtesy.

Mr. Speaker, I rise in support of this resolution, H. Res. 535, commending David Ray Ritcheson, and urge my colleagues to support it.

Let me say from my heart, I have great respect for the gentlewoman from Texas. She and I have an intellectual difference of opinion on the merit of hate crimes legislation. The legislation specifically referenced in this resolution as having been passed in this Congress even earlier this year as a result of some of the work of the man that we are honoring, I did not support and I do not support.

I don't support hate crimes laws. I don't support penalizing thoughts like action. But I do support courage. I do believe in that ancient adage that says if you owe debts, pay debts; if honor, then honor; if respect, then respect.

I disagree with the gentlewoman on the subject of hate crimes legislation. I disagree therefore with the late David Ray Ritcheson on that issue. But I rise today because this resolution says that the House of Representatives mourns the passing of David Ray Ritcheson and commends him for his activism in contributing and raising awareness toward the eradication and elimination of hate crimes in the United States.

We can come together as a Congress, and I expect we will today, to pay a debt of gratitude that we owe to a life that ended too soon. I commend the gentlewoman for her quite typical and forceful advocacy of her views, but I urge my colleagues to meet on that common ground of paying a debt of gratitude to a life that, as his family looks into this debate, I hope they know whatever our views are on the issues in which David found himself caught in violence and then standing in the national debate, we admire him, we honor his life, and we mourn his passing as a Congress and as a Nation.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished gentleman from Indiana for his courtesies. That is the note which I will end on, is a note of courage.

As we look at this young man, and I am going to do something quite unusual, Mr. PENCE, the family is watching, and I would hope that that would be the spirit of this resolution, simply to acknowledge the courage of David Ray Ritcheson, this talented young man, as I have said, Laticia and Albert Galvan's child, the brother of so many siblings, that they would understand what it took to come into the Judiciary Committee room.

We would like to thank the cosponsors of this legislation, and I would like them to have a lasting impression of this distinguished young man.

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The courage, fortitude, the work he has done has enlightened many. As Mr. PENCE said, we can have a number of debates and questions about the underlying issue, but the above-lying issue is simply a resolution thanking a young man who has lost his life in the face of an unspeakable tragedy. And we are all committed, whether it is a moral question or whether it is by legislative initiative, we abhor hatred. This Nation was not founded to promote hatred, although many of us came to this Nation differently.

So I would simply ask my colleagues to join me. And I yield to the gentleman from Indiana (Mr. PENCE) for an inquiry. His family is watching, and I hope this can be perceived, this is an unlikely question to you, be perceived simply as a resolution, making no further statement, on the celebration of his life. We would like to call for a vote, and we would like to have your support. I have heard that you are willing to support this on that basis, and I would like to commend this to my colleagues simply on that basis. This is a resolution honoring a young man who has called to the attention of all of us the idea of the fact that we all abhor hatred of any kind.

Mr. PENCE. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Indiana.

Mr. PENCE. I thank the gentlelady for yielding, and I appreciate the spirit of her remarks. Both her remarks and the express language of the resolution have to do with the House of Representatives mourning the passing of David Ray Ritcheson and commending him for his activism, and that is certainly a resolution I can and will support on the floor in whatever manner it comes forward.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Mr. GOHMERT. Will the gentlelady yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. GOHMERT. Thank you for yielding, and I just want to wholeheartedly applaud and pay tribute to your gesture here. A salute to the life of David Ritcheson is a wonderful thing. I thank you for doing that.

Ms. JACKSON-LEE of Texas. Thank you for your kindness.

Let me bring my remarks to a close by reading some of the words I read before. I will end with these words: "It has been a blessing to know," and this was testimony in the House Judiciary Committee "that the most terrible day of my life may help put another human face on the tragedy," and these are my words, of hate crimes and hatred.

Let me thank the gentleman from Michigan (Mr. CONYERS) for his leadership. Let me thank the ranking member, the gentleman from Texas (Mr. SMITH), as well as the ranking member of the Subcommittee on Crime and the chairman of the Subcommittee on Crime Mr. SCOTT. All of them have been generous, as has the staff of the Judiciary Committee, in helping us pay tribute to David Ray Ritcheson. May he rest in peace. God bless his family, and God bless America for being the Nation that abhors hate and recognizes this beautiful young man.

Mr. CONYERS. Mr. Speaker, today I rise in memory of the life of David Ray Ritcheson. I met David when he testified last April before the Judiciary Committee at a legislative hearing on the Hate Crimes Prevention Act. He had the courage to come forward and testify about the need for that legislation and the impact of hate crimes on communities and families. He spoke from the heart and from experience.

David survived a horrific attack last year that required him to endure countless operations to restore his appearance and body. He was the voice for all who could not speak and did an admirable job. I believe that his story served as a I inspiration that led the House to pass the Hate Crime Prevention Act on May 3 of this year.

It is a tragedy that David will not see the fruit of his labor. The psychological wounds from the crimes inflicted upon him finally caused David to take his life on July 1, 2007.

I hope that this resolution will convey to his family and community the heartfelt condolences of this House.

It is also my hope that the brutal attack that he survived will not define his life. David Ritcheson should be remembered in his community as a friend, a classmate, a football player and a son.

House Resolution 535 is a fitting tribute to David Ray Ritcheson. It honors David as someone unafraid to stand and speak for the victims of hate crimes, so that we could act to protect other communities in the future. He will be remembered and missed.

I ask my colleagues to join me in supporting this well-deserved resolution.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 535, a resolution to honor the leadership, in raising awareness of hate crimes, of David Ray Ritcheson, a Mexican American who was severely assaulted on April 23, 2006, and passed away last week.

Role models come in all shapes and sizes. Jackie Robinson, Rosa Parks, Martin Luther King, Jr, Cesar Chávez, are all great role models who led by example.

Just a few months ago, in our halls of Congress, David Ray Ritcheson at the young age of 18 exposed the harsh reality of hate crimes through his personal experience.

Today, we honor his efforts and leadership on this issue.

After having survived one of the most horrific hate-motivated criminal acts, David Ray courageously testified in support of the "Local Law Enforcement Hate Crimes Prevention Act of 2007," H.R. 1592, which passed the House on May 3, 2007.

In his testimony he stated: "It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign", "education can have an important impact by teaching against hate and bigotry".

We must continue his efforts.

My prayers are with his family in their time of need.

We must not forget one of our present day's great role models. David Ray has and will continue to be a strong reason why hate crimes must be exposed.

I urge my colleagues to carry on his efforts to put an end to all hate crimes, and vote for this important legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 535, Commending David Ray Ritcheson and his efforts in promoting legislation to combat hate crime.

David Ray Ritcheson was the victim of a horrific hate crime in Houston by white supremacists in April of 2006 because of his Mexican heritage.

He was brutally attacked with a metal pipe, burnt with cigarettes, had bleach poured on him, and was kicked with steel toed boots. His injuries from the attack were so severe that he underwent 30 surgeries and was scheduled for even more surgeries.

Miraculously, David was recovering from his injuries and eventually returned to school.

David wanted to move past his horrific experience, but he bravely came to Washington in April to testify before the House Judiciary Committee in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

David's case was never tried as a hate crime. Due to Federal statutes and under Texas criminal law, first-degree felonies are exempt from hate crimes provisions.

In his testimony, David called upon the Congress to give local authorities the ability to federally prosecute hate crimes. He said "if these crimes cannot be prevented, the federal government must have the authority to support state and local bias crime prosecutions."

I strongly agree with David and his testimony helped the House pass H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

Unfortunately, earlier this month, David took his own life.

David deserves to be remembered for the hero that he was and honored for his hard work to combat hate crimes.

I support this bill which will honor David Ray Ritcheson and urge my colleagues to do the same.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support this resolution honoring the life and courage of the late David Ray Ritcheson.

David was a popular, friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas. After a dispute at a party in Spring on April 23, 2006, two avowed white supremacists viciously attacked David because he was Mexican-American. David's attackers attempted to burn a swastika into his chest, poured bleach on his face and body, and used a jagged pipe to brutally assault him. One of his attackers was a skinhead with Nazi tattoos, and both of his attackers yelled "White Power!" during their assault on David.

After this attack, David was left for dead, but, after being sent to the hospital the next morning, he fought bravely on. After 3½ months in an intensive care hospital bed, David was able to leave the hospital and attempt to return to a life of normalcy. David courageously decided to use his tragedy to create something positive and became an outspoken advocate of federal hate crimes legislation that would help ensure that local police departments would be able to prosecute cases like his as hate crimes in the future.

This past April, David testified before a subcommittee of the House of Representatives Committee on the Judiciary in favor of the Local Law Enforcement Hate Crimes Prevention Act. His passionate, moving and eloquent testimony helped spur this House to act on that important legislation, which passed this House in May.

Unfortunately, David passed away on July 1, after fighting to overcome the physical and mental wounds left by his attackers for over a year. In this difficult time for David's family and friends, it is important to remember David's admirable courage, warmth and strength.

I would like to give my condolences to all of David Ray Ritcheson's family, friends and loved ones. I also would like to recognize David's life and everything that he accomplished. I commend my friend and colleague, the gentlewoman from Texas, Ms. JACKSON-LEE, for introducing this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS REGARDING A CHILD OF A DECEASED MEMBER OF THE ARMED FORCES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 175) expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 175

Whereas the death gratuity payable under section 1477 of title 10, United States Code, upon the death of a member of the Armed Forces, is intended to provide funds to meet the immediate needs of the survivors of the deceased member;

Whereas such section designates the surviving spouse and any children of a deceased member as the highest and second highest priority, respectively, to receive the death gratuity payment; and

Whereas a member with a child or children, but no spouse, usually designates another individual to be responsible for that child or children and may express a desire that such individual receive the death gratuity payment on behalf of the child or children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 175 deals with a tragic situation where a member of the Armed Forces dies leaving a surviving child but no spouse. This resolution expresses a sense of Congress that State courts with fiduciary responsibility for the child of a deceased member of our Armed Forces should take into consideration the express desires of the fallen soldier as to how funds related to the soldier's service should be distributed on behalf of a surviving child.

When an American soldier makes the ultimate sacrifice, not only does our country suffer a terrible loss, but that soldier's family suffers directly. Among many other concerns, a family faces a number of immediate financial challenges; and, unfortunately, these challenges come in the midst of their grief. These financial and emotional hardships are compounded when the deceased servicemember was a single parent.

I thank the mover of the bill for his leadership and the cosponsors, thank the members of the Judiciary Committee, Chairman CONYERS and the ranking member Mr. SMITH.

This bill helps the surviving family members of a fallen soldier better cope with these financial hardships. Congress established a death gratuity intended to address some of these expenditures families must cover during the traumatic period following a loved one's death.

The current system administering the death gratuity, however, often makes it difficult for those left with the responsibility of caring for a fallen soldier's child to access these funds. A death gratuity payable to a minor child is placed in trust until the child gains majority status. In the interim, the relevant State court has discretion to release funds for the care and needs of the child.

The problem here is that the Armed Forces personnel who are single parents currently have no formal way to designate, for the purposes of the death gratuity, a caretaker for their minor child in the event of a servicemember's death.

It is our duty to do all we can to ensure that the children left behind are cared for as their parent requested. When servicemembers make it clear who they would like to care for their children in the event of their death, those wishes should be an important factor for the court to consider.

It is almost like the tragedy of 9/11 and a bill that I authored after those parents are deceased to ensure that the children of the 9/11 tragedy, the orphan children, would have their benefits promoted and supported and rendered first. This legislation, and rightly so, wants to give parents the opportunity to designate who should be the custodian for these funds so children can be taken care of first and foremost. I strongly urge my colleagues to support this resolution.

Mr. Speaker, House Concurrent Resolution 175 deals with a tragic situation where a deceased member of the Armed Forces leaves a surviving child, but no spouse.

This resolution simply expresses the sense of Congress that State courts—with fiduciary responsibility for the child of a deceased member of our Armed Forces—should take into consideration the expressed desires of the fallen soldier as to how funds related to the soldier's service should be distributed on behalf of the surviving child.

When an American soldier makes the ultimate sacrifice, not only does our country suffer a terrible loss, but that soldier's family suffers directly. Among many other concerns, the family faces a number of immediate financial challenges, and unfortunately, these challenges come in the midst of their grief. These financial and emotional hardships are compounded when the deceased service member was a single parent.

To help the surviving family members of a fallen soldier better cope with these financial hardships, Congress established a death gratuity intended to address some of the expenditure's families must cover during the traumatic period following a loved one's death.

The current system administering the death gratuity, however, often makes it difficult for those left with the responsibility of caring for a fallen soldier's child to access these funds. A death gratuity payable to a minor child is placed in trust until the child gains majority status. In the interim, the relevant State court has discretion to release funds for the care and needs of the child.

The problem here is that Armed Forces personnel who are single parents currently have no formal way to designate, for the purposes of the death gratuity, a caretaker for their minor child in the event of the service member's death.

It is our duty to do all we can to ensure that the children left behind are cared for as their parent requested. When service members make it clear who they would like to care for their children in the event of their death, these wishes should be an important factor for the court to consider.

I strongly urge my colleagues to support this resolution, and I reserve the balance of my time.

H. Con. Res. 175 will help the children of fallen soldiers by providing necessary guidance to the courts about how to treat the expressed desires of a deceased service member when it comes to distribution of the death gratuity. I ask my colleagues to join me in supporting this resolution so that the wishes of soldiers are given proper respect and consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it represents a bipartisan conviction that is unanimous in this Chamber that we owe those who serve in the uniform of the United States and who fall in that service everything. And we owe their families who share their sacrifice the same.

H. Con. Res. 175, brought to this floor today by the gentleman from Iowa (Mr. LATHAM), will be an expression of a Congress acting on that gratitude and on that debt. It is a highly technical matter, but as I am sure the gentleman from Iowa will explain and the gentlelady from Texas explained, this is an issue that impacts the lives of people that this Nation cherishes the most.

There are a number of cases where the children of single-parent servicemembers killed in action and their guardians have not been able to access death benefits intended for them. This resolution addresses cases where specific instructions were left by a servicemember as to the distribution of benefits to caretakers.

In order of priority, death benefits are currently distributed to a surviving spouse, children, and other classes of persons such as siblings designated by the deceased. Benefits of a single parent's minor children must be held in trust by a State court which appoints a trustee who supervises the distribution of funds on behalf of the children. This consumes time and money in instances where the deceased clearly designated a caretaker to serve as a de facto trustee.

The fiscal year 2008 national defense authorization bill will include a provision allowing servicemembers to begin predesignating caretakers as recipients as part of the death gratuity payment. However, neither House nor Senate provisions help families that have already been affected. Although H. Con. Res. 175 takes the form of a congressional concurrent resolution and therefore has no legal effect, it is confidently hoped that attorneys for minor children will use the text, once passed by the House, to convince State courts to honor the wishes of deceased single parents who designated caretakers for this purpose.

Mr. Speaker, I commend the gentleman from Iowa (Mr. LATHAM) in particular for his tender care of the service families of these American heroes, for his advocacy on behalf of families whose loved ones paid the ultimate price while defending our great Nation. I urge the House to adopt H. Con. Res. 175.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, it is my honor to yield such time as he may consume to the principal author of H. Con. Res. 175, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Indiana for recognition and for the kind words. I appreciate that very much. The gentlewoman from Texas, thank you for your support. And I want to thank Chairman CONYERS and Ranking Member SMITH for working together to bring this very important resolution to the floor quickly after it was introduced.

I also want to thank Armed Services Committee Chairman IKE SKELTON and Ranking Member HUNTER for their valuable input on this resolution and important work on this issue.

Many servicemembers who are single parents rely upon grandparents or other caretakers to care for their children while they are deployed. If the servicemember is tragically killed in action, these caretakers are left without access to the death gratuity payment to help raise the servicemember's children.

I am grateful that the House and Senate Armed Services Committees have addressed this issue, including in the 2008 defense authorization bill provisions allowing servicemembers to begin designating caretakers as recipients of all or part of the death gratuity as we go forward. However, it is important that we also consider those families that have already been affected by the situation, which is the purpose of this resolution today.

There have been as many as 143 recent cases where minor children were the recipients of the death gratuity which they cannot access until reaching the age of 18. In some of these cases, such as the one involving the Jaenke family from Iowa Falls, Iowa, in my district, the fallen servicemember left specific written instructions that part of the death gratuity be used to care for her daughter. Naval Petty Officer 2nd Class Jamie Jaenke, who was tragically killed by a roadside bomb in Iraq last summer, was survived by her 9-year-old daughter Kayla, who is being cared for by her grandparents. Kayla's family has experienced countless financial hardships as a result of not having access to the death benefits for the purposes that Jamie intended.

While the situation may not affect a large number of families, the bottom line is I believe the wishes of our servicemembers with respect to their death benefits should be honored.

Our Nation will be forever grateful for Jamie's dedication and service and the sacrifice she has made for our Nation. It is a fundamental duty of Congress to ensure that the children of fallen servicemembers, like Kayla, are cared for. We owe this to our servicemembers who have made the ultimate sacrifice. Mr. Speaker, I urge my colleagues to support this resolution, and I urge the Senate to act in a quick manner to resolve this unfortunate situation.

☐ 1500

Mr. PENCE. Mr. Speaker, in closing, let me simply rise again on behalf of many of my colleagues on the House Judiciary Committee to commend to the attention of all Members H. Con. Res. 175 regarding the payment of survivor benefits to family members of deceased service personnel.

It is a highly formalistic sounding bill, highly technical, but I think you could sense, Mr. Speaker, the emotion in the voice and the countenance of its principal author. I would expect that Mr. LATHAM of Iowa is here on this floor for Kayla and for the children of those 143 soldiers who find themselves caught in a confused bureaucracy and unable to access the benefits to which they are entitled and to which the hero that they lost as a parent and a loved one intended them to enjoy.

So, again, I urge my colleagues to support H. Con. Res. 175, and I rise with a humble sense of gratitude for the tireless work of the gentleman from Iowa in bringing this legislation so quickly and so thoughtfully to the floor of this Congress.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to rise and yield myself such time as I may consume to thank Mr. LATHAM for his sensitivity and leadership.

Mr. Speaker, let me acknowledge that there are men and women as we speak on the front lines in the battle for their Nation. Many in Iraq and Afghanistan but many lose their lives elsewhere around the world in the Nation's uniform.

This is an instructive and important legislative initiative, but can we imagine being lost in battle, a fallen soldier who's not able to provide for his or her family or his child? H. Con. Res. 175 and the backdrop of those who are now losing their lives in battle will help the children of these fallen soldiers by providing necessary guidance to the courts about how to treat the expressed desires of a deceased servicemember when it comes to the distribution of a death gratuity.

Hopefully, the constituent of Mr. LATHAM and many others will find refuge and relief. It is certainly not the Nation's desire to leave them wanting and destitute.

This particular bill provides comfort to those who need comfort and financial support for those who are suffering.

I ask my colleagues to join me in supporting this resolution so the wishes of the soldiers are given proper respect and consideration and a grateful Nation is truly grateful.

Let me also thank the ranking member, Mr. SMITH; the full committee chair, Mr. CONYERS; Mr. BERMAN and Mr. COBLE of which this particular amendment and legislation has come through. And we ask that the legislation be passed with great support in this body.

I ask my colleagues to support it.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today in strong support of H. Con. Res. 175, which helps children of fallen soldiers access military death benefits. I would like to express my deep appreciation to my friend, Congressman LATHAM, for taking the lead on this issue. I am proud to be a cosponsor of this important legislation.

On June 5th, 2006, Navy Petty Officer 2nd Class Jaime Jaenke was killed in Iraq when her Humvee was hit by a roadside bomb. Ms. Jaenke, from Iowa Falls, was the first female from Iowa to die in the Iraq conflict.

Jaenke left behind a daughter, Kayla, who is cared for by Jaenke's parents. She had designated her mother, Susan, as the beneficiary of a $100,000 death benefit intended to help survivors. However, under law, only spouses or children are allowed to receive the benefit, so it must be kept in a trust for Kayla until she turns 18.

But the Jaenkes need the money now. They incurred unanticipated expenses such as hiring a lawyer to get legal guardianship and obtaining health insurance for Kayla. They also had funeral costs and other expenses, even as their horse stable was losing money.

Congressman LATHAM's resolution would express the sense of Congress that courts should have the discretion to redistribute death benefits to caretakers if the service member left clear intent for the use of these funds. This would be a Godsend to the Jaenkes and the at least 143 identical cases where other families are affected by these same circumstances.

Mr. Speaker, Congress needs to act, and they need to act fast, to help the families of those who have given so much for their countries. These families already have to face the anguish of losing a son or a daughter. They should not have to worry about the financial strain of dealing with unexpected expenses. I urge all of my colleagues to send a strong message to our military families that we understand the need for flexibility in protecting these families from unintended consequences.

Mr. LOEBSACK. Mr. Speaker, I rise today to voice my support for House Concurrent Resolution 175, of which I—along with the entire Iowa delegation—am a cosponsor.

I would also like to thank the gentleman from Iowa for his leadership on this issue.

This resolution expresses the sense of Congress that courts should take into consideration the expression of clear intent by a member of the United States Armed Forces regarding the distribution of death gratuity payments to their surviving children.

Such payments are intended to provide for the immediate needs of the survivors of deceased servicemembers. However, under current law, children cannot directly receive the payments until the age of 18, even if they are designated as the recipient by the servicemember.

The wishes of those who serve our country should be honored to the greatest extent possible. As a member of the Armed Services Committee, I am proud that the fiscal year 2008 National Defense Authorization Act passed by this House allows servicemembers to designate up to 50 percent of their benefit payment to someone other than a spouse or child, thereby assuring that children under the care of individuals or family members other than the servicemember's spouse are properly provided for by the gratuity system.

This resolution reaffirms the commitment of Congress to providing for the children of those who have served our country, and I strongly urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Con. Res. 175.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MODIFYING DEADLINE RELATING TO ELECTION BY INDIAN TRIBES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3095) to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ELECTION BY INDIAN TRIBES.

Section 127(a)(2)(B) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927(a)(2)(B)) is amended by striking "within 1 year of the enactment of this Act" and inserting "by July 27, 2008,".

The SPEAKER pro tempore (Mr. COHEN). Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank Mr. KILDEE for moving this legislation and thank him for his leadership. Two years ago, the Adam Walsh Child Protection and Safety Act was enacted. The act was a major advance in our Nation's efforts to protect our children from sexual and other violent crimes, to prevent child pornography, and to make the Internet safer for our sons and daughters.

Among its provisions, the act includes a mandate that each tribe either affirmatively opt-in to the new sex offender requirements enacted as part of that act, or cede its authority for enforcement to the State in which the tribe is located. The act requires all tribes register their intentions by July 27, 2007.

While initially this deadline appeared to be reasonable, the tribes' ability to comply with it has been made virtually impossible in light of the fact that the Justice Department has taken much longer than expected to issue the necessary guidelines that will help implement the new requirements under the Adam Walsh Act.

In fact, we are advised that these guidelines will not be finalized until after the registration deadline. Under these circumstances, it only stands to reason that the tribes should be given additional time to make the necessary certification.

H.R. 3095, offered by Mr. KILDEE, addresses this problem by simply extending the registration deadline for one year until July 27, 2008. Without this brief extension, the sovereign authority of countless tribal lands will be substantially undermined.

I commend my colleagues, from Michigan Mr. KILDEE and Mr. RENZI of Arizona, for their leadership on this measure. H.R. 3095 goes a long way toward protecting the sovereign authority that historically has bestowed upon tribal lands.

Accordingly, I strongly urge my colleagues to support this bipartisan, commonsense proposal.

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Among its provisions, the act includes a mandate that each tribe either affirmatively opt-in to the new sex offender requirements enacted as part of that act, or cede its authority for enforcement to the State in which the tribe is located. The act requires all tribes to register their intentions by July 27, 2007.

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In fact, we are advised that these guidelines will not be finalized until after the registration deadline. Under these circumstances, it only stands to reason that the tribes should be given additional time to make the necessary certification.

H.R. 3095 addresses this problem by simply extending the registration deadline for 1 year until July 27, 2008. Without this brief extension, the sovereign authority of countless tribal lands will be substantially undermined.

I commend my colleagues from Michigan (Mr. KILDEE) and Arizona (Mr. RENZI) for their leadership on this measure. H.R. 3095 goes a long way toward protecting the sovereign authority that historically has been bestowed upon tribal lands.

Accordingly, I strongly urge my colleagues to support this bipartisan, commonsense proposal.

H.R. 3095 offers a commonsense solution that respects the historically recognized sovereignty of our Nation's tribes while not compromising the critical objectives of the Adam Walsh Child Protection and Safety Act with respect to protecting our Nation's children from sexual and other violent crimes.

This bipartisan measure warrants our support.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3095 which, simply put, will provide Indian tribes a 1-year extension in which to decide how to comply with the requirements of the Adam Walsh Protection and Safety Act of 2006. It's extremely important to note to colleagues looking in on this debate, H.R. 3095 does nothing to weaken the requirements of the Adam Walsh Act on Indian tribes. The children who live on Indian reservations deserve just as much protection as children in other communities.

The reality is that this important legislation simply creates an opportunity for Indian tribes to obtain 1-year extension to decide how to live under those requirements.

The Adam Walsh enacted new requirements for States and Indian tribes to maintain sex offender registration information, post such information on the Internet and share such information among States and other Indian tribes.

It allows Indian tribes one year to decide whether the Indian tribe itself will implement the sex offender registration and notification, or whether the tribe will rely on the registration and notification programs operated in an adjacent State to comply with the act's requirements.

H.R. 3095 simply extends the deadline for one year for Indian tribes to elect how they want to comply. The Justice Department recently proposed detailed regulations for States and Indian tribes to comply with the Adam Walsh Act, but those regulations are not yet final. The Indian tribes cannot make an informed decision on how to comply with the act until those regulations are final. And this year 1-year extension will give Indian tribes sufficient time to make that choice.

Again, let me say, H.R. 3095 does nothing to weaken the requirements of the Adam Walsh Act on Indian tribes. I urge my colleagues to support the bill as an important, somewhat technical amendment to this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to yield to the author of this legislation, along with his cosponsor, Mr. RENZI, distinguished member of the House Education Committee, subcommittee chairman and a great leader on Native American issues in this Congress and in America, Mr. KILDEE of Michigan for 3 minutes.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as the co-chairman and founder of the Congressional Native American Caucus, I rise in support of H.R. 3095, a bill amending the Adam Walsh Child Protection Act of 2006.

Indian tribes are faced with a deadline established in the act that requires tribal governments to affirmatively elect to comply with the mandates of the act by July 27, 2007, or cede their authority for enforcement to the States.

My bill authorizes a 1-year extension of the deadline by which tribes are required to opt into the national sex offender registration and notification system.

Mr. Speaker, tribes strongly support the Adam Walsh Act, and they share the Federal Government's commitment to protecting their communities from sexual predators. However, tribes are asking us to extend the deadline so that they can make an informed decision on how to implement the mandates of the Adam Walsh Act.

The Department of Justice is still in its comment period on the proposed guidelines, which does not close until August 1. It is simply too early to force tribal governments to make a decision based on incomplete information and without guidance from the administration.

Mr. Speaker, I have received numerous requests from tribes across the Nation urging our support for a 1-year extension. I have letters from the National Congress of American Indians and the National Criminal Justice Administration supporting the request, also.

I'm pleased that this bill has received bipartisan support. I want to thank my colleagues from across the aisle for supporting this legislation.

I want to thank my chairman, Judiciary chairman, JOHN CONYERS; and Ranking Member LAMAR SMITH especially for their support as well.

I urge my colleagues to support final passage of this bill.

□ 1515

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I might consume.

This is a very wise and important judgment that has been made by this legislation. H.R. 3095 offers a commonsense solution that respects the historically recognized sovereignty of our Nation's tribes, while not compromising the critical objectives of the Adam Walsh Child Protection and Safety Act with respect to protecting our Nation children's from sexual and other violent crimes.

I ask my colleagues to support this bipartisan measure. It is deserving of our support. I would ask that this measure be supported.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 3095.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CAMPAIGN EXPENDITURE TRANSPARENCY ACT

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to amend the Federal Election Campaign Act of 1971 to prohibit authorized committees and leadership PACs of a candidate or an individual holding Federal office from making payments to the candidate's or individual's spouse, to require such committees and PACs to report on disbursements made to the immediate family members of the candidate or individual, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaign Expenditure Transparency Act".

SEC. 2. PROHIBITING USE OF CAMPAIGN FUNDS TO COMPENSATE SPOUSES OF CANDIDATES; DISCLOSURE OF PAYMENTS MADE TO SPOUSES AND FAMILY MEMBERS.

(a) PROHIBITION; DISCLOSURE.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by adding at the end the following new subsection:

"(c) PROHIBITING COMPENSATION OF SPOUSES; DISCLOSURE OF PAYMENTS TO SPOUSES AND FAMILY MEMBERS.—

"(1) PROHIBITING COMPENSATION OF SPOUSES.—Notwithstanding any other provision of this Act, no authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or an individual holding Federal office (other than a political committee of a political party) shall directly or indirectly compensate the spouse of the candidate or individual (as the case may be) for services provided to or on behalf of the committee.

"(2) DISCLOSURE OF PAYMENTS TO SPOUSES AND IMMEDIATE FAMILY MEMBERS.—In addition to any other information included in a report submitted under section 304 by a committee described in paragraph (1), the committee shall include in the report a separate statement of any payments, including direct or indirect compensation, made to the spouse or any immediate family member of the candidate or individual involved during the period covered by the report.

"(3) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term 'immediate family member' means the son, daughter, son-in-law, daughter-in-law, mother, father, brother, sister, brother-in-law, sister-in-law, or grandchild of the candidate or individual involved.".

(b) CONFORMING AMENDMENT.—Section 313(a)(1) of such Act (2 U.S.C. 439a(a)(1)) is amended by striking "for otherwise" and inserting "subject to subsection (c), for otherwise".

SEC. 3. IMPOSITION OF PENALTY AGAINST CANDIDATE OR OFFICEHOLDER.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) In the case of a violation of section 313(c) committed by a committee described in such section, if the candidate or individual involved knew of the violation, any penalty imposed under this section shall be imposed on the candidate or individual and not on the committee.".

(b) PROHIBITING REIMBURSEMENT BY COMMITTEE.—Section 313(c) of such Act (2 U.S.C. 439a(c)), as added by section 2(a), is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) PROHIBITING REIMBURSEMENT BY COMMITTEE OF PENALTY PAID BY CANDIDATE FOR VIOLATIONS.—A committee described in paragraph (1) may not make any payment to reimburse the candidate or individual involved for any penalty imposed for a violation of this subsection which is required to be paid by the candidate or individual under section 309(e).".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to elections occurring after December 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. Mr. Speaker, I have a parliamentary inquiry. My understanding of the rules is that the time may be controlled by someone who is in opposition.

I do not know if the Republican representative is in actual opposition to this bill.

The SPEAKER pro tempore. Would the gentleman from California like to state his position for the record?

Mr. MCCARTHY of California. Mr. Speaker, I support the bill, but oppose the process.

Mr. GOHMERT. Mr. Speaker, I am opposed to the bill and, when asked under the rules, would claim the time in opposition.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Texas (Mr. GOHMERT) will control the 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I stand with the House leadership in full support of H.R. 2630, the Campaign Expenditure Transparency Act.

This legislation will help to reassure Americans that their public officials are working in their interest and not for personal gain. This bill will amend the Federal Election Campaign Act to protect candidates or Federal officeholders from either directly or indirectly compensating their spouses with funds from any authorized political committee under their control.

H.R. 2630 also creates an important new requirement to disclose any compensation paid from campaign coffers to the immediate family members of the candidate or officeholder. The bill ensures that the rigid penalties for violations are enforced personally against the candidates or officeholders. It would prohibit political committees from reimbursing candidates or officeholders for any penalties.

Some may say this legislation may prevent some from running for office because they will run the risk of accidently violating the law. This is not the case. These penalties may only take effect if the candidate or officeholder is aware of the violation.

H.R. 2630 is another way we can restore the confidence that the people's House is working for all Americans. I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

The majority says they want to end the culture of corruption. There has been both the appearance of impropriety here in Congress and, in some cases, actual impropriety. These improprieties, despite any demagoguery, know no party bounds.

But the big elephant in the room that no one wants to talk about, in recent years, has involved other issues, issues like spouses going to work for major companies who have large government contracts and benefit from having an employee in the lawmaker's home. Does the Democratic majority seek to end this problem with this bill? No, they don't. That might step on important toes.

Another major problem that is not transparent is spouses themselves who lobby. Does the Democratic majority seek to end or regulate that by this bill? The answer is, no, they do not. That might step on too many important toes here in Washington.

So who will be affected by this bill in which the Democratic majority avoided any hearings to gather evidence and thereby prevented any opportunity for people like me to come forward with evidence and move toward this lack of transparency in this back-room process to shove it down our throats here on the floor?

It is said that they want to stop officeholders from enriching themselves or their families. I am one of those who would be affected, and it may be helpful to know exactly what kind of an effect it will have.

My story is this: While practicing law in Tyler, Texas, it became apparent that we had a major problem in one of our highest-level trial courts. I tried for months to find someone with the experience and qualifications who would step up and run against this incumbent Republican.

I could not find anybody, since people said, well, he was the first Republican elected in our county, so let's just let him stay. No one is owed a public office.

I was reluctant to take a pay cut and go to work at the courthouse, but in November of 1991, having found no one at that point who was willing to step up, my wife and I decided that that was our lot in life, for me to bring in less money, but help by making our community a better place in which to live. There was a tremendous backlog of felony cases in which the defendants were out on bond and had not gone to trial.

I got elected. Though the backlog was staggering, and new cases continued to pour in in record numbers, within 10 years I had helped, and with the good help of a good district attorney, we moved and reduced the number of pending cases, trying cases, record numbers, moving cases. We reduced the number of backlog cases by 80 percent or more.

Some years later one of my daughters said, while I was still on the bench, "Daddy, we have to watch our spending, and you could make a lot more money. Why don't you?" I said, "Sweetheart, if I have not taught you that there are some things more important than money, then I have failed." She said, "I know, but it would be nice to have some big money come in from time to time anyway."

My wife and I felt our best contribution that we could make to our community, our State and our country was for me to be a judge, and that's what we did. After years on the bench, it became clear that we desperately needed some legislative changes, and I believed it a constitutional violation to legislate from the bench.

When a term to which I was appointed to finish as chief justice of an appellate court expired, I had to decide whether or not to stay on the bench in a justice role or wait and potentially run for Congress. Again, my wife, my partner, and I made the joint decision to step out in faith, not take a sure job, and potentially run for Congress.

After leaving the bench, I successfully completed the ruling training and testing to become a recognized international arbitrator as well as a mediator, and was told I had the potential of making in a month what a Congressman makes in a year. But this country needed help, and it seemed to my wife and me, after much consideration, consultation and prayer, that this was a place, once again, where I could help.

□ 1530

My wife Kathy has an MBA in accounting, had done excellent accounting work and had done so before she was invited to substitute at a high school for students with problems. She loved, as she said: "Seeing the light come on in these young people," and she taught there for years before I began to run for Congress.

She gave up her teaching job and worked for months without pay toward our goal. She is an incredible organizer and the most trusted friend I could have. We had the same goals of making this a better country. She knows our district; my supporters know her and love her and trust her. She makes constant appearances for me when I can't be there because of conflicts here in the District. She is invaluable to my reelection and works tirelessly, including in the evenings, when the day's appearances do not allow her to do her job then.

As far as my family situation, we have 1 daughter who graduated in May from college and 2 more to go.

The laws are such now that you really have to have at least one campaign employee even in nonelection years, and that hardworking confidante has been my wife. We began to pay her what she could make teaching, and it was completely transparent. Everything, as both sides know, has to be filed, and the public knows we are a campaign team with full transparency because of existing laws requiring transparency by campaigns. She gets paid much less than she could in business and has been offered more money in another job, and that is also why this has been a mutual sacrifice.

One other thing: When we committed to make this run for Congress in 2003, which we knew would be over a 1½-year process, we gave all the energy, all the effort, all the work. We truly pledged, as was put in the Declaration of Independence, our lives, our fortunes, and our sacred honor.

Because I was running and could not provide the money production I had been before being a judge, my wife and I struggled with the decision, and ultimately decided to cash out my judicial retirement as well as her teacher retirement to live on while we pursued this dream of making America better.

As most of America does not know but Members of Congress here do know, there is no great big fat cat retirement for Members of Congress, despite the e-mails people may read at this time unless someone has been here for many years. And, yes, Mr. Speaker, America should know that we are all enrolled in Social Security here in Congress. It may have not always been true, but it is now.

An article recently indicated that, according to financial disclosure reports, I am the poorest Texan in Congress. As one other Texas Member of Congress said just a couple of weeks ago when he heard my wife and I both cashed out our hard-earned retirements to make a run for Congress, he said, Wow, you really did come here for all the right reasons. And I would certainly like to think so.

But if this bill becomes law, there will be no rich Members of Congress reined in, no blatant abuses will be ended. None of the people who have gotten enormously wealthy while in public office will feel any pinch at all. If this bill becomes law, I will now have to fire my comparatively low paid but imminently trusted and qualified, actually overqualified, and currently only campaign employee despite the complete transparency and financial disclosures that are currently required. This bill doesn't drain the swamp, as has been represented, but protects the big swamp while adding another hurdle for anyone who does not have wealth to get here.

In this job, it is important to have a spouse who can make campaign appearances when necessary or helpful. A couple in which both need to work to put kids through college will have more difficulty in getting elected, because you can't afford to have one or both not work still make appearances and put kids through school.

My wife, as said earlier, works long and late, often at home at night to fulfill the requirements of a job which keeps getting more and more difficult because of the burdens placed by this body in an effort to look like we are reining in corruption. This bill does show, though it does not affect anything that is already transparent, it does show when it comes to doing something meaningful to end this corruption, the majority is going to look the other way and not talk about the elephant in the room.

This bill, as I say, will not affect the major problems in Congress; but if it were to become law, it will end a beautiful partnership.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. SCHIFF) such time as he may consume.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 2630, the Campaign Expenditure Transparency Act. This is legislation that I introduced to my colleague, Representative CASTLE, in early June in order to ensure that Federal officer holders and candidates are not personally enriched from expenditure of campaign funds. I want to thank Mr. CASTLE, the majority leader, the chairman of this Committee on House Administration for working to bring this bill to the floor today.

Numerous Members of Congress employ their spouses and family members for campaign activity, and the vast majority of them do this work appropriately and ethically. Unfortunately, others have not, and this practice has shown the potential to foster corruption and invite abuse. I joined my colleague, Mr. CASTLE, in introducing this legislation because I believe it will help preserve the integrity of the institution and end the perception that office holders and candidates can benefit themselves financially from their campaigns or service.

The Campaign Expenditure Transparency Act would end the practice where Federal office holders and candidates employ their spouses in their campaigns and financially benefit from contributions to the campaign. The bill also requires a separate disclosure to the FEC of all of the payments, including direct and indirect compensation which are made to immediate family members.

Specifically, H.R. 2630, as amended, would prohibit any Federal office holder or candidate from directly or indirectly compensating his or her spouse from any political committee he or she controls for services to the committee. This language was used to ensure that someone could not get around this prohibition by acting as a subcontractor or vendor to another individual or company receiving payments from the political committee.

Additionally, this would ensure that the legislation does not prevent a spouse from being employed by a company that provides a service to a political committee, unless the spouse's compensation is increased as a result of that business. For example, a spouse could be employed by a phone company that the campaign contracts with so long as the spouse's compensation is not increased based on that contract.

Similarly, a spouse that is a shareholder of a publicly traded company could receive dividends from that company notwithstanding the fact that a committee purchased services from that company.

The legislation also does not prohibit committees from paying for legitimate travel and campaign expenses that are incurred by a spouse, as long as the FEC has determined the expenses to be appropriate campaign expenditures. The bill recognizes that spouses are often properly involved in campaign activity and that committee funds can be used to reimburse appropriate expenses.

The Campaign Expenditure Transparency Act, as amended, stipulates that the penalty for violation of the provisions of the bill, if the candidate knew of the violation, would be imposed on the candidate and not on the committee. The amended version of the bill also clarifies the penalty is not a reimbursable expense by the committee.

The legislation has the strong support of a number of reform-oriented organizations, including Democracy 21, the Campaign Legal Center, League of Women Voters, Common Cause, Public Citizen, and U.S. PIRG.

I would also like to stress that many of our colleagues again have employed their spouses or immediate family members in their campaigns and have done so lawfully and ethically. Our family members are frequently our most trusted advisers and are willing to put in long hours for little compensation. However, we are aware of cases in which this practice has been abused, and it is for this reason that this legislation is regrettably necessary. Given the low public confidence in all public institutions at this point, this legislation is one important way to begin restoring the public's faith that elected officials are working in the public's interest and not in their own. I encourage my colleagues to support this legislation.

I want to take just a minute to address some of the comments that my friend from Texas has made.

First, of course, there is nothing in this legislation that would break up a good team. There is nothing in this legislation that prohibits spouses from working. And where, like most families these days, both members of the household need to work to support that family, there is nothing in this bill that would stop it.

It does provide that a spouse that has CPA skills or other skills employ those skills on someone else's behalf for compensation. They are more than welcome to provide those skills, as many of our spouses do, I think almost all of our spouses do, on a volunteer basis to help our campaigns. But the appearance of propriety, and in some cases the actual impropriety, of having spouses working on commissions where a percentage of everything the campaign raises effectively goes into the household of the office holder is one of the driving forces behind this legislation.

I should mention that in my colleague's own home State of Texas, the State legislature and the Governor have passed and signed legislation prohibiting this practice in Texas. So if you were running for the State legislature in Texas or you were an office holder in the State legislature in Texas, you would not be able to employ your spouse and pay your spouse out of campaign funds. That is a misdemeanor in Texas. So there are States that are really leading the way in terms of making sure that we avoid any appearance of impropriety. And I think that Congress, given the problems have been manifest in this institution as well, needs to follow the example of some of those forward-thinking States.

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that Mr. SCHIFF be allowed to control the balance of the time on our side.

The SPEAKER pro tempore. Without objection, the gentleman from California now controls the time.

There was no objection.

Mr. SCHIFF. I thank the gentleman for yielding the time.

At this point, I am happy to yield to my colleague, Mr. CASTLE, the cosponsor of this legislation, for 3 minutes.

Mr. CASTLE. Mr. Speaker, I thank my friend and colleague from California for his work on this bill. I think that Congressman SCHIFF has done a wonderful job in putting together and listening to what needs to be done on H.R. 2630, the Campaign Expenditure Transparency Act, to end the practice of making campaign payments to a candidate's spouse; and I am in agreement to the legislation.

While I support going one step further to prohibit the same payments to immediate family members and introduced legislation to do so, I am pleased to lend my support to H.R. 2630, which I believe takes us in the right direction.

Some Members of Congress employ their spouses and family members for campaign activity without abusing the system; however, the practice of paying spouses and family members creates the potential for campaign finance and ethics abuses.

I listened carefully to the gentleman from Texas, who I think is very persuasive, anyhow, and understand his point of view, and as a matter of fact raises a couple of valid points. One is that the bill did not go through normal committee systems, which I think is a valid point. Another is the issue of lobbying by spouses and family members, which I think is perhaps even more abusive than what we are talking about here today and is something to be taken into consideration. But I do feel that if payment to a spouse becomes part of the Member's family income, the Member for all practical purposes is receiving a direct personal financial benefit of campaign funds, and I do believe that should be stopped.

Obviously, if the spouse wishes to work in some other capacity, that certainly would be allowed, but not directly involved with the campaign.

I believe there is a transparency issue here, and I believe that 2630 does move us in the direction of increased transparency, which I think is important; and I urge my colleagues on both sides of the aisle to join me in supporting this legislation. This may not end all abuses in campaign circumstances and in many instances there would not be an abuse, but it does end the possibility of it and certainly the transparency end of it, which I think is very important, as well. And I appreciate the gentleman yielding time.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for his support.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, at this time I would like to yield to the gentleman from the 22nd District of California, an outstanding Member of Congress, KEVIN MCCARTHY, for 4 minutes.

Mr. MCCARTHY of California. Mr. Speaker, while I agree with the intent and substance of the bill, I have to object to the process of bringing this bill to the floor under suspension in the time frame established without committee debate.

There have been three versions of the bill. The committee received notice of the bill intent action by the majority just last Thursday when we all left town. Since then, the bill has been amended twice, and we just received the final version at 11:30 a.m. today when Members were just returning. H.R. 2630 has not been the subject of any debate or questioning by the committee. There is clarification needed as we go through on this debate.

While I would support the bill, and I sit on the committee, I have only been in this House and this body for 6 months, and already I see we are repeating our old mistakes. As I sat on this floor when we debated H.R. 6, the ethics reform which I fully supported, voted for, passed with 430-1, to my amazement right afterwards we found that when we thought we were doing a good deed, we thought we were changing what we thought was wrong about flying around on these planes, having individuals be able to donate planes to fly around, soon we found out that those who are pilots on this floor, those who had their own plane, we said they couldn't even fly on their own. Why? Because we did not go through the process that we have set up; we did not debate it in committee; we did not have clarification; we did not have light of day.

While I am the first one to stand up and want the reform, I am also the first one to stand up and say going around the process is just as wrong. We should have the debate, we should have a bipartisan bill, we should have common sense, and we should learn from our mistakes.

Our ratings are low, yes. Our ratings are low probably because of this action that we are trying to change. But they are also low because they see inaction. Don't hurt the bill by going around the process. The end does not justify the means.

Mr. GOHMERT. Mr. Speaker, I reserve the balance of my time.

Mr. SCHIFF. I thank the gentleman for his comments, but it is hard to avoid the irony of my colleague's objection that the bill is going too fast. For weeks now, we have been hearing the objection that the ethics reform measures in the House have been moving too slow; that we passed the lobbying reform bill in the House, that it hasn't gone through the Senate, we haven't gone through the conference committee. We are not progressing with the process of trying to clean up the institution.

□ 1545

It's going too slow. Well, today we're hearing the problem with this bill is it's going too fast. It seems like we can't get the speed exactly quite right. It's either too slow or too fast.

The reason that we're here today and moving quickly on this bill is that the bill was the subject of an amendment by my colleague in a separate bill introduced by a Republican Member, an amendment introduced by myself, a Democratic member on the Rules Committee. The bill itself was introduced by Members on both sides of the aisle. The subject matter is very straightforward. Should we pay spouses out of campaign funds, or should we not pay spouses out of campaign funds? Should we disclose whether family members are getting paid, or should we not disclose whether family members are getting paid out of campaign funds?

There is, I think, a fairly broad, almost unanimous agreement on the merits of the bill. Even my friend that just stood up to object to the bill says he agrees with the substance and the intent of the legislation. So it's a consensus work product, a bipartisan work product, and given the criticism that we haven't moved fast enough, we're trying to move fast. This is an effort to move fast, but also to move thoughtfully, and that's why we're here today.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume. And I do appreciate the comments that have been made from my friend from California. And I would agree. I was not aware that anyone had ever been paid commissions or a spouse or a Member of Congress had ever been paid commissions. That's entirely inappropriate. And I would agree on any measure that would go forward on that basis, making such a process inappropriate.

I do find it troublesome that, at the same time, we want to demonize paying somebody less than what would be the going market value for services for the most overqualified person and the most trusted person to do that job.

I always appreciate allusions to my home State of Texas, but Texas does have a lot of things that I think would be good for us to adopt here. They're only in session 180 days every other year. That may be something else we want to look at doing in following Texas.

But also, in Texas, the campaign laws do not necessitate, as I believe the Washington, the Federal laws do, a full-time, every-year campaign office.

Mr. McCARTHY, though, I would point out, never said anything about speed. His objection, and one of my objections, is about process. We were promised the most open government in history when the Democratic majority took over. That was something to which I was looking forward to, even though we were not going to be in the majority, and so far this is yet one other straw on the camel's back that indicates that's just not going to happen.

But let's face it. There are problems with improprieties in Congress, but there are so many requirements with campaigns regarding transparency that if someone is actually working there and making an appropriate wage, that appears to me to be about the most transparent thing a candidate and a spouse can do. It's nothing behind the scenes, there's no behind-the-scenes lobbying. There's no in-home lobbying. There's nothing of that nature. You have a partnership, and I think that can be a good thing, although I agree if there are abuses, as the gentleman pointed out, those should be addressed.

So, in any event, I know that my friend Mr. SCHIFF and my friend Mr. CASTLE are both honorable men, and we disagree on what should be done on this bill. But I came forward today because I just could not simply get on the rah-rah bandwagon that I felt like many people would be getting just to make it look like they wanted to end improprieties, when really what this is dealing with is something to say there's something being done about ethics. The bottom line is that the elephant's still sitting in this Chamber, big as ever, getting bigger, and so far that elephant has not been addressed.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, I just want to address very quickly the comments by my friend, and then reserve the balance of our time. I don't have any remaining speakers.

I think that, if anything, there's a more compelling case here in Congress than there is in my friend's home State of Texas to enact a prohibition like the one contemplated in this bill. Texas may be in session only 180 days of the year. My guess is that the Texas members of the legislature are paid probably substantially less than we're paid in Congress, and the financial burden on those members of the legislature is probably, therefore, greater than the financial burden that we face. Whether they have to have a full-time campaign office or not probably depends on what kind of a district they're running in. If it's a very competitive district, then they probably pretty much have to be in campaign mode all the time. So if Texas can do it, where their members are paid less, where the financial pressures are probably greater, we should be able to do it here.

It's not often, I have to say, that I point to Texas as the example to follow, but when Texas gets it right, I'm more than happy to acknowledge it.

There is also, I think, a certain irony with my friend's argument that the Democratic majority promised an open government, and then here we're offering this bill, and we're moving quickly on this bill, and his stating opposition to a bill that is designed to bring transparency to the process.

I don't know how you can argue in favor of open government and be opposed to a bill that offers greater transparency. Part of the reason the present system is inadequate is people do pay family members, but there's no way for the public to know that they're family members because they may not have the same last name, or they may pay a business that is controlled by the family member. And so there's no transparency, and the public doesn't know that that money is really going to the family; that when the candidate is out there, or the officeholder, asking for contributions for their campaign, that a certain percentage, whether it's explicitly on a commission, or it's just by virtue of a paycheck, that a certain part of that money is going into either the candidate's own pocket or the officeholder's own pocket because it's going to their spouse, or it's going to their son-in-law who doesn't bear the same name, and people aren't aware that it's going to the candidate's son-in-law and daughter.

So this does bring about greater transparency. I think it's needed.

There are Members that have been very open also. And this is why we've gone to a prohibition vis-a-vis spouses. There are Members who have been very open about the fact that they pay their spouse on a commission for every dollar they bring into the campaign, and they make the same argument my friend makes, which is it's very out in the open. Everybody knows about it. People that contribute to my campaign know that a certain percentage of that is going to go to my spouse, and they make the same argument; it must be fine since people are aware of it.

But part of the problem is that people making the contributions are aware of it, and so they know that by giving an officeholder a contribution, they're also giving that officeholder a personal contribution through their spouse. And maybe that interest that wants to curry favor with that Member thinks, what better way than giving a contribution where I know actually a part of that's going to go directly into the pocket of the officeholder.

So that's part of the reason why we're here. And I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

I'm not sure that I would say that the financial pressures we're holding off in the State legislature in Texas is greater. They have a great deal more flexibility in many ways.

But the gentleman, as I understood to say, indicated there's no way to know when a campaign is paying family. And we just had to file financial disclosures. I had to list the sources of income for my wife. And as I understand it, there's also, you would, even if your children or other immediate family members have different names, I can see if there's something that's not required for disclosure in that financial disclosure form that we could have legislation and make that so that it heightens the transparency.

What I disagree with is the overall ban on allowing two people who sacrifice their lives, their fortunes, their sacred honor to be able to work together full time to continue to run for office. And there apparently are areas that need to be addressed, that need to be considered. But I come back to the fact that apparently the reason this seems to be rushed into the room is because people more powerful would say, we'll do the little things that may make people feel like we're doing something, but we're not going to address the big issues that really are hurting this body.

But anyway, there are some things that apparently do need addressing. I'm all for transparency. I think sunlight is truly the best disinfectant. But since this bill goes much further than that, then I do urge a "no" vote on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I'll close very briefly.

I appreciate the points that my colleague is making. There is a need for the transparency, even in the case of a spouse, particularly a spouse that may not carry the same last name as the officeholder.

But more particularly, if a spouse even has the same name, or a son with the same name sets up a company, the company doesn't bear the officeholder's name, there's no way for the public to know that that money is actually going to the family.

But more than that, you know, I think sometimes we get in the habit of thinking about how does this affect us; how does this affect our family; does this seem right to us, rather than how does the rest of the country view this. What does the rest of the country think about this? What does someone out in California or Texas or any of our 50 States think about this?

And I don't think they view it the same way we're discussing here today. I think they look at this and they say, gosh, when I send a contribution to this Presidential candidate or this Senate candidate or this congressional candidate, I expect that to go to the campaign. I don't expect that to go to their family. That's not right. And I don't think they would be moved by saying, well, you know, those officeholders, they often have a difficult financial situation themselves, and certainly many do. But I think that the public has the right to expect that when they support a campaign, when they support a candidate, that the funds go to the campaign, they don't go the candidate or their family. Or if they're going to go to the family, outside of the spouse, that there's very broad disclosure so that the public can make an informed decision about how they want to use their resources.

That's the purpose of the bill. I urge my colleagues to support it.

Again, I want to thank my colleagues Mr. CASTLE and Mr. PLATTS on the other side of the aisle. I want to thank our chairman and our majority leader and our Rules Committee Chair for their support, as well as the Speaker.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the Campaign Expenditure Transparency Act. I am proud to be a cosponsor of this bill, which prohibits candidates' spouses from being compensated for campaign work.

To put it simply, no candidate or their spouse should ever use campaign contributions for personal gain. To do so would be to break the trust American citizens place in our country's political process.

While most candidates run their campaigns ethically and responsibly, even the suggestion that a single candidate has violated campaign finance regulations or has acted unethically in any way, taints the confidence the American people have in their elected officials. I strongly believe that we must act decisively to bring greater transparency and oversight to the campaign finance system.

I also support fully transparent and publicly financed campaigns. The priorities of my constituents are my priorities as a Member of Congress, and the political process should belong to them. Greater oversight and regulation is vital to ensuring the integrity of the electoral system. This bill is an important step, and I strongly urge its passage.

Mr. CASTLE. Mr. Speaker, I am pleased to join my colleague Representative ADAM SCHIFF in supporting H.R. 2630, the Campaign Expenditure Transparency Act.

By ending the practice of making campaign payments to a candidate or Federal officeholder's spouse and by requiring the disclosure of any payments made to other family members, we can eliminate the perception that campaign payments are a means for converting campaign funds to the family's personal use. While I support going one step further to prohibit the same payments to immediate family members, and have introduced legislation to do so, I am pleased to lend my support to H.R. 2630, which takes us in the right direction.

Specifically, H.R. 2630 would prohibit the campaign from compensating the spouse of the candidate. The prohibition would create an exception for reimbursements on travel, and an exception for nominal reimbursements up to $500 in a calendar year. The bill also requires disclosure to the Federal Election Commission, FEC, of all reimbursements.

H.R. 2630 would also require disclosure to the FEC of payments to immediate family members of the candidate or Federal officeholder. The prohibition and disclosure requirements would also apply to businesses where the spouse or family member is an officer or director of the business. Penalty for violation of these provisions would be imposed on the candidate or officeholder.

Numerous Members of Congress employ their spouses and family members for campaign activity without abusing the system. However, the practice of paying spouses and family members creates the potential for campaign finance and ethics abuses. If a payment to a spouse becomes part of the Member's family income, the Member, for all practical purposes, is receiving a direct personal financial benefit of campaign funds.

I believe it is our responsibility to close the gaps in our laws and in our rules that have been exposed and to restore the confidence of the American people in their elected officials.

H.R. 2630 moves us in the direction of increased transparency and I urge my colleagues on both sides of the aisle to join me in supporting the legislation.

Mr. SCHIFF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 2630, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes.".

A motion to reconsider was laid on the table.

FEDERAL CUSTOMER SERVICE ENHANCEMENT ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 404) to require the establishment of customer service standards for Federal agencies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Customer Service Enhancement Act".

SEC. 2. DEVELOPMENT OF PERFORMANCE MEASURES AND STANDARDS FOR CUSTOMER SERVICE PROVIDED BY FEDERAL AGENCIES.

(a) REQUIREMENT.—

(1) PERFORMANCE MEASURES AND STANDARDS.—The Director of the Office of Management and Budget shall develop—

(A) performance measures to determine whether Federal agencies are providing high-quality customer service; and

(B) standards to be met by Federal agencies in order to provide high-quality customer service.

(2) REQUIREMENT TO TAKE INTO ACCOUNT CERTAIN INFORMATION.—The standards under paragraph (1) shall be developed after taking into account the information collected by Federal agencies under subsection (b).

(b) CUSTOMER SERVICE INPUT.—The head of each Federal agency shall collect information from its customers regarding the quality of customer services provided by the agency. The information shall be collected through a survey, focus groups, or other appropriate methods. Each Federal agency shall include this information in its performance report submitted under section 1116 of title 31, United States Code.

(c) ANNUAL REPORT.—The Director of the Office of Management and Budget shall issue an annual report on the success of Federal agencies in meeting the customer service performance measures and standards developed under subsection (a).

SEC. 3. IMPLEMENTATION OF CUSTOMER SERVICE STANDARDS.

(a) CUSTOMER RELATIONS REPRESENTATIVE.—The head of each Federal agency shall designate an employee to be the customer relations representative of the agency. Such representative shall be responsible for implementing the customer service standards developed under section 2 and the agency requirements under subsection (b).

(b) AGENCY REQUIREMENTS.—

(1) GUIDELINES AND CONTACT INFORMATION.—

(A) IN GENERAL.—The head of each Federal agency, acting through its customer relations representative, shall—

(i) issue guidelines to implement the customer service standards developed under section 2 within the agency, including specific principles of customer service applicable to that agency; and

(ii) publish customer service contact information, including a mailing address, telephone number, and e-mail address.

(B) AVAILABILITY.—The guidelines and the customer service contact information required under this paragraph shall be available on the agency's public website.

(2) STATIONERY REQUIREMENTS.—Each Federal agency shall include its address and phone number on any agency stationery. In the case of correspondence originating from a regional or local office of a Federal agency, the agency shall include the address and phone number of the regional or local office on the stationery.

SEC. 4. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORT REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report analyzing the information reported by agencies under section 2(b).

(b) MATTERS COVERED.—The report shall include—

(1) whether agencies are implementing the customer service standards;

(2) whether there is an increase in overall quality in customer service in the Federal Government; and

(3) any recommendations the Comptroller General may have to improve performance measures and standards for customer service in the Federal Government.

(c) USE OF REPORT.—The report may be used by Congress as well as the Director of Office of Management and Budget to update performance measures for customer service.

SEC. 5. INCENTIVES FOR CUSTOMER SERVICE.

(a) AWARD PROGRAM.—The head of a Federal agency may establish an awards program to pay a cash award under chapter 45 of title 5, United States Code, to employees for demonstrated excellence in customer service.

(b) PERFORMANCE APPRAISAL.—Compliance with customer service standards developed under this Act shall, to the extent practicable, be an element of a performance appraisal system referred to in section 5307(d) of title 5, United States Code.

SEC. 6. DEFINITIONS.

In this Act:

(1) The term "customer", with respect to a Federal agency, means any individual or entity, including a business, State or local government, other Federal agency, or Congress, to which the agency provides services or information.

(2) The term "Federal agency" has the meaning given the term "Executive agency" by section 105 of title 5, United States Code, except that the term does not include an agency if the President determines that this Act should not apply to the agency for national security reasons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, the Federal Customer Service Enhancement Act will require Federal agencies to set higher performance standards in delivering customer service. Sometimes we complain about how we are treated, but do not take any action. This legislation is a step in the right direction, and we are doing something about the attitude of government employees.

☐ 1600

We have worked with the GAO, OMB, and the minority, and in particular the gentlewoman from North Carolina (Ms. FOXX) to improve this bill. We have also incorporated the language from H.R. 2324, a bill sponsored by the gentleman from Tennessee (Mr. DUNCAN), who shares the same birthday with me.

This bill is important to highlight the importance that the Congress puts on better customer service. I support its passage and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to commend Chairman WAXMAN and my colleague from New York, my longtime friend (Mr. TOWNS), with whom, as he noted, we share the same birthday, for bringing the Federal Customer Service Enhancement Act to the floor today. I also appreciate their efforts as it moved through committee, and I certainly want to thank him for accommodating comments and concerns we raised during the process. As Chairman TOWNS noted, he has included and the chairman has included in this legislation concerns that the gentlewoman from North Carolina (Ms. FOXX) raised and also has included legislation that I introduced, H.R. 2324, in this bill. As a cosponsor of this legislation, I fully support this bill, and I want to commend the gentleman from Texas (Mr. CUELLAR) for his hard work on this, and we will hear from him in just a few minutes.

The Oversight and Government Reform Committee has always sought to improve the performance of the Federal Government, and as anyone who has ever worked in the private sector knows, customer service is the lifeblood of any organization.

As we often look to the private sector for best practices, I think it is important, Mr. Speaker, that we in the Federal Government are able to capture data on how each and every agency is doing in regard to customer service. The administration continues to work with us on this bill so no unnecessary bureaucratic hurdles are created.

This bill recognizes the importance of the agencies within the Federal Government to be responsive to their various constituencies and for the government to remain accountable to the American taxpayer. Responsiveness and accountability are the things that really are behind this legislation.

I particularly appreciate section 2 in which the Director of the Office of Management and Budget shall develop standards and measures of customer service performance. I think that is very important and is a first. It has not been done before within the Federal Government. And especially, also, the parts in section 3, which incorporate much of my legislation and require customer service information such as a mailing address, phone number, and e-mail address. It requires the appointment of a customer relations representative. And one thing I have noticed, I have gotten letters from Federal Departments and agencies in the past, and there has been no mailing address, no phone number on there, almost as if the people within that Department or agency really didn't want to be bothered by their bosses, bothered by the American people calling on them or finding out how to contact them, and making it very difficult for many people to do so.

Section 5 is another good section of this bill and really is the result of the work of the gentlewoman from North Carolina (Ms. FOXX), and that includes some incentives in there to do better jobs. Bonuses to Federal employees will now be based, at least in part, on customer service.

So with all of these things, I think this is good legislation. I ask my colleagues to join me in support of H.R. 404.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CUELLAR), who has worked very hard on this legislation. And let me also add, it has been a delight to work with him and his staff to bring this legislation to the floor.

Mr. CUELLAR. Mr. Speaker, I thank the gentleman for yielding the time on H.R. 404.

First of all, I want to start off by thanking Chairman TOWNS and his staff. The outstanding work that the chairman has done on moving this bill forward, I certainly want to thank him very much for the work that he has done. I also want to thank Mr. DUNCAN for the work that he has done because apparently he has done a lot of work on customer service, and I thank him for putting those provisions in my bill also. I also want to thank the gentlewoman from North Carolina, VIRGINIA FOXX. I don't see her here. I know she has put a lot of time in, she and her staff, so I want to thank her in making this a bipartisan bill.

Today Congress takes a major step towards improving how Federal Government interacts with the American people. I think we all want a government that works with the people. I think we all want results-oriented government, and part of the results-oriented government is customer service.

H.R. 404 will raise the level of attention given to how the Federal Government responds to the American public. The bill requires the Director of the Office of Management and Budget, the OMB, to develop performance measures to determine whether Federal agencies are providing high-quality customer service to all the agencies to make sure that they have those customer service standards in place. It sets in place standards for Federal agencies to increase the quality of customer service and enhances the access to Federal information and services, like Mr. DUNCAN said a few minutes ago. It is important to know whom we are dealing with at the Federal Government and to make sure that people can access that information and get the quality of customer service that they deserve.

The legislation includes accountability provisions as well as incentives to Federal employees who go above this requirement. H.R. 404 also ensures that the initiatives outlined in this bill achieve their objectives through the use of both external and internal reviews by Congress. That is the oversight that Congress will provide on the customer service provisions that will be provided by the Federal agencies to the American public.

I believe that this bill improves Federal customer service, and this is something that is long overdue. I ask for a "yes" vote on this bipartisan bill, H.R. 404.

Again, Mr. TOWNS, thank you for the outstanding work you have done on this bill.

Mr. TOWNS. Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I would like to just simply once again thank Chairman TOWNS and also thank the primary author of this legislation, Mr. CUELLAR, for their work in bringing this bill to the floor.

I urge my colleagues to support what I think is very worthwhile and timely legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Let me point out when complaints are not promptly resolved, frustrated customers seek redress in different agencies or at different parts or level of the same agency, resulting in duplicate effort and compounding costs and a waste of time.

Just as costs rise when citizens do not receive reliable information in a timely manner, trust also erodes as citizens become frustrated with a nonresponsive bureaucracy. Indeed, there has been a cumulative erosion of public confidence in government.

Please, let's work together to create a more responsive and more accountable government. So I urge my colleagues to support this legislation.

I would also like to thank some folks. I would like to thank Congressman WAXMAN, who is the Chair of the full committee, in terms of his support and what he has done to help move this legislation forward. I would like to thank the ranking member of the full committee, Mr. DAVIS from Virginia, in terms of all of his support and help in moving it. I also, I think, indicated earlier on my colleague, Mr. DUNCAN, who has worked very hard to make this a reality. And, of course, I would like to thank Congressman BILBRAY, who is the ranking member on the subcommittee, for all of his support as well, and all the staff members who worked so hard, along with Congressman CUELLAR from Texas, along with Congresswoman FOXX. There have been a lot of people that really put a lot of time and energy into this to try to strengthen this bill. It might not be perfect, but I think it is a giant step in the right direction.

I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 404, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING THE 300TH ANNIVERSARY OF NEW MILFORD, CONNECTICUT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 528) commemorating the 300th anniversary of the Town of New Milford, Connecticut.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 528

Whereas New Milford is located in Litchfield County, on the western border of Connecticut, in the Housatonic Valley;

Whereas the settlement of New Milford began in 1706, when John Noble, Sr., purchased a portion of land known as Weantinogue;

Whereas in 1707, Noble and his daughter settled in New Milford, followed by 12 other families;

Whereas beginning in 1774, New Milford demonstrated its support for the Revolutionary War by providing financial support to the servicemen and sending 285 of its 2,700 inhabitants to battle;

Whereas New Milford was a center of Underground Railroad work in Connecticut, with many of its residents offering their homes as places for slaves to take refuge on their journey to freedom;

Whereas the late 1800s marked the arrival of many new industries and businesses in New Milford, including the manufacturing of furniture, paints, and pottery;

Whereas in 1902, New Milford's worst disaster occurred when a raging fire completely destroyed the town's main business district on Bank Street;

Whereas the population of New Milford stood at 3,000 in 1880 and has grown to nearly 30,000 today;

Whereas at 64 square miles, New Milford is the largest town in Connecticut; and

Whereas New Milford has been modernized through commercial and industrial growth, while retaining its deep sense of history, scenic beauty, and traditional New England character throughout the past 300 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Town of New Milford, Connecticut, on the occasion of its 300th anniversary; and

(2) honors the Town of New Milford for its significant history, impressive growth, and considerable contributions to the State of Connecticut and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H. Res. 528, a bill that commemorates the 300th anniversary of the Town of New Milford, Connecticut. H. Res. 528, which has 53 cosponsors, was introduced by Representative CHRISTOPHER MURPHY on June 28, 2007. H. Res. 528 was reported from the Oversight Committee on July 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague, Representative CHRISTOPHER MURPHY, for seeking to commemorate the 300th anniversary of New Milford, Connecticut. I urge swift passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 528 commemorates the Town of New Milford, Connecticut, on its 300th anniversary. New Milford is not the largest city, but under the definitions of the State, it is the largest town within the State, with a population of nearly 30,000 residents. This quaint and friendly community is home to thriving businesses and manufacturing industries and has abundant historical roots.

New Milford was established and founded in 1707 when John Noble, Sr. of Westfield, Massachusetts, purchased a large portion of land for his family. More families arrived in the new community soon afterwards, and the settlement began to flourish. Over time, new churches and schools were founded, and in 1774, the town saw 285 of its men leave to serve in the Revolutionary War.

In its 300 years, New Milford has seen weather-related tragedies, devastating illnesses, and damaging fires hit the town. But it has overcome these tragedies and events and today has many successful industries and businesses.

New Milford educates its residents and visitors each year through cultural tours, concert events, art fairs, and camps. It has witnessed much history and seen tremendous growth in its 300 years and is certainly one of the most pleasant places to live in this Nation today.

I am pleased to support H. Res. 528 to honor this historic 300th anniversary.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield such time as he might consume to the author of this legislation, Representative CHRISTOPHER MURPHY from the Fifth District of Connecticut.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to thank my friend from Tennessee and from Illinois for supporting the resolution here today.

I think it's fitting, in part, that we are here in the House of Representatives on this august floor in order to celebrate a town, New Milford, Connecticut, which is, in part, responsible for our very existence here today.

The first citizen of New Milford is often referred to as Roger Sherman, whose statute sits not far outside this body. Why is that? Because after being an entrepreneur in New Milford, Connecticut, Roger Sherman came to the Constitutional Convention and was one of the authors, the primary author, of the Connecticut Compromise, which was responsible for the United States Government having a bicameral legislature with both the House and the Senate.

We're very proud of him. We're very proud of the incredibly rich historical tradition in New Milford. As was referenced, the number of people who rose from New Milford to fight in the Revolutionary War is remarkable, given its small size. It also became a central stop, a central hub on the Underground Railroad in the 50 or 60 years after the Revolution.

It has grown over time from a community that was founded first by only 12 families to now a town that not only enjoys one of the largest land masses in Connecticut, but also has 30,000 people there and still has retained its small-town charm.

I really urge anyone who has plans to travel throughout the northeastern section of this great United States, to try to divert a little bit of your trip to see the quaint village of New Milford. Not only does it have a small, but bustling, downtown of quaint shops on the side streets off of the green, but a growing commercial industrial sector as well.

I was privileged to be able to march in a very festive 300th anniversary parade a few weeks ago, and I'm very pleased to join my colleagues here to celebrate its 300th anniversary on the floor of the House of Representatives today.

I urge passage of the resolution.

Mr. DUNCAN. Mr. Speaker, I will simply close by congratulating the town of New Milford on this historic anniversary, its 300th anniversary. And I commend the gentleman from Illinois (Mr. DAVIS) and also the gentleman from Connecticut (Mr. MURPHY) for bringing this matter to the attention of the House.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time and urge passage of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 528.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF FORMER FIRST LADY, LADY BIRD JOHNSON

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House suspend the rules and agree to the resolution (H. Res. 553) mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 553

Whereas Lady Bird Johnson was born Claudia Alta Taylor in Karnack, Texas on December 22, 1912, the daughter of Minnie Pattillo Taylor and Thomas Jefferson Taylor;

Whereas Lady Bird Johnson received her nickname "Lady Bird" from a nurse who thought she was as "purty as a lady bird";

Whereas Lady Bird Johnson was known for her academic accomplishments, graduating from high school at 15 years of age and graduating from the University of Texas in Austin in 1933 as one of the top 10 students in her class;

Whereas Lady Bird Johnson married President Lyndon Baines Johnson on November 17, 1934;

Whereas Lady Bird Johnson was a dedicated wife to President Johnson and a devoted mother to their two daughters, Lynda Bird Johnson and Luci Baines Johnson;

Whereas Lady Bird Johnson served with honor and dedication as the wife of President Johnson throughout his service as a congressional secretary, United States Representative, United States Senator, Vice President of the United States, and President of the United States;

Whereas Lady Bird Johnson was known for expanding the position of First Lady by taking a visible role in President Johnson's administration;

Whereas Lady Bird Johnson served as President Johnson's personal adviser throughout his career, and was a champion of civil rights and programs for children and the poor, including the educational Head Start programs;

Whereas Lady Bird Johnson was known for her passion for environmental causes and the preservation of native plants and wildflowers;

Whereas Lady Bird Johnson paved the way for the environmental movement of the 1970s through her efforts to replace urban blight with flowers and trees;

Whereas Lady Bird Johnson established the capital beautification project and played a major role in the passage of the 1965 Highway Beautification Act, which was the first major legislative campaign initiated by a First Lady;

Whereas Lady Bird Johnson and President Johnson retired to their ranch located near Austin, Texas following the completion of President Johnson's term as President;

Whereas Lady Bird Johnson continued her dedication to education through her service on the Board of Regents for the University of Texas and through her work planning the Lyndon B. Johnson Library and Museum at the University of Texas in Austin;

Whereas Lady Bird Johnson was awarded the Medal of Freedom in 1977 and the Congressional Gold Medal in 1988;

Whereas Lady Bird Johnson co-founded the Lady Bird Johnson Wildflower Center in 1982 in order to protect and preserve North America's native plants and natural landscapes;

Whereas Lady Bird Johnson leaves behind an honorable legacy that represents her gentle nature and strong spirit though her dedication to her family and her passion for the environment; and

Whereas Lady Bird Johnson died on July 11, 2007, at 94 years of age at her home in Austin, Texas, and was survived by her 2 daughters, 7 grandchildren, and 10 great-grandchildren: Now, therefore, be it

Resolved, That the House of Representatives mourns the passing of former First Lady, Lady Bird Johnson, and celebrates her life and contributions to the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleague in the consideration of H. Res. 553, a bill that mourns the passing of former First Lady, Lady Bird Johnson, and celebrates her life contributions and achievements.

H. Res. 553, which has 58 cosponsors, was introduced by Representative EDDIE BERNICE JOHNSON on July 17, 2007. H. Res. 553 was reported from the Oversight Committee on June 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague and Representative EDDIE BERNICE JOHNSON for seeking to honor the former First Lady, Lady Bird Johnson, and celebrating her life contributions to the people of the United States.

I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is certainly a pleasure to honor a remarkable First Lady and great conservationist, Lady Bird Johnson. And it is with much sadness that the House continues to note her recent passing.

Born in 1912 in Karnack, Texas, in an era when women were not expected to accomplish great things, Mrs. Johnson came to represent strength of character that was the hallmark of her life.

After graduating from the University of Texas in 1933, she married Lyndon Baines Johnson. Mrs. Johnson became the mother of two daughters, certainly her most important work, Lynda Bird and Luci Baines Johnson. She spent the next few decades raising her children and supporting her husband in his political career, which, of course, led him to the Presidency. She was a trusting sounding board for her husband through all his years in the House and Senate and in the White House.

Mrs. Johnson led a nationwide effort to call attention to the beauty and the goal of highlighting historical sites and highways by planting flowering plants and wildflowers. While First Lady, she visited numerous public sites and scenic areas, thus bringing local and national attention to her beautification and conservation initiatives.

As we all have seen each spring in Washington, Mrs. Johnson has left a lasting legacy for all American and foreign visitors to this great city, who can now see incredible numbers of flowers throughout the area. She not only helped beautify Washington, but was also responsible for the 1965 Highway Beautification Act, calling for control of outdoor advertising, as well as the clean-up of junkyards along the national highways.

It is partly because of her efforts that we now have the Surface Transportation and Uniform Relocation Assistance Act of 1987, requiring at least one-quarter of 1 percent of funds expended for landscaping projects in the highway system to be used to plant native flowers, plants and trees.

After leaving Washington, Mrs. Johnson enthusiastically continued her conservation efforts throughout her beloved home State of Texas right up until the date of her death on July 11, 2007.

I urge my colleagues to please join me in honoring this great woman of Texas and First Lady of the United States, Lady Bird Johnson, for her untiring efforts in educating a Nation on the benefits of conservation and beautification throughout her lifetime.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield 2 minutes to the author and sponsor of this resolution, the gentlewoman from Texas, Representative EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank these two distinguished gentlemen on the floor, Mr. DAVIS of Illinois and Mr.

DUNCAN of Tennessee, for helping us with this today.

I rise today to honor the life and accomplishments of Lady Bird Johnson. I would like to thank my colleagues Mr. HALL, Mr. BARTON and Mr. ORTIZ for their sponsorship, and the entire Texas delegation for joining me in sponsoring and honoring Mrs. Johnson.

Mrs. Johnson was known as a woman of class and integrity. She was strong in spirit and always represented herself with dignity and grace.

For decades Lady Bird Johnson served with honor and dedication as the wife of President Lyndon Baines Johnson, throughout his service as a staffer to Representative Kleberg, as he served in thé U.S. House of Representatives, as a U.S. Senator, as Vice President, and as President of the United States. She served as President Johnson's personal adviser throughout his career and was known for expanding the position of the First Lady by taking a visible role in President Johnson's administration.

Lady Bird Johnson dedicated much of her life to the preservation of our environment. Perhaps she could be considered the first environmentalist in this era. This passion led her to create the Capital Beautification Project to improve physical conditions in Washington, DC, both for residents and tourists. Her efforts inspired similar programs throughout the country. She also played a major role in the passage of the 1965 Highway Beautification Act. This was the first legislative campaign begun by a First Lady. The trees and flowers we see along our American highways today are a testament to her work and her dedication.

After leaving Washington, President and Mrs. Johnson moved back to Austin, Texas, where Mrs. Johnson continued to work for environmental causes. And that is, perhaps, the most environmentally sensitive city in Texas right now. Today we can all admire her legacy through the Lady Bird Johnson Wildflower Center in Austin, Texas.

Mrs. Johnson died on July 11, 2007, at the age of 94 at her home in Austin, and was survived by her two daughters, seven grandchildren, and 10 great-grandchildren.

I would like to extend my deepest condolences to the Johnson family. I urge my colleagues to support this resolution to honor Lady Bird Johnson's incredible life and legacy.

Mr. DAVIS of Illinois. Mr. Speaker, I know that Representative GENE GREEN had intended to be here. Unfortunately, he hasn't been able to make it yet.

It is my pleasure to yield 1 minute to Representative CHET EDWARDS from the 17th District of Texas.

Mr. EDWARDS. Mr. Speaker, Lady Bird Johnson was a true Texas treasure. She graced the Lone Star State, our Nation, and the world with her beauty and grace.

While she is no longer with us, the masterpiece of her vision can be seen along the highways and byways of America. Lady Bird's wildflowers symbolize her life, a quiet, enduring beauty that will enrich our lives for generations to come. With our highways as her canvas, she painted with a brush of God's hand a landscape that brings peace to us in our day-to-day lives.

The beauty of Lady Bird Johnson's vision did not stop with the highways and parks of our Nation, for she also envisioned a world not blighted by the ugliness of poverty and discrimination. As a partner to the President who fought for a great society, she helped make ours a better society. For that we are all her beneficiaries. I thank God for the life and spirit of Lady Bird Johnson.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to Lady Bird Johnson's Representative, the gentleman from Texas, Representative LLOYD DOGGETT.

Mr. DOGGETT. With heavy hearts, the thousands of Texans who participated in memorials to Lady Bird Johnson, especially those who filled the streets of Austin, Dripping Springs and Johnson City, attest to our affection and respect for her compassion, warmth and leadership. And with unusually heavy rainfall this year, Texas is literally alive with her legacy, the beautiful wildflowers along our roadways, and filling the photo albums and scrapbooks with children smiling in a bed of bluebonnets or Indian paintbrush for one family after another.

She knew a better America was one that gives all of its citizens an opportunity to succeed. And with the reauthorization this year of Head Start, more young Americans can access quality early education, ensuring that no child starts behind.

When my predecessor, Representative Jake Pickle, spoke on this floor after the death of President Johnson, he said that Mrs. Johnson was her husband's "wisest adviser", and that her daughters, Lynda Bird and Luci, had brought "so much credit to their family and to our country."

Of her many gifts, perhaps her most meaningful legacy is her spirit of giving that lives on in her children and grandchildren. In Austin, her daughter Lucy and her grandchildren, Catherine Robb and Nicole Covert, among others, give their time, support and leadership to causes such as SafePlace, Seton, the University of Texas, and the Children's Medical Center Foundation.

Mrs. Johnson promoted native species. They have strong roots and improve and beautify our land. The same, and more, can be said of the human legacy that she leaves.

Mr. DUNCAN. Mr. Speaker, let me just close by saying it has been a privilege for me to handle this resolution on our side.

I know that most of us heard and read and saw some of the beautiful and moving tributes that were made to Mrs. Johnson in her funeral ceremony just a few days ago, especially the tributes from her daughters. And so I think this is a very fitting and appropriate resolution. I commend my good friend, the gentlewoman from Texas, Ms. JOHNSON, for bringing this resolution to the floor, and also my friend Mr. DAVIS.

I urge passage of this resolution.

And Mr. Speaker, I yield back the balance of my time.

☐ 1630

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I want to personally thank both the gentleman from Tennessee and the gentleman from Illinois, Chairman DAVIS, for allowing me this opportunity. I also want to take this opportunity to thank the Honorable Congresswoman EDDIE BERNICE JOHNSON for bringing forth this resolution.

Mr. Speaker, I rise today in honor of Claudia Taylor "Lady Bird" Johnson. Mrs. Lady Bird Johnson was a woman of incredible caliber, a woman whose contributions of admirable causes have bettered not only Texas, but the entire Nation as a whole.

She redefined what it meant to be a First Lady. Along with championing the environment, Lady Bird Johnson was a confidante to her husband, Lyndon Baines Johnson, and was invaluable to his efforts, improving not only health care but education. She, like no one else, understood the importance of early intervention when it came to education. Her efforts in Head Start to this day are there to show that Head Start has been a program that reaches out to these poor youngsters. Head Start has also proven that those youngsters that participate in Head Start are less likely to drop out than those that don't. She understood that from the very beginning.

Lady Bird Johnson knew and had that Texas charm and wit. Her passion for the environment has left a lasting mark on America. Thanks to her tenacious effort in initiating beautification projects, the Nation's highways are more pleasant to drive on and the Nation's Capital is a lovelier sight. The city of San Antonio, where Lady Bird married President Johnson, has also benefited from the First Lady's efforts.

Her highway beautification projects had a lasting impact not only in San Antonio, but throughout Texas. The Texas Department of Transportation says Lady Bird Johnson's Highway Beautification Act that became law in 1965 annually dispenses over 5.6 billion wildflower seeds of some 30 varieties, including our State flower, the bluebonnet. Lady Bird devoted much of her later life to beautifying her home and the State of Texas with admirable work.

With eternal gratitude from all of us, I ask you to join me today in remembering the magnificent work Lady Bird Johnson has done for all of us. I want to thank her for what she has done for all of us.

Let me just say that every spring as we go along the highways and as the flowers bloom, we will remember her for what she has done for all of us. She now rests near the Pedernales River in Texas. Her legacy will forever be with us.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to another son of Texas, the chairman of the Intelligence Committee, the Honorable SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to add my condolences to Lady Bird's family and tell everyone that while she will be missed, her legacy lives on in Texas.

I think her contribution to Texas gives us a unique insight into who the former First Lady was; a person who used her gifts, her position, her talents and her status to expand the world for everyday people, to make the world better for the inner city residents of D.C., and for the public that was traveling along the interstates of our great country, and, of course, for Texas.

She had vision and gave people a reason to be proud of their surroundings, to take ownership of their neighborhoods and communities, and to make them better places to live. This is meaningful and important on so many different levels for all of us that are Texans. In doing this, she was ahead of her time. She helped bring the cause of conservation to the forefront and drew our Nation's attention to the importance of creating and nurturing beauty.

I am honored and privileged that I met Mrs. Johnson many years ago when I was a college student at the University of Texas at Austin. I am proud of the legacy that she created and that she leaves with all of us. May she rest in peace among the hills, the streams, and especially the flowers that she so loved in Texas.

Mr. DAVIS of Illinois. Mr. Speaker, I simply want to thank the gentleman from Tennessee (Mr. DUNCAN) for his participation in processing this legislation. I want to thank all of the Members from Texas who spoke.

Mr. Speaker, I urge passage of this resolution.

Mr. BARTON of Texas. Mr. Speaker, today, we honor the memory and celebrate the life of former First Lady, Claudia Taylor (Lady Bird) Johnson, and the contributions she has given to the people of a country she so dearly loved. I had the privilege of knowing Lady Bird through the White House Fellows program and as anyone who knew her as an individual would agree, she was a person of grace, charm, and an absolute delight to know. As a native Texan, a wife, a mother, a businesswoman, and First Lady, she emitted beauty through her presence and through her actions leaving a legacy that will not soon be forgotten.

Lady Bird met Lyndon Baines Johnson in 1934 and in seven short months, had captured his heart as he asked for her hand in marriage. Mrs. Johnson stood by her husband and supported his endeavors with a perseverance and tenacity that one rarely finds. When LBJ volunteered for naval service during World War II, Lady Bird stepped in and kept his congressional office running and except for voting, served the need of every constituent. She again came to the rescue in 1955 helping staff keep things under control when her husband suffered a severe heart attack while serving as Senate Majority Leader. The former President once remarked that voters "would happily have elected her over me."

In 1960 Mrs. Johnson traveled over thirty-five thousand miles of campaign trail as she pushed LBJ towards a successful bid for the Vice-Presidency. During this tenure, she visited thirty-three foreign countries as an ambassador of goodwill. Lady Bird again stood by and supported her husband as he became the thirty-sixth President of the United States and helped console the hearts and minds of an entire country as they mourned the loss of President John F. Kennedy.

As First Lady, Mrs. Johnson was highly involved in the President's initiatives supporting education and working to alleviate poverty. Under her own ambition, she created a First Lady's Committee for a More Beautiful Capital which later expanded to include an entire nation. Lady Bird was also the inspiration behind the Beautification Act of 1965 which transformed the landscape of our national highways. Never tiring in her life's work, at the age of 70, Mrs. Johnson founded the National Wildflower Research Center which is dedicated to the preservation and re-establishment of native plants in natural and planned landscapes.

Lady Bird Johnson should be remembered by all as a person with elegance, grace and a tireless work ethic. She dedicated her life in service to others and gave so much of herself in support of her husband, family, and country. Today, as we celebrate the life of Lady Bird Johnson, we honor her contributions to the people of the United States and recognize that we have lost a great American that will be dearly missed.

Mr. LAMPSON. Mr. Speaker, when Texans think of their home state, and frankly non-Texans do as well, a few key symbols come to mind. There is the instantly recognizable outline of Texas, along with the Lone Star, the Alamo, cowboy hats, barbecue, and so many other great traditions and institutions. Among them is the Texas state flower, the bluebonnet. The bright blue bloom of that flower throughout the roads and lands of southeast Texas is instantly recognizable. The reason why, of course, is that Lady Bird Johnson led the beautification movement to protect and grow our state flower, setting a fine example of state pride for all Texans. We Texans feel the loss of the former First Lady when we think of this symbol, but as future flowers bloom, so too will her memory live on for our great nation.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of H. Res. 553, to pay special tribute to Lady Bird Johnson. I am proud to recognize the accomplishments of a fellow Texan and a true Renaissance woman.

For much of her life, Lady Bird Johnson acted as the graceful wife of a congressional secretary, U.S. Representative, Senator, Vice President and President. She devoted herself to her husband's political campaigns and lived in the public eye throughout the turbulent 1960s and Vietnam War Era.

But, Lady Bird Johnson was also a scholar, a writer, a politician, and an advocate for education issues. At the University of Texas in Austin she studied journalism and qualified as a public school teacher. Later in life, she wrote A White House Diary and served as a University of Texas regent.

Lady Bird demonstrated her remarkable talents for public speaking while on the campaign trail through Southern states, where, as a product of an East Texas town steeped in traditional southern values, she was an invaluable spokesperson for the 1960 Kennedy-Johnson Presidential ticket.

While her husband served as President, Lady Bird Johnson acted as honorary chairwoman of the national Head Start program. As my colleagues may note, I am a strong proponent of the Head Start program, which can make immense differences in the lives of underprivileged pre-school children by preparing them to enter elementary school on a par with their peers. Thus, I celebrate Lady Bird's contributions to this invaluable program.

During this time, Lady Bird Johnson has also been credited with holding luncheons spotlighting women of assorted careers. As a strong supporter of women's rights and pay equality, I believe that her efforts to applaud young women's advancements into traditionally-male-dominated careers have had a profound effect on women's equality in general.

Lady Bird was also an adept businesswoman who purchased a small radio station in 1942 in Austin and built a multimillion-dollar radio corporation. In today's society, young women interested in business and the telecommunications industries may look to Lady Bird Johnson as a trailblazer and a success story.

While Lady Bird's conservation work in our Nation's Capital is widely-known, Lady Bird's efforts to beautify our great State of Texas should also be applauded. In 1969, she founded the Texas Highway Beautification Awards, and hosted 20 annual awards ceremonies, where she presented personal checks to the winners. And, on her 70th birthday, she founded the Lady Bird Johnson Wildflower Center, to which she donated acres of her own land.

Lady Bird has indeed left her mark upon Texas, as the namesake of a golf course, a municipal park, a walking trail, and a street.

Mr. Speaker, I am proud to join my colleagues in support of H. Res. 553, celebrating the life of Lady Bird Johnson. She was a remarkable First Lady, businesswoman, environmental advocate, and trailblazer of women's rights. She has left a grand legacy of strength of character and service upon Texas and upon the entire nation.

Mr. FARR. Mr. Speaker, the death of Lady Bird Johnson was a sad day for the country. It was also a sad day for my district, and for me personally.

Mrs. Johnson also played a key role in drawing my father, California State Senator Fred Farr, to Washington. She successfully lobbied for his appointment as the Federal Highway Administration's first Highway Beautification Coordinator, wisely drawing his energy and insights to Washington.

Lady Bird was a fervent supporter of so many of the values my constituents and I hold dear. She was a lifelong supporter of the environment, an advocate for preserving the special places in communities around the country. Lady Bird visited California's Central Coast in 1966, where she dedicated Highway 1—now known to all as the Big Sur Coast Highway—as the first scenic route in the state. She even helped plant a redwood tree near Monterey's historic Colton Hall.

Mrs. Johnson was a passionate environmentalist. She argued against the blight of roadside billboards, instead calling for more trees and her beloved wildflowers. And many of the beautification projects that make Washington a gorgeous capital city were the product of Mrs. Johnson and my father. She was responsible for raising hundreds of thousands of dollars for the city's streets.

Mrs. Johnson's beautification projects and scenic designation programs were so important to drawing attention to areas that deserve protection. I encourage all of our communities to continue her work. We need more people like Mrs. Johnson in the world, more people who appreciate the beauty that is around us and who strive to preserve it.

Mr. BOSWELL. Mr. Speaker, I rise today in support of House Resolution 553 recognizing the passing of Lady Bird Johnson and her contributions to the United States.

Lady Bird Johnson, the wife of the late President Lyndon B. Johnson, passed away last week at the age of 94. We will remember this former First Lady as a woman deeply committed to her husband and his presidency, as well as a calm and elegant figure during a tumultuous time in American history.

Lady Bird took an active role during her husband's time in the White House. Before environmentalism was a part of American political life, she lobbied Congress to clean up the landscape of the United States. Through her efforts, the National Highway Beautification Act and the Clean Air Act became law and the Nation's Capital received a much-needed makeover to its landscape. After she left the White House, she founded the National Wildflower Research Center in Austin, Texas, which was later named in her honor. The center continues Lady Bird's efforts to preserve this country's natural landscape and beauty.

Lady Bird also influenced many other policies and initiatives during the Johnson administration, including the War on Poverty, Head Start, and the landmark 1964 Civil Rights Act. She was awarded the Presidential Medal of Freedom by Gerald Ford in 1977 for her efforts both in and out of the White House. Through her numerous accomplishments, we will continue to remember her as a wife, mother, and passionate and dedicated American. While it is with sadness that I mark the passing of this wonderful individual, I am proud to be able to commemorate her incredible contributions to our nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 553, which puts the House of Representatives on record in mourning the passing of Lady Bird Johnson, the former First Lady of the United States. Claudia Alta "Lady Bird" Taylor Johnson was the wife of U.S. President Lyndon B. Johnson. Throughout her life, she was an advocate for beautification of the nation's cities and highways and conservation of natural resources. The former First Lady was a recipient of the Presidential Medal of Freedom and the Congressional Gold Medal.

Lady Bird Johnson studied journalism and art at St. Mary's Episcopal School for Girls, a junior college in Dallas. She graduated with honors from the University of Texas with a Bachelor's degree in Arts in 1933 and a degree in Journalism in 1934—a time when women were hard pressed to have a career of their own, let alone a college education. Her goal was to become a reporter but her media career was deferred when a friend in Austin introduced her to Lyndon Baines Johnson, a young up-and-coming political hopeful.

On their first date, which was breakfast the next morning at the Driskill Hotel and a long drive in the country, Lyndon Johnson proposed. Lady Bird did not want to rush into marriage, but Lyndon Johnson was persistent and did not want to wait. The couple married on November 17, 1934, at Saint Mark's Episcopal Church in San Antonio, Texas.

Three years later, when Lyndon decided to run for Congress from Texas' 10th district in the Hill Country, Lady Bird provided the money to launch his campaign. She took $10,000 of her inheritance from her mother's estate to help start his political career. They had two daughters, Lynda (born in 1944), whose husband Charles S. Robb went on to become governor of Virginia and a U.S. Senator, and Luci (born in 1947), who married, firstly, Pat Nugent and, secondly, Ian Turpin.

As First Lady, Lady Bird Johnson started a capital beautification project (Society for a More Beautiful National Capital) to improve physical conditions in Washington, D.C., both for residents and tourists. Her efforts inspired similar programs throughout the country. She was also instrumental in promoting the Highway Beautification Act, which sought to beautify the nation's highway system by limiting billboards and by planting roadside areas. She was also an advocate of the Head Start program.

Johnson's press secretary from 1963–1969 was Liz Carpenter, a fellow University of Texas alumna. Carpenter was the first professional newswoman to be press secretary to a First Lady, and she also served as Lady Bird's staff director.

In 1970, A White House Diary, Lady Bird Johnson's intimate, behind-the-scenes account of Lyndon Johnson's presidency from November 22, 1963 to January 20, 1969, was published. Beginning with the tragic assassination of John F. Kennedy, Mrs. Johnson recorded the momentous events of ber times, including the Great Society's War on Poverty, the national civil rights and social protest movements, her own activism on behalf of the environment, and the Vietnam War. Indeed, Lady Bird Johnson and her husband were champions of civil rights and were instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. I know that her comforting words and her encouragement were part of the decision making of President Johnson as he made some critical decisions during some difficult times regarding the civil rights of individuals who had been discriminated against for most of the history of this country. Long out of print, the paperback edition of A White House Diary will be available again through the University of Texas Press in Fall 2007.

She was acquainted with a long span of fellow First Ladies, from Eleanor Roosevelt to Laura Bush, and was protected by the United States Secret Service for forty-four years, longer than anyone else in history.

Lady Bird Johnson was awarded the Presidential Medal of Freedom by Gerald Ford on January 10, 1977. The citation for her medal read:

"One of America's great First Ladies, she claimed her own place in the hearts and history of the American people. In councils of power or in homes of the poor, she made government human with her unique compassion and her grace, warmth and wisdom. Her leadership transformed the American landscape and preserved its natural beauty as a national treasure."

Johnson then received the Congressional Gold Medal on May 8, 1984. In addition to the Lady Bird Johnson Wildflower Center, her name has been lent to the Lady Bird Johnson Park on Columbia Island in Washington, D.C., which was founded as a result of her efforts as First Lady to beautify the capital.

After former President Johnson died in 1973, Lady Bird Johnson remained in the public eye, honoring her husband and other Presidents. In the 1970s, she focused her attention on the Austin riverfront area through her involvement in the Town Lake Beautification Project. From 1971 to 1978, Johnson served on the board of regents for the University of Texas System.

On December 22, 1982 (her 70th birthday), she and actress Helen Hayes founded the National Wildflower Research Center, a nonprofit organization devoted to preserving and reintroducing native plants in planned landscapes, located east of Austin, Texas. The Center opened a new facility southwest of Austin on La Crosse Avenue in 1994. It was officially renamed The Lady Bird Johnson Wildflower Center in 1998. On June 20, 2006, The University of Texas at Austin announced plans to incorporate the 279 acre Wildflower Center into the University.

For twenty years Lady Bird Johnson spent her summers on the island of Martha's Vineyard renting the home of Charles Guggeinheim for many of those years. She said she had greatly appreciated the island's natural beauty and flowers.

On October 13, 2006, Lady Bird Johnson made a rare public appearance at the renovation announcement of the Lyndon Baines Johnson Library and Museum. Sitting in a wheelchair and showing signs of recent health problems, Lady Bird seemed engaged and alert, and clapped along with those present at the ceremony.

Mr. Speaker, in the last year the state of Texas has lost several of its greatest sons and daughters: Governor Ann Richards; Senator and Treasury Secretary Lloyd Bentsen; columnist and progressive icon Molly Ivins; and now Lady Bird Johnson.

The Lone Star State mourns the loss of our favorite daughter and it will be grieving for some time. But the memory of Lady Bird Johnson will never be forgotten so long as the flowers bloom in the capital city of our nation and along the highways and byways of the several states, especially her beloved Texas.

I strongly support H. Res. 553 and urge my colleagues to do the same.

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to one of America's truly great First Ladies, Lady Bird Johnson, who taught all of us to appreciate the everyday beauty in nature . . . and who made it her life's work to spread that beauty to all comers of our Nation.

Lady Bird Johnson was very much the essence of a lady, so much so that it was literally her name. She brought grace and light to the State of Texas and to Washington, DC. She was a partner to President Lyndon Johnson in their home on the campaign trail, and in the White House.

She softened the sometimes harsh edges of President Johnson, who came to office in the midst of great turmoil in our Nation. It was the age of escalation in Vietnam, deep fears about the Soviet aggression around the world, great angst over civil rights in this Nation, and both peaceful and violent demonstrations around the Nation.

In the midst of that agonizing dynamic, Lady Bird made things around her prettier. . . and she brought light and beauty to Washington, DC, to politics, and to our Nation.

Recently, she was so proud that the Department of Education now bears the name of her beloved LBJ to illustrate their mutual dedication to education.

She was our Nation's first environmentalist, understanding that the aesthetic look of our Nation mean much to our citizens—and the survival of the human race would depend on our care for this planet.

Today, global warming has moved the environmental cause to a higher priority for governments and activists, but the matriarch of the movement was no less than President Johnson's and the Nation's First Lady, Lady Bird Johnson. She loved nature and understood the relationship of Mother Earth to the long term health of humanity.

Mr. Speaker, Lady Bird Johnson very much appreciated that you lead this House of Congress and occupy the seat that is third in line for the presidency. She deeply understood the importance of this government reflecting all our people.

Her legacy will live on in their beautiful family . . . in the flowers and beauty of the many parks that were inspired by her all over the Nation . . . and in the environmental movement that inspires us all to be better stewards of Mother Earth.

Mr. RANGEL. Mr. Speaker, the Nation lost a beloved friend and one of its most dedicated environmentalists on Wednesday when Lady Bird Johnson passed away at the age of 94.

Much has been written about how the classy woman from Austin was a calming influence on our 37th President, Lyndon B. Johnson. When President Kennedy was assassinated in 1963, Lady Bird stepped in and provided comfort to the Kennedy family and a grieving Nation. When civil rights legislation looked to be stalled in the Congress in 1964, the devoted mother of two took to the road on her own whistle-stop tour across the country, defending the administration's policies and goals.

However, her most lasting legacy can be seen anytime you see the flowers bloom in the Capital or the colorful landscapes as you travel the Nation's roads. In addition to leading clean-up efforts of parks and natural habitats in and around the DC area, her advocacy helped push through the $320 million Highway Beautification Act in 1965. The Federal legislation provided money and other incentives to reduce the number of billboards and other eyesores along Federal highways and expanded local programs to plant wildflowers and other native plants.

Active well into her 90s, Lady Bird Johnson was a role model for future generations. She broke the mold of what a First Lady could do, both during and after the White House. Her achievements and efforts with the National Wildlife Research Center that she helped establish in 1982 expanded the Nation's interest in the environment, providing a foundation for today's current green movement.

Her activism and graceful presence will be missed. Yet, her smile and charm will always be remembered any time anyone looks at the beautiful landscapes and wildflowers that she championed all across this great land.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to the memory of Mrs. Claudia "Lady Bird" Johnson. Her humble and steadfast devotion to public service combined with her passionate concern for environmental issues made her an icon within the environmental movement. Modest and kind, dedicated and courageous, her contribution to American politics will not soon be forgotten.

As an advocate of natural habitat and wildlife protection, I greatly admired Lady Bird's commitment to preserving and beautifying America's lands. My father, Stewart Udall, was Secretary of the Interior under President Johnson, and he credits Lady Bird's several trips to the American West and the Rocky Mountains with igniting her love of the environment. Her campaigns to beautify our cities and highways, clean our lakes and rivers, and preserve our natural resources catalyzed many of the environmental campaigns politicians now pursue. Lady Bird transformed Washington D.C. while her husband was in office by planting thousands of tulips and daffodils in parks across the city and creating a national roadside planting program. For Lady Bird, wildflower beautification was not simply cosmetic; by expanding and bolstering diverse habitats, her projects inspired reverence for nature and the inherent splendor of our earth. She reminded us that to enjoy life, we must sometimes stop to smell the roses.

At age 70, she founded the Lady Bird Johnson Wildflower Center. She said it was her way of paying back rent for the space she occupied in the world. This center now leads the nation in wildflower research, education, and project development.

Environmental work, however, was only part of Lady Bird's public service campaign. As the first First Lady to have a press secretary and a chief of staff, she cultivated her own agenda. A staunch supporter of civil rights, Lady Bird's strength, intelligence, and good judgment served as a guide and comfort for President Johnson. She also pushed for federal legislation restricting billboards on federal highways and fought for the Head Start program. The projects she undertook always reflected her compassion, graciousness, and determination to make a difference.

Lady Bird's compassion not only infused her political career but also permeated her personal life. Mother of two beautiful daughters, Luci Baines and Lynda Bird, Lady Bird cared for her family with same exquisite grace she exhibited as First Lady. Luci and Lynda have inherited their mother's dedication to public service. They have supported a variety of organizations, including Reading Is Fundamental, the American Heart Association, and the Center for Battered Women. Lady Bird's family and those close to her admired and emulated her loving patience, tender poise, and unending strength.

An environmental pioneer, a behind the scenes supporter and advisor for her husband, a loving mother, and a gentle soul, Lady Bird will be sincerely missed. Lady Bird was a friend of my father's, and our family will always celebrate the life of the extraordinary woman who gave so much of herself. In her various efforts to spread beauty and tranquility across the country, Lady Bird has left this world a better place for us all.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 553.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE AND ACCOMPLISHMENTS OF RENOWNED ARTIST TOM LEA ON THE 100TH ANNIVERSARY OF HIS BIRTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 519) honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 519

Whereas, 100 years ago on July 11, 1907, Tom Lea was born in El Paso, Texas, to former El Paso Mayor Tom Lea, Sr., and his wife Zola Utt Lea and spent the majority of his life in El Paso;

Whereas Tom Lea served as an accredited war artist correspondent for Life magazine during World War II, traveled over 100,000 miles as an eye-witness reporter, landed with the First Marines on Peleliu during 1942, and accompanied American forces in the North Atlantic during 1941, fighter pilots aboard the USS Hornet in the South Pacific during 1942, and American forces in China during 1943;

Whereas many of Tom Lea's paintings from World War II are in the United States Army Center for Military History in Washington, DC, and are loaned to exhibitions worldwide;

Whereas, when accepting the Republican nomination for President of the United States in 2000, George W. Bush quoted Tom Lea about living on the "sunrise side of the mountain";

Whereas Tom Lea's painting Rio Grande today hangs in the Oval Office at the White House;

Whereas Tom Lea's works are found throughout Washington, DC and Texas, including in the Rayburn House Office Building, which displays his portrait of Sam Rayburn; the Smithsonian American Art Museum; the Dallas Museum of Art; the El Paso Museum of Art; the University of Texas at El Paso; Texas A&M University; and the University of Texas at Austin;

Whereas Tom Lea painted several notable murals, including the Texas Centennial mural and, under the Department of Treasury's Section of Fine Arts mural competition programs, The Nesters mural for the Benjamin Franklin Post Office in Washington, DC; the Pass of the North mural for the Federal Courthouse in El Paso, Texas; the Stampede mural for the Odessa, Texas Post Office; the Comancheros mural for the Seymour, Texas Post Office; and the Back Home mural for the Pleasant Hill, Missouri Post Office;

Whereas Tom Lea was also an accomplished author and illustrator whose works included the two-volume annotated history The King Ranch (published in 1957), in addition to four novels and two non-fiction books, of which, The Brave Bulls (published in 1949) and The Wonderful Country (published in 1952), were adapted as screenplays for motion pictures;

Whereas Tom Lea during his life was honored with several awards, including the Navy Distinguished Public Service Award, the United States Marine Corps' Colonel John W. Thomason, Jr. Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award;

Whereas President and Mrs. George W. Bush are serving as Honorary Chairs of the International Advisory Board for the 2007 Tom Lea Centennial Celebration, a month-long series of events in the Southwest that seeks to ensure that the richness and diversity of Tom Lea's legacy will nourish generations to come; and

Whereas Tom Lea's war diaries are to be published by Texas A&M Press in 2008: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Tom Lea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 519, a bill that honors the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

H. Res. 519, which has 79 cosponsors, was introduced by Representative SILVESTRE REYES on June 26, 2007. H. Res. 519 was reported from the Oversight Committee on June 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague, Representative SILVESTRE REYES, for seeking to honor the life and accomplishments of renowned artist Tom Lea, and urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in celebration of the 100th anniversary of the birth of Tom Lea, I ask Members to join me in honoring the life and accomplishments of this remarkable American. Tom Lea was a painter, muralist, illustrator, writer and war correspondent, whose work continues to captivate and inspire us today.

Born in El Paso, Texas, in 1907, he showed an early talent for art and left home to study at the Art Institute of Chicago. While this began a pattern of world travel he continued throughout his life, Tom Lea's home was always Texas and the American Southwest. His paintings capture the spirit of the West and show a vibrant life that thrives in seemingly barren land.

Lea put his education to good use as a muralist for the Works Progress Administration. His works include the award winning "The Nesters," which adorns the Post Office Department Building here in Washington, and the portrait of Sam Rayburn on display in the Rayburn House Office Building, and I think on display right now in this Chamber. Additionally, the Smithsonian American Art Museum, numerous public buildings in Missouri, and educational and government facilities throughout Texas exhibit his work.

In 1942, Time magazine hired Lea to cover the war in the Pacific. Finding paint inadequate to capture the full story, Lea began his career as a novelist while on assignment. He continued writing after the war, and published six works of fiction and nonfiction, including a two-volume annotated history of the King Ranch.

Fans of his work are numerous and include President George W. Bush, who honored Lea by using a quote from an autobiography while accepting the Republican nomination for President in 2000. Shortly before his death in January of 2001, Lea had the great satisfaction of delivering one of his paintings, "Rio Grande," to the President, so he could hang it in the Oval Office. The painting remains there today.

In addition to great critical acclaim, Lea's lifetime of work has earned him the Navy Distinguished Public Service Award, the United States Marine Corps Colonel John W. Thomason, Jr., Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award.

Therefore, let us show our respect and gratitude for this great American by passing H. Res. 519 to honor the life and accomplishments of Tom Lea.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Texas (Mr. REYES), the sponsor of this resolution.

Mr. REYES. Mr. Speaker, I thank the chairman and the ranking member for their support of this resolution.

As a representative of the 16th District of Texas, I rise today in honor of a great El Pasoan and a great American.

I have on the floor beside me two pictures of paintings by this great American. His name is Tom Lea. He hails from my district of El Paso, Texas, and has left a lasting impression on the Nation as a whole.

One of these paintings, "Rio Grande," this one right here, was specifically chosen, as has been stated by my good friend from Connecticut, by President Bush to hang in the Oval Office. As you can see, this is a beautiful representation of the rugged landscape and the environment of our wonderful Southwest.

The other is a portrait of Sam Rayburn. It is probably the most familiar to many of you, as it hangs in the foyer of the Rayburn House Office Building. I venture that you would be hard-pressed to find another artist who could so capture the tenacity and formidable nature of this great Texas lawmaker and former Speaker of the House of Representatives.

Mr. Lea's legacy extends beyond the paintings that you see here, and I rise today because this month marks the 100th anniversary of the birth of this acclaimed El Pasoan. The 2007 Tom Lea Centennial Celebration, which is a month-long series of events, is currently underway all along our beautiful Southwest.

Mr. Lea is a celebrated illustrator, novelist, historian, war correspondent and muralist. His assignment with Life magazine in the 1940s to draw a cavalry trooper at El Paso's Fort Bliss led to his role as an accredited artist correspondent during World War II. Traveling over 100,000 miles through very dangerous and faraway theatres of war, he captured the American forces in the North Atlantic, the South Pacific, China, and Peleliu for the American public and for those of us that appreciate his great artistry today. While overseas, he also painted a portrait of China's Chiang Kai-shek.

From painting national and world leaders to his celebrated painting of his wife, Sarah, which includes El Paso's Franklin Mountains as the backdrop; from his critically acclaimed novels to motion pictures based on his written works; from his depictions of the heroism and harrowing circumstances of World War II to his award-winning murals in post offices in El Paso and across the country, Tom Lea has left a lasting impact on our Nation as a whole.

Obviously, Tom Lea is a national treasure and a creative genius. I want to thank my 79 colleagues who have signed on as cosponsors to this legislation.

So today, Mr. Speaker, I urge all colleagues to join me in honoring him by passing this resolution. My community of El Paso, Texas, was lucky to be home for such an icon, and the Nation as a whole is a richer, more interesting and more beautiful place because of his vision and his mastery.

☐ 1645

Mr. SHAYS. Mr. Speaker, I yield such time as the most distinguished gentleman from Texas (Mr. SESSIONS) would like to use.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Connecticut. I also rise with my colleagues who are here from El Paso, Texas, and also the gentleman from Illinois (Mr. DAVIS) to celebrate the 100th anniversary of Tom Lea's birth. As a person who lived in El Paso, Texas, for a number of years, I also became aware of Tom Lea from living in San Antonio. Much of his artwork was displayed in San Antonio on a regular basis.

Tom Lea for many years painted pictures of the mountains and beauty that surrounds not only west Texas, but southern New Mexico also. El Paso is the beginning of what is called The Pass of the North, where two great countries come together, the history of Mexico and the history of the United States, and where these two great countries meet at the Rio Grande River. Tom Lea spent a lot of time writing, talking, thinking, pushing forward thoughts and ideas about these two great nations, and embodied a lot of that in artwork that I have several copies of. I have bought Tom's books over the years.

So today it is right and fitting that the United States Congress in its looking back, as we do on a regular basis, over many great Americans who have added not only to the artwork of America and the thought process, but also to the lives that they lived. Tom Lea, a great Texan and American, who added not only a spirit to the men and women who fought for this country in World War II, but also brought that beauty forward in artwork, the Franklin Mountains and places in New Mexico with just stunning beauty that have sustained so many people. It gives us an idea about why America is a great Nation and why we must continue to protect her.

Mr. Speaker, I stand today in support of this 100th anniversary of Tom Lea, a great man from El Paso and a great community, and people who loved him a great deal and miss him even more. It is a great day to say thank you to Lady Bird Johnson and Tom Lea, both great Texans, on a beautiful day in Washington, D.C.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 519.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 345) commemorating the 200th anniversary of the Archdiocese of New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 345

Whereas it is a tradition of the House of Representatives to honor and pay tribute to those places and institutions within the United States whose historic significance has contributed to the culture and traditions of our citizens;

Whereas, in accordance with this tradition, the House of Representatives is proud to commemorate the 200th anniversary of the Archdiocese of New York and its history of faith and service;

Whereas the Archdiocese of New York has planned a year-long series of events beginning in April 2007 to celebrate their bicentennial;

Whereas the Archdiocese of New York is also coordinating with Catholic Charities of New York to institute an Archdiocese of New York Day of Service, to celebrate its history of serving the broader community;

Whereas, on April 8, 1808, Diocese of New York was established with the Most Reverend R. Luke Concanen as its first Bishop, and was elevated to an Archdiocese in 1850;

Whereas, on March 15, 1875, His Eminence John Cardinal McCloskey, the second Archbishop of the Archdiocese of New York, became the first Cardinal Archbishop of the Roman Catholic Church in America;

Whereas the Archdiocese of New York has welcomed three Papal visits, Pope Paul VI on October 5, 1965 and Pope John Paul II on October 7, 1979 and again on October 5, 1995;

Whereas Elizabeth Ann Seton, a member of the Archdiocese of New York and founder of today's Catholic education parochial school system, was named the first American-born Saint on September 14, 1975; her name appears on the front doors to St. Patrick's Cathedral describing her as a "Daughter of New York"; and several schools are named after her, including Seton Hall University in South Orange, New Jersey;

Whereas the Archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was installed on June 19, 2000, and elevated to Cardinal on February 21, 2001;

Whereas the Archdiocese of New York was originally comprised of the entire states of New York and New Jersey, an area that now covers twelve dioceses;

Whereas, with 2,500,000 Catholics in its fold, the Archdiocese of New York consists of 402 parishes, 278 elementary and high schools, and 3,729 charitable ministries, which include Catholic Charities, hospitals, nursing homes, and outreach programs; and

Whereas, throughout its rich historical past and up to the present day, the Archdiocese of New York has been sustained by the beneficent efforts of countless parishioners and ministries, past and present, who have generously supported their community with abundant kindness and good deeds: Now, therefore, be it

Resolved, That the House of Representatives commemorates the 200th anniversary of the Archdiocese of New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H. Res. 345, a resolution that commemorates the 200th anniversary of the Archdiocese. H. Res. 345, which has 61 cosponsors, was introduced by Representative VITO FOSSELLA on April 30, 2007. H. Res. 345 was reported from the Committee on Oversight and Government Reform July 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague Mr. FOSSELLA for seeking to commemorate the 200th anniversary of the Archdiocese of New York, and urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor the 200th anniversary of the Archdiocese of New York, an institution that has contributed to the good of the region it covers as well and the Nation in a way that people of all political and religious backgrounds can join in applauding.

Founded on April 8, 1808, the Diocese of New York has grown to over 2.5 million Catholics who are led by nearly 1,500 priests. The Diocese of New York was established with the Most Reverend R. Luke Concanen as its first bishop, and was elevated to an Archdiocese in 1850. Upon its origination, the diocese included the entire State of New York and New Jersey, an area that now covers 12 dioceses. In this vast organization, the Archdiocese of New York includes 402 parishes, 278 schools, and 3,729 charitable ministries including Catholic Charities, nursing homes, and outreach programs.

The Archdiocese of New York has been the site of 3 papal visits and is home to the first Cardinal Archbishop of the Roman Catholic Church of America, John Cardinal McCloskey. The first American-born saint, Elizabeth Ann Seton, was a member of the archdiocese and founder of today's Catholic education parochial school system.

In commemoration of their bicentennial, the Archdiocese of New York has planned a year-long celebration of activities to bring together the entire community, including an Archdiocese of New York Day of Service.

It is with great respect for the ongoing service to their parishioners and the greater community of New York that I ask you to join in commemorating the 200th anniversary of the Archdiocese of New York.

Mr. Speaker, I reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to thank my friend from Connecticut for managing the time on the minority side for this important resolution. In particular, I want to thank my good friend from New York State, Vito Fossella, for introducing this important resolution commemorating and celebrating the 200th anniversary of the Archdiocese of New York, a history that is replete with so many tales, not tales but facts, about the contribution of Catholics in New York, in particular about the institution known as the Archdiocese of New York, having at one time encompassed the entire State of New York and New Jersey, and now having a smaller imprint, but no less significant an imprint today.

We think of the storied individuals who fervently shepherded their flock in the Archdiocese of New York, starting with R. Luke Concanen in 1808–1810; to present day, Edward Michael Cardinal Egan, who took the reins of control in 2000 and continues to this day.

We look back historically, particularly during the Civil War, the Archdiocese had a very long history going back to that point in time, and during the war Archbishop John Hughes, who was a fervent defender of the Union and a personal friend of then-President Abraham Lincoln, he wrote to President Lincoln and Secretary Seward about the most effectual means for carrying on that war. At the Union's request, he visited Europe to exert his personal influence, especially in high circles in France, for the benefit of the national cause at that time.

Another national cause the Archdiocese was strongly involved in was with the first wave of immigrants, predominantly Irish immigrants, to New York. The archdiocese developed programs to care for and assimilate those new immigrants to America, and was a precursor to the Irish Emigrant Savings Bank, later to become known as the Emigrant Industrial Savings Bank and Emigrant Savings Bank today.

These organizations over the years have developed into a strong base of charitable giving to keep the traditions of protecting the poor and the neglected, something that the Archdiocese of New York continues to do today. In fact, the Cardinal and the archdiocese have been very outspoken proponents of comprehensive immigration reform to help those least amongst us in society today, something they continue to do in the strong 200-year tradition of the Archdiocese of New York.

It was also mentioned before that Elizabeth Ann Seton, the first saint born in the United States, also a New Yorker and the founder of the New York City Catholic school system, and the contributions that system has made to our country. Speaking as a product of there, having graduated from Power Memorial High School in 1980, which is no longer with us, but there are still many high schools that bear the names of the many cardinals and leaders of the archdiocese throughout the years, and others who have made significant impacts on the Archdiocese of New York, a tremendous system that to this day continues to produce some of the brightest minds in not only the city of New York, but in the country, and also continues to provide access to the least amongst us to give them opportunities that others had before them.

So I stand here on the floor congratulating Mr. FOSSELLA for introducing this resolution and to commemorate the 200th anniversary of the founding of the Archdiocese of New York, a diocese that will go on for many, many years to come. We congratulate Cardinal Egan, Cardinal O'Connor, Cardinal Cooke, and all those who came before them, and all the men women who have contributed in so many ways to its survival and its flourishing throughout the history of New York City and our country.

Mr. SHAYS. Mr. Speaker, I recognize the gentleman from Staten Island, who has been a real advocate for all of New York, Vito Fossella, for such time as he may consume.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of H. Resolution 345 honoring the 200th anniversary of the Archdiocese of New York. I thank Chairman WAXMAN and Ranking Member DAVIS for helping pass this resolution. And I thank the gentleman from Queens, Mr. CROWLEY, for helping spearhead this through, as well as Mrs. MALONEY from Manhattan, who were instrumental getting this passed last week out of committee.

Let me briefly say at the outset, it was somewhat of a bumpy road to arrive at today's vote. We are nevertheless here to honor the Archdiocese of New York. When we introduced the resolution in May and set about to secure the 50 cosponsors, we got it pretty quickly. It was heartening to see the outpouring of support. Initially the committee balked because of the reference to Cardinal Egan. And on a personal level, I thought it was insulting to the cardinal and professionally, by extension, I thought it was insulting to the millions of Catholics who comprise the archdiocese.

Cardinal Egan is the head of the archdiocese and is a significant spiritual leader of Catholicism in the United States and a man of great integrity and honor. Like those who have come before him, Cardinal Egan has carried forward the mission of his Catholic Church and helped to provide spiritual guidance to millions. I am proud to say the committee realized and recognized the appropriateness of recognizing the role of the archdiocese, and today the Congress has an opportunity to pass this resolution honoring the Catholic Church and the Archdiocese of New York in particular.

☐ 1700

Mr. SHAYS provided some very compelling statistics about the archdiocese so I won't repeat them.

We know that the resolution pays tribute to the dedication and character and compassion and values that embody the archdiocese; and, by extension, I think it honors the service and deeds of so many Catholics who have enriched this Nation.

And you really can't tell the American story without telling the story of Catholics who have come to this country and enriched and made this country better and stronger. Lord knows, over the last couple of hundred years, there have been some great, not just contributions, but some great controversies.

In the 1800s there was a political party that was formed in large part, called the Know Nothings, rooted in anti-Catholicism. Fortunately, they have gone away, and the archdiocese of New York, like so many across the country, have remained steadfast and have been institutions that uphold the dignity of life.

Mr. CROWLEY mentioned Elizabeth Seton, and Seton Hall University is named in her honor in part. The Seton Foundation for Learning, for example, on Staten Island is a school that is principally designed to help children with developmental disabilities and all disabilities and are a strong reminder of the value and wonder of all human life.

The archdiocese includes over 3,700 charitable organizations, touching practically every neighborhood across New York City's region, and we know that Catholic Charities alone provides 5 million free meals annually to the less fortunate.

As I mentioned, you can't tell this American story without telling the Catholic story. There is probably no more rich archdiocese in this country than the one in New York, and you can't tell the New York story without knowing the archdiocese of New York.

So many people who have served in private life have also served their church through faith and in the local neighborhoods I mentioned, and so many police officers and firefighters and civil servants, who not only serve this country with honor and distinction but also serve through their faith the archdiocese. And we saw that very clearly on 9/11 when firefighter after firefighter and their families were laid to rest in the Catholic Church.

Those are some of the stories by which we can tell a compelling tale for America; but, today, the Congress, I say thank you to Mr. DAVIS and Mr. SHAYS and all who essentially set a little time aside to honor a great institution and celebrate 200 years of serving the poor, the less fortunate with dedication, compassion, and pure social outreach.

Mr. DAVIS of Illinois. I reserve, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume. I'd like to just make further comments.

This resolution has a special meaning to me, as the archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was elevated to cardinal on February 21, 2001.

In 1988, Cardinal Egan was appointed bishop of Bridgeport by Pope John Paul II. During his tenure in Bridgeport, I had the pleasure of working with him on a variety of issues, including developing housing for senior citizens.

Cardinal Egan guided the diocese of Bridgeport and earned a reputation of demonstrated leadership and success in meeting both the physical and spiritual needs of the church's parishioners, and I want to say that he reached out to so many people, Catholic and non-Catholics alike, when there were specific needs that they had. He is such a respected individual in the district I represent, and we were so proud of his elevation to cardinal in New York and believe that he is doing a tremendous job.

I will conclude by saying I was in his office after his appointment but he had not yet become a cardinal. He just kind of shook his head and said, I wish I was 10 years younger.

So many demands are made on a leader like Bishop Egan, and he gives every day of his life to this service. So when I vote for this resolution I'm going to be voting for the 200-year anniversary of the diocese and for a really remarkable leader that they have in Bishop Egan.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time, and I was just thinking that I spent last evening with about 800 black Catholics at the Knights of Peter Claver at their convention in Detroit. Of course, many of them were indeed from the east coast, from New York and New Jersey and Connecticut, and we just simply had a wonderful time. So I join in support of this resolution and urge its passage.

Mrs. MALONEY of New York. Mr. Speaker, I am proud to rise today in support of a resolution commemorating the 200th anniversary of the Roman Catholic Archdiocese of New York. I want to thank my colleague, Mr. FOSSELLA, for taking the lead in sponsoring this Resolution.

It is a tradition of this legislative body to honor and pay tribute to American institutions whose historic significance has contributed to the culture and traditions of our citizens. The Archdiocese of New York, with its long history of faith and service, is one such institution.

The Roman Catholic Archdiocese of New York presently covers New York City and other areas of southern New York State. When it was established on April 8, 1808, the Diocese of New York was under the jurisdiction of the Archdiocese of Baltimore and covered all of New York State and certain parts of New Jersey. The Diocese was elevated to an Archdiocese in 1850. Twelve dioceses now occupy the area that was once covered by one.

Under Archbishop Cardinal Edward M. Egan, the Archdiocese of New York now serves 2.5 million New York Roman Catholics and consists of 42 parishes, 278 elementary schools, and 3,729 charitable ministries.

The Archdiocese of New York is significant for many reasons. Elizabeth Ann Seton, founder of today's Catholic education parochial school and the first American-born saint; was a member of the Archdiocese. In fact, her name appears on the front doors of the well-known St. Patrick's Cathedral—the largest decorated gothic-style Catholic cathedral in the United States, which is located in my district. The New York Archdiocese has also had the honor of hosting three papal visits: Pope Paul VI in 1965 and Pope John Paul II in 1979 and 1995.

Throughout its rich history and up to the present day, the Archdiocese of New York has been generously sustained by its faithful parishioners, and has long supported the community through its ministries and countless good deeds. I can think of no better time to celebrate the Archdiocese than in this, its bicentennial year.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 345.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3074 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today, the House will take up the ninth of 12 appropriation measures where we will continue the effort to take America in a new direction, where we focus on priorities of concern to average Americans throughout this country.

Through these bills, the new Congress is restoring our focus on a domestic agenda that helps all Americans, not just the wealthy few and not just the well-connected corporations.

We will make sure, as we have, that our veterans have the care they need. We'll reverse neglect in environmental protection that's been abandoned, been neglected for the past several years, and we'll fund housing programs for low- and moderate-income Americans. We will provide resources to ensure that children arrive at school ready to learn and have the health care that they need, and we will make certain that our law enforcement officials have the tools that they need to protect our citizens.

Madam Speaker, House Resolution 558 provides for consideration of H.R. 3074, the Transportation and Housing and Urban Development Appropriations Act for 2008. This will be done under an open rule. This is a bipartisan bill that was presented before the Rules Committee by Chairman OLVER and Ranking Member KNOLLENBERG. It was a pleasure, frankly, to see the cooperation of these two gentlemen and the members of that committee coming together to present to the House for its consideration a very impressive plan to meet our infrastructure and housing needs in the future.

As you know, demographic changes and growth patterns in the United States over the next decade will continue to have a major impact on transportation networks and the need for affordable housing. This bill seeks to ensure that our Nation's transportation system is safe and efficient and that our citizens have access to safe and affordable housing. The bill does so in a way that strengthens the economy and is environmentally and fiscally responsible.

The bill safeguards the regional needs of our Nation by rejecting administration proposed cuts that provide air service to rural communities, and it invests in transit projects for our urban areas that will help our commuters save time and money getting to work. The bill also rejects administration cuts to Amtrak, protects national rail service, and fully funds the highway and transit guarantees set forth in the SAFETEA-LU authorization bill.

The Transportation and Infrastructure Committee recognized the need to support rural airports, something very important to people like me from a rural State like Vermont. Investments in airports, like the Rutland State Airport in Vermont, are critical to rural States and an effective transportation system. The bill includes $110 million for essential air service to continue service to small and/or rural communities as well as $10 million for the Small Community Air Service Development Program that will continue the Department of Transportation grant program to help our small communities to attract commercial air services.

Among other things, the committee also includes $75 million for the FTA's Clean Fuels Grant program, $26 million above 2007 for clean fuel bus technology. Public transportation companies like the Chittenden County Transportation Authority in Vermont are taking responsibility for their fleet's emissions by making investments in new, fuel-efficient, low-carbon-emitting buses; and this legislation supports those efforts.

In housing, the bill rejects a $2 billion cut proposed by the administration to eliminate housing programs for the poorest citizens in this country and, instead, aims to make sure that all Americans have adequate shelter. The proposed cuts that this bill would reject include deep cuts to HUD, Community Development Block Grants and programs that provide housing for the elderly and disabled. Funding is included so that anyone with a voucher will not lose it. The President's proposed cuts come at a time when fully three-quarters of households that are actually eligible for HUD assistance are not receiving that assistance.

And more than 1 million low-income households across New England, including elderly, disabled and families, live in federally assisted housing. Most of these households have annual incomes of less than $8,000, and they're obviously at serious risk of homelessness. Even larger numbers of households are struggling to survive in a private housing market and are paying more than 50 percent of their income for rent.

□ 1715

The Community Development Block Grant is a valuable resource for cities and States struggling to ensure opportunities for residents to live in safe and affordable communities. It's a tool that helps our local officials do, locally, something that builds up their communities. This program has funded projects that improve the quality of life across the country, including infrastructure improvement and economic development.

In 2007, again using Vermont as an example, we received $8.4 million in CDBG funds. This bill provides $4 billion for CDBG grants across the country. That's $228 million above the 2007 appropriation.

The need to recommit to housing and transportation priorities is necessary in every State in the country. It's a priority we must address head on in this body. This bill takes a big step in the right direction.

I also commend the committee for including very strong language requiring HUD to incorporate strong green building and rehabilitation standards into its housing program, particularly focusing on improved energy efficiency, good for the environment, a pretty quick payoff and good for keeping costs down. While green building is relatively new, it's clearly vital to our Nation's homes and buildings, and to our country, that those homes and buildings become more environmentally friendly.

Finally, this bill also reinforces the link between housing and transportation. It establishes a new interagency working group to coordinate transportation and housing policies on the Federal, State and local level.

I again applaud Chairman OLVER and Ranking Member KNOLLENBERG for their hard and cooperative work in crafting this excellent bill, and thank them and their staffs for their attention to the needs of the people of Vermont and all States in this country.

I will be urging all of my colleagues to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying legislation, which spends $3.2 billion more than last year's Republican-crafted legislation. It also spends $2.8 billion, almost 6 percent, more than requested by President Bush for this year's transportation and housing funding.

Madam Speaker, I insert for the RECORD the President's Statement of Administration Policy pledging a veto of this legislation due to its fiscal irresponsibility.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3074—Transportation. Housing; and Urban Development. and Related Agencies Appropriations Bill, 2008

The Administration strongly opposes H.R. 3074 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions.

The President has proposed a responsible plan for a balanced budget by 2012 through spending restraint and without raising taxes. To achieve this important goal, the Administration supports a responsible discretionary spending total of not more than $933 billion in FY 2008, which is a $60 billion increase over the FY 2007 enacted level. The Democratic Budget Resolution and subsequent spending allocations adopted by the House Appropriations Committee exceed the President's discretionary spending topline by $22 billion, causing a 9 percent increase in FY 2008 discretionary spending. In addition, the Administration opposes the House Appropriations Committee's plan to shift $3.5 billion from the Defense appropriations bill to non-defense spending, which is inconsistent with the Democrats' Budget Resolution and risks diminishing America's war fighting capacity.

H.R. 3074 exceeds the President's request for programs funded in this bill by $3.4 billion, part of the $22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's top line and cover the excess spending in this bill through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if H.R. 3074 were presented to the President, he would veto the bill.

The President has called on Congress to reform the earmarking process that has led to wasteful and unnecessary spending. Specifically, he called on Congress to provide greater transparency and full disclosure of earmarks, to put them in the language of the bill itself, and to cut the cost and number by at least half. The Administration opposes any efforts to shield earmarks from public scrutiny and urges Congress to bring full transparency to the earmarking process and to cut the cost and number of earmarks by at least half.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration. The Administration strongly objects to increasing funds for the Federal Aid Highway program based on adjustments determined through a revenue aligned budget authority (RABA) mechanism. At authorized levels, the Highway Account is spending beyond its means and will be insolvent by 2009. Providing additional funding through RABA adjustments only exacerbates the situation, making the highway account oversubscribed by an additional $500 million before the end of the SAFETEA-LU authorization in FY 2009. Further steps will ultimately be needed, but withholding RABA is an important first step to avoid the threat of gas tax increases or a raid on the general fund.

Amtrak. The Administration strongly objects to providing $1.4 billion for Amtrak, which will perpetuate a flawed model for intercity passenger rail. While the bill provides some funding for Intercity Passenger Rail Capital Grants, which will help encourage sustainable, demand-driven service, the bill fails to include reform provisions proposed by the Administration to improve accountability and encourage competition.

Federal Aviation Administration (FAA). The Administration is disappointed that the Committee did not adopt the President's proposal to align FAA's budget accounts with its lines of business and to delineate the specific uses of the General Fund contribution. These proposals would provide greater transparency, improve management of resources, and complement the reforms proposed by the Administration in the NextGen Financing Reform Act of 2007.

Aviation Insurance Revolving Fund. The Administration opposes the one-year extension for the war risk insurance program for domestic air carriers, which crowds out private sector mechanisms for diversifying risk. The Administration has proposed reforms in the NextGen Financing Reform Act that ensure that air carriers more equitably share in the risks associated with this program.

US.-Mexico Cross-Border Trucking Pilot. The Committee report highlights a number of issues related to the U.S. Mexico Cross-Border Trucking Pilot. The Administration assures the Committee that the pilot will be conducted in compliance with the conditions and reporting requirements set forth in P.L. 110-28. However, the Administration would strongly oppose any amendment that is intended to delay or restrict the pilot program.

Reduction Proposals. The Budget proposed reductions in some programs, such as DOT's Essential Air Service program, FAA's Airport Improvement Program, and the Federal Transit Administration's Capital Investment Grants. These reductions are programmatically justified and would reduce Federal spending. In addition, the House should consider reductions to unrequested items, such as the Rail Line Relocation and Improvement Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The bill exceeds the request for HUD programs by more than $3.5 billion. The President's Budget provides increases for high-performing and high-priority programs, ensures effective implementation of HUD programs, and reduces funds for lower performing programs.

Community Development Block Grant (CDBG). The Administration objects to the $1 billion increase for the CDBG program through a formula that is long outdated and, in many cases, provides more money to wealthier communities than poorer ones. The Administration urges Congress to pass the CDBG legislative reform proposal that was transmitted on June 5, 2007, which improves targeting to the neediest communities and provides incentives to expand economic growth more strategically. In addition, the Administration recommends eliminating the $180 million in funding for congressional earmarks.

HOME/American Dream Downpayment Initiative. The Administration objects to the more than $200 million reduction to the request for the HOME Investment Partnerships Program. In spite of the growing need for affordable housing, the House bill would cut this high-performing program with an effective track record of housing production for low-income families and flexibility for communities to tailor housing assistance to their unique needs. Moreover, the Administration objects to the lack of funding for the American Dream Downpayment Initiative, which provides crucial assistance to increase first-time homeownership.

Tenant-Based Rental Assistance. The House bill reflects support for the Administration's proposal to reform the Housing Choice Voucher program. This includes tying Public Housing Authority (PHA) administrative expense payments to the number of assisted families, maintaining rental assistance to the 2007 allocations based on the prior-year's actual expenditures, and providing incentive funds for smaller PHAs to consolidate. The House bill should also eliminate the cap on the number of families PHAs can assist to unlock PHA funds to permit greater housing assistance. The Administration's request would aid significant numbers of additional families and renew approximately 1.9 million vouchers currently in use, without the Committee's addition of $330 million in unrequested funds.

Reducing Chronic Homelessness. The bill supports the Administration's goal of reducing and ending chronic homelessness; however, the House should also fund the Prisoner Re-Entry program.

Federal Housing Administration (FHA). The bill supports the Administration's proposal to increase multifamily loan limits in high-cost areas and lift the statutory cap on the number of Home Equity Conversion Mortgages that HUD can insure through the end of FY 2008. However, the Administration would prefer to permanently lift the cap to allow HUD to continue assisting the market in providing this financial vehicle. The Administration also is concerned that the Committee report purports to direct HUD to reverse its implementation of certain recently enacted asset disposition reforms for FHA multifamily programs, which would increase the deficit by $38 million in FY 2008.

Other Housing Programs. The Administration's request provides a program base funding level for public housing that can be sustained in future years and, hence, the Administration does not support the substantial increases for these programs in the reported bill. The Administration also objects to the funding provided for the HOPE VI program. HOPE VI has accomplished its original goal. The Administration also opposes the unreasonably high amount of new section 202 and 811 housing unit construction in the bill, which simultaneously reduces resources dedicated to tenant services, threatens future preservation, and exacerbates a large and growing fiscal responsibility.

Working Capital Fund. The Administration strongly objects to the $95 million reduction. HUD has made significant improvements in strategically and responsibly investing its IT system resources, with demonstrated success The requested funds are needed to continue to improve HUD financial management and provide proper program delivery and compliance. In addition, the requirement for Committee approval of E-Government funding transfers should be removed. These systems support HUD's core mission and operations.

Lower Performing Programs. The Administration opposes the funding provided for lower performing programs such as section 108 loan guarantees, Brownfields, and Rural Housing. These programs are duplicative, lack long-term outcome measures, and have been unable to produce transparent information on results.

Exemption from Credit Reform. The Administration opposes section 218, which would prohibit using funds provided in this or any other act to implement the requirements of the Federal Credit Reform Act of 1990 beyond those already being implemented by the Government National Mortgage Association. Congress enacted credit reform in 1990 to more accurately budget for the full cost of credit programs and to bring greater transparency to credit programs in the budget process. This provision of the bill begins to unravel this important reform by setting a precedent that could undermine ongoing efforts to accurately estimate and report the costs of credit programs in the Federal budget and Federal financial statements.

EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM

The Administration supports the use of the Employment Eligibility Verification System, previously known as the Basic Pilot Program, but urges the Congress to provide for a transition period to permit agencies to effectively implement acquisition policies and procedures.

CONSTITUTIONAL CONCERNS

Sections 405 and 406 purport to require approval of the Committees prior to Executive Branch action. Since these provisions would contradict the Supreme Court's ruling in INS v. Chadha, they should be changed to require only notification of Congress.

This year House Republicans proposed an alternative budget that would have achieved balance by 2012 and ended the raid on Social Security without raising taxes, simply by raising a strong economy, reforming currently unsustainable entitlement programs and exercising accountability in government spending.

Unfortunately, this proposal was rejected by the majority of Democrats who have, instead, chosen to pass a budget containing the second largest tax increase in history and one that spends more than $22 billion more than President Bush had proposed for our Nation's priorities.

While today's legislation does find a number of worthy projects across the country, it also spends $1.4 billion, or $600 million above President Bush's request, for a program that has proven to be one of the Federal Government's worst fiscal black holes, Amtrak.

For the last few years, I have worked to address the rampant cost overruns and fiscal mismanagement in Amtrak by offering amendments and legislation to cut funding for the 10 worst money-losing lines and to competitively source some of Amtrak services so that the private-sector efficiencies could be used to help fix this broken system.

This week I am going to take a much narrower approach to fixing the fiscal disaster at Amtrak by offering a very simple amendment to cut funding for the most fiscally wasteful train line in the country, the Sunset Limited, which runs from New Orleans, Louisiana, to Los Angeles, California.

If a passenger were to ride the Sunset Limited from New Orleans to Los Angeles, it would take 46 hours and 20 minutes to complete the journey, assuming, of course, the train runs on time, which is highly unlikely, as this happens only 10 percent of the time. According to Amtrak's most recent performance report, the Sunset Limited ranks as the third most delayed route in 2007.

Perhaps because of this poor performance, this route lost a staggering $117 million between 2003 and 2006, losing an average of $29.27 million a year for the last 4 years. Taxpayers across the country are being asked to subsidize the fares of each passenger on this train by a whopping 57 cents per mile for each passenger.

In 2006, the Federal Government spent $524 per passenger getting these passengers from New Orleans to Los Angeles, meaning it would have been far cheaper, and, I'd add, faster, if we would just buy each passenger a plane trip ticket for their travel. The Federal Government could come out way ahead.

If my amendment were approved last year, Congress would have saved taxpayers $20.4 million. I believe it is not too much to ask for Congress to show a small bit of common sense and fiscal restraint by prohibiting funds to continue to be spent on the absolute worst line in Amtrak's system.

Madam Speaker, I look forward to debating this amendment and many others that have been proposed on the Republican side of the aisle to pare down the excessive spending contained in this bill and to bring some fiscal sanity back to the appropriations process that will ultimately increase discretionary spending by $82 billion, or a whopping 9 percent increase in spending if all the new spending proposed by the Democrat majority is signed into law.

This Congress must do better, especially for a large group of people who have been jumping up and down talking about how spending money and balanced budgets are important. But, once again, I know what happens here on this floor of the House of Representatives. Democrats want to tax, and they want to spend. What they want to do is they want to grow the Federal budget, and what I want to do is keep it from encroaching on family budgets and taxpayers from my home State of Texas and those all across the United States.

I oppose this rule and the underlying legislation as it's currently drafted.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, to respond to a couple of comments that my friend from Texas said, this bill complies with PAYGO. It absolutely meets the commitment that this Congress made to pay the bills that go along with the legislation we propose. It is a commitment to fiscal responsibility.

The past Congresses, as is well known and is just factually beyond dispute, abandoned PAYGO, and it has resulted in the largest deficit of this country. That's number one.

Number two, there really is a bipartisan desire to keep taxes as low as possible and spending as low as possible, but this bill also reflects a bipartisan commitment to build our infrastructure, to provide our citizens with the transportation that they need and the housing that we need. It was passed on a very strong voice vote, bipartisan work by this committee.

Madam Speaker, I yield 4½ minutes to the distinguished Chair of the subcommittee, Mr. OLVER from Massachusetts.

Mr. OLVER. Madam Speaker, I thank the gentleman from Vermont for yielding time and for his good work along with Chairwoman SLAUGHTER, Ranking Member DREIER and Members on both sides of the aisle in granting this open rule for the debate governing the fiscal year 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

We requested an open rule with some necessary waivers. The Rules Committee has granted that, and for that we are grateful. The Transportation, Housing and Urban Development bill is a bipartisan, nonpartisan bill, as it should be. I urge the adoption of the rule and passage of the bill.

Let me briefly summarize the highlights of the bill. With regard to Transportation, the bill meets the highway and transit funding guarantees mandated by the authorizations, SAFETEA-LU. In meeting the guarantees, we were required to increase above the President's request the highway obligation limit by $631 million and funding for transit programs by $334 million.

Airport development grants are funded at $3.6 billion, which represents an increase of $850 million over the budget request, but only $85.5 million over the last year. The Essential Air Service program is funded at $110 million, which will preserve all existing air service at small and rural communities.

The President's request for Amtrak was woefully inadequate and would have resulted in the loss of intercity passenger rail service to many communities. Therefore, this bill includes $1.4 billion for Amtrak in order to preserve a national system and to assist the railroad in making capital investments to improve the railroad's overall service and reliability.

For the first time, the bill includes $50 million for State matching grants for intercity passenger rail and $35 million for the Rail Line Relocation and Improvement Program.

With regard to HUD, each year the President's HUD budget arrives at severe cuts to vital programs, such as the Community Development Block Grant Program, known as CDBG, housing for the elderly and disabled, and Hope VI. In the face of this, the committee has done its best to restore the cuts to the programs that serve our most vulnerable citizens. In some cases we have frozen funding at last year's funding levels. In other places we have targeted increases where the people served by HUD programs were particularly harmed.

Funding is included to renew all current section 8 tenant-based vouchers so that no one who has a voucher will lose it. To that end the bill provides an increase of $330 million from the President's request for tenant-based rental assistance and nearly $667 million increase for project-based rental assistance. Included within this amount is $30 million for 4,000 incremental housing vouchers designated for nonelderly disabled individuals, but which will simultaneously serve 1,000 homeless veterans.

We have funded CDBG at $4.18 billion, which is $400 million over last year, but still $400 million below the CDBG budget for fiscal year 2001. We have restored funding to last year's level of $735 million for section 202 elderly housing construction and to $237 million for section 811 housing construction for the disabled. We have also provided $120 million for the redevelopment of severely distressed public housing through the Hope VI program, a slight increase over the last year.

Once again I would like to thank our colleagues on the Rules Committee for their assistance in moving this bill forward, and I urge the adoption of the rule.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the ranking member of the Appropriations Committee, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Madam Speaker, as we consider the rule for H.R. 3074, that's the bill, of course, that makes the appropriations for the Department of Transportation, Housing and Urban Development, crafting the underlying bill before us has not been easy. While there are both certain funding and policy issues in the bill that I have concerns with, this bill represents a reasonable approach at funding our highways, transit systems, airports and housing programs.

The chairman from Massachusetts and I have worked together to resolve our differences as best possible. While we don't agree on everything, this bill is something, I believe, I can support.

Under this bill, highway programs will receive $40.2 billion. This meets the level guaranteed in the highway authorization bill called SAFETEA-LU, as required under House Rules.

Now, this is the next and most important line I am going to present this evening. For those that don't fully grasp the significance of this, if the bill does not meet the authorization levels, the bill can be struck on a point of order.

☐ 1730

Further amendments that ultimately underfund the authorization levels will sink the bill.

One specific area I would like to highlight is the $75 million for FTA's Clean Fuels Grant program, a $26 million increase above fiscal year 2007. Promoting clean fuel bus technology such as hybrid buses can be an important aspect to reducing our carbon footprint, and I thank the chairman for working with me to include this additional funding.

I also want to point out that all specific projects included in the report were requested and certified by Members. This open rule will provide Members with the opportunity to offer amendments that would strike some projects. I would just say that both the majority and the minority reviewed all requests closely and required certifications from requesting Members.

These projects are important for local communities. I am sure, if there is a mayor city council member, or county administrator who doesn't want these funds to improve their communities, I haven't met them; and I thank again the chairman for making that inclusion.

I would conclude by saying that I look forward to the debate on the underlying bill.

Mr. WELCH of Vermont. Madam Speaker, I yield 4½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I am pleased to stand in support of the rule and the underlying bill.

I deeply appreciate the work that the subcommittee has done, producing a critical piece of legislation for times of escalating energy costs, congestion, pollution. The work that the committee has done, in particular putting the big picture together looking at the intersection between transportation, land use, and energy, is to be commended.

I am particularly pleased of the work that the committee has done in zeroing in on three particular areas. One that is of a particular interest to me has been the Small Starts program, which permits things like street cars to be reintroduced into American communities. It was something that I was able to work on and insert in the last reauthorization. Sadly, it has been 3 years since that bill was enacted, and the Federal Transit Administration has been unable to get the rules together to be able what should have been a simpler small scale program to be able to operate.

I deeply appreciate the work that the committee has done to be able to make clear that the FTA needs to get its act together; that, rather than using a single means of cost effectiveness and disregarding all the other factors required under the underlying legislation, that the FTA must weigh economic development and land use effects of the project. This is critical. It is something that 82 communities across the country are now looking at for the reintroduction of street car and Small Start. This committee language is an important step in that direction, to help the administration obey the law, something they have been unable to do for 3 years.

I am also pleased that there is clarification of the utilization of the CMAQ, the Congestion Mitigation Air Quality. The administration has unfairly limited the application of this funding simply to new bus services, leaving out rail transit all together. There are projects in my district and others around the country that would be unfairly impacted by the narrow implementation of this rule. It would be the wrong thing to do in a time of rising oil costs, transportation congestion, and the economic and environmental concerns. I appreciate that the committee directs the Federal Highway Administration to reinstitute the CMAQ eligibility regarding operating assistance for New Starts projects for up to 3 years. This is back to the original intent, it is a great step forward, and I appreciate them doing it.

Last but not least, "location efficiency," particularly as relates to HOPE VI programs, is very, very important to where a project is located and how it is constructed. The committee has taken some pioneering work to be able to look at the application, to be able to deal with the implementation in a location-efficient way that will stretch transportation dollars. It will make a huge difference for low-income families who spend more on gasoline in many cases than they do on food, on education, or any other major discretion. In fact, many low-income people actually spend more on transportation than on housing.

I must conclude by noting that there are still some who hold on to the pathological notion that the United States should be the only country in the world with unsubsidized rail passenger service. I would note that the airline industry has made a net profit of zero in its 75-year history despite massive Federal subsidies. I think this legislation is a step forward by simply giving a little bit of what is necessary for a national rail passenger network. It is cost effective, it is energy efficient. It brings us in line with where the rest of the civilized world is. And I commend the committee for it.

Mr. SESSIONS. Madam Speaker, at this time I yield 6½ minutes to the ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding me time. And I appreciate the work that the Rules Committee has done on this. I also appreciate the work of the Transportation, HUD, and related agencies appropriations subcommittee, and Mr. OLVER, the gentleman from Massachusetts, and also the distinguished gentleman from Michigan, Mr. KNOLLENBERG.

And I am not here to criticize their work product. I am here, though, to set a marker, partly a historical marker; and I will speak in opposition to this rule and also the way the rule was crafted.

Madam Speaker, while the Committee on Rules calls this resolution an open rule, it is unfortunately extremely restrictive in nature. While the rule will allow for most amendments, unfortunately it weighs most points of order against consideration of the bill.

Under clause 2 of rule XXI, the rules of the House allow for a point of order to be raised against any provision that is considered authorizing on an appropriations bill; however, this resolution that we are considering now waives that point of order.

Now, again, I come here because, as the ranking member, the Republican leader on the House Transportation Committee, I said we need to set a marker. I was checking with the Parliamentarian, and as far back as we can look, the Founding Fathers and those that preceded us in these Chambers separated the authorizing process, authorizing projects and policy, from the appropriations policy. And here, tonight, we abandon the prerogative of the authorizing committee to cite a point of order that should be raised against a number of provisions in this legislation that in fact authorize on an appropriations matter. What good is the transportation and infrastructure authorizing committee? It is the largest committee in the House of Representatives, and the action we take here tonight makes really chopped liver out of that process. I think that is unfair, and it also sets a bad precedent.

There are several provisions of the bill that we will consider tonight that are authorizing, as I said, in nature and that would be subject to a point of order if this is truly an open rule tonight. The most egregious of these provisions is the proposed rescission of $3 billion of unobligated highway contract authority. A rescission of this size will have a very severe impact on the ability of our State departments of transportation to implement their highway programs throughout the Nation. To compound the effect of this rescission, the provision also restricts how a State can apply the rescission. During consideration of H.R. 3074 this evening, I will offer an amendment that will address this issue.

My amendment is simple. It will seek to provide the State departments of transportation maximum flexibility in how the rescissions should be administered. It is nice for us to make these rescissions, but we should give the States some prerogative in how they apply those rescissions to their own States and their priority of projects.

If the rule was truly an open rule and did not waive points of order, then I would not have to offer this amendment. I could have simply raised a point of order, which I have done in the past. Mr. YOUNG, who was the chairman, would have taken the same measure. He would have been out here if he was in the majority and Chair, Mr. SHUSTER before him, and the language would have been stricken from the bill. However, this rule waives that point of order, and for this reason I will vote against the rule this evening, and I encourage all of my colleagues to do the same.

I would insert in the RECORD at this point a letter from Chairman OBERSTAR of the T&I Committee dated July 18, 2007, to Mr. OBEY, and it states a whole series of concerns that he raised about, again, authorizing on a legislative appropriations.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, July 18, 2007.
Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations,
Washington, DC.

DEAR CHAIRMAN OBEY: I would like to share my views on several issues related to H.R. ___, the Transportation, Housing and Urban Development ("THUD") Appropriations Act for fiscal year (FY) 2008, as ordered reported by the Committee on Appropriations last week. Although these issues include provisions that violate Rule XXI of the Rules of the House of Representatives, I have not asked that the Committee on Rules allow me to raise a point of order against these provisions. I would like to work with you to resolve these issues.

HIGHWAYS

I regret that the bill rescinds $3 billion in unobligated balances of funds that have been apportioned to States under the Federal-aid highway program. However, I understand the funding constraints that led to this decision, and I appreciate that the bill requires the rescission to be applied proportionally to all Federal-aid highway programs, consistent with the approach taken in H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007, as ordered reported by the Committee on Transportation and Infrastructure.

Throughout the bill, there are a number of other rescissions of highway, motor carrier safety, highway safety, and transit funds that raise concerns for the Committee on Transportation and Infrastructure. In particular, section 124 rescinds $172,242,964 of unobligated balances of contract authority for research programs conducted by the Federal Highway Administration (FHWA). Earlier this year, the House passed H.R. 1195, which provides additional resources to ensure that the FHWA research program receives the funding necessary to continue essential programs. Under SAFETEA–LU, the contract authority for research programs is available for a period of three fiscal years. A portion of this unobligated balance of contract authority is needed to conduct research programs in FY 2008. H.R. ___, the THUD Appropriations Act, rescinds some of these necessary research funds.

AVIATION

The Committee on Transportation and Infrastructure recently ordered H.R 2881, the FAA Reauthorization Act of 2007, to be reported. Section 404(b) of H.R. 2881 amends section 41742(b) of title 49, United States Code, to require overflight fee collections in excess of $50 million to be distributed as follows: one-half to the Small Community Air Service Development ("SCASD") program, and one-half to the Essential Air Service ("EAS") program, or if not needed for EAS, then for rural air safety improvements. In addition, section 121 of H.R. 2881 requires the Federal Aviation Administration to increase the overflight fee rates beginning on October 1, 2008. This provision will result in a significant increase in overflight fee collections in the future.

These provisions of H.R. 2881 could be undermined by the proviso on page 15, lines 1 through 5, of the Committee Print of the FY 2008 THUD appropriations bill. This proviso waives section 41742(b) of title 49, United States Code, and instead requires overflight fee collections in excess of $50 million to be carried over to FY 2009 and used to help satisfy the $50 million funding requirement for EAS in FY 2009. With this language, and steadily increasing overflight fee collections, a balance of unexpended overflight fees would quickly build up over time, a situation I would strongly oppose. As the aviation reauthorization and FY 2008 appropriations processes continue to move forward, care must be taken to ensure that contradictions such as this do not remain in the final legislation.

Similarly, Title VII of H.R 2881 extends the aviation war risk insurance program through 2017, followed by a transition to an airline industry-sponsored risk sharing arrangement after 2017. These provisions could be undermined by section 115 of the FY 2008 THUD appropriations bill, which extends the program for a much shorter period of time. This is another case in which the aviation reauthorization and FY 2008 appropriations bills must be carefully coordinated.

Aside from these issues related to the FAA reauthorization bill, there are several other aviation-related provisions in the FY 2008 THUD appropriations bill that are of concern to me. The paragraph beginning on page 5, line 23, of the Committee Print appropriates $60 million for the EAS program. These funds are in addition to the EAS funding from overflight fees. While I support funding for this program, this is an unauthorized appropriation from the Airport and Airway Trust Fund. The EAS program does not exist for the benefit of aviation system users. Rather, it exists to help small communities maintain their link to the national aviation system and, therefore the economic life of this nation. As such, there is no compelling policy reason to fund the EAS program from the Airport and Airway Trust Fund, rather than the General Fund. Furthermore, the uncommitted cash balance in the Airport and Airway Trust Fund has dropped significantly over the past several years. The remaining balance in the Trust Fund must be preserved for expenditure on programs that are authorized to be funded from the Trust Fund. Therefore, I request that you consider deriving this appropriation from the General Fund, rather than the Trust Fund.

Regarding the Airport Improvement Program ("AIP"), I have three areas of concern. First, the proviso on page 13, lines 2 through 10, of the Committee Print earmarks AIP funds for several activities that, under H.R. 2881, are not authorized to be funded from AIP and would be a violation of the aviation capital funding guarantee. I am particularly concerned about the earmarking of AIP funds for research programs, and the expansion of this practice to include a new program—Airport Technology Research.

Second the bill rescinds $185.5 million of AIP contract authority that remains unobligated due to the failure of the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) to fully fund the AIP program. I will not object to this rescission because I do not want to further constrain the funding that is available for transportation programs in FY 2008. However, this AIP contract authority is within the guaranteed levels and should not be rescinded.

Third, the report accompanying the FY 2008 THUD appropriations bill includes a listing of 72 airport projects which the FAA is directed to fund. The law governing the AIP requires the FAA to establish a priority system to decide which projects will receive funding. The FAA's National Priority System, which has been in use for many years, gives highest priority to projects that will bring airports into compliance with safety standards. Second priority is given to projects that are necessary to meet security requirements. Third priority is given to reconstruction or rehabilitation projects that are needed to preserve existing airport infrastructure. Fourth priority is given to projects needed to achieve compliance with current FAA standards. Fifth priority is given to capacity enhancement projects. Aviation projects are not like projects in other modes of transportation. For example, an improvement to a highway project in one city does not necessarily benefit highway users in any other city, but in the national system of integrated airports, an improvement in one airport, particularly a major hub airport, could benefit aviation travelers throughout the system. For this reason, the FAA should have, and does have, discretion to fund improvements to increase capacity, to improve safety, to meet standards, and reduce bottlenecks. To limit the FAA'S discretion in this regard would only worsen the congestion and delays we are already experiencing today.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General on a similar situation. The Comptroller General wrote: "It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies."

Throughout my career, I have steadfastly resisted designating airport improvement projects in authorizing legislation and will continue to resist such designations. I urge you to resist including such earmarks, as well.

RAILROADS

The proviso beginning on page 39, line 22, of the Committee Print requires leases and contracts entered into by Amtrak to be governed by the laws of the District of Columbia. I recognize that this is intended to address a specific situation in Maryland, and I agree that there is a compelling reason to address that situation. In fact, a similar provision that is specific to Maryland was included in the rail security bill, and is expected to be included in the 9/11 Conference Report. However, this proviso is much broader and would preempt all state and local laws (except the District of Columbia's laws) dealing with contracts and leases with respect to Amtrak. To avoid any unintended consequences that may result from such a broad approach, this issue should be considered under regular order, and addressed in the Amtrak reauthorization bill currently being developed by the Committee on Transportation and Infrastructure.

Finally, I would like to comment on the proviso beginning on page 40, line 8, of the Committee Print which prohibits Amtrak from using Federal funds for supporting any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare. Oftentimes passenger travel providers will seek to maximize revenue on certain routes or travel times by offering travel discounts. For example, the airline industry has developed sophisticated pricing practices that maximize revenues by ensuring that seats that would otherwise fly empty (contributing nothing to revenues), are filled at whatever price point the market will support. Restricting Amtrak from employing similar pricing practices seems unfair, and contrary to the notion that Amtrak should operate in a more business-like fashion.

Thank you for your consideration of these views. Although there are numerous other legislative provisions that are included in the THUD Appropriations Committee Print, my principal concerns are with the provisions discussed above. I look forward to working with you to resolve the critical issues outlined in this letter.

Sincerely,
JAMES L. OBERSTAR, M.C.,
Chairman.

May I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 45 seconds remaining.

Mr. MICA. I think in 45 seconds let me cite for the record, then, verbally here the provisions authorizing in nature and rescissions in this bill:

In addition to the $3 billion in Federal Highway Contract Authority, a rescission of $172 million in Highway Research Funding; a rescission of $50 million in the Federal Motor Carrier Safety Administration; a rescission of $20 million from the Highway National Traffic Safety Administration; a rescission of $30 million from the Federal Transit Administration; a rescission of more than $200 million from the Federal Aviation Administration; and, finally, there is authorizing for Amtrak that was poorly crafted in this bill that deals with the problem with MARC in Maryland.

In this poorly crafted authorizing on an appropriations legislative measure, they poorly drafted a provision that deals with the problem with MARC in Maryland, their transit system; and the bill requires that all leases and contracts entered into by Amtrak be governed by the laws of the District of Columbia, drafted in error, but authorizing that step in this important bill. So these are the points that I would raise and need to be addressed.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank the gentleman from Vermont, my friend from the Rules Committee, for yielding.

Madam Speaker, I rise today in strong support of the rule and the underlying legislation for the fiscal year 2008 Transportation, Housing and Urban Development Appropriations Act.

I want to thank the distinguished chairman of the Appropriations Committee and the ranking member for reporting out the bill. It does not pay lip service, but makes critical investments in our Nation's transportation and infrastructure at the levels guaranteed under SAFETEA-LU.

Madam Speaker, this bill rejects the administration's proposed funding cuts to the FAA Airport Improvement Program, highway programs, and Critical Housing in Community Development programs. The bill provides $140 million more than current funding for the Federal Aviation Administration, and $850 million more than the President's request for the FAA Airport Improvement Program, which provides grant and aid for airport planning, construction, and development.

Recipients of the AIP funds, such as Griffis Park Airfield in my Upstate New York district, have benefited greatly from the program. Over the last few years, AIP funds have helped Griffis continue to fully develop as a regional aviation facility, become the new home to Oneida County Airport, and create long-term regional economic growth for a region often strained to attract new investment.

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The bill also maintains our commitment to keeping our airways safe by providing $7 billion, 219 million more than the current funding, to hire more than 1,400 new air traffic controllers to replenish the workforce as the rate of retiring air traffic controllers continue to grow.

This bill also provides $20 million more than the President's request to hire and train more safety inspectors and other aviation safety activities.

The bill boosts funding for the Federal Transit Administration by providing $288 million more than the President's request for mass transit programs. Local transit authorities such as Central New York Regional Transit Authority and CENTRO in my district will now be able to expand their hybrid bus fleet and continue to provide low-cost, convenient, clean, energy-efficient transportation services to commuters in both upstate and New York City.

The President's budget request seeks to eliminate funding for the Hope VI program, but I am so pleased that this legislation will maintain our commitment to providing affordable housing for the many disadvantaged individuals across the country, individuals that still struggle daily to meet their families' needs, even while working full-time jobs.

H.R. 3074 restores funding for the Community Development Block Grant Program, which this administration has cut since 2001 by nearly 35 percent. This bill provides $1.1 billion more than the President's request for CDBG grants, which allows local governments in cities such Utica, Rome and Auburn, New York, to provide critical services to revitalize neighborhoods, promote economic development and improve quality of life for those starved of financial resources.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from the Land of Enchantment, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. For those of you sitting in your offices tonight, and for those staff members who are watching this debate, I'd like you to listen real carefully to what I have to say because I think it's important, probably more important than many of the things that we do around here.

We are going to have a vote tonight on the previous question on this rule. And if the previous question is defeated, I will immediately bring to the floor an amendment that will update important elements of the foreign intelligence surveillance law.

On May 1, in an unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, who's the Director of National Intelligence, urged the Congress to modernize this law. And he said this: "We are actually missing a significant portion of what we should be getting."

And today the Attorney General of the United States wrote to the Congress and said that merely adding resources will not solve the critical problem that we face.

We are providing protections to foreign targets overseas. The law in this country should not require a warrant to use our communications systems to protect this country, and the irony is that is exactly what we're doing. Terrorists who are trying to kill Americans are using our communications networks, and we are forcing our intelligence agency to jump through hoops and get warrants to listen to foreigners in foreign countries communicating with each other.

We must update this law to protect Americans. Intelligence is our first line of defense in the war on terrorism. The administration has told us it is critical. The Members, Democrat and Republican, in the intelligence committees know that I'm telling the truth, and the leadership, both Democrat and Republican, know the same thing.

I would urge my colleagues to defeat the previous question, to immediately change these laws, and to protect Americans from terrorist attack.

Mr. WELCH of Vermont. Madam Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Vermont has 9½ minutes remaining, and the gentleman from Texas has 12½ minutes remaining.

Mr. WELCH of Vermont. Madam Speaker, I'm the last speaker on this side. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, for the last 2 years, I've worked to kill funding for the bridges to nowhere, one connecting Alaska to an island with 50 people and the other to an island with just 22. These federally funded structures would be almost as long as the Golden Gate Bridge, and would be taller than the Brooklyn Bridge. Never in the history of the Congress has so much money been spent for so few.

Now, last year the House Appropriations Committee backed my amendment and put this House on record against funding the bridges to nowhere. We also completely deleted the Federal earmark that required spending on these projects, and that was the right decision.

The Federal Government spends too much, and higher spending leads to higher taxes, higher taxes to a smaller economy and fewer jobs, and we should not follow that road. But that is the direction that the Bridge to Nowhere leads.

This year was different. A new party and a new leader promised change here in Washington. Amazingly, under the Republicans, this House came out against funding the Bridge to Nowhere. But under the Democrats, the Appropriations Committee now voted to block an amendment cutting off funding for the bridges.

Under this Congress, leaders promised to kill pensions for Members of Congress convicted of a felony, but after 7 months, no such reform has been enacted.

And now, under this Congress, many Members promised back home to kill the bridges to nowhere, but under this bill, they will be funded, and funded for years to come because these bridges will take at least $400 million to build the structures. And one of the bridges is already $37 million over budget, a number that will likely rise.

Madam Speaker, my amendment to kill the funding for the bridges to nowhere is technically out of order because, according to our Parliamentarian, he says it violates clause 3 of rule XXI because it would trigger Alaska losing funding guaranteed by the previously enacted transportation bill.

The Appropriations Committee, my committee, is at its best when it decides to appropriate taxpayer money and also when it decides not to appropriate taxpayer money.

Amazingly, it is not in order to offer an amendment to this appropriations bill to deny appropriations. Our rules do not make sense, of course, unless you support the Bridge to Nowhere or like government spending.

We will be at this again next year, and we'll look closely at the cost overruns already with the bridges to nowhere and their burden on American taxpayers. But today, a simple amendment to block funding for the bridges to nowhere, an amendment that would be overwhelmingly approved if offered, cannot be offered because a point of order would be leveled against it.

Americans should know that, despite promises to reform this House under new leaders, the new leaders of this House has flipped the House of Representatives from being anti-Bridge to Nowhere to now being for the waste of taxpayers' money.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I rise in opposition to the rule for the Department of Transportation, HUD and related agencies appropriations.

The ranking member of the Transportation Committee, Mr. MICA, has made compelling and passionate remarks regarding the objections shared by many members of the committee on both sides of the aisle. Numerous provisions in the underlying bill constitute legislating on an appropriations bill and fall within the jurisdiction of the Transportation and Infrastructure Committee.

As the ranking member of the Railroad Subcommittee, pipelines and hazardous materials, I would like to voice my opposition waiving points of order under clause 2, rule XXI, which is the rule against authorizing on appropriations bills.

In House Resolution 558, I'm especially concerned about the language that places all Amtrak contracts and leases that make them subject to the Washington, DC, law. This language should be removed from the bill because it is authorizing on an appropriations bill.

This provision was apparently intended to help resolve a pending Amtrak negotiation with the State of Maryland. That negotiation involved a dispute of a disputed clause in the MARC commuter railroad operating agreement. Amtrak wants all disputes handled under DC law, but Maryland State requires that it's handled under their jurisdiction, which is appropriate.

Instead of a narrowly tailored provision, this provision is unlimited in scope and states that all leases and contracts entered into by Amtrak shall be governed by DC law. This could be construed to include all DC laws, including building codes, environmental permits and security deposits, et cetera, et cetera.

In addition, Amtrak trackage agreements with computer railroads such as the New Jersey Transit, Long Island Railroad, Virginia Railway Express and freight carriers would ultimately be placed under DC law. This could lead to many unintended consequences such as changing the law on all rail leases, contracts and perhaps rail labor contracts.

Again, I voice my opposition for House Resolution 558 and the waiver of the point of order based on clause 2 of rule XXI.

Since the Democratic majority has taken over the House, we've seen a chipping away of the authority and the jurisdiction of the Transportation and Infrastructure Committee. So I would urge the chairmen of the committee to join together in a bipartisan fashion to oppose this rule which continues to erode the jurisdiction of the Transportation Committee and thus, I believe, sets a precedent for all committees in the House, all authorizing committees, to continue to see their authorities and their jurisdictions to erode and given away to the Appropriations Committee.

So again, I rise in opposition to this rule and urge my colleagues on both sides of the aisle to stand for the continuing erosion of our authorities and our jurisdictions to these committees that were given historically to these committees.

Mr. SESSIONS. Madam Speaker, under the agreement that we just had with the gentleman from Vermont (Mr. WELCH), I'm going to go ahead and close, and then we are now through with our speakers and allow the gentleman to do the same thing.

Madam Speaker, I will be asking for a recorded vote on the previous question for this rule. Our country is facing a very serious problem that must be addressed before the House adjourns in August, and, to date, the majority Democrats have not shown a commitment to deal seriously nor quickly enough with one of the most serious threats facing America.

If the previous question is defeated, I will offer an amendment to the Foreign Intelligence Surveillance Act that clarifies one very simple and critical thing; that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States.

The Director of National Intelligence, Michael McConnell and the Director of the Central Intelligence Agency, Michael Hayden, have testified to Congress that, under current law, their hands are tied. As Director McConnell recently testified, FISA is outdated and has been made obsolete by technology. Today our Intelligence Community is forced to obtain warrants to listen to terrorists outside of our Nation, and, as a result, "We are actually missing a significant portion of what we should be getting." I'll say it in my own way: The things that we would expect our government to know and be prepared for.

We simply cannot allow ourselves to be deaf and blind to terrorist communications that threaten our very existence because of a law that is woefully outdated. All of us have heard public reports from the Department of Homeland Security that terrorist chatter is at record levels that we have not seen since 2001. We have to open our ears, we have to open our eyes to keep this Nation safe. It can be done tonight with our part of this, Madam Speaker.

If my colleagues on both sides of the aisle are serious about facing down the threat, they will join me in defeating the previous question so that the House will be able to address this very real and very serious threat immediately.

I ask unanimous consent to include my amendment and extraneous material in the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I have a newfound respect for the Chair of this committee and the ranking member, Mr. OLVER and Mr. KNOLLENBERG. They have an incredibly difficult job, and that is to take the responsibility that this House of Representatives has, Democrats and Republicans, to put together a transportation infrastructure program and a housing program, and to do that when they have 435 Members of Congress tugging on their arms every day asking them to include projects in their districts because the Members from those districts sincerely believe that those are essential to the economic development and the transportation needs and the housing needs of the people who live there.

□ 1800

And they managed to do it. They came in, treated every Member of this body with enormous courtesy and patience, listened to what our requests were, and then put together a bill that was bipartisan. It was quite extraordinary. And it was a pleasure to be a member of the Rules Committee and to see these two gentlemen come up and be mutually complimentary after a hard process of allocating $50 billion of taxpayer money for infrastructure and housing improvement in this country. They are to be commended for that.

We then come down to the floor and we get into the back and forth about specific projects and try to pick and cherry pick examples of what is bad when it was the recommendation of the chairman of the committee that this be an open rule; so anybody who has got a problem with any particular project is going to have an opportunity to offer amendment to strike that project and make whatever arguments they want.

This issue of how we restore the transportation infrastructure of our country is vital. The fact is we spend too little, not too much, and it is the funding issue that is a challenge in every Congress. But our infrastructure compared to many of the countries with which we compete economically is woefully behind what the economy of our country needs and the citizens of our country deserve.

I applaud the work of this subcommittee, bipartisan work. And why it is that we have to beat up on the work of the committee by claiming it is partisan, Democrat and Republican, really escapes me. There is nothing partisan about meeting the infrastructure needs of our country. There may be fierce debates about the best way to do it, which projects should get funding, how much you allocate towards the air system versus rail; but the fact is we have got an obligation to improve a crumbling infrastructure in this country, and the bill that has been presented to this Congress on a bipartisan basis, under the leadership of Mr. OLVER and Mr. KNOLLENBERG, takes us a solid step forward.

I urge a "yes" vote on the previous question and on the rule so that the House can consider H.R. 3074.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 558

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution insert the following:

SEC. 3. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment printed in section 4 of this resolution if offered by Representative Hoekstra of Michigan or his designee. All points of order against consideration of the amendment printed in section 4 are waived.

SEC. 4. The amendment referred to in section 3 is as follows:

At the end of the bill (before the short title), insert the following: Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act ·of 1978 (50 U.S.C. 1801) is amended to read as follows—

'(f) 'Electronic surveillance' means—

'(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

'(2) the intentional acquisition of the contents of any which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.'.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

VACATING ORDERING OF YEAS AND NAYS ON H. RES. 535, COMMENDING DAVID RAY RITCHESON AND RECOGNIZING HIS EFFORTS IN PROMOTING FEDERAL LEGISLATION TO COMBAT HATE CRIMES

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and agree to H. Res. 535 to the end that the Chair put the question de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–255) on the resolution (H. Res. 562) providing for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1849

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 6 o'clock and 49 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 404, by the yeas and nays;

H. Res. 553, by the yeas and nays;

H. Res. 519, by the yeas and nays.

The vote on H. Res. 345 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FEDERAL CUSTOMER SERVICE ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 404, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 404, as amended.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 48, as follows:

[Roll No. 687]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—48

Bachus
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Everett
Fortenberry
Goode
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Langevin
Marchant
Marshall
McKeon
Musgrave
Pryce (OH)
Radanovich
Roybal-Allard
Shadegg
Shea-Porter
Smith (WA)
Sullivan
Tancredo
Terry
Upton
Watson
Weiner

□ 1915

Mr. ADERHOLT changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF FORMER FIRST LADY, LADY BIRD JOHNSON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 553, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 553.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 50, as follows:

[Roll No. 688]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers

McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
'Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—50

Bachus
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Cardoza
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Everett
Fortenberry
Goode
Gordon
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Lamborn
Marchant
Marshall
McKeon
Melancon
Pryce (OH)
Radanovich
Rogers (MI)
Roybal-Allard
Shadegg
Shea-Porter
Smith (WA)
Tancredo
Terry
Upton
Watson
Weiner

□ 1922

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACCOMPLISHMENTS OF RENOWNED ARTIST TOM LEA ON THE 100TH ANNIVERSARY OF HIS BIRTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 519, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 519.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 47, as follows:

[Roll No. 689]

YEAS—384

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—47

Bachus
Bean
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Cantor
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Fortenberry
Goode
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Mahoney (FL)
Marchant
Marshall
McKeon
Pryce (OH)
Radanovich
Shadegg
Shea-Porter
Smith (WA)
Sullivan
Tancredo
Terry
Upton
Watson
Weiner

□ 1929

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BEAN. Madam Speaker, on rollcall No. 689, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that the proper standard of dress in the Chamber is business attire, which includes both coat and tie for gentlemen.

PROVIDING FOR CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on House Resolution 558, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This 15-minute vote on the previous question will be followed by a 5-minute vote, if ordered, on the adoption of the rule.

The vote was taken by electronic device, and there were—yeas 210, nays 179, not voting 42, as follows:

[Roll No. 690]

YEAS—210

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—42

Bachus
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Fortenberry
Goode
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Marchant
Marshall
McNerney
Pryce (OH)
Radanovich
Shadegg
Shea-Porter
Smith (WA)
Tancredo
Upton
Watson
Weiner

☐ 1947

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CARTER. Madam Speaker, on July 23, 2007, I was unable to be present for all rollcall votes because I was returning from Iraq where I was able to meet with soldiers from Fort Hood.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 687 on H.R. 404, the Federal Customer Service Enhancement Act—"yea."

Roll No. 688 on H. Res. 553, Mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States—"yea."

Roll No. 689 on H. Res. 535, Commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes—"nay."

Roll No. 690 on Previous Question on H. Res. 558, Providing for consideration of the bill making appropriations for the Departments of Transportation, and Housing and Urban Development—"nay."

PERSONAL EXPLANATION

Mr. KING of Iowa. Madam Speaker, unfortunately I was detained due to official Congressional business. Had I been present, I would have voted "yea" on the following rollcall votes: "yea" on H.R. 404—Federal Customer Service Enhancement Act; "yea" on H. Res. 553—Mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States; "yea" on H. Res. 519—Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

Additionally, had I been present, I would have voted "nay" on the following rollcall votes: "nay" on the Previous Question—H. Res. 558 for H.R. 3074; "nay" on H. Res. 558, the Rule for H.R. 3074—Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2008.

PERSONAL EXPLANATION

Mr. FORTENBERRY. Madam Speaker, on Monday, July 23, 2007, I was unavoidable detained due to transportation delays and thus I missed rollcall votes Nos. 687, 688, 689, and 690. Had I been present, I would have voted "yea" on Nos. 687, 688, and 689, and "nay" on No. 690.

(By unanimous consent, Mr. BLUNT was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. BLUNT. Madam Speaker, I would like to ask my friend, the majority leader, for any information about the schedule for the rest of the day today.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

We will have another vote, and then it will be our intention to go to debate on the Transportation-HUD bill. We will go to debate after the votes until 10 o'clock. We will then end the debate on the bill at that time, have no further proceedings on the bill after 10 p.m. tonight, and go back to it tomorrow morning after 1-minutes.

Mr. BLUNT. I appreciate that. On our side, I would tell the gentleman, we would not intend to call for a vote on the rule vote, which I think is the remaining business for the day, other than a voice vote.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I yield.

Mr. HOYER. If that's the case, then we would expect no additional votes tonight for the Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2750

Mr. VISCLOSKY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2750, the NASA and JPL 50th Anniversary Commemorative Coin Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. PETERSON. Madam Speaker, I ask unanimous consent that the Committee on Agriculture be permitted to have until midnight tonight, July 23, 2007, to file a report on H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2720

Mr. ROTHMAN. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2720.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. LANGEVIN. Madam Speaker, I was unavoidably detained on the vote on passage of H.R. 404. Had I been present on rollcall vote No. 687, I would have voted "aye."

GENERAL LEAVE

Mr. OLVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3074, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3074

Mr. OLVER. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 3074 pursuant to House Resolution 558, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 558 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3074.

☐ 1955

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I'm pleased to present to the House the fiscal year 2008 Transportation and Housing and Urban Development appropriations bill.

I thank Members for their input and work on this bill. I especially recognize the important contributions of my ranking member Mr. KNOLLENBERG in putting this bill together. As former chairman of this subcommittee, he had numerous valuable insights that make the bill and report stronger, and I have appreciated his advice and counsel during this process.

I also thank the chairman of the Appropriations Committee Mr. OBEY and the ranking member of the full committee Mr. LEWIS for their support.

I must also recognize the hard work of the staff on both the majority and minority side. Kate Hallahan, Cheryle Tucker, David Napoliello, Laura Hogshead, Alex Gillen, Mark Fedor and Bob Letteney with the majority staff, and Dena Baron, David Gibbons and Jeff Goff with the minority have spent many late nights putting this bill together, and we would not be here today without their great dedication.

This is a bipartisan and fiscally responsible bill. Indeed, this bill should not be partisan because a broad consensus affirming the great needs for transportation infrastructure investments and for affordable housing exists countrywide.

The bill provides $50.7 billion in discretionary funding for transportation and housing programs, and is within the subcommittee's 302(b) allocation.

Nonetheless, due to current budgetary constraints, the subcommittee was forced to either flat-fund or reduce numerous programs. Furthermore, there are no major expansions of existing programs and only a handful of new initiatives.

Our first hearings this year sought a broad assessment of the future challenges this country faces in transportation and housing. Not surprisingly, our hearings showed that there's a great and growing need for transportation infrastructure and affordable housing, particularly in metro areas experiencing explosive growth, such as Atlanta, Dallas, Phoenix and Las Vegas; but also in older metropolitan areas such as Boston, New York, Cleveland and Pittsburgh, whose infrastructure is aging and in need of extensive repair; and even in rural communities and counties suffering from a loss of population and disinvestment in both housing and transportation.

To meet these challenges we have restored the President's deepest cuts and have continued important investments in transportation and housing started by my predecessors. In short, we've tried to make our core programs whole and function better, rather than start a lot of new initiatives.

With regard to transportation, our bill fully funds the highway and transit guarantees contained in the current transportation authorization bill known as SAFETEA-LU.

The bill contains $40.2 billion for highways, which is $631 million over the President's request; and $9.7 billion for transit investments, $334 million over the President's request.

Adequate investments in our highways and transit systems are critical to the economic and social future of our country. Vehicle miles traveled on our Nation's roads have doubled since 1980.

While we have fully funded the highway guarantees this year, I must warn my colleagues about the future solvency of the Highway Trust Fund. The Office of Management and Budget recently estimated that by the end of the fiscal year 2009, the Highway Trust Fund will have a $4 billion deficit. This deficit is far greater than any other previous projection and will inhibit our ability to fully fund the highway guarantees in the future without additional transportation revenues which must be provided through the authorization process.

Our bill also continues to make critical investments in aviation. In 1995, our aviation system handled 545 million passengers, but that system must handle 1 billion passengers by 2015. We must provide adequate infrastructure to deal with that growth.

Our bill includes $3.6 billion for the Airport Improvement Program, restoring the President's $765 million cut, and adding $85 million above fiscal year 2007. The bill restores funding for the Essential Air Service Program so that no existing service will be lost.

☐ 2000

We have also invested over the President's request for transportation safety. Specifically, an increase of $20 million for critical aviation safety inspectors and engineers; a $2 million increase for additional investigators for the National Transportation Safety Board; a $3 million increase to preserve highway safety staff at the National Highway Traffic Safety Administration; and a $6.2 million increase for staffing and research programs related to pipeline and hazardous materials safety.

Investments in intercity passenger rail, especially in high-density travel corridors, must also be part of a valid transportation system. The bill provides $1.4 billion for Amtrak, plus $50 million for a new intercity passenger rail State matching grant program requested by the administration; thus, the bill leverages a total of $1.5 billion for intercity passenger rail. This funding will help create a faster, safer, and more reliable intercity passenger rail system.

With regard to housing, four major categories of HUD programs provide assistance for very low-income families, the elderly, the disabled, and their communities. First, HUD provides our 3,200 public housing authorities funding for the operation and capital needs of the Nation's public housing stock. Public housing is home to 2.6 million people, more than half of whom are seniors and persons with disabilities.

Second, HUD administers rental assistance programs, largely under the section 8 tenant- and project-based programs. Section 8 tenant-based rental assistance serves about 1.9 million low-income families, seniors, and people with disabilities, while the project-based section 8 assists more than 1.4 million households, two-thirds of which include elderly or disabled persons. Both the tenant- and project-based programs serve very low-income individuals and families, overwhelmingly those whose incomes are below 50 percent of the median household income for their area.

Third, HUD administers housing production programs, including the HOME program; the HOPE VI program, which revitalizes or replaces severely distressed public housing; and construction programs for the elderly and disabled.

Finally, HUD administers a number of community and economic development programs, the largest being Homeless Assistance Grants and Community Development Block Grants.

My colleagues are all very familiar with CDBG, the Community Development Block Grant program. But many of our constituents may be unaware of the importance of CDBG in their communities. CDBG funds are used by communities to rehabilitate and construct affordable housing; to construct public facilities improvements, such as streetscaping and community centers; and to promote local economic development and job creation. About 70 percent of CDBG dollars go directly to communities with populations of about 50,000 or more. The remaining funds go by formula to the States and are distributed to smaller towns and rural communities. Taken together, HUD programs address the large unmet need for affordable housing throughout the country.

The Joint Center for Housing Studies at Howard University has documented that, from 1993 to 2003 alone, we lost 1.2 million affordable housing units. In fact, approximately three-fourths of American households which, by household income, are eligible for HUD assistance receive none.

In the face of this, we have done our best to restore the President's cuts to housing. Some accounts we have only been able to freeze at last year's funding level. In other accounts we have targeted increases where the people served by the HUD program were particularly harmed. Funding is included to renew all current section 8 tenant-based vouchers so that no one who has a voucher will lose it. To that end the bill provides an increase of $330 million above the President's request for tenant-based rental assistance and nearly double that increase for project-based assistance.

Within the section 8 funding provided in the bill, we have $30 million for 4,000 incremental housing vouchers for non-elderly disabled individuals, some of whom will be homeless veterans.

The President's fiscal 2008 budget request cut CDBG by over $700 million from the 2007 enacted level, cut housing for the elderly by $160 million, cut housing for disabled by 50 percent below fiscal year 2007, and for HOPE VI zeroed the program out for 2008 and rescinded 2007 funding.

Our bill rejects all of these cuts for our Nation's most vulnerable citizens. We have funded CDBG at $4.18 billion, which is $400 million over the enacted 2007 budget but still $400 million below the CDBG budget for fiscal year 2001, 6 years ago. We have restored funding to last year's level of $735 million for elderly housing, the 202 program, and $237 million for housing for the disabled, the 811 program, as well as provided $120 million for HOPE VI, a small increase from last year.

With our funding decisions, we have also promoted sustainability by encouraging more environmentally friendly transportation and housing practices. We have restored the President's cuts to transit and to our intercity passenger rail system, which are more fuel efficient than other transportation modes. Thanks to Mr. KNOLLENBERG's leadership, we have increased funding for the clean fuel bus program by $26 million.

In the area of housing, we have included language in urging HUD to incorporate stronger energy efficiency standards into the HOPE VI program as well as other HUD programs.

Madam Chairman, this bill is a compromise, and we have had to balance a number of competing needs. There are areas where I would have liked to provide more dollars. However, we have done our best with limited dollars to invest in our transportation networks and affordable housing. I hope my colleagues will join me in supporting the bill.

Madam Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I yield myself such time as I may consume.

The bill before us, H.R. 3074, the fiscal year 2008 Transportation, Housing, and Related Agencies funding bill is, as the chairman noted, a balanced bill and a bill that I can support.

I am not going to repeat the funding proposals described by the gentleman from Massachusetts, but I will say that the vast majority of the legislation and the principles behind the funding levels are very similar to prior year House-passed bills for housing and transportation.

Crafting this bill is not for the faint of heart. There is no easy formula when you consider the authorizations and expectations of both the housing and the transportation communities. Neither group is shy about vocalizing what it wants, and both communities have needs and issues that need attention. Some of these needs are intertwined, however, and we do have different approaches for the solution. The chairman proposes that these issues need to be handled at a Federal level and has even included funds for a commission between DOT and HUD to coordinate housing and transportation policies.

I am of the school that the Federal Government needs to be aware of these issues and provide guidance on these issues, but we need to recognize that housing and transportation decisions are local decisions made by cities and metropolitan planning organizations, or MPOs. I don't think any of our districts would appreciate the Federal Government's telling our cities where a bus should run or where housing should be located. The majority of these funds in this bill, from highways and transit to Section 8 and the Community Development Block Grant program, even flows to the States and localities without a lot of specific input from the Federal Government on how these funds are spent.

I want to thank the chairman for his wise and steadfast decision to keep new authorizing matters off this bill. There are a number of ideas in both housing and transportation being considered in the various committees of jurisdiction in both houses of Congress, and I agree that we need those committees to do their work and present to the Congress what might be the best proposal. I will work with the chairman and oppose any authorizing amendments to this bill.

In transportation, I thank the chairman for keeping the Amtrak pro-reform language in the bill. I am optimistic that with continued oversight from the committee, the IG and the GAO, we can find a sensible operating scheme for Amtrak.

In highways, I know SAFETEA-LU and the budget resolution support the inclusion of the highway RABA funds. I don't know of any State that could not use more highway funding; however, as we have discussed in numerous hearings, the highway trust fund is speeding towards bankruptcy, and the midseason review shows that receipts are down even further than originally anticipated. For the first time ever, the number of vehicle miles traveled declined. Eventually the rubber will hit the road, and this committee does not have jurisdiction over the income and expenditures of the highway trust fund, nor does this committee have the general funds to make up for any shortfall in the trust fund.

I do have some concerns about the size of the highway trust fund rescission. I will not deny that in the past we have used the rescission to ensure that programs in this bill are funded at an acceptable level; however, we did not propose a rescission of this magnitude so early in the game. I am hopeful that as we move through the conference, this number will go down.

In housing, I support the chairman's decision to bring the programs up at least to last year's level where the budget request proposed to make cuts, especially in CDBG, assisted housing, and housing for the elderly and disabled.

I am most appreciative of the chairman's decision to keep the Section 8 program a budget-based program in fiscal year 2008. I firmly believe that we need to see some continuity in the programs after the change is mandated in the fiscal year 2007 CR before we can evaluate what direction the program should go in the future.

In Section 8, the bill proposes adding 4,000 new vouchers, as I think the chairman referenced, of which 1,000 are directed by law to homeless veterans. The remainder of the new vouchers are for nonelderly disabled people, the so-called "Frelinghuysen vouchers," as we used to call them thanks to Mr. FRELINGHUYSEN's work on behalf of this community. We are supportive of the increase, but we cautiously remind the Congress that the cost increase each year to maintain the vouchers is substantial. The program baseline increases by $30 million each year into the future. This is not an increase to sneeze at.

Again, I want to thank the chairman of the subcommittee, my friend Mr. OLVER, and his staff for their willingness to work with us to address my concerns and the concerns of many on my side of the aisle. He and his staff have been very fair and accommodating, holding true to a process that has been in place for years as he has crafted this bill. While we may agree to disagree on some specific policies, we agree on this introduced bill. I appreciate very much his decision to leave authorizing issues with the authorizers, and the directives and funding levels in this proposal are ones that I can support.

I also thank the staff on both sides of the aisle for their continued hard work during this past year. I know this has been a tough year on them, but I think their hard work is demonstrated in this decent and, I think, very thoughtful bill.

Madam Chairman, I reserve the balance of my time.

Mr. OLVER. Madam Chairman, I yield 3 minutes to the distinguished vice chairman of the Appropriations Committee's HUD Subcommittee, Mr. PASTOR.

Mr. PASTOR. Madam Chairman, I thank the chairman for yielding time. And since this is his first bill as chairman, I congratulate him on doing an excellent job, and I also thank the ranking member.

Madam Chairman, this bill addresses two of the most basic and very important aspects of every American citizen's life: transportation and housing.

Unfortunately, the President's budget proposed severe funding reductions for transportation which could not be realistically sustained without negative impacts on the Nation's economy.

☐ 2015

The budget's proposal in housing would have cuts that harm those most in need, including the disabled and the elderly.

I am proud to say that, based on extensive hearings, this bill rejects those short-sighted proposals in a fair and measured manner and balances national priorities with fiscal realities.

One of the most difficult issues discussed this year involved the long-term health of the Highway Trust Fund. Because the resolution of the Highway Trust Fund requires the cooperation of the administration and the authorizers, the problem could not be solved solely by appropriators. But this bill grants all parties a reasonable starting point for the resolution of this problem.

With regard to aviation, the committee found itself challenged with the Federal Aviation Administration's authorization about to expire at the same time with the severe air traffic congestion which requires an entirely new approach in technology. The committee has responded to this situation in a very deliberate manner geared to ensure an open path to future solutions as we look forward to the passage of the FAA reauthorization bill in the coming months.

On the issue of housing assistance, the committee has rejected the President's proposal to substantially reduce much-needed housing options for the economically disadvantaged, disabled and senior citizens. While we, regretfully, do not have the resources to fully address all the needs of these people, today's bill aims to leverage funding in a way that stretches Federal dollars to the maximum extent possible.

This is a fiscally sound bill. It employs none of the financial gimmicks to distort Federal investment. I am proud of this legislation, and I urge my colleagues to support its passage.

Mr. OLVER. Madam Chairman, I yield 3½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), a valuable member of our subcommittee.

Ms. KAPTUR. I thank our fine chairman from Massachusetts for recognizing this Buckeye. And I thank Chairman OLVER for doing a phenomenal job on this bill. And also Ranking Member KNOLLENBERG of Michigan, my sister State, thank you so very much for your fine work.

To both these gentlemen, let me thank them for their outstanding leadership and for their commitment to investments in America. We see so much money going abroad, indeed billions, hundreds of billions of dollars, and these gentlemen have done something for our country, for our fundamental infrastructure, for transportation, and for housing, the most important investment any American has, their most important form of savings.

In the transportation area, I want to just focus in one area important to Ohio, and that is Amtrak. This bill is funded at a level of $1.4 billion. And the funding in this bill is providing critical capital and operating assistance to maintain our national passenger rail system in a manner that is environmentally friendly and necessary. No major industrial country in the world does not have a modern rail system. We need a ways to go in order to make ours better. This bill takes a step in that direction. Though President Bush and some of his allies in Congress were trying to kill passenger rail service in the country, they cannot succeed, because Amtrak is far too important for the Nation.

In 2006, more than 24 million passengers traveled on Amtrak. More than 67,000 passengers ride on up to 300 Amtrak trains per day. And just in our section of Ohio, 57,000 riders make their way through Toledo, Ohio, as a part of that. I wish we could do more for our high-speed rail corridors and for alternative fuels for the large trains. That is for the future, but at least we make investments in the fundamental system.

Secondly, in the area of housing, I'm really proud of what the committee has done, particularly to meet our Nation's most essential housing community development programs. Mayors around this country will appreciate the increase of nearly $1 billion above the President's request for the Community Development Block Grant program, the most important program for over 1,180 communities to get some of their tax dollars back to do what they must to run their own communities, their own cities.

In addition to that, housing for the elderly is maintained at $735 million, $160 million above the President's request. For every single available unit of affordable housing, there are 10 seniors on the waiting list. So we don't meet the need, but we take a step in the right direction.

Housing for the disabled is funded $236.6 million above the President's request. For U.S. housing markets which are in distress, in some areas literally dead in the water, HOPE VI is funded. The program is not killed to demolish deteriorating public housing, develop mixed-income housing and otherwise help revitalize our distressed neighborhoods. And importantly, the bill provides for proper administration and maintenance of our public housing stock.

I urge all my colleagues to support this very well-balanced bill for investment in the United States of America. Isn't it time?

And again, thank you, Chairman OLVER, for your fantastic work that touches every single corner of our Nation.

Mr. OLVER. Madam Chairman, at this time I yield 2 minutes to the gentleman from Florida (Mr. BOYD), also a member of this subcommittee.

Mr. BOYD of Florida. I thank my friend Chairman OLVER.

Madam Chairman, I rise in support of the FY08 Transportation and Housing and Urban Development Appropriations Act.

This is a bill, Madam Chairman, that the American people can be proud of. This bill's spending levels fall within the fiscally responsible budget resolution passed earlier this year by providing $50.7 billion for the Transportation Department and Housing and Urban Development.

Our tax dollars are well used by investing in our road and airway infrastructures. I'm very supportive of the $1.5 billion this bill provides for Amtrak, and I'm hopeful this money can provide for the reinstatement of the Sunset Limited line that crossed into north Florida and traveled throughout the State.

This bill also invests $4.2 billion in economic development which folks all across our Nation find essential for their communities' well-being. The improvements made with these funds serve all of the American people, whether it be the overnight delivery of important documents to our workplaces, or the timely travel to and from schools, or the arrival of fresh produce at our grocery stores across the country.

Efficient state-of-the-art transportation infrastructure ensures that our economy continues to be the strongest economy in the world, and that our citizens continue to have the highest quality of life throughout the world. The Federal Government is fulfilling the role envisioned by the Founding Fathers by providing these community benefits with our tax dollars.

I want to thank Chairman OLVER, Ranking Member KNOLLENBERG and their staff for their hard work in producing this legislation.

I urge an "aye" vote.

Mr. OLVER. Madam Chairman, at this time I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the chairman's courtesy in yielding time.

I see what the subcommittee has done here is not an effort to somehow dictate to local governments what they have to do, but instead, structuring how to get more out of scarce Federal investments.

As has been noted on the floor by people on both sides of the aisle, we are approaching a transportation infrastructure funding crisis in this country. There is not enough money remaining in the trust fund to deal with the existing level of programming, let alone what is going to be required as we move it in the next three authorizations. And countries around the world are spending trillions of dollars in China, in the European Union, in Japan, while we're falling behind.

I appreciate the big-picture approach that the subcommittee has taken in terms of dealing with location efficiencies, with balanced transportation, with initiatives to green the infrastructure. I am hopeful that the instruction that the subcommittee has given to some of the Federal transportation agencies on how to have maximum impact by weighing factors of economic development and trip reduction to stretch more of those scarce dollars.

I applaud funding the $1.4 billion for Amtrak, which hints at efficiencies that we can have in the long run. Because adequate funding of our rail passenger infrastructure is the cheapest, fastest way to increase airport capacity and reduce congestion, it's the cheapest, fastest way to get additional highway capacity while saving energy and reducing greenhouse gases.

This is an unprecedented effort on behalf of the subcommittee to look at the big picture under its jurisdiction in the appropriations process. I think it's going to have a dramatic impact in the years to come. I appreciate what they're doing, and I look forward to working with them in the future.

Mr. OLVER. Madam Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts controls 8½ minutes. The gentleman from Michigan controls 24½ minutes.

Mr. OLVER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Chairman, I want to commend Chairman OLVER, Ranking Member KNOLLENBERG and Chairman OBEY for their hard work in crafting this bill.

One thing I want to specifically focus on here is the provision of $35 million for the Rail Line Relocation and Improvement Program. This was authorized under the SAFETEA–LU transportation bill, but has not been funded up until now.

Under this program grants would be provided to a wide range of rail projects throughout the Nation that would fill various critical needs, including safety improvements, congestion mitigation, quiet zone creation, and the facilitation of local economic development.

For far too long our Nation's rail infrastructure has gone without adequate investment, and the needs continue to mount. By funding this program, we are taking an important step toward modernizing our Nation's antiquated rail system and helping communities who are dependent on rail lines. Any community with a rail line in it knows the good and the not so good with having that line there. This bill will help them to do more with the good that these rail lines can provide for communities.

I would also like to thank Ms. MATSUI, my colleague from California, for her work in moving this provision forward.

I urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Chairman, I rise in support of H.R. 3074, the Department of Transportation, and Housing and Urban Development, and Related Agencies, THUD, Appropriations Act of 2008. First and foremost, I am pleased that the bill fully funds the Federal highway, transit, and highway safety programs at the levels guaranteed by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU.

At the same time, I regret that the bill rescinds $3 billion in highway funds that have been apportioned to the States, but are not available for obligation. However, I understand the significant funding constraints faced by the Committee on Appropriations in crafting the fiscal year 2008 THUD appropriations bill. If the Committee did not rescind this excess contract authority, it would have had to make real cuts in Amtrak funding, Federal Aviation Administration operations, and other critical programs. Given the Committee on Appropriations' limited choices, I have refrained from objecting to this rescission.

I appreciate Chairman OBEY's and Subcommittee Chairman OLIVER's willingness to work with me on this issue. The Committee on Appropriations did agree to my request that this rescission be applied proportionally to all Federal-aid highway programs. I have been very concerned with the way States have been implementing previous rescissions, and language included in H.R. 3074 would ensure that the rescission contained in this legislation will not undermine the priorities established in SAFETEA–LU.

I am particularly concerned with the treatment of the Congestion Mitigation and Air Quality Improvement, CMAQ, program under previous rescissions. The CMAQ program provides funding for projects and programs that reduce transportation-related emissions in areas that do not meet Clean Air Act air quality standards (i.e., nonattainment and maintenance areas). While representing about 4–5 percent of highway apportionments each year, CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years. In FY 2006 alone, States rescinded $881 million in CMAQ funds, an amount that is equal to 55 percent of the total amount apportioned to the States for the CMAQ program that year.

Comparing the treatment of CMAQ to other highway programs further illustrates the disproportionate effects of these rescissions. In FY 2006, looking at rescissions as a percentage of the amounts apportioned for each program, the rescission of 55 percent of CMAQ funds compares to a rescission of only 12 percent of Interstate Maintenance funds and seven percent of National Highway System funds.

The Transportation Enhancements program has also received disproportionate contract authority cuts under the rescissions. The Transportation Enhancements program provides funds for bike paths, pedestrian walkways, historic preservation, and other activities that expand transportation choices and enhance the transportation experience.

In FY 2006, States rescinded $602 million in Transportation Enhancements funds, 15 percent of all rescissions in that year. Texas alone rescinded $223 million of Transportation Enhancements funding and the Texas Department of Transportation stated that it would not fund any transportation enhancement projects in that fiscal year. Texas' actions are directly contrary to our Federal efforts to develop a balanced, multimodal surface transportation system.

The language of H.R. 3074 is consistent with the approach taken in H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007, as ordered reported by the Committee on Transportation and Infrastructure, and will ensure that the priorities set by Congress in SAFETEA–LU are implemented as intended. I greatly appreciate the Committee on Appropriations' willingness to address my concerns on this issue.

Throughout the bill, there are a number of other rescissions of highway, motor carrier safety, highway safety, and transit funds that raise concerns for the Committee on Transportation and Infrastructure. In particular, section 124 rescinds $172 million of unobligated balances of contract authority for research programs conducted by the Federal Highway Administration. Earlier this year, the House passed H.R. 1195, the SAFETEA–LU Technical Corrections Act, which provides additional resources to ensure that the highway research program receives the funding necessary to continue essential programs. Unfortunately, section 124 of the bill before us today rescinds some of these necessary research funds.

The final concern I would like to address today is the earmarking of Airport Improvement Program funds. The report accompanying H.R. 3084 includes a listing of 72 airport projects which the Federal Aviation Administration, FAA, is directed to fund. The law governing the Airport Improvement Program requires the FAA to establish a priority system to decide which projects will receive funding. The FAA's National Priority System, which has been in use for many years, gives highest priority to projects that will bring airports into compliance with safety standards. Second priority is given to projects that are necessary to meet security requirements. Third priority is given to reconstruction or rehabilitation projects that are needed to preserve existing airport infrastructure. Fourth priority is given to projects needed to achieve compliance with current FAA standards. Fifth priority is given to capacity enhancement projects.

Aviation projects are not like projects in other modes of transportation. For example, an improvement to a highway project in one city does not necessarily benefit highway users in any other city, but in the national system of integrated airports, an improvement in one airport, particularly a major hub airport, could benefit aviation travelers throughout the system. For this reason, the FAA should have, and does have, discretion to fund improvements as it deems necessary to improve the aviation system as a whole. To limit the FAA's discretion in this regard would only worsen the congestion and delays we are already experiencing today.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General on a similar situation. The Comptroller General wrote: "It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies."

Throughout my career, I have steadfastly resisted designating airport improvement projects in authorizing legislation and in report language, and will continue to resist such designations. I urge the Committee on Appropriations to do so as well.

Mr. KNOLLENBERG. Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $90,678,000, of which not to exceed $2,305,000 shall be available for the immediate Office of the Secretary; not to exceed $724,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,753,000 shall be available for the Office of the General Counsel; not to exceed $12,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,903,000 shall be available for the

Office of the Assistant Secretary for Budget and Programs; not to exceed $2,382,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,568,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,984,000 shall be available for the Office of Public Affairs; not to exceed $1,498,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,314,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,737,000 for the Office of Intelligence and Security; not to exceed $12,273,000 shall be available for the Office of the Chief Information Officer; and not to exceed $5,137,000 shall be available for the Office of Emergency Transportation: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER:

Page 2, lines 8 and 19, after the first dollar amount insert "(reduced by $6,200,000)".

Page 4, line 6, after the dollar amount insert "(increased by $6,200,000)".

Mr. BLUMENAUER. Madam Chairman, I have earlier indicated my appreciation of what the subcommittee has done, looking at the big picture and trying to squeeze additional efficiencies out of transportation and housing initiatives. And in that regard, I offer this amendment and hope to inquire of the Chair and ranking member to see if there is something we can do to move this forward.

I'm prepared to withdraw the amendment, but I at least would like my 3½ minutes here to put it before the committee and seek their assistance as it moves forward.

□ 2030

My amendment deals specifically with the Conserve by Bike program. This was unanimously adopted in the Energy Policy Act of 2005 and subsequently signed into law. It was authorized at $6.2 million, a program that would establish 10 pilot projects across the country. These projects would utilize education and marketing tools to encourage people to replace some of their car trips with bicycle trips.

The law also directs the Transportation Research Board of the National Academy of Sciences to conduct a national study to help us understand the benefits from converting cars to bike and how to educate people about these benefits.

Nationally, less than 1 percent of trips are by bicycles currently. But in many bicycle-friendly communities, the percentage is much higher. In my home town of Portland, Oregon, like yours, Madam Chairman, that percentage is 2 or 3 percentage points. In our community of Portland, we have the highest percentage of bicycle commuting in the country, despite the fact that it rains all the time.

Were we to increase bicycle trips by just 2 percent nationally, we would save more than 693 million gallons of gasoline per year, up to $5 billion. Increasing bicycle usage has additional benefits of reducing our dependence on foreign oil and improving public health. When we are concerned about an obesity epidemic among our young people, having bicycles is an opportunity to reduce vehicle emissions; and combating adult and childhood obesity would seem to be a logical step.

For all of these reasons, Congress had the foresight to include the Conserve by Bike program in the 2005 energy policy. Unfortunately, the program has not yet been implemented, because the Department of Transportation does not have the contract authority to fund the program. This appropriation is necessary to get the program off the ground.

Given its modest price tag and innumerable benefits, I was disappointed to see that the program did not receive funds under the Secretary's account for Transportation Planning and Research, especially considering the committee's laudable commitment to other green and efficiency measures.

Many cities and nations, particularly in Europe, have seen how converting car trips to bike trips can have measurable benefits for all its citizens. We have all perhaps been reading about Paris's recent inauguration of their bike-sharing program featuring over 10,000 bikes across the city to demonstrate that people will ride bikes when the infrastructure exists.

Madam Chairman, I would strongly urge that the committee consider working with me to make sure that this important authorized program find funding in the conference report. As I say, I deeply appreciate the work that the committee has done. This is a relatively low-cost, high-impact area. Given the fact that we have come forward with over $5.5 billion in transportation infrastructure for bicycles, for trails, and for pedestrian activities, this would seem to be a relatively modest program to be able to jump-start the Conserve by Bike.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I would like to make a comment on the gentleman's amendment since the gentleman has indicated that he is willing to withdraw the amendment. I appreciate that. The gentleman and I have worked for several years now together on biking and rail-trail issues, so I can remember just a few years ago that we actually were closely involved in saving the transportation enhancement program on this very bill.

We both recognize the environmental and public health benefits of bicycling. Even though I have stopped bicycling, I watch the Tour de France rather than bicycling myself these days. So I applaud the gentleman's concern and support for the Conserve by Bike program.

As we move toward conference, I will do my very best to try to accommodate this, and just remind the gentleman that we have language in the bill to make certain that enhancements are not disproportionately cut in the case of rescissions, which is a balancing act in any case. The gentleman may wish to take part in that discussion, which may occur later this evening.

Ms. ROYBAL-ALLARD. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in support of H.R. 3074. As a new member of the subcommittee, it has been an honor to work with Chairman JOHN OLVER and Ranking Member JOE KNOLLENBERG. I commend them for crafting a quality, bipartisan bill in the face of serious budgetary constraints. I also commend clerk Kate Hallahan and the committee staff on both sides of the aisle for their professionalism and hard work on this bill.

Madam Chairman, the bill before us is carefully crafted to make important investments to meet our Nation's crucial housing and transportation needs. For the first time in over 5 years, this bill provides new section 8 vouchers to help address our Nation's housing shortage. It also fully funds authorized section 8 housing vouchers, essential to States like California, where there are over 300,000 vouchers in use. This number is more than one-seventh the national total.

While there still remains a great need for additional vouchers, I am pleased that this bill is an important step forward in helping to meet the housing needs of our most vulnerable populations.

I am also pleased that this bill has restored funding for the Public Housing Capital fund. The administration's proposed cut would have had a severe impact on the ability of public housing authorities to renovate our Nation's dilapidated housing facilities, including those in my Thirty-fourth Congressional District. By restoring funding to last year's level, public housing authorities can continue critically needed renovations.

Under the leadership of Chairman OLVER, this bill also funds our Nation's transportation systems in a way that reaffirms the natural link between housing and transportation. The bill directs HUD. and the Transportation Department to better coordinate public transportation with housing policies and programs. Improved coordination will help ensure that affordable housing is located closer to public transportation systems and job centers. The bill supports that directive through increased funding for transit.

To enhance the public's use of mass transit and alleviate congestion on our Nation's highways and city cores, the bill provides additional Capital Investment Grants for commuters and light rail transit systems. Funding for these Capital Investment Grants is expected to generate as many as 17,400 new jobs and yield $1.8 billion in economic benefits to State and local communities.

Our highways remain a critical element of our Nation's transportation system. This is especially true in my community of Los Angeles. To improve and maintain our Nation's aging highway infrastructure, the bill includes increased investments designed to ease automobile traffic and improve the flow-of-goods movement from our seaports to communities across the Nation. The investment in highway infrastructure will create over 59,000 additional jobs across all sectors of our economy.

The passage of this bill is essential to maintaining our Nation's transportation infrastructure to keep America moving, our economy strong and our country's most vulnerable sheltered. I urge my colleagues to support this bill.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,140,900.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,515,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $523,000

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,970,000, to remain available until September 30, 2009: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the remaining unobligated balances under section 101(a)(2) of Public Law 107-42, $22,000,000 are cancelled.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, $8,716,606,000, of which $6,317,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,958,413,000 shall be available for air traffic organization activities; not to exceed $1,076,103,000 shall be available for aviation safety activities; not to exceed $12,549,000 shall be available for commercial space transportation activities; not to exceed $100,593,000 shall be available for financial services activities; not to exceed $89,101,000 shall be available for human resources program activities; not to exceed $286,848,000 shall be available for region and center operations and regional coordination activities; not to exceed $162,349,000 shall be available for staff offices; and not to exceed $38,650,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,515,000,000, of which $2,055,027,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $140,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, $185,500,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 111. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.

SEC. 112. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 113. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 114. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 115. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2006," each place it appears and inserting "2008,".

(b) Section 44303(b) of such title is amended by striking "2006," and inserting "2008,".

(c) Section 44310 of such title is amended by striking "March 30, 2008" and inserting "December 31, 2008".

SEC. 116. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $384,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: *Provided*, That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2008: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the funds authorized pursuant to section 110 of title 23, United States Code, for the motor carrier safety grant program, and the obligation limitation associated with such funds provided under this heading, shall be transferred to the Federal Motor Carrier Safety Administration: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,000,000,000 are rescinded: *Provided*, That such rescission shall be distributed within each State, as defined in section 101 of such title, among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year: *Provided further*, That funds set aside under sections 133(d)(2) and 133(d)(3) of such title shall be treated as being apportioned under chapter 1 of such title for the purposes of this provision.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

☐ 2045

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 18, beginning on line 9, strike the colon and all that follows through line 21 and insert a period.

Mr. MICA. Madam Chairman and Members of the House, I offer an amendment tonight to try to alleviate some of the pain that I believe will be inflicted on State departments of transportation across the United States, and that pain will be inflicted by a $3 billion rescission in highway contract authority that is included in this bill tonight.

My preference would be to strike this rescission from the bill altogether. I did not have an opportunity to do that the way the rules were crafted. A $3 billion rescission of highway contract authority will have an adverse effect on State highway work across the country and plans all across the country for construction projects. However, I do think we do have the votes to eliminate the rescission provision from this bill in its entirety.

If this bill were being considered pursuant to the rules of the House, we would not have to vote on striking this rescission. This rescission is authorizing in nature and actually under normal circumstances would have been subject to a point of order which I would have offered pursuant to clause 2 of rule XXI, authorizing on an appropriations measure. However, the rule that was adopted earlier this evening governing this debate waived this point of order; therefore, I am forced tonight to offer this amendment.

This amendment is designed to make it easier for our State departments of transportation to handle rescissions of this size and magnitude. This amendment strikes language in the bill that requires the State departments of transportation to apply part of their rescission proportionately across all highway programs.

I know you will hear some others say that this is going to not assist CMAQ and some of the air quality programs and all that. But when you have a rescission of this magnitude in this bill of $3 billion in size, this is going to dramatically affect some of the work projects in many of the districts of many of the Members who are listening tonight.

By striking this provision in the bill, this amendment will restore the flexibility of the State departments of transportation they had in applying rescissions contained in previous appropriations measures.

The current language in the bill will force all State departments of transportation to apply the rescission in the same way. Each State would have to rescind funding from its highway programs in the same ratio that it receives from the Federal Highway Administration.

Unfortunately, this cookie-cutter approach does not work for every State. Some States have very little balances in certain highway programs from which they will be required to apply this mandated rescission. This will have, unfortunately, a really severe impact on a State's highway work plan, many of them, as I said, in progress. Projects in every one of our districts will be impacted.

I have a letter here from the American Association of State and Highway Transportation Officials supporting my amendment. Attached to this letter is a table showing how this rescission will impact every State. I include these documents for the RECORD.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
Washington, DC, July 23, 2007.

Hon. JOHN MICA,
House of Representatives, Rayburn House Office Building,
Washington, DC.

DEAR MR. MICA: I am writing on behalf of the American Association of State Highway and Transportation Officials (AASHTO), which represents the departments of transportation in the 50 states, the District of Columbia and Puerto Rico.

As we indicated to the Committee last month, we are alarmed that the Fiscal Year 2008 spending bill contains a provision that would rescind $3 billion in apportioned contract authority from the unobligated balances of total apportionments. Since 2002, Congress has rescinded a total of $9.822 billion in state apportioned highway contract authority. This most recent proposal would bring the total to almost $13 billion.

These recurring rescissions of already apportioned contract authority are likely to have a severe and immediate effect on some States. How the States will be affected will vary to some degree because the amount of unused contract authority varies widely from State to State and among categories within each State. However, after almost $13 billion in rescissions, all States will be affected.

A provision in the bill that would require the States to distribute the rescission proportionately among all program categories would further interfere with States' ability to manage their highway programs, set priorities and craft long-term financial strategies. Therefore we urge you to adopt an amendment which we believe will be offered by Rep. JOHN MICA to strike this provision.

In the future we would like to work with Congress to identify alternatives which would not be detrimental to continuing the long-term financial stability of the federal-aid highway program.

Sincerely yours,

JOHN HORSLEY,
Executive Director.

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

[Estimated rescission of FY 2007 unobligated balances pursuant to H.R. 2701, section 252]

State	Interstate maintenance	National highway system	Surface transportation program					Bridge	Congestion mitigation improvement	Metropolitan planning	Recreational trails	Equity bonus	Share of rescission
			Transportation enhancements	Areas by population			Available for any area						
				>200K	<200K	<5K							
ALABAMA	$11,765,147	$13,325,688	$1,646,465	$2,477,606	$1,254,493	$5,115,442	$5,311,325	$9,376,464	$1,123,330	$270,095	$147,743	$6,705,165	$58,518,963
ALASKA	4,839,975	5,888,342	630,651	0	0	0	5,306,245	3,171,608	1,768,289	140,070	106,001	5,490,181	27,341,362
ARIZONA	13,846,913	15,812,556	1,573,151	6,256,429	1,015,687	1,576,861	5,312,089	2,001,372	4,706,700	543,773	151,038	7,153,791	59,950,360
ARKANSAS	7,851,869	8,963,213	1,062,060	859,864	1,135,148	3,776,535	3,464,935	5,829,472	1,028,379	140,070	112,522	3,434,529	37,658,596
CALIFORNIA	43,002,378	60,612,413	7,088,017	28,738,341	2,546,925	5,046,502	21,813,142	38,781,177	39,076,416	4,176,863	528,405	14,016,756	265,427,335

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

[Estimated rescission of FY 2007 unobligated balances pursuant to H.R. 2701, section 252]

State	Interstate maintenance	National highway system	Surface transportation program					Bridge	Congestion mitigation improvement	Metropolitan planning	Recreational trails	Equity bonus	Share of rescission
			Transportation enhancements	Areas by population			Available for any area						
				>200K	<200K	<5K							
COLORADO	8,630,375	11,853,852	1,096,822	3,812,237	1,133,170	1,224,216	3,704,097	2,797,057	3,056,116	447,046	128,383	2,369,324	40,252,695
CONNECTICUT	6,005,429	5,567,549	840,647	2,733,881	423,291	827,447	2,179,754	14,155,980	4,131,526	396,333	87,046	4,110,161	41,459,044
DELAWARE	572,823	4,829,075	330,829	1,092,876	304,344	446,245	1,106,813	1,600,501	892,324	140,070	75,855	504,447	11,896,202
DIST. OF COL	240,956	4,878,277	301,418	1,664,200	0	0	999,254	3,326,364	803,511	140,070	69,155	0	12,423,205
FLORIDA	29,840,702	43,321,856	4,691,123	19,113,924	1,591,674	5,681,972	15,839,948	12,611,715	1,260,673	1,874,199	283,441	21,940,067	158,051,294
GEORGIA	25,784,599	23,544,967	3,196,254	8,892,481	1,645,146	6,721,709	10,360,721	7,710,565	5,433,362	697,096	180,586	13,717,373	107,884,859
HAWAII	906,134	4,833,948	351,993	0	0	0	2,972,372	2,075,371	900,961	140,070	78,648	589,951	12,849,448
IDAHO	4,876,974	6,522,359	521,972	592,375	756,295	1,462,316	1,687,486	2,340,258	1,117,331	140,070	116,292	2,546,833	22,680,561
ILLINOIS	24,040,962	20,621,254	2,618,032	10,642,902	1,734,744	2,348,784	8,841,196	14,500,387	8,613,891	1,354,849	185,051	7,241,932	102,743,984
INDIANA	18,369,239	18,928,485	2,127,377	5,146,842	1,424,392	5,395,263	7,183,465	7,075,373	4,304,971	474,589	120,208	9,946,949	80,497,153
IOWA	6,429,057	9,475,225	906,594	986,519	1,277,015	2,836,057	3,061,908	6,307,632	837,809	155,109	118,924	508,853	32,900,702
KANSAS	6,002,504	8,196,712	1,009,464	1,896,313	1,200,065	2,080,643	3,108,463	5,348,008	822,062	168,055	112,791	308,180	30,253,260
KENTUCKY ..	10,833,854	12,593,382	1,215,493	2,120,692	1,254,698	3,225,317	3,962,807	6,835,583	1,121,829	217,995	116,957	3,470,914	46,969,521
LOUISIANA ..	8,243,528	7,614,874	1,100,166	2,207,351	1,016,744	2,369,619	3,358,480	17,245,502	894,422	352,799	145,608	2,017,876	46,566,969
MAINE	2,484,659	2,949,509	326,517	0	529,665	1,204,052	1,040,997	3,231,812	804,554	140,070	104,475	0	12,816,310
MARYLAND	9,457,381	10,616,959	1,170,312	4,535,997	602,983	1,405,302	3,928,949	8,692,461	5,184,640	598,306	105,068	3,446,876	49,745,234
MASSACHUSETTS	8,080,825	8,177,563	1,133,561	4,724,088	631,870	279,149	3,383,435	16,981,797	5,767,012	784,059	116,713	1,258,248	51,318,320
MICHIGAN ...	16,589,188	20,270,721	2,551,170	7,726,955	1,812,466	4,542,828	8,454,310	13,090,381	7,016,977	915,328	204,762	7,252,195	90,427,281
MINNESOTA	9,798,443	11,931,707	1,527,276	4,171,220	1,496,055	2,923,652	4,711,001	4,142,497	2,658,804	377,307	159,857	3,508,643	47,406,462
MISSISSIPPI	6,944,918	9,167,487	1,012,057	1,105,330	1,108,799	3,358,148	3,345,486	6,205,762	936,422	140,070	128,551	2,061,052	35,514,082
MISSOURI ...	14,385,613	16,240,862	1,789,707	4,916,131	1,626,068	3,516,718	5,512,445	14,727,219	1,919,154	430,025	140,269	5,561,382	70,765,593
MONTANA ...	7,215,081	9,711,458	549,580	0	1,115,111	1,968,225	1,850,943	1,784,441	1,159,066	140,070	118,545	3,524,775	29,137,295
NEBRASKA ..	4,249,488	7,330,986	633,623	1,625,494	950,235	948,543	2,116,027	2,697,071	852,591	140,070	99,215	561,701	22,205,044
NEVADA	5,128,096	5,685,131	522,412	2,379,444	559,126	0	1,764,188	1,217,351	2,146,956	233,238	96,293	1,630,067	21,362,302
NEW HAMPSHIRE	2,095,059	3,815,331	369,451	148,396	304,344	1,455,265	1,145,538	2,650,444	927,698	140,070	90,443	781,553	13,923,592
NEW JERSEY	11,249,797	16,955,778	1,725,170	8,698,642	560,094	445,344	5,825,766	21,639,208	9,555,408	1,078,844	115,304	7,438,901	85,288,256
NEW MEXICO	7,119,338	9,508,149	676,714	1,306,879	1,005,049	1,494,589	2,285,279	1,676,469	989,589	140,070	119,943	2,251,221	28,573,289
NEW YORK	19,440,788	22,137,553	2,751,031	11,059,892	1,845,520	1,182,360	8,458,202	44,548,025	16,481,001	2,157,276	171,897	6,573,402	136,806,947
NORTH CAROLINA	16,625,710	19,668,122	2,250,514	4,134,958	1,901,896	6,622,284	7,599,512	12,674,525	4,641,438	523,279	161,011	9,313,725	86,116,974
NORTH DAKOTA	2,979,202	8,252,505	415,180	0	721,623	1,539,299	1,357,457	1,087,852	887,749	140,070	85,392	734,172	18,200,501
OHIO	22,889,407	22,595,065	2,753,977	8,912,079	1,933,436	4,645,608	9,299,891	16,777,142	8,925,176	1,017,276	165,577	10,424,730	110,339,364
OKLAHOMA	8,636,614	11,438,681	1,380,999	3,048,771	1,198,153	3,311,761	4,537,917	7,644,351	991,081	206,430	125,184	3,671,878	46,191,820
OREGON	5,968,159	8,590,614	856,550	2,366,532	1,042,247	1,271,549	2,810,139	8,665,328	1,428,693	274,953	117,251	934,939	34,326,954
PENNSYLVANIA	20,162,242	21,300,856	2,662,892	7,985,354	2,302,975	3,284,153	8,148,592	45,640,965	9,785,802	1,142,457	170,832	8,328,833	130,915,953
RHODE ISLAND	1,001,136	3,965,331	306,942	1,469,726	190,343	0	909,418	6,494,816	841,767	140,070	75,570	0	15,395,119
SOUTH CAROLINA	11,730,513	11,385,043	1,461,531	2,573,436	979,895	4,667,782	4,935,251	6,696,688	1,126,032	260,719	110,759	5,844,226	51,771,875
SOUTH DAKOTA	3,763,591	7,335,794	497,853	0	786,971	1,930,238	1,488,681	1,528,588	957,691	140,070	87,853	1,351,540	19,868,870
TENNESSEE	14,622,882	15,916,658	1,764,329	3,966,094	1,432,502	4,345,080	5,648,639	6,665,666	3,031,078	412,504	128,964	6,159,258	64,093,654
TEXAS	53,363,790	67,225,761	7,240,656	23,761,651	3,845,557	13,121,484	24,449,666	19,079,799	13,416,341	2,058,662	330,397	30,916,854	258,810,618
UTAH	7,591,648	5,142,238	585,706	2,338,048	672,680	233,774	1,947,918	1,236,926	944,318	243,224	123,984	1,335,408	22,395,872
VERMONT ...	1,550,310	3,334,214	301,418	0	304,344	1,361,142	1,000,026	3,274,366	804,524	140,070	83,816	0	12,154,230
VIRGINIA	17,800,251	17,391,796	2,150,287	6,839,247	1,370,369	3,885,746	6,633,146	10,528,408	5,015,455	655,798	126,970	8,428,116	80,825,589
WASHINGTON	9,356,868	10,727,524	1,201,406	3,819,675	1,058,758	1,879,479	4,057,525	14,579,704	3,082,792	598,821	160,953	1,341,135	51,864,640
WEST VIRGINIA	5,033,122	5,142,248	567,261	0	777,821	2,413,020	1,749,590	5,965,550	1,017,622	140,070	101,286	2,118,597	25,026,187
WISCONSIN	10,864,418	18,006,043	1,759,290	3,059,446	1,390,944	5,445,616	5,940,664	3,428,288	2,341,543	395,498	153,427	7,102,388	59,887,565
WYOMING ...	5,005,208	8,643,797	341,927	0	732,299	1,159,261	937,243	1,128,600	921,002	140,070	108,552	1,080,736	20,198,695
Total ..	$575,267,163	$707,945,511	$77,545,827	$225,908,318	$56,504,029	$135,976,379	$256,848,341	$479,472,889	$198,453,878	$28,014,065	$7,053,767	$251,009,833	$3,000,000,000

Madam Chairman, these State departments of transportation have asked us to give them the maximum flexibility in how they will be required to implement this very onerous rescission provision. They would like to eliminate the rescission altogether, as I would, but they are forced to, unfortunately, accept the rescission as offered, and we have no chance to alter that. All they are asking for here is flexibility.

This amendment gives them that flexibility. Your State departments of transportation, fellow Members, support this amendment, and I will ask all of my colleagues to support it as well.

Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I rise in opposition to the amendment. This amendment strikes the language on page 18 of the bill that delineates how the rescission will be applied. I remind the gentleman from Florida, although I suspect he does already know this, that the rescission in the 2006 bill was $3.8 billion. The rescission in the 2007 bill was $4.2 billion. The first of those was passed by the Republican majority, and the second was in its final form through the CR that came in the Democratic majority.

Mr. MICA. Would the gentleman yield briefly?

Mr. OLVER. Surely.

Mr. MICA. It is my understanding that is the case, but they were allowed the flexibility to decide on how the funds would be expended.

Mr. OLVER. That is correct. The gentleman is correct, the flexibility was there. But what we find out in that process is that the States very disproportionately focused that rescission upon enhancements and took enhancements in some places completely out of the budget, which, under the highway fund, we are supposed to be giving 10 percent of the highway formula moneys to enhancements.

So this language was, in fact, exactly or very similar to language which was passed out of the T&I Committee of which the gentleman is the ranking member a couple of days after we had marked up in committee. So the T&I Committee already has agreed to the idea that enhancements should not be disproportionately targeted for rescissions when they occur when they are required by the legislation.

In fact, we were asked by the T&I Committee to do something very similar to this, if not exactly this, which we have done, in making certain that there would not be disproportionate cuts to enhancements in the process of applying rescissions. And those data do not really affect what has happened to the 2007 or 2006 bills because we don't have the final numbers on those, but the data that I am describing is all through the rescission process in every year that there has been rescissions, that those have in sum total gone heavily against the enhancement parts of the formula funds. So we have striven to correct that in the language that we have put in at this point, and I would ask the membership to oppose this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Madam Chairman, I rise in support of the Mica amendment.

I understand that there is a lot of meat to what you just discussed, Mr. Chairman, but I think the real problem is, if you look at the AASHTO letter, the acronym for the State group, they recognize this as something that should be done.

We need to maintain the rescission to meet the funding requirements of the bill. I do support giving States the greatest flexibility to meet that rescission.

I yield to the gentleman from Florida for his closing comments.

Mr. MICA. I think the gentleman raised some good points on the other side. We had a vote on this, and it is a closely divided question. But I think all Members will hear from their State department of transportation. We have granted flexibility in the past. I am a great supporter of enhancements. I think we need things that some people may consider not asphalt and concrete, but things that enhance the beauty of our highways and transportation system in this country.

But when you take a rescission of $3 billion, and States have obligations, and we have done this in the past to them, we have rescinded money in the past to them, I think we need to give them as much flexibility as possible to make the decisions, to make those cuts and to adjust their budgets.

They get obligated for huge amounts of money and significant projects that are underway. And Members throughout this body will hear from their State department of transportation that they have projects underway that will have to be put on hold, that will be delayed, and that will cause a great disruption in their transportation planning and construction projects. So that's the reason that I think we should give them the same flexibility that they have had in the past. I am not asking for any more or any less.

Mr. KNOLLENBERG. Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The amendment offered by the gentleman from Florida (Mr. Mica), the ranking member of the committee, is misguided and an inappropriate amendment.

As the gentleman has already acknowledged, we discussed this in committee on our climate change legislation. We had a voice vote in which the gentleman's amendment failed.

It would strike the provision that is in this appropriation bill to require States to implement their future rescissions on a proportional basis; rescissions, that is cuts of unobligated contract authority, to make those reductions proportional.

States have applied previous rescissions in a disproportional way. They have disproportionately cut funding from the Congestion Mitigation and Air Quality Improvement Program that helps cities clean their air and move people more expeditiously.

They have disproportionately cut funds from the bridge program, from transportation enhancement funds, all of which play critical roles in creating mode choices and options and alternatives for moving people in our major metropolitan areas and in rural areas.

Flexibility, States have an enormous amount of flexibility under the current SAFETEA–LU law. They have the ability to transfer up to 50 percent of their programmatic apportionments to other apportioned programs. The National Highway System, States can transfer 100 percent from NHS funds to surface transportation.

This language will not in any way restrict States' flexibility in implementing the highway programs to meet their priorities. It will restrict the practice of targeting specific programs for disproportionate cuts to meet their rescission requirements.

Now, the Equity Bonus Program, here is an example of the enormous flexibility States have under the current highway law. Funds under Equity Bonus are distributed to eligible States and apportioned to the interstate maintenance, the National Highway System, to the Bridge Program, to the Surface Transportation Program, Highway Safety Program and to CMAQ. States can use those funds to distribute the Equity Bonus account around to the eligibilities of these programs as they see fit to the needs of their specific State.

In fiscal year 2007, States got $8.327 billion in Equity Bonus accounts. They have a lot of flexibility with that amount of money. States have significant unobligated balances of contract authority available in all categories of the Federal-aid highway program.

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As of May 31 of this year, States had a total of $46.5 billion in unobligated funds. That's $3.16 billion in the CMAQ program, 2 years' worth of apportionments.

They have got plenty of flexibility. They can use this money where they choose. Yet States have consistently chosen to target specific programs for disproportional cuts. Example, congestion mitigation and air quality improvement. That's only 4 or 5 percent of the total SAFETEA–LU program. But CMAQ funds account for 20 percent of the total rescissions in recent years.

States rescinded $881 million in CMAQ funds in 2006. That's $1 out of every $4 out of this one little program that metropolitan areas have to reduce congestion and pollution.

In 2006, rescissions were distributed this way. They cut 55 percent out of CMAQ. They cut 12 percent out of interstate maintenance. They cut 7 percent out of the national highway system.

In 2006, they cut $602 million out of the enhancements program. It was specifically set up to benefit communities that want to provide other transportation opportunities for their people. That's 15 percent of the rescissions just out of enhancements.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. Oberstar was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Madam Chairman, in Texas, for example, of the $305 million assigned to Texas under the 2006 rescission, a total of $241 million of their cuts came from CMAQ and transportation enhancements. That's 79 percent of the amount that Texas alone cut out of these very small proportion programs.

Now, we should not allow States to just target certain programs. We have created a structure within the Federal-Aid Highway Program of categories of funding. We all voted for it. It's now law, and if they're going to cut, their cuts ought to be proportional across the board.

The Association of Metropolitan Planning Organizations supports our position, National Association of Counties, regional councils, Rails-to-Trails Conservancy, Surface Transportation Policy Partnership. The gentleman's amendment is unnecessary, it should not pass. States have enormous amounts of flexibility. We ought to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Mica).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MICA. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2008, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Of the unobligated balances made available under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107, and 1108 of Public Law 102–240, $1,292,287.73 are rescinded.

SEC. 123. Of the unobligated balances made available under section 1602 of Public Law 105–178, $6,138,880.54 are rescinded.

SEC. 124. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109–59, and under section 608(a)(1) of such title, $162,253,000 are rescinded.

SEC. 125. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.

SEC. 126. Of the unobligated balances made available under title 5 of Public Law 109–59, for the implementation or execution of programs for transportation research, $172,242,964 are rescinded.

SEC. 127. Of the amounts made available for "Highway Related Safety Grants" by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $11,314 in unobligated balances are rescinded.

SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, Public Law 106–346, Public Law 107–87, and Public Law 108–7, $4,753,687.26 are rescinded.

SEC. 129. Funds authorized under section 110 of title 23, United States Code, for fiscal year 2008 shall be distributed in accordance with the distribution set forth in section 110(b)(4) (A) and (B) of such title, except that before such allocations are made, $219,250,000 shall be set aside for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. at 1177–1179) and administered in accordance with section 1117(g)(2) of such Act.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $228,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $228,000,000, for "Motor Carrier Safety Operations and Programs", of which $10,296,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That $3,469,553 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for "Motor Carrier Safety Grants"; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25.000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That $11,260,214 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $32,187,720 in unobligated balances are rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this hearing in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $125,000,000, of which $26,156,000 shall remain available until September 30, 2010: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $107,750,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; $131,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $18,250,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59; $6,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $6,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.

SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $10,528,958 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $148,472,000, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $33,250,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109-59, $35,000,000.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $475,000,000 to remain available until expended: *Provided*, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That the leases and contracts entered into by the Corporation in any year that the Corporation receives a Federal subsidy after the date of enactment of the Act, regardless of the place the same may be executed, shall be governed by the laws of the District of Columbia: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.

AMENDMENT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BACHMANN:

Page 38, line 10, after the dollar amount, insert "(reduced by $106,000,000)".

Page 83, line 16, after the dollar amount, insert "(increased by $106,000,000)".

Mrs. BACHMANN. Madam Chairman, the proposed amendment that I'm bringing before the body today removes $106 million from Amtrak funding, restoring it back to the fiscal year 2007 level, and it adds that amount to the Homeless Assistance Grants.

Madam Chairman, Amtrak has run a deficit for over $1 billion every year. It is now funded at $1.4 billion for fiscal year 2008 in the Democrats' THUD bill, an increase of $106 million over the fiscal year 2007 levels. It's $600 million over the President's request.

Much of this deficit stems from Amtrak's long-distance routes, which carry only 15 percent of Amtrak's passengers, but that creates 80 percent of its cash operating losses.

Although Congress has made several attempts at getting Amtrak to reform itself, these attempts have resulted in very little improvement, I'm afraid, and tax dollars are continuing to be wasted on a service that is used by only a very small fraction of our American population.

It just seems to me that rather than pouring money into this colossally losing investment, we should stop pouring good money after bad, and Congress ought to be funding programs that are proven to help people that are in need and deliver results. We need to help poor people. We shouldn't help poor programs. I think we should be saying no, Madam Chairman, to poor programs because we should not be saying no to poor, homeless people just to continue to prop up a bloated government bureaucracy.

One such program is the Homeless Assistance Grants program. It has been awarding competitive grants to cities, to counties, to nonprofits, to housing authorities to provide transitional and permanent housing for the homeless.

In Minnesota, we have some great programs. Grants have gone to Lutheran Social Services in Minnesota, the Amherst H. Wilder Foundation, the Tubman Family Alliance, great groups. These have proven themselves to be very successful in housing programs in Minnesota.

The problem with Amtrak is not that rail is bad, but this program again has been running in the red. It's been bleeding, it's been hemorrhaging, and it needs transfusion, a big transfusion of over $1 billion in tax money every year. It's running in the red. We do not want to be owners of a loser of a program. It requires Federal assistance to cover these losses and the losses from their capital investment. Clearly, for all the years it's been in existence, Amtrak would not survive without this Federal funding.

In Minnesota, we have an old Lakota Indian proverb, and it says, if your horse is dead, get off. And the wisdom of our Native American is pretty clear, and I think that we should follow our Lakota elders when they have enough sense to dismount.

This bill would fund Amtrak again at $1.4 billion for fiscal year 2008. That's $106 million more than the 2007 level, $600 million over the President's request. $1 billion is worth a lot. If you fraction it out, it it's $1,000 a day every day, including Sundays, for 2,440 years. Even for government, that's a lot of money, and still after 35 years, Amtrak hasn't been able to get it right, Madam Chairman.

The Federal Government has provided $30 billion to Amtrak. On average, that's a Federal subsidy of over $210 per passenger per thousand miles that are traveled. It seems that the Federal Government can't even get people to ride Amtrak, so we almost pay them to ride the line. In fact, in 2005, the Sunset Limited route connected L.A. with Orlando. That route required a subsidy of $433 per passenger each way. That's on top of the round-trip fare of about $950 that each passenger paid. That's more than enough to buy a plane ticket for each passenger and save them a trip lasting 68 hours, but that's only if the trains run on time, and only 41 percent of the time do the trains run on time.

It gets worse, though, Madam Chairman. The passengers on sleeper cars are the most heavily subsidized. The average passenger in a sleeper car gets an additional $206 subsidy. That reaches an extra $358 per passenger depending on the route. So that means that the highest government subsidies go to passengers sitting in first class. We could be giving this money to homeless people, and that's our priority.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I rise in opposition to the amendment offered by the gentlewoman from Minnesota.

First of all, I think that the subcommittee and the full committee, this legislation was passed out of full committee unanimously without dissent, by voice vote but without dissent, and we've tried to strike an appropriate balance in funding the transportation and housing problems in the bill.

As in previous bills in previous years, I've opposed amendments that take funding from housing to increase the funding for transportation programs, and similarly, I've opposed amendments which take funding from transportation and transfer those funds to housing programs.

□ 2115

I think that's entirely appropriate. We have this bill where we cannot have one portion. Each has its important features, and we cannot have one portion of this bill taking sizeable funds from another portion, which has equally important priorities within the bill.

I would point out to my colleagues that in the bill before us, the appropriation for the homeless is $1.56 billion. That's $119 million already above the 2007 enacted sum for the Homeless Grant Program. That's 8 percent already above the level of the 2007 enacted program from just last February.

The amendment that the gentlewoman has proposed would move another $106 million into that, which would then put it far over the President's request, that program. I don't think that that's really necessary here.

What we do have is a situation where year after year the Amtrak program has gone through reform, substantial reform, to try to reduce their cost and to provide greater service, as has been requested by this Congress over the last several years. To take that money away from them at a time when the other body, the Senate, has passed authorization legislation or has reported out of committee authorization legislation, and our own T&I Committee is working on authorizing legislation for Amtrak, which is considerably higher than even the level of the funding that we have in this bill.

For both of those reasons, the balance of the legislation not moving money from housing into transportation or vice versa, which I will oppose at every point that it comes up, because I think we are trying to keep a reasonable balance of the priorities in each of those very important areas, and because the homeless program is already funded at almost $120 million above the 2007 funded amount, that this is not a necessary amendment, not an appropriate amendment. I hope that we will not pass this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Madam Chairman, this same amendment was offered in the last Congress and got 60 votes. It's as misguided now as it was then.

The Committee on Appropriations for the first time in a dozen years has provided a net increase in funding for Amtrak. We are not going to be here tonight or tomorrow when we vote on this and cut those funds and reduce Amtrak to the beggar position that it has been in for the last dozen years.

For the last 12 years, supporters of Amtrak have been reduced to pleading to just restore the funding; not to increase, not to advance the cause of Amtrak, but simply restore to where it was with the inadequate amounts that this administration has proposed. Most of the time they proposed to cut Amtrak.

In fact, when I hear Amtrak reform, I know what it means. It means cut the funds, tie their hands, submit Amtrak to a board that's going to run it into the ground, not run it into the 21st century.

As the gentleman, the chairman of the subcommittee, has said, the committee bill provides nearly $120 million increase in funding for the homeless. That's the first time in 4 years. A 23 percent increase, that's substantial. I'm for it. We don't need to take money out of Amtrak to increase funds for the homeless. Amtrak needs help.

I hear this old saw time and again. Oh, Amtrak is bleeding money, and we are subsidizing it. What do you do for the airlines? What do you do for highways? We provide funds for the highway program. We provide funds for aviation.

Amtrak is the residue of what was left when the railroads abandoned their passenger service in the 1960s and to the eve of 1970 when Amtrak was created. Time and again, they conspired with the Postal Service to take the railway post office off the passenger service so that then they would have a losing proposition, and they could apply for discontinuance to the Interstate Commerce Commission, and they did. They shut down passenger rail service to small towns, and they also lost less-than-carload service, and towns went out of business because they didn't have a small shipping service on freight rail with passengers to move their goods.

So what did Amtrak get? When we created Amtrak in 1970, we got the dregs of what was left of intercity passenger rail service, and the Congress for several years was trying to build up Amtrak to provide funds for improved rail, and railbed and rolling stock. But over the last 12 years, we haven't had the funds to do that with Amtrak.

Every industrialized Nation in the world has high-speed intercity passenger service. In France you can travel on the TGV a distance from International Falls to Minneapolis-Saint Paul, 185 miles an hour, 220-some miles, in 80 minutes, 80 minutes, in France. They can do that in Spain on the Talgo. They can do it in Germany on the ICE. They can do it in Japan on the Shinkansen. We don't have a high-speed, 185-mile-an-hour passenger rail service anywhere in America. The best Amtrak can do is 150 miles in a few segments of its track.

But if we make the investments, if we invest in improving the tracks, if we invest in the catanaries and improve the patographs on the existing locomotives in the Northeast corridor, we can have that high-speed rail service. We should have it. We should have it on the Northern Tier. We should have it from Chicago down to New Orleans. With we ought to have it all through the Southwest and the Southeast.

We need Amtrak rail passenger service in this country. We need a high-speed, modern, intercity rail passenger service in this country. We are a proud industrialized Nation. We have the highest mobility of people in the world.

In the aftermath of September 11, what did people take? They couldn't fly, and the highways were crowded. They took Amtrak.

We need to upgrade Amtrak. We need to invest in Amtrak. We need to invest in its future. This is where America has an opportunity to move from this highway-dependent economy of ours, reduce our dependence on imported oil, move people more efficiently and more effectively with high-speed intercity passenger rail, as every industrialized nation in the world does except the United States.

This is a misguided amendment. I regret that my dear friend, the lovely gentlewoman from central Minnesota, has offered this amendment, one of her first offerings in the House, but I have to say, it is misguided, it is the wrong thing to do. We need to defeat this amendment as we did in the last Congress.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. BACHMANN. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 38, strike line 5 and all that follows through page 41, line 18.

Mr. OLVER. Madam Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. FLAKE. Madam Chairman, this amendment would eliminate funding for the operating subsidy grants to the National Railroad Passenger Corporation, or Amtrak, and save the taxpayer $475 million.

The FY 2007 funding level was $490 million. The President requested to eliminate funding for this grant program in the FY 2008 budget.

According to the committee report, operating subsidy grants allow the Department of Transportation to make quarterly grants to Amtrak after receiving and reviewing a grant request for each train route. This would be accompanied by a detailed financial analysis, revenue projection and capital expenditure projection. Receipt of these grants also requires Amtrak to achieve savings through operating efficiencies, yet Amtrak has been plagued by inefficiencies and debt since its inception.

Amtrak's model for providing intercity rail service has been a failure since it began in 1971. Historically Amtrak has carried less than 1 percent of the traveling public. It is it has required annual Federal subsidies to cover operating losses and capital costs in every year since its existence, some $29 billion in taxpayer resources to date.

It lacks adequate cost controls. It has deferred capitalized repair projects, and it confronts increasing debt-service costs.

Now, we were told 30 years ago that Amtrak started from the ruins of what was then passenger rail service. Whatever its origins, the market has simply apparently vanished for passenger rail service of this kind. The Heritage Foundation reported that even if Amtrak increases its passenger load, for every passenger that is increased, the taxpayer pays more in subsidies. So, it's like the retail shop owner saying that I am losing money with every sale, but I am going to make up for it in volume. The taxpayers are making up for it in volume every time.

There has been a slight increase in passenger service in terms of passengers served over the past couple of years, or at least there was from 2001 to 2004, and still it bleeds red ink all over.

Now, contrast this with some cargo service provided by rail. It's largely free of subsidy. It's done by the private sector. There are huge profit margins there. In many routes they do very well. But Amtrak, passenger rail service, simply can't get there. There simply isn't a market for it.

Now, those providing cargo service wouldn't want to provide passenger service, because there is no market. But we continue to let the taxpayer subsidize it. As the last speaker mentioned, some routes the subsidy is between $400 and $500 per ticket. The Federal taxpayer could buy each person on a long-distance Amtrak service on some of the routes a plane ticket for what it costs to subsidize their Amtrak travel. That's after they have paid a lot more than a plane ticket would cost in the first place.

There simply isn't a market for it. How long will we go on not recognizing it, not recognizing that we need some competition from the private sector to allow it to take it over? If there isn't a market at some point, the taxpayers shouldn't be forced to subsidize it any longer.

Let me just finish. We will hear that we need passenger rail service. We will need to catch up to countries like Germany and Japan who are doing it. Apparently they are doing a better job than we are.

Who among us here thinks that with the current model of government subsidizing a private corporation like this is going to get us where Germany is or Japan is? As has already been noted, people who study this issue note that with every new passenger added, every net increase in passengers, it's actually more subsidies. So under the current model, unless they change or reform somehow, if they increase ridership, we actually have to pay more in subsidies.

That simply doesn't work. It wouldn't work in the private sector. No private businessman would stand it. But the taxpayers are simply on the hook for about $1.2 billion a year. It continues year after year after year. I have been here 6 years. I have heard it every year. I suppose if we go the next 25 years, we will hear it again. It will just be an increase in subsidies, like we are doing this year.

Madam Chairman, I yield back the balance of my time.

□ 2130

The CHAIRMAN. Does the gentleman from Massachusetts continue with his reservation?

Mr. OLVER. I withdraw my reservation.

The CHAIRMAN. The reservation is withdrawn.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, this is an effort to bring Amtrak to a stop, simply. Over the last couple of years, we have had the President recommend no funding for Amtrak. We have refused that and funded them so they could continue service at the level that they were. We have added reform programs to them to require substantial savings out of the first-class service and the meals service and things of that sort, which have been quite substantial, and they have saved each year $80 million to $100 million a year on that program. So we are moving to make the system more efficient, though there is not any passenger rail system anywhere in this world that operates without some operating subsidy.

Where we have public transportation systems, any subway system, the fares never get to as high as 50 percent of the cost of the service, and the remaining service is then part of a subsidy for the operation of that service. In fact, most of our transit programs function at considerably less than a 50-percent fare box amount. So Amtrak is not any different from any other rail program which provides great energy efficiency in the movement of large numbers of people, and it is very important in our very densely populated corridors.

We as a Congress have then added the idea of having a national rail system that covers long-distance rail. And those even require a greater subsidy, but it has been our decision to do that over the years.

We have to have a rail program in this country. We have somehow to get over making Amtrak ultimately, somehow, to morph Amtrak into a system that will provide high-speed passenger rail in corridors of relatively short distance. But in the meantime, we also have to keep Amtrak running, and this amendment would take the operating monies completely away from a system which cannot operate without that operating subsidy.

The rest of the money, the gentleman believes most of the remainder was in there for capital improvements. Well, there isn't any point in having the capital improvements if you are not going to have an operating subsidy unless you can move the monies around, and then you have to cut seriously the total amount of service that is being provided by Amtrak with the amendment that the gentleman has offered. So it is really a killing amendment for Amtrak.

Amtrak cannot function with the amendment that the gentleman from Arizona has offered in this instance. We have gone through this fight time and time again; and each time the end result is that Amtrak is supported because Amtrak service is provided in over 40 of the States. In some cases, it is the only rail passenger service that is available to people in some of those States on some of the very long-distance rail lines that people complain are the ones that carry the highest subsidy. And those are supported the strongest because they are the only rail service, passenger service that is available in a good number of those States.

So I think that this amendment should be defeated, I think it will be defeated, and I hope it will be defeated.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. This is, as the chairman of the subcommittee has said, a shutdown amendment. It would totally eliminate operating grants for Amtrak and guarantee a shutdown. I suppose that is what the gentleman wants as he offers the amendment. He knows what he is doing. He is a very astute Member of this body. But I want to widen the perspective here.

The effects would ripple through our economy, through our national transportation system, stranding millions of passengers and force them onto already congested roadways and airways.

People in 106 cities served by Amtrak who are without air service would have to find new means of transportation; 19,000 Amtrak workers would lose their jobs. Their local economies, businesses would suffer. The railroad retirement and unemployment programs that cover employees of freight rail as well as passenger rail would eventually be depleted. We would be scrambling around here trying to restore the railroad retirement fund. It would disrupt commuter operations with whom Amtrak has contractual arrangements, stranding millions more passengers. GAO has reported to our committee that an abrupt cessation of Amtrak would result in major disruptions or shutdowns of commuter rail service throughout the country, stranding and straining regional transportation systems as hundreds of thousands of regular commuter rail passengers would have to look for alternative transportation.

It would increase costs for our freight rails. If Amtrak were to shut down, the freight rail industry would lose some $5.3 billion over the next 6 years. That would also include the loss of $57 million Amtrak pays each year to the four class I railroads for access to their infrastructure and increase tier II taxes to keep the railroad retirement system solvent. It would shut down operations of freight railroads in the northeast corner. Norfolk Southern relies on Amtrak's dispatch and infrastructure systems throughout that corridor to provide rail service to major mid-Atlantic markets. Without Amtrak, cost of the freight rails to maintain operations on those lines would be very substantial.

The real issue with Amtrak is it has been on a starvation diet practically since the time that we created Amtrak in 1970. But little by little, people are seeking alternative operations. They learned in the aftermath, as I said a moment ago, of September 11, that the only option to travel without air was inner-city passenger rail.

Amtrak, in 2006, had 24.3 million passengers. President Alex Kummant of Amtrak told us very recently on the Transportation and Infrastructure Committee that they expect 2007 to far surpass 2006 ridership levels. So far this year, just in the first quarter of this year, Amtrak had 2.17 million passengers. That is nearly a 7 percent increase over the previous year.

So keep funding Amtrak, give it an opportunity to breathe, give it this additional investment that it needs. Soon our committee will come to the floor with a substantial increase in funding for Amtrak to put it on course to be a real world-class competitor in inner-city passenger rail service.

When I was a student just graduating from college in St. Paul, the College of St. Thomas, I won a scholarship to study at the College of Europe in Belgium. I traveled from my home in Chisolm by bus to the Twin Cities, and there I talk the Milwaukee 400: 400 miles to Chicago in 400 minutes. And in Europe, I took the train from Paris to Brussels and then on to Brugge in Belgium for this program. That was a 6-hour trip. Today, that 6-hour trip is 80 minutes traveling at 185 miles an hour on the TGV.

Today you can't get to Chicago in 400 minutes from Minneapolis, not even by air. By the time you travel, drive to the airport, park your car, go through security, wait for the plane, get off the plane, try to get to your destination, you can't do it. We need a restructure, a rebuild, a reinvigorated Amtrak. Don't kill it with this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Ms. WATERS. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chairman, I rise today in strong support of H.R. 3074, the fiscal year 2008 Transportation, Housing and Urban Development appropriations bill.

The distinguished chairman, Mr. OBEY, and Chair of the Subcommittee on Housing, Mr. OLVER, had to make many difficult decisions in drafting this bill, and I am pleased that most of our vital housing programs see increases over the President's budget request for funding year 2008. As Chair of the Subcommittee on Housing and Community Opportunity, I believe this bill will preserve many of the housing programs we have fought for over the years.

On July 12, the House passed H.R. 1851, the Section 8 Voucher Reform Act, by an overwhelming bipartisan majority. A central purpose of H.R. 1851 is to provide reliable, adequate funding for the Nation's largest subsidized housing program, buffeted in recent fiscal years.

In light of this, I am troubled that the President once again grossly underfunded section 8 in his budget request, asking for a mere $8 million above last year's funding level for the renewal of section 8 housing vouchers, an amount that won't even cover the cost of inflation. I commend Chairman OLVER for rejecting this abysmal funding level and putting the dollars needed back into the section 8 program.

I also urge my colleagues in the Senate to take up the Section 8 Voucher Reform Act and to pass the companion bill so that we can make needed reforms and bring stability and security to this critical program.

I am honored to be an original cosponsor of the National Affordable Housing Trust Fund Act of 2007, H.R. 2895, which will provide for the preservation and construction of 1.5 million units of affordable housing over the next 10 years. Because preservation begins with funding the units we have now, I am pleased that the bill increases the funding for project-based rental assistance by $667 million over the President's request; however, I am dismayed at the news that the Department has not paid some project-based owners for the month of July. It isn't enough for us to appropriate the dollars; HUD has to get them out of the door. I urge the Department to make these payments on time so that we do not risk losing owners of precious affordable housing units.

For too many years, the Nation's public housing program has been grossly underfunded. In 2007, PHAs will only receive between 82 cents and 85 cents for every dollar it costs to run public housing, impacting their ability to repair and maintain public housing units. By increasing funding for public housing programs to levels above the President's request, this bill maintains our investment in public housing. I am also pleased that the committee has rejected the administration's attempt not only to kill the HOPE VI program, but to take back prior-year funds appropriated by this House. The HOPE VI program needs to be updated, but it is a valuable program. That is why we'll soon introduce a bill to reauthorize and improve HOPE VI providing for, among other things, one-for-one replacement and the right of residents to return to a revitalized public housing unit.

Again, I want to applaud the committee for ensuring that the CDBG program is not severely underfunded. The CDBG program is funded at $3.396 billion, representing a $225 million increase compared to funding year 2006 funding level and $959 million above the President's funding year 2008 request. CDBG is vital to communities all over the country, providing valuable resources for almost every program imaginable from seniors programs to gang violence eradication programs. Without this increased level of funding, one of the Federal Government's only poverty fighting tools would have been stretched to the limit, leaving many communities desperate.

In addition, the bill provides funding for other key programs the administration sought to zero out, including the Brownfields, the Section 108 Loan Guarantee Program, and rural housing and economic development. The bill also maintains critical funding for the HOME program, Native American and Hawaiian housing grants, fair housing enforcement, and housing counseling.

□ 2145

Some of these important programs were scheduled to expire without reauthorization, but reauthorization without funding is the equivalent of killing a program.

Finally, the House today passed a resolution that I was pleased to cosponsor with Congressman SHAYS commemorating the 20th anniversary of the McKinney-Vento Homeless Assistance Act of 1987. While this is not a birthday for any of us we would prefer to be celebrating, these programs remain effective and desperately needed. Therefore, I am pleased that the bill funds the McKinney-Vento Homeless Assistance Grant at $1.561 billion, a full $234 million over funding year 2006.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $925,000,000 to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: *Provided further*, That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: *Provided further*, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: *Provided further*, That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a "state of good repair" on the Northeast Corridor and report its findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 41, line 26, after the dollar amount, insert "(reduced by $425,000,000)".

Mr. FLAKE. Madam Chairman, this amendment would reduce funding in the bill by $500 million for capital grants to Amtrak, reducing the funding level to the President's fiscal year 2008 request from $925 million to $500 million.

Here the same arguments really apply that were made in the last amendment debate, so I won't go over them all again, but let me respond a little to what was said before.

It was mentioned that these amendments are just designated to kill Amtrak. If these accounts were funded at the levels that we're talking about here, certainly there would be a restructuring somewhere. There has to be. It is likely that in some of the corridors, some of the corridors there is only a per-passenger subsidy of around $3 per ticket. In some corridors it's up to $466. I suppose that what would happen is that in those corridors, there are a lot of assets sitting with Amtrak now. If it wasn't shielded from private competition, others would come in and be able to run that service effectively and without subsidy in some of the corridors. Perhaps there'd be a smaller subsidy on some of the corridors.

But I can tell you on the corridors where we're having a subsidy of $466, in addition to the per-passenger ticket price of, in some cases, $900, I don't think that that would run at all, nor should it in any reasonable place where you believe in free markets or even limited subsidies.

There is no more call for passenger rail service to some places in this country than there is for stagecoach service. At some point you've got to say, how much can we subsidize? Four hundred sixty-six dollars per ticket probably is above that threshold somewhere.

So, under any reasonable system, yes, this would cause significant restructuring with Amtrak for that system, and that's what we're calling for. That's what we should be calling for. We can't continue to go down this road, because, as mentioned, even if you increase the number of passengers per train, if you increase ridership, it simply means more subsidy.

In any reasonable system that wouldn't be the case, but we have a system here that doesn't respond to market forces. Part of the problem with Amtrak, and we can't just blame the system there, but it's the requirements that we've placed on it. You have politicians in this small town here or this small town here designating routes that Amtrak has to follow, routes that can't even come close to being economical.

As mentioned, not many passenger rail or public transit systems anywhere in the world go unsubsidized. It's one thing to subsidize public transit; it's another to be paying $466 per ticket when the passenger is already paying $900. That simply doesn't pass any test of reasonableness. And unless we come in and really strike funding here and force change, it's simply not going to happen.

Who here in this body or who listening tonight thinks that Amtrak is suddenly going to become better and provide better service, more efficient service, given the numbers that we've given them here?

Some will call it a starvation diet. They've been on a starvation diet, but we've increased funding significantly many times. It hasn't improved. It's because we're shielding them from market forces, in some cases, and subsidizing routes that have no business running in others.

So I would offer this amendment to strike funding, or to actually bring it down to the President's level, what he has requested.

I've heard the chairman of the Appropriations Committee say many times and point out that the administration is wasting money here and there and everywhere. They are. Here's one case where we should say, there's too much money being wasted by the agencies. Let's direct them, let's exercise the oversight that this body is supposed to exercise and actually say, let's pull some funding back, let's force Amtrak to go through the restructuring that they're going to have to go through at some point. We're simply delaying the inevitable and forcing the taxpayer to subsidize at higher levels than they should until that time is reached.

Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I again oppose this amendment. This is just a continuation of the effort to strangle Amtrak.

In this instance I think that what I'd like to do is to just try to review with the, whoever is still listening at this hour of the night what the President's budgets have looked like over the last several years. I may be slightly wrong, because I maybe have 1 year misplaced as to what happened, but I have been the ranking member for 2 years, the last 2 years, in the 2006 and 2007 budgets. My recollection is that the 2006 budget that the President provided no money, and we had to fill the hole completely to keep whatever was functional functioning in the case of Amtrak.

And then in the 2007 budget, that year we ended up providing between, by the time the conference process was complete, $1.3 billion for a mixture of operating subsidies and capital programs. In the 2007 budget, the administration came up with a number which was much lower than what had been appropriated the previous year, and again we had to, it was around 8- or $900 million in total, and we, again we had to come up with a higher sum of money, back to the $1.3 billion, in order to complete, to keep the level of service where it was, which includes the whole of the Northeast corridor, which carries half of all the passengers and is trackage that is owned by Amtrak, and all the services that go out of Chicago and the other metropolitan areas, and the long-distance services on the west coast and across the country.

So what we have this year is that the President came up with an amount of $500 million for capital, and $300 million for efficiency incentive grants, which is sort of an oxymoron because in the previous year, we had provided some sort of incentive grants which Amtrak, after they had provided the savings and made serious savings in the accounts, they then found that they got exactly nothing in the way of incentive grants that were released to them. So what's the point, really, of trying to save money?

But we've included that language, included the mandate essentially, that they are to continue to look for savings in the system. In the meantime we provided, again, the $1.3-, now up to $1.4- because of inflation, a total of $1.4 billion of which now the amount was put up to $925 million for capital, which the gentleman wishes to reduce to $500 million for capital, which was never adequate in the first place.

On the Northeast corridor, we have done so little upkeep, we are nowhere close to a state of good repair, which is dangerous. It is causing safety problems in the Northeast corridor, where more than half of our total passengers are being handled, so that the gentleman's amendment takes away capital monies now. This is the second hit at it, the capital monies that would be necessary to make progress on dealing with the backlog of capital deficiencies that have been built up over a period of years.

There are tunnels and bridges and trackage and the cantanary lines, the electric lines and so forth that go with it, all of which are in need desperately of capital repair and a steady infusion of money to bring that up to date. These are expensive propositions when nothing has been done or so little has been done over a period of time.

So first the gentleman has made an effort to reduce the operating subsidy, which no rail system anywhere in the world can function without it, and now he's reducing the capital grant program down to a level which leaves us with an ever-worsening state of safety and repair on the part of the system that is actually owned by the Federal Government.

So this should not be done. This is a bad amendment. This is another killer amendment for Amtrak, and I hope that the amendment will be defeated.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The chairman has said it very well. The gentleman from Arizona first wants to cut the operating account, and then, after Amtrak is unable to operate, then cut their capital and debt service funds, and then, I guess, bury passenger rail service in America. He doesn't provide for a burial service, however, and we're not about to do that.

This would cut the $425 million in capital and debt service grants that would go below the level recommended by Amtrak's Board of Directors, who haven't been known to be generously supportive of their own organization. It would undermine the solvency of Amtrak. The capital needs are critical to operating Amtrak, to bring it to a state of good repair and maintain it in a state of decent and good repair. The capital overhead program on rolling stock is critical to keep aging equipment in safe working order and minimize failures.

You should go out sometime to the Amtrak repair facility in Indianapolis and see the highly skilled technicians who are working to repair and restore locomotives and passenger cars and the dining service cars. They are meticulous workers who are saving Amtrak hundreds of thousands and even millions of dollars a year by restoring old equipment, putting it into a good state of operation. This amendment would cut the guts out from that operation. That doesn't make any sense whatever.

Amtrak has been investing in its deferred capital needs since 2003, incrementally, with not enough money, by far too little to reach the goals that they must attain, but they're doing it nonetheless. And the result is that with those very skilled workers, 70 percent of Amtrak's passenger car fleet and 85 percent of its locomotives will be in a state of good repair by the end of fiscal 2007.

Now, if you cut this money out, they'll never be able to bridge the gap and go on to make the other improvements that are needed.

I heard the gentleman say, well, we need to cut the funding and force change, and subject Amtrak to market forces. Well, in a hospital you don't cut off the blood supply to a patient and say, we're going to push the patient into a state of good health. That idea went out with applying leeches to the body and draining the body's fluids and essential operations. It doesn't make any sense.

And the gentleman, as many others have misguidedly said, we need to subject Amtrak to market forces. That implies that there's some other competitive passenger rail service in this country. There isn't. The railroads abandoned it in the 1960s. They didn't want to operate passenger rail service. It was much easier to carry freight than to carry people in this country. And they ran the passenger rail service into the ground, and then they handed it over to the Federal Government and said, here you take it You do it. You do something good for the country.

□ 2200

Well, Congress did. I was here on the staff at the time when Amtrak was created. There was great hope for it. There were going to be capital investments made. The rail was going to help out with all the support that was needed for the infrastructure of intercity passenger rail. None of that happened.

Freight rails last year earned $4.5 billion net after-tax profit hauling freight. Amtrak is on a starvation diet made worse over the last 12 years by this previous leadership in Congress refusing to provide funding. But with a few enlightened Members on the other side supporting us over here, we were able to keep Amtrak alive, just keep it moving along, just hand-to-mouth existence.

Well, no more. There's a new leadership in this Congress. The gentleman from Massachusetts has seen the need, seen the opportunity to make investments. He has provided the funding in this bill. We need to move ahead. We should not cut the operating funds nor the capital grants. We ought to be doing far more than we are doing already in this bill. But this is at least a start and moves us in the right direction. We have to defeat this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. OLVER. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 60, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of that portion of the bill is as follows:

INTERCITY PASSENGER RAIL GRANT PROGRAM

To enable the Secretary to make grants to States in support of intercity passenger rail, $50,000,000 as authorized by section 26101 of title 49, United States Code, to remain available until expended: *Provided*, That States may apply to the Federal Railroad Administration for grants up to 50 percent of the cost of planning and capital investments necessary to support improved intercity passenger rail service that either requires no operating subsidy or for which the State or States agree to provide any needed operating subsidy: *Provided further*, That priority shall be given to planning and infrastructure improvement projects that improve the safety, reliability and schedule of intercity passenger trains, reduce congestion on the host freight railroads, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by States of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates, and that protect and enhance the environment, promote energy conservation, and improve quality of life: *Provided further*, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of Statewide transportation planning as required under 23 U.S.C. 135: *Provided further*, That the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify.

ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $92,500,000: *Provided*, That of the funds available under this heading, not to exceed $1,504,000 shall be available for travel and not to exceed $20,719,000 shall be available for the central account: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $7,872,893,000 in fiscal year 2008: *Provided further*, That $28,660,920 in unobligated balances are rescinded.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,500,000, to remain available until expended: *Provided*, That $9,300,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,900,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,700,000,000, to remain available until expended of which $200,000,000 is for section 5309(e): *Provided*, That $17,760,000 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under "Federal Transit Administration, Capital investment grants" and bus and bus facilities under "Federal Transit Administration, Formula and bus grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2007, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2008, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 100 percent of the net capital costs of a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants to carry out 49 U.S.C. 5308 of Public Law 109-59, $26,000,000, to remain available until expended.

SEC. 166. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $118,646,000, of which $24,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $14,139,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $10,500,000 shall remain available until expended for maintenance and repair of schoolships at State Maritime Schools.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $17,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,408,000, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $3,526,000 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. No obligations shall be incurred during the current fiscal year from the construction fund established by section 53716 of title 46, United States Code, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $18,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $28,899,000, of which $1,829,000 shall remain available until September 30, 2010: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $78,875,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which $60,065,000 shall be derived from the Pipeline Safety Fund, of which $32,683,000 shall remain available until September 30, 2010: *Provided*, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,000,000, of which $6,036,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $66,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government under 18 U.S.C. 1001, by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,495,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than $25,245,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 190. Funds provided in Public Law 102–143 in the item relating to "Highway Bypass Demonstration Project" shall be available for the improvement of Route 101 in the vicinity of Prunedale, Monterey County, California.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 191. Funds provided under section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346, 114 Stat. 1356, 1356A–41), for the reconstruction of School Road East in Marlboro Township, New Jersey, shall be available for the Spring Valley Road Project in Marlboro Township, New Jersey.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

At the end of title I, insert the following:

SEC. 192. Out of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), the Board shall consider any activity involving the receipt, delivery, sorting, handling or transfer in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste to be an activity over which the Board does not have jurisdiction.

Mr. SMITH of New Jersey (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OLVER. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. SMITH of New Jersey. Madam Chairman, in 1995 the Congress passed and President Clinton signed the Interstate Commerce Commission Termination Act, Public Law 104-88. As a direct consequence, the Surface Transportation Board created by the law is now in the business of facilitating solid waste transfer stations that are not subject to local or State environmental laws or regulations.

This Federal preemption of local environmental laws is fraught with danger to the public and must be reversed, which would be accomplished if my amendment or a similar amendment that has been proffered by Senator LAUTENBERG and already adopted in committee were to become law.

During the past several years, small rail companies, many apparently formed for the expressed purpose of securing Federal exemption from local and State regulations, have filed numerous verified notices of exemption with the STB for the purpose of establishing solid waste transfer stations along rail lines and spurs. In one case in North Bergen, New Jersey, the New Jersey Department of Environmental Protection fined the New York Susquehanna & Western Railway Corporation $2.5 million for violation only to have this year a Federal judge nullify that important State enforcement. Thus far the STB has not acted on New Jersey's complaints of health, environmental, and fire risk and concerns the State raised concerning high levels of lead, arsenic, mercury, and copper.

Now at the property in my district in Freehold, New Jersey, a small class 3 rail company, Ashland Railroad, has filed a verified notice of exemption with the STB to operate a 1.5 mile track for the establishment of another solid waste transfer station. The proposed site would be situated right next to a wetlands area that poses significant hazards to the health, safety, and well-being of my constituents. This is especially important in light of the fact that the wetlands feed directly into the Manasquan Reservoir, the source of the potable water for hundreds of thousands of people in the Monmouth County area. The proposed site is also adjacent to residential housing, again raising serious concern, especially because there are many prevailing winds and other issues concerning the health and safety of those folks.

A waste transfer station, Madam Chairman, should not be established without significant local input. Preemption voids numerous meaningful State health and safety environmental laws, including those enacted in my State. I believe that people deserve the protection of these laws and the protection that these policies do provide.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I support the gentleman's effort here. The Surface Transportation Board has attempted to insert itself into a matter that the gentleman has very well and thoroughly described, but it is sadly mistaken in its effort to preempt State rights in this arena. So I strongly support the gentleman's amendment.

Mr. SMITH of New Jersey. Madam Chairman, I thank the distinguished chairman for that support.

Mr. OLVER. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to my friend.

Mr. OLVER. It has been my understanding that you were going to withdraw the amendment.

Mr. SMITH of New Jersey. I understand. I thought you might be persuaded by Mr. OBERSTAR's very eloquent intervention, but I understand this is legislating on appropriations.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I think we got a little bit confused by the chairman of the authorizing committee's involvement here. But in any case, I very much sympathize with the gentleman from New Jersey's point of view. There is language in our report that deals specifically with businesses using railroad properties as waste transfer handling points and urges the Surface Transportation Board to ensure that these types of operations are subject to local, State, and Federal regulations as other solid waste facilities are.

So, again, I sympathize with the gentleman from New Jersey and Members from other affected States. My subcommittee will work with the STB to close this legal loophole and prevent instances of illegal handling of solid waste on railroad facilities. But it is an authorizing issue, and we have not allowed authorizing issues in the legislation this year. My ranking member has been particularly insistent and I have been insistent about that as we have moved thus far. And so I would have insisted on my point of order, and I appreciate the gentleman's withdrawing the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Transportation Appropriations Act, 2008".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $16,330,000,000, to remain available until expended, of which $12,137,000,000 shall be available on October 1, 2007, and $4,193,000,000 shall be available on October 1, 2008: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $14,744,506,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary of Housing and Urban Development for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on the amount public housing agencies received in calendar year 2007, by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to Family Self-Sufficiency Program escrow accounts or the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budgets not later than 45 days after enactment of this Act: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: *Provided further*, That up to $75,000,000 shall be available for additional rental subsidy due to unforeseen exigencies as determined by the Secretary and for the one-time funding of housing assistance payments resulting from the portability provisions of the housing choice voucher program: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract.

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: *Provided*, That additional section 8 tenant protection rental assistance costs may be funded in 2008 by utilizing unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years; *Provided further*, That not more than $12,000,000 may be used for section 8 assistance to cover the cost of judgments and settlement agreements.

(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act.

(4) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, for other nonelderly disabled families, of which remaining amount such amount as is necessary shall be made available to provide 1,000 vouchers for rental assistance for homeless veterans in accordance with section 8(o)(19)(B)(ii) of the Act: *Provided*, That incremental vouchers made available under this paragraph for nonelderly disabled families or for homeless veterans shall, to the extent practicable, continue to be provided to such families or veterans, respectively, upon turnover.

(5) $6,494,000 shall be transferred to the Working Capital Fund.

(6) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $5,000,000 shall be available as an incentive bonus as determined by the Secretary for administrative expenses for public housing agencies that voluntarily consolidate, and of which up to $35,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs with up to $30,000,000 for fees associated with section 8 tenant protection rental assistance: *Provided*, That not less than $1,351,000,000 of the

amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle to public housing agencies on a basis as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years: *Provided further*, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8 of the Act, including related development activities.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Page 61, line 10, after the dollar amount, insert "(reduced by $330,000,000)".

Page 61, line 12, after the dollar amount, insert "(reduced by $330,000,000)".

Page 61, line 16, after the dollar amount, insert "(reduced by $330,000,000)".

Mr. CHABOT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Madam Chairman, the section 8 program is a program I believe is in serious need of fundamental reforms, not more money.

Two weeks ago, the House debated H.R. 1851, the so-called Section 8 Voucher Reform Act. But rather than making the program more effective for the individuals who use it and more accountable to the taxpayers who fund it, the bill will create 100,000 more vouchers at a cost of $2.4 billion over the next 5 years.

I offered several amendments to strengthen the bill and bring about some much-needed responsibility to the program, to add, for example, work requirements and time limits and to stop the creation of new vouchers. Unfortunately, those amendments were voted down. And now 2 weeks later, we find ourselves considering a bill that would reward this flawed program by increasing its funding by hundreds of millions of dollars.

When we committed ourselves sometime ago to welfare reform, it was with the understanding that the program should no longer be a tax-funded handout but should instead offer people a way out of poverty, helping them obtain job and education skills they needed to become self-sufficient. Ending welfare cycle of dependencies have cut the welfare rolls in half, promoted individual responsibility, and saved billions of tax dollars in the process. Sadly, current housing programs closely resemble the failed welfare policies of the past.

Like the old welfare programs, the section 8 housing program discourages work and allows people to stay on the program indefinitely. It is also too often mismanaged by local governments or housing authorities.

I represent most of the city of Cincinnati, its western suburbs and few townships in Butler County, Ohio. Too many neighborhoods in my district have had to witness the crime, despair, and hopelessness that are inherent in a government program that asks virtually nothing of the recipients and that encourages dependency rather than responsibility and waste rather than work.

Whether it is the funding provided by the Federal Government or mismanagement of the program by local governments and agencies, section 8 has failed those who use it and those who pay for it: the American taxpayers.

It is also important to point out that the dependency that section 8 has created is so great that there are long waiting lists to get vouchers. Why? Because too many of those who gain access to the program don't leave. They don't really have an incentive to. The average stay is about 7 years.

Madam Chairman, this is a very modest, straightforward amendment. My amendment would simply reduce section 8 vouchers, the funding, by $330 million to bring it in line with the administration's budget request. This bill would spend $16.3 billion on vouchers, asking virtually nothing of its recipients.

On behalf of the American taxpayers, I don't think it is asking too much of this Congress to settle for a smaller increase to a program that spends far too much with too little accountability.

Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I rise in strong opposition to the gentleman's amendment to cut the $330 million from the Tenant-based Rental Assistance account will not hold the program steady at the fiscal 2007 level. It will actually cut somewhere between 40,000 and 80,000 families that are currently in the program. That means that somewhere between 40,000 and 80,000 families, that is a large margin but that is families, that is real people, that currently have a section 8 voucher will find themselves without a home in fiscal year 2008.

Now, we know that rents increase each year. This is a market-based program, and market-based programs do escalate, are subject to inflation.

□ 2215

And that's what this $330 million amount was. It was a deficiency in the President's budget, where the President's budget was presented to the Congress before the actions in this continuing resolution in February of this year were acted upon, were taken by the Congress, and the President signed, ultimately, that legislation in the continuing resolution.

So, his original amount of money was for an entirely different set of circumstances because there was a restructuring of the section 8, the tenant-based section 8 program in the continuing resolution. And keeping the people with the number of vouchers, the vouchers that have been out there, we had to come up with the additional money in this bill which only allows the same number of people to have vouchers.

There is one $30 million amount in here for the first incremental vouchers added to the system in about 6 years; $30 million to be used for new vouchers for nonelderly disabled people and homeless veterans. As my ranking member pointed out, while we were affording 4,000 new vouchers, 3,000 of them go to nonelder disabled people, and 1,000 of them go to nonelder disabled people who also happen to be homeless veterans. That's how the 4,000 is structured. It's a very good, one of only a handful of initiatives in this bill for new vouchers for that particular program.

I can't really fathom why anybody would want to deny thousands of people with disabilities and homeless veterans a chance to live in a safe, affordable home.

I strongly oppose this amendment and urge a "no" vote.

Madam Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Madam Chairman, the thing that I have a problem with is we seem to be, and I know the gentleman is well-intentioned in terms of what he's doing, but we're losing more and more vouchers, and this is one way we're going to lose a substantial amount. If you reduce it by 330 million in tenant-based vouchers, you would have an adversive impact, a significant impact on the number of families that would receive assistance in 2008. So I must rise in opposition to this amendment.

The program today is administered based on the number of vouchers that are under lease. Currently, 13 percent of the 2 million vouchers authorized turn over each year. This means that about 240,000 vouchers are relinquished each year and provided to new families or individuals.

The amendment, if adopted, would mean that about 47,000 vouchers could not be renewed upon turnover nationwide. And after years of trying to increase the use of vouchers so more families could receive assistance, this amendment would greatly undermine that effort.

While it is true that in 2007 the appropriations bill provided significantly more funding than was called for or was needed, reducing next year's funding level will offset the overage provided in 2007. Instead, 2007 funds should be recaptured and used by the Congress. So therefore, I must stand in opposition to this amendment.

Mr. OLVER. Will the gentleman yield?

Mr. KNOLLENBERG. I would be happy to yield.

Mr. OLVER. I thank the gentleman for yielding.

I would also like to point out to the gentleman from Ohio that we have available about, under authorization, 2.1 million vouchers of which this bill only funds 1.9 million of them at the level that we have provided the money with the 4,000 additional vouchers.

I would like to remind that the authorizing committee just brought out legislation and has added 20,000 in authorization for each of the next 5 years. Whether we will have the funding next year to actually provide that money, I do not know, but they're asking for us not only to move upward toward filling the vouchers that presently are authorized, but also adding some additional ones.

And the reason for that is that we have 8 million families roughly, 8 million households in this country which are living at incomes below 30 percent of the median income in their areas, and we are only providing somewhere in the range of 2 million, a little bit less even in this funding, of money for rental assistance for those people. So we're not coming anywhere close to dealing with the poorest people who are eligible under the law as it is written for that rental assistance because their income lies below 30 percent of median income in the area involved.

Mr. KNOLLENBERG. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. HIRONO) having assumed the chair, Ms. BALDWIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HIRONO). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. DAVIS) is recognized for half the time until midnight as the designee of the majority leader.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks and include any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank you for the opportunity to address the House.

I want to, first of all, thank Speaker PELOSI for granting to the Congressional Black Caucus this time on this evening.

I also want to thank our chairperson, Representative CAROLYN KILPATRICK, for deciding that each Monday members of the Congressional Black Caucus will come to the floor with a message to address issues, issues that affect not only African Americans, but issues which are pertinent to the quality of life in these United States of America.

This evening we have chosen to take a look at something called Second Chance, and that is we've chosen to take a look at how do we help successfully reintegrate the more than 650,000 people who come home from jail and prison each year back into a normal setting so that they can become contributing members of society, so that they can become assets and not liabilities, and so that they can be the productive citizens that they have the potential of being.

We all know that it's common knowledge that people being released from prison and jail have complex needs, and that's why Second Chance is so important. Three out of four have a substance abuse problem, but only 10 percent in State prisons and 3 percent in local jails receive formal treatment prior to release. Fifty-five percent have children under 18, and about 2 percent of all United States minors either have or have had a parent in prison. Two out of three lack a high school diploma. And 40 percent have neither a diploma nor GED, and only about one out of three gets vocational training at any point during their incarceration.

Nearly half of those in jail earned less than $600 a month just prior to incarceration, and more than one of three jail inmates reported some physical or mental disability. About one out of five prisoners is released from prison without any real supervision or without any kind of help.

And so when we look at this enormous problem, it is essential that we provide all of the assistance. We know, for example, that those individuals who come out of prison and receive no help, within a 3-year period of time, 67 percent of them would have done what we call reoffend. About 53 percent of them will be back reincarcerated after having used up thousands of dollars of public resources just to get them back in jail or back in prison, not to mention the enormous cost of maintaining them during their stay.

□ 2230

That is why we believe that it makes far more sense to help these individuals return.

You know, it is not easy to get people to come over on a Monday night at 10:30. But one Member of the Congressional Black Caucus has come this evening. Not only has he come this evening, but he comes often. He comes often in terms of the kind of representation that he has provided in this House during his entire tenure, but also the kind of representation that he has provided throughout America trying to make sure that people experience equality, equal opportunity, a sense of justice, and a sense of hope. So I am very pleased that Representative BOBBY SCOTT has joined me.

Madam Speaker, it is my pleasure to yield to him to further discuss this issue.

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman from Illinois for yielding.

Madam Speaker, I want to thank the gentleman from Illinois for scheduling this special order on the Second Chance Act and for his long and diligent labors to move the bill forward as part of his lifetime of dedication to protecting and serving the public's interest.

He has been a dedicated public servant on this issue, ensuring that those who are in prison have a chance to turn their lives around and become productive citizens. That is why he is the chief sponsor of the Second Chance Act.

Congressman DAVIS' efforts not only benefit the offenders, because for everyone who comes out and establishes a law-abiding and productive life, one or more potential victims of crime never become victims, and the taxpayers have to pay less in prison expenses because one less person is not going back to prison.

This is the third Congress in a row that we have been working on this bill on a bipartisan basis. I believe this year we will be successful in passing the bill.

Madam Speaker, over the last decade we have seen an unprecedented explosion in our prison and jail populations. Now there are more than 2.2 million people incarcerated in Federal and State prisons and local jails, a tenfold increase since just 1980. Moreover, the annual expenses for corrections have increased from $9 billion in 1982 to more than $65 billion today. The figures continue to grow. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims of crime.

As a result of this focus in incarceration, the United States leads the world in per capita incarceration rates. The United States locks up 726 inmates for every 100,000 in population, according to 2004 data.

The international average is about 100 per 100,000. 142 in England and Wales, 117 in Australia, 116 in Canada, 91 in Germany, 85 in France. So the United States average is more than seven times the international average of about 100 per 100,000. The closest competitor is 532 inmates per 100,000 in Russia. That is 726 in the United States, Russia, second place, 532 per 100,000.

This year, more than 650,000 people will be released from State and Federal prisons to communities nationwide, along with more than 9 million people leaving our local jails. According to the Department of Justice, 67 percent of offenders leaving State and Federal prison will be rearrested within the next 3 years.

There is a pressing need to provide ex-offenders with education and training, drug treatment and medical and mental health services necessary to afford them the ability to obtain and hold steady jobs.

The statistics underlying the needs of our prison population are staggering. For example, 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison, with some estimates going as high as 84 percent of alcohol or drug use at the time the offense occurred.

Furthermore, one-third of all jail inmates will have some physical or mental disability. Twenty-five percent of jail inmates in fact have been treated at some time for mental or emotional problems. And as has been detailed by many researchers, other deficiencies include limited education and few job skills or job experience.

Evidence from the Department of Justice indicates that the needs for prison population are not being met under the current system. If we allow them to return to their communities with few economic opportunities where they were actually involved in crime and where their friends and associates may still be involved in crime and substance abuse, if we allow them to return to those communities without support, we can only expect to see the extension of the cycle of recidivism.

With bipartisan support in this legislation, we are set to build a broad web of programs which will help break the cycle of recidivism laying at the heart of our prison population explosion. The Second Chance Act provides a host of evidence-based approaches designed to reduce the high rate of recidivism that we are now experiencing.

If we are going to continue to send more and more people to prison with longer and longer sentences, we should do as much as we reasonably can to assure that when they do return to their communities, they don't turn around and commit new offenses and have to go back to prison.

Madam Speaker, let's be clear: The primary reason for supporting the Second Chance Act is not to benefit the offenders, although it does benefit the offenders. The primary reason for doing so is it better assures us that we and other Members of the community will not be victims of crime in the future and because the taxpayer will have to pay less in services under the Second Chance Act than we now have to pay because of the high recidivism rate and having people go back to prison.

So I want to thank again the gentleman from Illinois for holding this special order to bring attention to this important issue and the legislation that has been carefully drawn up to address it. I thank Mr. DAVIS for being the chief sponsor of the Second Chance Act. We are going to work as hard as we can to make sure it passes the House and the Senate.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank Representative SCOTT again for leading the charge in the Judiciary Committee to make sure that this legislation was in fact passed. It has passed out of Judiciary. Without your leadership and the leadership of Chairman CONYERS and the help of individuals like Representative WATERS and Representative WATTS and Representative SENSENBRENNER and a number of others, it never would have happened. So we definitely appreciate that.

Mr. SCOTT of Virginia. If the gentleman will yield further, I would also like to point out it is bipartisan. Representative CHABOT from Ohio and many Republicans on the committee have been strong supporters of the Second Chance Act. That is how it received such an overwhelming vote in the committee.

Mr. DAVIS of Illinois. And definitely Representative Chris Cohen was very helpful and was a chief Republican sponsor of the legislation.

Let me also indicate that I agree with what you just said about America having more of its people in prison than any other developed nation in the world. But the vast majority, 95 percent of those individuals, will eventually return to the community. That is, they will return to the communities from whence they came. That means that every year about 650,000 are released. These men and women deserve a second chance. Their families, spouses and children deserve a second chance, and their communities indeed deserve a second chance. "Second chance" really means an opportunity to turn a life around, a chance to break the grip of a drug habit, a chance to support a family, to pay taxes, to be self-sufficient.

Today, few of those who return to their communities are prepared for their release or receive any supportive services. When the prison door swings open, an ex-offender may receive a bus ticket and spending money for a day or two. Many leave prison to return to the same environment which saw them offend in the first place. But, as they return, they often face additional barriers to reentry: Serious physical and mental health problems, as you just indicated; no place to stay; a lack of education or qualifications to hold a job.

As a result, two out of three will be re-arrested for new crimes within the first 3 years of their release. Youthful offenders are even more likely to re-offend. One-third of all correction departments provide no services to released offenders, and most departments do not offer a transitional program, placing a heavy burden on families and communities.

Considering the cost of incarceration, as much as $40,000 per year, and all the social and economic costs of crime to the community, it is just plain common sense to act to help these individuals reenter, become useful and reduce the level of recidivism.

When we think about it, the Second Chance Act will provide transitional assistance to assist ex-offenders in coping with the challenges of reentry. It will help reunite families and protect communities. It will enhance public safety and save taxpayer dollars. It is the humane thing to do, it is the responsible thing to do, and it is indeed the right thing to do.

The bill has the support of more than 200 criminal justice, service provider, faith-based, housing, governmental, disability and civil rights organizations, and President Bush has signaled his support for the legislation as well.

No single piece of legislation is going to solve the reentry crisis we are facing, but the Second Chance Act is a good start. I believe that with its passage, then we put the spotlight not just on the problem, but on the opportunities for solutions.

I am convinced, however, that any serious effort to facilitate the reentry of men and women with criminal records to civil society must be prepared to do two things: First we must be prepared to help with drug treatment on demand for everyone who requests it; secondly, we must find work for ex-offenders. Programs won't supply jobs. And after ex-offenders have undergone rehabilitation and receive appropriate training, employers will have to open their hearts and put these men and women back into the workforce, or they will surely and certainly end up back in prison.

I hope that everyone watching does in fact agree. I hope that everyone listening does in fact agree. And I certainly hope that all of the Members of this body and all of the Members in the other body will agree. Because when we help a person successfully reenter, we are not really just helping them, we are helping ourselves. I would much rather help an individual get rid of a drug problem than have to watch behind me when I walk down the street, or have to wonder whether or not I am going to be under attack because some person is in need of a $15 fix.

Madam Speaker, this legislation is legislation for America.

Madam Speaker, I include for the RECORD the following statistics on adults on parole.

Adults on Parole, by Race/Ethnic Origin, 2005

State	Parold population, 12/31/2005	White	Black/African American	Hispanic or Latino	American Indian/Alaskan Native	Asian	Native Hawaiian/other Pacific Islander	Two or more races	Unknown or not reported
New Jersey	13,874	2,906	6,679	2,563	19	25	53	0	1,629
New York	53,533	8,770	24,467	18,739	225	312	0	0	1,020
Pennsylvania [a]	75,678	39,517	28,271	6,022	62	295	3	56	1,452
Illinois [b]	34,576	10,124	20,386	3,923	30	90	**	**	23
Michigan	19,978	9,170	10,209	309	132	38	0	0	120
Minnesota	3,966	2,350	996	319	201	0	0	0	100
Missouri	18,374	12,246	5,665	356	55	37	0	0	15
Ohio [b]	19,512	9,717	9,580	156	39	20	0	0	0
Wisconsin [a]	15,505	6,983	6,712	1,209	432	122	**	**	47
Alabama [b]	7,252	2,503	4,670	32	2	8	0	2	35
Florida	4,785	1,940	2,725	105	5	0	0	**	10
Georgia	22,851	7,979	14,872	**	**	**	**	**	0
Louisiana	24,072	8,519	15,432	4	4	2	**	**	111
Maryland	14,271	3,617	10,602	**	13	17	**	**	22
Mississippi	1,970	847	1,104	11	4	2	0	0	2
North Carolina	3,101	1,096	1,801	126	50	9	1	**	18
South Carolina	3,155	1,029	2,081	20	8	1	0	**	16
Texas	101,916	34,561	39,718	26,920	70	163	0	0	484
Virginia [b]	4,499	2,144	2,243	0	2	0	0	0	110
California	111,743	34,535	27,825	44,135	897	1,018	193	0	3,140

** Not known.

[a] See Explanatory notes for more detail.

[b] Some or all detailed data are estimated for race.

Mr. DAVIS of Illinois. Representative SCOTT, I don't know if you have anything else you would like to add. If so, please feel free to do so.

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Mr. SCOTT of Virginia. Madam Speaker, I would like to thank you for introducing the legislation. It not only helps individuals, but saves taxpayer money and reduces crime in a cost-effective manner. Everybody wins with passage of this legislation. I thank you for your leadership.

Mr. DAVIS of Illinois. I thank the gentleman.

Madam Speaker, I hope the next time we come to the floor to talk about ex-offender reentry, we will be congratulating ourselves, we will be congratulating the House, the Senate and the President for having put into play a meaningful piece of legislation that is going to be good for America.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong support of the Second Chance Act, and I thank Mr. DAVIS for introducing this important piece of legislation.

In American we have more than 2-million people in prison. Of these, over 600-thousand are released each year.

Very few of these individuals are prepared to return to their communities or receive support services to ease their transition.

These ex-offenders face serious impediments in obtaining employment, and often have serious mental or physical ailments that remain unaddressed.

Today, approximately half of all black men are jobless. Amongst ex-offenders this number is even higher.

There is revolving door of ex-offenders into many of our neighborhoods.

With few opportunities two-thirds of all ex-offenders are arrested for new crimes within a few years of their release.

We must give these individuals the opportunity to become productive citizens.

The Second Chance Act will go a long way towards this goal by providing transitional assistance to ex-offenders reentering their communities.

It will work to reunite families and provide the appropriate training and rehabilitation for these individuals.

This bill will increase public safety and give millions of ex-offenders a chance to be positive productive citizens. I strongly urge my colleagues support.

Ms. LEE. Madam Speaker. I would also like to thank Congressman DAVIS for his leadership on this issue, and for introducing H.R. 1593, The Second Chance Act, which injects a much needed dose of reality into this debate.

The reality is, recidivism rates continue to rise with nearly 70 percent of released offenders returning to prison within 3 years. By releasing ex-offenders back into our communities without arming them with the necessary tools for survival, we are condemning them to repeat their past mistakes. And this does nothing to reduce the crime rate and provide for safe communities.

Today, we can change the landscape of ex-offender re-entry programs in this country. We need to make rehabilitation a reality not just an abstract proposal. By providing all formerly incarcerated individuals with greater access to education, health care, job placement, and drug treatment we will reduce recidivism rates across the board.

Re-entry programs are critical to reintegrating ex-offenders into civil society. Up to 60 percent of ex-offenders are unemployed a year after their release and up to 30 percent go directly to homeless shelters upon their release. The incidence of drug use among ex-offenders is over 80 percent, twice the rate of the United States population. It's more than clear that something needs to be done.

Madam Speaker, this legislation is especially important to me due to large number of formerly incarcerated prisoners in my district. I am currently helping those who qualify to legally clean up their records. Following the lead of my colleague from Illinois, Congressman DANNY DAVIS, I have hosted two Record Remedy summits in my district. These summits are a resource for the nearly 10,000 people who come back to my District every year after having served their time in jail. We have a vested interest in making sure that people reentering our community do so successfully. Help with cleaning their records provides an opportunity for a second chance to read an application, get a job or go back to school.

Madam Speaker, our criminal justice systems are sorely in need of reform. We must provide formerly incarcerated individuals with the required skills to successfully reenter our communities. And, we must end the cycle of injustice that is perpetuated by a system that continues to punish people, long after they have paid their debt to society. H.R. 1593, the Second Chance Act, is a critical step forward. No one condones criminal activity but I tell you once one serves their time, they should be able to feed their family and move on with their lives.

I urge my colleagues and support the Second Chance Act.

Mrs. JONES of Ohio. Madam Speaker, I have been waiting nearly 30 years for Congress to enact meaningful reentry legislation, as I have been deeply involved in prisoner reentry issues since my days as a judge and county prosecutor in Cleveland, Ohio before serving in Congress. While Cuyahoga County Prosecutor, I helped establish the "Pretrial Diversion Program," as well as the "Municipal Drug Court." Both programs, I am proud to say, still exist and continue to help ex-offenders move on with their lives and become productive citizens of society.

Prisoner reentry is not a Democratic issue. It is not a Republican issue. It is a common sense issue. The facts are clear—meaningful reentry programs significantly diminish the chances that ex-offenders will return to prison. That saves taxpayer dollars and increases public safety. So why not invest in enhancing reentry programs in order to end the cycle of recidivism? That is exactly what the Second Chance Act does.

In 2002, two million people were incarcerated in all federal and state prisons. Each year, nearly 650,000 people are released from prison to communities nationwide. Nearly two thirds of released prisoners are expected to be re-arrested for a felony or serious misdemeanor within three years of their release.

The State of Ohio has one of the largest populations of ex-offenders re-entering the community, with about 24,000 ex-offenders returning to their respective communities annually. Of those ex-offenders, about 6,000 will return to Cuyahoga County and almost 5,000 will re-enter in the City of Cleveland. Statewide, about 40 percent of ex-offenders will return to prison. In Cuyahoga County, about 41 percent will return to prison. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner reentry efforts.

Today, I am proud to stand with my colleague Representative DANNY K. DAVIS as an original co-sponsor of the "Second Chance Act of 2007. This legislation allocates $360 million towards a variety of reentry programs. One of the main components of the bill is the funding of demonstration projects that would provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring services. This broad array of services would provide stability and make the transition for ex-offenders easier, in turn reducing recidivism.

This legislation is critical to successful reentry of offenders. The bill provides as a beginning the essential ingredients necessary to assure public safety and recovery. It will help begin the process of breaking down barriers to successful re-entry and allow offenders and their families the tools necessary to break the cycle of criminality.

This is first-of-a-kind legislation that is critical to successful reentry of ex-offenders. It provides as a beginning the essential ingredients necessary to assure public safety and recovery. It will help begin the process of breaking down barriers to successful reentry and allow offenders and their families the tools necessary to break the cycle of criminality.

A key component of the Second Chance Act is that it makes funds for reentry services directly available to state and local governments and non-profit organizations that offer reentry services. This is important because these are the groups that are committed to reentry and are "on the ground." And if one thing is true, it is that that state and local governments and non-profits need more funds in order to provide reentry services more effectively.

Let me highlight two entities that do wonderful reentry work in my State of Ohio and would stand to benefit from the Second Chance Act: (1) Community Reentry in Cleveland, Ohio, led by Charles See, and on which I sit on the Board of Directors, and (2) the Ohio Department of Rehabilitation and Correction, formerly headed by Reggie Wilkinson, who devoted 33 years of public service to the Department.

Community Reentry, which is part of the Lutheran Metropolitan Ministry, has served the City of Cleveland since 1973 by resettling people who have been involved with the justice system to reduce recidivism and enhance the quality of their lives and the life of the community.

Community Reentry also provides prevention and intervention social services to youth in low-income public housing facilities who are at high risk for involvement in drug or gang activity and future incarceration.

Community Reentry administers a variety of reentry services that benefit the Cleveland community. Let me underscore a few of their programs, all of which are comprised of ex-offenders.

Care Team. Care Team members, also known as "Red Jackets," that serve elderly people and people with disabilities who live in apartments managed by Cuyahoga Metropolitan Housing Authority (CMHA). Care Team members escort residents to the market, doctor's offices and the bank, run errands and assist with light chores.

When one elderly woman was asked how she feels about two of the members of her building's Care Team, she replied, "They're not criminals. They are just like my sons!"

Care Team members are paid employees of Community Reentry. Full time employees receive a full benefits package that includes vacation, health insurance, and pension that is fully vested after 1 year. The recidivism rate for Care Team members is less than 5 percent.

Friend to Friend. The Friend to Friend program recruits, trains and coordinates volunteers to visit men and women in prison. Male volunteers are matched with men at Lorain Correctional and Grafton Prison—both located in Lorain County, Ohio. Female volunteers are matched with women at the Pre-Release Center in Cleveland. The purpose of the program is to reduce social isolation of people who are incarcerated and to help prepare them for reentry into the community.

Volunteers are not asked to do anything they don't already know how to do, and their only job is to be a friend to someone who needs one.

Women's Re-Entry Network (WREN). WREN's mission is to enhance the quality of life for women involved in the criminal justice system, their families, and the community, by helping participants reenter society. The program enhances self-sufficiency and access to resources, increases positive social supports and family ties, overcomes barriers to goal achievement, and reduces the risk of recidivism.

WREN provides a holistic network of mental health, education, employment, family and supportive services in a safe and welcoming environment. It is a place where women can begin the process of rebuilding their lives, reconnecting with family and reclaiming their place as productive members of the community.

As a member of Community Reentry's Board of Directors, I can tell you that these reentry programs work, and investing in their expansion makes sense. I urge you to contact your Representatives and Senators so that they support the Second Chance Act and see that it passes the House and Senate as soon as possible.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Madam Speaker, I want to thank my leadership on the Republican side of the aisle for allowing me to address the House this evening. It is always an honor to come before the House of Representatives and to discuss issues of importance to this Chamber, to this Capitol and to the Nation.

This is a truncated version of the Official Truth Squad because of the hour of the evening. The Official Truth Squad is a group of individuals who come to the floor of the House and try to shed a little light, try to shed a little truth, if you will, on the deliberations going on here in our Nation's Capital and hopefully bring a perspective that will allow Members of the House and this Chamber and men and women across our Nation to be able to gain a little greater perspective on exactly what is going on here in Washington as we struggle with the challenges that we have facing the issues that we have in our Nation that demand so much of our attention and demand, frankly, a greater level of cooperation than is frequently seen here in Washington.

It is one of the things that I strive, along with my colleagues, try to bring about, and that is a greater sense of urgency to solve the challenges that we have, and to address honestly and openly and truthfully the issues we have before us.

We have one special quote that I like to quote that I think kind of puts it all into perspective, especially when you are talking about issues that are so complex in Washington. It comes from Senator Daniel Patrick Moynihan. He used to say everybody is entitled to their own opinion, but they are not entitled to their own facts.

So often here in Washington, people want their opinions to be facts. It is one of the items or issues that the Official Truth Squad attempts to address, and that is trying to talk about facts, trying to bring facts to the table as it relates to any particular issue.

Tonight we are going to talk about at least one issue that is in great need of facts. Madam Speaker, we are in appropriation season. During this period of time, the House works on its multiple appropriations bills and tries to determine exactly how we as a Nation ought to set priorities from an appropriations or a spending standpoint, what level of spending ought to go into the various programs of the Federal Government. And so often, and we just heard it this evening, many people come to the floor and they say, if we just had more money, if we just had more money for this program or that program, that would solve the problem.

And so often it is not money that is needed for programs, especially out across our Nation, because what is needed most often is to free up the wonderful enthusiasm of the American people and the wonderful ingenuity of the American people. What happens is along with the money that comes from Washington comes rules and regulations and strings and stipulations, and makes it that those individuals who are trying as hard as they can to make ends meet and improve their communities and make certain that they are providing for their families, so often what Washington does is ties their hands behind their back and makes it so they are not able to realize the kinds of dreams that they would otherwise be able to realize.

We cite often the Golden Rule. You know what that is. Most folks know what that is, but the Golden Rule of Washington is not what most people across this Nation know. The Golden Rule across this Nation is to do unto others as you would have them do unto you. But the Golden Rule here in Washington is he who has the gold makes the rules. That is especially true during appropriation season because we put all kinds of strings attached to the money that the Federal Government spends.

We often forget, as I am fond of reminding my friends here in the House, of whose money it is, because it is not government's money, it is the people's money. It is hard-earned American taxpayer money.

We have had individuals come even to this well and say, "Keep your hands off my money." My money. It is phenomenal when you hear that, when I go home to the Sixth Congressional District in Georgia, and my constituents ask incredibly insightful questions about that kind of mindset that exists here in Washington. "How can politicians believe it is their money?" This is so important as we are in this appropriation season and as we determine exactly how to spend that hard-earned taxpayer money, and we ought to do it more responsibly, I would suggest, Madam Speaker.

I want to talk tonight about an issue that is near and dear to my heart, and to the heart and well-being of every single American, and that is the issue of health care. Before I came to this body, I was a practicing physician. I was an orthopedic surgeon and practiced for over 20 years in the Atlanta area.

One of the things that drove me into politics or had me stand up and volunteer to get into politics was the recognition and the appreciation that year after year after year would go by as I tried the best I could to care for my patients and worked with my colleagues to provide the best and highest quality of health care we could provide, and year after year, and month after month, and day after day each of us appreciated that there were more individuals in our State capital and in this Capital right here who were making decisions about health care that affected very directly what I could do for and with my patients than anybody I ever met in medical school and anybody I met in residency and training as I was training to become an orthopedic surgeon. That was true for every specialty that I talked to, every single colleague.

If you talk to your doctor, Madam Speaker, or if the Members of Congress would speak to their physicians and to their neighbors, they would appreciate readily that there are so many rules and regulations that are coming from Washington and from State capitals around this Nation that tie the hands, that make it more difficult, not easier, more difficult for physicians and other health care providers to be able to take care of patients. And that's wrong. That is wrong because what it means is we have a lesser quality of health care system than we would otherwise have if the government weren't involved in the way that it is.

And there are all sorts of programs that you can talk about that would lend truth and credibility to that statement, but I want to talk about one specifically this evening that is going to get a lot of discussion, Madam Speaker, here over the next week or two and maybe number of months as we move forward in Washington, and that is the program known as SCHIP, or the State Children's Health Insurance Program.

That is a program that was begun 10 years ago. It was part of the Balanced Budget Act of 1997. It was a program that had wonderful goals. The goals were, specifically, there was a recognition that low-income individuals who weren't eligible for Medicaid, they made too much money to be eligible for Medicaid, but they didn't make enough money to be able to afford health insurance for their families, those individuals ought to be able to have some sort of assistance provided by States and the Federal Government in a complex formula that would allow those families to be able to have health insurance for their children. So hence the name State Children's Health Insurance Program. And it was a laudable goal, without any doubt. And it was passed by a significant majority, and the goal was to increase the enrollment of children who were below 200 percent of the poverty level. That is what was selected as the limit at the time.

Over the last 10 years what happened, however, is a distortion, a significant distortion, of the program so that it covered not just children up to 200 percent of the poverty level, but in some States covered up to 350 percent of the poverty level, and it covered not just children. The State Health Insurance Program covered hundreds of thousands of adults. So like other government programs, it grew.

Government programs in the area of health don't just grow, as I started this conversation talking about, they insert themselves in terms of rules and regulations into the process and make it extremely difficult for those who are charged with the administration of the program, charged with caring for patients in this instance, to be able to care appropriately for them.

So what we saw between 1998 when the State Children's Health Insurance Program was instituted and became effective, at that time there were about 28 percent of the children of this Nation on some sort of government-run health care. In 2005, that number had grown to 45 percent. It is a little more than that right now, but about 45 percent.

The proposal that will be on the floor of the House or certainly in Committee of the House is to move it so that in a relatively short period of time, another 5 years, we will have 70 to 75 percent of children on government-run health care.

We will talk a little bit more about the consequences of that and why many of us believe that is the wrong direction to head, because most of us, most people, most Americans, I believe, are not interested in having a

Washington-controlled, bureaucratic medical model be the one that is making those kinds of personal health care decisions for themselves and their families, and especially for their children.

That is what we are going to talk a little bit about tonight. I am so pleased to be joined by one of my good friends and colleagues, the gentleman from New Jersey (Mr. GARRETT), who has great insights into both fiscal responsibility issues and issues where government tends to intervene in ways that most of us would desire that it not. I am happy to have the gentleman join us this evening, and I yield to the gentleman.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia for coming to the floor this late hour, although on the west coast it is just early evening, and so we welcome all those who partake in these forums that we have that are educational to not only the American public, but also to our colleagues who may be in their chambers learning a little about SCHIP as we go along.

I was listening to your opening comments, and you were right on point on this one, as you are always right. I have great respect for your ability to have a strong grasp of the situation on a whole slew of topics. I sort of focus on certain areas like the U.N., which is one of my pet peeves, or financial services, or education and No Child Left Behind. But I know whether on the floor or at home, I can watch and be assured that you are covering thoroughly a topic of importance to the American people. And SCHIP is one of those topics.

You were just beginning to address the issue of the number of children that will be on SCHIP and the direction that the government is going in this area. Your chart makes the point abundantly clear.

Red is usually a warning sign to people. When the red flashers go off or the red lights flash, you know something is amiss, and I guess you chose the appropriate coloration of your charts that something is amiss.

We see back in 1998, less than a decade ago, a little over a quarter of the kids in this country were under a government-run plan, and now we are looking to see almost three-quarters of the children in this country under a government-run plan.

□ 2300

That is fine. That would be fine if you thought that the U.S. government, if Washington is in the best position to take care of and administer the health of our children.

But you know, you don't have to listen to The Official Truth Squad here on the floor each week to know that things are oftentimes amiss when it comes to the efficiency and the accountability of the Federal Government.

Heck, just look a couple of years ago when the whole issue of Katrina was coming on, there was railing from both sides of the aisle, rightfully so, when we realized that the Federal Government couldn't get into an area where it had an obligation to, and that is, to help out people in a tragic situation, whether it's home settings or others or in a health situation.

Likewise, I think I recall there was railing again against the Federal Government when, again, in an area that the Federal Government does have a distinct responsibility, and that is taking care of our veterans and our men and women who are in the military or returning back from the military to the facility just down the road a piece from here, and there was a question as to the conditions of those medical facilities and whether we're giving those brave men and women all the facilities and care and comfort and proper medical care that they deserve.

Yet, when we know that all those problems exist, there are some, especially from the other side of the aisle in this House and certainly on the other side of the aisle in the Senate, who would say that the solution to the health dilemma in this country is not by turning it back to a patient-doctor relationship, but instead of turning it to a Federal Government/doctor-patient relationship. So we are going in the wrong direction with regard to that.

I'd like to come back to that in a moment or two, but at this point I yield back to gentleman if he would like to speak.

Mr. PRICE of Georgia. I appreciate your comments in pointing out a number of different areas where the government has been intimately involved in health care issues specifically and ones where most individuals across this Nation I believe, Madam Speaker, have questions about the advisability of governmental involvement and the effectiveness of governmental involvement.

We're pleased to be joined by another good friend, the gentleman from Wisconsin, who has been chair and now is ranking member of the Budget Committee, an individual who has great perspective on both fiscal responsibility and the issue of health care as a member of the Ways and Means Committee. We are pleased to have Mr. RYAN join us this evening and I'm happy to yield to him.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding, and I thank the gentleman for his leadership on health care issue, not only the fact that you're practicing physician, but also your leadership here in Congress, and the gentleman from New Jersey as well.

I just listened to this conversation you're having in my office, and I wanted to come down and just add maybe a few facts. I missed part of your debate as I walked over here.

But we're looking at all these various SCHIP bills to renew this program, and we looked at what the other body is doing over in the Senate. They propose a new $35 billion expansion of the program, but what we find in their legislation is that, not only do they provide a $35 billion expansion, they provide another $35 billion expansion after that in 5 years. Then to contort their budgets to make it all work, they actually say that we will cut off 4.5 million children off of SCHIP insurance to make their numbers work, meaning they have a budget gimmick.

The budget gimmick is, they're going to put as much money into this program as possible, but to fit in their contorted budget window, they will just assume that in about 9 years everybody's knocked off of health insurance.

Both you and I know that that's not going to happen, but what we have over here in this body is an even larger SCHIP expansion, a $50 billion SCHIP expansion which translates into $100 billion SCHIP expansion if their full 10-year ambitions are realized.

And what does that mean? What they're talking about is having all families at 400 percent of poverty, a family of four earning $80,000, being on government health care. What they're talking about is the largest expansion of Washington-controlled bureaucratic health care we have seen in decades, and this expansion of Washington-controlled bureaucratic health care is not the recipe for America.

All of us know from the fact that we represent Americans that the cost to health care and the cost of health insurance is an enormous crisis in America today. Finding good quality, affordable health care is a big problem.

And so what the majority is doing is, rather than attacking the root cause of health care inflation, rather than looking at what is producing these high costs, they're simply saying we will just pay for more of that from the government. They simply want to take more control in Washington and go down the same path, the same path where, today, we spend two-and-a-half times per person on health care of any other industrialized world; yet, today, we have 46 million people who have no health insurance.

We have a system today where all the fiscal experts in Washington and across America from the left and the right are telling us health care's unsustainable, the entitlements in this country are bankrupting America, that our children and grandchildren simply won't be able to pay for the government of tomorrow because of the cost of health care today and the trajectory it's on.

We believe in a different philosophy, a different alternative. We believe we can have affordable, accessible health care that is patient-centered, that is patient-driven and patient-controlled health care.

And so that is why we have a very different vision of this Washington-controlled bureaucratic health care, where the patient and his or her doctor are making the decisions in health care, where we actually go at the root cause of health care inflation and attack those causes so that people get affordable health care at a good price and good quality, and that the patients are the ones who are the drivers of the system.

Today, under the third party payment system we have today, either an HMO bureaucrat or a government bureaucrat's making the decisions, and we as consumers really don't care what things cost because someone else is paying the bills. We can't shop around based on quality and price because we don't know what quality and price is or we're told who and where we've got to go to by our closed network. That's a system that's unsustainable. That's a system that we have today, but this is the system that the majority wants to not only expand, but they want to turn more of it over to Washington, more of it over to government bureaucrats making our health care decisions which will cost us even more money, $50 billion to be specific, in this bill that's going through the Ways and Means Committee and Commerce Committee this week.

But the key here is that we have 16 percent of the GDP, 16 percent of the economic output of this country is dedicated to just health care. The Democrats want that to grow and grow and grow. What's ironic about this is the other 84 percent of health care doesn't work like the 16 percent of GDP that health care consumes, because the other 84 percent of our economy operates on the basic free market premise of competition, competition on price, competition on quality. If you don't do a good job, you don't get more business. If you're not price competitive, people aren't going to buy your product.

Unfortunately, that is not how health care works today, and those are the reforms that we want to inject into health care so that people can get affordable, accessible health insurance coverage, health care that is very high quality and that doesn't grow at 6, 10, 20, 18 percent of price increases every single year.

So we have two different philosophies, two different visions of where we want to go to with health care. We very much believe in putting the patient at the center of the equation, giving the patient and their physician control over the health care system so health care providers, rather than oligopolistic pricing, rather than just raising prices on everybody, will compete again for our business on price and quality.

What the majority wants to do is continue this system, where providers continue to raise prices over and over and over, third parties make the decision whether it's a bureaucrat at an insurance company or a bureaucrat in Washington, and they simply want to raise more taxes to pay for more of this.

In this particular bill, they want to cut Medicare patients. They want to raise taxes on low-income individuals in order to pay for this unprecedented expansion of Washington-controlled bureaucratic health care. To me, that's not the right way to go. It's not the right priorities, and what it will do will be to get more difficult for small businesses, individuals, families and even large businesses to be able to afford health insurance.

That's not the path to take. That's the way that's going to bankrupt this country. That's going to raise our taxes and that's going to take health care decisions away from individuals and families.

That's the approach that we want to go, and I just am pleased to see that my colleague from Georgia and New Jersey have joined in this debate on the floor because it's a very important debate. I would argue that the cost and affordability and accessibility of health care is the largest domestic crisis facing America today, and it's high time we do something about this.

I just want to thank the gentleman for including me in this debate.

Mr. PRICE of Georgia. I thank the gentleman for his comments and really succinct presentation of the issue of health care and the philosophical difference between the two parties, philosophical difference between the majority party and our party at this point.

The majority party believes that Washington-controlled bureaucratic medicine, bureaucratic health care is exactly what the country needs, and we don't believe that. We believe firmly in patient-centered health care and patient-centered decisions as it relates to health care.

So I thank you very much, and you point out as clearly as anybody could ever do the philosophy on that side of the aisle, once again, that is, if we just give it more money, give it more money, it will somehow miraculously improve.

You know as well as anybody as the ranking member on the Budget Committee that when the estimates are a certain amount, it's never that amount. So if $50 billion is the estimate for the first 5 years and $100 billion for the 10-year period of time, it will never remain at that level. When folks across America hear that kind of comment, they just better say I better hold on to my wallet.

I'm pleased to yield to you once again if you have any other comments.

Mr. RYAN of Wisconsin. All I would say is I think most Americans realize, if you're spending someone else's money, you are not going to be judicious with that money like you are with your own, and that is what we do here in government.

And in health care, by asking Washington to spend our taxpayer dollars, they are not spending it like it's their own money. Think of what's happening in health care. In health care, they're spending someone else's money, our money, and they're spending it in a very irrational way, and it's giving us high health care costs. That is the basis of this third party payment system.

And so by simply saying we're going to raise taxes to spend more money in Washington on health care in a system that takes control of health care out of the hands of the patient, him- or herself, is just wrong.

I can't think of a more intimate and personal decision you experience in your life than making a decision over your own health care. Yet, they want more bureaucrats to make that decision than individuals. They want Washington to control this system. They want HMO bureaucrats to control this system and not the patient and their doctor.

That is the real core of the issue here, who you trust. Do you trust Washington with your money to make personal decisions for you or do you trust individuals to make them for themselves?

I would argue, and I think the evidence is clear, that when individuals make the decisions for themselves, when they're spending their own money, when they're talking to their doctor and making decisions on their own treatments, with affordable insurance, that the system's going to be far better, people are going to be much more satisfied, and we're going to save a lot more money and we'll have healthier outcomes.

So it's a real difference in philosophy, and where we see competition working, prices go down and quality goes up, even in health care.

I will just give one final conclusion. I used to have really bad eyes. I had 8.5 in this eye and 8.0 in this eye, which means you have really bad eyes, about 2800 vision. In the year 2000 after years and years of wearing contacts, I decided I'm going to get this LASIK surgery, and that LASIK surgery cost me $2,000 an eye for a total of $4,000 out-of-pocket discretionary spending in elective surgery. They used this Excimer Laser at the time, and it went very well. I can see your charts extremely well. I can even see the detail on your tie. You're standing about 20 feet away me, and the LASIK worked well.

Well, what is LASIK procedure now in the year 2007 where it was in the year 2000? It costs $800 an eye at the same place, and they've revolutionized this procedure, revolutionized this Excimer Laser they use four times over. So the procedure is much better in quality, it's much better in recovery, and it costs $800 an eye instead of $2,000 an eye. $1,600 instead of $4,000 seven years ago. Better quality, lower price, because of competition.

So, even in health care, with complicated things like eye surgery, you can see where competition is allowed to work, is allowed to flourish, that good results can occur, and that is the way out of this. That is the way forward, and that is the lesson that we need to learn as we go through this, instead of raising taxes on Americans and having more Washington-controlled bureaucratic health care, which has given us this double digit inflation on health care.

And with that, I'd be happy to just yield back to the gentleman, and I thank him for including me this time debate.

Mr. PRICE of Georgia. Thank you ever so much for your comments and, once again, succinctly pointing out the rationale for why it doesn't make sense for Washington to be controlling health care.

And sometimes I get the question as a physician, what does it mean specifically? What kind of issues would the government insert themselves into? If I think back on personal experience that I have, there are a number of issues where Washington and governments insert themselves into health care. The reason that it sometimes isn't easy to see is because patients don't often see it.

□ 2315

I worked for a period of time in a veterans hospital in Atlanta, and every quarter there were a certain number of joint replacements that were allowed to be done at the hospital. When we got to the end of that number, even though it wasn't the end of the quarter, there were more patients that needed joint replacements, we couldn't do them. We weren't able to do them because the resources weren't there to be able to fund them.

Now, the patients that didn't get their joint replacement in May or June because they were rescheduled to July didn't know that the reason they didn't get their joint replacement in May or June wasn't because there wasn't anybody to do it, or there weren't any prostheses to implant, or the nurses weren't there, or the operating rooms weren't functioning, no. They didn't know that the reason they weren't getting it is because the Federal Government wouldn't pay for it. That was the reason.

So, the government inserts itself in so many ways into the practice of medicine. Medicaid programs are a classic example. Medicaid programs across this Nation, which are government-run health care for lower-income individuals, the vast majority of States have formularies for drug prescription plans in Medicaid, which means that the government is deciding which drugs are available for folks at the lower end of the economic spectrum. That's wrong. That's simply wrong.

Now, there is a way to solve that without the heavy hammer of the government, because when the heavy hammer of the government comes in, what happens is that they just put more restrictions on, or they make a change, and for 2 months it's the right change to make.

But government isn't nimble, it isn't flexible, it can't change easily. Even if it made the right decision at one point in relatively short order, it would be the wrong decision, because science moves on, medicine moves on, health care moves on. There is no way the government can catch up, which is why the importance of having patient-centered decisions, patients and their families making decisions in concert with the consultation with the physician, is so incredibly important.

I yield to my good friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. The last point you make as far as the area of intrusiveness of the Federal Government and how they are sometimes basically out of step with what is appropriate between the normal doctor-patient relationship, maybe that's because the Federal Government and all governments in general always lag behind the private sector, whatever field you might consider, as far as innovation and moving ahead and new areas.

I mean, think about it. You can go to the store tonight and buy any item that you possibly want, whip out your credit card and slip it through a machine. Within seconds that transaction is created, and they know your credit rating and whether you have money in that bank account to pay for that item. It's all done just in the blink of an eye.

Go to your local town hall or go to the IRS or go to anybody else like that and see whether they are up to date with that technology, and you will find out they are not. Those are okay, because that's not a life-and-death situation. But you, as a physician, know that when it comes to a life-and-death situation, or we all know, that we want our children and our spouses to be able to have the most up-to-date, the most innovative, the most advanced technology available to them.

I think that is going to be found on the marketplace of ideas that is in the general marketplace, as opposed to the convoluted, Byzantine system that we call this, the Federal Government.

Mr. RYAN just stated that what the Federal Government is attempting to do here, with the expansion of this program, as we come to the floor tonight, we mark approximately the sixth month of control of the Federal Government under Democrat leadership. As we mark this sixth month, we have seen the largest expansion in taxes, the largest tax increase in U.S. history. I guess, as we discussed here on the floor tonight about the Democrat plan for the expansion of the SCHIP program, we see the largest expansion intrusion into the family and personal life by the health system, by the expansion of the SCHIP system.

The point I just wanted to make, though, is take a look at how the system has worked so far with respect to the system, the distribution of money to the States. If you go back to I guess it was 1968 or 1969, the first couple of years under the Nixon administration, and he came up with a program of distributing money to the States that was called revenue sharing. That was a new idea at the time, and after a time we realized it didn't really work exactly the way Nixon intended it to do. In fact, he tried to do it in certain areas like education and was never able to get it into legislation. Yet the same sort of idea here, in the original version and the version that will be coming out in the Senate as well.

In a similar situation that we can all relate to, say you have four kids in your family, and you are going to give them all $40 to spend each week. So you give each one of your children $10 each. So here, Child One, Two, Three, Four, presumably you have better names than that for them, here is $10 each. You each get to spend it on anything you want during the course of this week. But, mind you, when the weekend comes, if you don't spend it, if one of the other ones here happens to go over their budget, and you didn't spend it all, what we are going to do is redistribute those funds to the other child there.

What do you think that your kids are going to do? I would imagine that each one of them is probably going to go out as soon as they possibly can, spend that full $10, and maybe even spend $11 just hoping that there will be some money left over from their siblings there to spend it.

Well, children, not to make the comparison here to the States, but the States here are a lot like children in this situation. This system was set up with $40 billion initially spread out to all the States. It was done, you might say, as fair as the Federal Government goes, as far as how many children may be in the program versus how many children are under other programs. But what happened immediately after that, when they told the States, now, look, if you don't spend your money, we are going to take your leftover money and send it to the other States? Well, initially, in the first couple of years, a number of States did not spend all their money. In 2001, only 12 States exhausted their entire allotment. However, once they saw how that all came down, in 2006, 40 States used all available funds. In that same period of time, unused State funds dropped from $2 billion to only $170 million.

So, finally, in this past appropriations, we had to step in, because there was too few States not spending all their money, too many States spending it. So we had to come up with spending of an additional $393 million that was recently appropriated to address the 2007 shortfall. That just goes to show you one of the inherent problems in the system and the way it has been administrated in the past and, I believe, will continue under this system as well.

Mr. PRICE of Georgia. I thank the gentleman for pointing out the shortfall of Federal Government rules, because they can't ever catch up.

My State, Georgia, was one of those States that spent too much. It spent too much, we would argue, in Georgia, because we were too efficient at signing up children in the program.

Because the formula wasn't flexible, wasn't nimble enough, couldn't accommodate for a State that overperformed, if you will, then it wasn't able to be able to get the match that it was promised. Whether or not that should have happened in the first place is a different question. But the fundamental challenge that we see in all of this is that the Federal Government can't respond, and it can't respond in so many different ways.

But what we see with this chart here that my colleagues know very, very well, and that is that there are all sorts of children out there right now across our Nation that are covered by private insurance. What happens when the Federal Government and the States get involved and they say, let's put this carrot in front of you; let's entice you to come and join government-run health care? What happens?

The fact of the matter is that there is a crowd-out phenomenon, that individual families who currently have private insurance, either they or their employer looks at the program and they say, well, we could save that money by having you enroll your children in government-run health care.

Mr. RYAN of Wisconsin. So what the gentleman is saying is because you have so many families and children with private health insurance, with this new expansion, taxpayers will be replacing that private health insurance and paying for families who already have health insurance?

Mr. PRICE of Georgia. That's exactly right. That's what we saw with the previous program. It happens every time when you have a government program that potentially can supplant the private program.

In 1996, 28 percent of the children in our Nation were covered by some sort of government-run health insurance. In 2005, 45 percent. This is a combination of SCHIP and Medicaid.

Now, the problem is that when you look at the number of children that are covered by private health insurance in our Nation, up to 200 percent, 50 percent of them are already covered by private health insurance. If you go up to 300 percent, which is what the Senate proposes, 70 percent of the children in America whose families have incomes less than 300 percent have some form of private health insurance.

Mr. RYAN of Wisconsin. At 400 percent?

Mr. PRICE of Georgia. At 400 percent it's nearly 90 percent.

Mr. RYAN of Wisconsin. So in the bill that's coming to the House which takes SCHIP to have government, Washington-controlled, bureaucratic health care, for all children at 400 percent poverty, those families, 89 percent of those family already have health insurance. We are talking about having the government step in, raising taxes on taxpayers, and having the government take over the provision of health care for a group of families, 89 percent of whom right now have private health insurance?

Mr. PRICE of Georgia. That's exactly right. That is the crux of the matter. If everything else were equal in the system, if it were to allow for the same kind of ability for patients and families and doctors to make decisions, that might be one thing. But as we have talked about, and as everybody across this Nation knows, that's not the case.

When you have government get involved in the provision of health care, government is going to make decisions about where you can be treated, who can treat you and what kind of treatment you can have. That's where the personal health care decisions go away from the individual. I don't believe, and I know you don't believe, that that's what the American people want. It's up to you.

Mr. RYAN of Wisconsin. So just to expand on this point a little bit further, we have here a situation where 89 percent of the children in these families are already covered by private health insurance that their parents had purchased, that their parents and employers probably had provided them. So what we are proposing here in this bill is that we raise taxes on the American taxpayers, and that we pay for government-controlled health care to replace that health insurance that they already have.

Mr. PRICE of Georgia. Yes.

Mr. RYAN of Wisconsin. So we are going to pay for a system that we already have coverage of so that we can raise taxes and have the government control their health care system. That is a system, that is a sense of priorities that just doesn't square with the American people that I know. That is not what people in Wisconsin sent me to Congress to do.

I don't believe the American people, if they really know the truth and the facts surrounding this issue, want to see their taxes raised so that Washington controls the health care for all of these families, for all of these children, especially when they already have health care provided to them.

I think people understand that if we truly have uninsured poor children, that they ought to get health insurance. I think there is no disagreement here about making sure that uninsured low-income children receive health insurance.

But talking about providing government-controlled health care to families that already have health insurance and raising taxes to do that, that just doesn't jive with the priorities of the American people and the American taxpayer, in my opinion.

Mr. PRICE of Georgia. No, it doesn't make any sense at all. It lays bare the true motive and the true philosophy, which, on the other side of the aisle, at least the true leadership who are pushing this legislation, their belief is that government knows better how to spend people's money than the people themselves. This stretches all the way into the area of health care, which, as you mentioned, are very personal, personal, health care decisions.

Mr. GARRETT of New Jersey. I know that the gentleman from Wisconsin would be able to elaborate on this in much more detail, but in the best case scenario, would that the Federal Government be awash with cash right now, and would that we had no mandatory spending problem going on in the Federal Government right now, maybe some people would want to sit down right now and say, how can we spend our extra dollars around the country?

But as the gentleman can elaborate in much detail, and we have seen in the Budget Committee for the first months of this year, testimony after testimony after testimony, expert after expert after expert from all spectrums of authority, we are now in that situation where we find ourselves with the Federal Government and mandatory spending going out of control. There are legitimate groups within that that the American public would agree with, or those that we should be targeting, to make sure that they do.

The aged, the poor, the infirm, who desperately need medical care and are not able to cover it by themselves and are not fortunate enough to be able to work any longer, and who are not working now and covered by an employer plan, and did not unfortunately work for a company that provides for a company-sponsored plan after their termination at work, those are the people that the American public would ask that's where our focus would be.

But do we find ourselves in our situation right now where we can say that we have all the other mandatory spending under control that we can address this now?

Mr. RYAN of Wisconsin. All three entitlement programs that are in place today, Medicare, Medicaid Social Security, all go bankrupt in about 10 years. It's because we are doubling the amount of retirees in this country at a time where we were only increasing those taxpayers into the program by 17 percent.

So we are seeing a 100 percent increase of the consumers of those three entitlements, while only experiencing a 17 percent increase of the taxpayers in these entitlements. That's why these three programs are going bankrupt. That's why these three programs will consume 100 percent of our budget by about 2030. By about the year 2040, when my kids are my age, they will have to pay twice the level of taxes we pay today just to keep today's Federal Government going at that time.

□ 2330

We have run this Federal Government remarkably constant at about 18 percent of GDP. We have had to tax the U.S. economy at about 18 percent of the output of the economy just to run the Federal Government for about the last 40 years. And what we are on the trajectory today because of the aging of America and way the entitlement programs are designed and the baby boomers retiring, my children will have to pay 40 percent of GDP just to keep today's Federal Government going when they are at my age group. You can't have a strong growing economy, a high standard of living.

So what we are in the middle of doing here, we are deciding whether or not we are going to sever that American legacy to our children and grandchildren. And the American legacy that I was taught by my parents was that you leave the country better off for the next generation than when you received it. You leave a standard of living better off for your children and grandchildren than that which you received from your parents. We are at risk of severing that legacy for our children and grandchildren if we are going to confound them to a system to where they will literally have to pay twice the amount of taxes to just the Federal Government than we do today.

At a time when we are in tough competition and globalization with China and India, it is impossible to pretend that we are going to be able to enjoy this kind of standard of living if we are requiring our kids and our grandkids to pay double the amount of taxes they pay today to Washington when they are in our age bracket. It will just be fundamentally irresponsible if this is the future we would confine them to, yet that is exactly the trajectory we are on today.

Mr. PRICE of Georgia. You are absolutely right. And to give some credibility to that from a pie chart standpoint, these are the mandatory spending programs, and all of what you said happens unless we act. Unless we act as a Congress, all of these things happen.

In 1995, those three programs were this yellow portion, about percent 48.7 percent of Federal spending. In 2005, about 53.4 percent. In relatively short order, 2017, 62.2 percent. And, as you mentioned, in 2030 the yellow portion of that will be the entire pie.

Mr. RYAN of Wisconsin. And if the gentleman will yield, so the blue portion, which is what we call discretionary, that is national defense, the Department of Education, the Department of Commerce, the Department of Energy, Transportation, roads, bridges, the Pentagon, all of those things are the blue portion. There won't be any money left for those, Will there?

Mr. PRICE of Georgia. You are absolutely right. And that is why you mentioned the significant increase in taxes that would be required, and that is if we don't do anything. That is why it is so imperative that we act, which is why it was so astounding to me that this new majority that came in with this "new direction" that they were going to take us on for our Nation. You know what happened when they had the opportunity to bring about some entitlement reform.

What happened with the bill that they passed this year in their budget was no entitlement reform, in spite of the fact that we worked as diligently as we could back in 1997 with the Balanced Budget Act, about $130 billion of entitlement reform, and fought like the dickens, as you remember, in 2005 with the Deficit Reduction Act to get about $40 billion in entitlement reform.

But this new majority comes in with the previous chart that we saw, increases in Social Security spending, increases in Medicare spending, increases in Medicaid spending, the prospect of another $100 billion entitlement with the SCHIP program if they have their way, and no reform. Can you imagine what that is going to do to our economy?

Mr. GARRETT of New Jersey. If the gentleman would yield, And lest anyone following this get confused when we talk about the tax increases, the gentleman from Wisconsin set it out and you followed up with quite some detail, as far as the tax increase necessary in order to pay for those entitlement expansions over time. That would be in addition to what we have already seen has occurred during this first 6 months in office.

In other words, we have already seen the largest tax increase in U.S. history. And the current tax increase means that 115 million taxpayers are going to see a $1,716 increase in their tax bill in just a couple years; 84 million women would see their taxes go up by $1,970; 42 million families with children, which is what we are down here talking on the floor about right now, those children, trying to be sure they have health insurance. Those 42 million families with children will see an increase of over $2,000 in their taxes already this year because of what the Democrats have done. And what you are speaking of is going to be in addition to and on top of that.

In trying to just throw some numbers to the percentages that you were throwing out there before as far as this expansion of children that will come under this program now, those children who may be just living across the street from us who their dads or moms work for a company right now that provides them insurance, all of a sudden those companies don't provide it anymore because now the government, we are going to pay for it.

Or those children who have parents who have retiree benefits and are getting insurance for them now, they will no longer have to get it from their retirement pension programs; the government, meaning taxpayers, will pay for it.

The CBO just came out with some numbers on this, and real numbers means that for the first, just the expansion of the program as far as additional dollars means 600,000 new children who used to yesterday have coverage under the private sector will now look to the taxpayer to pay for it; and another 600,000 children yesterday who had insurance, whether through pensions or their parents' employers, will now look to the Federal taxpayers. So 1.2 million children. Now, that is under the House version. That number, I haven't gotten a CBO estimate yet, would be even greater under the Senate version as far as children expanded into this program who are already covered.

Mr. PRICE of Georgia. I appreciate your pointing out the issue of taxes, because there has also been work that has laid out the tax increase for the average citizen in every State across this Nation. And in Georgia, that average increase is $2,700 average tax increase when those tax increases go into effect if they are not changed. They were included in this budget that included no entitlement reform. In Wisconsin, the average number was $2,964. And New Jersey is a big winner, average increase $3,779.

Mr. GARRETT of New Jersey. We are number one in a number of things, in the number of taxes that we pay and the number of taxes that the Democrats are going to make us pay in the future as well.

Mr. PRICE of Georgia. I want to thank you all for joining us tonight. I do want to close on a positive note, and that is that there is an alternative. And the alternative, as we talk about, is patient-centered health care. And patient-centered health care, as you know, puts the opportunity and the right and the privilege and the responsibility for decisionmaking among patients and their doctors, among families and their doctors. And the way to do that is to structure a tax system that allows individuals, incentivizes individuals to purchase health insurance, through whether it is tax deductions or tax credits, or advanceable refundable tax credits, through high-risk pools, through risk pools that allow people to pool together, making certain that individuals have the same kind of tax treatment for the purchase of health insurance as employers do now, as businesses do now, all sorts of wonderful ways to bring about the opportunity for folks to purchase health insurance.

So it is not whether or not you have the current system or whether you march down the road to more Washington-controlled bureaucratic medicine. There is another way. And I know my good friend from Wisconsin has worked on this extensively on Ways and Means, and I would be pleased to hear your comments.

Mr. RYAN of Wisconsin. I just think that we have a different vision, and that vision is that we believe we can provide a system that gives us universal access to affordable health insurance for all Americans, where they and their physicians are the nucleus of the medical system. What the majority is offering is a bankrupting entitlement system, massive tax increases unprecedented, in addition to the largest tax increase in American history that they have already passed here on the floor this year, and more Washington-controlled bureaucratic health care, where bureaucrats, either HMO bureaucrats or government bureaucrats make the decisions in health care rather than patients and their physicians. We can come up with a system that is patient centered, where every American has access to affordable health insurance, where we have universal access to affordable health insurance throughout America. Or that person who has a risky health care profile, may be overweight and has diabetes, has a history of cancer in the family, we can come up with a system where that person, too, can get affordable health insurance and get access to it without having the government run the entire system, without have to go through a government or an HMO bureaucrat to make decisions on how you get your care. You ought to be able to go to your doctor and come up with a good treatment plan that works for you, and that is where the decisions ought to be made.

And more important to that, all the health care providers, the hospitals, the physicians, all those who are in charge of providing care in the health care system will compete against each other for the consumers and the patients' business. That is the vision we see, where everybody has access to affordable health care and it is a patient-centered system, not a government-driven, government-run, bureaucratically controlled system. And I just thank the gentleman from Georgia and the gentleman from New Jersey for taking this time to address this incredibly important issue.

Mr. PRICE of Georgia. I appreciate the gentleman's comments from Wisconsin. And this is what we believe, patient-centered health care, and we going to work on putting some limbs and leaves on the tree of this over the next number of weeks and number of months, and make certain that the American people understand, Madam Speaker, that there is an alternative and it is a positive alternative. Because we live in a wondrous and a grand Nation, and a Nation where when individuals are allowed to encourage their own visions and their own dreams and their own entrepreneurship and their own work, that they can decide what is best for themselves, not government.

Nobody across this Nation I believe is truly interested in having Washington-controlled bureaucratic medicine, yet that is the road that we are about to march down if this new majority has their way. Our alternative is patient-centered, patient-centered health care and allows individuals to make decisions with their families and with their physicians and with their health care providers.

I look forward to working with colleagues on both sides of the aisle to make certain that as we move forward on this issue, that we move forward in a way that ensures that those decisions, those very personal decisions are able to be made in a very personal way without the government limiting care, without the government determining where you can be seen and who can see you and what kind of treatment you would receive.

Madam Speaker, on that positive note and looking forward to patient-centered health care across this Nation, I want to once again thank the leadership for allowing us to spend this time on the floor.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE (at the request of Mr. HOYER) for today and through August 3, 2007.

Mr. ENGEL (at the request of Mr. HOYER) for today on account of a delayed flight.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today on account of family medical reasons.

Mr. KING of Iowa (at the request of Mr. BOEHNER) for today on account of official business.

Mr. JORDAN of Ohio (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. CHABOT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 27 and 30.

Mr. JONES of North Carolina, for 5 minutes, July 27 and 30.

Mr. BURTON of Indiana, for 5 minutes, today and July 24, 25, 26, and 27.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

ADJOURNMENT

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 24, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2604. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2002-0043; FRL-8131-3] received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2605. A letter from the Publications Control Officer, Department of Defense, transmitting the Department's final rule — Law Enforcement Reporting (RIN: 0702-AA56) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2606. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Amendments to

Bank Secrecy Act Regulations Regarding Casino Recordkeeping and Reporting Requirements (RIN: 1506-AA84) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2607. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting and Secondary Copper Smelting Area Sources [EPA-HQ-OAR-2006-0510; FRL-8334-4] (RIN: 2060-AO46) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2608. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Lancaster 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2006-0840; FRL-8333-6] received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2609. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Tioga County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2006-0862; FRL-8333-7] received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2610. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact [EPA-HQ-OAR-2003-0090; FRL-8332-2] (RIN: 2060-AO05) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2611. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grapeland, Elgin, Burnet, Cameron, Calvert, Junction and Mason, Texas) [MB Docket No. 03-149 RM-10725] received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2612. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Burmese Sanctions Regulations — Recieved June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2613. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Locality Pay Area (RIN: 3206-AL27) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2614. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Locality-Based Comparability Payments and Evacuations Payments (RIN: 3206-AL09) received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2615. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-123-FOR] received June 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2616. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of Trips in the Closed Area II Yellowtail Flounder Special Access Program [Docket No. 070427094-7113-02, I.D. 042407A] (RIN: 0648-AV50) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2617. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket No. 070110003-7111-02; I.D. 112006A] (RIN: 0648-AS89) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2618. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York and Vicinity [CGD01-06-023] (RIN: 1625-AA01) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Peru, IL. [Docket No. FAA-2007-27110; Airspace Docket No. 07-AGL-1] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Data Breaches (RIN: 2900-AM63) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2621. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Exclusions from Gross Income of Foreign Corporations [TD 9332] (RIN: 1545-BG00) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2622. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 355. Distribution of stock and securities of a controlled corporations 26 CFR 1.355-3: Active Conduct of a Trade or Business (Rev. Rul. 2007-42) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Uunder clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 31. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects (Rept. 110–243). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; with an amendment (Rept. 110–244). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997; with an amendment (Rept. 110–245). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 716. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; with an amendment (Rept. 110–246). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 761. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; with an amendment (Rept. 110–247). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1239. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; with amendments (Rept. 110–248). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1285. A bill to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; with an amendment (Rept. 110–249). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1388. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; with an amendment (Rept. 110–250). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1503. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; with an amendment (Rept. 110–251). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the

Bay Area Regional Water Recycling Program, and for other purposes; with an amendment (Rept. 110–252). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2400. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes; with an amendment (Rept. 110–253, Pt. 1). Ordered to be printed.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 176. A bill to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs; with an amendment (Rept. 110–254). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 562. Resolution providing for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–255). Referred to the House Calendar.

Mr. PETERSON of Minnesota: Committee on Agriculture. H.R. 2419. A bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; with an amendment (Rept. 110–256, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 2844. A bill to promote United States emergency and non-emergency food and other assistance programs, to promote United States agricultural export programs, and for other purposes; with an amendment (Rept. 110–257, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 2400 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XII the Committee on Foreign Affairs discharged from further consideration. H.R. 2419 referred to the Committee of the Whole on the state of the Union.

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2844 referred to the Committee of the Whole on the State of the Union.

TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on July 20, 2007]

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than September 7, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. HINOJOSA):

H.R. 3122. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself, Mr. RAMSTAD, Mr. CONYERS, Mr. WALBERG, Ms. ZOE LOFGREN of California, Mr. PENCE, Mr. LANGEVIN, and Mr. BLUNT):

H.R. 3123. A bill to extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section; to the Committee on the Judiciary.

By Mr. ABERCROMBIE:

H.R. 3124. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ:

H.R. 3125. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that their income, estate, or gift tax payments be spent other than for purposes of supporting the war in Iraq and to provide that amounts so designated shall be used to provide funding for Head Start, to reduce the national debt, and to provide college funding for children of Iraq war veterans; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. WATT, and Mr. FRANK of Massachusetts):

H.R. 3126. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes; to the Committee on Financial Services.

By Mr. BECERRA (for himself and Mr. GENE GREEN of Texas):

H.R. 3127. A bill to amend title XIX of the Social Security Act to assist low-income Medicare beneficiaries by improving eligibility and services under the Medicare Savings Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 3128. A bill to direct the Secretary of Defense to conduct a study on the feasibility of using military identification numbers instead of social security numbers to identify members of the Armed Forces; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 3129. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Ms. HOOLEY:

H.R. 3130. A bill to amend title V of the Public Health Service Act to provide for enhanced comprehensive methamphetamine treatment services; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 3131. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CARNEY, Mr. COSTA, Mr. DAVIS of Illinois, Mr. FARR, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. LEE, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SHIMKUS, Ms. SLAUGHTER, Ms. SOLIS, Mr. TAYLOR, and Mr. WEXLER):

H.R. 3132. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and Labor.

By Mr. SCOTT of Georgia (for himself and Mr. SHAYS):

H.R. 3133. A bill to authorize the Secretary of the Treasury to make grants to States, units of general local government, and nonprofit organizations for counseling and education programs for the prevention of predatory lending and to establish a toll-free telephone number for complaints regarding predatory lending, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS (for herself, Ms. LEE, and Ms. WOOLSEY):

H.R. 3134. A bill to prohibit the use of funds for training and equipping the Iraqi Security Forces; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to make permanent the child tax credit and to allow for adjustments for inflation with respect to the child tax credit; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 3136. A bill to provide for enhanced retirement benefits for administrative law judges; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Ms. MATSUI, Mr. MCNULTY, Mr. GERLACH, and Mr. LEVIN):

H. Con. Res. 189. Concurrent resolution urging all sides to the political crisis in Ukraine to abide by the May 27, 2007, agreement which calls for a new round of parliamentary elections on September 30, 2007, and to ensure a free and fair, transparent democratic system in Ukraine based on the rule of law; to the Committee on Foreign Affairs.

By Ms. CORRINE BROWN of Florida:

H. Res. 563. A resolution honoring the life and achievements of Ronald H. Brown and commending the example that he set for the African-American community; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BURTON of Indiana):

H. Res. 564. A resolution recognizing that violence poses an increasingly serious threat to peace and stability in Central America and supporting expanded cooperation between the United States and the countries of

Central America to combat crime and violence; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 3137) for the relief of Web's Construction Company, Incorporated; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. STUPAK, Mrs. NAPOLITANO, Mr. FRANKS of Arizona, Mr. ISRAEL, Mr. EMANUEL, Mr. KINGSTON, Mr. MCGOVERN, Ms. KILPATRICK, Mr. RUSH, Mr. KUCINICH, Mr. ALEXANDER, and Ms. WASSERMAN SCHULTZ.

H.R. 45: Mr. DAVIS of Illinois.

H.R. 279: Mr. BARTLETT of Maryland.

H.R. 346: Mr. CARNAHAN and Ms. ZOE LOFGREN of California.

H.R. 368: Mr. LINCOLN DAVIS of Tennessee, Mr. BOOZMAN, Mr. COHEN, Mr. YARMUTH, Ms. ROS-LEHTINEN, Mr. SPACE, and Mr. LAHOOD.

H.R. 405: Mr. BOSWELL.

H.R. 418: Mr. KIRK.

H.R. 457: Mr. WALBERG.

H.R. 464: Ms. CARSON.

H.R. 543: Mr. UDALL of New Mexico.

H.R. 563: Mr. PLATTS.

H.R. 676: Ms. HIRONO.

H.R. 743: Mr. TOWNS, Mrs. BACHMANN, Mr. LATHAM, Mr. KIND, and Mr. BUYER.

H.R. 782: Mr. GINGREY.

H.R. 783: Mr. LAMBORN.

H.R. 821: Mr. LIPINSKI.

H.R. 871: Ms. LINDA T. SÁNCHEZ of California.

H.R. 928: Mr. MOORE of Kansas and Mr. BISHOP of Georgia.

H.R. 946: Ms. ZOE LOFGREN of California.

H.R. 947: Mr. PASCRELL.

H.R. 948: Ms. MCCOLLUM of Minnesota.

H.R. 969: Ms. LINDA T. SÁNCHEZ of California, Ms. CASTOR, Mr. WALSH of New York, and Mr. CASTLE.

H.R. 989: Mr. TIBERI.

H.R. 1014: Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. JEFFERSON.

H.R. 1108: Mr. TIERNEY and Mr. CONYERS.

H.R. 1223: Mr. FILNER.

H.R. 1240: Ms. CARSON and Mr. BACA.

H.R. 1293: Mr. NEUGEBAUER, Mrs. BIGGERT, Mr. MATHESON, Mr. CHANDLER, Ms. HERSETH SANDLIN, Mr. LATHAM, Mr. BILIRAKIS, and Mrs. WILSON of New Mexico.

H.R. 1376: Mr. KENNEDY.

H.R. 1389: Mr. HINCHEY.

H.R. 1391: Mr. SMITH of Washington.

H.R. 1398: Mr. PRICE of Georgia and Mr. SOUDER.

H.R. 1400: Mr. MARKEY.

H.R. 1418: Mr. HINOJOSA.

H.R. 1420: Mr. TOWNS.

H.R. 1440: Mr. VAN HOLLEN, Mr. BOREN and Mr. TOM DAVIS of Virginia.

H.R. 1461: Mr. WU and Mr. BLUMENAUER.

H.R. 1506: Mr. WALSH of New York.

H.R. 1553: Mrs. MALONEY of New York, Mr. BRADY of Texas, Mr. RAHALL, Mr. ABERCROMBIE, and Mr. WELCH of Vermont.

H.R. 1621: Mr. YOUNG of Alaska, Mr. WYNN, and Mr. SESSIONS.

H.R. 1655: Mr. SPRATT and Mr. PASTOR.

H.R. 1707: Mr. FRANK of Massachusetts and Mr. KAGEN.

H.R. 1709: Mr. ALTMIRE.

H.R. 1801: Mr. ELLISON.

H.R. 1961: Mr. KUCINICH.

H.R. 1967: Mr. PRICE of Georgia.

H.R. 1971: Ms. DEGETTE and Mr. PAYNE.

H.R. 1990: Mr. KIND.

H.R. 1992: Mr. LOEBSACK.

H.R. 2183: Mr. ALEXANDER.

H.R. 2188: Mr. RYAN of Ohio.

H.R. 2265: Mr. ALLEN and Mr. JACKSON of Illinois.

H.R. 2266: Mr. YOUNG of Alaska.

H.R. 2329: Mr. MARSHALL, Mr. NEUGEBAUER, Mr. MEEKS of New York, Ms. HOOLEY, Mr. BOREN, and Mr. BURTON of Indiana.

H.R. 2347: Mr. ENGEL.

H.R. 2370: Mr. PAYNE.

H.R. 2387: Mr. POE.

H.R. 2407: Mr. BOREN and Mr. LAMPSON.

H.R. 2425: Mrs. MCMORRIS RODGERS.

H.R. 2439: Mr. MORAN of Kansas.

H.R. 2443: Mr. SALAZAR and Mr. ARCURI.

H.R. 2475: Mr. INSLEE.

H.R. 2490: Mrs. MYRICK.

H.R. 2505: Mr. SOUDER.

H.R. 2580: Mr. BAKER.

H.R. 2586: Ms. KAPTUR.

H.R. 2610: Mr. RYAN of Ohio.

H.R. 2639: Mr. GILLMOR and Mr. BONNER.

H.R. 2702: Mr. MCGOVERN.

H.R. 2758: Ms. DELAURO and Mrs. MALONEY of New York.

H.R. 2761: Mr. HIGGINS.

H.R. 2778: Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. REYNOLDS, Mr. WALSH of New York, and Mr. VELÁZQUEZ.

H.R. 2784: Mr. MICA, Mr. BUYER, Mr. HULSHOF, Mr. SIMPSON, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Ms. FOXX, Mr. CAMP of Michigan, Mr. PLATTS, Mr. BURGESS, Mr. WESTMORELAND, Mr. HASTERT, Mr. TIM MURPHY of Pennsylvania, Mr. UPTON, Mr. HOBSON, Mr. COLE of Oklahoma, Mr. DENT, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. CULBERSON, Mr. GINGREY, Mr. DANIEL E. LUNGREN of California, Mr. MCCOTTER, Mr. LAMPSON, Mr. GONZALEZ, Mr. REYES, Mr. CUELLAR, Mrs. MCMORRIS RODGERS, Mr. GOHMERT, Mr. ENGLISH of Pennsylvania, Mr. KNOLLENBERG, Mr. BLUNT, Mr. BOOZMAN, Mr. TERRY, Mr. YOUNG of Alaska, and Mr. SULLIVAN.

H.R. 2792: Mr. PRICE of North Carolina.

H.R. 2818: Ms. DEGETTE and Mr. COHEN.

H.R. 2851: Mr. BERMAN, Mrs. EMERSON, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. DINGELL, Mr. INSLEE, Mr. KENNEDY, Ms. DEGETTE, Mr. ACKERMAN, Mr. RAMSTAD, Ms. WOOLSEY, Ms. CARSON, Mr. MICHAUD, Mr. ISRAEL, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. BUTTERFIELD, Mr. SERRANO, Mr. STUPAK, Ms. HERSETH SANDLIN, Mr. SPRATT, Ms. VELÁZQUEZ, Mr. OLVER, Mr. WEINER, Mr. CROWLEY, Mr. MARKEY, Mr. PERLMUTTER, Ms. HIRONO, and Ms. MCCOLLUM of Minnesota.

H.R. 2852: Mr. YOUNG of Alaska, Ms. MCCOLLUM of Minnesota, and Mr. SCHIFF.

H.R. 2861: Mr. DAVIS of Illinois.

H.R. 2874: Mr. ALTMIRE and Mr. YOUNG of Alaska.

H.R. 2885: Mr. CLAY.

H.R. 2892: Mr. NADLER.

H.R. 2894: Mrs. CAPITO, Mr. BROWN of South Carolina, Mr. MCCOTTER, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. FARR, Mr. CANNON, Mr. NADLER, Mr. INSLEE, Mr. ETHERIDGE, and Ms. CORRINE BROWN of Florida.

H.R. 2925: Mr. ROTHMAN.

H.R. 2929: Mr. COHEN, Mr. HARE, Mr. CAPUANO, Mr. MARKEY, Mr. SCHIFF, Mr. CONYERS, Ms. DELAURO, and Ms. KAPTUR.

H.R. 2934: Mr. KAGEN.

H.R. 2941: Mrs. JONES of Ohio and Mr. WU.

H.R. 2942: Mr. EDWARDS, Mr. VISCLOSKY, Mr. MEEK of Florida, Mr. JACKSON of Illinois, and Mr. GINGREY.

H.R. 2943: Mr. JOHNSON of Georgia.

H.R. 2954: Mr. CAMP of Michigan, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. CULBERSON, Mr. GOHMERT, Mr. BURGESS, and Mr. WESTMORELAND.

H.R. 2966: Mr. CLEAVER.

H.R. 3004: Mr. LOEBSACK, Mr. SHUSTER, Mr. BOOZMAN, Mr. HULSHOF, Mr. SHIMKUS, Mr. BLUNT, Mr. PEARCE, Mr. RENZI, and Mrs. BOYDA of Kansas.

H.R. 3051: Mr. CAPUANO, Mr. CARNAHAN, and Mr. PLATTS.

H.R. 3054: Mr. TANCREDO, Mr. DAVIS of Illinois, and Mr. GONZALEZ.

H.R. 3058: Mr. UDALL of Colorado.

H.R. 3059: Mrs. MYRICK.

H.R. 3096: Mr. PAYNE and Mr. FRANKS of Arizona.

H.R. 3099: Mr. BRADY of Pennsylvania.

H.R. 3116: Mr. PALLONE.

H.J. Res. 3: Mr. SHULER.

H.J. Res. 44: Ms. SCHAKOWSKY.

H. Con. Res. 37: Mr. PLATTS.

H. Con. Res. 49: Mr. BAKER.

H. Con. Res. 137: Mr. FEENEY.

H. Con. Res. 176: Mr. BAKER, Mr. POE, and Mr. GALLEGLY.

H. Con. Res. 187: Ms. SCHAKOWSKY, Mr. UPTON, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. WATSON, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. KUCINICH, Mr. RYAN of Ohio, Ms. BALDWIN, Ms. CARSON, Mr. HIGGINS, and Mr. SAXTON.

H. Con. Res. 188: Mr. ROYCE, Mr. BURTON of Indiana, Mr. CARTER, Mr. POE, Mr. HASTINGS of Florida, Mr. LINDER, Mr. ACKERMAN, Mr. MACK, Mr. WEXLER, Mr. CROWLEY, Mr. SMITH of New Jersey, Ms. WATSON, Mr. BERMAN, Mr. COHEN, Mr. KIRK, Mr. FORTUÑO, Mr. SAXTON, Mr. WYNN, Mr. COBLE, Mr. ENGEL, Mr. KLEIN of Florida, Mr. PENCE, Mr. WELLER, and Mr. MANZULLO.

H. Res. 32: Mr. ROTHMAN and Mr. GEORGE MILLER of California.

H. Res. 54: Ms. BORDALLO.

H. Res. 121: Mr. MILLER of Florida, Mr. POE, Mr. RAMSTAD, and Mrs. MYRICK.

H. Res. 146: Mr. GEORGE MILLER of California.

H. Res. 231: Mr. WICKER and Mr. CALVERT.

H. Res. 235: Mr. POE and Ms. SCHWARTZ.

H. Res. 345: Mr. CROWLEY.

H. Res. 380: Mr. WEXLER.

H. Res. 433: Mr. BOYD of Florida.

H. Res. 443: Mr. BUYER and Mr. LARSEN of Washington.

H. Res. 499: Mr. SULLIVAN, Mr. SESSIONS, Mr. ROHRABACHER, Mr. MCKEON, Ms. GRANGER, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. GOHMERT, Mr. BILIRAKIS, and Mr. WESTMORELAND.

H. Res. 529: Mr. PLATTS, Mr. FATTAH, and Mr. PAYNE.

H. Res. 535: Ms. NORTON.

H. Res. 548: Mr. WEXLER.

H. Res. 550: Ms. CARSON and Ms. WATSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2720: Mr. ROTHMAN.

H.R. 2750: Mr. VISCLOSKY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

109. The SPEAKER presented a petition of the City Council of the City of Miami Gardens, Florida, relative to Resolution No. 2007-93-600 requesting that the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current Levee Protection Standards; to the Committee on Appropriations.

110. Also, a petition of the Council of the City of Albany, California, relative to Resolution No. 07-19 calling for the cessation of combat operations in Iraq and for the return of United States Troops; to the Committee on Armed Services.

111. Also, a petition of the Harrisonburg City School Board, Virginia, relative to a Resolution supporting fully H.R. 648, the Reauthorization of the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

112. Also, a petition of the San Francisco Labor Council, ARL-CIO, relative to a Resolution to Erase, Rewrite and Reauthorize the "No Child Left Behind Act"; to the Committee on Education and Labor.

113. Also, a petition of the Commission of the City of Miami Beach, Florida, relative to Resolution No. 2007-26572 urging the Congress of the United States to pass the Employee Free Choice Act to protect and preserve workers' freedom to join a union; to the Committee on Education and Labor.

114. Also, a petition of the International Fire Marshals Association, relative to concerning the increased import and sale of novelty lighters that resemble toys; to the Committee on Energy and Commerce.

115. Also, a petition of Daniel O'Donnell, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, "Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership"; to the Committee on Energy and Commerce.

116. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-632-07 urging for the investigation of gasoline pricing in Florida; to the Committee on Energy and Commerce.

117. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-716-07 proclaiming June 29 through July 5, 2007 National Clean Beaches Week and urging the Congress of the United States to adopt H.R. 186; to the Committee on Natural Resources.

118. Also, a petition of the Village Council of Islamorada, Florida, relative to Resolution No. 07-05-27 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

119. Also, a petition of the City Council for the City of Okeechobee, Florida, relative to Resolution No. 07-07 requesting the Congress of the United States to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

120. Also, a petition of the Town Commission of Lauderdale-By-The-Sea, Florida, relative to Resolution No. 2007-09 requesting the Congress of the United States appropriate funds required to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

121. Also, a petition of the Board of County Commissioners of Monroe County, Florida, relative to Resolution No. 178-2007 supporting the Governing Board of the South Florida Water Management District to the Congress of the United States to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

122. Also, a petition of the City Council of the City of Miami Spring, Florida, relative to Resolution No. 2007-3361 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

123. Also, a petition of Mr. Bill Klech, a citizen of San Ramon, California, relative to concerning the veteran health care for Mr. William Klech by the Pleasanton Nursing and Rehabilitation Center; to the Committee on Veterans' Affairs.

124. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 243 supporting legislation to be proposed to grant a $1000 federal income tax credit to volunteer firefighters; to the Committee on Ways and Means.

125. Also, a petition of Ms. Michelle Bachelet Jeria, President of Chile, relative to concerning a Free Trade Agreement between the United States and Chile; to the Committee on Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3074

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 3074

OFFERED BY: MR. TURNER OF OHIO

AMENDMENT NO. 2: Page 82, line 6, after the dollar amount, insert "(increased by $6,760,000)".

Page 82, line 6, after the dollar amount, insert "(increased by $6,760,000)".

Page 82, line 11, after the dollar amount, insert "(increased by $6,760,000)".

Page 100, line 5, after the first dollar amount, insert "(reduced by $6,760,000)".

H.R. 3074

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act for the Department of Housing and Urban Development may be used to print, or acquire the printing of, any document in any language other than English.

H.R. 3074

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 4: Page 120, after line 5, insert the following new section:

SEC. 225. (a) ANNUAL STUDY.—Before the commencement of each fiscal year, the Secretary of Housing and Urban Development shall conduct a study of the single family housing mortgage insurance programs under title II of the National Housing Act to determine the following:

(1) APPROPRIATE RESERVES.—The amounts, and a method of determining such amounts, that are appropriate to be held in reserve for such programs to ensure that such programs—

(A) are operated in a safe and sound manner; and

(B) comply with the operational goals and the requirements under such title for such programs.

(2) APPROPRIATE INSURANCE PREMIUMS.—The appropriate premium amounts to charge for such mortgage insurance, that comply with the requirements of such title and are sufficient to provide for—

(A) maintaining an appropriate reserve amount for such programs, as determined by the Secretary pursuant to paragraph (1); and

(B) operation of such programs in compliance with subparagraphs (A) and (B) of paragraph (1).

(b) REPORT AND ADJUSTMENTS.—

(1) REPORT.—Before the commencement of each fiscal year, the Secretary shall submit to the Congress a report setting forth the findings and conclusions of the study under subsection (a) for such fiscal year, including specific determinations for appropriate reserve and premium amounts pursuant to paragraphs (1) and (2), respectively, of subsection (a). The report shall also set forth any adjustments made, or to be made, under paragraph (2) of this subsection pursuant to such determinations.

(2) ADJUSTMENTS.—If, for a fiscal year, the Secretary determines that the single family housing mortgage insurance programs under title II of the National Housing Act are operating in a manner that will result in a negative credit subsidy for such programs for such fiscal year in an amount that, in the aggregate, exceeds the amount necessary to provide for appropriate reserves and appropriate mortgage insurance premiums as determined under the study pursuant to subsection (a) for such fiscal year and set forth in the report pursuant to paragraph (1) of this subsection, the Secretary shall take the following actions:

(A) RESERVES.—Make such adjustments as necessary to the amounts held in reserve for such programs, and to the method of determining such amounts, such that the reserve amounts held for such programs will be consistent with the determination made pursuant to subsection (a)(1).

(B) PREMIUMS.—Restructure the premiums for single family housing mortgage insurance under such programs in a manner such that—

(i) the aggregate receipts from such premiums are reduced; and

(ii) the resulting applicable premium charges are consistent with the appropriate premium amounts determined pursuant to subsection (a)(2).

H.R. 3074

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 5: Page 80, after line 22, insert the following:

The referenced statement of managers under this heading in title II of Public Law 107-73 is deemed to be amended with respect to the item relating to the City of Maitland, Florida, by striking "for a senior citizens center" and inserting "for the Minihaha Park development".

H.R. 3074

OFFERED BY: MR. AL GREEN OF TEXAS

AMENDMENT NO. 6: Page 94, line 16, after the dollar amount, insert "(increased by $5,820,000)".

Page 94, line 18, after the dollar amount, insert "(increased by $5,820,000).

Page 99, line 18, after the dollar amount, insert "(reduced by $5,820,000)".

H.R. 3074

OFFERED BY: MR. JORDAN

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 6.3 percent.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 8: Page 5, strike line 18 and all that follows through page 6, line 9.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 9: Page 34, line 17, after the dollar amount, insert "(reduced by $6,000,000)".

Page 34, line 19, strike "2010,".

Page 35, strike line 7 and all that follows through the semicolon on line 8.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 10: Page 38, strike line 5 and all that follows through page 41, line 18.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 11: Page 41, line 26, after the dollar amount, insert "(reduced by $425,000,000)".

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 12: Page 43, strike line 22 and all that follows through page 44, line 23.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 13: Page 72, strike line 10 and all that follows through page 73, line 2.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 14: Page 74, strike lines 15 through 21.

H.R. 3074

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 15: At the end of the bill, before the short title, insert the following new section:

SEC. 410. None of the funds made available by this Act shall be used to support Amtrak's route with the highest loss, measured by passenger per mile cost as based on the National Railroad Passenger Corporation's September 2006 Financial Performance of Routes Report.

H.R. 3074

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available by this Act shall be used to take any action to issue a final rule or notice based on, or otherwise implement, all or any part of the proposed rule of the Department of Housing and Urban Development published on Friday, May 11, 2007, on page 27048 of volume 72 of the Federal Register (Docket No. FR-5087-P-01), relating to standards for mortgagor's investment in mortgaged property.

H.R. 3074

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 17: At the end of the bill, before the short title, insert the following new section:

SEC. ____. The Secretary of Housing and Urban Development may, notwithstanding any other provision of law, approve additional Moving to Work Demonstration Agreements, which are entered into between a public housing agency and the Secretary under section 204 of Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 42 U.S.C. 1437f note), but at no time may the number of active Moving to Work Demonstration Agreements exceed 32.

H.R. 3074

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 18: At the end of the bill, insert the following:

SEC. 410. None of the funds appropriated or otherwise made available by this Act to the Surface Transportation Board of the Department of Transportation shall be used, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), by the Board to consider any activity involving the receipt, delivery, sorting, handling or transferring in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste.

H.R. 3074

OFFERED BY: MR. SHAYS

AMENDMENT NO. 19: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project of the Federal Aviation Administration.

H.R. 3074

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

SEC.____. Appropriations made in this Act are hereby reduced in the amount of $507,767,000.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used for parking facilities.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Edmunds Center for the Arts, City of Edmunds (WA).

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Alpine Heritage Preservation (WV).

H.R. 3074

OFFERED BY: MR. WALBERG

AMENDMENT NO. 24: At the end of the bill, (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Department of Transportation to promulgate regulations based solely on race, ethnicity, or sex.

H.R. 3074

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 25: At the end of the bill, (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Federal Aviation Administration (FAA) to eliminate, consolidate, de-consolidate, co-locate, execute inter-facility reorganization, or plan for the consolidation/deconsolidation, inter-facility reorganization, or co-location of any FAA air traffic control facility or service, with the exception of the reversal of the transfer of the radar functions from the Palm Springs Terminal Radar Approach Control (TRACON) to the Southern California TRACON.

H.R. 3074

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 26: Page 72, line 1, after the dollar amount, insert "(reduced by $20,000,000) (increased by $20,000,000)"

H.R. 3074

OFFERED BY: MR. JORDAN

AMENDMENT NO. 27: At the end of the bill, before the short title, insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is hereby reduced by 6.3 percent.

H.R. 3093

OFFERED BY: MR. STEARNS

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Equal Employment Opportunity Commission may be used for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English.

H.R. 3093

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds in this Act shall be made available for the Security and Prosperity Partnership.

Amendment to H.R. 3093

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05-CR-856-KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) on October 19, 206.

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 4: Page 3, line 4, after the dollar amount, insert "(increased by $6,000,000)".

Page 3, line 11, after the dollar amount, insert "(increased by $6,000,000)".

Page 6, line 19, after the dollar amount, insert "(reduced by $6,000,000)".

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 5: Page 30, line 4, strike the period and insert the following: ":*Provided further*, That not to exceed $16,000,000 shall·be available for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation.".

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 6: Page 30, line 4, strike the period and insert the following: ":*Provided further*, That funds shall be available for annuity protection for Special Agents of the Federal Bureau of Investigation who had completed a total of 3 or more years in field supervisory positions as of June 3, 2004, who are subsequently transferred to positions at a lower grade because they chose not to accept transfers to equivalent or higher positions within the FBI pursuant to the Field Office Supervisory Term Limit Policy issued on that date, and are not subsequently reduced in grade or removed for performance or misconduct reasons. 'Average pay' for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the larger of (1) the amount to which such Agents are entitled under those provisions, or (2) the amount to which such Agents would have been entitled under those provisions had they remained in the field supervisory position at the same grade and step until the date of their retirement. This provision shall be retroactive to the date the Federal Bureau of Investigation began implementing the policy.".

H.R. 3093

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 7: Page 6, line 23, after the dollar amount insert "(reduced by $3,000,000)".

Page 11, line 19, after the dollar amount insert "(increased by $3,000,000)".

H.R. 3093

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 8: Strike section 524.

H.R. 3093

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 9: Strike section 213.

H.R. 3093

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Appropriations made in this Act are hereby reduced in the amount of $535,510,000.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 11: At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available under this Act shall be used by the Bureau of Prisons to incarcerate Guillermo Falcon Hernandez.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 12: At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available under this Act shall be used by the Bureau of Prisons to incarcerate Ignacio Ramos or Jose Alonso Compean.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 13: Page 16, line 20, insert "(decreased by $10,000,000)" after the dollar amount.

Page 75, line 24, insert "(increased by $10,000,000)" after the dollar amount.

H.R. 3093

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 14: At the end of the bill and before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available under this heading may be used to provide assistance under the Office of Justice Programs—Community Oriented Policing Services program to any State or political subdivision that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a))"

H.R. 3093

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 15: At the end of the bill and before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated or otherwise made available in this Act may be used to provide assistance under the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), to any State or political subdivision that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 3093

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 16: Page 83, after line 6, insert the following new section:

SEC. 529. The amounts otherwise provided by this Act are revised by reducing the amount made available for "BUREAU OF THE CENSUS—PERIODIC CENSUSES AND PROGRAMS", by reducing the amount made available for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—ADMINISTRATIVE REVIEW AND APPEALS", by reducing the amount made available for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES", and by increasing the amount made available for "OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" for the court-appointed special advocate program, by $10,000,000, $2,350,000, $3,650,000, and $16,000,000, respectively.

H.R. 3093

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 17: Page 11, line 19, after the dollar amount insert "(reduced by $500,000) (increased by $500,000)".

H.R. 3093

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 18: Page 10, strike lines 22 through 25.

H.R. 3093

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 19: Page 68, strike line 18 and all that follows through page 69, line 3.

H.R. 3093

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 20: Page 8, strike lines 1 through 13.

EXTENSIONS OF REMARKS

PRIME MINISTER IVO SANADER WORKS TO BRING CROATIA INTO NATO AND EUROPEAN UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LANTOS. Madam Speaker, I would like to call the attention of my colleagues in the Congress to the excellent work of the Croatian Prime Minister, His Excellency Dr. Ivo Sanader. Under his leadership Croatia has made important strides in the important task of integrating Croatia with NATO and in preparing Croatia for full membership in the European Union.

Dr. Sanader became the head of the Croatian government in December 2003 when his political party, the Croatian Democratic Union Party (HDZ), was victorious in the country's election on November 23, 2003.

Prime Minister Sanader has had a distinguished record of government service that has prepared him well to assume the position of Prime Minister. Following his election to parliament in 1992, shortly after Croatia became a fully independent country, he was appointed Minister of Science and Technology—a position he held until January 1993 when he was appointed Deputy Foreign Minister. In this capacity, he participated in the bilateral talks that led to the establishment of the Croat-Muslim Federation of Bosnia and Herzegovina (FBiH). At the end of November 1995, following the Dayton Peace Accords, Dr. Sanader left the cabinet to become chief of staff to then-President Franjo Tudjman. From 1996 to 2000, he again served as Deputy Minister for Foreign Affairs. In 1998 he was elected president of the HDZ, which he worked to strengthen, modernize and reform into a pro-European, center-right political party.

Madam Speaker, Dr. Sanader's main foreign policy priority has been Croatia's accession to NATO and the European Union. I applaud his efforts to ensure that his country becomes an active participant in these critically important international institutions that have done much to provide a framework for intra-European and trans-Atlantic cooperation.

In October 2001, the Government of Croatia signed a Stabilisation and Association Agreement (SAA) with the EU making the country an official candidate for membership. Since becoming Prime Minister, Dr. Sanader has taken important steps to prepare for EU membership. Under his leadership Croatia has seen healthy economic growth of some 4 percent anually, and there have been important reforms in the country's judicial system and the system of land registry. He has been willing to take tough decisions to move Croatia forward.

The Prime Minister has also steered his country toward NATO accession following Croatia's admission to the Membership Action Plan (MAP) in May 2002, which signified the institutionalization of relations with NATO and formally launched the accession process. It is expected that Croatia will receive a formal invitation to become a full member of the Alliance at the NATO Summit in Bucharest next summer.

Madam Speaker, the Prime Minister's efforts to foster trans-Atlantic dialogue were on display in early July at the important 2007 Croatian Summit on "Europe's New South", which he convened in the beautiful Adriatic city of Dubrovnik. An impressive group of political leaders from across Europe joined Dr. Sanader to discuss how South East Europe can fully integrate into the Euro-Atlantic community, focusing on pressing security interests as well as NATO and EU expansion.

Madam Speaker, in conclusion, I wish to commend Prime Minister Ivo Sanader for his role in moving Croatia from a past of divisive nationalism to a future of economic and political progress through active and responsible international cooperation.

A TRIBUTE TO GENE AUTRY AND THE AUTRY NATIONAL CENTER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the centennial of Gene Autry's birth. Gene Autry was a great American patriot and hero, whose vision and spirit was characteristic of the American West that he came to represent.

Today also marks another momentous occasion, the Autry National Center's 20th Annual Gala. Twenty years ago, the Autry National Center held its first gala prior to the opening of the Gene Autry Museum of Western Heritage.

Gene Autry was born 100 years ago in Tioga, TX. He arrived in California and became famous as the "singing cowboy." Gene, known for his innovation, revolutionized American cinema, pioneering the western musical. He is the only entertainer to date to have been awarded all five stars on the Hollywood Walk of Fame. Gene Autry was also the first movie star to use television as a way of reaching his audience. It was through his music and his warm and winning smile that he connected with people. He conveyed a deep sense of patriotism, encouraging his audience, young and old, to be kind to one another and live by the high minded standards of conduct, "The Cowboy Code," to which he held himself.

Gene Autry and his beloved horse Champion were always at the ready and eager to serve their country. Gene joined up with the Army Air Corps in 1942, earning the title of sergeant, flying fuel, ammunition, and arms over the Himalayas. After the war, Mr. Autry toured with a USO troupe in the South Pacific, bringing the familiar melody of home to the distantly stationed troops.

In 1988, Gene Autry, along with his wife Jackie Autry, founded the Gene Autry Museum of Western Heritage. In his lifetime Gene Autry was able to fulfill his dream of building a "museum which would exhibit and interpret the heritage of the West and show how it influenced America and the world."

In 2003, the Autry National Center was established, commemorating the American West through its three institutions, the Southwest Museum of the American Indian, the Museum of the American West, and the Institute for the Study of the American West. In keeping with the spirit of Gene Autry, the Autry National Center provides insight into the diverse tapestry of cultures and peoples that make up the American West. The success of the Autry National Center is largely due to Jackie Autry's unsurpassed dedication and devotion to the vision of her late husband.

It is my pleasure to honor the centennial of Gene Autry's birth as well as the Autry National Center on its 20 years of service to the southern California community. I ask all members to join me in commending the Autry National Center.

HONORING DADE CITY POLICE CHIEF PHILLIP THOMPSON ON THE OCCASION OF HIS RETIREMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize Dade City, Florida Police Chief Phillip Thompson on the occasion of his upcoming retirement. With more than 20 years of experience on the Dade City police force, his contributions to the community will be sorely missed.

As the top law enforcement officer for one of the largest cities in my district, I have seen firsthand the positive effect his leadership has had in combating crime in Dade City. In the period from 2005 to 2006, the Dade City community saw a reduction in reported crimes of 6½ percent. Police Chief Thompson's leadership and the dedication of his staff of 24 played a vital role in that reduction, as well as stepped-up enforcement patrols in troubled residential areas.

Chief Thompson, who at 55 years old has enough service years to begin his retirement, has worked for the Dade City Police Department for 20 years. Prior to his career with the Dade City force, Chief Thompson first joined the Brooksville Police Department when he

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was only 19. He then spent 11 years with the Pasco Sheriff's office and 1 year as a Hillsborough County deputy. On April 23, 1987, he became the Dade City police chief. In recognition of his 20 years of service, the Florida Police Chiefs Association will present Chief Thompson with an award at an upcoming commission meeting.

While Chief Thompson's Parkinson's disease played a role in his retirement, he currently feels fine and has plans to pursue an active lifestyle in his retirement years. As a part-time teacher of criminal justice at Saint Leo University and Pasco-Hernando Community College, I am sure that Chief Thompson will have plenty of work to keep him active and involved in the law enforcement community.

Madam Speaker, Chief Thompson has spent his entire career working towards the safety of Pasco and Hernando County residents. While he is retiring from service, his contributions to Dade City as Police Chief for the past 20 years will never be forgotten. I would hope that all area residents recognize his decades of public service and thank him for all that he has done for Dade City.

A TRIBUTE TO DEION SANDERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great pride that I pay tribute today to Deion Sanders, former Dallas Cowboys football player. His many years of community service and dedication in making a difference in the lives of people are truly deserving of our appreciation and praise.

Deion Sanders, a former cornerback for the Dallas Cowboys and one of the best cornerbacks in the NFL, decided to graciously open up his home and heart to nine disadvantaged children in order to teach them responsibility and life skills.

Mr. Sanders is truly devoted to enhancing the lives of young people and he has decided to have 14 children, including his own 5 kids, live at his home for the summer. There are five adolescent boys and four girls. Most of the children come from families with no father in the home. Mr. Sanders is giving these children a fulfilling and productive summer. The children eat, pray, do chores and go on field trips together.

He believes that the true key to helping children is by teaching them responsibility. Along with opening up his home this summer, Deion Sanders is creating a biblically based mentoring program called Primetime Army. This program will give parents and their sons access to Sanders and his team of professionals on a 24–7 basis for a monthly fee.

Mr. Sanders wants to encourage children to dream big because anything can be possible. All children deserve a chance at success and Deion Sanders is helping to give them that chance.

I know that Deion will continue to play an important role in our community for decades to come, and that America will continue to benefit from his dedication, service and hard work.

Madam Speaker, I urge you and my colleagues in the U.S. House of Representatives to join me in saluting Deion Sanders and in applauding this remarkable citizen for all he has done in north Texas, to those of us whose lives he has touched.

HONORING THE RETIREMENT OF CAROLYN LAVERNE DAVENPORT

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor one of the finest educators ever to serve students in my congressional district. Please join me in congratulating Carolyn LaVerne Davenport for thirty-four years of outstanding service to my constituents in the 13th Congressional District of Georgia.

Ms. Davenport was born in Atlanta and raised in Jonesboro, Georgia, the heart of my district. As a youth, she attended the same school system in which she taught for many years, graduating as valedictorian from the W.A. Fountain School in 1965. She went on to earn a Bachelor's degree from Spelman College in 1969 and received her Master's of Elementary Education degree in 1972. Carolyn taught first and third grades at George M. Kilpatrick Elementary School. Throughout her career, Ms. Davenport received many accolades including an honorary life membership to the Georgia Parent Teacher Association, as well as a Certificate of Special Achievement from the American Red Cross Youth Services.

Not only was she a leader in the classroom, she was a leader in her community as well. Twenty-five years ago, Carolyn founded the Clayton County Campaign for the United Negro College Fund. Thanks to the UNCF and Carolyn's activism, thousands of students, including several of my colleagues in this great body, have been able to receive a higher education and pursue their dreams. In 1991, in recognition of her great efforts, Ms. Davenport received the UNCF Star Volunteer Award and the 2000 South Metro Salute to Higher Education Award. She has also volunteered for many civil rights, community and international organizations including the Concerned Black Citizens Coalition of Clayton County, the NAACP, the Rainbow/PUSH Coalition and CARE International.

Madam Speaker, Carolyn Davenport is a true public servant. The impact she has made continues to be felt by her colleagues, friends and other members of the community. As she enters retirement, she will still be regarded as an exceptional leader and a model citizen. Once again, I congratulate Carolyn for reaching this milestone.

HONORING ROBLEY REX

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Robley Rex, a remarkable man with a long history of service to his country and to Kentucky. Mr. Rex recently celebrated his 106th birthday.

Mr. Rex was born on May 2, 1901 in Hopkinsville, KY. He enlisted in the U.S. Army upon his 18th birthday, serving with the 5th Infantry from 1919 to 1922. During an assignment in Germany, Mr. Rex witnessed firsthand the terrible aftermath of death and destruction caused by World War I. A gifted athlete, he was also an amateur boxer during his tenure in the Army.

Upon his return to Kentucky, Mr. Rex met Ms. Grace Bivens. The couple married April 3, 1926. Mr. Rex held jobs in a local tool factory and a rubber manufacturer before beginning a career as a railroad mail clerk for the U.S. Postal Department.

During his 106 years, Robley Rex has personally lived through many of the historical events that have shaped our country and the world including two World Wars, women's suffrage, the Great Depression, and the fall of communism in Eastern Europe.

It is my great privilege to honor Mr. Robley Rex today, before the entire U.S. House of Representatives, for his long life and service to our country. May his days continue to be filled with enriching experiences, the company of friends, and love for family and country.

TRIBUTE TO SAMANTHA MELVIN

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. CULBERSON. Madam Speaker, I rise today to congratulate Ms. Samantha Melvin, a teacher at Hunters Creek Elementary School in the Seventh Congressional District of Houston, Texas, who has received a 2006–07 Outstanding Teaching Award from Humanities Texas, the state affiliate of the National Endowment for the Humanities. Humanities Texas issues these awards annually to Texas teachers to recognize exemplary contributions in teaching, curriculum development and extracurricular programming.

Ms. Melvin's art curriculum sparks students' imaginations while also reinforcing lessons learned in other subject areas. In one of her major assignments, students develop elaborate, three-dimensional cityscapes that draw upon their training in art, social studies, math and science.

Stefanie Roach, Principal at Hunters Creek Elementary says of Ms. Melvin: "She is an outstanding educator whose passion for art and empowering children are evident in the lessons she creates and presents. She challenges children to see the 'big picture' in life and to use art as the means in which they can influence the world. She is a shining star to the profession. Energetic, committed, brilliant."

Karen Yates, Assistant Principal at Hunters Creek Elementary says, "Samantha Melvin is a passionate educator, always looking for ways to promote the interest of learning in her students. Because of her nurturing personality and art instruction, the young artists at Hunters Creek Elementary take risks and use their own creativity to produce a variety of pieces."

Teresa Henshaw, language arts school improvement specialist at Hunters Creek Elementary says, "She not only lives a 'Renaissance' life, but inspires it in others. Samantha Melvin encourages children to see the world as a whole, that everything is connected to everything else."

Humanities Texas Executive Director Michael L. Gillette says, "We are pleased to recognize such an accomplished teacher. Ms. Melvin instills the joy of learning in her students and motivates them to achieve at high levels."

Madam Speaker, again, I applaud Ms. Melvin for inspiring the children at Hunters Creek Elementary and congratulate her on her award.

APPROPRIATIONS COMMITTEE TIAHRT AMENDMENT VOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. RANGEL. Madam Speaker, I rise today to respond to the Appropriations Committee vote on amending the Tiahrt amendment.

Sadly, last week the House Appropriations Committee voted 26 to 40 on an amendment offered by Congressman PATRICK KENNEDY that would have addressed the current restrictions on the Bureau of Alcohol Tobacco and Firearms with sharing gun trace data. The limitation, known as the Tiahrt amendment, which prohibits the effective tracing of the ownership of weapons, puts handcuffs on illegal gun investigators all over the country. This vote was extremely disappointing. It was a rebuff to all Americans, who desperately want guns out of the hands of criminals. Once again law abiding Americans were victimized by the political pressure of National Rifle Association lobbyists.

Proponents of the Tiahrt amendment argue that removing the restriction is a challenge to the Second Amendment. This is just not true; the Second Amendment right to bear arms is not affected by a more effective means of identifying illegal guns. I support removing the restriction and I also support the rights of legal gun ownership; the key word being legal.

Tiahrt amendment supporters stress that there are privacy issues involved. That is absolutely true. The privacy of illegal gun dealers is being protected. This means they can continue to sell weapons to criminals and Americans will continue to be hurt and killed every single day as Congress sits back and watches.

HONORING HANAN Y. "BEAN" SIBEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. RUPPERSBERGER. Madam Speaker, it is with great honor that I rise before you today to honor the outstanding lifetime achievements of Hanan Y. "Bean" Sibel, one of Maryland's most successful business leaders and strongest community advocates. Hanan Y. "Bean" Sibel is an active and respected business and civic leader in all walks of life in greater Baltimore.

He is the founding chairman of the Maryland/Israel Development Center, a nonprofit partnership of the state of Maryland, Government of Israel and The ASSOCIATED: Jewish Community Federation of Baltimore, an organization that promotes trade and investment between Maryland and Israeli businesses. Under his leadership, the MIDC became one of the most respected US-Israel trade promotion organizations in the country. The MIDC was awarded an unprecedented five grants exceeding $3.5 million from the bi-governmental US-Israel Science and Technology Foundation.

He also serves on the board of The ASSOCIATED. He chaired The ASSOCIATED annual campaign in 1987 and has served on numerous strategic committees and task forces. He was also President of Israel Bonds for the state of Maryland and Vice President of the Jewish National Fund.

Hanan has been an outstanding leader beyond the Jewish Community as well. He is Chairman of the Baltimore County Revenue Authority. A graduate of the University of Maryland School of Law, Bean also serves on that school's Board of Visitors. He also served as President of the Signal 13 Foundation and the Governor's Mansion Foundation. Widely recognized as an important business leader in the state, Bean was a leader in Maryland's food brokerage industry for 45 years. He was elected to the Food Hall of Fame of Maryland in 2005 and has also served as a Board Member of Blue Cross/Blue Shield of Maryland and First Mariner Bank.

Bean and his wife Carole, a community leader in her own right and past chairman of the board of The ASSOCIATED, have three married children, Todd and Amy Sibel, Steve and Joyce Sibel and Cara and Jay Cohen, as well as seven grandchildren.

Madam Speaker, I ask that you join with me today in honoring Hanan Y. "Bean" Sibel, a man whose deep commitment to the business community, civic groups and philanthropic organizations has improved the quality of life for thousands of residents of the State of Maryland and the State of Israel.

IN MEMORY OF GENERAL WAYNE A. DOWNING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of General Wayne A. Downing.

General Downing was born May 10, 1940, in Peoria, Illinois, son of Francis Wayne "Bud" and Eileen Downing. He graduated from the U.S. Military Academy at West Point in 1962 with a Bachelor of Science degree. In 1971 he received a Master's degree in Business Administration from Tulane University.

General Downing served with the 173rd Airborne Brigade as an infantry officer in Vietnam. Later, he served a second combat tour in Vietnam with the 25th Infantry Division.

During the 1989 operation JUST CAUSE in Panama, General Downing commanded the special operations of all services as a general officer. Additionally, during Operation DESERT STORM he commanded a joint special operations task force behind the Iraqi lines.

General Downing spent time at Fort Bragg, N.C., serving as Commanding General, United States Army Special Operations Command.

In May of 1993, General Downing received his appointment as Commander in Chief of the United States Special Operations Command, headquartered at MacDill Air Force Base, Florida. In this position, he was responsible for the readiness of all special operations of the Army, Navy and Air Force. In 1996, after 34 years in service, he retired from the military.

General Downing was appointed by the President soon after his military retirement to assess the 1996 attack on the U.S. base at Khobar Towers in Saudi Arabia. He served on the National Commission on Terrorism from 1999–2000. As Deputy National Security Advisor for combating terrorism, he served the White House in 2001. Two years later, General Downing was appointed as the Chairman of the Combating Terrorism Center at West Point.

General Downing's awards and decorations include two Distinguished Service Medals, two Silver Stars, four Legions of Merit and the Purple Heart.

Madam Speaker, General Downing was an incredible leader who served our country with outstanding dedication. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Kathryn Bickerman Downing; two daughters, Elizabeth Revell, and Laura Downing; six stepchildren; his mother, Eileen Downing; a sister; and four grandchildren.

HONORING JOHN ALLEN OF THE TUSKEGEE AIRMEN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to pay tribute to John Allen. Mr. Allen served with distinction and honor as one of the famed Tuskegee Airmen. He was unable to make it to Washington this past April to receive his Congressional Gold Medal and instead will be receiving it this coming Saturday in his home State of New Mexico.

The Tuskegee Airmen participated in more than 15,000 sorties on 1,500 missions. A thousand black pilots were trained at Tuskegee, and throughout World War II they shot down 111 German planes and disabled 150 German aircraft on the ground. In this same time, 150 Airmen were lost in battle or training, 66 were killed, and 33 were shot down and held as prisoners of war. And in one of the most significant demonstrations of commitment to mission, the Tuskegee Airmen did not allow a single bomber it protected to be shot down.

These men showed a prejudiced Nation that courage has no color.

In his eagerness to serve, Mr. Allen exaggerated his age and was allowed to enlist in the Army. Even though he was younger than his fellow recruits, the Army noticed his remarkable intelligence and recommended he join the Air Corps where he was assigned to the 332nd Fighter Group. Mr. Allen never saw combat, but he did see hate. Despite their service, Tuskegee Airmen experienced bigotry and discrimination. Once, after eating at a whites-only officer's club, 103 Airmen were arrested and in spite of their clear commitment and patriotism, similar episodes marked the daily lives of black soldiers.

Even the timing of this commemoration reminds us of the difficult situation the Tuskegee Airmen faced. This honor should have been given 50 years ago. The failure of this country to properly honor these great men in a timely fashion speaks volumes about the legacy of injustice that made their sacrifice all the more remarkable. They fought for a country that wouldn't let them eat with white officers. They fought for a country that denied their sacrifice and dishonored their service. By honoring these men with the Congressional Gold Medal, we cannot undo the injustice that they have endured, but we can serve notice that we will not tolerate further injustice.

Mr. Allen retired from the Weapons Safety Division at Kirtland Air Force Base in 2000. He spent his entire career serving his country. I wish him a happy retirement and hope that his example will continue to inspire each of us to serve our Nation and to use our lives to make our Nation better.

TRIBUTE TO CHRISTOPHER J. ROBERTS

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. ARCURI. Madam Speaker, I rise today in recognition of Mr. Christopher J. Roberts, a resident of my congressional district in Upstate New York. Christopher is the incoming State Master Councilor of New York DeMolay.

DeMolay is a youth organization that develops leadership skills, civic awareness and personal responsibility among young men. With more than 1,000 chapters worldwide, DeMolay combines its serious mission with a fun approach. The organization was founded in 1919, and counts among its alumni Bill Clinton, John Wayne, Walter Cronkite and Walt Disney.

It is estimated that the members of New York DeMolay contribute over 10,000 hours of community service per year. During his tenure as State Master Councilor, Christopher will be organizing activities, planning social events and traveling to other States to talk about the work of New York DeMolay. Christopher is the first man from Utica to assume the office of State Master Councilor in over 20 years. He is also only the fourth person in New Yurk to be a recipient of the Past Master Councilor's Meritorious Service Award.

Christopher is a sophomore at the State University of New York (SUNY) Institute of Technology, where he is majoring in Health Services Management. He also serves as a Senator for SUNY Student Government.

Madam Speaker, I am pleased to recognize this young man serving my district. As the father of two teenagers, I recognize the importance of organizations like DeMolay that encourage young people to get involved in their communities. I thank Christopher for his commitment, and would once again like to congratulate him on his election to the position of State Master Councilor.

PERSONAL EXPLANATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, due to the tragic death of my grandmother, Sarah "Big Mamma" Morris, I was unable to vote during the week of July 16–July 20.

Had I been present I would have voted in favor of the Labor-HHS-Education Appropriations bill. The new Democratic-led Congress is determined to reverse the Republican pattern of disinvestment. Democrats have produced a bill that makes college more affordable, helps raise the achievement levels of America's students, expands access to health care for the uninsured and invests in the skills of America's workers and in community services.

In addition, I would have voted against the Kline amendment to the Labor-HHS-Education Appropriations bill. This amendment is another Republican farse designed to hurt those who need help most. The Kline amendment would increase funds to the Office of Labor Management Standards, an office that has enjoyed 33 percent increase in resources over the past four years and sacrifice funding to the International Labor Affairs Bureau. This bureau oversees child labor standards abroad to make sure that other countries are not using children to undercut American manufacturing. The sponsor claims that it will help rank and file workers from so-called union abuses, but in reality, those who support this amendment are the same opponents of a minimum wage increase. This amendment does not protect the American worker and I would have voted "no".

I would have also been a part of the 310 votes for the Energy and Water Appropriations bill. The bipartisan Energy and Water bill invests $3 billion—$1 billion more than the President's request—to research global warming and work on new technologies and renewable energy. I hope that it's sister bill, the Water Resources Development Act Reauthorization, will soon become law so that we can continue to improve the water infrastructure in this Nation.

IN RECOGNITION OF MR. FRANK BATTLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to Mr. Frank Battle. Mr. Battle served the Federal Government for 35 years prior to his retirement on April 3, 2007.

Frank's distinguished career began in 1973 as a Management Intern at the Department of Defense. His natural ability to navigate the complexities of government management and years of experience propelled him to senior management positions at the Department of Justice, the Voice of America, the Food and Drug Administration, and the National Labor Relations Board.

I would like to thank Mr. Battle for his decades of service to the United States, and wish him the best of luck in the future.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on Thursday, July 19, 2007 my vote on the Amendment by Mr. CAMP of Michigan to H.R. 3043, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (rollcall vote 675) was recorded as a "no" vote when I intended to cast a "yes" vote. I wish to clarify on the record my support for seniors in Pennsylvania and across the Nation to access Medicare Advantage plans.

HONORING THE 90TH BIRTHDAY OF THE PRINCE WILLIAM CHAPTER OF THE AMERICAN RED CROSS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. TOM DAVIS of Virgina. Madam Speaker, I rise today to pay tribute to the Prince William Chapter of the American Red Cross as it celebrates its 90th birthday.

For ninety years the Prince William Red Cross has provided valuable and noble service to members of our armed forces and those in need. The Prince William Chapter has two locations, both in Manassas and Occoquan, and has a rich history of faithfully serving their community. As a result, they were recognized this year as Prince William County's oldest non-profit organization.

The birth of Prince William County's Red Cross can be traced all the way back to President Woodrow Wilson, who signed the organization's charter on July 24, 1917. Their charge was to support the war effort during World

War I and their initial campaign raised over $2,600 for the war fund. At this time, they also began a service aiding the troops overseas by mailing out care packages that included hand-knit afghans, comfort kits, homemade jams, etc. The Prince William Chapter continues this tradition today as one of their many services. They have sent our troops in Iraq numerous packages containing the soldiers' favorite foods, athletic equipment, CD players and correspondence from home. This has all been done in an effort to aid our individual soldiers and military in every possible way.

The Red Cross has recently assumed another mission: aiding their community in preparing, responding and recovering from both manmade and natural disasters. Last year over 477 Prince William County residents suffered losses during home fires. As has become commonplace over the past ninety years, the Prince William Red Cross was there to support them and provide relief in their time of need.

Madam Speaker, in closing, I would like to thank the Prince William Chapter of the American Red Cross for its ninety years of remarkable and devoted service to its community and to our Nation. I call upon my colleagues to join me in applauding the Prince William Red Cross on this distinguished achievement and in wishing them many more years of continued success.

THE COURAGE TO CARE: A TRIBUTE TO THE HEROIC ACTS OF SIR NICHOLAS WINTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LANTOS. Madam Speaker, I rise today to recognize the remarkable and heroic acts of Sir Nicholas Winton, who personally and by his own initiative saved the lives of 669 Jewish children from Nazi-occupied Czechoslovakia and brought them across Hitler's Germany to his native Great Britain. He is an immensely compelling symbol of how the caring of one man can truly make a difference while confronting evil on a personal level. Sir Winton said it best himself in a letter he wrote in 1939, ". . . There is a difference between passive goodness and active goodness. The latter is, in my opinion, the giving of one's time and energy in the alleviation of pain and suffering. It entails going out, finding and helping those who are suffering and in danger and not merely in leading an exemplary life, in a purely passive way of doing no wrong."

Nicholas Winton was guided by intuition and character. He understood the upcoming danger and realized the importance of acting fast. Having made many business trips to Germany in previous years, Winton saw Jews being arrested, harassed and beaten. Thousands of Jews fled to as-yet unoccupied Czechoslovakia, especially to Prague. Many settled into refugee camps in appalling conditions in the midst of winter. Near Prague Winton visited the freezing refugee camps. His visit deeply affected him and he felt the need for taking action.

He gathered information from parents who wanted their children out and then pleaded to countries all over the world to take them in. He also personally raised the funds to pay for the operation and continued his important struggle even though no countries except Sweden and the United Kingdom were willing to take the children in. Further, the media refused to deal with the tragedy about to unfold. The first 20 of "Winton's children" left Prague of March 14, 1939 and Hitler's troops overran all of Czechoslovakia the very next day. By the time World War II broke out on September 1, 1939, the rescue effort had transported 669 children out of the country.

I commend Nicholas Winton for his courage, compassion and foresight, for his willingness to stand up for what he believed was right in the face of indifference and to accept responsibility for being his brother's keeper. He has shown remarkable leadership, courage and ability of taking action when facing evil. Being a humble man who kept quiet about his heroic achievements for over 50 years, and without aspirations of being called a hero, he truly has shown complete selflessness and devotion to others. I also congratulate Sir Nicholas' small group of volunteers who helped him, not only for saving hundreds of lives but also for saving our faith in humanity.

As time goes by, the values for which Sir Nicholas Winton fought have increasingly penetrated the consciousness of the world. The children, grandchildren and great-grandchildren of those he saved will go on to establish a world where human rights and decency are the priorities of civilized society. This is the meaning of Winton's legacy to us and the meaning of our struggle for human rights around the world.

HONORING THE 50TH ANNIVERSARY OF MAPLEWOOD, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor Maplewood, Minnesota's 50th anniversary.

While the city was incorporated 50 years ago, the more complete history of Maplewood began more than 150 years ago. According to the Maplewood Area Historical Society, Maplewood's original residents were members of a Dakota tribe who were drawn to the lush land, lakes and wetlands.

In 1850, a group of families including the Bells, Caseys, Conlins, and the Vincents moved from Saint Paul to settle along an old Indian trail which is now Hazelwood Street in Maplewood. In 1858, this area became part of New Canada Township.

Nearly 30 years later, a town site was planned at the junction of the Wisconsin Central Railroad line and the Saint Paul and Duluth Railroad that was to "rival Saint Paul." In 1886, Mr. William Dawson and his wife, Mary, platted out this village that they called Gladstone in honor of Mr. William Gladstone, a popular British statesman. For a time, the little village thrived and employed 1,000 workers. However, this area suffered from a series, of setbacks such as a fire which destroyed a major business, and which ultimately led to less activity in the area.

One business which was very successful, was a stagecoach line that ran along what is now Edgerton Street. The line began in 1856 and cost $10 for a trip from Saint Paul to Duluth. The line remained in service until the first railroad was built to Duluth in 1870.

After World War II, the housing boom began as veterans took advantage of the GI Bill's home loan guaranty. Developments sprung up around Wakefield Lake people continued to be attracted to the area. Residents soon came together to seek improved services including sewer, water and better roads.

On February 26, 1957, in a vote of 5 to 1 New Canada Township officially incorporated into the Village of Maplewood. Upon hearing the new name Mr. Warren Berger went out to his backyard and traced a maple leaf that became the village logo. By the 1970s, the Village of Maplewood became the City of Maplewood and adopted the Council-Manager form of government which it continues today.

Today, Maplewood is home to many major businesses and hospitals as well as the widely known 3M Corporation headquarters. The people of Maplewood are proud of their parks and open spaces. Maplewood has become a leader in land conservation by protecting open spaces and planting rainwater gardens to help improve water quality.

Madam Speaker, in honor of the rich history of Maplewood, Minnesota and the events celebrating it, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing Maplewood's 50th anniversary.

INTRODUCTION OF UKRAINE ELECTIONS RESOLUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Helsinki Commission I rise to introduce a concurrent resolution which addresses the current political uncertainty in Ukraine, a country of strategic importance to the United States. My resolution urges all sides to abide by the agreement signed by Ukraine's leadership on May 27th, providing for a new round of parliamentary elections to be held on September 30th, and encouraging the holding of these elections in a free, fair and transparent manner in keeping with Ukraine's commitments as a participating State of the Organization for Security and Cooperation in Europe.

I have just returned from Ukraine which hosted the 16th annual Parliamentary Assembly of the OSCE. While in Kyiv, I met with President Yushchenko and other prominent Ukrainian officials. My colleagues and I received assurances from Kyiv that Ukraine would not backtrack on the path to political reform and good governance.

Ukraine's current political conflict is the result of the ongoing power struggle that President Viktor Yushchenko and Prime Minister

Viktor Yanukovich have been engaged in since Yanukovich became Prime Minister last August. Rooted in hastily conceived constitutional reforms, the ongoing power struggle threatens to undermine Ukraine's hard-fought and substantial democratic gains, especially those won since the 2004 Orange Revolution.

On April 2nd, President Yushchenko issued a decree dissolving the Verkhovna Rada, the Ukrainian parliament, asserting that the Prime Minister was attempting to monopolize power by forming a veto-proof parliamentary majority through illegal means, and called for new parliamentary elections. The parliament refused to disband and questioned the legality of the presidential decree. After several weeks of tension and standoff, violence was averted and an agreement was reached: President Yushchenko, Prime Minister Yanukovich and Parliamentary Speaker Moroz came together in support of holding pre-term parliamentary elections at the end of September.

Madam Speaker, it is important to recognize that Ukraine has made genuine democratic gains since the Orange Revolution. The December 2004 presidential vote was hailed as a stirring example of the triumph of peaceful protest and democratic ideals. Just over a year ago, as head of the OSCE-led International Election Observation Mission to Ukraine, I was pleased to declare that country's parliamentary elections were also free and fair. I am pleased that Ukraine has once again invited the OSCE Parliamentary Assembly to observe the September 30 elections. Moreover, Ukraine for the last two years has been designated by Freedom House as a "free" country, in contrast to the "partly free" assessment it held during its first 13 years of independence.

Nevertheless, democratic institutions and the rule of law in Ukraine are still emerging and lacking in their ability to safeguard democratic gains. It is this fragility, especially the lack of constitutional clarity in delineating the separation of powers that made it possible for the power struggle to ripen into a full-blown political crisis in recent months. However, it is heartening to see that more serious turmoil was averted through careful and constructive dialogue and capped by an agreement involving the country's leading political figures.

First and foremost, my resolution calls for the leadership and political parties of Ukraine to abide by the May 27th agreement and conduct elections as scheduled for September 30th. The dispute between the president and prime minister must be resolved in a manner consistent with Ukraine's democratic values and national interest, and in keeping with its OSCE commitments.

Madam Speaker, prolonged political uncertainties regarding the government's delineation of powers is clearly not in Ukraine's interest, and that nation's political leaders need to stand together in support of free, fair and transparent elections as a way out of the current impasse. While democratic elections will not, in and of themselves, resolve all of the challenges facing Ukraine in strengthening the rule of law and delineating power among the branches of government, they are a critical stepping-stone in Ukraine's democratic consolidation and should serve as a further testament of Ukraine's commitment to a democratic future.

As this resolution underscores, Congress has been a staunch supporter of the development of democracy and respect for human rights and the rule of law in Ukraine since the restoration of that nation's independence in 1991. The consolidation of democracy and the rule of law in Ukraine will further strengthen that country's independence and sovereignty, enhancing Ukraine's aspirations for full integration with the West and serving as a positive model for other former Soviet countries. I urge my colleagues to support this timely resolution as a demonstration of Congress's interest, concern, and support for the Ukrainian people.

HONORING ROBERT "BOB" LAYHER OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. MORAN of Kansas. Madam Speaker, today I rise to express my admiration of a Kansan's life—a life filled with honor and service to country, community and family. Mr. Robert "Bob" Layher of Hays, Kansas, a member of the "Greatest Generation," lived life with integrity, passion and enthusiasm.

Like so many young Americans of his generation, Bob put country before self and joined the U.S. military. Bob proudly fought for freedom during World War II, though he began serving prior to the start of the war. He was among those who resigned their U.S. military positions in order to volunteer for a covert operation with the Chinese Air Force before the U.S. entered the war. For his service in China as a member of The Flying Tigers, Bob was awarded the Distinguished Flying Cross.

Bob's dedication to those he served with and his presentation of their memories was unsurpassed. While the history and service of The Flying Tigers is well known in China, few in our country know about the courage and heroism of these men. Bob took a lead role in making certain that his community knew about The Flying Tiger's mission of protecting China's important Burma Road from Japanese attacks.

He was also involved in national education of The Flying Tigers. Appearing in stories and presenting at schools, he shared the history of this brave group of volunteers. During trips back to the area where they were stationed, members of The Flying Tigers found the need for education about their group was much less necessary in China. The idea that Americans would volunteer to defend another country all for the sake of freedom made a great impression on the Chinese.

While Bob was born and raised outside of Kansas, our State was lucky to have him settle here and begin farming after his military service. Bob was born in Dallas, Oregon, on September 3, 1916. He graduated from the University of Colorado where he also met his wife, Marian. In 1941, 4 days before he left for China, he and Marian were secretly married. This was also the same day as his birthday, so this way Bob would never forget their anniversary.

A very involved member of his community, Bob participated in several civic groups. After he moved to Hays in 1952, Bob became a member of the First Presbyterian Church and the Order of the Eastern Star. He was also a member of the ISIS Shrine and the Masonic Lodge in Salina.

Most important to Bob was his family. Over the course of their 65 years of marriage, he and his wife were committed parents and grandparents. Bob's son, R.F. "Bobby" Layher Jr., followed in his father's footsteps and served as a pilot with United States Marine Corps. Even though Bobby went on to be a civilian pilot with Federal Express for 29 years, Bob and his son were still able to fulfill their dream of farming together.

In the many important roles Bob filled in his life, he served out of a sense of duty and not out of selfish ambition. He helped make his community better and his nation safer. I join his many friends and admirers in paying tribute to a great man. My thoughts and prayers go out to Marian and her family during this time of loss.

COMMEMORATING THE 50TH ANNIVERSARY OF SHOREVIEW, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to recognize the 50th anniversary of the city of Shoreview, Minnesota.

The area that is currently Shoreview served as home for members of Dakota and Ojibwe tribes more than 150 years ago. The abundant lakes and wetlands that attracted these first Americans still bring people to this beautiful community.

In 1850, Mr. Socrates A. Thompson ventured from Saint Paul in search of a good place to farm, settling in what is now part of Shoreview. Following Mr. Thompson, families from other parts of the United States such as Vermont, Virginia, Illinois and New York moved in to begin farming the land there as well. This area also attracted people from other parts of the world including England, Germany, Ireland, and Switzerland.

On April 23, 1957, with a population of 5,231, area residents voted to incorporate as the Village of Shoreview. During the 1970s and 1980s Shoreview experienced rapid growth. In the 1990s, the city matured as less land was available for development. City planning has shifted from new development to infill, redevelopment and preserving its natural habitat.

Fifty years after incorporation, Shoreview has grown into a large suburb. It is a thriving community that is home to quiet neighborhoods, small businesses, excellent schools, and expansive wetlands, trails, parks and lakes.

Madam Speaker, in honor of the history of Shoreview, Minnesota and the events celebrating it, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing Shoreview's 50th anniversary.

HONORING THE LIFE OF PRIVATE FIRST CLASS STEVEN A. DAVIS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the life of Private First Class Steven A. Davis and to recognize his service to our nation.

PFC Davis was a true patriot who served his country with honor. Throughout his life he selflessly dedicated himself to his fellow soldiers, family and friends, and to our country.

His family moved to Woodbridge, Virginia, in 2001. Before joining the Army, PFC Davis worked in a fast food restaurant to try and pay for college. Yearning to serve his country, he enlisted in the Army in September 2005, and began his first deployment shortly thereafter. PFC Davis was assigned to C Company, 2nd Battalion, 12th Infantry Regiment, 2nd Infantry Division, Fort Carson, Colorado. Tragically, he was killed on July 4, 2007, after sustaining injuries from grenades detonated near his mounted patrol. He was honored with the Purple Heart and Bronze Star prior to his death.

PFC Davis is survived by his parents Guy and Tess, his wife Ayla and their one-year-old daughter Elizabeth, and his brother Specialist Chris Davis, who is also a soldier currently deployed to Iraq. His mother, Tess, is working in Iraq as a paramedic, and his grandfather is working there as a mechanic. His father, Buck, is also an Army veteran.

Words cannot express the gratitude we feel to those who have made the ultimate sacrifice for our nation; it is a debt that can never be repaid. I recognize that words are of little comfort for the family and friends of PFC Davis, who are truly suffering in the wake of the loss of this intelligent and dedicated man. I hope they will take some solace in I knowing that we will never forget PFC Davis and the tremendous sacrifice he made while defending our country.

Madam Speaker, in closing, I would like to honor the memory of Private First Class Steven A. Davis. I call upon my colleagues to remember him as a man who gave his life protecting the American people.

CELEBRATING THE BIRTH OF MISS JOELLA GALE MURRAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. WILSON of South Carolina. Madam Speaker, today, I am happy to congratulate Joseph and Kathryn Murray of Alexandria, Virginia, on the birth of their beautiful baby girl. Joella "Ella" Gale Murray was born on Thursday, June 21, 2007, at 1:03 pm weighing 7 pounds 4 ounces and measuring 19 inches long. Ella has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

PASSING OF GENNADI KRYUCHKOV

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. HASTINGS of Florida. Madam Speaker, on July 14, 2007, the Russian Federation lost one of its great leaders, although I am certain he would steadfastly reject such a characterization of himself.

He certainly wasn't a famous political figure, or a wealthy philanthropist, or a brilliant scientist, and his name was rarely found on the pages of the major media. Gennadi Kryuchkov's leadership was in the spiritual realm. He was a courageous and principled leader of the unregistered Evangelical Baptist Church in the Soviet Union in the days when merely sharing one's religious faith with a neighbor could lead to a "discussion" at the local police station or the feared KGB office, and actively preaching the Gospel without permission from the government was usually good for a ticket to one of the many forced labor camps that comprised the infamous Gulag.

Born in 1926, Gennadi Kryuchkov came to faith in 1951, and became active in an unregistered congregation of Baptist believers. In 1960, when he felt the officially registered Baptist organization had too deeply compromised itself with Soviet authorities by submitting to repressive new regulations, he became one of the leaders of the Initsiativniki, the unregistered and essentially underground network of congregations that defied Caesar's intrusion into the spiritual realm. Gennadi Kryuchkov became president of the underground church council and the late Georgi Vins was chosen as secretary. In May 1965, Pastor Kryuchkov and Pastor Vins led an open march on Communist Party headquarters in Moscow to protest government restrictions on believers in the Soviet Union.

According to church council statistics, by 1972 the unregistered or "reform" Baptist church numbered around 450 congregations and 18,000 members. Another reputable source reported in the mid-1980s that there were 2,000 reform Baptist congregations with approximately 70,000 adult members.

I would add parenthetically that in April 1979 Georgi Vins and four other Soviet dissidents were expelled from the Soviet Union in exchange for two convicted Soviet spies. In August 1985, the Helsinki Commission, of which I am honored to serve currently as Chairman, heard Pastor Vins' dramatic testimony on the plight of the unregistered Baptist church at Congressional hearings in Buffalo, New York, devoted to the subject of Soviet forced labor practices.

Meanwhile, as a result of his determination to preserve the freedom to worship without state interference, Pastor Kryuchkov was arrested and sentenced to three years in labor camp from 1966 to 1969. In 1970, under threat of continued persecution, he went into hiding and spent 20 years working underground, preaching to fellow believers in clandestine gatherings, publishing "illegal" religious literature, and staying one step ahead of the KGB.

Only when the chains of religious repression in the Soviet Union were cast off as a result of the new thinking that characterized the government of Communist Party General Secretary Mikhail Gorbachev, was Pastor Kryuchkov able to emerge from the shadows and return to his family and loved ones in the Tula Oblast, still fervently preaching the Scriptures and standing fast for separation of church and state.

Madam Speaker, like the Soviet Union itself, the days of cruel religious persecution and militant atheism in Russia are pretty much a thing of the past. But let us not forget the courage and persistence of church leaders like Gennadi Kryuchkov, who, like the "Remnant" of Old Testament times, kept the flame of faith of burning during the dark days of persecution.

HONORING MR. PETE DLABAL OF ELLSWORTH, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. MORAN of Kansas. Madam Speaker, today I rise to express my respect and high regard for a Kansan who is truly a member of "the Greatest Generation"—Mr. Pete Dlabal of Ellsworth. The time has come to recognize this man who has served his community and country while remaining devoted to his family.

Mr. Dlabal was born to a family that included nine brothers and sisters in one of the fine small towns I have the privilege of representing, Wilson, Kansas. Following his graduation from Wilson High School and the Wichita Business School, he joined the millions of other selfless young men of his generation and enlisted in the United States Army. After serving in the Army for four and a half years during World War II, he returned to Ellsworth County, Kansas.

Upon returning home, his service to his community continued, serving as the county treasurer for two years. He then began his tenure at the Ellsworth County Farmers Cooperative Union in 1949. In this position he would remain for 31 years, including 24 years as General Manager. In honor of his dedication and leadership, Mr. Dlabal was one of only four individuals inducted into the Kansas Cooperative Hall of Fame this past March.

It is no small task to manage a farmer's cooperative in Kansas. Long days and an unpredictable harvest can make the job a thankless one. Agriculture is the backbone of the Kansas economy. And Ellsworth County is squarely settled in the heart of farm country, bordered on all sides by the vast fields and pastures that make my state the breadbasket of America.

While employed at the Ellsworth Co-operative, Mr. Dlabal also took time to serve his community by volunteering in several civic organizations. Throughout his career he was a part of the Ellsworth County Commission, Ellsworth School board, Ellsworth Library board, FFA Advisory board, and the Knights of Columbus. In his industry, he served on the boards of the Farmers Union Jobbing Association, the Co-operative Marketing Association, the Farmers Marketing Company and the Kansas Farmers Service Association.

Mr. Dlabal exemplifies what a community leader is all about. However, his most important role has been as husband to Lillian for 58 years and father to Joan, Deborah, Angie and Pam. Through his role as a father, grandfather, and great-grandfather, Mr. Dlabal provides an example by living his own life through a set of high personal standards. He would not settle for doing anything that bent any rules; anything other than honesty was completely unacceptable to him.

Madam Speaker, this man has made Kansas a better place to live through his devotion as a community leader and family man. Mr. Pete Dlabal not only served in our military, but served the agriculture industry and farmers of central Kansas. Although he has made an immeasurable impact through his professional and personal life, he remains a humble individual. Today we take a moment to simply say "thank you" and wish him well in a much-deserved retirement.

CELEBRATING THE 50TH ANNIVERSARY OF VADNAIS HEIGHTS, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, today I rise to honor Vadnais Heights, Minnesota's 50th anniversary.

The history of Vadnais Heights began with many French Canadian families first settling the area. Families including the Bibeau, Garceau, Morrisette, and Vadnais families arrived in the 1840's. The city's namesake, Mr. Jean Vadnais, and his family mad their home in 1846 on the southeast side of the lake that became known as Vadnais Lake. In 1858, the same year that Minnesota became a state, this area became part of White Bear Township.

On July 23, 1957, with a population of approximately 2,000, area residents voted to incorporate as the Village of Vadnais Heights. Within a month, on August 20th, residents elected the new village's first officials. In 1974, the village became the City of Vadnais Heights and adopted the Council-Manager form of government which it continues today.

Vadnais Heights is home to a treasured scenic and recreational area—Vadnais-Sucker Lake Regional Park. This beautiful park features 1,200 acres of wetlands, woods, trails, and lakes. In addition, there are more than 100 acres of park land in Vadnais Heights.

Since its incorporation 50 years ago, the City has grown from a small, farming community to a lively suburban community with strong neighborhoods, prosperous businesses, and abundant open spaces.

Madam Speaker, in honor of the vibrant history of Vadnais Heights, Minnesota and the events celebrating it, I am pleased to submit this statement for the Congressional Record recognizing Vadnais Heights' 50th anniversary.

INTRODUCTION OF THE ENHANCED METHAMPHETAMINE TREATMENT GRANTS ASSISTANCE ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. HOOLEY. Madam Speaker, battling the meth epidemic is one of my top priorities here in Congress. Last year we passed the Combat Methamphetamine Epidemic Act and I was pleased that the legislation included several important international meth precursor controls that I drafted. We've made good progress with controlling the supply of meth precursors and other enforcement issues, but so far treatment issues have been largely neglected.

This is why I am introducing the Enhanced Methamphetamine Treatment Grants Assistance Act. My legislation will create three separate grant programs under SAMHSA, each one targeted at a particular treatment need.

The first grant program will award grants to community organizations to coordinate wrap-around services for meth addicts rejoining the community. I've heard over and over again just how important these wrap-around services are, like housing and transportation assistance, job training and ongoing mental health counseling. Meth treatment does not end when an addict leaves a treatment facility. They need comprehensive services that will help keep them off meth and rebuild their lives, which is why my bill will help communities build a network of these vital wrap-around services.

The second grant program is an expansion of the existing substance abuse treatment program for pregnant and postpartum women to include all parents. Priority will still be given to those pregnant and postpartum women, but we're also going to make sure that parents can get treatment too so that they can get clean and keep their children out of the foster care system.

Finally, the third grant program will target those addicts who actively seek treatment, only to find out that they will have to wait months before a bed will be available to them. My legislation directs grant money to treatment programs that are going to target the people who just can't get treatment, no matter how badly they want it, so they don't have to go through the criminal justice system to receive help.

I am committed to expanding treatment resources so providers have the resources to reach more people and addicts can get the help they need. I urge my colleagues to join me in this goal and to support the Enhanced Methamphetamine Treatment Grants Assistance Act.

TRIBUTE TO CRYSTLE STEWART, MISS TEXAS USA 2008

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LAMPSON. Madam Speaker, I come to the floor today to commemorate the accomplishment of one of my most remarkable constituents: Crystle Stewart. Formally Miss Fort Bend County, Crystle was recently crowned Miss Texas USA.

I am very proud that for the second year in a row a resident of the 22nd District has worn the Miss Texas USA crown. These successes prove true what I've known for quite some time—my district is home to the most intelligent, sophisticated and talented women in the country.

I commend Crystle not only because she brings a great deal of pride to Fort Bend, but because she truly is a role model for young women throughout Texas. Crystle bested 121 other contestants in this year's pageant, and is also only the second African-American woman to win Miss Texas USA, and the first in more than a decade.

Her triumph is a milestone, to be sure, but it is also a study in perseverance. Finishing as runner-up in both 2006 and 2007 and third runner up in 2005, Crystle never lost sight of her goal. Most importantly, Crystle is also a disciplined student. Throughout years of pageants and modeling, she has remained dedicated to her academic career, and is a hard-working student of consumer science and merchandising at the University of Houston.

I congratulate Crystle. She is a young woman with a very bright future ahead of her, and I know she will honor our great State at the Miss USA contest and beyond.

TRIBUTE TO POLICE OFFICER RUSSEL TIMOSHENKO

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. FOSSELLA. Madam Speaker, just over a week ago, the city of New York lost one of its brave heroes. Police officer Russel Timoshenko of Staten Island was murdered in cold blood by a career criminal during what should have been a routine traffic stop in Brooklyn. He was only 23.

Officer Timoshenko was also a constituent of mine, and his death reminds us how precious life is . . . and how it can be stolen from us in an instant.

Officer Timoshenko embodied the American dream. He was born and raised in the former Soviet republic Belarus. His parents, Tatyana and Leonid, brought him to this country as a young boy in 1993 to give him a better life. They didn't speak English and arrived with almost nothing—all for their son. Russel grew up in Staten Island and, ultimately, chose to give back to the city he loved so much. He joined the New York City Police Department just over a year and a half ago.

Much has been said about this brave young man. His friends and family have told us what an amazing person he was and how much he meant to them. But it is the words of his mother that speak volumes about Officer Timoshenko. So tonight, I wish to enter into the CONGRESSIONAL RECORD what Tatyana Timoshenko said about a proud American . . . a hero police officer . . . her beloved son.

Speaking of their decision to immigrate to the United States: "I felt my child would have better opportunities here and a safer life. We were looking for a better life for our son . . . We wouldn't move just for us. We didn't speak English. We came here with nothing but six bags—two each . . . Do I regret it? A little, but at the same time, would he be the same person he is today if we didn't leave? I don't know . . . I know he was happy here."

Of the kind of person that her son was during his short life: "He never walked the stairs, he just flew up, skipping a step . . . And this flying, his steps, I can't forget them, I still hear them. I still can't believe it . . . He was truly unique. I want him to be remembered as a jolly, funny, kind boy. He was a leader and a hero."

Remembering the day her son became a member of the New York City Police Department: "We ordered sushi. It was a real holiday for him . . . He was really proud. I wanted him to be happy in life. He went to the academy, and I didn't want him to, but it made him happy."

And finally on the passing of her son: "I'm happy that we had such a miraculous child. That he died, it struck me in the heart, but there is nothing we can do now."

For Russel Timoshenko, his life was lost much too early. I offer my condolences to the Timoshenko family. My words cannot possibly ease your suffering or bring light to these dark days, but I want you to know that we grieve with your family . . . say a prayer for healing . . . honor Russel and his service to New York . . . and thank you for raising a young man of immense character and integrity.

FISCAL YEAR 2008 INTERIOR AND ENVIRONMENT APPROPRIATIONS BILL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to express my strong support for H.R. 2643, the Fiscal Year 2008 Interior and Environment Appropriations bill. For the first time in years, the House is investing the resources needed to improve air and water quality, protect our pristine natural landscapes and historic structures, manage wildfires appropriately, and increase services for visitors to national parks, refuges and forests.

H.R. 2643 provides $2,5 billion for our National Parks—$223 million above 2007 levels and $148 million above the President's request. This impressive commitment reverses years of chronic underfunding that has significantly weakened the system and represents a major step toward upgrading our parks in time for the centennial anniversary of the National Park Service in 2016. The bill also renews America's support for the National Endowments for the Arts and the Humanities by including $160 million for each program in Fiscal Year 2008. Significant increases over current funding levels will help arts and humanities programming across the country recover from a decade of deep cuts.

In addition, I am very pleased the bill includes funding for critically important U.S. Forest Service International Programs. The U.S. Forest Service International Programs promote sustainable forest management in countries around the world and return important technologies and innovations to the United States. H.R. 2643 includes $8 million to support Forest Service efforts abroad—a much-needed $1.1 million increase over the current level of funding.

The hard work of Forest Service professionals abroad is not a luxury: it is essential to the mission of the Forest Service. These International Programs support vital national priorities that matter to our constituents, including federal efforts to combat global climate change; strengthen the U.S. timber industry and fight illegal logging; protect North American migratory bird habitat; stop invasive species before they enter the U.S.; and improve America's global image by working in close partnership with Israel, Lebanon, Jordan, Indonesia, Mexico, Liberia and many other key U.S. partners.

America's forests are part of a global forest ecosystem. Protecting and sustaining a healthy forest system in the U.S. requires the Forest Service to work with scientists and land managers in countries around the world. Consider the fight against invasive species. One invasive species alone—the Asian Longhorn Beetle—threatens to inflict losses up to $138 billion on the U.S. economy. By investing in efforts to identify and suppress invasive species abroad, we can save the hundreds of billions of dollars needed to deal with a widespread infestation in America. In addition to saving taxpayers money, Forest Service International programs leverage private funds from groups including Ducks Unlimited and the Nature Conservancy.

Madam Speaker, this bill represents the values and priorities of the American people, from honoring our obligations to Native American communities to making critical investments in drinking water infrastructure. I urge my colleagues to join me in supporting the Fiscal Year 2008 Interior and Environment Appropriations bill.

IN REMEMBRANCE OF PAUL M. WELLS, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. KUCINICH. Madam Speaker, I rise today to remember Paul M. Wells, Sr. for a life dedicated to his family, country, faith, and fellow brothers and sisters. Paul passed away July 13, but the mark he left on the Cleveland community will endure.

Paul has always demonstrated a commitment to serving others. After completing his service to our country in the United States Army, Paul returned to Cleveland and started his career in public service, working for the City of Cleveland in the Division of Streets. As his career progressed, Paul sought more opportunities to serve. He became a union steward in an effort to improve working conditions and protect his fellow brothers and sisters. Paul eventually was elected Local 1099 President in 1971, a post he held for over 25 years. Over the course of his career, Paul spearheaded numerous efforts that led to historic gains for union workers.

Paul's faith guided him throughout his life. Paul is reunited in faith with his high school sweetheart, Nita Ruth Murray, to whom he was married for over 50 years. He is survived by his four children Pauletta; Constance; Paul, Jr.; and Eric, as well as seven grandchildren.

Madam Speaker and colleagues, please join me in remembering Paul M. Wells, Sr., for a life spent in service to his community. Paul seized every opportunity to improve the lives of others. May we all follow his example.

COMMENDING MR. PINKY KRAVITZ ON 50 YEARS OF RADIO BROADCASTS AND HIS OUTSTANDING SERVICE TO HIS COMMUNITY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LoBIONDO. Madam Speaker, I rise today to commend Mr. Pinky Kravitz on his long and distinguished service to his community, and congratulate him on 50 years as an on-air radio talk show host in Atlantic City.

Starting his career on WLDB 1490AM and airing weekdays during the mid-afternoon, his first show was called "Pinky's Pool Party." Three years later, Pinky would move to his current home on WOND 1400AM, where for the last 47 years he has hosted his talk show at various times and locations across Atlantic County. For the past 28 years, he has broadcast live from Atlantic City's famed casinos including the Hilton, which is the current home of "Pinky's Corner."

A respected radio personality and dedicated community servant, Pinky has interviewed all of New Jersey's governors since 1974, all of the state's sitting U.S. Senators for the past 35 years, and myself on countless occasions—always with class and character. Without question, Pinky is an institution in southern New Jersey. On behalf of the House of Representatives and the residents of New Jersey, I would like to personally congratulate Mr. Pinky Kravitz who has entertained and informed his faithful listeners for five decades.

DEMOCRACY IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. BURTON of Indiana. Madam Speaker, as many of our colleagues in this House know, India prides itself on being the world's most populous democracy. Although relations between India and the United States have been rocky in the past, since 2004 Washington and New Delhi have been pursuing a "strategic partnership" based on shared values such as democracy, multiculturalism, and rule of law. In addition, numerous economic, security and globally focused initiatives, including plans for "full civilian nuclear energy cooperation," are currently underway. I support these initiatives but I remain deeply concerned about the numerous serious problems that remain when it comes to India's respect for the rights of all of her citizens.

In fact, according to the Department of State's 2006 Human Rights Report for India: "Major problems included extrajudicial killings of persons in custody, disappearances, torture and rape by police and security forces. The lack of accountability permeated the government and security forces, creating an atmosphere in which human rights violations often went unpunished. Although the country has numerous laws protecting human rights, enforcement was lax and convictions were rare."

Again, these are not my words; this is from the State Department's official report on Human Rights. I firmly believe that as the United States and India move towards greater cooperation in numerous endeavors we must at the same time continue to insist that India adhere to the full expression of democracy and basic human rights; especially for members of ethnic or religious minorities.

For example, according to reports, on April 20, 2006, Sikh activist Daljit Singh Bittu was arrested after making a speech. He was charged with sedition and "making inflammatory speeches." Mr. Bittu's crime was to speak out against the acquisition of the land of poor farmers by the State of Punjab on behalf of private business firms. Fortunately, Mr. Bittu was ultimately released on bail. The issue of government taking land by eminent domain for private usage is also extremely controversial in this country, but to the best of my knowledge no one has ever been charged with sedition for speaking out about it. On June 2nd of this year, Daljit Singh Bittu, was again arrested and charged with sedition. What did Mr. Bittu do this time? He participated in a peaceful march protesting government inaction on several issues where some of the marchers—and by all accounts not Mr. Bittu—allegedly expressed their desire—unrelated to the topic of the march—for an independent Sikh nation of Khalistan by shouting "Khalistan Zindabad."

As I understand it, according to the Indian Supreme Court in the case Balwant Singh vs. State of Punjab, the mere public use of the slogan "Khalistan Zinabad" is not illegal; and as the march itself was peaceful, it is difficult to understand how the Indian Government believes Mr. Bittu did anything that can, to the best of my knowledge, be legitimately considered a crime—much less sedition—under United States, International, or Indian law.

What is really at issue here, Madam Speaker, is the fact that India is a nation comprised of a hodgepodge of ethnicities, some of whom do not wish to be a part of Hindu-dominated India. The conflict over the Muslim-majority region of Jammu and Kashmir is perhaps most familiar to Americans as it has sparked three major wars between India and Pakistan, but it is by no means the only ethnic or religious conflict roiling India. In 1948, India promised a free and fair plebiscite on the status of Kashmir. No such vote has ever been held. As our Nation fights to spread democracy to oppressed people across the globe, why don't we insist on a simple democratic vote, with international monitors, in Kashmir, in Punjab, Khalistan, in predominantly Christian Nagalim, and wherever people seek their freedom from India? The answer tragically is all too obvious, in the world of international diplomacy and geopolitics, sometimes expedience and "good relations" trump freedom and human rights.

I do not know whether the plebiscite promised to the people of Kashmir will ever happen, and I do not know whether a Sikh nation of Khalistan or a Christian nation of Nagalim will ever come into existence; but I do know that the Muslims of Kashmir, the Sikhs of Punjab/Khalistan and the Christians of Nagalim should never have to live in fear for freely and peacefully expressing their opinions.

HONORING THE DEDICATION OF EMIL "LUCKY" REZNIK OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. DONNELLY. Madam Speaker, I rise today to recognize Emil "Lucky" Reznik's dedication to the community of South Bend, Indiana. Since its conception 40 years ago, Lucky has served on the South Bend Public Transportation Board of Directors which established the successful TRANSPO bus service in the greater South Bend area. This service, cultivated in part from Lucky's vision, provides over three million rides each year to area residents.

When not working hard with TRANSPO, Lucky is a popular advocate for higher education, specifically at Indiana University and Indiana University South Bend. His service with the Indiana University Alumni Association, the Indiana University South Bend Board of Advisors and as president of the Indiana University South Bend Alumni Board earned Lucky the Indiana University South Bend Distinguished Alumnus Award in 1982 and the very first Sue H. Talbot Distinguished Hoosiers for Higher Education Member Award in 2006.

This month, TRANSPO is honoring Lucky with a celebration dinner and the presentation of a flag flown over the U.S. Capitol. Mayor Steve Luecke of South Bend will be presenting Lucky with the keys to the city. Indiana Governor Mitch Daniels will also present Lucky with the Outstanding Hoosier Award. Lucky will receive other commendations from Indiana Speaker of the House B. Patrick Bauer and Mayor Jeff Rea of Mishawaka.

It is my pleasure to join these dignitaries and the people of St. Joseph County by paying tribute to the many years of unselfish dedication of this tireless and devoted civil servant, Lucky Reznik. The South Bend and Mishawaka communities have been forever changed thanks to his commitment.

TRIBUTE TO DURANGO CITY MANAGER BOB LEDGER

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SALAZAR. Madam Speaker, I rise today to honor a distinguished civic leader from my district. After 25 years of service, Robert F. Ledger Jr. will retire as the City Manager for Durango, Colorado. His long history as a public servant has been marked with dedication and integrity at every stop.

Mr. Ledger has led Durango through both troubled and prosperous times, always with a passion for progress and in a way that preserved the historic and environmental ethic of the community. He championed numerous public works projects, encouraged community policing, opened city government to the citizens of the community and encouraged the public workforce to be the best that it could be.

Durango has come a long way under Bob Ledger. During his time with the City of Durango he oversaw the construction of public recycling buildings, water and wastewater treatment facilities, police substations, parks, a world class recreation center and many trails including the renowned Animas River trail. Programs started by Mr. Ledger include publicly accessible geographic information systems, recycling collection and processing, historic preservation efforts, planning and community development operations, broad-based public safety reorganization, and award-winning financial management and reporting. Bob Ledger has led the City of Durango in its efforts to build or expand public library facilities, public transit, wastewater facilities, airport infrastructure, and numerous recreational opportunities.

Mr. Ledger could not have accomplished all that was done in Durango over the last 25 years without the support of a strong staff, visionary city councils and the community of Durango as a whole. But without his drive, talents and skills many of the changes that have occurred in the Durango community would never have been realized. A man of passion and compassion, his legacy will live long. I salute Mr. Bob Ledger for his long and distinguished career of public service and wish him well in all his future endeavors.

IN SUPPORT OF H.R. 50, THE MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT AND H.R. 465, THE ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 50, the Multinational Species Conservation Funds Reauthorization Act, which reauthorizes the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act through 2012, and in support of H.R. 465, the Asian Elephant Conservation Reauthorization Act. These conservation funds have a tremendous impact on the survival of threatened species.

The ivory and bushmeat trades, as well as competition from humans for space and resources, continue to threaten the survival of the African Elephant. Rhinos and tigers similarly fall victim to these black market trades. In addition, deforestation and overworking have had devastating impacts on Asian Elephant populations. The grants awarded through the MSCF have proven to be effective in creating nature reserves, enhancing wildlife and ecosystem management, and developing antipoaching campaigns, helping to combat the practices that endanger these species the most.

As of January, the Department of Interior had approved 280 conservation grants in 23 African countries to assist African elephants, 321 grants for rhinos and tigers, and 171 grants for Asian elephants. By using $17 million in federal funding, the African elephant program has leveraged $72 million in private matching funds, and the rhino and tiger program has generated nearly $20 million in private funds to match its federally allocated $7.8 million. The Asian elephant program has been almost as successful, leveraging $10 million in private matching funds from $7.8 million in federal funding.

H.R. 50 and H.R. 465 would reauthorize the Multinational Species Conservation Fund to support three important international conservation laws and help to protect these animals on a federal level. I strongly urge their support.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 24, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

July 25

9:30 a.m.

Foreign Relations

To hold hearings to examine S. 732, to empower Peace Corps volunteers.

SD–419

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD–562

10 a.m.

Finance

Business meeting to consider the nominations of David H. McCormick, of Pennsylvania, to be an Under Secretary, and Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary, both of the Department of the Treasury, Kerry N. Weems, of New Mexico, to be Administrator of the Centers for Medicare and Medicaid Services, Tevi David Troy, of New York, to be Deputy Secretary of Health and Human Services, and Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation.

SD–215

Health, Education, Labor, and Pensions

Business meeting to consider S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 898, to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention, a bill entitled, "Newborn Screening Saves Lives Act of 2007", and the nominations of Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education, David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences, and Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts, and other pending calendar business.

SD–106

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

SD–342

Small Business and Entrepreneurship

To hold an oversight hearing to examine Gulf Coast disaster loans, focusing on the future of the disaster assistance program.

SR–428A

Joint Economic Committee

To hold hearings to examine the national foreclosure crisis, focusing on subprime mortgage fallout.

SH–216

11:30 a.m.

Energy and Natural Resources

Business meeting to consider S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, S. 278, to establish a program and criteria for National Heritage Areas in the United States, S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, S. 444, to establish the South Park National Heritage Area in the State of Colorado, S. 471, to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S. 645, to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals, S. 647, to designate certain land in the State of Oregon as wilderness, S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, S. 838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, S. 955, to establish the Abraham Lincoln National Heritage Area, S. 1089, to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, S. 1203, to enhance the management of electricity programs at the Department of Energy, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System, S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, H.R. 407, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, and other pending calendar business.

SD-366

2 p.m.

Environment and Public Works

Superfund and Environmental Health Subcommittee

To hold an oversight hearing to examine the Environmental Protection Agency's Environmental Justice programs.

SD-406

2:30 p.m.

Foreign Relations

To hold hearings to examine Pakistan's future, focusing on the challenges of building a democracy.

SD-419

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine United States trade relations with China.

SR-253

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the implementation of the Postal Accountability and Enhancement Act. (Public Law 109-435).

SD-342

3:30 p.m.

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine reforming key international financial institutions for the 21st century.

SD-538

July 26

9:30 a.m.

Foreign Relations

To hold hearings to examine extraordinary rendition, extraterritorial detention, and treatment of detainees, focusing on restoring our moral credibility and strengthening our diplomatic standing.

SD-419

Indian Affairs

To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.

SR-485

10 a.m.

Budget

Business meeting to consider the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

SD-608

Commerce, Science, and Transportation

To hold hearings to examine preparation taken for digital television transition.

SR-253

Environment and Public Works

To hold hearings to examine the case for the California waiver, including an update from the Environmental Protection Agency.

SD-406

Judiciary

Business meeting to consider S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. 453, to prohibit deceptive practices in Federal elections, S. 1692, to grant a Federal charter to Korean War Veterans Association, Incorporated, an original bill entitled, "School Safety and Law Enforcement Act", and the nomination of Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico.

SD-226

2:30 p.m.

Foreign Relations

International Operations and Organizations, Democracy and Human Rights Subcommittee

To hold hearings to examine the United Nations Human Rights Council, focusing on its shortcomings and prospects for reform.

SD-419

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To continue hearings to examine the Railroad Safety Enhancement Act.

SR-253

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

July 31

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

SR-253

2:30 p.m.

Judiciary

To hold hearings to examine death and serious injury relating to oxycontin and defective products.

SD-226

9:30 p.m.

Veterans' Affairs

To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.

SD-562

August 2

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

SENATE—*Tuesday, July 24, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, how excellent is Your Name in all the Earth. As our Senators face today's challenges, help them to trust in Your goodness. May their faith in You prompt them to wait for the unfolding of Your providence. Remind them that all things work together for good to those who love You and strive to do Your will. Continue to be their refuge, an ever-present help for life's challenges. Renew their strength, enabling them to soar like an eagle, to run and not be weary, to walk and not faint. Infuse them with a reverential awe that will strengthen them to honor You with their thoughts and words. When facing temptations, enable them to keep themselves pure.

And, Lord, we pause to remember today the supreme sacrifice of Officer Jacob Chestnut and Detective John Gibson, who died defending this Capitol against an armed intruder. Bless the families they left behind with Your divine comfort.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 24, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to conclude action today—in fact, this morning—on the higher education authorization measure. It is a very important piece of legislation. We have not done this in 3 years. It is important this be completed.

The good news I received walking into the Chamber today is it appears we will not have a vote on final passage. So that is really good work. Further, it underscores my repeated compliments of Senators KENNEDY and ENZI for their true bipartisanship. This is the second bill in a row they have managed, and they have done a tremendously important and good job in getting the bills done in regular order.

Once we complete action on this education matter, we will move to the Homeland Security appropriations bill. Today, at 3:40 p.m., the Senate will observe a moment of silence in memory of Detective Gibson and Officer Chestnut. A wreath-laying ceremony will take place at the Memorial Door at 3:30 p.m. I encourage Members to come to the Chamber at 3:40 p.m. to observe this moment of silence.

ORDER FOR MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate observe a moment of silence at 3:40 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. REID. Mr. President, I also ask unanimous consent that the Senate stand in recess today from 12:30 p.m. to 2:15 p.m. for our weekly party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING DETECTIVE JOHN GIBSON AND OFFICER J.J. CHESTNUT

Mr. REID. Mr. President, I wish to say a brief word about a couple of matters. As we heard in the prayer offered by Admiral Black, some will remember that day 9 years ago when these two officers were killed. I remember it for a number of reasons, not the least of which, when I attended law school, I went to law school during the daytime and worked a full-time swing shift, a night shift, as a Capitol police officer. My service as a Capitol policeman was not one where I showed any bravery or courage or any valor; I was directing traffic much of the time. That was the most dangerous job I did.

But 9 years ago today, two police officers did exemplify courage and valor. These two Capitol police officers, Special Agent Gibson and Officer Jacob Chestnut, were stationed by the east entrance on the House side. At 3:40 in the afternoon, a man with a gun tried to force his way past them. When Officer Chestnut blocked his path, the gunman shot him point-blank in the chest and killed him. Special Agent Gibson then warned nearby tourists and staff to seek cover. In fact, he chased the gunman down the hallway. He was headed for the House leadership's office. When they exchanged gunfire, one tourist was hit. Officer Gibson was also hit and died from his wounds, as did Officer Chestnut.

A plaque has been placed in the Capitol Building where the confrontation took place, and their names are carved in the National Law Enforcement Officers Memorial recognizing their sacrifice.

I knew Officer Gibson. Senate Democrats had a retreat. During that retreat, my wife became very ill one night. Special Agent Gibson was the first one there. He was carrying all the resuscitation equipment. He was sweating. He had run from the office where the police were stationed to take care of my wife. I remember how kind, thoughtful, and considerate he was, and how gentle he was.

I didn't know Officer Chestnut other than exchanging greetings when I met him, but his reputation was outstanding, and his actions that day proved his enormous strength of character.

I think of the brave police officers who protect me every day, Mr. President, with the skill and hard work I see firsthand each day. I also think of all the law enforcement men and women who keep this building and those who serve within it safe. We should all be grateful, but I am grateful beyond words.

So on this somber anniversary, I will lay a wreath and observe a moment of silence for these two heroic men we lost. Our hearts, and certainly our thoughts, are with the families of Special Agent Gibson and Officer Chestnut. I have met their families on a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

number of occasions. We hope that remembering them is some comfort to them that the sacrifice of their loved ones will be forever remembered with our gratitude and utmost respect.

SENATE SCHEDULE

Mr. REID. Mr. President, I have not had a chance to convey this information to the distinguished Republican leader. I have not had time because the decision was just made this morning. I want to go over the calendar for the remainder of this year.

We, of course, know what we have to do this week and next week. We need to complete the work on the Homeland Security appropriations bill, which is so important, with the 9/11 recommendations to become effective soon, and we have the National Intelligence Estimate report just rendered which indicates we have to be vigilant at home. We must complete the appropriations bill dealing with homeland security before we leave this work period.

We also need to do our work on SCHIP, children's health care. The Finance Committee, on a very bipartisan vote—17 to 4—passed that matter out of committee. It was led by Senators GRASSLEY, BAUCUS, ROCKEFELLER, and HATCH. What came out of that committee has been a compromise. That is how bipartisanship works. As reported in the Congressional Daily yesterday, that matter should have more than 60 votes. So if there is, in fact, an effort to slow that bill down, it appears on a bipartisan basis we can move it forward. It is certainly important legislation, and we need to complete it.

We also, as I just mentioned, need to complete the conference report dealing with the 9/11 Commission recommendations. We expect that to be passed in the House this week. The conference committee, basically, has wrapped up all its work on that bill. It has been very heartwarming that the conference has been led by Senators LIEBERMAN and COLLINS, and we had an actual conference, just as we used to have around here all the time. The first conference committee meeting was mobbed with press looking in. That is the way it used to be. A real conference report will come out of that conference committee, and that is very important.

Finally, we are going to complete the ethics legislation. I want to tee up so that when we come back in September, we will have some work to do without looking for something to do. What I would like to do is move to the VA-Military Construction appropriations bill. We will do that one way or the other. I hope on a motion to proceed that I will not have to file cloture, but if I have to, that is what I will do. So when we get back in September, we will have something to work on.

Let's talk about September. Whenever we leave here, Mr. President—and, as I have indicated, I hope it is next Friday, but that may not be the case if we have to do some extra days to complete our work—when we come back, of course, September 3 is a holiday, so we will come back on September 4. September 4 will be treated as most of our Mondays are treated. We will have a vote at 5:15 p.m. or thereabouts that evening, and we will work that week.

On September 10—everyone is on notice—we will be in session that day, and we will have votes before noon. It is not going to be 5:15 p.m. Everyone knows that is going to be an early vote day. Why? Because on September 10, 11, and 12, we will have full work days. We have to complete our work by 6 o'clock on September 12 because that is the beginning of the Jewish holiday, Rosh Hashanah. We will be out of session September 13 and 14. There will be no votes on Monday, September 17. It will be a work day, but we will not have votes. And then we are going to work the remainder of that week, the remainder of the next week, and the remainder of the next week. We could have—and I will try to give the distinguished Republican leader and all Senators notice—we may, because of what we are working on, have to have some Monday votes earlier than 5:15 p.m. We will try to announce it a week ahead of time so people can make arrangements.

Then, on October 8, which is a holiday, Columbus Day, we are going to have that as a home State work period. That whole week, we are going to be out of session; that is, October 9, 10, 11, 12, we will be out of session. We will come back on October 15 and work that day. We will have votes on October 15. I don't expect early votes. We will have votes on the 15th. We hope we can complete work for the session by November 16. If we cannot, then we have to come back. We will come back on December 3 and complete our work. That will give us 3 weeks before Christmas. I hope we don't have to do that. I think it will be good for everybody if we can complete our work on November 16.

I say to my friend, the distinguished Republican leader, if he has any questions about this, I will be happy to answer them. I apologize for not being able to give this information to him first, but the decision I was waiting to make was what to do on September 17, as to whether that will be a vote day. We decided it will not. I am now in position to state this publicly.

WOUNDED WARRIOR AMENDMENT

Mr. REID. Mr. President, before I leave the podium, I wish to say a couple words about another important piece of legislation.

Earlier this year, Americans were shocked by reports of the crisis at Walter Reed and other armed services medical facilities. It wasn't just Walter Reed, but that was the picture everyone saw. We learned that many of our courageous men and women wounded in service to our Nation were receiving unacceptably poor treatment and care upon their return to our shores.

I learned from this morning's news that there is a big lawsuit filed by Afghan and Iraqi veterans. Hundreds of thousands have joined together in a lawsuit against the Veterans' Administration. I do not procedurally understand how that is going to go forward, but it was in the morning headline news.

There is now, according to this news report, about a half a million backlog requests for Iraqi veterans to get care.

We learned during the early look at Walter Reed and other facilities not only was the veterans' care system ripe for bureaucratic failures, but even the physical facilities failed to meet a minimal level of acceptable quality.

The American people were outraged by these facts, and I am glad to say the Senate took prompt action. The Armed Services and Veterans' Affairs Committees held a rare joint hearing to identify the best ways to make right the existing failures and to prevent similar injustices from ever happening again. Members of these committees worked together in an entirely bipartisan manner. Last month, they introduced the Wounded Warriors bill, which was entered as an amendment to the Defense authorization bill. The Wounded Warrior amendment addresses the substandard facilities, which we have all read about and have visited, such as Walter Reed, and the lack of seamless transition when medical care for troops is transferred from the Department of Defense to the Veterans' Administration, which often leads to diminished care.

The legislation also looks at the inadequacy of severance pay to help those who have sacrificed so much already to support their families while they recover, and the need to improve sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

It addresses the inadequate care and treatment for traumatic brain injury and post-traumatic stress syndrome by authorizing $50 million for improved diagnosis, treatment, and rehabilitation. We saw this problem highlighted, as I have indicated, in the morning news. There are a number of stories about that, but the main story is in the L.A. Times, which cited a report by a special Pentagon task force showing that 38 percent of soldiers and 50 percent of National Guard members come home from Iraq and Afghanistan with mental health issues. Yet only 27 of these 1,400 VA hospitals have inpatient post-traumatic stress disorder programs.

Finally, the Wounded Warrior legislation provides support for wounded troops whose health insurance programs, such as the TRICARE program for retired veterans, have allowed gaps in medical coverage and treatment.

In the next few days, I intend to take the Wounded Warrior amendment from the Defense authorization bill—there were additions made to that from the time it left committee—and I will seek unanimous consent that we pass it now. The rest of it, with rare exception in the Defense authorization bill, if we passed it yesterday, wouldn't kick in until the beginning of the fiscal year. But the Wounded Warrior amendment legislation becomes law upon passage and approval. I hope we can do that. This would make these provisions immediately effective when the President signs this. Given the immediate care these people need, and the immediate need to act on the Wounded Warrior amendment, which has overwhelming bipartisan support, I am hoping we can all work together to pass it before we leave here. If we have to do it by unanimous consent, I hope we can do that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BIPARTISAN ACCOMPLISHMENTS

Mr. McCONNELL. Mr. President, to pick up on some of the observations of the majority leader, bipartisan accomplishments have been altogether too rare this year, but we do have an opportunity here in the next 2 weeks, as he has indicated, to do some good work on a bipartisan basis, and a good example of that will be later this morning.

I commend Senator KENNEDY, and particularly Senator ENZI, for their leadership on this higher education bill. That is a classic example of how we ought to operate more often in the Senate, and I hope we will reach that high standard more frequently for the balance of the year.

SUPPORTING AMERICA'S GLORIOUS FABRIC

Mr. McCONNELL. Mr. President, from America's earliest days, bravery has been essential. A group of courageous farmers were the first to stand against the British. The Declaration of Independence was a death warrant for anyone who signed it. The Constitutional Convention took place in a shuttered room. The Founders were brave, and they knew bravery would be needed to maintain what they had built. As Washington wrote when the veterans of 1776 began to pass away:

> Thus some of the pillars of the revolution fall. May our country never want props to support the glorious fabric.

We remember today two men who supported the glorious fabric of our country. Jacob Joseph Chestnut and John Gibson gave their lives on a Friday afternoon while standing sentry at the gates of this great citadel of liberty. The Chambers had fallen silent for the week, staffers were celebrating the passage of a law, tourists were studying old plaques, and the President was getting ready for a weekend trip to his camp when a madman pierced the calm routine of daily life in Washington, and a brave grandfather and young father stood strong against him.

Their heroism was duplicated by the Senator-surgeon who tried to keep the killer and his victims alive, by the British tourist who rushed to one of the victims' side to hear his last words, by the horde of officers who rushed the gunman. When the flags fell, thousands of Americans called the Capitol to grieve. Thousands more showed up to mourn the fallen officers and to honor the ideals they died for. An act of savagery had roused a nation to mercy and compassion. It was an instinct we would see again on an even darker day 3 years later.

We are grateful for the lives of these good men and for their sacrifice. They were not sunshine patriots. They were brave Americans who stood their ground, as Americans so often do, to ensure that the ceremony of freedom would go on. It does. It will. And they will not be forgotten.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

HIGHER EDUCATION AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1642, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1642) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

Pending:

Coburn amendment No. 2369, to certify that taxpayers' dollars and students' tuition support educational rather than lobbying activities.

Kennedy amendment No. 2381 (to amendment No. 2369), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The senior Senator from Massachusetts is recognized for 10 minutes.

AMENDMENT NO. 2381, AS MODIFIED

Mr. KENNEDY. Mr. President, I have a modification to my amendment that is at the desk, and I ask unanimous consent that the amendment be modified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2381), as modified, is as follows:

Strike all after the first word, and insert the following:

___. DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

Mr. KENNEDY. Mr. President, I also ask unanimous consent that the Senator from Oklahoma, Senator COBURN, be added as a cosponsor of the amendment at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this amendment gives the assurance to our colleagues here in the Senate that over the evening we were able to work with Senator COBURN and to take into consideration his concerns to do this in a way which I think is consistent with our legislation. I am very pleased the Senator from Oklahoma and I, and Senator ENZI, were able to come to agreement on this amendment.

We all agree that universities should not be using Federal money for lobbying. That is why our amendment bans it. We all agree that Federal student aid should not be used to secure an earmark. That is why our amendment bans it. We all agree there should be a mechanism to ensure that these rules are being followed, and that is why our amendment requires colleges to certify they are following the rules.

This amendment will keep the Federal funds from being used for lobbying while maintaining the ability of colleges to engage in appropriate communications with Government officials. It will allow preeminent research scientists to communicate with the NIH about cancer research; it will allow meteorologists to advise Homeland Security on better ways to predict and prepare for imminent natural disasters; and it will allow scientists to convey to the Department of Defense the latest advances in armor and other protections for our troops.

This amendment strikes a good balance between prohibiting the inappropriate use of Federal student aid dollars while keeping the door open for colleges and employees and officials to communicate with Government in other important matters. That is what our amendment does, so I am pleased we could come up with an agreement, and I thank the Senator for his concern and for his cooperation.

Mr. REED. Mr. President, I strongly support passage of S. 1642, the Higher Education Amendments of 2007.

This important bipartisan legislation, which I helped craft as a Member of the Senate Education Committee, would reauthorize the Higher Education Act for the first time since 1998, expand college access and affordability for students and their families, and ensure that teachers have the necessary skills and supports to effectively raise student achievement in the classroom.

This bill builds on our passage last week of the Higher Education Access Act, which makes a nearly $14 billion investment in additional need-based grant assistance for low-income students. That bill also helps middle-class students and families pay down and manage their loan debt by capping monthly loan payments at 15 percent of their discretionary income. And it sends a signal about the need for more talented young people to become nurses, teachers, and librarians by offering them loan forgiveness if they continue in public-service professions for 10 years.

Earlier this year, I introduced a bill aimed at making it easier for families to fill out the financial aid form that all students have to fill out to see if they can get tuition assistance. I called the bill the FAFSA Act, Financial Aid Form Simplification and Access Act. It is based on the recommendations of experts and should help make a sometimes difficult process less time consuming and frustrating. First, it would phase out the complex, one-size-fits-all long form at 7 pages and over 90 questions, using the savings to employ "smart" technology to create a tailored online application form to ensure that students answer only the minimum number of questions necessary. Second, the bill would establish a short paper EZ-FAFSA application form, similar to the IRS's 1040-EZ, for the lowest-income students. Third, this legislation allows students to apply for financial aid earlier, and it creates a pilot program to test an early application system under which students apply for aid and receive an aid estimate or determination in their junior year of high school. I am pleased that these provisions are included in the bill the Senate is passing today.

The Higher Education Amendments of 2007 also include provisions from another bill that I introduced earlier this year, the ACCESS Act. Accessing College through Comprehensive Early Outreach and State Partnerships Act—S. 938, modeled on successful programs like Indiana's 21st Century Scholars Program. Indeed, students in the Indiana initiative were nearly five times more likely than nonparticipants to enroll in college. The ACCESS Act creates a new incentive under the Leveraging Educational Assistance Partnership or LEAP program to spur states to form partnerships with colleges, businesses, and philanthropies to increase the amount of need-based grants. This new initiative would also make sure that students are aware of this opportunity for more aid in the 7th grade and provide early intervention, mentoring, and outreach services so they can stay on track for college. Again, research has shown that successful college access programs offer these components, and I am glad the bill before us includes them.

Furthermore, the Higher Education Amendments include several provisions from my PRREP—Preparing, Recruiting, and Retaining Education Professionals—Act, S. 1231, to strengthen the existing Teacher Quality Enhancement Grants program and improve college teacher preparation programs. These provisions ensure that prospective and beginning teachers, including for the first time, early childhood educators, have effective teaching skills, intensive, year-long pre-service clinical experiences, and high-quality, sustained multiyear mentoring and support in their first years of teaching. Too often, new teachers lack this kind of training and leave the profession. This bill aims to change that.

This legislation also includes my LIBRARIAN—Librarian Incentive to Boost Recruitment and Retention in Areas of Need—Act, S. 1121, to provide Perkins student loan forgiveness for full-time librarians with a master's degree in library science. Librarians working full-time in low-income areas would qualify for up to 100 percent Perkins student loan forgiveness depending on their number of years of experience. Indeed, a love of reading and books is essential to an educated workforce, but too often schools go without a trained librarian.

We hear often that serving in the military permits our military personnel to gain help with the costs of college when they leave the service, but all too often it is not enough. That is why I included language in this bill to increase Perkins loan forgiveness for members of the Armed Forces from 50 to 100 percent. The legislation also includes provisions I authored to create a career pathway for students with disabilities by providing training and support to middle school, high school, and university staff to encourage interest and understanding of educational and work-based opportunities for students, including those with disabilities, in disability-related fields.

I am also pleased this reauthorization bill includes provisions responding to recently uncovered conflicts of interests between lenders and college financial aid offices. This legislation provides students and families with increased disclosure about special arrangements between lenders and colleges and the terms and conditions of a school's "preferred lender list"; prohibits payments, gifts, and other inducements from lenders to colleges and financial aid administrators; and requires colleges to establish and follow a student loan code of conduct.

The bill we are passing today is significant legislation that addresses one of the top concerns of American families. It tackles the twin goals of increased college access and affordability for students and their families as was intended when the Higher Education Act was created in 1965. It represents an important step in ensuring that every student with the drive and talent to go to college has the opportunity to do so. I thank Chairman KENNEDY and Ranking Member ENZI, and their staffs, particularly Carmel Martin, J.D. LaRock, Missy Rohrbach, Erin Renner, and Emma Vadehra for their excellent work on this bill. I look forward to working with my colleagues to ensure that this important bill becomes law, so that we continue our commitment to creating and expanding educational opportunities for all students.

Mrs. MURRAY. Mr. President, I am pleased to vote for the Higher Education Reauthorization Act because it will open the doors of college to more students across the country. I want to commend Senator KENNEDY for his leadership on this bill. I have been honored to work with him and the other members of the committee to produce this comprehensive solution.

In response to the recent student loan scandals, this bill reforms the student loan process so that it puts the interests of students first and makes the system more transparent. To help address rising college costs, this bill takes a number of steps to increase user-friendly information available to students and parents about college costs. I am also pleased that this bill will make it easier for students to apply for financial aid by replacing the current 10-page application with a new 2-page version. This bill offers more help for students from disadvantaged backgrounds. Specifically, it strengthens TRIO programs to make students more prepared for higher education. It also expands and improves GEAR UP programs, which are a critical tool to help guide and prepare disadvantaged students for high school graduation and college enrollment.

I am especially pleased that the bill includes my proposal to train math and literacy coaches in colleges of education. As I have been working to improve our schools, I have recognized that we need to provide additional support to students in math and reading. By addressing those areas, we can improve the graduation rate and help students graduate prepared for college and careers. When I introduced the PASS Act, S. 611, earlier this year, I included reading and math coaches as a key way to improve the graduation rate. I am pleased that this higher education reauthorization includes a grants program that will help train those coaches, so we have a ready pipeline of qualified coaches to address these critical areas.

Mr. BIDEN. Mr. President, I rise today to congratulate Chairman KENNEDY and Ranking Member ENZI on passage of this very important legislation. I also thank them for their assistance in including within the Higher Education Amendments Act of 2007 a bill I have worked on, the Early Federal Pell Grant Commitment Demonstration Program.

The Early Federal Pell Grant Commitment Demonstration Program will bring us one step closer to making sure that every child has the opportunity to go to college. Our current higher education system is riddled with barriers that students must overcome to obtain the keys to their future—a college education. This program will break down some of those very barriers by making an early promise of Federal aid to students early enough in their academic careers so that the reality of a college education is firmly in their grasp.

How we choose to support our students today will have broad ramifications for not only them but for our country 10, 20, and 30 years down the road. The consequences are dire if we do not take a more aggressive approach to make sure the doors to a college education are open wide enough so every student that wants to pursue a college education can do so regardless of their family income. If we maintain the status quo, the outlook for too many students is grim. Take, for example, the fact that over the next decade 2 million college-ready students from households with an income below $50,000 will not attend college because they cannot afford the costs. Every door we fail to open for our students is a door closed—a missed opportunity—for our country down the road.

I commend my colleagues for their leadership in developing meaningful reforms regarding the cost of and access to a college education in this bill as well as the recently passed Higher Education Access Act of 2007. I am pleased that the Early Federal Pell Grant Commitment Demonstration Program is one component of those reforms—providing students and their families with a commitment of Federal aid early in their academic careers, information about the costs of college, and information about the various types of available financial aid. Right now, students don't find out whether they are eligible for Federal aid until their senior year—much less how much they will receive. This timeframe doesn't work for many families. Making a commitment—a promise—of Federal aid to students at an early age will begin the conversation about college earlier and continue it through the day they receive the acceptance letters from the schools of their choice.

If you have seen the news articles, or if you are putting a child through college, you know that the cost of a college education can be daunting to a student and their family. Many children think—erroneously—that they can't afford to go to college, and they go through high school thinking their futures are limited. We should not wait to tell those that need it that they will receive help to pay for college. Committing a Pell grant—the maximum of which is $4,310 under current law and $5,400 in the Senate-passed Higher Education Access Act—will critically alter the expectations of low-income students. For those students whose future plans often do not include college, this program will provide a financial promise, and the hope that comes with knowing you can afford a college degree.

Under this early commitment plan, four States will receive funding for a demonstration program, each of which will work with two cohorts of up to 10,000 8th grade students; one in school year 2008–2009, and one in school year 2009–2010. Schools with a National School Lunch Program participation rate above 50 percent would be eligible for the program, and by using the same eligibility criteria as the National School Lunch Program, students would be identified based on need in the 8th grade.

The Early Federal Pell Grant Commitment Demonstration Program will also provide funding for states, in conjunction with the participating local educational agencies, to conduct targeted information campaigns beginning in the 8th grade and continuing through students' senior year. These campaigns will inform students and their families of the program and provide information about the cost of a college education, state and federal financial assistance, and the average amount of aid awards. A targeted information campaign, along with a guarantee of a Pell grant, will allow families and students to not just plan ahead for college, but to dream of a future that includes higher education.

Mr. LEVIN. Mr. President, today, marks the culmination of yet another journey towards making college more affordable with the passage of the Higher Education Amendments, and with the passage several days ago of the Higher Education Reconciliation Act. It represents the single largest Federal investment in higher education since the GI bill. I am pleased to support this legislation because it reflects a commitment to expanding access to higher education and making it more affordable. It opens the door to those previously denied educational opportunity due to a lack of adequate financial resources or who could not carry the burden of excessive student loan obligations.

This legislation is a great victory for students and families across America, including my home State of Michigan, which would receive over $80 million above the current $429.8 million in new assistance for the upcoming academic year and an additional $689.6 million over the next 5 years.

I have long supported efforts in the Senate to expand the availability of student aid and to ensure that students have access to a postsecondary education, including raising the maximum Pell grant award. This much-needed legislation increases the maximum Pell grant from $4,310 to $5,100 in 2008, building upon our efforts in February of this year when we passed a significant increase in the maximum Pell grant award to $4,310 from $4,050, the first increase in 4 years.

This legislation also increases the income level at which a student is eligible for the maximum Pell grant; caps monthly student loan payments at 15 percent of discretionary income; encourages public service by providing loan forgiveness for borrowers who commit to public service; simplifies the financial aid process for all students; and reforms the student loan system so that it works for students rather than lenders.

There is one fact that we cannot escape, which is that more and more students and families are struggling to pay for college at a time when access to a higher education is increasingly important in a competitive, global economy where training beyond a high school education is required.

The legislation will protect working students by increasing the amount of student income sheltered from the financial aid process. The cap on Federal student loan payments at 15 percent of a borrower's discretionary income will bring much-needed relief to students with the burden of excessive loans. For example, a social worker in Michigan with one child earning $45,620, with student loan debt of $19,000, would have his or her monthly payments reduced by 12 percent. Forgiving the debt of borrowers who continue in public service careers, such as law enforcement, nursing or teaching for 10 years will be provided significant relief under this bill. For instance, a starting teacher in Michigan earning $35,557 with the State average loan debt of $18,942 could have monthly payments reduced by 20 percent. After 10 years of teaching, all remaining debt would be forgiven, in this case, a benefit worth $10,906.

A student's access to higher education ought not depend on his or her family's income. Working families and aspiring students across this country are struggling to obtain the financial resources to secure a college education. Low and middle income students who have managed to enter and stay in college are graduating with unprecedented levels of debt. This legislation responds to this crisis.

The passage of this bipartisan legislation is a notable accomplishment.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. OBAMA. Mr. President, I first want to thank the chairman and ranking member of the HELP Committee—Senator KENNEDY and Senator ENZI—for their leadership in bringing this important legislation to the floor. I also appreciate their willingness to incorporate the ideas and concerns of the various committee members. I am pleased to urge my colleagues to support this comprehensive package to improve higher education. This is a worthy conclusion to the discussion that began last week, with the passage of the Higher Education Access Act, to make college more affordable and more accessible.

Education is the centerpiece of a deal America has entered into with its students: if you work hard, if you gain the right set of skills, and if you accept responsibility for your learning, you have a chance for a better life. That is the basic premise of education in our country.

And this deal includes a college degree. A college education and a diploma improve the chance of getting a good job, increase earning potential, and ease entry into the middle class.

Last week, we passed legislation making a college degree more accessible for many students, by increasing student financial aid. Today, we must move forward on the remainder of a comprehensive package for college students and their families. In this legislation, we are asking colleges themselves to look more closely at the increases in their costs, and to report more information, so that students and families have a clearer picture of the cost of attendance.

We are reforming the student loan system, by shedding more light on the process, illuminating more clearly the arrangements between colleges and lenders, and prohibiting payments that give some lenders an unfair advantage. Instead, we must make sure that the system works to the advantage of students. We must act to curb the financial abuses that have been so widely reported at a few institutions, and that have hurt too many students. In this legislation, we have also increased access for many by making the process more user-friendly, by simplifying the financial aid application process, and by helping students plan for their college education earlier in their high school career. All these provisions of the Higher Education Amendments are worthy of the support of my colleagues.

There are two provisions in this legislation which I would especially like to thank my colleagues on the HELP Committee for supporting, and advancing. The first establishes an innovative method for teacher preparation. We know that teachers are the most important resource for students in our schools. And yet, too many students in high-need schools are taught by inadequately prepared teachers, who are often not ready for the challenges they face, and who often choose to leave the classroom too soon.

We must recruit talented Americans to become teachers, and we must help transform teaching, restoring its luster as a profession. We must better prepare prospective teachers, so that when they join the profession, they are successful and choose to stay, so that their students may share in that success. As we ask teachers and school leaders to accept more responsibility for student learning, we must do our part to adequately prepare teachers to achieve success.

Research shows that good preparation programs can make novice teachers effective more rapidly. This legislation includes a provision for residency programs to effectively prepare teachers for the reality of challenging classrooms. Teaching Residency Programs are school-based programs in which prospective teachers teach alongside a mentor teacher for one year, while undertaking coursework to attain teacher certification. Graduates of the program are placed in high-needs schools and continue to receive strong mentoring and support for their first years of teaching.

I am particularly proud that such Teaching Residency Programs are included in title II of these Higher Education Amendments, because it is a model of effective teacher preparation that I have advocated since before I was elected to the Senate. I have seen firsthand the success of such a program in Chicago.

Teaching Residency Programs are based on what we know works best to prepare teachers. We know that mentoring is critical to help novice teachers improve their skills, and to retain many who might otherwise leave the profession within their first few years. We can no longer afford to lose high quality teachers because they are not adequately supported, or because they realize that they are not progressing in their chosen profession.

I am also pleased that the Higher Education Amendments we consider today contain a provision to support predominantly Black institutions—a proposal first suggested by my good friend, Representative DANNY DAVIS. These are colleges which serve a growing number of African-American students, most of whom are the first in their families to go to college and most of whom receive student financial aid. It is appropriate that we support such institutions, to help ensure that these colleges, in turn, support the efforts and talents of these students. Over the years, Congress has acknowledged the key role of similar institutions through provisions supporting historically Black colleges and universities, Hispanic-serving institutions, and other colleges and universities whose mission includes educational opportunities for minority students.

The Higher Education Amendments we consider today contain much that will help our students be more successful. I am proud to have been involved in developing this legislation, and I urge my colleagues to support its passage.●

Mr. KOHL. Mr. President, I rise today in strong support of Wisconsin's students and families. Students work hard to get into college. Along with their families, they are working even harder to pay for college. However, the high cost of college, combined with the slow growth of family income and insufficient grant aid is pricing many Wisconsin students out of a college education. Today help is on the way.

To reverse this trend the Senate has acted on two bills that will significantly improve access to college and make a college education more affordable for students and families. The Higher Education Access Act will provide $17.3 billion in new aid to students, paid for through reforms to the student loan industry, and the Higher Education Amendments extends a variety of important programs, such as—work study, Perkins loans and TRIO. Both bills passed with strong bipartisan support and together, they represent a major victory for students and families.

Wisconsin students will benefit from $32 million of new financial aid, including an increase in the maximum Pell award from $4,310 to $5,100 next school year. Pell-eligible students should expect an additional $430 in aid to help offset the cost of school. This legislation will also cap loan payments at 15 percent of a student's discretionary income, bringing needed relief to students from excessive loan burdens. Lastly, this bill provides loan forgiveness for students who choose careers in public service such as, nursing, teaching, or law enforcement for 10 years.

The Senate has made college access and affordability a top priority. I am proud of the bipartisan way the Senate has acted to give students around the country access to college and a chance at a better and more productive life. I am proud to support this bill.

Mr. DORGAN. Mr. President, I am here today to talk about the reauthorization of the Tribally Controlled College or University Assistance Act of 1978, which is reauthorized in conjunction with the Higher Education Act. As chairman of the Senate Committee on Indian Affairs, I have been working closely with the Health, Education, Labor, and Pensions Committee to ensure that amendments enhancing tribal colleges and universities are included in S. 1642, the Higher Education Reauthorization Act.

Title IX of S. 1642 reauthorizes the Tribally Controlled College or University Assistance Act of 1978 and includes a new title to authorize Department of the Interior funding for institutional operations of the two tribally controlled postsecondary career and technical institutions: United Tribes Technical College and Navajo Technical College. Funding authorized under the Tribally Controlled College or University Assistance Act is essential as it provides the resources necessary for these institutions to continue to provide high quality, culturally relevant higher education opportunities for Indian students in Indian country.

I have been a longtime supporter of the Nation's tribal colleges and universities because I see how they benefit both their communities and individual students. There are 34 tribal colleges and universities throughout the United States. My home State of North Dakota is fortunate to have five of these remarkable institutions.

Tribal colleges and universities offer a wide range of accredited academic programs including many from areas of high need such as teacher education, business administration, and nursing. In addition to college level programming, tribal colleges and universities also offer much needed high school completion programs, job training, and college preparatory courses.

These vital institutions are essential to their tribal communities, many of them serving as community centers, public libraries, tribal archives, career and business centers, economic development centers, public meeting places and child and elder care centers.

Approximately 28,000 American Indian and Alaska Native students attend tribally controlled colleges and universities across the country. Tribal colleges are located in isolated, remote areas, with high unemployment rates where average family income is approximately $14,000.00—27 percent below the Federal poverty level. As a result, the cost of attending a mainstream institution, which for many reservation communities is several hours away, is prohibitively high, especially when tuition, travel, housing, textbooks, and other expenses are considered.

Most students attending tribal colleges are the first generation in their family to go to college. American Indians who earn a bachelor's degree or higher can expect to earn two times as much as those with a high school diploma and four times as much as those with no high school diploma. Tribal colleges are proven agents of change and provide real hope for the future of their graduates and their tribal economies.

I have been fortunate enough to hear from many American Indian students who have benefited from tribal colleges and universities, including one young woman who faced many challenges growing up on the Turtle Mountain Reservation in North Dakota.

As a young child, this young woman often felt isolated at school, but realized at a very young age that education was the key to making a better life for herself and enriching her community. This belief stayed with her throughout a particularly challenging period of her life in which she dropped out of high school and became a mother. This series of events provided her with even more incentive to seek education, so she enrolled in the Turtle Mountain Tribal College. She loved college, excelled and has earned her Ph.D. Her story illustrates the important role tribal colleges play in lifting Indian children and young adults, who have faced so many obstacles and adversity in their lives, out of poverty and despair.

In addition to the Tribal College Act reauthorization, S. 1642 reauthorizes a program for developing institutions under title III of the Higher Education Act specifically for the Nation's tribal colleges and universities. I fully support the adoption of the proposed changes that I believe will greatly enhance the tribal college's ability to provide higher education opportunities to their reservation communities.

Lastly, I applaud all institutions that serve American Indian students but we need to make sure that the proposed new title III program for "Native American-serving, nontribal institutions" included in S. 1642 does not negatively impact the already limited funding available for tribal colleges and universities.

I remain committed to finding ways to increase access to quality postsecondary opportunities for American Indian students and to further strengthen the capacity of tribal colleges. S. 1642 provides solid steps towards doing just that.

Mr. FEINGOLD. Mr. President, I speak today in support of passage of the Higher Education Act of 2007.

Last week, the Senate took an important step toward increasing access to higher education for low-income students by passing the Higher Education Access Act of 2007 which would increase student aid by approximately $17 billion by cutting Federal subsidies to lenders and banks. Today, the Senate expands on last week's important work by passing the Higher Education Act of 2007, which reauthorizes programs under the Higher Education Act of 1965, including title II teacher education programs and title IV student aid programs.

Many students today dream of going to college but face hurdles to making that dream a reality, including financial hurdles, which for many low-income students can become insurmountable. This legislation helps students make their dreams of going to college a reality by reauthorizing a number of important programs that I support, including the Pell grant program, TRIO, GEAR UP, and LEAP. These programs seek to reduce the financial and college preparation barriers that many students face when applying to and attending college.

Higher education is one of the most important investments our Federal Government can make, and Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. I am deeply concerned about the emergence of a widening educational gap between rich and poor. Statistics illustrate that students from low-income families are pursuing postsecondary education at a much slower rate than individuals from middle and upper income families.

Increasing the maximum award for Pell grants can help in closing the gap between college attendance rates of low-income students and students from middle and upper income families. I have led and supported many efforts to increase the maximum Pell grant award in recent years, including earlier this year when I joined with Senators KENNEDY, COLLINS, and COLEMAN in leading letters to the Senate Budget and Appropriations supporting the highest possible increase in the maximum Pell grant award. I am pleased that the Higher Education Act of 2007 increases the authorized maximum for Pell grants to $6,300 by the 2011–2012 academic year, and I will continue to work with my colleagues to push for fiscally responsible increases in the Pell grant program in the coming years.

This legislation also makes important changes to the title II, Teacher Quality Partnership Grant Program to better train and prepare teachers for working in our Nation's classrooms. Access to high-quality teachers is a key determinant in student academic success at the elementary and secondary level. The provisions in this legislation that promote mentoring and training new teachers through residency programs will help to ensure that new teachers entering our Nation's schools are better prepared and receive the support they need during their beginning years of teaching.

I was also pleased that the committee accepted language into the managers' package to ensure that the grants for training of teachers will promote a wide range of teaching skills, including measuring students on different forms of assessment, such as performance-based measures, student portfolios, and formative assessments. In an era of increased accountability at the local, State, and Federal level, we need to do all we can to promote more responsible and accurate assessment of students in our K-12 schools.

I remain concerned about the increased use of high-stakes standardized testing at the K-12 level, including using high-stakes standardized tests to make decisions regarding school accountability. By broadening the definition of student learning and teaching skills as this new title II language does, we can better ensure that teachers are trained to more accurately and responsibly measure student achievement through alternatives to high-stakes standardized testing.

This bill also takes important steps toward addressing the abuses in the student loan industry by requiring lenders, banks, and universities to provide more disclosure to students before these students take out education loans. The bill also prohibits campus employees from receiving gifts of more than nominal value from lenders or banks. I was pleased to cosponsor Senator KENNEDY's Student Loan Sunshine Act earlier this year and support the inclusion of those legislative provisions in this reauthorization bill.

The bill also includes language based on previous legislation I introduced that defines the terms "different campus" and "different population" for purposes of administering the Federal TRIO Program. I have long supported increased funding for TRIO Programs which provide education outreach services and support students from disadvantaged backgrounds as they pursue higher education. The language included in this bill ensures that higher education institutions with branch campuses geographically apart from each other can compete on equal footing for the important TRIO grants.

I am concerned that this bill may not adequately protect the privacy of individuals whose information is contained in Federal and State databases. Almost a year ago, I wrote to the Secretary of Education's Commission on the Future of Higher Education regarding the Commission's first draft report which contained language proposing the creation of a national student unit record tracking system, and I questioned whether such a system, if created, could adequately protect the privacy interests of the students it would be tracking. The bill, while purporting to prohibit such systems, exempts any existing data systems that are used to operate programs authorized by the act, as well as any successor systems. Moreover, while the bill includes provisions to restrict access to the National Student Loan Data System, it includes no similar provisions for other Federal databases.

The bill also includes a pilot grant program to develop State-level postsecondary student data systems in five States. Grant recipients must comply with the Federal Educational Rights and Privacy Act, which prohibits certain policies and practices relating to disclosure of information; however, I believe additional protections may be necessary to ensure individual privacy. I plan to work with my colleagues on these matters as the bill moves forward.

Mr. President, the Higher Education Act of 1965 was one of the key Great Society programs that sought to extend the opportunity to pursue higher education to Americans of all backgrounds, regardless of their economic circumstances. With Senate passage of both the Higher Education Act today and the Higher Education Access Act of 2007 last week, we have acted to continue and expand upon these essential college access programs. I look forward to working with my colleagues in the coming weeks and years to continue to support and strengthen higher education programs. In an increasingly global and competitive 21st century, ensuring access to higher education for all Americans who wish to pursue it must remain a priority in Congress for many years to come.

Mr. WEBB. Mr. President, I wish to speak on behalf of an amendment I was very proud to cosponsor with Senator WARNER, the senior Senator from Virginia, that was passed by a unanimous vote while I was outside the Senate when we came into session yesterday. I thank Senator WARNER for his leadership on this bill, and I express my appreciation to the Senate for their support.

This amendment is called the minority-serving institution digital and wireless technology opportunity amendment. It will help close what is clearly a digital divide at minority institutions in the country. This was a bipartisan effort, as I pointed out, and it is directed toward ensuring we are addressing the current needs that exist in our colleges and universities by giving our students an opportunity to compete with anyone anywhere around the world.

Over 60 percent of jobs require information technology skills these days, and many jobs in the information technology field pay significantly higher salaries.

It is vital to our global competitiveness that all institutions of higher education provide their students with access to the most current information technology and equipment.

I commend our leadership and the HELP Committee for making these sorts of issues a priority on the bill we voted on today and for ensuring that our students have the tools necessary to succeed and compete in our changing economy.

This particular amendment will establish a new grant program to be administered by the Secretary of Education to assist historically Black colleges and universities, Hispanic-serving institutions, and tribal colleges. These grants have a 5-year time period in which they have to be used. I believe they are highly appropriate in helping these minority institutions reach a level playing field.

Virginia is home to six historically Black colleges and universities—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University, Virginia University of Lynchburg, and Virginia State University. These are examples of some of the universities that will be helped by this amendment.

Investing in our minority-serving institutions will give our students an opportunity to compete far more effectively in our global economy.

This amendment addresses the inequality of access to technology that exists in many cases because of technical and economic restraints.

I am looking forward to working closely with the appropriators to ensure that necessary funds are provided for this critical program.

I again thank my colleagues, in particular the esteemed senior Senator from Virginia, Mr. WARNER, for helping make adoption of this important amendment possible.

Mrs. CLINTON. Mr. President, with the passage of the Higher Education Amendments of 2007, we have given the millions of students and families the key to unlock the door to a college education and the American dream. This bill represents an incredible victory for students and families, and we can be proud that in this new Congress we have renewed our commitment to students working hard to achieve the promise of America.

The Higher Education Amendments of 2007 is the first reauthorization of the Higher Education Act in nearly a decade and is the result of 2 years of bipartisan compromise. This legislation will reform the student loan industry and serve the best interests of our students.

I believe student loans should be an investment in the future. Sadly, for too many students, their student loans have become a barrier to following their dreams. That is why I am pleased this bill includes provisions from my

Student Borrower Bill of Rights Act. My provisions will ensure all student borrowers have accurate and timely information on their loans and will provide much needed help to borrowers with disabilities. These provisions are a major step forward for students who have become disabled and are overwhelmed with student loan debt.

I am proud this legislation also includes provisions from my Non-Traditional Student Success Act, as the number of nontraditional students continues to increase on college campuses across America. These are students with children, students working while studying, and so many others. By including a provision to make Pell grants available year around, the Higher Education Amendments of 2007 provides the critical support these students need to complete their college education and makes college more accessible and affordable for them.

I also worked with my colleagues on the Health, Education, Labor, and Pensions Committee to author two new initiatives to help more students arrive at college ready for success. The first provision will provide the training and support necessary to place 10,000 new teachers in disadvantaged communities over the next 3 years. The other provision will supply comprehensive data and offer targeted assistance to increase the college-going rates of high school students in disadvantaged communities.

The Higher Education Amendments of 2007 will produce transparency in college cost for students. It will also promote strategies to recruit and prepare qualified teachers and will invest in financial literacy for students and parents. This legislation will simplify the Free Application for Federal Student Aid to improve the process of applying for student assistance and give families tools to plan for the cost of higher education. In addition, this bill will improve the TRIO/Upward Bound and the Gaining Early Awareness and Readiness of Undergraduate Programs, strengthening the pathway to higher education for millions of low-income and first-generation students.

I am proud to be an original cosponsor of this legislation. I thank my Senate colleagues for making this groundbreaking investment in the next generation of American leaders.

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate passed today 5-year extension of the Higher Education Act to renew major programs that help ensure our Nation's students attain a college degree.

This legislation, with strong bipartisan support, also includes new measures to address rising college costs and would reform the student loan system so that it better serves students.

Last week, the Senate passed an important piece of legislation that will provide over $17 billion in new grant aid to low-income college students—$2.5 billion of which would go to help California's students afford college.

Nationwide, students and their families are struggling to pay the growing costs of a college education.

Four-year public university costs increased 52 percent, while the median family income only increased 3 percent during the school years from 1995–96 to 2005–06.

In California, even after financial aid is taken into account, 33 percent of the median family income is needed to pay for 1 year of college at a 4-year public college.

As a result, many students rely on loans to finance their education—the percentage of undergraduates at 4-year public colleges with student loans has risen to 66 percent, especially among low-income students.

At the same time, lenders have been provided substantial government subsidies beyond what is required for participation and competition.

Specifically, this bill would raise the authorized level for the Pell grant maximum award by $1,990 over 5 years—from the current $4,310 level to $6,300; authorize the U.S. Department of Education to award competitive grants for Teacher Preparation Programs that help recruit and retain high-quality teachers in high-need schools; improve programs that help low-income middle and high school students prepare for college. For example, GEAR UP program grantees, which serve over 150,000 California students, would be permitted to use funds for tutoring, extended school day programs or scholarships; create a nationwide "Higher Education Price Increase Watch List" of colleges whose costs are increasing at a rate greater than other schools and create a higher education price comparison index to help students and parents compare college tuition costs; require colleges to recommend lenders to their students based on the best interests of the students. It also prohibits payments from lenders to schools that create conflicts of interest; and simplify student financial aid forms by creating a new 2-page form for low-income students, and phasing out the current 10-page form for all applicants within 5 years.

The key reforms in this legislation will help ensure that college is more affordable for our young people and that they receive the education they deserve to succeed in our global economy. I am pleased that the Senate will pass this important legislation today.

Mr. MCCONNELL. Mr. President, I thank my colleagues Senator ENZI and Senator KENNEDY for making sure that the managers' package includes my amendment to add Kentucky State University to the list of historically Black colleges and universities, HBCU, that are eligible to receive funding for their graduate programs.

Kentucky State enjoys a proud heritage as the Commonwealth's only HBCU. Chartered by the Kentucky General Assembly in 1886, Kentucky State is one of the 15 original HBCUs recognized in the historic Morrill Act of 1890. In recent years, Kentucky State has developed strong undergraduate and graduate programs in the natural sciences, most notably aquaculture.

Earlier this year, I was pleased to visit with Kentucky State's president, Dr. Mary Evans Sias. During our meeting, Dr. Sias called my attention to the fact that Kentucky State's graduate programs were not eligible to receive the Federal funding set aside for HBCU graduate programs because the institution was not among those schools listed in the Higher Education Act.

I told Dr. Sias I would try to help Kentucky State, and last week I introduced legislation, S. 1826, to add Kentucky State to the list of eligible institutions under the Higher Education Act. I thank my colleagues, Senator ENZI and Senator KENNEDY, for including this legislation in their managers' package. I am confident that it will go a long ways towards strengthening Kentucky State's ability to serve the Commonwealth's students.

Mr. DURBIN. Mr. President, paying for college is harder than it used to be. Over the last 5 years, the combined cost of tuition, fees, room and board at 4-year public colleges and universities increased by 42 percent, and more students are leaving college saddled with debt. More than two-thirds of 4-year college students now borrow to pay for school, and their average debt more than doubled between 1993 and 2004.

Unfortunately, we have learned that some lenders and some universities are engaging in practices that are not always based on what is in the best interests of the students. The New York Times revealed that some lenders have offered schools incentives to be placed on a college's "preferred lender" list. One example was an all-expense paid trip to the Caribbean for school officials and their spouses to attend an education "summit" held at a luxury five-star beachfront resort. Between symposiums and discussions on how important it is to address the cost of higher education, guests could enjoy complimentary water and beach sports, volleyball, and access to an 18-hole championship golf course, a 10-court tennis complex, two beachfront pools, and a luxury spa. News of the trip drew such a negative response that the sponsor of the trip, Loan to Learn, ultimately cancelled it. Other examples of incentives to schools include iPods given away at a financial aid administrators meeting and bonuses based on how much students borrow. Nothing about these incentives ensure that the lenders or the schools are looking to provide the best loan available for students.

The bill we are considering on the floor today, the renewal of the Higher Education Act, includes major provisions from a bill Senator KENNEDY and I introduced earlier this year, the Student Loan Sunshine Act. The Student Loan Sunshine Act reforms the student loan system so that it works for students, not lenders. The bill we are considering today ensures that colleges are recommending lenders to students based on the best interest of students, not the self-interest of financial aid officers. We protect students and parents from exploitation by lenders. Lenders are prohibited from providing inducements to colleges and financial aid administrators that create conflicts of interest. It also ensures that students and their families have only the facts and can feel confident that they are receiving the best deal on their college loan.

I am also pleased that this bill includes key provisions from legislation I introduced earlier this year, the Campus Law Enforcement Emergency Response Act. Shortly after the Virginia Tech shootings, I introduced legislation to ensure that all colleges and universities develop emergency response procedures and campus notification systems, and test them at least annually.

The Higher Education Amendments Act before us today includes key elements of that bill. For example, the bill requires colleges and universities to develop procedures for responding to large-scale emergencies on campus and to test those procedures at least annually. This includes procedures for promptly notifying the campus community in case of such emergencies, a new competitive grant program to improve emergency response, and a new role for the Departments of Education, Justice, and Homeland Security to advise colleges and universities on model emergency response procedures and best practices. The language added to this bill will ensure that our colleges and universities are better prepared for emergency situations, and it will better protect those who live and work on college campuses from threats to their security.

This bill also simplifies the financial aid process, creates a pilot program to allow students to receive a financial aid estimate in their junior year of high school so they can make more informed choices when selecting which college to apply to.

The bill makes an important attempt to provide students and parents with more information on the cost of higher education. As I mentioned earlier, the cost of higher education has gone through the roof. Every time I meet with the presidents of colleges and universities from Illinois I ask them: What can we do to control the skyrocketing cost of higher education? This bill will create a Higher Education Price Increase Watch List, which will include a ranking of each institution of higher education whose tuition and fees are rising faster than the average. It directs the Secretary of Education to develop model price calculators to help students and families determine the net price of an institution of higher education. Universities will be required to publish this information in their application materials so it is easily accessible to prospective students. If we want to take a serious look at the rising cost of higher education, we have to make more information available to students and families about the real cost of attending college.

The Higher Education Amendments Act we are considering on the floor today strengthens many of the successful provisions of the Higher Education Act. It also addresses some of the new problems and issues that have emerged in the area of higher education, including unethical practices in the student loan system, threats to the safety of our students on campuses, and the rising cost of college.

Mr. KENNEDY. Mr. President, as I understand, we have 20 minutes, and I want to give notice to our colleagues there will be two votes. There will be the vote on this perfecting amendment, which has been introduced by myself and Senator COBURN and others, and then the final passage. That will be in approximately, I don't know, 15 or 17 minutes.

How much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 7 minutes remaining and the Senator from Wyoming has 10.

Mr. KENNEDY. Mr. President, I will make some concluding comments, and I ask the Chair to let me know when there is 1 minute left, if the Chair would be so kind.

The Declaration of Independence proclaimed that we are all created equal. Our Constitution demands that we promote the general welfare. The words carved above the entrance to the Supreme Court are "Equal Justice Under Law." There is nothing more basic to who we are as Americans than those immortal words that lie at the foundation of our democracy, in that everyone counts, everyone matters, and everyone has a role to play in our society.

From our earliest days as a nation, education has been the mainstay of our society and the engine of the American dream. Our Nation's Founders knew that an educated citizenry would strengthen our land and build up the values and character that make us Americans. They invested in education because they looked to the future and saw an even greater America over the growing horizon.

We looked forward when we passed the GI bill, and it allowed service men and women coming back from the Second World War to get a college education. They became the greatest generation. The GI bill produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It funded the education of three Presidents, three Supreme Court Justices, and about a dozen Senators who served in this Chamber.

That is the kind of vision we have had in America when it comes to education, and it is our vision today as we reclaim our destiny and invest once again in the next generation.

In these past few days, we have made a new promise to American students and families—a promise to invest more as a nation, to ensure that all of our young people—and we mean all—regardless of background, get the education they deserve and the training they need to succeed in today's global economy.

We have pledged here in the Senate that it doesn't matter where you are from; what matters is where you are going. No American should be denied the right to go to college because of money.

Last week, we showed this commitment again when we made another new promise to students, providing them with the largest new investment in student aid since the GI bill. We increased the Pell grants. We provided relief for student loans by saying your monthly payments will never exceed 15 percent of your monthly income. We said: If you become a teacher, a firefighter, or enter other public service jobs, your loans will be forgiven after 10 years.

The bill before us brings about other key reforms that will make college more affordable to young Americans. Our legislation will take steps to ensure that the student loan system is working in the best interest of students by pursuing needed ethic reforms in the student loan industry. It will simplify the Federal financial aid application and delivery process to ensure that a complex system does not work as a barrier to access for low-income students. It demands that colleges do their part to keep college costs down. If we do our part to provide needed student aid, they must do their part to keep their tuition and fees reasonable.

It will reform and improve our teacher preparation system. Teachers are the backbone of our K–12 education system and this bill will promote high-quality teacher preparation programs and help recruit and retain high-quality teachers in high-need schools.

I thank all my colleagues, and in particular all the colleagues on the committee for the work they put in on this legislation. I especially thank MIKE ENZI, our ranking member, for all his leadership on this bipartisan legislation. This has been in the works for over 2 years—close to 2 years. I thank all the staff who have worked so hard over the past months to make this happen.

I want to personally mention those who have worked so hard on my staff. I would like to thank Michael Myers, who does a great job on all of the undertakings of our committee, and I am enormously grateful for his leadership and his friendship. I would like to thank Carmel Martin and J.D. LaRock, Missy Rohrbach, Nick Bath, Erin Renner, Emma Vadehra, David Johns, Raquel Alvarenga, Liz Maher, Jennifer Fay, Ches Garrison, Dave Ryan, Jay McCarthy, Lily Clark, Patrick Flaherty, and Brendan Gants.

As we mentioned, this has been a bipartisan effort, and I would also like to thank Senator ENZI's wonderful staff. Senator ENZI pointed out that they have worked very well and closely together, as we have seen over the course of the year. This is a major undertaking, and to be able to get this kind of joint effort on it has been a great tribute to all of those who have worked so hard. These staff members make such a difference to Senator ENZI, and they have to me: Katherine McGuire, Ilyse Schuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Briddell, Lindsay Hunsicker, and Kelly Hastings.

I would also like to thank MaryEllen McGuire, Sean Maher and Roger Hollingsworth of Senator DODD's staff; Rob Barron of Senator HARKIN'S staff; Robin Juliano of Senator MIKULSKI's staff; Michael Yudin of Senator BINGAMAN's staff; Kathryn Young of Senator MURRAY's staff; Seth Gerson of Senator REED's staff; Mildred Otero of Senator CLINTON's staff; Steve Robinson of Senator OBAMA's staff; Huck Gutman of Senator SANDERS' staff; Will Jawando of Senator BROWN's staff.

I would like to thank especially Senator CONRAD and his terrific staff who have worked with us on these bills: Mary Naylor, Joan Huffer, Robin Hiestand, and Lisa Konwinski.

I would also like to thank David Cleary of Senator ALEXANDER's staff; Allison Dembeck of Senator GREGG's staff; Celia Sims of Senator BURR's staff; Glee Smith of Senator ISAKSON's staff; Karen McCarthy of Senator MURKOWSKI's staff; Juliann Andreen of Senator HATCH's staff; Suzanne Singleterry of Senator ALLARD's staff; Alison Anway of Senator ROBERTS' staff; and Matt Blackburn of Senator COBURN's staff, all of whom put in many hours making both of these bills a reality.

I would also like to thank the Parliamentarian, Alan Frumin, and Assistant Parliamentarians Elizabeth MacDonough, Peter Robinson, and Leigh Hildebrand for their assistance throughout the process. I would like to thank Paul Cullinan at the Congressional Budget Office, and his extremely knowledgeable and capable team—Deborah Kalcevic and Justin Humphrey—for working late nights and through the weekends to model and estimate the budgetary effects of the complex provisions in this bill. I thank them for their tireless dedication and commitment to understanding the intricacies of the law. I would also like to thank Mark Koster, Kristin Romero, and Amy Gaynor in the Senate Legislative Counsel's office, who also worked many long hours to assist the committee in drafting the language and working out the technical issues in the bill. Finally I would like to thank the members of the education team at the Congressional Research Service—Adam Stoll, Charmaine Mercer, Jeff Kuenzi, and Dave Smole whose expertise was invaluable throughout this process.

This legislation received unanimous bipartisan support in the committee, and I hope it will see the same broad support today. We know education is the real key to opportunity. This legislation reflects that knowledge. It is a commitment I believe we must make to ensure educational opportunity to each and every young person in this country.

I urge the Senate to approve this important legislation. Our students deserve nothing less.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The senior Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Mr. President, it is always exciting when we get down to the end of a bill, particularly a bill where there has been good bipartisan participation and achievement, and this is one of those. This reauthorization bill we have been considering was reported out of the HELP Committee by a vote of 20 to nothing. It is the result of 3 years of bipartisan negotiations, and we can point to ideas in the bill in which both the Republican and Democratic members of the committee and people outside the committee have participated, proposed, and have wound up in the bill. In the end, it is a product with strong bipartisan support.

I would mention it is not going to be a perfect bill. I would be willing to say that about any bill we pass out of here, it is always a work in progress until it finally gets signed by the President. Quite often when they get signed by the President, they are not perfect bills either, but they are a perfect compromise when they get signed. That means both sides give a little bit, and we concentrate on those areas where there can be agreement. There are a lot of things both sides would like to have in this bill, but they are divisive rather than inclusive, and we have left out those divisive things, for the most part.

In conference committee, we will take care of some of the other things that are slightly divisive to make them more inclusive so the final bill will help as many students as possible. When I say "students," I am not just talking about college students. One of the things I hear back in Wyoming is: What about the kids who want to go to tech school? We include that sort of thing in here too. That is a program where they can get a certification that is recognized throughout the United States.

My wife was at the National Apprenticeship conference. It was the 75th anniversary of certification for apprenticeships and the theme song there was done by a friend of mine from Alaska who is the balladeer of Alaska. I am sure many of you have heard this song. It is: "I am an Educated Man." It talks about a person who has a little bit of trouble with the book-learning stuff, but if you give him a problem he can solve with his hands, he is an educated man. There are still a lot of jobs out there—and there always will be a lot of jobs out there—for which you have to have hands-on work. We cannot exclude those people from the education system. They are absolutely essential to our lives. This bill does some things for the ones who want to go to tech school too.

Senator WARNER, in a speech the other day mentioned, when he first went into the military, about a third of the people whom he went through basic training with couldn't read or write. When they were assigned to a ship, there were jobs on those ships those people could do without being able to read or write. Today, the battleships are bigger and they are much more technical. It is a whole different level of education that has to be done for the people who run those battleships and do the jobs that are needed on the battleships.

That is what has happened with jobs throughout this country. Jobs change. It is very important that people who are in high school now realize that when they enter the job market, they are probably going to have 14 different careers—not 14 different jobs, not 14 different employers—14 different careers. Of those 14, 10 have not even been invented yet.

It is very important to get a good education so people throughout their lives can transition to the new jobs that are happening—because that will be happening. Those who do not get the knowledge and the capability to make the transfer to new careers will be left behind. We do not want that to happen.

This committee is in charge of education from birth to death. We have Head Start—we have already passed that through the Senate and it is in conference now. That takes care of preschool. Of course, we have 64 other programs besides that that deal with preschool, and we probably need to do something about the proliferation of programs that have a lot of overlap in that area, but we have the Head Start one already going through the process.

The next bill we have been told we will work on in the committee is No

Child Left Behind. That takes care of kindergarten through 12th grade. There has been a commission that has been formed that has presented us with a lot of ideas about what needs to be done. It is a bipartisan commission. I am sure a lot of that will be incorporated in the bill. There has been good bipartisan work in the committee on the ideas that have to be incorporated, some of the tweaks that have to be in No Child Left Behind to make it work even better. There is quite a bit of agreement. It has worked, but it can work better. We will be working on that next.

Of course, this is the Higher Education Act. We did it in two pieces. I will have some more comments about that in a moment.

But there is another piece missing, and I am hoping our committee will work on that soon, and that is the Workforce Investment Act. We passed that through the Senate twice, unanimously, in each of the previous two Congresses, but it has never been conferenced. We need to get that done; we could train 900,000 people a year to do higher skilled jobs. We don't need to keep exporting those jobs because we lack people with the skills. We need to train people with the skills. That is a bill that will do it. I think we have a good basis to work from on that and, again, a way to find bipartisan agreement. Some of the fear in the past is what might happen in conference. The ones who had the fear of what might happen in conference will now be in charge of the conference, so that is not an excuse. We have to get that one done.

Education in America is both a right and privilege, and we have to get people to recognize the value of that privilege as we make sure all of them can have the education we promised—and we have made some very significant promises in those areas and have fulfilled many of them. This bill we are working on today is one of those. I am pleased we have been able to have both the reconciliation bill and the reauthorization bill considered within 5 days of one another.

By considering the entirety of the Higher Education Act, we are ensuring continued quality in the Federal student loan programs, while providing disclosure of information that students and their families need to make informed financial decisions. Those informed financial decisions—or uninformed ones—will have a significant impact on their future.

This is the second time in as many Congresses we have been on the brink of systemic reform of the Federal higher education programs. However, this time we will cross the brink and make these programs more efficient, as well as more effective. We will be allowed to meet the challenge of making higher education more accessible, more affordable, and particularly more accountable.

The American system of higher education is renowned throughout the world. American students will now be provided with the tools and assistance contained in both of these bills to complete their higher education and training and to acquire the necessary knowledge and skills to be successful in the 21st century economy.

I supported reporting both bills out of committee. I did so with the expectation that they would be considered together as a whole by the Senate. I am very pleased that the Senate Democratic leadership worked with me and my colleagues to provide this opportunity to have an open and full debate on all aspects of the Higher Education Act. I look forward to moving both these bills together and ensuring a comprehensive reauthorization of the Higher Education Act. There is no reason they cannot be combined at this point in time.

As debate on this legislation comes to a close, it is necessary to thank those who have worked long and hard on this bill. First and foremost, I would like to thank Chairman KENNEDY. I would like to thank him for his commitment to keeping this process bipartisan and working with me and my Republican colleagues on the HELP Committee throughout this entire process, for maintaining an open position on ideas, and following through with those with focus so we could actually wind up with a bill.

And I thank him for his approach to the committee process so we use the markup to see what the intensity is and the number of improvements that are being suggested and not make it a straight up-or-down approach so we can modify them so they fit and we get the kind of bipartisanship that we have at this point in time. That is a tremendous task. I think our committee must handle about 40 percent of the things that come before the Senate, so it is a wide-ranging task and he does a marvelous job with it and he has been very inclusive and I thank him and congratulate him for that.

I thank those on my staff who have worked tirelessly—when I say "tirelessly," I mean both sides have worked through evenings, weekends, and reached compromises—and later I will mention more specifically some of those people.

I think I have used my time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Massachusetts has 1 minute 10 seconds remaining.

Mr. KENNEDY. I see the Senator from Tennessee—if he would like to make use of my last minute to talk about education. He is a former Secretary of Education. He has been very much involved in education policy. If he would like to say a word to conclude our discussion?

The ACTING PRESIDENT pro tempore. The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Senator from Massachusetts.

The American people should be grateful to Senator KENNEDY and the committee and I believe this Senate, for increasing the opportunity for Americans of all ages to continue their education and, second, for continuing what arguably is our strongest asset in competition worldwide, our system of higher education.

I can recall the former President of Brazil saying to a number of us before he went back to Brazil: What we remember about the United States, he said, is the American University. There is nothing like it anywhere in the world and we have a responsibility to continue to keep it excellent and provide access to it.

I thank the chairman for offering me this time.

The ACTING PRESIDENT pro tempore. All time has expired. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am going to ask for the yeas and nays on my amendment.

Mr. REID. Will the Senator withhold?

Mr. KENNEDY. I withhold.

Mr. REID. Mr. President, George Mitchell told me this. Of course, I didn't believe him, but I do now. One of my most difficult jobs is trying to determine when votes take place and what the schedule is.

I have not had a chance to speak to my friend, the comanager of this bill. But I believe it would be in the best interests of the body—I have conferred with the staff of Senator MCCONNELL—that we have these votes—we have two votes is my understanding. All debate has been completed; is that right?

Mr. KENNEDY. The Senator is correct. We have one procedural matter we have to address, but then we will have the two votes.

Mr. REID. The procedural matter would not take any time?

Mr. KENNEDY. No time.

Mr. REID. Mr. President, I ask unanimous consent—and I am doing this because I want everyone to be happy, and we don't need unanimous consent, but I am going to ask unanimous consent that the first vote occur at 12:25; then the second one occur—the second vote will be a 10-minute vote—and that there be no speeches in between the votes, we just vote on both of them, one right after the other.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, reserving the right to object, doesn't that run us into the policy meetings? We have some really important things to cover.

Mr. REID. I have spoken to Mr. Schiappa. He understands that. He was going to speak to either Senator

HUTCHISON or Senator MCCONNELL. We have not heard anything back from them. We will try it at 12:20 with the same unanimous consent request I previously mentioned, except 5 minutes earlier.

I ask unanimous consent that the first vote will be at 12:20 and the second vote on final passage be immediately after the first vote, with no speeches in between.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: In lieu of voting now, there will be no votes until 12:20?

Mr. REID. What would happen, I have asked Senator COCHRAN and Senator BYRD to give their opening statements on homeland security.

Mr. ENZI. Mr. President, I would like about 2 minutes to finish up the thank-yous on this bill.

Mr. REID. I say to my friend, we have lots of time for thank-yous now. Senator COCHRAN and Senator BYRD need to work their way up here.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, parliamentary inquiry: I ask for the yeas and nays both on my amendment and on final passage. I ask that it be in order now. I ask also unanimous consent that the yeas and nays on the Coburn amendment be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The yeas and nays are vitiated on the Coburn amendment.

Is there a sufficient second? There appears to be a sufficient second.

Mr. KENNEDY. So the first amendment vote will be at 12:20. It will be on the Kennedy amendment. Is that correct?

And following that, the vote will be on final passage.

The ACTING PRESIDENT pro tempore. The first amendment will be the Kennedy amendment at 12:20, followed immediately by final passage.

Mr. ENZI. Mr. President, I ran out of time before I could thank members of my staff and others' staff who have participated in this bipartisan effort to get the Higher Education Act reauthorized. I would like to do that at this time because this bill is proof that a bipartisan effort can get a bill done.

In particular, I would like to thank Katherine McGuire, who is my committee staff director. She does an excellent job of keeping the trains running on time on a multitude of issues all at once. Her first higher education reauthorization was back in the early 1990s. She also provides an attitude and a focus that says: Let's get things done. And she is able to work with the other side, and has proven that she is trustworthy and knowledgeable on the issues. That goes a long way in making sure there can be a bipartisan effort, that willingness to work within common parameters and principles which helps us to get all of those things done.

I especially wish to thank Beth Buehlmann, who is my education policy director. Beth has devoted her career to improving educational opportunities for all Americans. From her work as a math teacher to her devotion to workforce training, Beth really knows what she is doing and brings extraordinary energy to the issue every day. Her knowledge and leadership have shaped education policy in our country over the last 30 years. She provides the same kind of focus and direction on education issues that Katherine does for the entire committee.

I also wish to thank the rest of the education team who greatly contributed to the bill: Ann Clough, Adam Briddell, Lindsay Hunsicker, and Kelly Hastings. They have worked diligently and, as I have mentioned, through weekends and evenings.

I also wish to thank Ilyse Schuman and her fantastic knowledge of working a bill through the Senate floor. She is one of the few lawyers I have on my staff. She gives that group of people a good name with her, again, work ethic, knowledge of the law, and wordsmithing.

I wish to thank Amy Shank, who is my budget expert, and has been doing that for several years. She knows the rules and the requirements and the capabilities of the budget process and keeps us all on our toes and ensures our work meets the budget requirements.

Finally, Greg Dean, who did a great job of organizing the amendment process. He is so attentive and he scurried to make sure that every little detail is plugged and that we are all up to speed on every one of those little details.

I would also like to thank members of Senator KENNEDY's staff for their hard work: Michael Myers does a great job of coordinating with us and providing leadership on the issues, since they are in the leadership now. Senator KENNEDY's staff director does that kind of work and is very cooperative with our side and sensitive to the priorities we bring up.

I thank Carmel Martin, J.D. LaRock, Missy Rohrbach, Emma Vadehra, and Erin Renner for their expertise on the issues. You should see the talent of these people and their knowledge of education, which you do not get to see, but you get to see the result of their work as we present it. Sometimes we do not do justice to all of the effort that they have put in.

Finally, I would like to thank all of the members of the HELP Committee and their staffs for their hard work throughout the process. This is one of the most demanding committees. We cover, as I mentioned, 40 percent of the issues that come before the Senate. That requires a lot of time, a lot of knowledge, and such a wide variety of issues that I think the members get a college education about every month, a college course of education about every month as we cover these different issues. I appreciate their help especially working on this college education bill.

It has been an interesting road and about 3 years' worth of work and all of it on a bipartisan basis. I thank all of those who have participated.

I yield the floor.

Mr. KENNEDY. Mr. President, the Senator from Wyoming is typically thoughtful and gracious about his staff and mine as well.

As I said, I will include in the RECORD the wonderful work of all of the other staff.

Mr. President, I ask unanimous consent that following the second vote, the Senate then recess for the party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to be a cosponsor on the Kennedy-Coburn amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand there will not be final action on any of this legislation except for the final two votes. Am I correct on that?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, I would suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BRIGHAM YOUNG AND THE PIONEERS

Mr. BENNETT. Mr. President, today is July 24, which probably means not very much to most of the people in this Chamber, but in my home State, July 24 is close to the biggest day of the year. July 24 is the day that Brigham Young and the first group of Mormon pioneers came down the canyon outside of Salt Lake Valley and decided that was the place where they would stop. They had been coming across the Plains for months looking for a place to settle, and as Brigham Young rose up out of his wagon at the mouth of the canyon and looked down over the valley, he stared for a few moments and then turned to his associates and said: It is enough. This is the right place. They decided that was where they would settle. This date, therefore, became enshrined as the founding date of the State of Utah, and it has been celebrated with a parade ever since.

I remember as a young child being taken by my parents to sit in the upper window of a department store overlooking Main Street in Salt Lake City and watching as the floats and the cars went down the street.

I remember, as a little boy, that there was always one float that had a big banner on it that said "Pioneers;" that is, these are people who had actually come across the Plains before the railroad, either walking or in covered wagons—or primarily a combination of both—and had arrived in the valley. They were still alive when I was a little boy to watch them. One of them was my grandfather, who had been born in Birmingham, England, and been carried as a 2- and 3-year-old across the Plains by his father and mother and landed in Salt Lake City in the 1860s prior to the coming of the railroad.

I watched every parade, and that group of pioneers kept getting smaller and smaller each year. Finally, there was a parade where there were no pioneers. There was no one who had been part of that trek. But the parade lives on.

Senator HATCH and I were both scheduled to be in it today, as I have been in virtually every July 24 parade since I have been elected. But votes here on the floor of the Senate have made it impossible for us to do that and at the same time discharge our duties. So I simply wish to take note here on July 24 of the importance of that event and make this comment about it that I think may have some relevance to what we are doing today.

Those people came to Utah because they had no other choice. They came to Utah because they were—the first group of them—finally driven out of every other place in the United States where they had tried to settle. They had created a settlement in Ohio, and they were driven out. They had created a settlement in Missouri, and they were driven out. They had created a settlement in Illinois, and they were driven out. And there were many in their group who decided: We have had enough.

They decided to stay in the Midwest, give up their religion, give up their commitment to the cause that had held them together, and settle down in the hopes they would have peace with their neighbors. But that hardy group that decided they were not going to give up, that they were going to move someplace where everyone would leave them alone, deliberately chose Salt Lake Valley because nothing had ever been raised there before. It was part of the great American desert. John C. Freemont, the great frontiersman, offered $1,000 for the first bushel of corn that could be raised in Salt Lake Valley. They faced enormous adversity to do what they did, to demonstrate their commitment to their religion and their convictions.

After 9/11, President Bush spoke to us in the National Cathedral, and he talked about adversity. Quoting an unknown source, he said: Adversity introduces us to ourselves. As the descendant of some of those pioneers, that is a lesson worth reminding ourselves of at least once a year. Adversity introduces us to ourselves. Those people, as they went through that adversity, discovered who they were and determined that they would not linger on the past and their adversity but they would be confident about their future. They built there in that forsaken valley not only trees and crops and houses but the foundation of a movement that now moves around the world.

I am grateful to them for what they did. I am grateful to them for the legacy of reminding us that the future is more important than the past, that our opportunities are more important than our grievances, and that when adversity has told us who we are, we should, in the words of a hymn they sang as they moved across the plains: Gird up our loins, fresh courage take, and move forward in the conviction that our God will never us forsake.

Today, on July 24, I share that with my fellow Senators in the belief that it is still good advice for our future.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I join the Senator from Utah in his comments. Many of the citizens of my State are members of the LDS Church and obviously strong leaders who have done exactly in Idaho what he said his forebears did in Utah. They made the deserts bloom, and they built a culture and a religious base that serves my State so very well today.

WESTERN WILDFIRES

Mr. CRAIG. Mr. President, I have come to the floor to speak about something that is going on in the West as we speak, that is a tragedy in reality and something that certainly we all ought to be aware of. As I got on the plane Friday morning in Minneapolis in my commute to Idaho, a group of young men and women got on my plane: firefighters of the State of Missouri. They were flying to Idaho to help Idahoans extinguish the wildfires burning there. I thank them and all of the brave firefighters who have been battling these immense wildfires in a season that is dramatic as we speak.

I got on the plane yesterday morning in Boise to return to Washington. Another group of young men and women, bedraggled, tired, and smelling of smoke, got on the plane to fly back to Minneapolis. That was another group of firefighters who were flown in from the Eastern United States to help out in Idaho and the Great Basin West. They were simply tired and returning home.

We are, in Idaho and in the West, at this moment experiencing one of the most dramatic wildfire seasons in our history. I say that because the season in reality has just started. From a historic perspective, it is late July, August, and September that the fire season we think of on our public lands, both forested and grasslands, usually begins.

Last year, we went through the worst fire season in history based on total acreage burned. As I speak, we are now ahead of last year and burning even greater. Headlines in the local largest daily in Idaho yesterday said: more fires burning in Idaho than any other State in the Nation, well over 600,000 acres burned and many burning.

Yesterday morning, five counties in the State of Idaho were declared a state of emergency due to those wildfires burning. Currently, the largest fire burning in the United States is the Murphy complex, estimated to be 570,000 acres; 7,500 people were evacuated from the area. Evacuations were being ordered across the State due to the number of fires and the extreme of the fire behavior: 100-degree temperatures in an area where that extraordinary heat has reduced the dew point to such a situation that anything that grows becomes kindling for a wildfire.

Of the 72 large fires in the United States, half of those burning today are in the State of Nevada and in my State of Idaho. The weather outlook has gone from bad to horrible, as these temperatures continue and as the Great Basin of the United States progressively dries out. More hot and dry weather is expected along with dry lightning, fires, and wind storms. As these lightning storms sweep through, literally thousands of strikes occur, and hundreds of fires can be set in one evening across the public lands of the West.

As I mentioned, the 2006 fire season broke several records, including acreage. By the end of this week, we will have surpassed that increase as it relates to time and place of the fire season. We have obviously not yet burned the 10 million acres of last year, but by measurement this fire season is now worse.

Almost 100 years ago, the Forest Service started something. They started with a commitment and a philosophy to full fire suppression. Now I take you to a little bit of history as to what may be producing the very dramatic fire season we experienced last year and the year before, and we are now experiencing today. During that time, the Forest Service's aim was to extinguish every fire, man-made or lightning caused. With the exception of the last 15 years, the timber industry, on our public lands, enjoyed booming success during the same period. So while Mother Nature was not allowed to burn the forest, man was allowed to come in over the last 100 years and thin and clean. We called it logging. That produced the timber for the home and building industries. As a result, it is arguable that wildfires were kept somewhat under control. Not only did we put the fires out, but we were taking the fuels off the land.

In the 1990s, during the Clinton years, as a result of the impact of a variety of public policies, from the Endangered Species Act to the New Forest Management Act to the Clean Water Act and the Clean Air Act, and a lot of other combinations, we began to progressively reduce the overall cut of timber on public lands. In the 8 years of Bill Clinton, we reduced the allowable cut.

Here are the figures on this chart. It is patterned by revenue flow. We reduced the allowable cut of timber on our public lands by 80 percent—not 8 percent, by well over 80 percent. So if you follow the green line on this chart, you follow the revenue flow that was coming from our public lands through the U.S. Forest Service. Of course, it was during that time that the Forest Service had money. As a result, they had the money to fight the fires. Then you see the decline on the chart.

As we discontinued timber harvests on our public lands, the revenue no longer was produced. But something else was happening. We were leaving on our public lands dramatic increases in timber and brush and, in today's situation, fuel for the fires.

So in part, the West is burning today because of public policy, because of attitude, not because of Mother Nature. Mother Nature has ebbed and flowed over time. But when Mother Nature is taken out of balance by man's practices and policies, dramatic results can occur. As the revenues declined and they paralleled human activity on the public lands, dramatic increases in fire resulted.

What do we do about it? For the last several years I have stood on the Senate floor and participated in the Energy and Natural Resources Committee and chaired the Forestry Subcommittee for many of these years and have said openly and publicly: We, by our public policy, have destroyed the U.S. Forest Service. We bankrupted it. It no longer has any money. In so doing, we keep putting greater burden on it, and we won't fund it.

We are not in the habit of funding it because timber sales historically funded the U.S. Forest Service. It not only funded all of their practices, both logging and trail clearing and wildlife management and habitat control, it did something else: It put money into the U.S. Treasury. We created a unique balance over the last 100 years because you can't predict a fire season. You have the revenue flow coming in. So we simply borrowed the money to fight fires from the different accounts of the U.S. Forest Service and at the end of the year, when the fire season was over and all the bills were paid, we simply replenished all of the accounts of the U.S. Forest Service that it used to manage the different components of the Forest Service itself.

It no longer happens today. We are still borrowing money from accounts to fight fires, but there is no money in the accounts. At the end of the year, because of tight budgets, we don't replenish the money from the general fund of the U.S. Government. There is no money there. Timber receipts used to fund the money, used to create the balance, used to do a lot of things. They no longer exist, in large part because of public policy.

What is happening in Idaho and across the West at this moment, when you see the valleys full of smoke and the mountains full of smoke and the skies with dark bands of carbon-filled air across the West, our natural resources are literally going up in smoke. What is burning out there are trees. It is also watersheds and water quality and wildlife habitat. All of that is disappearing in a ball of fire, and it should not be that way.

What are the solutions? Throwing more money at fire suppression? Well, we have been doing that by ever increasing amounts every year for the last 5 or 6 years, to the tune of billions of dollars annually.

I am the ranking member of the Interior Appropriations Subcommittee. I put in another half billion dollars to fight fires, and it will quickly go up in smoke at the rate the fires are burning in the West.

What is the solution? More active management? Yes. More active management on our public lands will help the fire situation because active management—if you look at the Healthy Forests Act we passed several years ago—means you are in there thinning, you are in there cleaning the underbrush, you are doing the kind of things that fire would have done naturally 100 years ago. But we changed the circumstance, and we changed the environment.

Fire is unique in that it can be beneficial if it is handled appropriately. If you have 100 trees per acre, and fire is allowed to amble through and burn out all of the underbrush, it does not kill the tree, in many instances. But if you have 400 trees per acre of the kind we have allowed to happen over the last good number of decades, then it burns everything because the fire is so intense by the volume of fuel on the forest floor. That is a circumstance the West is experiencing, as we speak.

Fire is a unique natural disaster because humankind has found a way to fight it. It can change the situation that breeds fire. How do you fight a tornado? Well, you cannot. Yet it is called a natural disaster. How do you fight a hurricane? Well, you cannot. You can predict them, and you get out of their way, because it is a natural disaster. How do you fight a wildfire? Give me a shovel, give me the tools, give me a better environment—a managed environment, if you will—and I can fight a wildfire. Do not allow Federal judges to be land managers. Allow foresters to be land managers in the right context of public policy and you can fight a wildfire. Give me the tools necessary in the local communities to do so, and you can fight a wildfire. Allow me to use a chain saw selectively in the forest to thin them and clean them, and you can fight a wildfire. But, all in the name of the environment, we have decided to do none of these. We have decided to simply preserve and allow it to be natural.

Let me conclude with these thoughts. The fires that are burning in the West today are not natural. They are hotter, they are more intense, they are more destructive than any forest fires we have seen in our forests literally within a century. The reason is quite simple. The 100 trees per acre I talked about that Lewis and Clark might have ambled through 200 years ago are the same acres in which there are now 400 trees. Because of the heat and the drought, they are dead or dying, and they have created a fuel load on our forest floor that is unprecedented. Yet, we, by public policy, have tied the hands of our land managers. As a result, literally millions of acres are now burning annually. For what reason? I believe it is because we, as a manager of public and natural resources, have failed.

There are reasonable ways to do so. There is an alternative besides simply locking it up and letting it burn. Yes, the skies of Idaho and the Great Basin West are full of smoke at this moment. That smoke is our natural resources going up in smoke, literally.

If we are worried about climate change, and we are worried about the carbon we are putting into the atmosphere, the fires on the public lands of this Nation this year will put more carbon in the atmosphere than any 1 year of automobile driving. Yet somehow there are those who are willing to ignore it only in the reality that it is nature and uncontrollable. I would argue that is not true because 30 years ago we did not have these kinds of fires, and 20 years ago we did not have them, even though we had peaks of drought and dryness and heat.

Our professionals told us some time ago if we did not become, once again, active managers of our public land resource it would go up in smoke—and it is.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

HOMELAND SECURITY APPROPRIATIONS

Mr. BYRD. Mr. President, this afternoon, the Senate will proceed to the Homeland Security bill. I speak in advance of that happening.

In every State of the Union Address since the terrorist attacks on 9/11, the President has raised the specter of another attack. This past January, the President said—hear me, the President said:

> Every success against the terrorists is a reminder of the shoreless ambitions of this enemy . . . I wish I could report to you that the dangers had ended. They have not. It remains the policy of this government to use every lawful and proper tool of intelligence, diplomacy, law enforcement and military action to do our duty . . . to protect the American people.

Let me say that again. The President said:

> Every success against the terrorists is a reminder of the shoreless ambitions of this enemy . . . I wish I could report to you that the dangers had ended. They have not. It remains the policy of this government to use every lawful and proper tool of intelligence, diplomacy, law enforcement and military action to do our duty—

To do our duty—

> to protect the American people.

And yet despite the President's warnings and the President's promises, the President's budget failed to commit significant resources to address these dangers. Too often the Department of Homeland Security settles for security that looks good on paper but leaves serious gaps in the defense of our homeland. There is too much rhetoric on homeland security and too little action; too much wind—too much wind—and not enough wisdom.

Despite the August 2006 arrests in Britain of terrorists determined to blow passenger aircraft out of the sky over the Atlantic, we still don't have proven technology to detect liquid explosives.

I wish to say that again. Hear me now; hear me. Despite the August 2006 arrests in Britain of terrorists determined to blow passenger aircraft out of the sky over the Atlantic, we still don't have proven technology to detect liquid explosives.

On an average day, 7,500 tons of cargo is placed in the holds of passenger aircraft at our Nation's airports, little of which is screened for explosives and virtually none is screened for radiation. Our seaports remain vulnerable. Our police, firefighters, emergency medical teams, and emergency managers remain understaffed and underprepared to handle the challenges of the times.

The White House—hear me down there—the White House talks a good game, but talk is cheap, cheap, cheap. But security is not cheap. The White House asserted that its budget proposes an 8-percent increase for the Department of Homeland Security. However, after sifting through the gimmicks, we found that it is a 1.7-percent increase above current funding. That is barely enough to cover inflation for existing programs. More paper security; more paper security. More failed promises; more failed promises. We have a responsibility. We have a responsibility; yes, we have a responsibility to the people of this country to do better, and this legislation meets that responsibility.

For border security, the bill provides the funds to hire 3,000 new Border Patrol agents. The bill also includes $1 billion for border fencing, infrastructure, and technology. Our bill adds funds for 4,000 new detention beds, 3,050 more detention beds than are requested by the President. Get that? We commit the funds that are essential for a coordinated, comprehensive border security effort.

Real security cannot be done on the cheap. Hear me. Real security cannot be done on the cheap.

For aviation security, the bill invests funds that will help save lives, and it may be your life, it may be your life, it may be your life, maybe someone's life whom you know, it may be some child's life, but it cannot be done on the cheap.

Despite a documented need for $3.6 billion to purchase and install explosives detection systems, the President—get this—the President, the President of the United States, proposes to cut, the explosives detection program by 17 percent. The bill provides $89.4 million above the President's request to purchase and install explosives detection equipment at airports. That is for you, the people of this country, to install this equipment at airports for your security.

We take on the challenge of screening cargo before it is loaded onto aircraft, which you, the people of this country—the passengers—will board.

The bill includes $66 million, $10 million above the request—$10 million above the President's request—to deploy 70 additional canine teams—God bless them, those good, great dogs—to deploy 70 additional canine teams, and more screening technology at airports nationwide, at airports where the people of this country will board nationwide.

Funds are also provided to establish 20 radiation screening teams at key U.S. international airports to inspect aircraft and cargo. You, the people out there, will be boarding these aircraft. Let me say it again. Funds are also provided to establish 20 radiation screening teams at key U.S. international airports to inspect aircraft, which you will board, and cargo, which will be boarded by you, the people. All of this money is well spent. It will protect human lives and cargo and aircraft.

In this legislation, we also speed up the work on disaster preparation. Two years ago—how soon we forget—just 2 years ago, Hurricane Katrina demonstrated our dismal failure in dealing with a major disaster. Hurricane Rita showed that we do not know how to organize an effective mass evacuation. I want to say that again. Hurricane Rita showed that we do not know how to organize an effective mass evacuation. Now, we better get on it. We better get with it. I am going to say it once again: Hurricane Rita showed that we—that is you and that is me—do not know how to organize an effective mass evacuation. That is hard to believe.

Maybe it isn't so hard.

The White House After Action Report on the hurricanes concluded, and I quote from that report. I am quoting from the White House After Action Report, not my report.

> We are not as prepared as we need to be at all levels within this country.

We are not as prepared as we need to be at all levels within the country. What an understatement. What an understatement. Yet the President's budget proposes a $1.2 billion cut—a cut—in vital homeland security grant programs, including funds for disaster preparations and first responder training. Where, oh where, is the sense in that?

According to the Department of Homeland Security's own estimates, two-thirds of the States and urban areas do not have adequate plans to respond to a catastrophic event. This legislation rejects the proposed budget cuts and puts us on the right track—planning and training for a catastrophic event.

The bill that is before the Senate increases first responder funding by $644 million. The President signed the SAFE Port Act last year with great fanfare. Yet 9 months later, his budget—the President's budget—includes no additional funds for the new security requirements contained in the law that the President signed. This bill makes good on the promises of the SAFE Port Act, hiring specialists to help inspect the 11 million containers that come into the United States every year. The bill commits funds directly to our ports to tighten security.

Let me say that again: The bill commits funds directly to our ports to tighten security—security for you, the people out there—at the ports. Port security grants are increased by $190 million to the fully authorized level of $400 million. We double the frequency of unannounced Coast Guard inspections at our port facilities.

Get that? You better wake up out there. I am going to say it again: We double the frequency of unannounced

Coast Guard inspections at our port facilities, and we fund the installation of radiation detection equipment at our ports to guard against nuclear weapons and dirty bombs. I will say that again: We fund the installation of radiation detection equipment at our ports to guard against nuclear weapons and dirty bombs.

The threat at our ports needs to be addressed now. It is foolish to delay any longer. In order to restore the ill-considered cuts proposed by the President for equipping and training our first responders, and to fund the increases that I have described for border, port, and aviation security, the bill exceeds the President's request by $2.25 billion.

Incredibly, President Bush has threatened to veto the homeland security funding bill. Why? Because of what he, the President, labels as excessive spending. Excessive spending. That is what President Bush said. Let me read that again: President Bush has threatened to veto the homeland security funding bill—that is for you, the people out there in the hills and valleys of this great land. Why? He has threatened to veto the homeland security funding bill because of what he labels as excessive spending.

The $2.25 billion increase in this bill is about what we spend in 1 week—1 week—in Iraq. Let me say that again. Now listen to me. Hear me now. Incredibly, President Bush has threatened to veto the homeland security funding bill because of what he labels as excessive spending. Yet the $2.25 billion increase in this bill is about what we spend in 1 week in Iraq.

Just 2 weeks ago, the Secretary of Homeland Security was quoted as saying that it was his gut feeling that the United States faces an increased threat of attack this summer. Now, that is not ROBERT BYRD making that assertion. Let me say it again. Just 2 weeks ago, the Secretary of Homeland Security was quoted as saying—did you hear that—he was quoted as saying that it was his gut feeling—that is pretty deep—that our country faces an increased threat of attack this summer. That is now, isn't it? This is July. This summer.

On the heels of the Secretary's warnings, the administration, our administration, the Bush administration, has released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Where is that? Here, the U.S. homeland. I will quote from the report. This is not ROBERT BYRD talking, this is the report, the National Intelligence Estimate, concerning the terrorist threat to the U.S. homeland.

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the Homeland—

That is my homeland. That is your homeland.

> and a continued effort by these terrorist groups to adapt and improve their capabilities. . . .[W]e judge that al-Qaida will intensify its efforts to put operatives here.

Where? Not out there, here. Here is everywhere in our homeland.

> As a result, we judge that the United States currently is in a heightened threat environment. . . .We assess that al-Qaida's Homeland plotting is likely to continue to focus on prominent political, economic and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population.

These are the words written by the best intelligence analysts in our Government. Those are the words that should force our Government, both in the executive and in the legislative branches, to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country, our country—my country, your country, our country.

I call on the President—yes, I call on the President of the United States—to reconsider his veto threat in light of the concerns raised by his own administration.

The mission of the Department of Homeland Security is critical to the safety of our citizens. The potential threats are enormous. The Congress must strike a balance that preserves our cherished freedoms and provides for enhanced security.

We need to stop squabbling and pass the Homeland Security bill for the President's speedy signature. This is no time to jockey for political points or to argue over minor differences. The Appropriations Committee, by a vote of 29 to 0, has produced a balanced and responsible bill which needs action now.

I thank Senator COCHRAN and his able staff for their support in producing this legislation.

I yield the floor.

Mr. COCHRAN. Mr. President, will the Senator yield for just one moment?

Mr. BYRD. I yield.

Mr. COCHRAN. Mr. President, I am pleased this afternoon to join Senator BYRD in presenting the appropriations bill for the Department of Homeland Security for the next fiscal year. I might say, having sat here and listened to all the comments of the distinguished chairman, there is another side to the story on some of the issues that he raised, and I assure the Senate that they will have an opportunity to hear the other side.

Mr. BYRD. Yes, Mr. President, I thank my dear friend and colleague. The Senate needs to hear the other side; all sides, all sides. I thank my colleague, and I yield the floor.

VOTE ON AMENDMENT NO. 2381

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2381, as modified, offered by the Senator from Massachusetts, Mr. KENNEDY. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Brownback
Dodd
Graham
Johnson
McCain
Obama

The amendment (No. 2381) as modified, was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, on rollcall vote 273, I voted "yea." It was my intention to vote "nay." I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 2369, as amended, offered by the Senator from Oklahoma (Mr. COBURN).

The amendment (No. 2369), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Brownback
Graham
Johnson
McCain
Obama

The bill (S. 1642), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2638, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

(The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. Mr. President, I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2383

Mr. BYRD. Mr. President, on behalf of the Appropriations Committee, I call up a committee substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. COCHRAN, proposes an amendment numbered 2383.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BYRD. Mr. President, this morning, I gave my opening remarks for consideration of the fiscal year 2008 Homeland Security appropriations bill. The Appropriations Committee, by a vote of 29 to 0, has produced a balanced and responsible bill which needs action now.

The bill includes significant resources for border security, for enforcing our immigration laws, and for improving security at our airports. We include significant new resources for implementing the SAFE Port Act. We also restore cuts in first responder grant programs.

I thank Senator COCHRAN and his able staff for their support in producing this legislation.

Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I am going to quote from the report.

I will say that again so that the audience out there in the homeland will understand just exactly what is going on here.

Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. We are talking about the Bush administration's latest National Intelligence Estimate. I will quote from the report. Hear me, I am quoting from the report of the administration, the Bush administration, from its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Hear me:

> We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the U.S. homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Let me say that again. Listen. Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. That is right here—not somewhere else—the U.S. homeland. And I will quote from this report from the Bush administration:

> We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Not somewhere else—here. Those are the words that should force our Government, both in the executive and in the legislative branches, to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country—our country, your country, my country. I look forward to a good debate.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from West Virginia in presenting the fiscal year 2008 appropriations bill for the Department of Homeland Security.

Mr. President, I appreciate very much the courtesies of the distinguished Senator from West Virginia and his staff and all members of the Appropriations Committee during our hearings and the preparation of this bill. We haven't agreed on everything, but this bill reflects our best effort to reach a fair resolution of our differences.

I had hoped, for instance, that we could have held the overall level of proposed spending to no more than the President requested in his budget that was submitted to the Congress earlier this year. I am pleased that the bill recommends approval of the President's budget request for border security and includes 3,000 new Border Patrol agents, $1 billion for continued work on the virtual fence, and other tactical infrastructure. Funding above the President's request is added to accommodate an additional 3,000 detention beds.

One of the consistent criticisms we hear about the Department is its challenges to hire the right people for the right jobs and to reduce its reliance on contractors. Unfortunately, the bill before us proposes to cut the human resource accounts significantly. These cuts handicap the Department in getting the right people into the right jobs to address many of the issues critics have complained about. We can all agree that the Department should be focused on hiring and retaining the best personnel it can.

Succession planning, diversity initiatives, performance management, and workforce relations are all critical issues. By underfunding the programs that are designed to meet these challenges, we run the risk of creating a cycle of unmet promises and potential. This Department is too important for that.

I must also express my concern that this bill restricts the obligation of funds in 10 instances. While I recognize this is within the power of the Appropriations Committee and is sometimes necessary, I think we have overdone it in this bill.

In three separate instances, this bill provides reductions in funding for the Deputy Secretary of the Department of $1,000 per day if certain deadlines are not met. I would prefer to express our concerns in some other way and at least consider reasons that may have caused the deadlines to have been missed before automatically reducing appropriated accounts. I am equally frustrated with the Department's inability to meet deadlines Congress sets, and I expect the Department to meet statutory deadlines, but this approach is not workable.

The report accompanying this bill is harshly critical of the administration's handling of security at Federal facilities. These are Federal facilities which receive protection from the Federal Protective Service, and I do not agree with that. The Federal Protective Service has worked hard to rationalize its fee structure and its mission since joining the Department of Homeland Security. It has not yet finished the process. But the administration remains deeply committed to the safety and security of all Government employees.

The report accompanying this bill also criticizes the Department for legislation Congress has passed. It is unlikely that all Senators agree with all of the legislation that is enacted here, but to blame it on the executive branch agency charged with carrying out the law is hard to rationalize. It is unfair and it is wrong.

Last year, the Appropriations Committee worked very closely with the authorizing committees to craft a compromise on chemical site security language. Chairman BYRD's leadership last year led to the enactment of a provision in the fiscal year 2007 act that will lead to regulating the chemical sector for the first time. I intend to continue to work with the chairman to ensure sufficient resources are provided to the Department so enforcement of these regulations is achieved.

I am pleased the committee is recommending nearly full funding for the Coast Guard's Deepwater recapitalization effort as well as support for the Transportation Security Administration, Federal Emergency Management Agency, and infrastructure protection. These are activities which are needed to continue to improve the security of our homeland, and generous funding is fully justified.

This bill comes to the Senate floor during a time when our intelligence community has judged that the Nation is, and I quote, "in a heightened threat environment." While there continues to be no credible specific intelligence to suggest an imminent threat, recent events in the United Kingdom serve to remind us of the very serious nature and the potential consequences of terrorist attacks.

I hope we can move expeditiously to pass this bill so that we can begin conference with the House.

Mr. President, earlier remarks today on the floor of the Senate may have suggested that the Department of Homeland Security isn't doing its job.

Well, today, this one day, the Department of Homeland Security will process more than 1.1 million passengers and pedestrians, including 680,000 aliens arriving at our Nation's airports and seaports.

Today, the Department will inspect more than 70,900 trucks and containers, 580 vessels, 2,459 aircraft, and 327,042 privately owned vehicles coming into this country. It will house and care for 19,000 aliens in detention facilities. It will screen approximately 2 million passengers and their 1.6 million pieces of checked baggage before they board commercial aircraft. It will make 63 arrests at ports of entry and 2,984 apprehensions between ports for illegal entry. It will intercept 27,000 prohibited items at airport checkpoints, including over 3,000 knives. It will train more than 3,500 Federal officers and agents from more than 80 different Federal agencies as well as State, local, tribal, and international officers and agents.

Today, the Coast Guard will save 14 lives, assist 123 people in distress, and respond to 12 oil and hazardous chemical spills.

Today, the Department of Homeland Security will naturalize more than 1,900 new citizens. It will conduct 135,000 national security background checks on those applying for immigration benefits. It will process 30,000 applications for immigrant benefits. It will help American parents adopt nearly 125 foreign-born orphans. The Department will help protect an additional 104 homes from the devastating effects of flooding and protect dozens of high-profile Government officials, including Members of this body, the President, and the Vice President of the United States, visiting heads of state, and former Presidents.

This list of daily accomplishments provides just a sample of the important responsibilities and roles of the Department of Homeland Security. To accomplish these responsibilities, this bill provides $36.4 billion in discretionary spending and $1.1 billion in mandatory spending for fiscal year 2008.

I must point out that this bill provides $2.25 billion more in discretionary appropriations than the amount proposed by the President in his budget submission to the Congress. The bulk of the increase from the President's request level, $1.8 billion, is devoted to increasing grants to States and localities. These proposed increases would come quickly on the heels of nearly $300 million being added for grants contained in the Emergency Appropriations Act, which was enacted in May.

The 9/11 Commission Report warned about grant programs becoming entrenched as entitlement programs for State and local governments. We need to make a strong and successful effort to ensure that all funds we appropriate are fully justified.

Mr. President, I look forward to considering any amendments Senators may suggest to the bill and to continuing our work to ensure we produce a work product that will reflect credit on the Senate and provide the funds that are important to the carrying out of duties and responsibilities of the Department of Homeland Security for the next fiscal year.

Mr. BYRD. Mr. President, I thank my able friend from Mississippi, Senator COCHRAN, for his comments related to securing our chemical plants. He and I will work together—as we always have, as we always do—to ensure that the Department has the resources it needs to enforce the new chemical security standards.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we face extremely serious threats here at home, and that is why it is so important that the Senate pass the Homeland Security Appropriations bill that is now before us.

This bill is designed to help strengthen our security at the Federal level, at the State level, and at the local level. From our local firehouses and our police departments, to our borders, airports, and seaports, this bill will help our country be more secure and better able to respond to any disasters we may encounter.

This year, in his budget, President Bush sought to cut funding for first responders and for emergency planning. And, frankly, he failed to adequately fund border security and port security. But here in the Senate, we have a different view. We want to invest in our security here at home, and we have written and signed a bill that I believe reflects the right priorities for this country.

Mr. President, I am honored to serve on the Appropriations Committee and on the Homeland Security Subcommittee under our distinguished chairman, Senator BYRD. No one cares more about the American people and no one has worked harder on this bill than Senator BYRD. Thanks to his efforts, and those of Senator COCHRAN, the bill that is before us passed our subcommittee unanimously, and it passed the full Appropriations Committee unanimously as well. That strong support we saw in both the subcommittee and full committee is really critical because the President has threatened to veto this bill. He thinks it spends too much on homeland security.

The President is welcome to make that argument,. but in these times when we are facing terror threats and natural disasters, the American people want us to provide more support for homeland security, not less.

There are many very important investments in this bill. I wish to focus on three of them in which I have a special interest because I come as a Senator from a border State and my State has some of the Nation's busiest cargo ports, and I am an advocate for the local law enforcement, first responders, and emergency planners.

This bill will provide more resources for our border security. It actually provides an additional $240 million for new immigration-related homeland security costs. Those costs are not funded in the President's bill. As we all work to step up enforcement at our borders, we have to provide the resources from the Federal Government. That is why this bill does that.

I am also especially pleased that this bill boosts our investment in port security. Over the years I have worked with all of the stakeholders to make our ports more secure. Last year, in fact, the Senate passed the Murray-Collins GreenLane bill, now known as the SAFE Ports Act. The President of the United States signed our bill into law but he did not provide adequate funding so we could carry out the provisions of that legislation. We have been working to fix that here in the Senate. We started in the supplemental bill that passed a few months ago, where we boosted funding for port security grants, hiring more customs inspectors. We are continuing that work with this bill by fully funding port security grants for the first time ever.

This bill provides $60 million as well to create Coast Guard interagency operation centers. Those are centers that will allow the Federal Government, local governments, and State authorities to coordinate their efforts in maritime security.

The final part of this bill I want to quickly mention will be a tremendous help to our responders, to our emergency planners, and to our local law enforcement agencies. In his budget the President cut the State Homeland Security Grant Program in half. This bill restores that cut. It is going to raise those State grants from the President's level of $250 million to the appropriate level of $525 million.

Our States and our cities have huge security needs and many of those needs go unmet today. I believe the Federal Government, which is in charge of our Nation's security, has a role in sharing that burden.

In addition, the budget of the President drastically cuts the Law Enforcement Terrorism Prevention Program. To me, that is out of touch with what our local law enforcement leaders at home are telling us they need. They are telling us they need more help, not less, so I am very pleased that in this bill we save that important program so it can continue to help our local law enforcement officials. This grant provides funds for antiterrorism to our first responders in each of our States. That is an area we have to strengthen, and we do so with the bill now before the Senate.

Given the strong support this bill got in subcommittee and in full committee, I am hopeful this Senate will pass it fairly quickly over the next several days by a wide margin. Then, of course, it will be up to the President to decide if the American people will get the security they deserve.

As I said a few minutes ago, President Bush has threatened to veto this bill because he says it spends too much on homeland security. Think about that for a minute. Our intelligence agencies warned us last Tuesday that al-Qaida is undiminished in its goal of attacking our homeland. What does the President say? He wants to cut funding for our first responders. That report found that al-Qaida is rebuilding its capabilities, its leadership is intact, and it continues to plan high-impact plots. That is what the President's NIE is telling us.

What is the President saying? Right now he wants to cut funding for our local antiterror efforts. Our intelligence experts "judge that al-Qaida will intensify its efforts to put operatives here," on our soil, here, but the President wants to cut funding to enforce our borders.

We have all this evidence we need to be more secure here at home and we have the President's budget that makes us less secure at home. If the President wants to veto this bill, he is going to have to explain to the American people why the police department down the street from you is going to be getting less support. He is going to have to explain why the fire station around the corner is going to get less help. He is going to have to explain why your community can't develop an emergency plan so they are prepared for any disaster that may occur. If the President plans to veto this bill, he is going to have to make the case to the American people.

I say I am proud of this bill, I am proud of the work of the committee, and I know it will help our communities take the steps they must to keep us all safe.

I urge all of our colleagues to quickly pass this bill, vote for it, and move it along the process so we can say we have done our part to make our communities more secure.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, I want to thank and I do thank—I don't just want to say I want to thank, I do thank Senator MURRAY for her kind remarks. She has made important contributions. She always makes important contributions. And she has made important contributions to this critical legislation. Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security.

Let me say that again. Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security. That takes time, that takes effort, that takes work. You just don't develop expertise by rising on the Senate floor and saying "I've got it." No. It takes time, it takes labor, it takes toil, it takes work, it takes thought. Senator MURRAY has developed expertise in the field of homeland security. That is your security. That is my security. That is your security, I say to the people out there in the homeland, in the great mountains and valleys of this country.

Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security. I have come to rely on her expertise and I look forward to her assistance as we process this very important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the two legislators who bring this bill to the floor of the Senate are serious and thoughtful legislators. Senator BYRD and Senator COCHRAN have been around this place for some while. They have been on the Appropriations Committee. Both have chaired that committee. I am pleased to be here to support their work. I think this is a very important subcommittee and one that funds critically important programs for this country. But I want to say that unlike other subcommittees on Appropriations—one of which I chair and will hopefully bring that bill to the floor of the Senate—this subcommittee's actions and this subcommittee's product represent an urgency for this country. We probably don't say that about every subcommittee because we need to fund the things we need to do, but this is urgent. I want to describe why it is urgent.

I come from a small town of 300 people in the southwestern corner of my State. I was thinking as I was sitting here waiting to speak, this is called homeland security. If, in fact, this were a decision and deliberation by my hometown and the subject was hometown security and we knew what the most serious threat to our town was, we would go find that threat and try to eliminate it.

I want to tell you why I believe it is an urgent circumstance to pass this legislation. My colleague from Washington described the National Intelligence Estimate of last week. I am going to talk about that just a bit before I talk about the funding of the accounts in this legislation that is so important to fighting terrorism—that is providing security for our ports and security in aviation, law enforcement, border protection, and so on.

Last week the National Intelligence Estimate was provided to us, both in a classified and an unclassified version. Here is what it said, in part:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Let me say that again. The National Intelligence Estimate says to us the greatest threat, the most serious terrorist threat to the homeland—that means the most serious threat to the United States of America and to our homeland—is an organization called al-Qaida. They have protected or regenerated key elements of their homeland attack capability, including a safe haven in the Pakistan federally administered tribal areas.

That is a different subject on which I spoke about recently. There ought not be 1 square inch of ground on this planet that would be safe for Osama bin Laden and al-Qaida. Six years after 9/11, there ought not be 1 square inch on this entire planet Earth that is a safe haven or protected secure hideaway for the greatest or most serious threat to our country.

This should not be a surprise to us, the National Intelligence Estimate. We have been reading the accounts. This is from June 26, Jonathan Landay from the McClatchy Bureau:

> While the U.S. presses its war against insurgents linked to al-Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military and intelligence and law enforcement officials said. The threat from the radical Islamic enclave in Waziristan is more dangerous than that from Iraq, which President Bush and his aides call the central front in the war on terrorism, said some current and former U.S. officials and experts.

A month or two prior to that, senior leaders of al-Qaida operating from Pakistan over the past year have set up a band of training camps in tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy al Zawahiri had been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. BYRD. What does this mean, that the Senator just said? Tell us.

Mr. DORGAN. Mr. President, it means if the most serious threat to our country exists from a terrorist organization that has rebuilt and regenerated its capability to attack us in our homeland—and that is what our National Intelligence Estimate tells us—it means homeland security is ever more important and the investments in that homeland security, in the accounts such as port security, aviation security, border security, are so unbelievably important. That is why I called this bill "urgent." There is an urgency about passing this bill because of this serious threat.

Mr. BYRD. And what is this bill?

Mr. DORGAN. This bill is the Homeland Security Appropriations bill which provides the kinds of protections that we need for the threats and attacks against our homeland. When I describe what the National Intelligence Estimate last week said was the most serious threat to our country, I described that that threat comes from those who will attempt to cross our borders. Therefore, this bill has border security.

Mr. BYRD. Yes.

Mr. DORGAN. That threat may come from those who might try to board airplanes.

Mr. BYRD. Yes.

Mr. DORGAN. That is addressed by the issue of aviation security. That threat may come from someone nailing themselves into a container with food and telephones and a heater——

Mr. BYRD. Yes.

Mr. DORGAN. As we heard happened before, and was shipped into a port in this country in the middle of a container ship with a weapon of mass destruction or some other device by which they can attack this country. That is why this legislation of this Appropriations subcommittee contains port security. That is why there is an urgency about all of these issues.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield further.

Mr. BYRD. Say that again, will you please, Senator. I want the people of America to hear what you just said.

The point is very simple. There is an urgency in this appropriations subcommittee bill that I think is beyond the importance of other bills. Why? Because we have been told in recent weeks there is a gut feeling on the part of the person who heads our Homeland Security Agency that we may be attacked again.

We have been told by the National Intelligence Estimate that the al-Qaida organization has reconstituted and regenerated itself and is the most serious threat to attack the homeland of the United States of America. If that is the case, and we have been warned—let me describe, again, the August 2001 Presidential daily briefing was headlined this: "Bin Laden Determined to Strike in the U.S."

That is what the President received in August of 2001.

Mr. BYRD. Now, you say the President. What are you talking about?

Mr. DORGAN. The President of the United States, in August 2001, received this Presidential daily briefing with this title: "Bin Laden Determined to Strike in the U.S."

My point is, in July 2007, nearly 6 years later, July 2007, the intelligence assessment from the U.S. National Counterterrorism Center says this: "Al-Qaida better positioned to strike in the West."

Nearly 6 years later, those who attacked our country and murdered thousands of innocent Americans, we are told by those who provide the intelligence for this country that they are in a better position now to attack this country in its homeland.

Mr. BYRD. Senator, I think that is worth hearing again. I want the American people to hear what you have said.

Mr. DORGAN. Let me say it in a different way, concluding in the same manner. I am not, with this, describing one person, one organization, one philosophy at fault. I am saying there is something wrong with respect to what I think is a failure here, that is a significant failure, part of which I hope and believe can be remedied by the bill that has been put together by Senator BYRD and Senator COCHRAN, dealing with homeland security.

It has been almost 6 years since the terrorists attacked this country on 9/11/2001. After almost 6 years and two wars in two countries and well over half a trillion dollars spent at home and abroad, the deaths of thousands in our military and the wounding of tens of thousands in our military, after all that period of time, we are told there is a sanctuary, a safe haven, a safe harbor for the leaders of the greatest threat to this country, the leaders of al-Qaida.

My point is, there ought not be anywhere safe on the face of this planet. If the greatest threat to our country exists in the leadership of this organization that is rebuilding training camps and terrorist training camps, then we have done something wrong. We must, as the Senator from West Virginia and the Senator from Mississippi suggested in this bill, we must rebuild our capabilities to defend ourselves against an attack on our homeland.

But even as we do that, we must rededicate ourselves as a country to save the first and most important job, the first and most important effort, to go after and eliminate the terrorist threat. I mean, it gets back to the debate we have had with—I respect other people's views on this, but we are going door to door in Baghdad with our soldiers in the middle of sectarian violence or a civil war when, in fact, the greatest threat to our country is in the hills somewhere between Afghanistan and Pakistan, building training camps and having the greatest capacity to attack our homeland because they have regenerated their strength.

In my judgment, that is a failure. So we have to rededicate ourselves on two points. No. 1, I believe we have to find a way to extract ourselves from the civil war in Iraq. Yes, we need to continue to do several things in force protection for our forces, training the Iraqi security and Iraqi police and Iraqi soldiers for Iraq's security, and also taking on the areas in Iraq where al-Qaida does exist.

But what is principally happening in Iraq is not about al-Qaida and terrorism, what is principally happening in Iraq is about sectarian violence and a civil war. My point is, we ought to see if we cannot make sure that we will change the policies in this country and begin to start fighting terrorists first.

That ought to be the priority. If the terrorists, al-Qaida, Osama bin Laden and their leadership, represent the greatest threat to this country, then why is that not the process by which we fight terrorists first? Instead, we are bogged down going door to door in Baghdad. Well, here is what we have. We have a piece of legislation on the floor of the Senate now that deals with homeland security.

We want homeland security, we want it to succeed. We want to be safe and secure with the ways to do that. One is to do what we have done and try to strengthen our ports, strengthen aviation, strengthen our borders. The legislation that has been brought to us today does all of that and more. This has money for mass transit security. Well, that is critically important. We know the danger and the potential danger to our subway systems, as we have seen in London with terrorist attacks.

Port security. We have had discussions on the floor of this Senate that go on and on and on, but we have these ships that come into our ports with giant containers. We are going to spend, I think in the appropriations bill on defense, we are going to spend $10 to $11 billion to try to provide an electronic catcher's mitt for intercontinental ballistic missiles armed with nuclear warheads.

So if we can create a catcher's mitt of some type, or hit a bullet with a bullet when an ICBM is coming in with a nuclear warhead, we are going to spend $10 to $11 billion to try to solve that problem. The more likely attack with a nuclear weapon is a ship, a container ship, pulling up to a port at 3 to 4 miles an hour, pulling up at the dock of one of America's major cities with a container right smack in the middle of the ship containing a weapon of mass destruction. That is the most likely threat against this country. We are not spending $10 or $11 billion to deal with that.

I went to a seaport once. In fact, I went to a seaport in Seattle, WA, because I do not know much about seaports. I come from a State that is not boundaried by water. So I wished to see what security was like at the seaport.

One of the things I remember from that visit was they had opened a container. Now, they do not open very many. I believe we have something akin to 11 million containers come into this country on container ships, 11 million containers. I believe it is somewhere around 3 to 5 percent are inspected, and 97 or 95 percent are not inspected.

They opened the container. It was a refrigerated container. I was kind of curious. So I looked at the back of it. There it was, 100-pound bags of broccoli from Poland. I said: Well, I see now this is a giant container full of frozen broccoli from Poland. I can see now that because you opened the door in the back and you have cut open a couple of bags.

I said, what is the middle of this container? I see what is in the back. What is deep in the middle of this container?

Well, we do not know that. We assume it is frozen broccoli. We pulled some bags out to make sure there was broccoli in this container. But the fact is, they did not check that, they could not check it. So millions of containers come in and they are not checked.

Now we have what amounts to kind of a CAT-scan device for big trucks and containers, very expensive, but it is kind of like a CAT scan for your body; you run it past the container and you can see right through the container and see what is in it. It is very expensive, very difficult to get done on 11 million containers. The same is true for air cargo. We have a Herculean task to protect this country against those who are perfectly willing to kill themselves, as long as they can kill many innocent people. This is a very difficult proposition.

So again, I say to the chairman and ranking member on the subcommittee, I think they have done a terrific job. I deeply appreciate their work. I share the comments of my colleague, Senator MURRAY from Washington, about it, with respect to border protection and the Coast Guard and all those issues they have had to deal with, without unlimited money. The fact is, we have some limited funding.

Mr. BYRD. Who is the chairman and ranking member?

Mr. DORGAN. Well, the chairman of the subcommittee is the Honorable Senator BYRD from West Virginia, and the ranking member, of course, is Senator COCHRAN from Mississippi.

Let me say to both of them, if they do not mind my saying it, at a time when there is all this discussion in the newspapers about nobody gets along, things have deteriorated in the Senate, the fact is, I think the evidence exists all across this Senate Chamber, it exists certainly with the Senator from West Virginia, Mr. BYRD, and Senator COCHRAN, that they not only get along, they work together. They have put together a terrific piece of legislation.

That is called cooperation. There is a lot of it in this Chamber, particularly on the Appropriations Committee, which makes me proud because I think that is the way the Senate ought to work.

Now, if you will permit me, however, if the Senator from West Virginia and the Senator from Mississippi will accommodate me for one additional moment while I say wonderful things about their work, I do wish to make a cautionary comment about FEMA because we are funding FEMA to the tune of $6.89 billion in this legislation. I am a big fan of FEMA—used to be a big fan of FEMA, I should say. I am not anymore. I hope and pray that maybe it gets its act together. It does not appear to me it is quite there yet.

But in my State, we evacuated, 10 years ago, an entire city, the largest mass evacuation since the Civil War, when Grand Forks was flooded and then had a fire in the middle of the flood, and a city of nearly 50,000 people was evacuated because of the floods in the Red River Valley.

We had FEMA show up. Unbelievable, James Lee Witt and FEMA, they knew what they were doing. They were outstanding. Everybody believed they helped that community come back together and fight that flood and deal with the consequences and come roaring back. Ten years later, that is a great success story.

FEMA, regrettably, has, in my judgment, been part of the problem rather than part of the solution. We have natural disasters that occur in this country. Hurricane Katrina comes to mind. FEMA obviously was a disgrace with respect to—at least many in FEMA were disgraceful in the way they responded to that. I wish to tell the chairman and the ranking member of one example I discovered out of many examples.

I wish to tell you about it because as we fund FEMA—and we must; we do not have a choice. When natural disasters strike, we have to have the funding to go to those folks, whether it is a hurricane or a flood or drought, we have to go to those people and say: You are not alone. This country is with you. This country wants to help you.

But I wish to tell you a story about what happened to FEMA, as I conclude. I was on the phone one day to a guy named Paul Mullinax. Paul Mullinax had a refrigerated truck in Florida. He was one of those truckers who responded when FEMA wanted to send ice down to the victims in the gulf. When Katrina hit and you had the evacuations and the dislocations and all that trouble, they needed ice. Paul Mullinax was a trucker with a refrigerated truck. So he contacted FEMA, as did thousands of others. He went to New York. He was told go to New York to pick up ice. So he went to New York to pick up some ice. He was told: Take it to Missouri. When he got to Missouri, he was told: Take it to Mississippi. When he got to Mississippi, he sat there on the tarmac of an old military installation, along with over 100 other truckers. Here is a picture of Paul. This is actually Paul's route right here. New York to Missouri to Alabama, and then, here is a photo of Paul. He sat at a military installation in front of his truck for about 12 days.

Then he was told: I want you to take the ice back to Massachusetts. So ice, destined for the victims of Katrina, was picked up in New York, taken to Missouri, and then in this case Arkansas—excuse me, Alabama—and then it was offloaded in Massachusetts.

The reason I tell you that story right now is because that story ended last week. That ice—and by the way, it cost $15,000 for the taxpayers to pay Paul Mullinax to pick up New York ice to take to the victims of Katrina, to go to Missouri, to Alabama and finally be told, after sitting there for 12 days, to go drive it to Massachusetts to offload it—that ice has now been stored for 2 years and this week was discarded by FEMA because they felt maybe after 2 years the ice was contaminated.

So the taxpayers took a bath. The storage of that ice was around $20 million. The taxpayers took a bath. The victims never got the ice they needed. People such as Paul Mullinax, this guy here, said, after driving his truck all that distance: I got paid, but this was wrong for the American taxpayers. Somebody ought to answer for it.

I have spent 2 years trying to figure out who gave the orders on ice transport in FEMA. And you, by God, cannot find the answer. You cannot find the answer. I know many of the top people in FEMA were cronies, had nothing to do or no experience at all with dealing with disasters and emergency preparedness, who did not know anything about it. So the result was a complete breakdown. This is just one example.

In some ways I regret taking time during this debate, but when else? We are going to give FEMA $6.9 billion. I want FEMA to work. I want us to be proud of FEMA. I don't want political cronies running it. I don't want someone like Paul Mullinax who hauls ice for victims to scratch his head and say: What on Earth has happened? Where has common sense gone? How is it I am told to pick up ice in New York and deliver to it Massachusetts, when it is supposed to be helping victims in Mississippi and Louisiana?

As we fund FEMA, I hope we will also do a lot of oversight in the authorizing committees because there is something fundamentally wrong. We all know that, and we need to fix it.

Mr. BYRD. Something wrong, yes.

Mr. DORGAN. Having said all that and given the requisite compliments to everyone on the floor—compliments I sincerely mean in this case—about a bill I believe is urgent, I hope we can move ahead. If there are amendments to the bill, I hope people will come and offer them, that they will allow us to vote on them, that we won't have delay, and in the next couple of days we will demonstrate with this first appropriations bill that we can pass appropriations bills. We can do that because we will cooperate to get them done.

Mr. BYRD. Yes.

Mr. DORGAN. If we come to the floor in the next couple days and see delay on Homeland Security, I am going to be one disappointed person.

Mr. BYRD. Yes, sir.

Mr. DORGAN. Of all the bills, we ought to be saying: Let's lock arms and do this in a reasonable time; let's do this with the leadership of Senator BYRD and Senator COCHRAN.

Mr. BYRD. Let's do it.

Mr. DORGAN. I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD, the Budget Committee's official scoring of H.R. 2638, the Department of Homeland Security Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides $36.4 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of $21.3 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $38.4 billion.

The Senate-reported bill is at its section 302(b) allocation for budget authority and $10 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS, 2008

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	$1,131	$35,308	$36,439
Outlays	1,267	37,140	38,407
Senate 302(b) allocation:			
Budget Authority			36,439
Outlays			38,417
House-passed bill:			
Budget Authority	1,137	35,125	36,262
Outlays	1,270	36,872	38,142
President's Request			
Budget Authority	1,142	33,054	34,196
Outlays	1,272	36,537	37,809
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority			0
Outlays			−10
House-passed bill:			
Budget Authority	−6	183	177
Outlays	−3	268	265
President's Request:			
Budget Authority	−11	2,254	2,243
Outlays	−5	603	598

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2384 TO AMENDMENT NO. 2383

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment so I may call up amendment 2384.

The PRESIDING OFFICER. Unanimous consent is not required. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2384 to amendment No. 2383.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow for expanded uses of funding allocated to Louisiana under the hazard mitigation program while preserving the goals of the program to reduce future damage from disasters through mitigation)

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Mr. VITTER. Madam President, this is an important amendment for the State of Louisiana. It would be not the whole solution but a significant part of the solution to a real problem—even a crisis—we have with our recovery from Hurricanes Rita and Katrina.

This Congress and, in fact, the American people have been enormously generous in terms of responding to the devastation of those storms. One of the best examples of that unprecedented generosity is the billions of dollars the American taxpayer, through Congress, sent to the devastated areas to help people who were wiped out and had enormous uninsured losses. At the time there was a big debate: Shouldn't these folks have had more insurance? Shouldn't they have done this or that?

Congress and the American people got it right, recognizing that the event was unprecedented and recognizing, in the case of Louisiana, that most of the losses were caused by the actual failures of Federal levees. The levees broke. They broke from underneath. They were inadequately engineered. That caused devastating losses to folks throughout the greater New Orleans area in particular.

The American people and Congress responded generously. In the case of Louisiana, most of that money went into what was called the Road Home Program to help compensate folks for enormous uninsured losses, up to $150,000 per household. That is the good news. It was unprecedented generosity. Again, we say thank you for that.

The bad news is that months later, it was determined that appropriated money would not be enough and, in fact, the Road Home Program was running short because even more claims were coming in than had been anticipated and calculated. So there is a shortfall in the program which is at the very heart of our ongoing struggle to recover.

My amendment will not fix all of that shortfall, but it would fix a big part of it. It would be a big piece of the puzzle, a big part of the solution, without costing the Federal taxpayer any more money.

There is something called the Hazard Mitigation Program that is always involved when there are natural disasters. Because of the scope and size of the devastation of Hurricanes Rita and Katrina, following those storms, that Hazard Mitigation Program would send $1.2 billion to Louisiana. We wish to use that money in the context of the Road Home Program to help meet that shortfall, to help bridge the gap, to help fund that program. However, there are some technical requirements under normal hazard mitigation rules that prevent us from doing that. My amendment would waive those few technical requirements so the hazard mitigation money, $1.2 billion in this case, could be used in the context of the Road Home Program to help bridge the gap, to help make people whole.

It is important and accurate that I underscore that these requirements are technical. They are things that are normal requirements of hazard mitigation, but nothing I am waiving with this amendment would go to the heart of the hazard mitigation purpose. Congress, in setting up the program, wanted to make sure funds would be used to mitigate hazards, to make sure the same sort of losses don't happen again, to build higher, better, stronger, smarter. Nothing in my amendment gets away from that fundamental intent. That is important because I don't want to get away from the mandate and neither do most people in the House or the Senate.

Again, I underscore, this amendment would help fund our Road Home shortfall, would not cost the Federal taxpayer any more money, would preserve and honor the intent of the Hazard Mitigation Program by making sure the funds went to true hazard mitigation, rebuilding higher and better and stronger and smarter, not simply allowing people to rebuild any way they could build before. What it would do is waive certain technical requirements to make all of this work. That is appropriate given the unprecedented scope, size, and nature of the disasters about which we are talking.

I urge all of my colleagues to look hard at the amendment and then support it, because this funding shortfall within the Road Home Program is a real impediment to our ongoing challenge and struggle to recover. This amendment would be a major piece of the puzzle to solve the problem without costing the Federal taxpayer any more money and without throwing out the window the very significant and smart focus of the Hazard Mitigation Program. It would make us build smarter and stronger and higher but still help get people back, make them whole, rebuild through the Road Home Program.

I yield the floor.

MOMENT OF SILENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now observe a moment of silence in memory of Detective John Gibson and Officer Jacob Chestnut who lost their lives on July 24, 1998, protecting the men and women who visit and work in this building.

(Moment of silence.)

The PRESIDING OFFICER. Thank you.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have been watching the floor, and not much is happening. What we are going to try to do now, with the consent of the two managers, is move to something the Republican leader has worked on for many years, and that is the Burma sanctions legislation. That will take about an hour. That will take us to 5 o'clock or thereabouts, if we do it right away. But in conferring with the two managers—this is an important appropriations bill—we want to get this thing to conference so that for any problems the White House has with it, they can weigh in and try to work this out so we can send the President a bill. So if we do not have amendments start coming in tonight or in the morning, we will move to third reading.

I have laid out, in as much detail as I could, alerting everybody what we need to do this work period. I think I am like most everyone. We have worked long and hard. We had one work period during this year that was 7 weeks long. We have worked hard. We have worked late nights. We have worked a couple of weekends. We worked all night last week. We have things we need to do at home in our States.

Speaking for this Senator, 90 percent of the people in the State of Nevada are in Reno and Las Vegas, but that makes up a relatively small part of the area of the State of Nevada. I have 10 percent of the people in the State of Nevada whom I also represent, and I need to visit with them. I have a wonderful trip scheduled this August to make a tour of places I do not have the opportunity to get to very much. With the rules changes we have made and the lack of air travel, I have to drive. I cannot take a train. There is no air travel. So I will drive around there. I am looking forward to it.

The reason I mention that is we have a lot to do when we go home in August. People have things to do, just as I do. But I told people we have to finish this Homeland Security appropriations bill. We have to complete SCHIP, which is a bipartisan bill. It was reported out of the Finance Committee 17 to 4. The two big cheerleaders we have for that legislation are Senators BAUCUS and GRASSLEY. We need to finish that. The 9/11 Commission recommendations conference, Senator LIEBERMAN informed me earlier today, should be completed very shortly, within a matter of hours. Then we have ethics and lobbying reform. We have to do that before we leave here.

I hope we can do all this by a week from Friday, but if we have a lot of delays, we cannot do that. I have said it a number of times, but we are going to finish that stuff before we leave. If there are insurmountable obstacles, one of the obstacles that is not insurmountable is to stay here until we get it done. So this is not a threat. I have indicated this is what we needed to do weeks and weeks ago.

So I hope we can have some cooperation. We need to get appropriations bills done. I had a conversation with Josh Bolten today, the President's Chief of Staff. We are trying to figure out some way we can work together on this issue. I hope we can. One way we could start is to finish this bill.

One thing I didn't mention—it won't take a vote—but the Tuesday we get back here after the break, we are going to be on another appropriations bill. If we cannot get a motion to proceed agreed to, then we will file cloture on it and have cloture the day we get back.

I also telegraph my punches here, so there is no surprise; the next bill I want to move to is the VA-Military Construction appropriations bill. The subcommittee has changed a little bit from in the past, but my friend from Mississippi can remember when we used to do the Military Construction bill in wrap-up. There was no discussion on it at all. We know it has more jurisdiction than it had in the past. I chaired that Subcommittee on Military Construction for a while. It was really a good experience. You understand what our military leaders need. They have a process they go through to put on the drawing board what they would like, but we never give them everything they want. But, with rare exceptions, these are not just things we throw in; we work this out with the military. So that is what we are going to move to when we get back.

I laid out the schedule, and we have to move to third reading if we do not have some amendments here. We will wait until the morning. We should give everybody a chance.

Also, I say to the managers of this bill, I do not want to file cloture. I really don't want to file cloture. I hope on an appropriations bill we do not have to file cloture. Now, I know I cannot control unusual amendments on my side, and I know the distinguished former chairman and ranking member of this committee cannot control them on his side, but I hope it will not be necessary to have cloture as a result of amendments that have nothing to do with this very important piece of legislation.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, one of the things I did not do when I talked about the Burma sanctions bill—because I was so focused on the Republican leader—was to mention that working with him side by side on this legislation has been Senator FEINSTEIN. She has worked on this very much. So, again, this is something we can bring to the floor that is bipartisan. But I apologize for not mentioning her name because she has worked on this very long and hard herself.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, it is my understanding that the Senator from Virginia, Mr. WEBB, wishes to speak as in morning business for a period of time of up to—how long? It does not matter. I would like to know.

Mr. WEBB. I would estimate 10 minutes, Mr. Leader.

Mr. REID. Madam President, I ask unanimous consent that when the statement by the Senator from Virginia is completed—I ask the Senator from Virginia, would you rather complete your statement now? You are here ready to go; is that right?

Mr. WEBB. That is correct.

Mr. REID. Madam President, I ask unanimous consent that when the Senator completes his statement—whenever that might be in the next 10 or so minutes, but that be today—the Senate proceed to the immediate consideration of H.J. Res. 44, which was received from the House. I further ask consent that there be 30 minutes of debate equally divided between the two leaders or their designees and that following the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to a vote on passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, just briefly reserving the right to object, I was unclear if the majority leader was trying to get the Senator from Virginia up right now. I have a very brief statement related to the joint resolution we are proceeding to.

Mr. REID. Madam President, what I would suggest is—and I am sure my friend from Virginia would have no objection—the Senator from Kentucky, the Republican leader, would make his statement, and it would be made as if during the half hour's time. Would that be OK?

Mr. McCONNELL. Yes.

Mr. REID. So you would make that now. I know you have things going on in your office.

Is that OK with the Senator from Virginia?

Mr. WEBB. It is certainly OK with me. Thank you.

Mr. REID. So I modify my request to let the Senator from Kentucky speak for however long he desires for up to 30 minutes on the Burma resolution; following that, we go to Senator WEBB. I ask unanimous consent that my consent request be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, parliamentary inquiry: Are we now on H.J. Res. 44?

The PRESIDING OFFICER. My understanding of the consent is that the Senator would speak against the half hour that was allotted on the resolution. Then we would go back to morning business briefly for a statement from Senator WEBB. And then we would return for the rest of the half hour of debate on the resolution the Senate will consider.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. REID. Madam President, I ask the clerk to report the resolution.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The PRESIDING OFFICER. The minority leader.

Mr. McCONNELL. Madam President, this legislation continues the sanctions already in place against Burma's illegitimate Peace and Development Council. If enacted, these sanctions will continue to show the SPDC that the United States stands squarely with the long-suffering people of Burma and against its brutal regime.

Just last month, the International Committee of the Red Cross condemned the actions of the Burmese regime—a rare vocal stance for an organization that has historically worked to bring about change behind the scenes. The ICRC's statement, according to international observers, is the harshest it has issued since the Rwandan genocide more than 12 years ago.

Burma's sham reforms are not fooling the Red Cross and they should not be fooling anyone else. The SPDC recently resumed its so-called constitutional convention, a convention in which most delegates were selected by the regime itself and in which delegates are not allowed to offer draft changes without permission. Criticism of the draft constitution is prohibited by law. One notable provision in the draft forbids the spouse of a foreign national from sitting in Parliament, an addition clearly aimed at National League for Democracy leader and Nobel Peace Prize winner Aung San Suu Kyi, whose British husband died in 1999.

The SPDC calls the convention a "roadmap" to democracy. But on the SPDC's map, the destination is not freedom, it is tyranny.

Until the NLD and Burma's ethnic minorities are fully included in the governing process, until this process reflects true democratic principles, this convention should be shunned—shunned—by the international community. A sham constitutional process is a step backwards, not forward.

With that said, there are some encouraging signs. International pressure on the Burmese regime has begun to increase. Members of the Association of Southeast Asia Nations have expressed concern about the SPDC's behavior, and much like the ICRC's condemnation, recent statements of ASEAN members represent a departure from traditional practice. Clearly, there is growing international impatience with the Burmese regime.

I am proud to say that the United States has long been at the vanguard of the movement to democratize Burma. Others, such as ASEAN, are following our lead. They are beginning to recognize the moral imperative to help the people of this beleaguered nation.

I am also proud of the continued unified stance taken by the Senate over the years with respect to Burma. On Monday, the Senate Finance Committee voted out this bill unanimously. The legislation has 60 cosponsors and once again enjoys broad bipartisan support.

I am pleased to be joined again by my good friend and cosponsor, the senior Senator from California, Mrs. FEINSTEIN. I also thank Rich Harper of her staff for all the hard work he has put forward to make this legislation possible. On the Republican side, my good friend Senator McCAIN continues to use his respected voice to support the Burmese people.

It is time for the Senate, once again, to go on record and show that we stand with the people of Burma. As we do, we can be confident of their gratitude.

In a recent book on the plight of the Burmese people by author Emma Larkin, a Burmese man urges outside nations to keep the pressure on. "Change has to come from outside," he says. "The world must pinch Burma harder. . . . Give any money to these generals and it is like watching a poisonous plant grow."

Let's show that we stand for freedom and against oppression, for real democratic progress and against hollow promises of reform, against the poisonous plant that is the SPDC.

I urge my Senate colleagues to support adoption of this joint resolution.

Madam President, I ask for the yeas and nays for when we ultimately get back to the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I wish to address two issues this afternoon. Before I do, I say to the Republican leader that I will gladly support his joint resolution. I spent time in Burma. I have observed the situation on the ground. We do need to engage Burma and assist in its movement toward better political conditions, but I believe sanctions are clearly appropriate.

(The further remarks of Mr. WEBB are printed in today's RECORD under "Morning Business.")

Mr. WEBB. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I ask unanimous consent that any time remaining in the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Madam President, I return to the floor to discuss the ongoing genocide in Darfur. Most of the discussion on the floor of the Senate and in Congress for the last several weeks has been about Iraq, and appropriately so, yet the time spent dealing with the failed policy in Iraq is a stark reminder of how it also distracts us from so many other critical issues around the world. One issue in particular is the 4-year humanitarian tragedy in the Darfur region of Sudan.

Sadly, in front of the global community's eyes, we have witnessed unspeakable horror—mass killings, rape, torture, the torching of homes and entire villages. The estimates of death are wide ranging, from 200,000 to 400,000. Some 2½ million people have been displaced from their homes, and there is a mounting refugee crisis in neighboring Chad and the Central African Republic.

Despite a worldwide call for action, the tragedy continues. The genocide in Sudan is becoming increasingly complicated and tragic. The violence threatens to destabilize an entire region, and without change there is little end in sight. Today, we have an important opportunity to break the cycle of violence, an opportunity that we must seize.

After years of duplicity and stalling, Sudanese President Bashir agreed last month to a significantly expanded joint United Nations-African Union peacekeeping force. We have to seize that opportunity and seize it quickly. Unfortunately, there are already disturbing signs this window may be closing. Yesterday, the Washington Post covered a visit by President Bashir to the Darfur section of his country. President Bashir said that people there were "living normal lives;" that only 9,000 people had died and that "most of Darfur is now secure and enjoying real peace." He rejected foreign intervention in the conflict.

This crisis has gone on long enough. Over 2 years ago, President Bush declared a genocide in Darfur. Secretary of State Colin Powell joined in that chorus. Secretary of State Condoleezza Rice also agreed. And the President said: Not on my watch—remembering the horror of Rwanda, where 800,000 people died in a genocide during the Clinton administration. President Clinton did not respond at that time, has regretted it ever since, and said so publicly. President Bush said the same thing would not happen in his administration. I have reminded the President now several times on the floor of the Senate and personally that his administration is coming to an end. If he is going to do anything about the crisis and genocide in Darfur, he needs to move and move quickly.

The need is simple: rapid deployment of a full peacekeeping force. We have seen this type of urgency with other peacekeeping forces, including last year in Lebanon, and we must act with similar speed for the people, the victims, suffering in Darfur.

Last week, U.N. Secretary General Ban Ki-moon and I had a good conversation. He returned my call on the telephone and we spoke for a few minutes. We talked about the importance of rapidly deploying a new peacekeeping force and of working toward a long-term political settlement in this region. It is my hope that our United States Ambassador to the United Nations, Zalmay Khalilzad, will work closely with Secretary General Ban Ki-moon to make these steps a reality.

The U.N. Security Council will be meeting soon to authorize this force. The Security Council should be firm in its mandate and its timeline.

The needs are clear. The force must have sufficient resources and numbers. We can help. The United States has resources set aside for peacekeeping efforts in the world. I can't think of many more pressing than the genocide in Darfur. If we are not providing soldiers, we certainly need to be providing resources.

It must have a strong chapter VII mandate for protecting civilians, peacekeepers, and humanitarian workers. Some of these nongovernmental organizations, these humanitarian workers, have been the victims of the violence in Darfur. Men and women who are risking their lives to provide the basic necessities of life have been the targets themselves, for the jingaweit militia and all the violence taking place there. This U.N. force must have a clear command-and-control structure and firm timetable. It should be clear day-to-day operational instructions come from the United Nations. The U.N. mandate must set benchmarks and hold the Sudanese Government accountable for any failure to cooperate. In particular, there should be no room for further stalling or reinterpretation by the Sudanese Government. We have been blindsided too many times by President Bashir of Sudan, who has said so many times there is no problem in Darfur; you can bring in a force; no, I have changed my mind.

As this man has weaved back and forth, more and more innocent people have died and been displaced from their homes. We must match this peacekeeping force with a renewed diplomatic effort to bring about a long-term political settlement, including naming a Special Representative of the Secretary General to monitor implementation of a comprehensive peace agreement.

The force must be deployed immediately. The notion that we are going to do this months from now is unacceptable.

Finally, we need a long-term political settlement to match the peacekeeping effort. I call on the United States, the United Nations, and the African Union to continue intensive negotiations with all parties.

I also strongly urge all parties, including those representing nonsignatory Darfur rebel movements, to participate fully in the U.N.-African Union-led negotiations and to tirelessly cooperate in the effort to bring about a political solution that will return peace and stability to the people of Darfur.

Those who choose not to participate leave themselves open to further international isolation and sanction. Each day we delay on peacekeeping and political settlement efforts leads to more death, more rape, more human suffering, more people displaced from their homes, more desperate refugees. Each day we delay, the crisis becomes more complex, with increased violence and numbers of refugees spilling over into neighboring countries creating burdens and instabilities there. Each day we delay gives President Bashir another opportunity to stall and back away from his commitment. Each day we delay is a further indictment of the global community's failure to act decisively in the face of genocide.

We must not wait another day. Let us not forget the major export of Sudan is oil. The major company in Sudan that is drilling the oil and exporting it is PetroChina, a company controlled by the Chinese Government. The Chinese need to be involved in this as well, first at the United Nations and then beyond.

A few weeks ago, after an article appeared in the Wall Street Journal written by Mia Farrow, the actress, the Chinese finally responded and made some overtures toward the Bashir Government, saying they had to act. We have not heard anything since.

It is time for the Chinese to step up. If they want to be part of this global community, they should stand on the side of civilized conduct. They should condemn the genocide in Darfur and do more.

In closing, I thank President Bush, Secretary General Ban, and U.N. Ambassador Khalilzad. I want them to know there is strong support in the Congress for swift action to field this peacekeeping force. Many of my colleagues on both sides of the aisle have spoken out for years on the need to do more to halt the genocide in Darfur. We will and we must continue to focus this concern on doing everything we can to halt this genocide.

I hope we have an active voice and role in this debate in the Senate. Yes, we can do many things—our legislative business—but not ignoring the rest of the world. I hope, in the next 2 weeks, we can take action on the floor to adopt resolutions and to make it clear, on a bipartisan basis, we want the U.N. peacekeeping force to act and act quickly in response.

We should also be working with the Ambassadors from countries that are represented in the African Union, as well as those on the Security Council, to reassure them that the United States wants swift action. We need to make sure our appropriations bills reflect the need for resources to make this a success. As the President said more than 2 years ago, "Not on my watch." We in the Congress, we in the Senate, should say the same, and we should follow that statement with action.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I compliment the distinguished Senator from Illinois on his remarks. Not only were they heartfelt but they were certainly cogent and certainly correct.

My warmest congratulations to the Senator.

Mr. DURBIN. I thank the Senator.

Mrs. FEINSTEIN. Madam President, I come to speak to the passage of the joint resolution renewing the import sanctions on Burma for another year. This legislation has been introduced for several years now by Senator MCCONNELL and myself. I began working on this issue with Senator Bill Cohen a long time ago when he was in this body.

Yesterday, the House passed the joint resolution by voice vote and the Senate Finance Committee reported the McConnell-Feinstein bill to the Senate floor on a unanimous bipartisan basis, so I urge my colleagues to pass this resolution.

These sanctions are set to expire in 2 days, that is July 26, and any delay will only serve to benefit the ruling military junta in Burma—the State Peace and Development Council is its name—at the expense of Nobel Peace Prize Laureate and leader of the National League for Democracy Aung San Suu Kyi and the democratic opposition in Burma.

I remind my colleagues that the National League for Democracy, headed by Aung San Suu Kyi, decisively won the last parliamentary elections in 1989. These sanctions will be renewed for 1 year, so we will have a chance to discuss them in a year if the military junta should decide to make some reforms. But, simply put, the junta to date has failed to take any meaningful steps to release Suu Kyi and other political prisoners. There are over a thousand political prisoners many of her political party, elected to the Parliament, who remain in prison.

Last month, we celebrated the 62nd birthday of Aung San Suu Kyi. She spent her day, as she has for most of her past 17 years, alone and under house arrest—17 long years alone in a house in Burma, with no communication with the outside world. In May, the State Peace and Development Council renewed her sentence for yet another year.

I am heartened to know the Senate and the international community are coming together to ensure the abuses and injustices of the military junta in Burma do not go unnoticed.

Earlier this year, 45 Senators signed a letter to U.N. Secretary Ban Ki-moon, urging him to get personally involved in pressing for Suu Kyi's release. In a recent letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of State, including former Filipino President Corazon Aquino, former Czech President Vaclav Havel, former British Prime Minister John Major, and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush, called for the regime to release Aung San Suu Kyi. They correctly noted that:

> Aung San Suu Kyi is not calling for revolution in Burma but rather peaceful, nonviolent dialog between the military, National League for Democracy, and Burma's ethnic groups.

What kind of threat can that be to a government? The calls for Suu Kyi's release are also coming from Burma's neighbors. The Association of Southwest Asian Nations, known as ASEAN, now recognizes that Burma's actions are not an internal matter but a significant threat to peace and stability in the region. At a meeting of senior diplomats last month, ASEAN made a clear call for Aung San Suu Kyi's release. That call is so welcome. I would like to encourage ASEAN to continue to speak out.

Last month, the women of the Senate—and you were one, Madam President—came together to form the Women's Caucus on Burma, to express our solidarity with Suu Kyi, to call for her immediate release and urge the United Nations to pass a binding resolution on Burma.

We did not do this in vain. The United Nations did pass a resolution earlier this year, but unfortunately it was vetoed by China and Russia. At our inaugural event, we were pleased to be joined by First Lady Laura Bush, who added her own voice to those calling for peace and democracy in Burma.

Our message is spreading and it is clear and we will not remain silent. We will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma. Let us not forget that this human rights situation compels us to action. Consider this: There are still 1,300 political prisoners in jail. According to the U.N. Special Rapporteur, over 3,000 villages have been destroyed by the military junta; 70,000 child soldiers have been forcibly recruited; and over half a million people are internally displaced in Burma today; and over 1 million people have fled Burma in the past two decades, destabilizing Burma's neighbors.

The practice of rape as a form of repression has been sanctioned by the Burmese military. Use of forced labor is widespread. Human trafficking is rampant. Burma is the world's second largest opium producer, after Afghanistan, and increasingly a source of trafficking of synthetic narcotics.

Sanctions are not a panacea for every problem, and in many cases they don't work, but in this instance, we still hope they can be effective. Suu Kyi herself has said this:

> We would like the world to know that economic sanctions do not hurt the common people of Burma. We would like the European Community, the United States and the rest of the world to be aware that sanctions do help the movement for democracy in Burma.

Members of this body, this is an amazing woman, a Nobel Peace Prize winner, under house arrest for the better part of 17 years because her party was democratically elected to lead Burma. We should speak out. This resolution is one way of doing that.

I urge its passage.

I yield the floor.

Mrs. HUTCHISON. Madam President, I rise today in strong support of H.J. Res. 44, the Burmese Freedom and Democracy Act. This legislation will send a strong message to the military leaders of Burma, by renewing sanctions on their repressive regime.

As cochairman of the Senate Women's Caucus on Burma, I have closely monitored the political situation in that country, including the inspiring leadership of a brave Burmese woman named Aung San Suu Kyi. A former winner of the Nobel Peace Prize, Aung San Suu Kyi has dedicated her life for the cause of democracy in her country, including spending most of the last 17 years in detention.

I have been proud to stand with the other women of the Senate on behalf of Aung San Suu Kyi. In May 2007, I joined with Senator FEINSTEIN, Senator COLLINS, Senator KLOBUCHAR, Senator STABENOW, and First Lady Laura Bush at a press event to show our concern for Aung San Suu Kyi, and the need for the U.S. Government to stand in solidarity with the people of Burma.

By passing the Burmese Freedom and Democracy Act, we are reengaging on this vitally important issue, but we can do, and must do, more. The U.S. should use its influence with the international community to put more pressure on the Burmese to stop the murder, oppression and imprisonment of its critics.

I know that Aung San Suu Kyi—and the people of Burma—will applaud this landmark legislation. I am proud to cosponsor it, and I urge my Senate colleagues to vote for it.

Mr. GRASSLEY. Madam President, I want to offer a few comments on H.J. Res. 44, which will renew the import ban we first imposed on Burma in 2003.

The Burmese Freedom and Democracy Act was our response to the reprehensible attack on the National League for Democracy which occurred on May 30, 2003, and the arrest of many NLD officials, including their leader, Daw Aung San Suu Kyi.

I worked with my colleagues, Senator MCCONNELL and Senator BAUCUS, to develop and pass that legislation. We authorized a ban on imports from Burma, subject to annual renewal by Congress.

As Senator BAUCUS and I noted after the Senate passed that legislation, the Burmese Freedom and Democracy Act contains a guarantee of ongoing congressional oversight. We felt it was important that the Congress revisit the issue of trade sanctions on Burma each year. That way, Congress can consider whether, in light of any changed circumstances, it is appropriate to renew the ban on Burmese imports for another year.

Unfortunately, the situation in Burma has not improved. The human rights record in Burma remains extremely poor. There is a pattern of government policies that suppress liberties. The abuses have been extensive and the trend continues to worsen. There are reportedly over 1,000 political-prisoners in jail. Daw Aung San Suu Kyi has spent 11 out the past 18 years under house arrest.

In December 2006, the United Nations General Assembly adopted a resolution expressing its grave concern over human rights violations in Burma. In addition, Burma poses serious risks to peace and security in the region. This is not the time to reward the bad actions of the illegitimate Burmese Government.

We should send a strong signal to the military junta that their ongoing behavior is unacceptable. I urge my colleagues to vote in favor of continuing the trade sanctions against Burma for another year.

Mr. BAUCUS. Madam President, "Do what you can, with what you have, where you are." These essential principles for action, articulated by President Theodore Roosevelt, aptly apply to America's sanctions policy against the Burmese Government.

Four years ago, Congress enacted the Burmese Freedom and Democracy Act of 2003 in response to the Burmese junta's brutal crackdown on democracy advocate Aung San Suu Kyi and her followers. At the time, there were few options available to the Congress to change events in Burma. Congress did what it could with the tools available at that time.

Tragically, 4 years later, conditions in Burma have worsened. Suu Kyi remains under house arrest, which she has endured for most of the last two decades. The junta continues to commit gross human rights violations including extrajudicial killings, rape, and torture. Security forces continue to compel citizens into forced labor, and beat and abuse prisoners. And the junta's poor economic policies have made Burma one of the most impoverished countries in Asia.

When Congress considered the Burmese Freedom and Democracy Act in 2003, I expressed reservations about whether these new sanctions would have the desired effect. Too often, unilateral sanctions only worsen the plight of the oppressed people we seek to support. Too often, they fail to weaken the tyrannical governments at which they are targeted. That is why Senator GRASSLEY and I worked together to ensure that the import sanctions would not be open-ended. We agreed to revisit the ban on an annual basis to ensure that they remain the proper policy to address America's human rights concerns with Burma.

Over the last year, we have seen limited progress in our efforts to enlist the cooperation of Burma's trading partners to isolate the regime. The European Union has renewed its sanctions against Burma. Some ASEAN-member countries, which previously declined to publicly criticize the Burmese Government, are now calling for change. But none of these measures yet amounts to a unified and forceful deterrent to Burma's ruling military junta.

Democracy, national reconciliation, and respect for human rights in Burma can only be achieved if we enlist more than just the moral support of other countries. We must enlist Burma's trading partners, particularly its neighbors, to take more concrete actions that put real economic and political pressure on the military generals. I urge the administration to intensify its efforts to garner international cooperation to isolate the junta. I will support renewal of the import ban on Burma, because I am hopeful that we will see greater progress in the year ahead. In renewing the import ban on Burma, I believe we will follow the right course of action: to do what we can, with the best tools available, where we are.

The PRESIDING OFFICER. Under the previous order, the clerk will read the joint resolution for the third time.

The joint resolution (H.J. Res 44) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on the passage of the joint resolution.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Enzi

NOT VOTING—6

Brownback
Burr
Clinton
Johnson
McCain
Obama

The resolution (H.J. Res. 44) was passed.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008—Continued

AMENDMENT NO. 2384

Mrs. MURRAY. Mr. President, the Senate is currently considering the Homeland Security appropriations bill. Earlier, the Senator from Louisiana offered amendment No. 2384. I am concerned that the amendment is being offered to an appropriations bill. That amendment is clearly authorizing on an appropriations bill. Notwithstanding any other provision of the law, it is my understanding that the Homeland Security and Governmental Affairs Committee objects to that amendment. Therefore, I raise a point of order under rule XVI.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2388 TO AMENDMENT NO. 2383

Mr. BINGAMAN. Mr. President, I call up Senate amendment No. 2388 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, Mrs. HUTCHISON, and Mr. CORNYN, proposes an amendment numbered 2388 to amendment No. 2383.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the end of the bill, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2007".

SEC. 602. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 603. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment is aimed at providing needed assistance to law enforcement agencies to address the problem of criminal activity along our Nation's borders. The legislation is cosponsored by myself, Senator DOMENICI, Senator HUTCHISON, and Senator CORNYN. It has passed the Senate on two previous occasions, including last year as part of the Senate's 2007 Homeland Security Appropriations bill.

Specifically, the amendment establishes a competitive grant program within the Department of Homeland Security to help local law enforcement that is situated along our borders to cover some of the costs they incur as a result of having to deal with illegal immigration, with drug trafficking, with stolen vehicles, and with other border-related crimes. The amendment authorizes $50 million a year to enable law enforcement within 100 miles of the border to hire additional personnel and obtain the equipment and cover the overtime and transportation costs they incur in these activities. Law enforcement outside of this geographic limit that is provided for in the amendment would be eligible if the Secretary of Homeland Security certified that they were located in a "High Impact Area."

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along these borders are small, rural departments that are charged with patrolling large areas of land with very few officers and very limited resources. According to a 2001 study of the U.S.-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceed $89 million each year. Counties along the southwest border are some of the poorest in the country and are not in a good position to cover these additional costs.

For far too long, local law enforcement agencies operating along our borders have had to incur significant costs due to the inability of Government to secure our Nation's borders. It is time that the Federal Government recognize that border communities should not have to bear this burden alone. For that reason, I urge my colleagues to support this amendment.

I am informed this amendment has been cleared by both sides, and I think we are ready to go to a vote on it, unless the managers wish additional debate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we have reviewed this amendment. It is as the Senator from New Mexico said, a matter that has been before the body before and has been previously approved. We have no objection to proceeding as suggested by the Senator.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2388) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND HIGHER EDUCATION EXTENSION ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1868 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1868) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Higher Education Extension Act of 2007".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "July 31, 2007" and inserting "October 31, 2007".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS

Mr. REID. Mr. President, I have spoken to the two managers, Senators BYRD and COCHRAN. We have done some work this afternoon. We are getting a feel of the legislation. Senator CANTWELL has an amendment she will offer at the appropriate time. Maybe it can be worked out with the managers. If it cannot, we certainly are not going to be able to debate it all tonight. We are working on the warrior legislation. If we decide to finish that tonight, that will be done by unanimous consent and won't require a rollcall vote. At least it won't require one tonight. So I think that with a number of balls being up in the air—and we are waiting for other Senators to come and offer amendments—we will have no more rollcall votes tonight.

I suggest, though, that Senators should understand that tomorrow is Wednesday and we really need to finish this bill. I hope Senators who have amendments to offer will do that. I checked with the managers, and I have spoken with Senator COCHRAN. Tomorrow, if we are in a period where there are no amendments being offered, we will move to third reading. If people want to improve this bill in any way that they feel appropriate, the way to do it is to come and offer an amendment.

I have said today—and I say it again—I don't want to file cloture on the bill. I think it would set a pattern for how we need to work on appropriations bills. Let's get this done in the regular order. In fact, I said earlier today—and I will say it again—I have spoken to the President's Chief of Staff about appropriations bills generally. My feeling is that we will be happy to sit down and talk to the President's people about an overall program to get these bills passed. In the meantime, let's do them one at a time. The power of the White House, whether it is a Democratic or a Republican President, comes when we have the conference, anyway.

Again, I hope we can work within the regular order to get this passed. I notify all Senate offices that there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOUNDED WARRIOR

Mr. REID. Mr. President, we have not been able to clear the Wounded Warrior legislation. It is my understanding the minority is looking at that again tonight. Hopefully, we can get it done tomorrow.

When I come in in the morning, when the Senate convenes, I am going to ask consent again to pass that. This is one of the opportunities we have to really do something for the troops. The Defense authorization bill, the other stuff in it, doesn't become effective until the beginning of the fiscal year, October 1, but this, Wounded Warrior, becomes effective upon passage and approval, so it would really be good if we could do that sooner rather than later. As soon as we complete it here, we will be that much closer to being able to get that to the President. The House can do it very quickly.

I was meeting with the Speaker this afternoon. It is amazing what they can do in just a short period of time. I went over my list of things I wanted to complete for the Senate this next couple of weeks: This appropriations bill we are working on now, SCHIP, the conference report on ethics, and then the one on 9/11.

She had two pages of things they were going to do in the next couple of weeks. We can't do that here but she can. That is when you realize the difference between the House and the Senate.

EDUCATION AND THE MINIMUM WAGE

Mr. BROWN. Mr. President, during the last year I have listened to a lot of things Ohioans have said, have told me, as I have traveled from Cleveland to Portsmouth, and from Toledo to Cincinnati and from Youngstown to Lima and Bryan. I have heard repeatedly, particularly middle class and working families talk about lost opportunity, that they do not have the same opportunity for wage increases, do not have the same opportunity to join a union, do not have the same opportunity to send their kids to college.

Earlier today, we passed legislation—overwhelmingly, bipartisanly—finally, to raise Pell grants to increase the opportunity for young people to go to school. Pell grants had not been increased in years and years and years.

We know for students in Ohio, for example, the cost of a public education at a 4-year public school has gone up, in the last 5 years, 53 percent. The cost of a private education at a 4-year private school has gone up 28 percent. Yet the average wage in Ohio only went up 3 percent. So we have private education going up this much, public education going up this much, and wages increasing only slightly. That is why the legislation the Senate passed earlier and legislation the House is working on absolutely will matter to provide opportunity for middle-class kids.

At the same time, as I traveled the State, I heard people talk about tax policy. It is clear to people in Akron, in Youngstown, it is clear to people in Dayton and Middletown, and Hamilton and Gallipolis and Galion, OH, that too often the wealthy have paid, as their income goes up and up and up, very little in taxes, relatively, while middle-class families get more and more of a burden.

We saw, from 1946 to 1973, in the history of this country, economic opportunities for poor families and working families grew. Then, from 1973 to 2000, we saw it pretty much level out. We have seen those families who are working hard, playing by the rules, not even enjoying increases at all in their wages. In fact, they have fallen behind in too many cases.

That is why today, in addition to passing the bill providing opportunity for students to go to Ohio State or Hiram College or the University of Toledo or the University of Steubenville, students in Ohio have more opportunity—after this bill becomes law, if we can get the President to sign it—than they had yesterday.

Today is also a cause to celebrate. Today the minimum wage goes into effect. It is the first raise in 10 years. For 300,000 working Ohioans, 13 million workers nationwide, they will see their wages go up today.

For 10 years, worker productivity has gone up. In this country, more productive workers meant higher income workers. But too often we have seen a disconnect between productivity and wages. While American workers are continually more productive, their wages have not gone up. Whether that is a minimum wage worker, whether it is a worker making $20 an hour, it is way too common.

Today, we did something about it for those minimum wage workers. Because of workers in this country—minimum wage and higher income workers—because of what they did last November, voting for change, minimum wage workers have the increase in the pay they deserve and have earned.

It is a good day for American workers. It is especially a good day for minimum wage workers. We have lots more work to do.

IRAQ CONTINGENCY PLANS

Mr. WEBB. Mr. President, an issue I wish to address today relates to a request that Senator CLINTON, my colleague from New York, made to the Secretary of Defense back in May, asking that appropriate oversight committees in the Congress, particularly the Armed Services Committee on which I serve, as does the Presiding Officer, be given briefings regarding what current contingency plans might exist in the Department of Defense if we do, in fact, begin a withdrawal of our forces from Iraq.

The Secretary of Defense did not respond to the Senator from New York directly. Instead, the Under Secretary of Defense for Policy, Eric Edelman, wrote her a letter with which she took great umbrage last weekend stating, and I quote from Mr. Edelman's letter, "that premature and public discussion of the withdrawal of U.S. forces from Iraq reinforces enemy propaganda that the United States will abandon its allies in Iraq, much as we are perceived to have done in Vietnam, Lebanon, and Somalia."

He then said at the end of his letter:

> It is a longstanding departmental policy that operational plans, including contingency plans, are not released outside of the department.

I have great concerns about this letter, having spent 5 years working in the Pentagon and knowing these sorts of letters require coordination among the highest offices inside the Pentagon. I ask that the Secretary of Defense clarify that position of the Department of Defense on the matters that his Under Secretary addressed.

Is it the policy of the Department of Defense that a discussion of the withdrawal of forces reinforces enemy propaganda and that we might be abandoning our allies, as we are perceived to have done in Lebanon and Somalia?

The first thing I ask is, what allies did we abandon in Lebanon and Somalia?—I was in Lebanon as a journalist. We went into Lebanon as part of a U.N. peacekeeping force in order to separate warring factions. We were there purely on a mission of peace. We were not there to side with one faction or another. In Somalia, it was basically gang warfare. We all know that now.

This is the kind of rhetoric that, in my opinion, was designed purely for the purpose of attacking Senator CLINTON rather than addressing the issues that we need to be looking at.

There is probably no greater testimony to that than to just go back to the bill that Senator WARNER and Senator LUGAR offered as an amendment on the Defense authorization bill, which was just pulled because this amendment—which was put together after careful thought by the former chairman of the Armed Services Committee and the former chairman of the Foreign Relations Committee, two of the esteemed leaders of the Republican Party—asked for the same thing. In fact, it called for the same thing.

Senator WARNER and Senator LUGAR were stating in this amendment that the President should require, among other things, a report to be presented to the Congress no later than October 16, 2007, which specifically addressed the same issues that Senator CLINTON asked to be addressed in her letter, showing what the plans might be and when they might be executable in the event we decide to withdraw our forces from Iraq.

Also, I think it is a legitimate question for people in Congress to be asking when we look back at the way we ended up going into Iraq. I was not a Member of this body, but I watched, as did so many Americans, on television as this body and the House of Representatives had administration officials testifying. They asked in the runup to this war how long we were going to be in Iraq, and the answer was a litany. It was as long as is necessary and not 1 day more.

For Under Secretary Edelman to in any way indicate that it is the policy of this administration that they do not have to share the thought they are putting into these options is totally out of line.

For that reason, I joined with Senator CLINTON, Senator BAYH, and Senator BYRD in a letter to the chairman of the Armed Services Committee specifically asking that we have hearings in the Armed Services Committee that will address these issues. If the administration wants to go into closed hearings, that is fine. But I am asking today, No. 1, that the Secretary of Defense clarify for us what his beliefs are with respect to the rhetoric that came out of a letter that took 2 months to be generated from his Department in response to what Senator CLINTON asked for; and then secondly, that the other Members of this body join me in expressing their concern on this issue.

We have to have contingency plans. It is within the purview of the Congress for us to examine them. Again, I ask Senators on both sides of the aisle to put their eyes on this and join me in this expression of concern.

ADDITIONAL STATEMENTS

NATIONAL HISTORY DAY WINNERS

● Mrs. MURRAY. Mr. President, today I recognize and congratulate three of Washington State's outstanding students, Leigh Douglas and Helen Lee from Redmond, Washington and Brian Maskal from Tacoma, WA, for their award-winning projects recognized by the National History Day program.

Each student's project reflects this year's National History Day theme, "Triumph and Tragedy in History." I am proud to say that these students were selected from more than 2,000 finalists by the National History Day program to present their projects.

Leigh Douglas presented a performance titled, "Traditional Irish Music and Dance: Triumphing over Tragedy" at the Smithsonian American Art Museum. Helen Lee's exhibit titled, "The Triangle Factory Fire: Tragedy and Triumph for the American Worker," and Brian Maskal's exhibit, "Atomic Bomb: A Race for Triumph or Tragedy" were displayed at the National Archives and Records Administration.

These students created projects that add important perspectives to the way we think about American history. Lee's exhibit explored how a workplace tragedy reshaped the role of the American worker. Douglas's performance illustrated the ability of Irish dance and music to provide strength, unity and tradition within the community. Maskal articulately portrayed the role of the atom bomb in the 20th century and how it too has reshaped the way we view the world. I am proud of the dedication and hard work of these students from Washington State.

I would like to commend the National History Day Program for empowering students like Leigh Douglas, Helen Lee, and Brian Maskal to take a deeper look into history so we can better understand and address the problems our Nation faces today.•

RECOGNIZING WARREN BERRY

• Mr. THUNE. Mr. President, today I wish to recognize Warren Berry, an intern in my Aberdeen, SD, office, for all the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Warren is a graduate of Kadoka High School in Kadoka, SD. Currently he is attending Northern State University, where he is majoring in political science and history. Warren also serves as president of the College Republican chapter at NSU. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Warren for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING JOE COOCH

• Mr. THUNE. Mr. President, today I wish to recognize Joe Cooch, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Joe is a graduate of Spearfish High School in Spearfish, SD. Currently he is attending the University of South Dakota, where he is majoring in political science and economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Joe for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING ROXY HAMMOND

• Mr. THUNE. Mr. President, today I wish to recognize Roxy Hammond, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Roxy is a graduate of Mitchell High School in Mitchell, SD. Currently she is attending South Dakota State University, where she is majoring in broadcast journalism, political science, and Spanish. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Roxy for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING HEATHER JELEN

• Mr. THUNE. Mr. President, today I wish to recognize Heather Jelen, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Heather is a graduate of Lincoln High School in Sioux Falls, SD. Currently she is attending Bethel University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Heather for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING JOSH KLUMB

• Mr. THUNE. Mr. President, today I wish to recognize Josh Klumb, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Josh is a graduate of Mitchell Christian High School in Mitchell, SD. He is a recent graduate of Oklahoma Wesleyan University, where he majored in business administration and business marketing. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Josh for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING CODY RHODEN

• Mr. THUNE. Mr. President, today I wish to recognize Cody Rhoden, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Cody is a graduate of Sunshine Bible Academy in Miller, SD. Currently he is attending Black Hills State University, where he is majoring in business administration. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Cody for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING KATHRYN RICH

• Mr. THUNE. Mr. President, today I recognize Kathryn Rich, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kathryn is a graduate of Stevens High School in Rapid City, SD, and Colorado State University. Currently she is attending the University of South Dakota, where she is studying law. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kathryn for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING LAURA SUNDE

• Mr. THUNE. Mr. President, today I wish to recognize Laura Sunde, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Laura is a graduate of Madison High School in Madison, SD. Currently she is attending South Dakota State University, where she is majoring in agriculture education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Laura for all of the fine work she has done and wish her continued success in the years to come.•

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 404. An act to require the establishment of customer service standards for Federal agencies.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 495. An act to update the management of Oregon water resources, and for other purposes.

H.R. 716. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan.

H.R. 761. An act to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail.

H.R. 1239. An act to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes.

H.R. 1285. An act to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes.

H.R. 1388. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

H.R. 1503. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

H.R. 1526. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes.

H.R. 2400. An act to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes.

H.R. 2630. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes.

H.R. 2798. An act to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

H.R. 3095. An act to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India.

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Environment and Public Works.

H.R. 404. An act to require the establishment of customer service standards for Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Environment and Public Works.

H.R. 495. An act to update the management of Oregon water resources, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 716. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; to the Committee on Energy and Natural Resources.

H.R. 761. An act to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

H.R. 1239. An act to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1285. An act to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1503. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; to the Committee on Energy and Natural Resources.

H.R. 1526. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2400. An act to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2630. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes; to the Committee on Rules and Administration.

H.R. 2798. An act to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1388. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 24, 2007, she had presented to the President of the United States the following enrolled bill:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2644. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cattle for Export; Removal of Certain Testing Requirements" (Docket No. APHIS-2006-0147) received on July 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2645. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental

Fruit Fly; Removal of Quarantined Areas" (Docket No. APHIS-2006-0151) received on July 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2646. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Idaho" (Docket No. APHIS-2007-0097) received on July 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2647. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the development of an alternative process that would allow Service members to request their military identification cards not contain their Social Security Number; to the Committee on Armed Services.

EC-2648. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2006; to the Committee on Armed Services.

EC-2649. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Antiboycott Penalty Guidelines" (RIN0694-AD63) received on July 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2650. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Interactive Data Voluntary Reporting Program on the EDGAR System To Include Mutual Fund Risk/Return Summary Information" (RIN3235-AJ59) received on July 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2651. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Entities to the Entity List" (RIN0694-AE06) received on July 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2652. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 32008) received on July 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2653. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to its contract with the Trinity Technology Group for security screening services at the Sonoma County Airport in Santa Rosa, California; to the Committee on Commerce, Science, and Transportation.

EC-2654. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's compliance with the Federal Manager's Financial Integrity Act; to the Committee on Commerce, Science, and Transportation.

EC-2655. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Individual Procurement Action" (RIN2700-AD34) received on July 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2656. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "2006 Status of U.S. Fisheries"; to the Committee on Commerce, Science, and Transportation.

EC-2657. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Coast Guard Sector, Marine Inspection Zone, and Captain of the Port Zone Structure; Technical Amendment" ((RIN1625-AB07) (USCG2006-25556)) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2658. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations beginning with CGD05-07-010)" (RIN1625-AA00) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2659. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 10 regulations beginning with CGD01-07-03)" (RIN1625-AB00) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2660. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 9 regulations beginning with CGD01-07-080)" (RIN1625-AB00) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2661. A communication from the Secretary of Transportation, transmitting, proposed legislation relative to amending certain maritime programs of the Department; to the Committee on Commerce, Science, and Transportation.

EC-2662. A communication from the White House Liaison, Office of Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, received on July 20, 2007; to the Committee on Energy and Natural Resources.

EC-2663. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities" (RIN1902-AC51) received on July 20, 2007; to the Committee on Energy and Natural Resources.

EC-2664. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Clean Air Interstate Rule Sulfur Dioxide Trading Program" (FRL No. 8442-8) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2665. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation; North Dakota; Revisions to New Source Review Rules" (FRL No. 8441-9) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2666. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8136-7) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2667. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate-Ammonium; Pesticide Tolerance" (FRL No. 8137-4) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2668. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 8444-3) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2669. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Penoxsulam Benzenesulfonamide; Pesticide Tolerance" (FRL No. 8137-7) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2670. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revised Compliance Dates Under the National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations" (FRL No. 8444-8) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2671. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Medicare Replacement Drug Demonstration"; to the Committee on Finance.

EC-2672. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revised Payment System Policies for Services Furnished in Ambulatory Surgical Centers Beginning in Calendar Year 2008" (RIN0938-AO73) received on July 23, 2007; to the Committee on Finance.

EC-2673. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Correction: Voluntary Reliquidation of Deemed Liquidated Entries" (CBP Dec. 07-62) received on July 20, 2007; to the Committee on Finance.

EC–2674. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment of Tacking Rule of Life/Non-Life Consolidated Return Regulations" ((RIN1545–BE85) (TD 9342)) received on July 20, 2007; to the Committee on Finance.

EC–2675. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's 2006 Performance Report relative to the Prescription Drug User Fee Act; to the Committee on Finance.

EC–2676. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2007" (Rev. Rul. 2007–50) received on July 19, 2007; to the Committee on Finance.

EC–2677. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Excess Loss Accounts" ((RIN1545–BE87) (TD 9341)) received on July 19, 2007; to the Committee on Finance.

EC–2678. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (18) reports relative to vacancy announcements within the Department, received on July 20, 2007; to the Committee on Finance.

EC–2679. A communication from the Acting White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of the confirmation of a nomination for the position of Assistant Secretary, received on July 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2680. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary for Disability Employment Policy, received on July 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2681. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers on Vocational Rehabilitation—Notice of Final Priority" (72 FR 35443) received on July 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2682. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–2683. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 23, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2684. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC–2685. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination and a change in previously submitted report information for the position of Principal Deputy Director of National Intelligence, received on July 20, 2007; to the Select Committee on Intelligence.

EC–2686. A communication from the Editor, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Searches of Housing Units, Inmates, and Inmate Work Areas: Electronic Devices" (RIN1120–AA90) received on July 23, 2007; to the Committee on the Judiciary.

EC–2687. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a legislative proposal entitled, "Identity Theft Enforcement and Restitution Act of 2007"; to the Committee on the Judiciary.

EC–2688. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental update of the Budget that was previously transmitted earlier in the year; referred jointly to the Committees on Appropriations and Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–169. A resolution adopted by the Senate of the State of Pennsylvania opposing the provisions of the Energy Policy Act of 1992 that preempt the authority of the Commonwealth of Pennsylvania to determine land use policies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 129

Whereas, the Energy Policy Act of 2005 (EPact) was passed by the Congress on July 29, 2005, and signed into law on August 8, 2005; and

Whereas, the EPact was promoted as a comprehensive approach to growing energy needs and designed to guarantee development of domestic fuel production and energy supply, thereby ending United States dependence on foreign oil; and

Whereas, provisions of the omnibus legislation touch on nearly every segment of energy production and use, including nuclear power, electricity, natural gas, fossil fuels, renewable energy and competitive generation; and

Whereas, a provision of Title XII of the EPact, Electricity, however, preempts what have long been fundamental powers of state and local governments; and

Whereas, section 1221, for example, transfers the authority to approve the siting of certain transmission lines from state governments and their political subdivisions to agencies of the Federal Government; and

Whereas, section 1221(a) of EPact directs the Untied States Secretary of Energy to, in consultation with states, conduct periodic nationwide studies of electric transmission congestion; and

Whereas, the Secretary of Energy released its initial National Electric Transmission Congestion study in August 2006; and

Whereas, based upon the findings of any congestion study, the Secretary of Energy may designate "any geographical area experiencing electric energy transmission capacity constraints or congestion that adversely affects customers" as "national interest electric transmission corridor" or national corridor; and

Whereas, section 1221(b) further conveys to the Federal Energy Regulatory Commission (FERC) the authority to issue permits for construction or modification of electric transmission facilities situated or proposed to be situated in any Department of Energy designated national interest electric transmission corridor; and

Whereas, the FERC would be able to override the authority of the Pennsylvania Public Utility Commission to issue a certificate of public convenience to approve and locate a transmission line in a Department of Energy designated national interest electric transmission corridor if:

(1) the Pennsylvania Public Utility Commission had no authority to approve a specified transmission line proposal or would fail to consider interstate benefits of the proposed transmission line:

(2) the applicant would not qualify for a certificate of public convenience issued by the Pennsylvania Public Utility Commission because it does not serve end-use customers in the Commonwealth of Pennsylvania;

(3) the Pennsylvania Public Utility Commission would fail to act on an application for approval to locate and construct the new transmission line within one year of the filing of an application or one year after designation as a national interest electric transmission corridor, whichever is later; or

(4) the Pennsylvania Public Utility Commission would condition its approval in such a manner that the proposed construction or modification would not significantly reduce transmission congestion or would not be economically feasible; and

Whereas, the Pennsylvania Public Utility Commission and its predecessor, the Public Service Commission, have had jurisdictional and regulatory authority over public utilities and public utility service, including the review and approval of applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania since 1913, or for 94 years; and

Whereas, the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania, coupled with FERC "backstop" authority to issue permits to site a transmission line and thereby override the recommendations of the Pennsylvania Public Utility Commission, would give electric utilities access to Federal eminent domain authority; and

Whereas, if FERC would institute its "backstop" authority, the holder of a FERC-issued permit would be empowered to exercise the right of eminent domain to condemn and acquire private property to locate and construct the transmission line; and

Whereas, on March 6, 2006, Allegheny Power and the PJM Interconnection, the Regional Transmission Organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia, including the Commonwealth of Pennsylvania, filed for early designation as a national interest electric transmission corridor a 240-mile, 500 kV transmission line which would extend from southwestern Pennsylvania, traverse West Virginia and terminate in northern Virginia; and

Whereas, on October 10, 2006, the PJM Interconnection submitted another request to the Department of Energy for early designation of three additional national interest electric transmission corridors that will encompass nearly all of the Mid-Atlantic region; and

Whereas, the early request filed with the United States Department of Energy by Allegheny Power and the PJM Interconnection, if granted, will include significant acreage of land in the Commonwealth of Pennsylvania; and

Whereas, on April 26, 2007, the United States Department of Energy released drafts of two national interest electric transmission corridor designations, including the Mid-Atlantic Area National Corridor; and

Whereas, the Mid-Atlantic area National Corridor designation includes counties in Ohio, West Virginia, Pennsylvania, New York, Maryland, Virginia and includes all of New Jersey, Delaware and the District of Columbia; and

Whereas, Fifty of the Commonwealth of Pennsylvania's 67 counties, or 75% of the land within the Commonwealth's geographic borders, are included in the Mid-Atlantic Area National Corridor designation; and

Whereas, in its release announcing the draft national interest electric transmission corridor designations, the Department of Energy revealed that it would convene three public meetings during a 60-day comment period; and

Whereas, in its April 26, 2007, announcement, the Department of Energy revealed that public meetings would be held in New York, Virginia and California during the 60-day comment period; and

Whereas, some local governments, citizens and preservation groups that would be directly impacted by the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania and some other affected states contacted the Department of Energy to express their disappointment and concern that no public meetings were planned for Pennsylvania and other affected states during the 60-day comment period; and

Whereas, on May 8, 2007, the Department of Energy announced that it would hold four additional meetings during the 60-day public comment period in some states, including the Commonwealth of Pennsylvania, that would be impacted by the national interest electric transmission corridor designations; and

Whereas, the Pennsylvania public meeting will be convened in the month of June in Pittsburgh, Pennsylvania; and

Whereas, the 60-day comment period for the Mid-Atlantic Area National Corridor designation is scheduled to and on July 6, 2007; and

Whereas, it is alleged that the transmission lines proposed to be located and constructed in the Mid-Atlantic Area National Corridor would be used to relieve energy congestion and constraints and improve electric reliability in population centers of the East Coast; and

Whereas, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania could diminish or eliminate the role of the Pennsylvania Public Utility Commission, the administrative agency of the Commonwealth that has regulatory authority over the approval of applications for the location and construction of transmission lines; and

Whereas, designation of national interest electric transmission corridors would also adversely limit or completely eliminate the roles of the Office of Consumer Advocate and the Office of Small Business Advocate; and

Whereas, the Office of Consumer Advocate and the Office of Small Business Advocate are administrative agencies of the Commonwealth of Pennsylvania that were expressly established by Pennsylvania statute to represent the interests of consumers and small businesses, respectively, in proceedings before the Pennsylvania Public Utility Commission, including certain matters related to the location and construction of transmission lines; and

Whereas, designation of national interest electric transmission corridors and FERC's accompanying "backstop" authority could diminish or even eliminate the roles of other administrative agencies of the Commonwealth of Pennsylvania that were established for the express purpose of protecting Pennsylvania's economic, natural, historical, cultural and recreational resources, including the Departments of Environmental Protection, Conservation and Natural Resources, Agriculture and Transportation as well as the Game Commission and the Historical and Museum Commission; and

Whereas, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania would undermine and in some cases eliminate the Commonwealth's ability to determinate, manage and control land use policies, including land use policies on its agricultural lands, forest reserves, recreational areas, game lands and other natural and environmentally sensitive areas: Therefore, be it

Resolved, That the Senate of Pennsylvania recognize fully the energy and environmental challenges facing the Commonwealth of Pennsylvania in general and the United States in particular; and be it further

Resolved, That the Senate believes that demand for energy continues to be a concern nationwide, especially in major population centers, and that an effective national energy policy must include increased emphasis on conservation, renewable energy, energy-efficient alternatives, demand-side management, innovations and new technologies while simultaneously providing incentives to increase domestic production and supply; and be it further

Resolved, That the Senate recognize that an effective energy policy must be addressed nationally but should reflect traditional state and local authority over environmental and energy matters; and be it further

Resolved, That the Senate oppose the provisions of EPact which preempt the authority of the Commonwealth of Pennsylvania and its political subdivisions to determined land use policies and which usurp the traditional and fundamental authority of the Pennsylvania Public Utility Commission to review and approve applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the members of the Pennsylvania Congressional Delegation to support legislation to repeal section 1221 of EPact and thereby preserve the fundamental rights of the Commonwealth of Pennsylvania and its people to determine the future of land use policies; and be it further

Resolved, That copies of this resolution be transmitted to the residing officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-170. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement systems or funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 114

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a federal, state, or local retirement or pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, because the Social Security benefit statements do not calculate the GPO and the WEP, many public employees in Louisiana are unaware that their expected Social Security benefits shown on such statements will be significantly lower or nonexistent due to the service in public employment through which they are members of a Louisiana public retirement or pension system or fund; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here lifelong: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2007 (H.R. 82 or S. 206) or a similar instrument. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-171. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION

Whereas, in 2002 the No Child Left Behind Act was enacted on a bipartisan basis, which has as its purpose bringing academic achievement in language arts, mathematics, and science to students who are not presently achieving at proficiency levels; and

Whereas, in 2004 the National Conference of State Legislatures created a bipartisan task force to study the No Child Left Behind Act and the task force suggested specific changes to make the No Child Left Behind Act more workable, more responsive to variations among the states, and more effective in improving education; and

Whereas, a stated goal of the No Child Left Behind Act is to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that more flexibility should be granted to states to implement the No Child Left Behind Act; and

Whereas, the New Hampshire general court had representation on the bipartisan task force and concurs with the spirit of the recommendations of the National Conference of State Legislatures; and

Whereas, a well-designed growth model, with multiple forms of assessment, is a more meaningful and accurate measure of student success than the No Child Left Behind Act model of identifying schools in need of improvement; and

Whereas, the No Child Left Behind Act mandates a costly sequence of intervention services, which the task force found to be inflexible and instead recommended states to be allowed to decide the interventions when a school is "in need of improvement": Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the Congress of the United States to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations, to allow each state department of education the flexibility to monitor, supervise, and evaluate each school's effectiveness in documenting the physical, personal, social, and academic growth of each child; and

That the New Hampshire general court urges the Congress of the United States to request a Government Accountability Office evaluation of the costs to states and local school districts of complying with the No Child Left Behind Act requirements and of achieving the 100 percent proficiency goals of the No Child Left Behind Act; and

That the senate clerk send copies of this resolution to the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

POM-172. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to repeal the REAL ID Act or delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, in May 2005 the Congress of the United States passed the REAL ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (Public Law 109-13), which was signed into law on May 11, 2005, and which becomes fully effective May 11, 2008; and

Whereas, the Senate of the Commonwealth of Pennsylvania denounces terrorism in all its forms and condemns all acts of terrorism by any entity, wherever the acts occur; and

Whereas, any new security measures to protect against terrorist attacks should be carefully designed to enhance public safety without infringing on the civil liberties and rights of citizens; and

Whereas, the REAL ID Act constitutes an unfunded mandate by the Federal Government to the states; and

Whereas, it will cost the Commonwealth of Pennsylvania an estimated $100 million to implement the REAL ID Act; and

Whereas, the implementation of the REAL ID Act intrudes upon the states' sovereign power to determine their own policies for identification, licensure and credentialing of individuals residing therein; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle agency employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens, which is neither the business nor the responsibility of government; and

Whereas, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

Whereas, these public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to fly, open a bank account or perform any of the numerous functions required to live in the United States today; and

Whereas, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement officials or victims of domestic violence, stalking or criminal harassment; and

Whereas, the REAL ID Act contains onerous record verification provisions that place unreasonable burdens on Pennsylvanians renewing their driver's licenses; and

Whereas, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States Government and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

Whereas, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy of thousands of Pennsylvanians; and

Whereas, identification-based security provides only limited security benefits because it can be avoided by defrauding or corrupting card issuers and because it gives no protection against people not already known to be planning or committing wrongful acts; and

Whereas, a growing number of states have proposed and passed legislation that opposes the implementation of the REAL ID Act: Therefore, be it

Resolved, That the Senate of the Commonwealth of Pennsylvania support the intention of the United States Government to prevent terrorism, but not at the expense of the essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That the Senate oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Constitution of Pennsylvania or the Constitution of the United States, including the Bill of Rights; and be it further

Resolved, That the Senate urge the Pennsylvania Congressional Delegation to support measures to repeal the REAL ID Act or to delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2008" (Rept. No. 110-133).

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1859. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-134).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 110-135).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1500. A bill to support democracy and human rights in Zimbabwe, and for other purposes (Rept. No. 110-136).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California.

Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

Joe W. Stecher, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 1859. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CORNYN (for himself and Mr. KYL):

S. 1860. A bill to control violent crime; to the Committee on the Judiciary.

By Mr. ISAKSON:

S. 1861. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia; to the Committee on Environment and Public Works.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1862. A bill to provide for the exchange and conveyance of certain National Forest land and other land in southeast Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1863. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1864. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1865. A bill to provide for mandatory availability of life insurance that does not preclude future lawful travel, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1866. A bill to amend title 49, United States Code, to exempt certain local restrictions from review under the airport noise and access restriction review program; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 1867. A bill to require the Administrator of the Federal Aviation Administration to conduct a study on the operation of helicopters over Long Island, New York and for other purposes; to the Committee on Commerce , Science, and Transportation.

By Mr. KENNEDY (for himself and Mr. ENZI):

S. 1868. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. SMITH, Mr. DODD, Mr. CARDIN, and Mr. DEMINT):

S. Res. 278. A resolution expressing the sense of the Senate regarding the announcement of the Russian Federation of its suspension of implementation of the Conventional Armed Forces in Europe Treaty; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Ms. MURKOWSKI, Mr. HAGEL, Mr. WEBB, and Mr. ISAKSON):

S. Res. 279. A resolution expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 280. A resolution congratulating the Anaheim Ducks for winning the 2007 Stanley Cup Championship; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DURBIN):

S. Con. Res. 42. A concurrent resolution recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 444

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 444, a bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Vermont (Mr. LEAHY), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 737

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 737, a bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 838

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1338

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1343

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1343, a bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1492, a bill to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1496

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1496, a bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs.

S. 1514

At the request of Mr. DODD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1678

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1678, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1716

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Iowa (Mr. HARKIN), the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1716, a bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1755

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1763

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1763, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1801

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1801, a bill to require a study on the relocation of the Sector Buffalo facilities of the Coast Guard, and for other purposes.

S. 1805

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1805, a bill to amend the National Housing Act to increase the mortgage amount limits applicable to housing insured by FHA mortgage insurance.

S. 1812

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of

1965 to strengthen mentoring programs, and for other purposes.

S. 1816

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1816, a bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes.

S. 1842

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1848

At the request of Mr. BAUCUS, the names of the Senator from Montana (Mr. TESTER), the Senator from California (Mrs. BOXER), the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1855

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was withdrawn as a cosponsor of S. 1855, a bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year.

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1855, supra.

S. RES. 276

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2108

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2108 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2381

At the request of Mr. KENNEDY, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2381 proposed to S. 1642, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 2381 proposed to S. 1642, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. KYL):

S. 1860. A bill to control violent crime; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce a crime bill that I hope all of my colleagues will support. Several of my colleagues and I have worked with the Department of Justice to develop an important comprehensive crime bill which will provide new tools to law enforcement and prosecutors across the country.

This is an important issue. The New York Times wrote recently that violent crime was on the rise in our larger cities. Murder, robbery and gun assaults seem to be on the rise in midsized to large cities. Experts attribute this increase, in part, to the spread of drug use, gangs, high poverty, a record number of people being released from prison, and easy access to guns and a willingness to settle disputes with them.

This comprehensive crime bill will help law enforcement officers and prosecutors beat back this rise in violent crimes. It is an extensive bill but let me discuss a few of its provisions here.

Over the past several years, Congress has worked to crack down on child predators. From the PROTECT Act in 2003 to last year's Adam Walsh Act, Congress has made clear that those who commit crimes against our children will face swift and severe punishment. The bill I am introducing today builds on this momentum and adds additional tools to the prosecutorial arsenal. Among the changes provided in this bill is an increase in the punishments for a variety of sex offenses, including providing mandatory minimums for possession of child pornography. The bill would triple the criminal fines available against electronic service providers who knowingly and willfully fail to report child pornography and would make it a Federal crime to participate in the sex tourism trade in order to produce child pornography.

We must protect the most vulnerable of us, children, and these provisions will continue this progress.

The bill amends the armed career criminal statute to create a tiered punishment approach such that defendants with more serious criminal histories who use guns will face harsher punishments, including mandatory minimum prison sentences. Additionally, the bill also increases the statute of limitations for violent crimes from 5 to 10 years.

The bill also makes some technical but important changes to the gun statutes. For instance, the bill inserts an interstate commerce jurisdictional statement in 18 U.S.C. 924h cases, the statute that prohibits the transfer of firearms to others who intend to use those firearms in a drug trafficking or violent crime. This corrects a post Lopez congressional oversight and ensures that if this statute is used, it will not be struck down. Additionally, this bill provides that those felons who are arrested for possession of firearms will be detained without bail pending trial.

We need to send a strong message of deterrence to those who would illegally use firearms. This bill sends that message loud and clear.

Finally, the bill includes some significant changes to critical terrorism statutes. For instance, this bill criminalizes providing financial support to families of suicide bombers. It also increases penalties for those convicted of material support and denies Federal benefits to convicted terrorists.

These are but a few of the provisions contained in this bill. Congress must continue to evaluate and, when necessary, provide needed tools to law enforcement to enable those public servants to effectively do their job.

This bill does that and I hope that my colleagues will support it.

By Mr. KYL (for himself and Mr. McCAIN):

S. 1862. A bill to provide for the exchange and conveyance of certain National Forest land and other land in southeast Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, I rise today to introduce the Southeast Arizona Land Exchange and Conservation Act of 2007. This bill facilitates an important land exchange in Arizona that will provide for the acquisition and protection of environmentally sensitive lands while providing a much needed economic engine for the people of Superior, AZ, and the surrounding communities. I am pleased to be joined by Senator McCAIN as an original cosponsor of this bill.

This is not the first time Senator McCAIN and I have introduced this land exchange legislation. In 2005, we introduced S. 1122. S. 1122 was later modified and reintroduced in 2006 as S. 2466. S. 2466, as introduced, reflected the painstaking negotiated compromises and public feedback that we received with respect to the bill. S. 2466 had a favorable hearing before the Subcommittee on Forests and Public Lands in the Senate Committee on Energy and Natural Resources in May 2006. At that hearing, both the Forest Service and the Bureau of Land Management testified in support of the bill. The bill, however, was not enacted in the last Congress. I am pleased to say we are back again this year with a bill that includes some new provisions based on the work of the stakeholders to continue to improve the bill.

The exchange facilitates the conveyance to Resolution Copper of approximately 3,025 acres of National Forest System land, 3 miles outside of Superior, Arizona in the historic Pioneer Mining District. The acreage commonly called "Oak Flat" would be traded to Resolution Copper to facilitate future exploration, and possible development, of what may be one of the largest deposits of copper ore ever discovered in North America. The 3,025 acres of Federal lands are intermingled with, or lie next to, private lands already owned by Resolution Copper, and are located south and east of Resolution's existing underground Magma copper mine. Approximately 75 percent of the Federal land is already blanketed by federally authorized mining claims owned by Resolution Copper that give it the right to explore and develop the minerals. Given the intermingled ownership, the public safety issues that may be associated with mining activities, and the significant financial investment Resolution Copper must make to even determine whether development of a mine is feasible, it makes sense, for Resolution Copper to own the entire Oak Flat area.

However, we also recognize that there are public impacts associated with transferring Oak Flat out of federal ownership. This bill goes far in addressing these impacts. Let me explain. First, the land exchange is conditioned on the execution of a permanent conservation easement to protect Apache Leap, a spectacular cliff area rich in cultural history on the western side of the Federal parcel. Although the conservation easement has been a feature in this bill since it was first introduced, we have expanded and strengthened the protections required by the easement. The easement will now apply to the entire Apache Leap escarpment totaling approximately 695 acres up from the 562 acres that were protected in the original bill. To address concerns that were raised that the mining operation might still affect the area, the conservation easement will not just prohibit surface development, it will also prohibit commercial mineral extraction under the easement area. In addition, the exchange includes a fund endowment for the implementation of the terms of the conservation easement.

The Oak Flat Campground, consisting of 16 rustic tent/RV sites, is located on the north side of the parcel, adjacent to U.S. Highway 60. Recognizing that the campground is used by the community and others, we are requiring that this campground be replaced on the Globe Ranger District at Resolution Copper's expense. Public access to this campground will not immediately terminate on enactment of the legislation: The bill stipulates continued public access to the campground for two years after enactment.

We also heard from the public that climbing and bouldering are important recreational resources at Oak Flat. For this reason, we included a placeholder in S. 1122 for additional climbing provisions as a good faith offer to the climbing community to work with us and Resolution Copper to address the loss of public access to climbing at Oak Flat in a way that would not compromise public safety. A compromise was reached by the stakeholders to continue temporary interim access to some climbing at Oak Flat; and execute a license between Resolution Copper and Access Fund, a national advocacy climbing organization, to allow climbers to gain access to popular climbing sites located on Resolution Copper's private land. This compromise along with the discovery of "Tamo," a climbing gem in the Tam O'Shanter Mountains, which is slated to become Arizona's newest State park, are examples of how parties coming together can turn an unfortunate situation into a win-win.

We had hoped we would be able to make a similar announcement with regard to the cultural resource concerns that were raised by the San Carlos Apache Tribe in May of last year. Unfortunately, that is not the case. I am still hopeful, however, and I will continue to reach out to the Yavapai and Apache tribes as this bill moves through the legislative process.

In return for conveying the Federal land to Resolution Copper, the Forest Service and Bureau of Land Management will receive eight parcels of private land, totaling 4,583 acres plus $7.5 million to be placed in a trust account to be expended by the United States on additional conservation lands in Arizona. The parcels included in this bill have been identified, and are strongly endorsed for acquisition by the Arizona Audubon Society, Nature Conservancy, Trust for Public Land, Sonoran Institute, Arizona Game and Fish Department, and numerous others. They include lands along the San Pedro River, an important internationally recognized migratory bird corridor, riparian and wetland habitat for threatened and endangered animal and plant species, including the southwestern willow flycatcher and the hedgehog cactus, and magnificent canyons and forests that are home to big game species. Most of the parcels are in holdings whose acquisition will enable more effective management of the federal land. It is in the public interest to bring these conservation lands into Federal ownership for the enjoyment of future generations.

Although the focus of this bill is the land exchange between Resolution Copper and the U.S., it also includes provisions allowing for the conveyance of Federal lands to the town of Superior. These lands include the town cemetery, lands around the town airport, and a Federal reversionary interest that exists at the airport site. These lands are included in the proposed exchange to help the town to provide its municipal needs and expand and diversify its economic development.

Though I have described the many benefits of and the important compromises that are part of this exchange, you may be asking why we are legislating this land exchange. Why not use the existing administrative land exchange process? The answer is that this exchange can only be accomplished legislatively because the Forest Service does not have the authority to convey away Federal lands in order to acquire other lands outside the boundaries of the National Forest System, no matter how ecologically valuable.

This bill contains procedural safeguards and conditions that ensure it is an equal value exchange in the public interest. I will highlight some of those safeguards: First, it requires that all appraisals of the lands must follow standard federal practice and be performed in accordance with appraisal standards promulgated by the U.S. Department of Justice. All appraisals must also be formally reviewed, and approved, by the Secretary of Agriculture. Second, to ensure the Federal Government gets full value for the Federal parcel it is giving up, the Federal parcel will be appraised to include the minerals and appraised as if unencumbered by the private mining claims that detract from the fair market value of the land. These are important provisions not required by federal law. They are especially significant given that over 75 percent of the Federal parcel is covered by mining claims owned by Resolution Copper and the bulk of the value of the Federal parcel is expected to be the minerals. Third, the Apache Leap conservation easement is expressly excluded from the valuation of the Federal land, preventing any possibility that this easement would devalue the Federal land. By following standard appraisal practices and including these additional safeguards in the valuation process, the U.S., and ultimately the taxpayer, will receive full fair market value for both the land and the minerals it contains.

With this land exchange we can preserve lands that advance the important public objectives of protecting wildlife habitat, cultural resources, the watershed, and aesthetic values, while generating economic, recreation, and employment opportunities for state and local residents. I hope we approve the legislation at the earliest possible date. It is a winning scenario for our environment and our economy.

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1863. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, I rise today to honor the extraordinary life of Robert M. La Follette, Sr. This week, on June 14, people around my home State of Wisconsin will mark the 152nd anniversary of La Follette's birth. Throughout his life, La Follette was revered for his tireless service to the people of Wisconsin and to the people of the U.S. His dogged, full-steam-ahead approach to his life's work earned him the nickname "Fighting Bob."

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the U.S. House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my state as a judge. Upon his exit from Washington DC, a reporter wrote, La Follette "is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him."

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the U.S. Senate, where he remained until his death in 1925.

As a founder of the national progressive movement, La Follette championed progressive causes as governor of Wisconsin and in the U.S. Congress. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of U.S. Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the "Wisconsin Idea." As governor, La Follette also supported cooperation between the state and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork barrel legislation. La Follette also advocated electoral reforms, and he brought his support of the direct election of U.S. Senators to this body. His efforts were brought to fruition with the ratification of the 17th Amendment in 1913. Fighting Bob also worked tirelessly to hold the Government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, "We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!"

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for President, La Follette garnered more than 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of U.S. merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only six Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, "Free Speech in Wartime," on October 16, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said: "Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace."

Of the expulsion petition filed against him, La Follette said:

> I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.
>
> If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC., while serving Wisconsin in this body. His daughter noted, "His passing was mysteriously peaceful for one who had stood so long on the battle line." Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert

M. La Follette, Jr., was appointed to his father's seat, and went on to be elected in his own right and to serve in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the U.S.

During the 109th Congress, I was proud to support Senate passage of a bill introduced in the House of Representatives by Congresswoman TAMMY BALDWIN that named the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswomen BALDWIN for her efforts to pass that bill and I am pleased she is introducing House companion measures of the legislation I am introducing today in the Senate.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the U.S. Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he "made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in State service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of Government in this and other countries." He went on to call this service "a model which the Federal government and ultimately every state in the union will follow." Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across this magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the state of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's five-member Special Committee on the Senate Reception Room chose La Follette as one of the "Five Outstanding Senators" whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a "ceaseless battler for the underprivileged" and a "courageous independent." Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

Mr. President, to honor Robert M. La Follette, Sr., during the week of the anniversary of his birth, today I am introducing two pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL; the senior Senator from Massachusetts, Senator KENNEDY; and the junior Senator from Ohio, Senator BROWN.

I am introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The second bill that I am introducing today, 1864, would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his state and to his country. I hope that my colleagues will support these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than "Fighting Bob" La Follette, and it is an honor to speak in the same chamber, and serve the same great state, as he did.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 278—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ANNOUNCEMENT OF THE RUSSIAN FEDERATION OF ITS SUSPENSION OF IMPLEMENTATION OF THE CONVENTIONAL ARMED FORCES IN EUROPE TREATY

Mr. CASEY (for himself, Mr. SMITH, Mr. DODD, Mr. CARDIN, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 278

Whereas the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990 ("the CFE Treaty"), was agreed upon and signed by 22 States Parties in order to establish predictability, transparency, and stability in the balance of conventional military forces and equipment in an area of Europe stretching from the Atlantic Ocean to the Ural Mountains;

Whereas there are now 30 States Parties to the CFE Treaty, including Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Spain, Turkey, Ukraine, the United Kingdom, and the United States;

Whereas the CFE Treaty is recognized as one of the most successful arms control treaties of the modern era and has served as a cornerstone of European security as the continent emerged from the shadows of the Cold War;

Whereas the CFE Treaty facilitated the destruction or conversion of over 52,000 battle tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters;

Whereas the CFE Treaty continues to enable an unprecedented level of transparency into military equipment holdings and troop deployments in Europe, including over 4,000 on-site inspections of military units and installations implemented since the entry into force of the Treaty;

Whereas, on November 19, 1999, at the Organization for Security and Co-operation in Europe Summit in Istanbul, Turkey, the parties to the CFE Treaty signed an Adaptation Agreement to reflect the dissolution of the Warsaw Pact, the expansion of membership in the North Atlantic Treaty Organization ("NATO"), and other changes in the European geopolitical environment;

Whereas, at the time of the signing of the Adaptation Agreement, the Russian Federation made a series of pledges, known as the Istanbul Commitments, to withdraw its remaining military forces and equipment from the territory of Georgia and Moldova or otherwise negotiate consensual agreements on their continued presence;

Whereas while the Government of the Russian Federation has taken initial steps towards fulfilling the Istanbul Commitments, it continues to maintain troops and associated equipment in both Georgia and Moldova without the express sovereign consent of the governments of either of those countries, and the United States and other parties to the CFE Treaty have therefore refrained from taking steps to ratify the Adaptation Agreement;

Whereas, on April 26, 2007, President of the Russian Federation, Vladimir Putin, in a speech to the Federation Council of the Russian Federation, announced his intention to initiate an unspecified "moratorium" on Russian compliance with the CFE Treaty, citing the refusal of NATO Members to ratify the Adaptation Agreement, concerns over the proposed United States missile defense deployment in Poland and the Czech Republic, and new basing arrangements between the United States Government and the Governments of Bulgaria and Romania as unacceptable encroachments on the security of the Russian Federation;

Whereas the Government of the Russian Federation subsequently requested, as is its right under the CFE Treaty, an Extraordinary Conference to discuss its outstanding concerns, which was held from June 12 to June 15, 2007, in Vienna, Austria;

Whereas, on July 14, 2007, President Putin issued a formal decree announcing the intention of the Russian Federation to suspend compliance with the CFE Treaty after providing 150 days advance notice to the other CFE Treaty signatories;

Whereas President Putin justified his decision on "extraordinary circumstances" that "affect the security of the Russian Federation and require immediate measures";

Whereas the CFE Treaty provides a formal mechanism for withdrawal of a State Party from the Treaty following 150 days of notice, but does not contain any provision for suspension; and

Whereas the Department of State, in responding to the announcement by the Government of the Russian Federation to suspend compliance with the CFE Treaty, declared, "The United States is disappointed by the Russian announcement of its intention to suspend implementation of the Conventional Armed Forces in Europe (CFE) Treaty. The United States remains committed to CFE's full implementation. We also remain committed to the ratification and entry into force of the Adapted CFE Treaty. We look forward to continuing to engage with Russia and the other States Parties to the Treaty to create the conditions necessary for ratification by all 30 CFE States.": Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the decision of the Government of the Russian Federation to suspend implementation of the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990 ("the CFE Treaty"), is a regrettable step that will unnecessarily heighten tensions in Europe;

(2) the Senate recognizes the enduring value of the CFE Treaty as a cornerstone of European security and affirms its support for the basic principles of transparency, accountability, host country consent for the stationing of foreign military forces, and the rule of law embodied in the CFE Treaty and the 1999 Adaptation Agreement thereto;

(3) the Senate strongly urges the Government of the Russian Federation to reconsider its suspension of CFE implementation and engage with the other parties to the CFE Treaty to resolve outstanding problems and establish an agreed approach leading to the eventual implementation of the Adaption Agreement to the CFE Treaty;

(4) the Senate calls on the Russian Federation to fulfill its Istanbul Commitments of 1999 and move speedily to withdraw all remaining forces and military equipment from Georgia and Moldova;

(5) the Senate encourages all parties to the CFE Treaty to engage the Russian Federation in seeking innovative and constructive mechanisms to fully implement the Istanbul Commitments, consistent with the principles and objectives of the Organization of Security and Cooperation in Europe (OSCE) and making full use of OSCE mechanisms;

(6) the Senate calls on all States Parties to ensure that the resolution of the current disputes surrounding the CFE Treaty be considered a priority at the highest political levels, recognizing that the CFE Treaty is important both as an arms control treaty and as an essential building block for stable relations between the Russian Federation and neighboring countries in Europe; and

(7) the Senate encourages officials of the Government of the Russian Federation to refrain from belligerent statements that only further polarize relations and jeopardize security in Europe.

SENATE RESOLUTION 279—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 125TH ANNIVERSARY OF THE 1882 TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION BETWEEN THE KINGDOM AND CHOSUN (KOREA) AND THE UNITED STATES

Mr. LUGAR (for himself, Ms. MURKOWSKI, Mr. HAGEL, Mr. WEBB, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 279

Whereas both the Republic of Korea and the United States are fully democratic states with a common commitment to human rights and the rule of law;

Whereas 2007 marks the 125th anniversary of the Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, concluded May 22, 1882, which was a seminal moment in relations between the United States and Korea;

Whereas the treaty contemplates "everlasting amity and friendship between the two peoples", a tradition that both state signatories have worked to achieve during the past 125 years;

Whereas 2007 marks the 50th anniversary of the entry into force of the Treaty of Friendship, Commerce, and Navigation, with Protocol, signed at Seoul November 28, 1956 (8 UST 2217), between the United States and the Republic of Korea;

Whereas the United States and the Republic of Korea share a mutual interest in the peaceful denuclearization of the Korean peninsula;

Whereas nearly 40,000 citizens of the United States gave their lives during the Korean War with the hope that the Republic of Korea would remain free and independent;

Whereas the Mutual Defense Treaty, signed at Washington October 1, 1953 (5 UST 2368), between the United States and the Republic of Korea, has led to more than 50 years of effective deterrence against attack by the Democratic People's Republic of Korea;

Whereas 29,000 troops from the United States remain stationed in the Republic of Korea as a tangible sign of the commitment of the United States to the security of the Republic of Korea;

Whereas the Republic of Korea is the fourth largest contributor of troops to the peacekeeping effort in Iraq and continues its tradition of supporting the United States in key armed struggles;

Whereas the Republic of Korea is making a significant military and financial contribution to building lasting stability in Afghanistan;

Whereas the United States and the Republic of Korea continuously work to modernize their security relationship through annual Security Consultative Meetings between their defense ministers, the Strategic Consultation for Allied Partnership Dialogue, and various lower-level forums;

Whereas the economic partnership between the United States and the Republic of Korea has contributed to significant economic growth for both countries;

Whereas the Republic of Korea is the seventh largest trading partner of the United States, and the United States is the third largest trading partner of the Republic of Korea;

Whereas the Free Trade Agreement between the United States of America and the Republic of Korea, done at Washington June 30, 2007, is the first free trade agreement between the United States and a Northeast Asian nation, paving the way for greater economic efficiency and consumer benefits in both countries;

Whereas nearly 2,000,000 Korean-Americans contribute to the fabric of life in the United States and link the United States to Korea on a personal basis;

Whereas the Republic of Korea sends more international students to the United States than any other country; and

Whereas the strong relationship between the United States and the Republic of Korea across many fronts has proven beneficial for both countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated;

(2) the Free Trade Agreement between the United States of America and the Republic of Korea, done at Washington June 30, 2007, highlights the vibrancy and diversity of the common interests of the United States and the Republic of Korea and should be fully implemented by both countries;

(3) the United States should sustain substantive dialogue with both the Republic of Korea and the Democratic People's Republic of Korea, with the expectation of the eventual unification of the Korean peninsula, as it was at the signing of the Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, concluded May 22, 1882;

(4) working with the Republic of Korea to foster greater regional cooperation in East Asia should be a priority of the United States, as such cooperation brings long and short term benefits to all those involved; and

(5) the United States and the Republic of Korea should strive to develop further a more global perspective in their partnership, with the goal of addressing international priorities such as the fight against terrorism, the promotion of human rights, the enhancement of democracy, and support for peacekeeping.

Mr. LUGAR. Mr. President, I rise today to introduce a resolution commemorating the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce, and Navigation between the Kingdom of Chosun, Korea, and the United States Treaty provisions covered the appointment of diplomatic and consular representatives, care for U.S. ships in distress or needing fuel, and protection for American citizens. The treaty also allowed that Koreans could work in the United States.

As President Reagan noted on the 100th anniversary of the treaty signing, "This Treaty marked a chapter in the history of northeast Asia and was the auspicious beginning of an enduring partnership between the United States and Korea."

Initial efforts in 1880 by U.S. Commodore Robert W. Shufeldt to negotiate a treaty of friendship and commerce with Korea were unsuccessful. However, in an interesting similarity to current events, Chinese officials assisted in this endeavor. Viceroy Li

Hongzhang, a leading Chinese figure, invited Commodore Shufeldt to visit China so that discussions could be held regarding the U.S. efforts for a treaty with Korea. In May of 1882, in part due to Chinese assistance, agreement was reached. Commodore Shufeldt and Minister Sin Hon among others, participated in the treaty ceremony in Inchon. After it arrived in the United States, the treaty was ratified the following January.

The Republic of Korea-United States partnership covers economic, educational, security, and other fronts. Nearly 40,000 American citizens gave their lives during the Korean War with the hope that the Republic of Korea would remain free and independent. The U.S. Department of Defense reports that over 8,000 American personnel remain missing from their service in that war, with nearly 200 of those from my home State of Indiana.

Today, approximately 2 million Korean-Americans contribute to the fabric of life in the United States, and serve as an important link, on a personal basis, with the Republic of Korea. I am pleased to introduce this resolution with deep appreciation for this important bilateral relationship.

SENATE RESOLUTION 280—CONGRATULATING THE ANAHEIM DUCKS FOR WINNING THE 2007 STANLEY CUP CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Whereas, on June 6, 2007, the Anaheim Ducks (referred to in this preamble as the "Ducks") won their first National Hockey League Stanley Cup Championship by defeating the Ottawa Senators by a score of 6 to 2 in the fifth game of the Stanley Cup finals;

Whereas the Ducks are the first National Hockey League franchise to bring the Stanley Cup to the State of California;

Whereas the Ducks won the first Pacific Division Championship and the second Western Conference title in franchise history before winning the Stanley Cup;

Whereas the Ottawa Senators displayed the qualities of worthy opponents and played a hard-fought series against the Ducks;

Whereas the Ducks finished the regular season with the best record in the 13 year history of the franchise, with 48 wins, 20 losses, and 14 overtime losses, for a total of 110 points;

Whereas the Ducks players Francois Beauchemin, Ilya Bryzgalov, Sebastien Caron, Ryan Carter, Joe DiPenta, Ryan Getzlaf, Jean-Sebastien Giquere, Mark Hartigan, Kent Huskins, Chris Kunitz, Ric Jackman, Todd Marchant, Brad May, Andy McDonald, Drew Miller, Travis Moen, Joe Motzko, Scott Niedermayer, Rob Niedermayer, Sean O'Donnell, Samuel Pahlsson, George Parros, Dustin Penner, Corey Perry, Chris Pronger, Aaron Rome, Teemu Selanne, Ryan Shannon, and Shawn Thorton exemplify the team motto, "Heart, Sacrifice, and Passion";

Whereas team captain Scott Niedermayer earned the Conn Smythe Trophy as the most valuable player in the 2007 Stanley Cup Playoffs;

Whereas team and community leader Teemu Selanne won his first Stanley Cup in an illustrious 15 year career that has brought pride and excitement to Orange County, California;

Whereas, under the direction of head coach Randy Carlyle and Assistant Coaches Newell Brown and Dave Farrish, the Ducks have reached the Western Conference Finals in 2 consecutive seasons and have earned a reputation as 1 of the best teams in the league;

Whereas General Manager Brian Burke has exercised impeccable vision in building a strong, competitive, and exciting team in Anaheim;

Whereas team owners Henry and Susan Samueli have infused the Ducks with a winning spirit and have demonstrated an unparalleled commitment to hockey fans and the community;

Whereas Ducks fans are enthusiastic and passionate about the team and the sport of hockey and are integral to the success of the Ducks, and the National Hockey League, in the State of California;

Whereas the Ducks have established a winning tradition in Orange County;

Whereas the Ducks exemplify the championship spirit of the State of California; and

Whereas the Ducks won the 2007 Stanley Cup Championship in a convincing fashion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Anaheim Ducks for winning their first Stanley Cup Championship;

(2) congratulates the Anaheim Ducks for winning the first Stanley Cup Championship in the history of the State of California; and

(3) commends the players, coaches, managers, and owners of the Anaheim Ducks for their heart, sacrifice, and passion.

SENATE CONCURRENT RESOLUTION 42—RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, TREATMENT, AND EVENTUAL CURE FOR IDIOPATHIC PULMONARY FIBROSIS, SUPPORTING THE DESIGNATION OF A NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 42

Whereas idiopathic pulmonary fibrosis is a serious lung disorder that causes progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is 1 of about 200 disorders that are called "interstitial lung diseases";

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs that causes an irreversible loss of the ability of the lung tissue to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas more than 128,000 people in the United States have idiopathic pulmonary fibrosis, and more than 48,000 new cases are diagnosed each year;

Whereas there has been a 156-percent increase in mortality from idiopathic pulmonary fibrosis since 2001;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under-diagnosed;

Whereas the median survival rate for patients with idiopathic pulmonary fibrosis is 2 to 3 years, about ⅔ of patients with idiopathic pulmonary fibrosis die within 5 years, and approximately 40,000 patients with idiopathic pulmonary fibrosis die each year; and

Whereas there is a pressing need to increase awareness and detection of this misdiagnosed and under-diagnosed disorder, and of all interstitial lung diseases: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis while funding research to help find a cure for this disorder;

(4) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) welcomes the issuance of a proclamation designating an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week; and

(6) supports the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2383. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

SA 2384. Mr. VITTER proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2385. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2386. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2387. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2388. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2390. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2391. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2392. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2393. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2394. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2395. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2396. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2398. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2399. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2400. Mr. VITTER (for himself, Mr. NELSON, of Florida, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2401. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2383. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the Department of Homeland Security and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $100,000,000: *Provided*, That not to exceed $40,000 shall be for official reception and representation expenses: *Provided further*, That $15,000,000 shall not be available for obligation until the Secretary certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (1) expedited timeframes for providing the Government Accountability Office with access to records not to exceed 20 days from the date of request; (2) expedited timeframes for interviews of program officials by the Government Accountability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (3) a significant streamlining of the review process for documents and interview requests by liaisons, counsel, and program officials, consistent with the objective that the Government Accountability Office be given timely and complete access to documents and agency officials: *Provided further*, That the Secretary shall make the revisions to Departmental guidance with respect to relations with the Government Accountability Office in consultation with the Comptroller General of the United States.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $234,883,000, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations; and $88,000,000 shall remain available until expended for the Consolidated Headquarters Project.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $30,076,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $321,100,000; of which $82,400,000 shall be available for salaries and expenses; and of which $238,700,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which $97,300,000 shall be for the National Center for Critical Information Processing and Storage: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $306,000,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: *Provided*, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

OFFICE OF INSPECTOR GENERAL

OPERATING EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $95,211,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,400 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,601,058,000; of which $230,316,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry; of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $226,740,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations;

and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them; and

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,000,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, $500,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(10) a description of initial plans for securing the Northern border and United States maritime border; and

(11) which is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $488,947,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $274,863,000, to remain available until expended; of which $40,200,000 shall be for the Advanced Training Center.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles;

$4,401,643,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than November 1, 2007, that the operations of the Federal Protective Service will be fully funded in fiscal year 2008 through revenues and collection of security fees: *Provided further*, That a certification shall be provided no later than February 10, 2008, for fiscal year 2009.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $15,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $5,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $16,250,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,039,559,000, to remain available until September 30, 2009, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,074,889,000 shall be for screening operations, of which $529,400,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed $964,445,000 shall be for aviation security direction and enforcement: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,329,334,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $41,413,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $67,490,000, to remain available until September 30, 2009.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $524,515,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, $20,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan required for checkpoint technologies as described in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (H. Rept. 109–699): *Provided further*, That this plan shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $722,000,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,930,545,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $12,079,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,048,068,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $9,200,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $173,600,000 shall be available until September 30, 2010, for other equipment; of which $37,897,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which $505,000 shall be available for personnel related costs; and of which $770,079,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2010: *Provided further*, That of amounts made available under this heading in Public Law 109–90, $48,787,000 for the Offshore Patrol Cutter are rescinded: *Provided further*, That of the amounts made available under this heading in Public Law 109–295, $8,000,000 for the Fast Response Cutter (FRC–A) are rescinded: *Provided further*, That the Secretary shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act for funds made available for the Integrated Deepwater Program, that: (1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset; (2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff; (3) includes a certification by the Chief Human Capital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report; (4) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2009 by project; (5) identifies operational gaps for all Deepwater assets and an explanation of how funds provided in this Act address the shortfalls between current operational capabilities and requirements; (6) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the recommendations, including milestones for fully addressing them; (7) includes a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7; (8) identifies competition to be conducted in each procurement; (9) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks and the status of their implementation; (10) identifies the use of independent validation and verification; and (11) is reviewed by the Government Accountability Office: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $25,583,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,392,171,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2009: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support services for business operations and information technology, and facility costs, $30,000,000: *Provided*, That of the amount provided, $15,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve in full an expenditure plan by program, project, and activity; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $527,099,000, of which $497,099,000 shall remain available until September 30, 2009.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $362,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $100,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of noncompliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and

(10) which is reviewed by the Government Accountability Office.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, $115,000,000; of which $20,817,000 is for salaries and expenses; and of which $94,183,000 is for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security, to remain available until September 30, 2009: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration, $678,600,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That $426,020,000 shall be for Operations Activities: *Provided further*, That $216,580,000 shall be for Management Activities: *Provided further*, That $6,000,000 shall be for the Office of the National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002: *Provided further*, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,030,500,000, which shall be allocated as follows:

(1) $525,000,000 for formula-based grants and $375,000,000 for law enforcement terrorism prevention grants, to be allocated in accordance with section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That not to exceed 3 percent of these amounts shall be available for program administration: *Provided further*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed: *Provided further*, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; except in the case of Puerto Rico, where not less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds.

(2) $1,836,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $820,000,000 shall be for use in high-threat, high-density urban areas, of which $20,000,000 shall be available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high-risk of a terrorist attack;

(B) $50,000,000 shall be for the Regional Catastrophic Preparedness Grants;

(C) $400,000,000 shall be for infrastructure protection grants related to port security pursuant to 46 U.S.C. 70107;

(D) $16,000,000 shall be for infrastructure protection grants related to trucking industry security;

(E) $12,000,000 shall be for infrastructure protection grants related to intercity bus security;

(F) $400,000,000 shall be for infrastructure protection grants related to intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security;

(G) $50,000,000 shall be for infrastructure protection grants related to buffer zone protection;

(H) $40,000,000 shall be available for the Commercial Equipment Direct Assistance Program;

(I) $33,000,000 shall be for the Metropolitan Medical Response System; and

(J) $15,000,000 shall be for Citizens Corps:

Provided, That not to exceed 3 percent of subparagraphs (A)–(J) shall be available for program administration: *Provided further*, That for grants under subparagraphs (A), (B), and (J), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: *Provided further*, That for grants under subparagraphs (C) through (G), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Federal Emergency Management Agency shall act on such applications not later than 60 days after the date on which such an application is received: *Provided further*, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed.

(3) $294,500,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further*, That the preceding proviso shall not apply to grants under subparagraphs (B), (C), (F), and (G) of paragraph (2) of this heading: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Federal Emergency Management Agency certified training, as needed: *Provided further*, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary of Homeland Security for the purpose of allocating grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: *Provided further*, That within seven days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Government Accountability Office with the risk methodology and other factors that will be used to allocate grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $700,000,000: *Provided*, That not to exceed five percent of this amount shall be available for program administration: *Provided further*, That funds shall be allocated as follows: (1) $560,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229), to remain available until September 30, 2009; and (2) $140,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $300,000,000: *Provided*, That total administrative costs shall not exceed three percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $43,300,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,700,000,000, to remain available until expended: *Provided*, That of the total amount provided, $13,500,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to $48,000,000 and 250 positions may be transferred to "Management and Administration", Federal Emergency Management Agency, for management and administration functions, subject to section 503 of this Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $875,000, of which $580,000 is for administrative expenses to carry out the direct loan program and $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That total administrative costs shall not exceed three percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $145,000,000, which is available as follows: (1) not to exceed $45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2009, including up to $34,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2009: *Provided*, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund in excess of: (1) $70,000,000 for operating expenses; (2) $773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall not exceed four percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968, $34,000,000 (42 U.S.C. 4104c), to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $34,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $120,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That total administrative costs shall not exceed three percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $50,523,000: *Provided*, That of the total, $20,000,000 provided to address backlogs of security checks associated with pending applications and petitions shall not be available for obligation until the Secretary of Homeland Security and the United States Attorney General submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $221,076,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which

$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note) as amended by Public Law 109-295 (120 Stat. 1374) is further amended by striking "December 31, 2007" and inserting "December 31, 2011".

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $44,470,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $140,632,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $697,364,000, to remain available until expended; and of which $103,814,000 shall be for necessary expenses of the field laboratories and assets of the Science and Technology Directorate.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $32,000,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $336,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds available in this Act shall be available to carry out section 872 of Public Law 107-296.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2008 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: *Provided*, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account for which the funds are being drawn from: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; high-threat, high-density urban areas grants; or regional catastrophic preparedness grants.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

(b) None of the funds appropriated by this or any other Act to the United States Secret Service shall be made available for the protection of a Federal official, other than persons granted protection under section 3056(a) of title 18, United States Code, and the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such protection on a fully reimbursable basis for protectees not designated under section 3056(a) of title 18, United States Code.

SEC. 517. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Transportation Security Administration shall report air cargo inspection statistics quarterly to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter including any reason for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334, 118 Stat. 1317).

SEC. 518. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 519. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 520. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification.

SEC. 521. Section 525(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1382) shall apply to fiscal year 2008.

(RESCISSION OF FUNDS)

SEC. 522. From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, excluding mandatory appropriations, $45,000,000 is rescinded, of which $12,000,000 shall be rescinded from Departmental Operations; $12,000,000 shall be rescinded from the Office of State and Local Government Coordination; and $6,000,000 shall be rescinded from the Working Capital Fund.

SEC. 523. Any funds appropriated to United States Coast Guard, "Acquisition, Construction, and Improvements" in fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 524. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 525. (a) The Federal Emergency Management Agency (FEMA) shall submit a quarterly report to the Committees on Appropriations of the Senate and the House of Representatives detailing the allocation and obligation of funds for "Disaster Relief" to include:

(1) status of the Disaster Relief Fund (DRF) including obligations, allocations, and amounts undistributed/unallocated;

(2) allocations, obligations, and expenditures for all open disasters;

(3) information on national flood insurance claims;

(4) obligations, allocations and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance and individual assistance;

(5) mission assignment obligations by agency, including:

(A) the amounts reimbursed to other agencies that are in suspense because FEMA has not yet reviewed and approved the documentation supporting the expenditure; and

(B) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective;

(6) the amount of credit card purchases by agency and mission assignment;

(7) specific reasons for all waivers granted and a description of each waiver;

(8) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award; and

(9) an estimate of when available appropriations will be exhausted, assuming an average disaster season.

(b) The Secretary of Homeland Security shall at least quarterly obtain from agencies performing mission assignments each such agency's actual obligation and expenditure data and report to the Committees on Appropriations of the Senate and the House of Representatives.

(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Stafford Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements, and

(2) the necessity for timeliness of agency billings.

SEC. 526. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 527. Section 532(a) of Public Law 109–295 is amended by striking "2007" and inserting "2008".

SEC. 528. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 529. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design, and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 530. EXTENSION OF THE IMPLEMENTATION DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INITIATIVE. Subparagraph (A) of section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking "This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier." and inserting "Such plan may not be implemented earlier than the date that is the later of 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subparagraph (B) or June 1, 2009.".

SEC. 531. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.".

SEC. 532. None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 533. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 534. (a) Notwithstanding section 503 of this Act, up to $25,000,000 from prior year balances currently available to the Transportation Security Administration may be transferred to "Transportation Threat Assessment and Credentialing" for the Secure Flight program.

(b) In carrying out the transfer authority under subsection (a), the Transportation Security Administration shall not utilize any prior year balances from the following programs: screener partnership program; explosive detection system purchase; explosive detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development: *Provided*, That any funds proposed to be transferred under this section shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for such funds that is submitted by the Secretary of Homeland Security: *Provided further*, That the plan shall be submitted simultaneously to the Government Accountability Office for review consistent with its ongoing assessment of the Secure Flight Program as mandated by section 522(a) of Public Law 108–334 (118 Stat. 1319).

SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency;

(2) the term "covered assistance" means assistance—

(A) provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);

(B) to be used to—

(i) repair, restore, reconstruct, or replace school facilities; or

(ii) replace lost contents of a school; and

(C) for damage caused by Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(3) the term "local educational agency" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ASSISTANCE TO SCHOOLS.—

(1) IN GENERAL.—A local educational agency that has applied for covered assistance before the date of enactment of this Act may request that such assistance (including any eligible costs discovered after the date of the estimate of eligible costs under section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(1)(A)) and any cost that was determined to be an eligible cost after an appeal or review) be provided in a single payment.

(2) DISBURSEMENT OF ASSISTANCE.—Not later than 30 days after the date that a local educational agency makes a request under paragraph (1), the Administrator shall provide in a single payment any covered assistance for any eligible cost that was approved by the Administrator on or before the date of that request.

(3) FLOOD INSURANCE REDUCTION.—For any covered assistance provided under paragraph (2), the Administrator shall make not more than 1 reduction under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) in the amount of assistance provided.

(c) ALTERNATE USE.—For any covered assistance provided under subsection (b)(2), the amount of that assistance shall not be reduced under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)).

(d) APPLICABILITY.—This section shall apply to any covered assistance provided on or after the date of enactment of this Act.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2008".

SA 2384. Mr. VITTER proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) Covered Amounts.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2385. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, including the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of an already available electronic management, tracking, accountability system to strengthen and enhance information sharing on Federal and State grant allocations, distribution, expenditures, and asset tracking at the Federal and State level; and

(2) provide for efficient and accountable purchasing by considering usage of Federal contracts and multi-state cooperative purchasing agreements.

SA 2386. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. ___. TECHNICAL CORRECTIONS.

(a) In General.—

(1) Redesignations.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) Table of Sections.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, "Border tunnels and passages", and inserting the following:

"555. Border tunnels and passages.".

(b) Criminal Forfeiture.—Section 982(a)(6) of title 18, United States Code, is amended by striking "554" and inserting "555".

(c) Directive to the United States Sentencing Commission.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking "554" and inserting "555".

SA 2387. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

SA 2388. Mr. BINGAMAN (for himself, Mr. Domenici, Mrs. Hutchison, Mr. Cornyn, and Mr. Salazar) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2007".

SEC. 602. BORDER RELIEF GRANT PROGRAM.

(a) Grants Authorized.—

(1) In general.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) Duration.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) Competitive basis.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) Use of Funds.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) Application.—

(1) In general.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) Definitions.—For the purposes of this section:

(1) Eligible law enforcement agency.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) High impact area.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) Secretary.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) Division of authorized funds.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) Supplement Not Supplant.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 603. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. Byrd (for himself and Mr. Cochran) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD HOME PROGRAM.

(a) Prohibition of Restriction on Use of Amounts.—

(1) In general.—Subject to paragraph (2) and notwithstanding any other provision of

law, the Director of the Federal Emergency Management Agency may not prohibit or restrict the use, by the State of Louisiana under the Road Home Program of such State, of any amounts specified in paragraph (3) based upon the existence or extent of any requirement or condition under such program that—

(A) limits or reduces the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(B) waives the applicability of any limitation or reduction referred to in subparagraph (A) for homeowners who are elderly or senior citizens.

(2) SAVINGS PROVISION.—Except as provided in paragraph (1), all other provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts specified in paragraph (3) that are used by the State of Louisiana under the Road Home Program of such State.

(3) COVERED AMOUNTS.—The amounts specified in this paragraph is $1,170,000,000 designated for Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program of the Federal Emergency Management Agency to the State of Louisiana as of June 1, 2007.

(4) EXPEDITED TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall, as soon as is practicable, transfer the amounts specified in paragraph (3) to the State of Louisiana.

(B) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to be applied to all funds made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that will simplify the requirements of such program and ensure the expedited distribution of such funds under the program, including—

(i) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by similar project type, similar geographic factors, or other similarities making group cost-benefit analysis more feasible and constructive rather than on a structure-by-structure basis; and

(ii) developing a streamlined environmental review process to significantly speed the approval of project applications.

(b) REPORTING REQUIREMENT.—The Administrator of the Federal Emergency Management Agency shall provide quarterly reports to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

(1) specific mechanisms that are being utilized to expedite funding distribution under this section; and

(2) how such mechanisms are performing.

SA 2390. Ms. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert after:

SEC. 536. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SA 2391. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES.

As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the difference technologies used to support the 2010 Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

SA 2392. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON IMMIGRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as "emergency spending" in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs

into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

SA 2393. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 10, after "as needed:" insert the following: "*Provided further*, That in allocating grants funded under this heading, the Secretary of Homeland Security shall consider the risk to a State of a natural disaster and the risk to a State of a natural disaster that may substantially affect farming, ranching, or aquaculture operations: *Provided further*, That not later than 30 days before the date that applications for grants to States funded under this heading are to be submitted to the Secretary of Homeland Security, the Secretary shall make available to States the risk methodology and other factors that will be used to allocate such grants:".

SA 2394. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. PRIORITIZATION OF FLOODPLAIN MAPS.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Administrator of the Federal Emergency Management Agency shall establish an ongoing program under which the Administrator shall review, update, and maintain floodplain maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Administrator shall establish a system of priority to identify, review, update, maintain, and publish floodplain maps with respect to all areas located within the 100-year floodplain.

(2) HIGHEST PRIORITY.—The priority system required under paragraph (1) shall set as its highest priority the mapping of any floodplain located in an area that was, in the 5 years prior to the date of enactment of this Act, subject to a declaration by the President of a major disaster (as that term is defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) due to a natural disaster.

SA 2395. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 536. (a) LIGHTWEIGHT DECONTAMINATION SYSTEMS FOR THE NATIONAL GUARD.—

(1) ADDITIONAL AMOUNT FOR OFFICE OF HEALTH AFFAIRS.—The amount appropriated by title III under the heading "OFFICE OF HEALTH AFFAIRS" is hereby increased by $20,000,000.

(2) AVAILABILITY.—Of the amount appropriated by title III under the heading "OFFICE OF HEALTH AFFAIRS", as increased by paragraph (1), the amount available for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security is hereby increased by $20,000,000, with the amount of the increase to be available for the procurement of lightweight decontamination systems for the National Guard.

(b) OFFSETS.—

(1) OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT.—The amount appropriated by title I under the heading "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT" is hereby decreased by $10,000,000.

(2) OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.—The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby decreased by $10,000,000.

SA 2396. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2__. LIMITATION ON COST OF PASSPORT ALTERNATIVE.

Notwithstanding any cost recovery requirement established by the Director of the Office of Management and Budget or other provision of law, the Secretary of Homeland Security and the Secretary of State may not charge a fee in an amount greater than $20 for any passport card or similar travel document issued pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

SA 2397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the "program").

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator shall make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 544(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms "air carrier" and "foreign air carrier" have the meaning given such terms in section 40102 of title 49, United States Code.

SA 2398. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 6, before the period, insert the following: ": *Provided further*, That notwithstanding any other provision of law, the

Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service".

SA 2399. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DOCUMENT VERIFICATION TECHNOLOGY.

(a) PILOT PROGRAM.—No later than 180 days after enactment of this Act, the Secretary of Homeland Security, using funds appropriated by this Act, shall implement a pilot program to test automated document authentication technology at United States ports-of-entry to determine the effectiveness of the technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) REPORT.—Within 90 days after the date on which the pilot program under subsection (a) is completed, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) on the results of the pilot program.

SA 2400. Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2401. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, beginning in line 15, strike "and of which $770,079,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: *Provided*," and insert "of which $767,079,000 shall be available until September 30, 2012 for the Integrated Deepwater Systems program, and of which $3,000,000 shall be available until September 30, 2009, for an Analysis of Alternatives of the Integrated Deepwater Systems program: *Provided*, That no funds shall be available for procurement of additional major assets as part of the Integrated Deepwater Systems program not already under contract until the Analysis of Alternatives has been completed: *Provided further*, That no funds shall be available for procurement of the third National Security Cutter until an Analysis of Alternatives has been completed by an independent qualified third party: *Provided further*,".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 31, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on renewable fuels infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to britni_rillera@energy.senate.gov.

For further information, please contact Tara Billingsley or Britni Rillera.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, August 1, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on recent advances in clean coal technology, including the prospects for deploying these technologies at a commercial scale in the near future.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Michael Carr or Rachel Pasternack.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, August 7, 2007, from 9 to 11 a.m., in the Galisteo Room of the Albuquerque Convention Center, 401 2nd Street, Albuquerque, New Mexico.

The purpose of this hearing is to receive testimony on Reducing Barriers to Growth of Emerging Energy Technologies—Relationships Between Federal, State and Local Governments.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Jonathan Epstein or Rachel Pasternack.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 26, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Charles W. Grim to be Director of the Indian Health Service.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, July 24, 2007, at 10 a.m., in room 253 of the Russell Senate

Office Building. The purpose of this hearing is to explore efforts to protect children from online predators.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 24, 2007 at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on oversight of Government tax policy in farm country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 10 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 2:15 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 4 p.m. to hold a briefing on the Gulf Security Dialogue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 24, 2007, at 10 a.m. to consider the nomination of the Honorable James A. Nussle to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Oversight of the U.S. Department of Justice" on Tuesday, July 24, 2007, at 9:30 a.m. in the Hart Senate Office Building room 216.

Witness List: The Honorable Alberto Gonzales, Attorney General of the United States, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, to conduct a vote on the nomination of Charles L. Hopkins to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement). The Committee will meet in the Reception Room, off the Senate Floor, immediately after the first roll call vote that occurs after 2 p.m. of the Senate on Tuesday, July 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 24, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVATE SECTOR AND CONSUMER SOLUTIONS TO GLOBAL WARMING AND WILDLIFE PROTECTION

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled "Economic and International Issues in Global Warming Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. I ask unanimous consent that the following Appropriations Committee staff members and interns be granted the privilege of the floor during consideration of the Homeland Security appropriations bill and any votes that may occur in relation to the bill: Carol Cribbs, Mark Van de Water, Braxton Coombs, Lori Holland, Chase Thompson, and Mary Agnes Ray.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Adam Morrison, a detainee from the Coast Guard to the Homeland Security Subcommittee, be given the privilege of the floor throughout floor consideration of H.R. 2638.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE XVIII OF THE SOCIAL SECURITY ACT

Mr. REID. I ask unanimous consent the Finance Committee be discharged from further consideration of H.R. 2429 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2429) to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2429) was ordered to a third reading, was read the third time, and passed.

HONORING DAME LOIS BROWNE EVANS

EXPRESSING APPRECIATION FOR THE PROFOUND PUBLIC SERVICE AND EDUCATIONAL CONTRIBUTIONS OF DONALD JEFFRY HERBERT, FONDLY KNOWN AS "MR. WIZARD"

Mr. REID. I ask unanimous consent it be in order for the Senate to proceed en bloc to consideration of the following calendar items: Calendar No. 277, S. Res. 248; Calendar No. 278, S. Res. 261.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 248) honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth.

A resolution (S. Res. 261) expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard."

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, en bloc, the preambles be agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc, and the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 248 and S. Res. 261) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 248

Whereas Dame Lois Browne Evans was born in 1927 in Bermuda, and attended the

Central School and Middle Temple at London's Inns of Court in the United Kingdom;

Whereas, in June 1952, at the age of 26, Dame Lois Browne Evans was called to the London Bar, and the following December called to the Bermuda Bar and opened her own practice;

Whereas Dame Lois Browne Evans became Bermuda's first female barrister and went on to a distinguished career as a leading counsel;

Whereas Dame Lois Browne Evans was a lifelong advocate for the rights of workers and black Bermudians and a prominent member of the Progressive Labour Party (PLP);

Whereas Dame Lois Browne Evans was elected to Parliament in 1963 and became the first black female to serve in Parliament;

Whereas, in 1968, in Bermuda's first general election in which all adults were entitled to vote, Dame Lois Browne Evans was elected the PLP's Parliamentary Leader and became the first female Opposition Leader in the British Commonwealth;

Whereas Dame Lois Browne Evans held the position of Opposition Leader until 1972 and, in 1973, became Jamaica's Honorary Counsel in Bermuda, the first Bermudian to serve in this capacity;

Whereas in 1976 Dame Lois Browne Evans was again elected to Parliament and served as the Opposition Leader until 1985;

Whereas the PLP won its first election in 1998 and Dame Lois Browne Evans was appointed Minister of Legislative Affairs;

Whereas in 1999 Dame Lois Browne Evans became Bermuda's first elected Attorney General and first female Attorney General;

Whereas Dame Lois Browne Evans was Bermuda's longest serving Member of Parliament;

Whereas Dame Lois Browne Evans debated at the historic London and Bermuda Constitutional Conferences and served as a delegate to numerous international conferences in Africa, New Zealand, the United States, and the Caribbean;

Whereas Dame Lois Browne Evans was a member of the International Federation of Women Lawyers and a founding member of the Bermuda Business and Professional Women's Club;

Whereas Dame Lois Browne Evans led an exceptional life in which she played a major role in the racial integration of Bermuda and advanced the cause of civil, human, and minority rights in Bermuda and throughout the world; and

Whereas Dame Lois Browne Evans passed away on May 29, 2007, at the age of 79: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound sympathy to the family of Dame Lois Browne Evans and the citizens of Bermuda on the passing of Dame Lois Browne Evans; and

(2) commends the exemplary lifetime achievements of Dame Lois Browne Evans, her commitment to public service, and the singular role she played as a true pioneer who forged the way ahead for women and minorities.

S. RES. 261

Whereas many citizens of the United States remember Donald Jeffry Herbert as "Mr. Wizard" and mourn his passing;

Whereas Don Herbert was born in Waconia, Minnesota and graduated from the La Crosse State Teacher's College in Wisconsin in 1940 where he trained to be a science teacher;

Whereas Don Herbert volunteered for the United States Army Air Corps and served our country in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with 3 oak leaf clusters;

Whereas Don Herbert developed the idea for science programming culminating in "Watch Mr. Wizard", a live television show produced from 1951 to 1964 and honored by a Peabody Award in 1954;

Whereas the National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education;

Whereas "Watch Mr. Wizard" has been recognized by numerous awards;

Whereas an additional educational program, "Mr. Wizard's World", inspired children from 1983 to 1990 on cable television;

Whereas "Mr. Wizard" continued to serve as an ambassador for science education by authoring multiple books and programs, and by traveling to schools and providing classroom demonstrations;

Whereas educational research indicates that young children make decisions about future careers at a very early age and are influenced greatly by positive contacts with science and technology;

Whereas a strong education in science and technology is one of the building blocks of a productive, competitive, and healthy society;

Whereas "Mr. Wizard" encouraged children to duplicate his experiments at home, driving independent inquiry into science with simple household equipment;

Whereas "Mr. Wizard's" dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were disinterested or unmotivated in science;

Whereas Mr. Wizard Science Clubs were started across the United States and had more than 100,000 children enrolled in 5,000 clubs by the mid-1950s; and

Whereas Don Herbert will be remembered as a pioneer of commercial educational programming and instrumental in making science education exciting and approachable for millions of children across the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation for the profound public service and educational contributions of Donald Jeffry Herbert;

(2) recognizes the profound impact of higher educational institutions that train teachers;

(3) encourages students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields; and

(4) tenders condolences to the family of Don Herbert and thanks them for their strong familial support of him.

NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Con. Res. 42.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas idiopathic pulmonary fibrosis is a serious lung disorder that causes progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is 1 of about 200 disorders that are called "interstitial lung diseases";

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs that causes an irreversible loss of the ability of the lung tissue to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas more than 128,000 people in the United States have idiopathic pulmonary fibrosis, and more than 48,000 new cases are diagnosed each year;

Whereas there has been a 156-percent increase in mortality from idiopathic pulmonary fibrosis since 2001;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under-diagnosed;

Whereas the median survival rate for patients with idiopathic pulmonary fibrosis is 2 to 3 years, about ⅔ of patients with idiopathic pulmonary fibrosis die within 5 years, and approximately 40,000 patients with idiopathic pulmonary fibrosis die each year; and

Whereas there is a pressing need to increase awareness and detection of this misdiagnosed and under-diagnosed disorder, and of all interstitial lung diseases: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis while funding research to help find a cure for this disorder;

(4) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) welcomes the issuance of a proclamation designating an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week; and

(6) supports the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

CONGRATULATING THE ANAHEIM DUCKS FOR WINNING THE 2007 STANLEY CUP CHAMPIONSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 280.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 280) congratulating the Anaheim Ducks for winning the 2007 Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today with my friend and colleague from California, Senator BOXER, to commend and congratulate the Anaheim Ducks for winning the 2007 Stanley Cup Finals last month.

The Ducks are champions of the National Hockey League for the first time in their 14-year history. After defeating the Minnesota Wild and Vancouver Canucks in the first two rounds of the playoffs, the Ducks won a hard-fought battle with the Detroit Red Wings to reach the Stanley Cup finals for the second time in franchise history. The Ducks reached the pinnacle of the hockey world by displaying the qualities of selflessness, teamwork, and resilience.

This championship team was ably led by head coach Randy Carlyle and star players Teemu Selanne, Jean-Sebastian Giguere, Scott and Rob Niedermayer, and Chris Pronger. This talented crew battled their opponents throughout a 2-month marathon playoff and proudly wear the title of "champions."

The Ducks' championship represents the first time that the storied Stanley Cup has been able to call my State, California, its home. We Californians are proud to host this trophy, and we look forward to having it return many more times to our state in the future.

The Ducks have begun a new era of hockey in Southern California and I am sure they will attempt to defend their title with the same heart, sacrifice and passion that brought the Stanley Cup to Anaheim this year.

The Ducks have proven that hockey is alive and well in California.

I also look forward to seeing the other hockey franchises in California, the Los Angeles Kings and San Jose Sharks, compete with the Anaheim Ducks for hockey's greatest prize in the coming years.

The Anaheim Ducks players, coaches, management, and owners have made their community and their fans proud. The entire organization is to be commended and congratulated for their magnificent achievement.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 280

Whereas, on June 6, 2007, the Anaheim Ducks (referred to in this preamble as the "Ducks") won their first National Hockey League Stanley Cup Championship by defeating the Ottawa Senators by a score of 6 to 2 in the fifth game of the Stanley Cup finals;

Whereas the Ducks are the first National Hockey League franchise to bring the Stanley Cup to the State of California;

Whereas the Ducks won the first Pacific Division Championship and the second Western Conference title in franchise history before winning the Stanley Cup;

Whereas the Ottawa Senators displayed the qualities of worthy opponents and played a hard-fought series against the Ducks;

Whereas the Ducks finished the regular season with the best record in the 13 year history of the franchise, with 48 wins, 20 losses, and 14 overtime losses, for a total of 110 points;

Whereas the Ducks players Francois Beauchemin, Ilya Bryzgalov, Sebastien Caron, Ryan Carter, Joe DiPenta, Ryan Getzlaf, Jean-Sebastien Giquere, Mark Hartigan, Kent Huskins, Chris Kunitz, Ric Jackman, Todd Marchant, Brad May, Andy McDonald, Drew Miller, Travis Moen, Joe Motzko, Scott Niedermayer, Rob Niedermayer, Sean O'Donnell, Samuel Pahlsson, George Parros, Dustin Penner, Corey Perry, Chris Pronger, Aaron Rome, Teemu Selanne, Ryan Shannon, and Shawn Thorton exemplify the team motto, "Heart, Sacrifice, and Passion";

Whereas team captain Scott Niedermayer earned the Conn Smythe Trophy as the most valuable player in the 2007 Stanley Cup Playoffs;

Whereas team and community leader Teemu Selanne won his first Stanley Cup in an illustrious 15 year career that has brought pride and excitement to Orange County, California;

Whereas, under the direction of head coach Randy Carlyle and Assistant Coaches Newell Brown and Dave Farrish, the Ducks have reached the Western Conference Finals in 2 consecutive seasons and have earned a reputation as 1 of the best teams in the league;

Whereas General Manager Brian Burke has exercised impeccable vision in building a strong, competitive, and exciting team in Anaheim;

Whereas team owners Henry and Susan Samueli have infused the Ducks with a winning spirit and have demonstrated an unparalleled commitment to hockey fans and the community;

Whereas Ducks fans are enthusiastic and passionate about the team and the sport of hockey and are integral to the success of the Ducks, and the National Hockey League, in the State of California;

Whereas the Ducks have established a winning tradition in Orange County;

Whereas the Ducks exemplify the championship spirit of the State of California; and

Whereas the Ducks won the 2007 Stanley Cup Championship in a convincing fashion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Anaheim Ducks for winning their first Stanley Cup Championship;

(2) congratulates the Anaheim Ducks for winning the first Stanley Cup Championship in the history of the State of California; and

(3) commends the players, coaches, managers, and owners of the Anaheim Ducks for their heart, sacrifice, and passion.

ORDERS FOR WEDNESDAY, JULY 25, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, July 25; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that at the close of morning business, the Senate resume consideration of H.R. 2638.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I turn to my distinguished colleague, the Republican leader, and ask if he has any statements.

Mr. McCONNELL. Mr. President, I have nothing to add. I look forward to making progress on the bill tomorrow.

Mr. REID. I say that the Republican leader wasn't on the floor, but I will repeat for his benefit what I said a little while ago. I spoke to Josh Bolton earlier today about the appropriations bills. Of course, it would be great if we could have an overall scheme as to how we can complete them. In the meantime, if we can get them done, we should proceed through these bills one at a time and recognize that the power of the White House, whether it is a Democratic President, a Republican President in the appropriations process, comes during the conferences, anyway. The House can move things very quickly. So all these are ready to go to conference. I hope we can move through these individual appropriations bills and hopefully have some recognition of what we are going to try to accomplish in conference before we go to conference and work some of these out.

The first test will be this bill we are working on now. There has been some moving on it today. Senator COCHRAN is the one who suggested to me if there is no progress tomorrow, that we should move to third reading. When I say "no progress," people just waiting around, not offering any amendments. So that is where we are. I hope we can finish this soon, do what we need to do on SCHIP, and do the 9/11 conference report, which I understand is almost finished. When I say almost, 100 percent of it needs to be done, and 99 percent of that has been done.

We have taken out the language the Republicans did not want, especially the President, dealing with the union situation. Even though it was hard for us to swallow, we took that out to make it more palatable to my friends on the other side. We will come back in September rested and invigorated and ready to do some other things for the country.

Mr. McCONNELL. Mr. President, I would add with regard to the appropriations bills, as the majority leader knows, I have said both publicly and to him privately, it is my preference to pass each of the bills. We are running considerably behind the House. We have got a long way to go, but I think there will be a lot of cooperation on our side in trying to get the appropriations bills signed and get them down to the President. We have a recent history of malfunction on both sides. Last year when the majority was in my party, we failed to pass 11 out of 13 appropriations bills. In 2002, when the Democrats were in the majority, they did the same thing. So there is ample opportunity to point fingers at both sides for not completing the appropriations process as we should. But I would predict to the majority leader there will be a great deal of cooperation on our side in getting through that, moving as rapidly as possible so we can function as we should.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Wednesday, July 25, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 24, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COHEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 24, 2007.

I hereby appoint the Honorable STEVE COHEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 3 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. DAVIS of California) at 10 a.m.

PRAYER

Reverend Galen E. Hahn, Evangelical United Church of Christ, Portsmouth, Ohio, offered the following prayer:

Laus Deo. Praise be to God. Our elected Representatives, O God, work diligently on this day to represent the interests and the needs of the many peoples of this land. Holding a people together as one has been a challenge to former leaders of this land.

May our congressional leaders be guided throughout their many efforts this day by the words of Washington's prayer that we all be disposed to do justice, to love mercy, and to walk humbly before You, O God.

Saving grace, we know, is not simply a personal attainment apart from community responsibility. It is also community accomplishment expressed in thankfulness to the Source from which it comes.

Bless our leaders this day with thankfulness in their hearts. May their lives and their leadership give praise to You, O God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1856. An act to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense.

WELCOMING REVEREND GALEN HAHN

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize my friend Reverend Galen Hahn, who is serving as guest chaplain for the House of Representatives today.

Reverend Hahn is the pastor of the Evangelical United Church of Christ, located in my district in Portsmouth, Ohio. Reverend Galen Hahn graduated from Frederick High School in Maryland. As a high school student, Reverend Hahn led youth in contributing to the building of the President John F. Kennedy Library and served as an usher on the Presidential Reviewing Stand of Lyndon B. Johnson. After high school Reverend Hahn went on to graduate from Yale Divinity School in Connecticut and was ordained a minister in the United Church of Christ.

Reverend Hahn has pastored throughout the country. He has offered ordained Christian service to the Moravian Church and the United Methodist Church in North Carolina and started a Montessori preschool in Illinois, which continues to this day. He has led scouts in worship on the battlefields of Monocacy, Antietam, and Gettysburg, and has held a memorial service at the grave site of President George Washington.

Galen's wife Sandy has led worship at Camp David for President and Mrs. George Herbert Walker Bush. Today Galen and Sandy are celebrating their 36th wedding anniversary as well as their oldest daughter Whitney's 30th birthday.

Reverend Hahn has invested his life's energy in service to God and country and the oneness of these two entities.

Madam Speaker, I ask all my colleagues to join me in welcoming Reverend Galen Hahn to the House of Representatives as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the House that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

THE FARM BILL

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, the farm bill in its current form is a missed opportunity to strengthen family farms while reforming American agriculture. The bill coming out of committee is absolutely the least that can be done.

Long overdue support for specialty crops is welcome, but a relative drop in the bucket in terms of overall agricultural spending. Conservation is honored more in word than deed, and the massive payments to the wealthiest few farmers are virtually unrestricted. The new adjusted gross income limit of $900,000 is almost meaningless, the proof being that it only saves a few million dollars. There is no meaningful limit on rice and cotton farmers, and it sweetens the outrageous deal for Big Sugar. It is sad that it continues to shortchange the family farm, forcing them to compete with heavily subsidized large operators who will continue to buy them out, making it harder for most farmers to make a living.

Luckily for people who eat and people who farm, there still is a chance for reform. And I urge my colleagues to carefully examine the bipartisan amendment from Congressmen KIND, FLAKE, and RYAN.

CONCRETE PROGRESS IN NORTH KOREA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last Tuesday the Post and Courier of Charleston, South Carolina, editorialized: "After more than 5 years of impasse and hostility, the patient multinational diplomacy launched by President Bush has borne its first fruit in North Korea. The intricate deal reached last spring for a path to a nuclear-free Korean Peninsula is advancing with the shutdown of a reactor that produces plutonium for the dictatorship's nuclear weapons program.

"It signals that North Korea is committed, so far, to a step-by-step bettering of relations with its neighbors and particularly with the United States. The shutdown was confirmed by the International Atomic Energy Agency."

In 2003, I participated in a rare delegation visiting Pyongyang, and I am grateful that "the six-nation framework devised by Mr. Bush and ably hosted by China . . . has led to the current progress." I saw firsthand where North Korea can benefit by opening its economy.

In conclusion, God bless our troops, and we will never forget September the 11th and the Glasgow airport attack.

THE WORKERS OF THE GREATER NEW ORLEANS AREA AND THE MINIMUM WAGE INCREASE

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Madam Speaker, the workers of the greater New Orleans area, in large part, are hospitality industry workers. These hardworking men and women greet the world with wide smiles and warm embraces as they welcome millions of tourists and conference attendees to the metropolitan New Orleans area. These workers make sure that the hotel rooms, the restaurants, and other places of rest and recreation are clean, safe, and comfortable.

But behind this public veneer lies another story, a story of the difficult lives of the working poor. These hardworking people never have a chance to take a vacation for themselves, or attend a conference, or benefit from the delights that they make it possible for their city and region to offer. Their wages never crack the poverty level. They are not unionized and have few, if any, job benefits.

So I rise today to applaud the work of this Congress, this new majority, for taking a big step in the right direction by increasing the minimum wage. For the low-wage workers in my area, it means that the nightmare of the single longest stretch in our Nation's history without a minimum wage increase is ending. It means that many of the workers in our area will have a little more food on the table, a little more in the way of resources to house and care for their families, and a lot more dignity.

For this, we thank this Congress.

PLANNED DEFEAT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the war in Iraq is the most difficult and important issue facing our Nation today. The stakes there are simply too high for us to ignore the consequences of failure. Most military analysts agree that an arbitrary immediate withdrawal from Iraq would spiral that country and the surrounding region into chaos.

Failing to secure Iraq will provide a fertile ground for terrorist actions that affect not only Iraq, but America and the rest of the free world. Extremist organizations will tout an American retreat as a major victory for terrorism. Once again saying that America doesn't ever have the stomach to finish a war. Terrorist leaders will make use of a fractured Iraq to train, equip, and provide sanctuary for their forces in much the same way that Afghanistan provided a haven for the Taliban and al Qaeda. Radicals will exploit the anarchy and abandon Iraq and will seek to spread jihadist movements to moderate Arab States. Arbitrary withdrawal will only encourage our enemy.

War is hard, but a planned defeat by retreat is hardly an answer to success.

And that's just the way it is.

SCHIP

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, Republicans and Democrats throughout the Nation agree no child in our Nation should go without health care. In States across the country, Democratic and Republican Governors have supported strengthening the Children's Health Insurance Program. In the Senate, Republicans have come forward and said they support the Democratic plan to give millions of children health care.

Now the only question is whether our Republican colleagues here in the House will join our effort to give 10 million children the care they need and deserve. Remember, this is the same guarantee our own children have. The kids of Congress men and women get the health care they need and the health care they deserve. The question is are we going to provide that for our constituents' children?

The Children's Health Insurance Program has broad bipartisan political support, and we are on the brink of providing 10 million children that quality care. That is millions of children who will be able to see a doctor they deserve when they are sick. And it is millions of children and their families who aren't interested in our political battles or political posturing that won't heal a sick child or give them comfort when they are ill.

Republican Senators have stepped forward. Now the children across America and their parents are waiting on this Congress to act. And the question is, will this Congress give our constituents' children the same health care that their own children have?

DUTY CALLS US TO BE MORE THAN "SUNSHINE PATRIOTS"

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Madam Speaker, during the War of Independence, Paine said: "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from service of their country . . ."

America is again at war, and duty calls us to be more than sunshine patriots.

I have been to Iraq. My son is a Marine captain who has been in Fallujah.

We have heard on the Armed Services Committee from scores of witnesses, liberals and conservatives and everything in between, and no one has offered a plan that is better than what we are currently executing in Iraq, and everyone agrees that a rapid withdrawal of troops will result in civil war and a regional conflict.

If the Democrats have a better plan, let them offer it. Otherwise, let our troops get the job done.

It is politically popular to sound retreat and to play the sunshine patriot, but duty, honor, and country demand that America stand for freedom once again. We must accept nothing less.

URGING REAUTHORIZATION OF SCHIP

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, today House Democrats unveiled the Children's Health and Medicare Protection Act. It was endorsed by the National Governors Association, a bipartisan group of our Nation's Governors, who just last week asked us for urgent action to reauthorize the Children's Health Insurance Program.

The SCHIP program that we are reauthorizing will ensure that millions of children have access to high-quality, cost-effective health insurance, and it will protect and strengthen the Medicare Trust Fund.

Now, while the President's budget underfunded this program, knocking 1 million children off of the rolls of the SCHIP program, I ask my colleagues on both sides of the aisle to join us in a bipartisan effort to show support for the SCHIP program and reauthorize and support the Children's Health and Medicare Protection Act.

□ 1015

PROTECT LAKE MICHIGAN FROM BP DUMPING

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Today, bipartisan Representatives from Illinois will meet with Bob Malone, the chairman of BP North America. Why? Because Mr. Malone and his team want to increase their dumping of ammonia and suspended solids in our drinking water, Lake Michigan.

BP hired a consultant who told them what they wanted to hear, that despite being one of the most profitable companies on Earth and spending $3 billion to upgrade their Indiana refinery, they can't find the space to prevent dumping in Lake Michigan.

This morning, the House will take up a bipartisan resolution condemning BP's plan to dump in Lake Michigan. I hope that BP will tell us today that they are reconsidering their plans. I hope they hear the voices of 2,700 Americans in my district that signed a petition against the BP dumping plan. I hope they hear the voice of 19 Republicans and Democrats that asked the EPA to pull the permit.

BP should hear the voice of the House this morning. If not, BP has to understand that our action this morning is only the opening step by action in the Congress to protect Lake Michigan.

DEMOCRATS' EFFORT TO INCREASE MINIMUM WAGE IS PART OF BROADER ECONOMIC AGENDA

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, today marks the first time in a decade that those hardworking workers who earn minimum wage will receive a pay raise. Today, around the Nation, workers who have been paid $5.15 for 10 years will finally get a boost in their pay. This wage increase will directly benefit low-income workers who need it most.

We should never forget that most minimum wage workers are adults who work to support themselves and their families, and many are single mothers who must work several jobs to make ends meet. And while some at the very top are primarily benefiting from the supposed economic recovery, most workers have seen very little economic progress. Average real wages are lower today than they were in 2001, even though productivity is up by 13 percent.

Madam Speaker, this wage increase is a great concrete step by the new Democratic-led Congress toward a broader agenda that will help us not only grow our economy, but ensure that every American benefits from that growth.

HONORING CHASKA, MINNESOTA FOR BEING NAMED ONE OF TOP TEN BEST PLACES TO LIVE

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Madam Speaker, I rise today to honor and congratulate the community of Chaska, located southwest of the Twin Cities, and a town I'm proud to say is part of Minnesota's Second Congressional District.

Money magazine confirmed what many of us in the great State of Minnesota already knew by naming Chaska as one of the top 10 best places to live in America. Money magazine accurately describes Chaska as having both beauty and brains. A stroll downtown Chaska by City Square Park brings to life images from Norman Rockwell paintings, depicting all that is good about small town America. Chaska's small 19th-century downtown quickly yields to open fields, farmland and the Minnesota River. It is also home to innovation, with more than a dozen technology and biotech companies. It is no wonder why this town is a magnet for families who can find reasonably priced homes, low taxes and quality schools.

Congratulations again to the entire community of Chaska for earning this prestigious distinction. We in Minnesota's Second District are proud.

RAISING THE MINIMUM WAGE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, in this body, where we often discuss proposals to allocate millions or billions of dollars, it can become easy to lose sight of what just a few thousand dollars a year can do. But the increase in the minimum wage, the first part of which takes effect today, will make a major difference in the lives of America's working families. The extra $4,400 per year that these families will bring home to their families will have a very tangible impact on their lives.

For families who have struggled too long without a raise, $4,400 a year translates into 15 months of groceries, 19 months of paid utility bills, 20 months of child care, or well over 2 years of employer-provided health care. The extra money could even pay for 30 months of tuition at a public 2-year college, allowing these parents to get additional education or to help their children achieve their dream of attending college.

Madam Speaker, thanks to the Federal minimum wage increase passed by this Democratic Congress, nearly 13 million working Americans and more than 6 million children will have a chance at a better life. This fair and long overdue pay raise is an important first step in moving our Nation in a new economically healthy direction.

ARBITRARY FUEL STANDARDS COST JOBS—DON'T SAVE ENERGY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, 30 years ago, Congress established CAFE standards to lower our dependence on foreign oil. And the cost? Hundreds of billions of dollars to comply with the regulation, hundreds of thousands of auto jobs lost, and dependence on foreign oil has gone up over 100 percent.

CAFE has not worked. It's an antiquated model, and we should be pursuing new technologies instead. But Democratic leaders are pushing even more stringent CAFE. Democrats are telling auto companies to produce more hybrids and other unprofitable vehicles to comply with new regulations.

A recent JD Power survey shows consumer demand is dropping for hybrids, forcing costly incentives to move these expensive vehicles. Even Honda is discontinuing its Accord hybrid because of poor sales.

If we worked with the domestic auto industry to develop leap-ahead technologies and make them affordable for all consumers instead of overregulating, we could achieve breakthroughs to reach our goals and to protect American jobs, but instead, the Democratic leadership has made a conscious decision to bankrupt Michigan.

RAISING THE MINIMUM WAGE

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, when the Democrats won control of Congress in November, we committed to raising the minimum wage for the first time in 10 years and to provide tax relief to our small businesses.

Today's increase in the Federal minimum wage marks a concrete step that this new Congress is taking to provide greater opportunity and prosperity for all working Americans. The considerable small business tax relief that was passed along with the minimum wage increase reflects a broader American agenda to expand our economy and give small businesses more room to grow and succeed. This relief includes allowing small businesses larger tax reductions, making it easier to expand and provide better services, and specific relief from the AMT.

I am proud that the State of New York has already been a leader in providing workers with a living wage, and the raise that goes into effect today will put our businesses in New York on a level playing field with the rest of the country.

HONORING MARYVILLE INTERMEDIATE SCHOOL SIXTH GRADE WIND ENSEMBLE BAND

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, I rise today to honor a fine group of sixth graders from my district in Tennessee. The Maryville Intermediate School Sixth Grade Wind Ensemble Band from Maryville, Tennessee, is headed to Chicago for the prestigious 2007 Midwest Clinic, an international band and orchestra concert.

The event is known in band and orchestra circles as one of the highest honors a musical group can receive. They were chosen to participate only after an extensive audition process in which they competed against other bands and orchestras from high schools, communities, colleges and universities and militaries from around the world.

This is certainly a great achievement in and of itself. But the Maryville band is special in another way; they are the first sixth grade band in the Clinic's 61-year history to be invited to participate. It is an honor that the close-knit community of Maryville can be proud of, and just another example of the incredible spirit of the people of east Tennessee.

Madam Speaker, in closing, I urge my colleagues to join me as I salute Maryville Intermediate School's Wind Ensemble Band and its directors, George Hayden and RoAnn Romines, on this much-deserved accomplishment. I wish them many more musical scores to come.

RAISING THE MINIMUM WAGE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, today, for the first time in a decade, America's minimum wage workers are getting a pay raise.

The minimum wage increase would never have happened had not congressional Democrats made it one of their top priorities when we came to Capitol Hill at the beginning of this year.

During our first 100 hours, House Democrats passed this much-deserved pay raise with the support of 82 congressional Republicans. As health care and groceries and energy and housing costs skyrocket for the average consumer, for many years these needs were ignored for millions of Americans.

And every day the minimum wage was not raised, it lost its value. As a matter of fact, the minimum wage was at its lowest level in inflation-adjusted terms since 1955. This is simply not fair, and that's why the new Democratic Congress has made increasing the minimum wage one of its top priorities. And with this increase today, Madam Speaker, Democrats are delivering on the promise that we made to the American people.

PROVIDING A SECURE ENERGY FUTURE

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, we must find ways to be less reliant on foreign supplies of oil and gas. And this is more than an energy issue; this is a national security issue. We cannot be beholden to our enemies for our energy supply. But the good news is we're making progress domestically to find a diverse energy supply using alternative energy sources.

South Carolina, which is becoming a front-runner in alternative energy for the Nation, received $1 million to fund cellulosic ethanol process development. These funds will support a bioethanol project that Clemson University, SC Bio, Savannah River National Lab and the Queensland University of Technology collaborated on using novel technology.

The time is now to provide a secure energy future for generations to come. And fortunately, we are working domestically to ensure that ethanol technology here at home is a permanent fix to solving our dependency on foreign energy sources.

MILITARY FAMILIES AND THE MINIMUM WAGE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, today, many American families will finally receive a long overdue pay raise when phase one of the Federal minimum wage increase takes effect.

It has been 10 long years since American workers have seen an increase in the Federal minimum wage, the longest gap in the history of the law. Over that decade, inflation has all but erased the effect of the last increase, leaving millions of families, including military families, struggling to survive.

Currently, Madam Speaker, 10 percent of military spouses earn between $5.15 and $7.25 an hour. These 50,000 military families are part of the nearly 13 million Americans who will benefit from the Federal minimum wage increase that takes effect today.

Madam Speaker, increasing the minimum wage is just one part of a broader American agenda to strengthen the economy and help working families. Democrats believe that all Americans, not just the privileged few, deserve to make a living wage.

I am proud that we passed this legislation, and especially glad that it will help so many of our military families.

"HOLD ON TO YOUR WALLET CONGRESS" IS AT IT AGAIN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Madam Speaker, I know this is beginning to sound like a broken record, but the "Hold on to Your Wallet Congress" is at it again.

In today's latest episode, the liberal leadership has proposed another spending bill that will most likely be dead on arrival when it hits the President's desk because it shows disrespect for the taxpayers' dollar.

The Democrat Transportation-HUD spending bill provides for a whopping $104.4 billion in spending for the next fiscal year, which is more than $4 billion in new spending and more than $2.8 billion above what the President requested.

The legislation increases spending for earmarks. And it does fail to address the very real solvency issues of the highway trust fund, which will face a $4 billion shortfall in 2009.

The bill is irresponsible, sets the wrong priorities, and adds to the already staggering level of additional new spending in the 110th Congress.

The current Congress pledged to curb runaway spending, but instead they have moved it to the fast lane and they've set the pedal to the metal to see how fast they can spend your dollar.

INCREASE IN MINIMUM WAGE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, as a senior member of the House Education and Labor Committee, I am proud that today many Americans will receive their first pay raise in a decade because the Fair Minimum Wage Act passed by the Democratic Congress goes into effect.

These hardworking Americans, 40 percent of whom are minorities, will receive a 70-cents-per-hour raise today, which will be followed by two more 70-cent increases in July 2008 and July 2009. This will result in a total of $2.10 increase, or $4,400 a year. This boost in pay will make a significant difference in the lives of these American families who are trying to survive on a minimum wage that has reached its lowest effective level in more than half a century. It means more food on their tables, better health care for their families, and a shot at sending their children to college.

Everyone who works full time should have the chance to achieve these pieces of the American Dream. And with this increase in minimum wage which begins today, they can.

I am proud to be a part of the Democratic Congress that passed this long overdue pay raise for millions of hardworking Americans. I want to note that my home State of New Jersey led the way in an increase in minimum wage. Our minimum wage is already $7.15 an hour, and that rate was effective since October 2006.

AUTHORIZING PRINTING OF CERTAIN PUBLICATIONS

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 190) authorizing printing of the brochure entitled "How Our Laws Are Made", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

□ 1030

Mr. EHLERS. Madam Speaker, reserving the right to object, will the gentleman explain the resolution, please.

Mr. BRADY of Pennsylvania. Madam Speaker, this concurrent resolution provides for printing additional copies of three congressional publications that our constituents frequently request from us and of which supplies are nearly exhausted. Two of the publications are about the U.S. Constitution. With Constitution Day, September 17, approaching fast, we need to replenish our supplies so that Members can fulfill the requests from schools, civic organizations and others.

Madam Speaker, I know of no controversy and urge an "aye" vote.

Mr. EHLERS. Madam Speaker, under my reservation, I would simply comment that these are remarkably good documents. We make great use of them in the United States. Frankly, I would like to see the dollar limit removed, because these are very valuable documents for students in the schools. I know we receive many, many requests for them, frequently more than we can handle.

Madam Speaker, I strongly support the resolution with the one reservation that I wish we could increase the allocation; however, I don't want to stop the flow of democracy here.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 190

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $479,247, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 2007 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $535,853, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 23rd edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $188,462, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The current resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE DUMPING OF INDUSTRIAL WASTE INTO THE GREAT LAKES

Mr. OBERSTAR. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 187

Whereas the Great Lakes are the largest surface freshwater system on the planet;

Whereas the Great Lakes account for 95 percent of the United States' surface fresh water and about 21 percent of the world's supply;

Whereas the Great Lakes provide drinking water for more than 30 million Americans;

Whereas, on May 18, 2004, President George W. Bush said "the Great Lakes are a national treasure";

Whereas Congress has expressed its commitment to protecting the Great Lakes from pollutants and contaminants through the Clean Water Act and subsequent legislation;

Whereas the United States Environmental Protection Agency (EPA) and Environment Canada joined together in promulgating the Great Lakes Binational Toxics Strategy to eliminate the presence of persistent toxic substances in the Great Lakes basin;

Whereas the "mixing zones" that dilute toxic chemicals discharged into the Great Lakes system have been controversial as a possible threat to humans, fish and wildlife;

Whereas the Great Lakes are plagued by pollutants such as mercury, PCBs, ammonia, DDT, alkylated lead, hexachlorobenzene, TCDD, toxaphene, and others;

Whereas high amounts of ammonia can cause algae blooms that threaten fish and water quality;

Whereas the Indiana Department of Environmental Management recently issued a permit to BP PLC to allow their facility in Whiting, IN, to release 54 percent more ammonia and 35 percent more total suspended solids into Lake Michigan each day;

Whereas the BP Whiting facility will now be allowed to dump an average of 1,584 pounds of ammonia and 4,925 pounds of total suspended solids daily into Lake Michigan;

Whereas the Great Lakes already face myriad challenges from chemicals and pollutants, including a steep increase in fish consumption warnings and record numbers of beach closures; and

Whereas Congress has a clear role in protecting the Great Lakes as an entity that spans across State and international boundaries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Congress expresses its disapproval of the Indiana Department of Environmental Management's issuance of a permit allowing BP to increase their daily dumping of ammonia and total suspended solids into Lake Michigan;

(2) Congress urges the State of Indiana to reconsider issuance of a permit allowing BP to increase their daily dumping of ammonia and total suspended solids into Lake Michigan;

(3) Congress should take action to protect and restore the Great Lakes;

(4) the United States Environmental Protection Agency's actions in the Great Lakes basin should be consistent with the goal of preserving and restoring the Great Lakes; and

(5) the United States Environmental Protection Agency should not allow increased dumping of chemicals and pollutants into the Great Lakes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are gathered here to commemorate two extraordinary events. Forty years ago, the Cuyahoga River en route to Lake Erie caught fire and galvanized the attention of a Nation and the action of Congress to strengthen the Federal Water Pollution Control Act resulting in the Clean Water Act of 1972.

You would have thought that the Nation had learned its lesson with the Cuyahoga River incident and the other tragedies that befell the Great Lakes over the years; the invasion of lamprey eel and subsequent nonindigenous invasive species, and other tragedies, such as industrial dumping, that nearly resulted in the death of Lake Erie.

But here we are gathered, 40 years later, to face a report from the Chicago Tribune that the regulators in the State of Indiana have given permission for BP, one of the world's largest energy companies, to release half more ammonia than they are and one-third more sludge into Lake Michigan each day.

The gentleman from Illinois (Mr. EMANUEL) sprang to the defense of Lake Michigan, as have numerous of our colleagues that are gathered here with us today, and mobilized a resolution that we have under consideration today.

Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, I thank my colleague from Minnesota, who has been a leader on the Great Lakes issue, and also my colleagues on the other side of the aisle, because this issue is not a Democratic or a Republican issue; it is an issue between right and wrong.

British Petroleum, who is now seeking to expand their refinery capacity in Indiana, has run advertising campaigns all over the country that they are "beyond petroleum." If they are allowed to dump more ammonia and mercury and other metals into the Great Lakes, BP's "beyond petroleum" will become standard for "big polluter."

I say that not just as a way to embarrass them, although I hope it accomplishes that goal. They have the capacity to live up to what they are advertising; that they are a company that is sensitive to the environment.

Thirty-seven million Americans now get their daily drinking water from the Great Lakes. It is the largest body of fresh water in North America. It contains 20 percent of the world's freshwater supply. It is the economic heart of the Midwest.

As my colleague Mr. OBERSTAR noted, the fire at the Cuyahoga River and on Lake Erie galvanized the country. When I was growing up, prior to that bill, we used to run past the dead fish, dive into Lake Michigan, and swim 30 or 40 feet past all the dead fish to pop up. The Clean Water Act improved dramatically the environmental standard of Lake Michigan, Lake Erie, Lake Superior, Lake Ontario and all the Great Lakes. The question here is, are we going to move forward, or are we going to go back?

What is ironic about all of this is that this issue isn't about technology. They can do the refining to clean up and make sure that we don't dump ammonia and mercury and other environmental hazards into the lake. The question here is not technology or money. They are spending $3.8 billion to expand this facility, which is a good thing to do, because it will help on the energy supply.

The question is they said they don't have the land mass to deal with it. They have 2.6 square miles there. If you look on the Google map, you can see the size of what they have. It is 1,600 acres. They have the land capacity to do this.

Now, I compliment British Petroleum on one other issue. They brought Democrats and Republicans together on a single issue. They are a uniter, not a divider. Usually we are divided here on other issues, so I want to compliment BP for having brought Democrats and Republicans together in a unique act of bipartisanship realizing that Lake Michigan and other Great Lakes deserve our support.

We have made great progress. The question before us is whether BP will live not only up to their advertising, but what this Congress has committed to do, and every Congress has committed to do for the last 30 years, is that when it comes to our lakes, our drinking waters, whether we are going to go forward or backward.

I would hope that BP would take this notion that what they are seeing today on the floor is the beginning of a pressure, and that they realize that the decision they make, they can do the right thing. I think every one of us knows that if they made a decision to expand their refinery with the environmental qualities, every one of us would put a resolution on the floor the next day praising them for that decision.

So they have the choice: We will join them and say that they are right. They are a company that literally puts their money where their mouth is. Are they "beyond petroleum," or will they be the company known as the "big polluter"? They have a choice.

I want to thank my colleague from Minnesota for having this resolution on the floor and taking the leadership and the time to commit to this.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this issue before us first came to my attention 9 days ago in a July 15 story published in the Chicago Tribune entitled "BP Gets Break

Dumping in Lake." Shortly after that I went into a meeting which Mr. OBERSTAR was chairing, and I alerted him to the issue, because I know he loves the Great Lakes as much as I do.

That article highlighted the wastewater discharge permit granted by the State of Indiana to British Petroleum for its refinery facility in Whiting, Indiana, on the shores of Lake Michigan. The new permit allows BP to discharge an average of 1,584 pounds of ammonia per day, up from 1,030 pounds per day, a 54 percent increase above the old limit. The new permit also allows BP to discharge 4,925 pounds of total suspended solids per day, up from 3,646 pounds per day, a 35 percent increase. This level of discharge is extremely disconcerting to me and the entire Great Lakes region.

Let me provide a little background information. The BP facility in Whiting was built in 1889 by John D. Rockefeller's Standard Oil Company. Today, it is the fourth largest refinery in the country. It employs 1,700 people and supports another 1,500 contract workers in producing gasoline, diesel and jet fuel. It is a major, major refining operation not just in northwest Indiana, but, indeed, the entire Midwest.

BP plans to spend more than $3 billion in upgrading and expanding the facility so it can process more heavy crude from Canada. I support the expansion of refinery capacity to help address our immediate and pressing need for fuel in the Midwest, but I know that the switch to refining more Canadian crude will inevitably lead to more waste from the facility.

No one is accusing BP of subverting the regulatory process. The permit went through the regular public comment period, although I must say that the time between the notice and the final issuance seems to me a very short period for a project of this magnitude. According to the Indiana Department of Environmental Management, the permit was issued in full accordance and compliance with State and Federal environmental laws. If that is true, and I don't doubt that it is, there is something wrong with State and Federal environmental laws.

The benefits of this project should not come at the expense of our most precious natural resource. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than 40 million Americans. It is critical that we enhance our restoration efforts for this vital resource. It is already polluted enough, and we certainly do not want to degrade the condition of the lakes even further.

All the communities and States around the lakes have tried to improve their practices. My own town, my city of Grand Rapids, Michigan, has spent several hundred million dollars improving its wastewater treatment system to help clean up the lake, and that is the story in many cities around the lakes.

President Bush 2 years ago issued an Executive Order calling together the mayors and the Governors of the Great Lakes regions, the Members of Congress, the environmentalists and the tribes to work together to develop a solution to the pollution in the lakes. Over 1,500 policymakers and stakeholders came together in a collaborative process to develop a long-term strategic action plan for protecting and restoring the environmental health of the Great Lakes. I was proud to participate in that process as the congressional representative, and I have a bill in process which will make the collaborative's recommendations come into law.

The discharge of harmful pollutants that is proposed by BP and permitted by the State of Indiana is totally inconsistent with the goals of Great Lakes restoration. Ammonia and TSS, suspended solids, promote algae blooms that can suffocate fish, destroy fish habitat, deprive plants of sunlight and oxygen, and trigger beach closings. We cannot allow for more of these kinds of problems in the lake.

For these reasons, Madam Speaker, I would urge both the EPA and the State of Indiana to take a second look at this permit and find a better means of disposal. I also urge BP to look at other means of disposal. Certainly if they can afford to pipe crude oil from Canada thousands of miles through pipelines, they certainly should be able to find a better solution for disposal of wastes.

I urge my colleagues to support this bipartisan resolution.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the distinguished chairman of the Energy and Water Appropriations Subcommittee.

Mr. VISCLOSKY. Madam Speaker, I thank the gentleman for yielding. I rise in support of the resolution.

Ever since the author Rachel Carson ushered in the advent of environmental awareness with her book "The Silent Spring," Americans have understood that we owe it to future generations to be good stewards of the planet and the environment. As in the case with every problem, we should work toward a solution not by asking how little must be done, but rather by asking what is the right thing to do?

As the chairman of the Energy and Water Appropriations Subcommittee, I feel I have a unique perspective on the issues contained in this resolution.

□ 1045

As chairman of the Energy Subcommittee on Appropriations, I respect BP's foresight. Their investment of a half billion dollars, in collaboration with the University of California-Berkeley and the University of Illinois, Champaign-Urbana to increase energy production through renewable biofuels is a worthwhile goal. These fuels have the potential to increase our domestic fuel capabilities and strengthen our national security by reducing our dependency on foreign oil.

As chairman of the Water Subcommittee on Appropriations, I also fully appreciate the treasure that is the Great Lakes system, including the potable, clean fresh drinking water, and its venues for recreation and refreshment. I also appreciate that the Federal Government has made a commitment to the Great Lakes States over several generations to improve water quality and reduce pollution.

It is my hope that, while it appears BP has the legal authority to potentially increase discharged materials into Lake Michigan, they will act responsibly, refrain from doing so, and reconsider their permit.

Mr. EHLERS. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, I thank the gentleman for yielding, and I rise in strong support of H. Con. Res. 187.

Madam Speaker, throughout my career as a public servant, a principal advocacy of mine has always been to improve the quality of our precious Great Lakes, our magnificent Great Lakes, which are actually 20 percent of the fresh water supply of the entire planet. That is one-fifth of all of the fresh water in the entire world.

We have seen efforts at the local and State and Federal levels to prevent industrial pollution, to stop water diversion, to eliminate sewage discharges and to fight invasive species so that future generations can enjoy the beauty of our magnificent Great Lakes.

In fact, this House has passed many important bills that have helped make those goals a reality. And though we have made tremendous progress, there are still so many challenges facing the Great Lakes. We need to continue to fight to protect the Great Lakes.

Unfortunately, Madam Speaker, it seems not everyone shares this vision. As has been discussed, the Indiana Department of Environmental Management recently issued a wastewater permit to a British Petroleum refinery on the coast of Lake Michigan which will actually allow BP to increase the amount of ammonia and total suspended solids discharged into Lake Michigan. This is crazy. This is nuts.

This permit flies in the face of everything that we in this body, and numerous individuals in groups outside of this body, have attempted to achieve. Instead of increasing our efforts in creating more stringent regulations, this permit marks a huge step backwards in our efforts to keep our Great Lakes clean.

And although BP might argue that they have followed the law in this process to secure their permit, I would say it does not make their actions right.

The resolution before us expresses Congress's disapproval of this permit and urges the EPA to reject increased dumping of chemicals and pollutants into our Great Lakes. This Congress must speak up for the Great Lakes. We owe it to our children, to our grandchildren, and for every generation that will follow. I urge my colleagues to support this resolution.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Speaker, I rise today in support of this resolution and in support of protecting one of America's most critical natural treasures, the Great Lakes. I thank Chairman OBERSTAR, Mr. EMANUEL, and Mr. EHLERS for their work on this issue in helping to protect the lakes.

Through Federal regulations and State and local cooperation, we have made great strides in cleaning up the Great Lakes. Right now we cannot step back. I am deeply troubled by BP's plan to significantly increase their dumping of ammonia and other pollutants into Lake Michigan. All of these pollutants can cause harm to the environment and to public health. Over 40 million people in the Chicago area get their drinking water from Lake Michigan, and it is critical to tourism, recreation and the fishing industry. We should not be doing less to protect the Great Lakes. We should be doing more, such as passing legislation I introduced with MARK KIRK to stop municipalities from dumping waste into the lakes.

While it is good to increase our national energy security and to create new jobs, this cannot come at the expense of public health and the quality of our environment. That is why BP must do everything possible to lower pollution emissions into Lake Michigan. BP talks the talk about protecting the environment. It is time for BP to walk the walk and protect the lake. The step forward today is to pass this resolution and send BP this message.

Mr. EHLERS. Madam Speaker, this issue extends throughout the entire United States in terms of its concern, and I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. KIRK) as someone who lives very near this particular facility.

Mr. KIRK. I thank the gentleman and I want to thank Congressman EMANUEL and Congressman EHLERS for bringing this resolution to the floor.

Ten days ago, Michael Hawthorne of the Chicago Tribune broke the story that British Petroleum planned to increase its dumping into the source of our drinking water, Lake Michigan. It was a stunning mistake. BP, a pretend friend of the environment, should have not done this.

Tony Hayward, BP's chief, claims he is "Beyond Petroleum" when he plans to actually become a "Bad Polluter."

Governor Daniels of Indiana also made a big mistake. His State EPA failed in their duty to protect the public and authorized the first new dumping in the lake in a decade. Now 19 Republicans and Democrats joined with Congressman LIPINSKI and me calling on the U.S. EPA to pull this permit; and 2,700 of my constituents signed the petition condemning BP's plan to increase its dumping in the lake.

Congressman LIPINSKI and I authored bipartisan legislation moving us to a time in which all dumping in the Great Lakes ends. Twenty-four billion gallons of raw sewage are dumped into the lake each year, and 12 billion gallons of raw sewage are dumped in the Great Lakes by the city of Detroit alone. But that is current dumping which should definitely end. We cannot allow new dumping by BP.

Later today we will meet with the head of BP North America, and given the legislative tsunami we are preparing, we should simply be discussing BP's terms of surrender on their lake-dumping plan. BP, millions spent in the "Beyond Petroleum" campaign, but we know it stands for "Bad Polluter." Hopefully, BP will back down and be a better partner in protecting Lake Michigan.

Mr. OBERSTAR. Madam Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentleman for yielding to me.

Let me just give you a few numbers here: 30 million, that's the number of people who depend on the Great Lakes for our drinking water; 20 percent, that's the percent of fresh surface water on the entire planet that is represented by the Great Lakes; $6 billion, that's the amount of money that BP earned in the last quarter. BP is one of the most profitable companies on the entire planet, and a company that has spent a considerable amount of money promoting its green image.

I want to quote to you from a Chicago Tribune Voice of the People article that was written by a BP Whiting Refinery individual, and he talks about, he minimizes the problem. He says: "Of the 23 substances regulated in the permit, ammonia and total suspended solids are the only two limits that will increase when compared to the current permit." No problem, only two out of 23.

And later, consistent with BP's bragging about its environmental excellence says about itself: "This is just one of the ways we have demonstrated our focus on continual improvement in environmental performance. Our commitment to continuous improvement will carry on as we modernize the refinery." Meantime, increasing the amount of ammonia and the amount of total suspended solid waste.

What's the consequence of those emissions? The health consequences can't be understated. Dumping ammonia represents a direct threat to the health of millions of Americans living in the Great Lakes region. For example, ammonia in the water promotes algae blooms that can kill fish and trigger beach closings. So here is another number: 1,585 pounds of ammonia, a 54-percent increase every day, every day into our precious Lake Michigan. And 4,925 pounds of liquid waste consisting of suspended particulate matter, a 35-percent increase every day into Lake Michigan.

In addition to putting our health at risk, the decision to allow BP to increase their dumpage also puts the lake ecosystem in jeopardy. Increasing the amount of liquid waste consisting of suspended particulate matter dumped into the lake each day endangers the marine life by making the water cloudy, thereby making it more difficult for fish to find ample amounts of oxygen.

This is a big deal. This is a serious problem, and it is incredible that the Environmental Protection Agency and BP and the State of Indiana would allow it. It is an outrage. We can stop it.

Mr. EHLERS. Madam Speaker, I yield 2 minutes to another member of the Fighting Illini, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Madam Speaker, when you come here and represent the Great Lakes and you meet Representatives from all across the country, you meet folks from the east coast and the west coast, you begin having conversations about the water that surrounds their districts. I talk to Californians and people from Oregon and South Carolina, and they are very proud of their coastlines, as they should be. And as a Member who represents a Western district, you try and describe the Great Lakes to them, and it is really difficult to describe. And then you have someone come and visit and they look at Lake Michigan and they look at Lake Superior and Huron and Ontario and Lake Erie, and it takes their breath away because these are beautiful bodies of water.

Lake Michigan is so big and so significant that my almost entire congressional district gets its drinking water from Lake Michigan. So you can imagine the sense of pause and outrage and deep concern that many of us felt when we heard of this plan that BP had that was approved by the State of Indiana to move forward and dump these pollutants into Lake Michigan.

Madam Speaker, my district counts on the fact that drinking water is going to be as pure and clear as this cup when they open up the tap, and I think it is incumbent upon us on both sides of the aisle to stand today and to say this will not stand.

Madam Speaker, my predecessor, Congressman Hyde, had a great line. He said there is one thing worse than gridlock when it comes to government, and that is the greased chute of decision-making. Our role in Congress today is to stand up and to suggest and demand of the Environmental Protection Agency and demand of the State of Indiana that they rescind this order. With that, I am pleased to support the resolution.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY).

□ 1100

Mr. DONNELLY. Madam Speaker, I rise today to express my deep concern regarding the Indiana Department of Environmental Management's decision to permit significant increases in allowable discharges of ammonia and total suspended solids into Lake Michigan, and I fully support H. Con. Res. 187.

For communities in my district, and I suspect most Americans, Lake Michigan is a national treasure. Not only does the lake serve as a source of drinking water and natural habitat and recreation, it is one of the greatest reminders of our responsibility to be good stewards of the environment.

One component in our strategy to achieve independence from foreign oil will need to be increased refining capacity here at home. I would like to support this project, but first, BP can do better and must do better. Their corporate image is marketed worldwide as an energy company seriously committed to providing modern energy solutions that value our environment; however, BP's wrong-headed decision here to increase discharges in a lake and in a region trying to overcome decades of environmental neglect will not stand.

I do not believe the health of our environment and the growth of our economy are mutually exclusive goals. My congressional district in Indiana features miles of beautiful Lake Michigan shoreline, Porter County, Michigan City, Long Beach. I note the next speaker, Congressman UPTON, whose district is next to mine, he has beautiful Lake Michigan shoreline and has done a great job protecting that resource, and I know he will do that again today.

The goals of energy independence and protection in the Great Lakes are not mutually exclusive. BP just has to conclude that they have to do this in the right way, and the right way is not to damage Lake Michigan.

Mr. EHLERS. Madam Speaker, I am pleased to yield 2½ minutes to a colleague from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I commend the remarks by my colleagues from every State that adjoins Lake Michigan, whether they be from Minnesota, Wisconsin, Illinois, Indiana, and obviously in my State, the great State of Michigan.

My district does abut Lake Michigan, and I'm a member of the Great Lakes Caucus, with a long record of protecting our Great Lakes body. The Great Lakes are the world's largest body of fresh water, and our job here is to be good stewards. We know that, and we were stunned by the announcement that was made just a little bit more than a week ago with regard to the new refinery that's being built and expanded in Indiana.

Tremendous efforts have been made in this region to protect the Great Lakes, but we see it in other places around the country, the Chesapeake Bay, and it's a disgrace that the mighty Potomac is in the shape that it is. We don't want the Great Lakes to take a step back. It needs to be improved. The last thing that we need to see is that the Great Lakes take a step back in terms of the protection that we have.

I travel in my district in southwest Michigan to Chicago quite a bit, and I can remember as a young boy going through Gary, Indiana, and some of those places there, and it was awful in terms of the pollution. And to their credit, they've done a much better job.

But I've got to say it's my understanding that for the State of Indiana to issue an exemption to its own State law that prohibits mixing zones is wrong. This will result in a serious setback in the efforts to clean up the Great Lakes, especially at a time when this outdated mixing zone practice is slated to be eliminated altogether, and yet we're seeing an exemption to have it continue. It, in essence, rolls back the clock for sound environmental policy.

Last week I picked up the phone and I called Governor Daniels of Indiana. I told him that we had a hornet's nest in southern Lake Michigan, and that they ought to reexamine exactly what the State of Indiana was allowing. The State of Indiana needs to reexamine this.

We don't want industrial waste to be increased. We don't want raw sewage to be increased. We've had our beaches closed enough. I don't care what side of the lake you live on, no new dumping ought to be the mandate that we impose on every municipality, every State in the Great Lakes. We should not be adding pollution. Instead, we should be subtracting to make sure that this resource stays a treasure for every family, for every community, for generations to come.

Mr. OBERSTAR. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 6 minutes. The gentleman from Michigan has 6½ minutes.

Mr. OBERSTAR. We have one speaker remaining on our side. I would ask the gentleman to conclude.

Mr. EHLERS. I have one speaker, and then I would like to make some comments again.

Mr. OBERSTAR. So conclude with your two speakers, and then we'll conclude on our side.

Mr. EHLERS. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Speaker, I cautiously come to the floor today, but I'm troubled by the process here.

I come from a Great Lakes State, Pennsylvania. We cherish the Great Lakes, but we're passing a resolution today because of a newspaper article, a column, and we have legislation without any hearings. This is why we don't have refinery capacity in America.

In light of recent attention given to the Indiana Department of Environmental Management's permit to the BP refinery, I would like to provide the facts and clear up misunderstandings, says the Department of Environmental Management in Indiana.

The BP wastewater permit was issued in accordance with State and Federal environmental laws which are protective of human health and environment. The State coordinated with EPA during the permitting process to ensure that the final permit was compliant with the Clean Water Act. On April 5, 2007, EPA issued a letter that they had no objections to the permit being issued pursuant to the Clean Water Act.

There are many inaccuracies in the recent media reports. They have given no exceptions to environmental conditions for this facility. The wastewater treatment permit meets all State laws and regulations that apply to the facility and project. Many of the limits placed in the permit are actually more protective than required by Federal law.

We need to deal with these issues with the facts, not newspaper reports. We can't build refineries in America. We blame the refineries. This happens every time they try.

I'm not for pollution in Lake Erie, but I would like to have had a hearing where Indiana could have had its case heard. We shouldn't be here on the floor debating this with very little knowledge and hysteria.

The future of refining in America, the future of energy availability in America, we must have clean water and clean air, but if we are going to have a political reaction without the hearings, without the information, we shouldn't make these kind of decisions on the floor of the House.

I'm for cleaning up the Great Lakes. I have a bill on the outer continental shelf to produce natural gas that will give $21 billion to Great Lakes cleanup. That's a bill that will help us get rid of the sludge of the past.

I just wish this wasn't before us without adequate process and hearings so we could understand what's really happened there, where we have a real knowledge of information, because we desperately need the capacity they're talking about.

Mr. EHLERS. Madam Speaker, I will be pleased to offer some comments to close, particularly in view of the previous speaker.

As I said in my earlier comments, I emphasized I was not condemning British Petroleum for their actions; although, I wish they had taken the lead in demonstrating the environmentalism that they often advertise that they have. But I do deplore that the State of Indiana was willing to give them a permit. I do deplore that the Environmental Protection Agency was willing to give them a permit.

This is contrary to everything that we have been trying to do to clean up the Great Lakes, at huge expense. All over the Great Lakes, communities have tried to clean it up, and my preference would be not only that BP does not add to the load they're putting in the lake, I would prefer that they say, we're going to find a different method, and we're not even going to dump in the lake what we're dumping in now, because they are already dumping a substantial amount in.

The goal here is not to drive BP away. It's not to stop the refinery project. I'd emphasize that over and over. The goal is to make sure that we can maintain the purity and cleanliness of the Great Lakes. And Lake Michigan, of course, drains into three of the other Great Lakes and with a smattering going into Lake Superior. So this is a very important issue.

The gentleman talked a minute ago about drinking water out of the lakes. Forty million Americans draw their water out of the Great Lakes, their drinking water. That is a huge number of people. We are very worried about cleaning up the mercury that already exists in the lake, also the toxaphene and other contaminants, because people are drinking that water, and they are getting ill.

The goal here is not to stop BP. The goal here is to make certain they find an alternative method of disposing of the ammonia and the total suspended solids that they are proposing to dump in the lake, and I would hope they also, while they're doing that, stop dumping what they are dumping, and make sure all the ammonia, all of the total suspended solids get disposed of elsewhere. Perhaps they can use a waste landfill, perhaps something else, but certainly we do not want them to be dumping any additional contaminants into the Great Lakes system.

With that, I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself 2 minutes.

We're not here reacting to and debating a newspaper story. The report of the planned dumping of highly toxic, highly residual elements into Lake Michigan has been documented. We will have a hearing in the Subcommittee on Water Resources in due course, but this is an emergency that called out and cried out for immediate action to lay a line down in front of the State of Indiana and British Petroleum to let them know that their proposed indifference, slap in the face, to clean water, this precious resource, will not be tolerated by the American public.

They will go ahead and build their refinery, but on that property, they have plenty of room for appropriate disposal of these wastes. They ought to know, they ought to understand, water is more precious than oil.

The slow flushing action of Lake Michigan, it'll be 300 years before water turns over in that lake. It means that whatever they put in that lake is going to stay there for generations to come. They know that. So does the State of Indiana. Protect that lake.

There are alternatives to dumping every colossal waste that industry can sum up into the lake. There are other alternatives. They have to explore those alternatives.

GENERAL LEAVE

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill pending before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Madam Speaker, I yield the balance of our time to the gentleman from Illinois.

Mr. EMANUEL. Madam Speaker, there's a sad irony on this decision by British Petroleum, and that is, 10 years ago, 1997, when I was working in the White House, we had made a decision and Geolyse standards were negotiated at that point, coming on line just about now. It took all of the States, Michigan, Indiana, Wisconsin, Illinois, to set standards, as also the other States supported the Great Lakes, about polluting and what was allowed and permissible to pollute on the lakes and what wasn't. And those Geolyse standards that brought everybody together 10 years ago and started this movement to protect our Great Lakes in a way that we had not seen since the Clean Water Act, that negotiation and the product of that negotiation was just coming on line right now.

And just at that moment, we have this decision by British Petroleum, which is the most significant dumping in Lake Michigan and the other Great Lakes and Lake Michigan since basically we started the Clean Water Act and reversing the trend of using the lake as nothing but a dumping ground.

Now, if this can happen in Lake Michigan, it can happen in other Great Lakes, which is why other Members of other delegations have stepped forward, and I want to repeat, all that British Petroleum has to do here is they have the technology to actually take a different course here. It's about the size of a land mass that they have to acquire, and if you look again at Google Map, they have plenty of land, 1,600 acres, to do what's right.

So many decisions we face on the environment are about jobs and the environment. You can both double the size of the refinery, create those 80 jobs, and also preserve our national commitment to the clean water of Lake Michigan and the other Great Lakes. It's not an either/or choice.

And what's so sad about the rush here is that this is a decision that could easily be won, that's a victory for British Petroleum, doubling the size of their refinery, but not doubling the size of the ammonia that's dumped into Lake Michigan and not increasing the amount of both mercury and other metals that are going to be untreated, dumped into Lake Michigan, and then we're all going to be asked to increase the money to clean up what they could have done in the beginning.

They're spending $3.8 billion. For a fraction, they could actually not only increase the refinery, but increase the capacity to treat these chemicals, and then we're all going to be asked to increase the money to clean up Lake Michigan with something that never should have happened and hasn't happened for 10 years.

□ 1115

Now, this unusual unity here is because all of us have constituents that don't regard this as a party issue, a partisan issue; they regard it as a commitment. We have had a tremendous increase in the consciousness of folks about the importance of Lake Michigan and the other Great Lakes to the environment.

If this was the Grand Canyon or Yellowstone, there would be no question. Lake Michigan, Ontario, Superior, Erie and all the Great Lakes are the Midwest's national parks. They stand as the largest body of fresh water in North America. Twenty percent of the world's entire fresh water is right there.

It is America's third coast. We would never consider doing this to any other national treasure. BP should not consider it here. They can double the size of the refinery, which is a good thing; they can increase employment by 80 jobs, a good thing; and they can be true to their advertising, "Beyond Petroleum," and being the most green energy company if they decide to take the right actions. We'll help them if they want to do that.

But to act intransigent, like they have, is wrong. We are going to be meeting with the North American executive this afternoon. I know the Illinois delegation is. We are going to meet with them to let them know that they have a choice here to live up to their word.

I want to again thank all of my colleagues for stepping forward and giving a voice to their constituents who are outraged across the area with the decision by British Petroleum to do something no other company has decided to do in the last 10 years and reverse the standards and the progress we have made on the environmental quality of our Lake Michigan and the other Great Lakes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of House Concurrent Resolution 187, which expresses the sense of Congress regarding the dumping of industrial waste into the Great Lakes. My colleague RAHM EMANUEL has introduced this resolution, as has my colleague from the Committee on Transportation and Infrastructure, Mr. EHLERS of Michigan. The resolution has 18 cosponsors from across the Great Lakes region.

It is my understanding that a recent decision by Indiana state regulators will allow the British Petroleum company to dump more ammonia and suspended solids daily into Lake Michigan. Although I do agree that our country needs to work on finding additional materials and sources for energy, and we do need to create jobs to help our economy, I do not believe British Petroleum's plan takes our nation in the right direction. As a society, we need to protect our already endangered waters, for they provide means to run our businesses, fulfill daily chores, and relax.

Improving the state of the Great Lakes is not an antiquated policy goal from the last century; rather, we still fight today to improve these waters. The House Subcommittee on Water Resources and Environment, which I chair, continues to pursue the problems of invasive species, low water levels, and pollutants entering the Lakes on a regular basis. We do not need to add additional waste to our struggling, yet essential, waters.

I urge my colleagues to join with me and vote in favor of this resolution.

Mr. DINGELL. Madam Speaker, I rise in strong support of the resolution before us. Recently, the Indiana Department of Environmental Management granted BP's Whiting refinery in Indiana broad exceptions under the Clean Water Act. These exemptions will allow BP to increase the amount of discharge of ammonia by 54 percent and its discharge of total suspended solids by 35 percent. This means that an additional 1,584 pounds of ammonia and 4,925 pounds of total suspended solids could be dumped into Lake Michigan.

This is simply unacceptable and I thank my colleagues from Illinois and Michigan for bringing the resolution to the floor with the utmost speed. I am dismayed, Madam Speaker. Dismayed that the State of Indiana issued the permits and further dismayed EPA allowed the State to do so.

Algae blooms, Madam Speaker, are serious business. Algae blooms, which can be caused by ammonia and total suspended solids, overtake native ecosystems by taking nutrients away from the surrounding plant life and also feed harmful bacteria which remove oxygen, killing aquatic life. This leads to poor water quality and beach closings. Instead of taking action to increase algae blooms, we should be taking action to decease them.

According to BP, the company intends to install a diffuser to create a "mixing zone"—mixing zones are areas where clean water gets mixed with polluted water to further dilute the concentration of pollutants. In 2000, EPA instituted a rule requiring the elimination of existing mixing zones for persistent and bioaccumulative pollution in all the Great Lakes States. The rule required the phase-out of current mixing zones by 2010 and does not allow any new zones to be created. The expansion of the BP facility is not scheduled to be finished until 2011. The exemptions essentially roll back the clock for sound environmental policy.

Madam Speaker, those of us from the region have a unique appreciation for the Great Lakes, as we are quite literally surrounded by them. The lakes are a blessing to us. We owe our tourism industry to the Great Lakes—where people come from around the country to recreate, hunt, fish and relax. The lakes as a transportation system provided Michigan and the surrounding States with the means to turn our region into a manufacturing powerhouse.

At a time when Congress is finally taking a long-overdue look into a broad restoration and conservation plan for the Great Lakes, the State of Indiana is allowing more pollution into the lakes. And EPA—the lead Agency in Great Lakes Regional Collaboration—is allowing it. This, Madam Speaker, is exactly the opposite of what we should be doing. Instead, restoring and protecting the Great Lakes must be a priority.

I urge all of my colleagues to support the resolution and again thank my friends, the gentleman from Illinois and the gentleman from Michigan, for bringing it up.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 187.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. UPTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 558 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3074.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. WEINER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Monday, July 23, 2007, a request for a recorded vote on the amendment by the gentleman from Ohio (Mr. CHABOT) had been postponed and the bill had been read through page 67, line 2.

The Clerk will read.

The Clerk read as follows:

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Tenant-Based Rental Assistance", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years, $1,300,000,000 is rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2008: *Provided*, That if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: *Provided further*, That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $6,479,810,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to $6,239,122,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income

Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $238,728,000 but not to exceed $286,230,000 for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) $1,960,000 shall be transferred to the Working Capital Fund.

(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $2,438,964,000, to remain available until September 30, 2011: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2008 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to $10,890,000 shall be for carrying out activities under section 9(h) of such Act; up to $10,000,000 shall be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: *Provided further*, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2008: *Provided further*, That of the total amount provided under this heading, $38,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships.

PUBLIC HOUSING OPERATING FUND

For 2008 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,200,000,000: *Provided*, That in fiscal year 2008 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

AMENDMENT NO. 26 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. HASTINGS of Florida:

Page 72, line 1, after the dollar amount, insert "(reduced by $20,000,000) (increased by $20,000,000)".

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment with my friends, Ms. BARBARA LEE of California and Ms. CORRINE BROWN of Florida, which emphasizes the need for HUD to place a greater priority on the security in our Nation's public housing communities.

Indeed, I applaud the work of Chairman OLVER and Ranking Member KNOLLENBERG, and I am very supportive of their bill.

However, a recent criminal act that occurred in the district that I am privileged to represent demands a response. I won't go into the details because it was a brutal act that was done allegedly by 10 young men in a project referred to, known as Dunbar Village.

Until 2002, there was a program at HUD that funded security and safety in public housing communities. A footnote right here: I recently spoke with the inspector of HUD, who informed me that you cannot have good public housing without good security.

However, in 2001, the Bush administration felt that the Public Housing Drug Elimination Program had a limited impact and did not reflect HUD's core mission. When the drug elimination program was consolidated with the public housing operating fund, a grant of $168,000 for securities services was cut just from the West Palm Beach Housing Authority, which overseas Dunbar village.

Mr. Chairman, this incident has demonstrated that the Public Housing Drug Elimination Program had a far-reaching impact in reducing all forms of crime in public housing facilities.

Our amendment sends a message to HUD to the tune of $20 million that the Department has a responsibility and the authority to fund security programs in public housing facilities around this Nation's communities. At this funding level, 10 percent of the $200 million increase in the account could fund security programs in over 100 public housing communities. These functions include employing security personnel, reimbursing local police for additional security services, making physical changes to improve security, funding community policing accreditation activities, as well as training and equipping voluntary tenant patrols.

HUD should recognize this amendment and the despicable incident, like the one that occurred in my district, and others around this Nation as clear indication that they need to do more to improve the safety in their facilities. Unfortunately, it takes violent acts such as the one that I have discussed for us to open our eyes and for Congress to begin reversing funding trends and program adjustments that have left our communities vulnerable.

This amendment does not place an undue burden on the desperately needed increase in the public housing operating fund. While all of the $200 million increase could be used for activities prioritized in this amendment, we rise today to call attention to the need for secure public housing.

Once again, I commend Chairman OLVER and Ranking Member KNOLLENBERG for their work on this legislation and including the $200 million increase in the public housing operating fund. It is our hope that this amendment is a welcome contribution to their work.

I urge my colleagues to support this amendment to begin demanding that incidents like those experienced by the residents of Dunbar Village never occur again.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I want to thank my colleague from Florida for bringing this issue to light.

Mr. Chairman, all of our public housing and section 8 residents deserve to live in a safe environment. We have done our best to ensure that PHAs have adequate resources to address the security issues.

The gentleman from Florida is correct, that there were public housing Drug Elimination Grants, a separate item in the budgets up until the fiscal year 2001 budget. The last time we had that separate program for Drug Elimination Grants, the appropriation for that was around $300 million on a nationwide basis for securing, for employing security personnel and employing local police and other additional security services that were necessary.

At that time, in the fiscal year 2001 budget, the Drug Elimination Grants were combined with the operating fund. Since that time, the housing authorities, the public housing authorities have had the authority to use monies that were in the operating fund for the purposes that had been previously done with the direct Drug Elimination Grants.

So we, as my colleague from Florida has pointed out, we no longer have the direct Drug Elimination Grants, but all of the functions of those grants may be funded at the discretion of the individual public housing authorities under the operating funds or under the capital funds. I support the use of either of those funds for the important functions of safety and security for our public housing residents.

I am happy to work with the gentleman in the future on this issue. I thank the gentleman for bringing the issue to the discussion today and thereby highlighting the problem, which is severe in some cases, but the resources, as we have indicated, as he has indicated, and we have already done, have been added.

We have added $200 million this year above the President's request for the operating fund of the public housing authorities, and that should give them the necessary money to do, where it is needed, as they deem appropriate, as the public housing authorities deem appropriate, the drug elimination activities. I am very pleased that the gentleman has brought the issue to the discussion today.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I just want to say a few words about why the Drug Elimination Grant Program was eliminated back in 2005.

It was terminated in 2005 after numerous reports and investigations revealed that the program had been greatly abused and that funds were being spent for completely inappropriate activities ranging from picnics to conferences. Further, as a competitive grant program, HUD had difficulty receiving qualified applicants, and much of the funds went unspent. In fact, at the time it was terminated, almost 2 years of funds remained unspent.

Instead, the Congress wisely, rather, increased the formula, the operating subsidy program, that has continued to significantly increase that program each and every year. As my colleague's amendment suggests, every activity funded by the former Drug Elimination Grant program is eligible for funding under the operating subsidy program. I think the chairman mentioned that.

This is a better way to achieve the Members' objectives, since these funds are sent to the PHAs by formula, so no competition or plan is required, and because there is certainty of funding.

Most importantly, it leaves it up to the PHA to determine the priorities of use of those funds.

Mr. Chairman, I yield back the balance of the time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

☐ 1130

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) $120,000,000, to remain available until September 30, 2008, of which the Secretary of Housing and Urban Development may use up to $2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA") (25 U.S.C. 4111 et seq.), $626,965,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary of Housing and Urban Development shall apply the formula under section 302 of such Act (25 U.S.C. 4152) with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA (25 U.S.C. 4191 et seq.): *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $148,500 from amounts in the third proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), $8,727,000, to remain available until expended, of which $299,211 shall be for training and technical assistance activities.

AMENDMENT NO. 14 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WESTMORELAND:

Page 74, strike lines 15 through 21.

Mr. WESTMORELAND. Mr. Chairman, this amendment would simply eliminate the $8.7 million for the Native Hawaiian Housing Block Grant program. The 2007 level was $8.7 million, and the President requested $5.9 million for fiscal year 2008. This would simply eliminate it.

These funds, this Native Hawaiian Housing fund, has been funded since 2002. So far there has been over $37 million going to the housing fund.

In the 2000 census, the Native Hawaiians, and there was approximately 750,000 Native Hawaiians, lived in homes on the island of Hawaii, the average medial value was $209,000. The Native Hawaiians that live in Georgia, and there is 2,200 of them by the 2000 census, their median value home was $111,000.

These grants can only go to Native Hawaiians on the islands of Hawaii. I believe that this is probably unconstitutional in the fact that we are doing a set-aside for a racial group, and so I just wanted to point that out.

It is a great opportunity to save some money. It is a great opportunity to look and make sure that we are all treated equally and that the 14th amendment of our Constitution is kept intact.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I rise in opposition to this amendment. The Native Hawaiian Housing Block Grant program is a small program, a small account that makes a big difference in the lives of Native Hawaiians who happen to reside on Hawaiian homeland.

From 2002 through 2005, when the gentleman's party was in the majority, Congress funded in each of those years an average of $9.4 million for this program. We held it to $8.7 million in the 2007 budget, and have frozen it at the same level as the 2007 budget in the recommendation in this budget for the 2008 fiscal year.

So this is not an increase. We are, in fact, holding it steady for a program that has been funded at higher levels earlier when the gentleman's party was in the majority and in substantial majority control of this process.

With the funding in the bill, more than 100 Native Hawaiian families will be provided with the opportunity for home ownership, including counseling, construction, and rental assistance during that process. This is one of the HUD programs. We have programs for Native Alaskans, we have programs for American Indians and so forth that are helpful in providing the hope for home ownership on the part of some of our small minorities in our population. I think it is a goal that we should support, and I strongly support the program and urge a "no" vote on the gentleman's amendment.

Ms. HIRONO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Mr. Chairman, I rise today in strong opposition to the amendment offered by Mr. WESTMORELAND to eliminate funding for the Native Hawaiian Housing Block Grant program.

The Native Hawaiian Housing Block Grant is authorized under title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA). The block grant is used to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on Hawaiian homelands which were established in trust by the United States in 1921 under the Hawaiian Homes Commission Act (HHCA).

Due to a variety of factors, including long-term leases for purposes outside of the HHCA and the lack of funding for infrastructure, only 8,000 individuals currently hold leases, and approximately 19,000 remain on a waiting list, and many of our elderly, our kapuna, have died waiting for the dream of home ownership.

I submit for printing in the RECORD an article from the Honolulu Star Bulletin that introduces these families to us.

[From the Honolulu Star-Bulletin, July 9, 2006.]

HOMESTEAD AWARDS END LONG WAIT FOR LUCKY FEW—ONE HAWAIIAN HOMESTEAD IS AWARDED TO A WOMAN 57 YEARS AFTER HER FATHER APPLIED.

(By Alexandre Da Silva with Leila Fujimori)

The line for a homestead was so long for Aloysius Lincoln that he never saw the end of it.

But yesterday, 57 years after the former Honolulu Gas Co. employee applied for a lease, his daughter claimed the lease awarded for the second phase of a Department of Hawaiian Home Lands project in Kapolei.

"Unfortunately, he died two years ago. He was 87," said Frances Segundo, 60, who was a baby when her father signed up for the program. "However, his legacy goes on, because this award is for our ohana, our family."

About 2,000 people showed up yesterday morning at the Neal S. Blaisdell Center Exhibition Hall, where the Department of Hawaiian Home Lands awarded 250 lots in Phase 2 and Phase 3 of in their Kaupe'a project in Kapolei.

The 52-acre subdivision has 326 lots, 76 of which were awarded in November 2005.

Segundo, a clerk at Maui Community College, said her cousin, Naira Martin, would live in the four-bedroom, three-bathroom house with her daughter, but there would always be room for another relative.

"I'm free from the rent, which is going to be over with," said Martin, 56. The $2,000 she pays each month for rent will now go toward her mortgage. "When the whole family comes from the mainland, Louisiana, they will stay with me. It's a very good feeling."

Gov. Linda Lingle, who was present for yesterday's selection meeting, said the latest awards would help the state's shortage of affordable rentals as new homeowners are able to free up rental homes and apartments.

"Those units now become available for the general public," Lingle said. "It is better for the entire community."

Yesterday's crowd was a fraction of the nearly 20,000 native Hawaiians currently on the homestead waiting list, about half of which are on Oahu, said Lloyd Yonenaka, a spokesman for the Hawaiian Home Lands Department.

Even though more than 1,200 leases have been given out since 2003, the department's waiting list keeps growing, at a pace of about 100 people a month, Yonenaka said.

To qualify, applicants must have at least 50 percent Hawaiian blood and be pre-approved to afford one of the five Kaupe'a models, which range between $238,600 and $296,100 in lots averaging 5,000 square feet. The lease rent for the land under their homes is $1 per year.

The first phase of the Kaupe'a project is expected to be completed by the end of the year, while Phase 2 and Phase 3 should be done in the first and second quarters of 2007, according to the department.

As she signed documents for her new lease yesterday, Vivian Perreira, 71, said she would vacate her Maili home in Waianae—where she lives with husband, Alfred, her son and his two children—sometime next year. Perreira said her youngest son, 47-year-old Prince, a refuse truck driver for Rolloffs Hawaii Inc., had to co-sign her application because her Social Security earnings weren't enough for a loan.

After waiting 48 years for her name to be called, Perreira, now in a wheelchair, will lease a four-bedroom home on a corner lot in Kapolei.

"I signed up when I was 23," she said. "I almost gave up, but I left my name on for so long."

The federal government set up the Hawaiian Homes Commission Act in 1921, eventually reserving 200,000 acres statewide to benefit native Hawaiians. But development of land to provide homes has been slow, and many families have been on the waiting list for decades.

Last month the state Supreme Court ruled that 2,700 native Hawaiians can seek monetary damages in a lawsuit against the state for its alleged mismanagement of the Hawaiian Home Lands program.

Not everyone who came yesterday had a happy story to share. Homes went to 250 families, but 750 people qualified for lots, which are awarded on the basis of seniority. People who have qualified and waited the longest are the next in line for a home.

Lee Kogler, 54, who has been researching her genealogy for more than 20 years, had to leave without a lease after arriving at 7 a.m. with her husband, daughter, grandson and two sons.

Kogler turned in her paperwork in 1991. But after marrying and moving to New York, Kogler's application was returned, with the department saying she needed to show the Hawaiian lineage on her father's side. Finally, in 1994, Kogler combed through the bound volumes of records at the state Archives, where she found a Census Bureau report listing her grandmother, Hannah Kaulia, at age 19, living in the house of her father, Samuel, a master carpenter.

Kogler, who is number 7,954 on the wait list for Oahu, said she would never quit trying for a lease.

"It's not a sad day," Kogler said, citing plans by the department to award another 300 lots in Kapolei in October. "I'm still with hope. I've waited a long time for this, and I'm not going to give up."

Aloysius Lincoln first applied for Hawaiian Home Lands in 1949. In 2006, a wait of 57 years, his daughter, Frances Segundo, claimed the lease awarded for the second phase of a Department of Hawaiian Home Lands project on the Island of Oahu. Frances claimed the lease because her father had, unfortunately, passed away 2 years before. Frances herself, now 60 years old, was a baby when her father first signed up for the program. Frances stated that "[her father's] legacy goes on because this award is for our ohana, our family."

That is something I would like this body to remember: That this is not just money we are talking about today. We are talking about the opportunity for families to live the American dream of home ownership, and Native Hawaiian families are among those with the greatest need. A study conducted in 1996 by the Urban Institute, the National Commission on the American Indian, Alaska Native, and Native Hawaiian Housing, and the State Department of Hawaiian Home Lands, found that nearly half of Hawaiian households and 67 percent of those on waiting lists for Hawaiian Homes Lands experienced housing problems related to affordability, overcrowding, or structural inadequacy. That compares with 44 percent of American Indians and Alaska Natives living on tribal lands, and 27 percent of all U.S. households.

In 1992, 49 percent of Hawaiian Home Lands applicants lived in overcrowded conditions compared with 37 percent of all Hawaiian households, and 21 percent of non-Hawaiian households. Twenty-eight percent of Hawaiian households put more than 30 percent of income toward housing compared with 22 percent for non-Hawaiians. The rate of homelessness among Hawaiians at 12.2 households per 1,000 is double that of non-Hawaiians.

In 1982, the U.S. Secretary of the Interior and the Governor of the State of Hawaii established a Federal-State task force to renew HHCA and the programs carried under that act. The Federal-State task force issued a report in 1983 with specific recommendations, including one that the State and Federal Government should each make contributions of $29 million per year to accelerate the program.

For the first time in 2000, Federal funding was made available when housing assistance for Native Hawaiians was added to NAHASDA through the Native Hawaiian Block Grant. This amendment follows what I sense is a developing pattern of challenges to programs benefiting Native American, Alaska Native, and Native Hawaiian people.

The earlier failed challenge to the previously uncontroversial Native Hawaiian Housing Act earlier this year was the first apparent salvo against Native American programs. The attempt to strike funds in the Labor and Education appropriations bill for the Alaska Native, Native Hawaiian-Serving Institutions, and the Higher Education Act raises the concerns that all programs benefiting Native Americans will be subjected to attack by certain groups.

The same arguments of constitutionality of these programs benefiting Native Americans have been raised and rejected by this body time and again. This is not race-based discrimination. The relationship between the United States and Native Americans is based on a political relationship, as Supreme Court decisions have consistently held.

Like other indigenous peoples, such as Native Americans and Alaska Natives, Native Hawaiians have a special trust relationship with the United States. It has been well settled that Congress has clear plenary power to fulfill its obligations to indigenous people who once had sovereign governing entities before the establishment of the United States, and whose lands are currently within the borders of the United States. Like Native Americans and Alaska Natives, Native Hawaiians suffered the loss of their sovereignty and lands to the United States.

I could go on, Mr. Chairman, but for these and many other reasons, I strongly urge my colleagues to vote against this amendment.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, apparently we are going to have to come to the floor over and over on this. I would appreciate it if the gentleman from the Eighth District of Georgia representing the people in Grantville, who I presume have more courtesy than the gentleman from that district has, could let us know besides the smirk on his face when he intends to come and attack someone else in another district. I don't know how you were raised; I know how I was raised.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind the gentleman to address his remarks to the Chair.

Mr. ABERCROMBIE. I am confining my remarks to the Chair, because if I was saying it directly to the gentleman, he would know it a lot more physically.

Now, the way I was raised, when you have something to say to somebody, you come and say it to their face. Now, if the gentleman would like to accompany me sometime out to Hawaii, I will introduce him to some of these folks that he is attacking today.

This act was established by the Congress, and every single dollar and every single item associated with that has been set forth by the Congress over time. The President of the United States, Republican or Democrat, including this President, has put these funds in the budget in order to meet the obligations of the contract.

Again, Mr. Chairman, I am not familiar with how the gentleman from the Eighth District of Georgia handles contracts, but we honor them where I come from.

There is 200,000 acres set aside, and the original legislation states as follows, section 1065-569, I commend to the gentleman's attention: "Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship."

The Admissions Act that brought us into the Union as the 50th State says specifically that, with regard to these lands, the Hawaiian Homes Lands, that they are to be administered by the State of Hawaii and the United States "for the betterment of the conditions of Native Hawaiians as defined under the Hawaiian Homes Commission Act of 1920." And it goes on from there to cite what is involved.

Now, the block grant program provides funds for infrastructure to help Native Hawaiians obtain mortgages on lands set aside for them from Congress. Because of the conditions set out by the Congress, ordinary financing is not available to them. This is why we have to do it. If the gentleman had had the courtesy to sit down for 2 minutes with us, we could have explained what this was about.

A decision has to be made here. Of course we have to come and defend our programs. Everybody does. I am quite content to do that.

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But this is the first time ever in my experience, my legislative experience of more than 33 years, that this kind of thing has taken place.

Now, I know you folks over there. I'm looking at friends of mine right here. You would never have, me or Ms. HIRONO would never do this kind of thing to you. If you have a disagreement about it, come and see us. Let's sit down and talk about it. And if you still disagree with what we're doing and why we're doing it, by all means bring it to our attention on the floor. But these kinds of attacks are unworthy of this House. It's unworthy of us to have relationships with one another like this. I don't understand it. I've never experienced it before.

Now, we can do this in 5-minute segments if we want to, but that's not the way to handle this. I appeal to you, if this is going to be a continuing onslaught, let's sit down and talk it over.

This legislation, the Department of Hawaiian Homelands is one of the most effective housing efforts that we have in order to try and meet the conditions that were set forth by the Congress and administered faithfully by the State of Hawaii since our entrance to the Union in 1959.

The House supported reauthorization of this program; 272 Members, including 45 Republicans, voted for it. It is not a partisan issue.

And I'll finish with this, Mr. Chairman. The Republican Governor and the Republican Members of the House of Representatives and the Senate in Hawaii, as well as the Democrats, support this program. It is not a partisan issue.

And so I ask, out of courtesy for Members, that if we're going to have a discussion about this, at least let's have it on the merits of what the issue is before us. And if we're going to do this kind of thing, at least have the courtesy, the common courtesy that should be extended to any Member of House, to let us know that it's happening so perhaps, Mr. Chairman, we could resolve the issue beforehand.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WELDON of Florida. I'm happy to yield to the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, I missed in the rule book where you needed to call any Member or anything to discuss an amendment that you might have, and I apologize for not reading that chapter in the rule book.

And, Mr. Chairman, I think I was raised very appropriately from a family that had to watch their money. My father worked two jobs. He was an Atlanta firefighter, and he worked shifts. In one week he'd be gone, work at the fire department during the day and then he'd be home at night. And then the next week he worked surveying during the day and the fire station at night, so we didn't see him for a week at a time. And he would watch every dollar that he had, and I think he did a great job in raising me and my sister and providing for our family.

He never really asked for anything from the government, and so I guess that I'm very careful about some of the ways that we spend our money, and especially when it is on a program that I look at as a set-aside program. And whether the gentleman from Hawaii or the lady from Hawaii look at it as a set-aside or not, I don't know. That's their right. And I understand that they may know some things that I don't know. And I can just look at this as a Member of Congress and look at see what the Congresses have done in the past.

And for some reason, Mr. Chairman, the tendency for the majority party now is to tell me and other Members that stand up here and try to look after the taxpayers' dollars what the Republicans did. I don't care what the Republicans did. What they did, what other people did in the past doesn't make what we're doing today right or wrong.

And so all I'm doing is bringing up the point that this is a set-aside for somebody, for a group of people that are not Native Americans. They're not an Indian tribe. This is a race group, and that's as simple as it is.

Now, we can argue all the points that we want to argue, and the learned gentleman from Hawaii is a very smart guy. I know he's probably a doctor in sociology. And he can come down here and talk negatively about me if he wants to. That's his prerogative.

But I was asking a learned defense attorney one day, I said, you know, what does it feel like to have a client that you're trying to defend, and all the information and the facts are against you?

He said, you know what, you just have to really get up and talk as loud as you can and really be as mad as you can and really talk about anything other than the facts. And I know I've seen that on a couple of occasions here from different people.

And so all I'm asking is that we have a chance, in this House, to vote on this amendment. And I think it's fair that we vote on this amendment; that we vote on this amendment to try to decide if we want to give another $8.7 million, and regardless of what they've gotten from the Republican Congress since 2002, that we could start anew. And so I think it's worthwhile that we can offer an amendment that we can have a vote on trying to take a special set-aside for a racial group to have something different than the rest of the people in this country have.

Mr. WELDON of Florida. I yield back, Mr. Chairman.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. SHAYS. First off, I've been listening to this debate, and I felt, candidly, that it was getting a little personal and I'm uncomfortable with that. But I'm also now uncomfortable with what was described.

I believe, and I want to be on record, since I was on this floor, that Eskimos and Native Hawaiians are a group of people no different from American Indians. They were there before we got there. And that's the way I view it.

And I think that we need to look at how we provide funding for all Native Americans, Native Eskimos, and Native Hawaiians. But I don't see their difference. I see them all collectively the same.

I oppose this amendment. I will be voting against it. But I certainly understand the right of my colleague from Georgia to introduce an amendment. And I certainly agree, though, that it should be opposed.

I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), $7,450,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $367,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $247,500 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $34,650 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2010: *Provided*, That the Secretary of Housing and Urban Development shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and $1,485,000 shall be transferred to the Working Capital Fund.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $16,830,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits, and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,180,000,000, to remain available until September 30, 2010, unless otherwise specified: *Provided*, That of the amount provided, $3,929,300,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974 (the "Act") (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $1,584,000 shall be transferred to the Working Capital Fund:

Provided further, That $62,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 205 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $160,000,000 shall be available for grants for the Economic Development Initiative to finance a variety of targeted economic investments: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $20,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 194 by striking "for costs associated with replacing the roof on the historic Luckey, Platt Building" and inserting "for building stabilization measures at the historic Hoffman House".

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 846 by striking "Mahonoy City, Pennsylvania for improvements to West Market Street" and inserting "Mahanoy City, Pennsylvania for improvements to Centre Street".

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 250 by striking "for renovation and construction of a resource center" and inserting "for construction of a homeless shelter".

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 713 by striking "for construction of a senior center" and inserting "renovation and expansion of facilities".

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 844 by striking "Liverpool Township" and inserting "Liverpool Borough".

The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 36 by striking "respite care facility" and inserting "rehabilitative care facility for the developmentally disabled".

The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 608 by striking "construct" and inserting "purchase and make improvements to facilities for".

The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 521 by striking "Missouri" and inserting "Metropolitan Statistical Area".

AMENDMENT NO. 5 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. CORRINE BROWN of Florida:

Page 80, after line 22, insert the following:

The referenced statement of managers under this heading in title II of Public Law 107–73 is deemed to be amended with respect to the item relating to the City of Maitland, Florida, by striking "for a senior citizens center" and inserting "for the Minihaha Park development".

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Ms. CORRINE BROWN of Florida. Mr. Chairman, this amendment simply reprograms funds for a project that was included in the 2002 VA–HUD appropriation bill to another project in the same city.

The city of Maitland, Florida, which is located in the southern portion of my district, had money allocated to them for the construction of a community center. Unfortunately, the project was completed before funds were distributed by the Department of Housing and Urban Development, and they are now unable to use this money.

The city of Maitland, the recipient of the funds, has requested that the funds be redirected to another EDI project that involves the redevelopment of a public park that includes the creation of age-specific exercise courses and walking and bike paths.

The money promised to Maitland is still available at the Department of Housing and Urban Development and will have no financial impact on this year's bill. The community center is fully completed, making funds earmarked for this project useless to the city.

Every Member knows this type of Federal funding is crucial to a small city like Maitland, and I would hate to see funds meant for my district go unspent because we could not, HUD, get their act together and make this change.

I would ask the chairman to work with me as this bill moves forward to try to help the city of Maitland solve this problem.

Mr. Chairman, I'm going to withdraw this amendment, but I'm hoping that as we move forward, you will work to help rectify this problem that was created by the Department of HUD and this administration.

I yield to the gentleman from Massachusetts.

Mr. OLVER. I would be very pleased if you would withdraw this, and then I will work with you as best we can to try to resolve this problem in an expeditious and favorable way, if it is at all possible to do as we go forward in this process.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $2,970,000, to remain available until September 30, 2009, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $137,500,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $743,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)), for Brownfields redevelopment projects, $9,900,000, to remain available until September 30, 2009.

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AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAYS:

Page 81, line 24, after the dollar amount, insert "(increased by $1,000,000)".

Page 97, line 11, after the first dollar amount, insert "(reduced by $1,000,000)".

Mr. SHAYS. Mr. Chairman, I am offering an amendment today to increase the brownfields program funded at HUD by $1 million. This funding will be taken from the Department's general salaries and expenses.

I believe the brownfields program is one of the most successful programs the Federal Government has to help revitalize urban areas. These sites, typically in the heart of urban areas, lie idle because no one wants to incur the large costs associated with Superfund cleanups and the uncertainty of whether, in fact, it is a Superfund. As a result, cities are marked by abandoned buildings and vacant lots while developers construct new buildings on what was previously open space in the suburbs.

Though small, these grants serve as seed money, enabling dozens of communities to leverage millions of State and private dollars to move into the actual cleanup phase. This funding should encourage more environmental cleanup and bring about economic development of brownfield sites. By reusing brownfield sites, we are not only rebuilding blighted communities, but also targeting development in city centers and avoiding unnecessary urbanization on fringes of metropolitan areas.

Mr. Chairman, a brownfield is an abandoned, idle, or unused property where expansion of redevelopment is complicated by the presence or potential presence of contaminations. Brownfields redevelopment can benefit both private investors and the communities in which they are located. For the private sector, brownfields redevelopment can mean new business opportunities, the potential for profit on unused or underutilized properties, improve community environmental stewardship, and access to untapped urban markets.

The retail purchasing power of a central-city resident is conservatively estimated at $665 billion. Even households in those economically distressed urban neighborhoods possess $85 billion in annual retail purchasing power. Brownfields redevelopment is critical to tapping into these consumer markets.

Cities encounter many impediments to developing brownfields: the lack of necessary funding for cleanup, concerns over liability, the need for environmental assessments of properties, uncertainty over cleanup standards, unfavorable neighborhood and market conditions, land assembly issues, reluctance to invest in distressed communities due to concerns with urban social and economic conditions.

The bottom line for me is the most successful program that we have encountered in this Congress to deal with urban areas is the brownfields program. Whether it comes from EPA or whether it comes from HUD, we need to do everything we can, in my judgment, to clean up these sites and make them productive, and thereby in the end saving our greenfield sites that should stay undeveloped.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I am hopeful that the gentleman will withdraw his amendment here, and I would be happy to work with him because in substantial measure I support the intent of the amendment, but I have concerns about the offset, even though it is a relatively small offset. But I do want to use this time to point out what has happened here on the brownfields program.

The President, in the 2007 budget process, ended up recommending that we zero out this program in the 2007 budget, and he actually recommended rescinding the 2006 moneys, which were exactly the same amount of money that has been put in the 2007 finally and had been put in the 2006 budget. And under those circumstances, when they are making recommendations to rescind, their approach is not to give out any grants under the program until after the budget process for the following year is complete, and, therefore, those moneys just don't get put out until very late. There is a real big gap in it. That is what has happened previously.

This year the President did not propose to rescind the 2007 budget moneys for the simple reason that the 2007 budget moneys were not settled in this until the CR was adopted after the budget was submitted. If that had been done prior to when the budget was submitted, my guess is that the President would have proposed rescinding the 2007 moneys as well as zeroing out the 2008 moneys, which is what has happened in his recommendations for this year's bill.

So we are in this game, in a situation where the people over at OMB believe, I believe wrongly, but they seem to insist that there is someplace else in the budget, namely under EPA, where brownfields redevelopment is going to get done. That doesn't happen. The moneys that are in for brownfields under EPA are for assessments, and we have been doing assessments, and I believe that this should be funded. So in the face of what I have described, we have for the last couple of years continued to appropriate, but at the constant value of $9.9 million for this program, to keep it there until such time as we have someone who understands that that kind of program isn't being done anywhere else and is willing to move the moneys along, which the administration, as I have described, simply is not willing to do. So that is the situation that we are in.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I won't ask for a rollcall vote on this amendment, which may amount to the same thing as withdrawing this amendment, but could I have a dialogue with this gentleman?

Mr. OLVER. I have yielded.

Mr. SHAYS. What I am hearing is that you are not saying that these dollars are now going to be in EPA. You are saying basically what is in EPA are for assessments, but not to help developers come in and start to clean up. And what I am hearing you say is that these dollars, therefore, are just being maintained at a constant amount, and that this administration is choosing not to allocate them and spend them.

Is that what I am hearing from you?

Mr. OLVER. I am saying that they finally put the grant proposals out for award, but a year late essentially, and each time only after it is clear, for instance, the 2007 moneys will finally be sent out for grant announcements at the very end of this fiscal year when it is clear that we have not rescinded the 2007 moneys.

Mr. SHAYS. Could I ask the gentleman another question?

Mr. OLVER. Yes.

Mr. SHAYS. The $10 million that is in here, which is a smaller amount than the 25 million that used to be there a few years ago, it will be available if we can convince the Secretary of HUD to allocate these dollars to communities; is that correct?

Mr. OLVER. Repeat it, please.

Mr. SHAYS. There is money for brownfields in this legislation. I am just adding 10 percent more. But let's take my amendment out of the equation and at least have this dialogue about brownfields for my edification and for the RECORD. Is it your point that you are appropriating this $10 million in this budget that you have, but that you do not anticipate it will be spent?

Mr. OLVER. It will not be spent probably until the very end of the 2008 fiscal year, is when finally the RFPs will go out for possible granting.

The Acting CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. SHAYS, and by unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. SHAYS. Mr. Chairman, if the gentleman will continue to yield, could I just ask is there any legal impediment if we in Congress are able to convince HUD to spend the money? This is not a trick question. This is an edification question. Is there any legal impediment to the administration's spending the $10 million that you have allocated?

Mr. OLVER. No, there is none. There is none. But the offset that the gentleman has used is salaries and expenses, salaries and expenses is an account which, in the tightness of this budget, in trying to do for section 8 and CDBG and the other places, we have already cut a bit, not a great deal, but a bit, and I oppose, as I said before, in good conscience, the movement of salaries and expense moneys into this where we know that it is not going to be spent with any alacrity and any expedition.

Mr. SHAYS. I thank the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Connecticut (Mr. SHAYS).

The amendment was rejected.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.), $1,757,250,000, to remain available until September 30, 2010, of which $990,000 shall be transferred to the Working Capital Fund: *Provided*, That up to $9,900,000 shall be available for technical assistance: *Provided further*, That of the total amount provided in this paragraph, up to $41,580,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x).

AMENDMENT NO. 2 OFFERED BY MR. TURNER

Mr. TURNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TURNER:

Page 82, line 6, after the dollar amount, insert "(increased by $6,760,000)".

Page 82, line 11, after the dollar amount, insert "(increased by $6,760,000)".

Page 100, line 5, after the first dollar amount, insert "(reduced by $6,760,000)".

Mr. TURNER. Mr. Chairman, my amendment, coauthored by Representative BIGGERT of Illinois and Mr. GILLMOR of Ohio, seeks to help families who are potential victims of lending practices that could lead to foreclosure. The amendment increases the amount of funds available for housing counseling under section 106 of the Housing and Urban Development Act of 1968.

The amendment would increase the program's funding by $6.7 million. The increase is offset by reducing the Office of Inspector General account by $6.7 million. The CBO has scored this amendment as budget-neutral.

Funding for housing counseling has increased by only $2 million since fiscal year 2003.

Mr. Chairman, as a former mayor of the city of Dayton, Ohio, I have seen directly the detrimental impact that predatory lending and the practice of unwarranted subprime loans have had on urban families and communities. In 2001, the University of Dayton released a study of how mortgage foreclosures were affecting urban areas in Ohio. My community of Dayton had 1 foreclosure for every 43 households. Similar findings were seen in Cleveland, Akron, Columbus, and Cincinnati.

The problem of home foreclosures isn't limited to Ohio and the Midwest. According to a June 12, 2007, Bloomberg article, national home foreclosure rates in May soared 90 percent from last year. Many of these are tied to the subprime loan industry.

Many foreclosed homes sit vacant and boarded up for long periods of time. These properties go beyond just being an eyesore and become a threat to public health and safety. These properties are a blight to our neighborhoods and result in falling property values and increased crime, lead to an eroded tax base, and impair a city's ability to provide important services to families.

Beyond the individual impact these practices have on our neighborhoods, the subprime foreclosure crisis is resulting in the loss of capital in the financial market, a market that, if not righted, could threaten our growing robust economy.

Today we are seeing headlines from all across the country showing the growing concerns of financial markets regarding predatory and subprime lending practices that have resulted in a record number of foreclosures.

Recently, members of the Ohio delegation, led by Representatives GILLMOR, PRYCE, LATOURETTE, and Senator BROWN, held a forum on the predatory lending crisis in Ohio. At this forum we heard from a variety of groups, from banks to fair housing groups. All of these groups shared a mutual concern over the issue of predatory and subprime lending, and many agreed that an increased focus on housing counseling was a key component to fighting this problem.

It is my hope that increased funding possible through this amendment will allow housing counseling agencies the ability to provide vital counseling services to families in need. These services will give families the assistance they need to protect themselves from practices and circumstances that could lead to foreclosure.

Mr. Chairman, I believe that homeownership is a privilege that everyone should enjoy. We must give all American families the tools they need to be successful homeowners.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I would ask the gentleman if he would withdraw his amendment, and I would be happy to work with him, as I am sure the ranking member would as well, though I would lead him to comment, to work with him in conference to address this issue.

☐ 1215

Otherwise, I rise in reluctant opposition to the gentleman's amendment.

I believe the need, as he has indicated, for housing counseling is strong. But what his offset does in this instance is to take the funding for the Inspector General for HUD back to the level of the budget request for the year 2007, where we had increased in the supplemental budget the appropriation for the IG to $88.2 million, in the supplemental budget had been added to the IG to do its work, and have recommended in this bill a less than 2 percent increase. So that, compared with the 2007 appropriation for the IG, the amendment would represent a 5 or 6 percent decrease in the amount of funding available for the IG.

We simply are not in a position to be able to increase this account because of the deep holes that the President handed to us in the HUD budget. We froze the account at the FY07 level, with the supplemental amount there, which is the best that we could do without harming other HUD programs.

Now, taking the funding from the Inspector General to increase this account is counterproductive to the gentleman's amendment. Should we reduce the oversight in order to increase the housing counseling? They're both vital programs. We feel that we have struck the correct balance here for this pair of needs.

I commend the gentleman's passion on the issue, and I would be happy to work with him in the future on the issue related to housing counseling. And I do recognize that we are likely to have some, in the secondary lending market, problems later this year, continuing problems, as we have been having, but I would urge the gentleman to withdraw the amendment at this time and we would try to work it out in conference.

Mr. TURNER. Will the gentleman yield?

Mr. OLVER. I would be happy to yield.

Mr. TURNER. Mr. Chairman, I appreciate your commitment to look to work on this issue; however, the housing crisis is enormous. It is impacting a number of families and neighborhoods throughout the country. We're seeing the impacts are grave.

I would like to work with you on where, perhaps, an offset would be acceptable. But at this time we would like the House to be on record in support of this increased funding, so I would desire not to withdraw the amendment. But I appreciate your support of the increased funding and will look forward to working with you.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, I rise in support of the Turner-Biggert-Gillmor amendment to increase funding for HUD-approved housing counseling services by $6.76 million, bringing the HUD total housing counseling budget to $48.34 million for fiscal year 2008.

As the ranking member of the Financial Services Housing and Community Opportunity Subcommittee, I want to thank my colleagues from Ohio for their work on this amendment, which is a modest increase in funding that could prevent millions of Americans from losing their homes.

I've spent many an hour this year listening to witness after witness testify before our subcommittee and the Financial Services Committee about the current home foreclosure spike. According to data released by the Mortgage Bankers Association, while our country will continue to enjoy record homeownership rates, foreclosures are on the rise and we should expect another 1 million Americans to lose their homes this year. These mortgage foreclosure rates raise eyebrows and call into question what actions can be taken to help homeowners keep their homes. I would like to emphasize the word "action."

Almost 2 weeks ago this body passed, by a vote of 411–7, House Resolution 526 sponsored by the gentleman from Maryland (Mr. CUMMINGS). This resolution called on this body to take action to support home ownership and responsible lending. The resolution directed us to increase opportunities for loan counseling. So what can Congress do to meet this directive today? What is it we should be doing right now to ensure that 650,000 homeowners and those who may follow can keep their homes? One step in the right direction is to support the Turner amendment to increase funding and, therefore, opportunities for housing counseling.

It is crucial to promote financial literacy and educate our youth and adults. This is the most direct way of ensuring that consumers understand the terms of their loans so that they may avoid predatory loans and foreclosure altogether.

I'm pleased that on June 25, NeighborWorks America and the Ad Council launched a national ad campaign aimed at preventing home foreclosures. Homeowners in trouble can try to save their homes by calling a hotline, 888–995–HOPE, a number provided by the Homeownership Preservation Foundation.

In addition, we have about 2,300 HUD-certified housing counseling agencies across the country. Americans should know that they can visit HUD's Web site or call 800–569–4287 to find a HUD-certified counselor in their neighborhood. HUD-certified counselors can give straightforward and free or low-cost advice to potential or existing homeowners about buying a home, refinancing a mortgage or preventing foreclosure.

The Turner amendment is one way that we can enhance the ability of our local HUD-certified housing counselors to help our constituents avoid foreclosure and keep their piece of the American Dream. But I think this amendment is good for the economy, good for American homeowners, and I think it's crucial that we act upon it now, where so many people are in these dire straights.

I know that there are groups that are in support of this, and one that comes to mind that we just received a letter from is Acorn. So I would urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I rise in support of this funding for housing counseling.

I know, Mr. Chairman, you have a view about hoping to see him withdraw, but there is an urgency involved here. This amendment recognizes the harsh realities that in many places across the country families face delinquencies in mortgage payments. And they're on a rapid rise. Michigan is one of those States as well. This modest amendment would add funds to professional counselors to help families keep their homes and perhaps help them avoid high-risk loans to begin with.

The program has been a proven success. Michigan, like Ohio, has been experiencing a rise in delinquent loans. This increase could make a huge difference for so many families who are facing a mortgage crisis.

The Inspector General has received significant increases since Katrina to ensure that it can monitor the use of funds in the reconstruction. Therefore, I do not believe the reduction will in any way impact the IG's ability to do its job, and could greatly improve the lives of many families facing a financial crisis.

I do support the amendment, and I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. GILLMOR. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. GILLMOR. Mr. Chairman, I will enter my statement in the RECORD, and I am going to be very brief.

I rise in support of the amendment. I want to commend the gentleman, Mr. TURNER, for taking leadership on this amendment. He has a record of being very active, when he was mayor of Dayton, trying to deal with the problems of predatory lending. And I want to commend Mrs. BIGGERT for her work on this, as well as her work on financial literacy.

Ohio, unfortunately, has been one of the leaders in foreclosures. And I want to point out one of the things that we found about foreclosures nationally and also in the Midwest, most of those foreclosures have not come as a result of loans by federally regulated banks and savings and loans. They have come from those lenders and mortgage brokers who are not regulated by the Federal Government but by the States, who have not done their job.

I called together a conference, I guess about six weeks ago, of Ohio financial institutions, of regulators, of community groups, to talk about the foreclosure crisis and what effectively could be done. And I was surprised that the consensus that came out of that meeting of all those groups was that the single most important thing you could do would be to provide for housing counseling. And the people who did have counseling had a very low foreclosure rate. And all this bill would do would be to provide a modest increase in counseling. We will get a tremendous benefit and a decrease in foreclosures as a result of it.

I think this amendment presents a choice. You have two agencies, and you have a choice between them. You've got the Inspector General and the Housing Counseling Program. Which one are you going to fund level to last year and which one are you going to increase? And I would say to you, if you look at what's going on in the housing market, it is pretty clear that if there is to be a priority between those two, it ought to be to put more money into counseling so that you can save people and their homes.

I also point out that the Senate has already passed language that goes much further than ours. So I would ask for support of the Turner-Biggert-Gillmor amendment.

Today I rise in strong support of the Turner-Biggert-Gillmor amendment. Not a day goes by that we do not see reports of another facet of the growing turmoil in our housing markets. For far too long, Ohioans and others have been subject to predatory lenders, loose underwriting standards and too few housing counseling opportunities. My colleagues Mr. TURNER, Ms. BIGGERT and many others have explored these issues for years and have worked tirelessly to find solutions to the problem of foreclosure. Mr. TURNER was active in efforts to prevent predatory lending as the mayor of Dayton. My colleague Ranking Member BIGGERT has been a leader in efforts to promote financial literacy. Housing counseling is a critical element to helping Americans stay in their home. During a recent summit I put together on Ohio's foreclosure crisis, regulators, lenders and housing advocates from Ohio alike presented an opinion that a significant number of homeowners were not able to tell you whether they had a fixed-rate or an adjustable-rate mortgage. Today, too many find out the hard way when their loan resets. It is expected that some $600 billion in subprime loans will reset in the next 18 months and the fallout could be devastating to many of our constituents.

The consensus of all those attending was that the most important single thing we could do to prevent foreclosure was to provide counseling before people actually entered into a mortgage. Housing counseling will not be a silver bullet, nor will it prevent someone currently in the foreclosure process from losing their home. That being said, there is a clear need for additional federal resources in this area and would hope my colleagues will support this small increase.

Legislation I recently introduced with Representatives BACHUS, PRYCE and others would authorize some $100 million per year in housing counseling, a more than doubling of FY2007 enacted levels. The Senator has proposed a comparable increase. While I hope this stand-alone legislation is quickly adopted by the House, this amendment assures that moving forward, Congress is in favor of additional resources for housing counseling.

I urge my colleagues to accept this modest increase in funding so that our constituents can keep their homes once they realize the American dream of homeownership.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I asked for time simply to have a discussion with Mr. TURNER, if I might, regarding his amendment.

Mr. TURNER, in ancient history I had the privilege of chairing this subcommittee, and during those early years I was very, very concerned with what was happening within the total housing programming, what happens to the money as it flows to communities, et cetera. The focus then was upon section 8 housing. I will never forget my trip to New Orleans to try to see what was happening with money we sent there over a lot of years to the Housing Authority. I met with the Inspector General in the offices of the FBI to discuss what I had seen and some of my concerns. The FBI guy who was there listening to our conversation was heard to say, Congressman, if you really want to get a handle on this, I would suggest that one of the things that you might do is put enough money into the Inspector General's office so you can have a full-time inspector general here in New Orleans, for this fellow flew in from Houston to talk with you today.

I heard a while ago that there had been added monies to the Inspector General's office since Katrina. I have no idea what that means in terms of the real volume, et cetera, but I do perceive that there is an ongoing problem across the country.

So this discussion, or my reason to talk with you, is I admire very much what you're about. I would hope also, as you go about it, that you work very closely with the chairman and ranking member about finding another source of money. The issue is a very important one, but I'm not certain just how well off the Inspector General is.

I yield to the gentleman.

Mr. TURNER. I certainly appreciate your description of the needs for the Inspector General. And I support, of course, the chairman's description of searching for additional offsets for this in order to find additional monies for housing counseling. And in that, I'm certain that after the amendment passes the House, that there would be a great deal of effort by the chairman in conference to seek, perhaps, an additional offset where the Inspector General amount could be restored.

But as you have heard from so many of the Members that are here, this is an issue that strikes at the very heart of the fabric of our neighborhoods and our families. I have so many families who have come to me to tell me the stories of what they have experienced. There are nonprofit organizations in my community who are every day working with families who have faced this issue of foreclosure, and they want to know that we support the services that are being provided to them and that might be available to them.

Mr. LEWIS of California. Reclaiming my time, let me say that it is my intention to support the gentleman's amendment. I would urge the chairman to consider doing the same as we search for an offset somewhere else. But in the meantime, the issue is a critical issue. It is spreading across the country like wildfire. We are going to see an awful lot more of this challenge, not less of this. So I appreciate the gentleman's effort.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

□ 1230

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. WEINER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OLVER. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3074 in the Committee of the Whole pursuant to House Resolution 558, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. CROWLEY regarding a study to determine staffing needs for air traffic controllers;

An amendment by Mr. AL GREEN of Texas regarding funding for the Fair Housing Initiatives Program;

An amendment by Ms. SLAUGHTER, Ms. VELÁZQUEZ, or Mr. TERRY regarding funding for lead hazard reduction grants;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding an annual study of FHA single-family housing mortgage insurance programs;

An amendment by Mr. GARY MILLER of California regarding the authorization for additional Moving to Work Demonstration agreements;

An amendment by Mr. BLUNT regarding Corporate Average Fuel Economy standards;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. DEFAZIO, or Mr. HUNTER, or Mrs. BOYDA of Kansas prohibiting use of funds for certain cross-border motor carrier demonstration projects;

An amendment by Mr. FLAKE limiting funds for the National Mule and Packers Museum in Woodlake, California;

An amendment by Mr. FLAKE limiting funds for the Los Angeles Fashion District in Los Angeles, California;

An amendment by Mr. FLAKE limiting funds for the Bel Alton High School Alumni Association Community Development Corporation in Maryland;

An amendment by Mr. FLAKE limiting funds for the Hunting and Fishing Museum of Pennsylvania;

An amendment by Mr. FLAKE limiting funds for the Houston Zoo in Texas;

An amendment by Mr. FLAKE limiting funds for the Walter Clore Wine and Culinary Center in Washington;

An amendment by Mr. FLAKE limiting funds for the Belmont Complex in Armstrong County, Pennsylvania;

An amendment by Mr. FLAKE limiting funds for the North Central Wisconsin Regional Planning Commission in Wausau, Wisconsin;

An amendment by Mr. FLAKE limiting funds for the Arlington Chamber of Commerce in Texas;

An amendment by Mr. FLAKE limiting funds for the Strand Theatre Performing Arts Center in Plattsburgh, New York;

An amendment by Mr. FLAKE limiting funds for the Huntsville Museum of Art in Alabama;

An amendment by Mr. FLAKE limiting funds for the Friends of Cheat Rails to Trails program;

An amendment by Mr. FRANK of Massachusetts or Mr. RANGEL regarding community service requirements;

An amendment by Mr. FRELINGHUYSEN limiting funds to implement a preferred alternative for the New York-New Jersey-Philadelphia airspace redesign;

An amendment by Mr. GINGREY limiting funds for certain economic development activities which obtain property through eminent domain;

An amendment by Mr. HASTINGS of Florida regarding TRACON consolidation;

An amendment by Ms. JACKSON-LEE of Texas regarding noise mitigation studies;

An amendment by Ms. JACKSON-LEE of Texas regarding technology for temporary disaster housing;

An amendment by Ms. JACKSON-LEE of Texas prohibiting use of funds to undermine unions and other labor organizations representing workers on federally funded transportation projects;

An amendment by Ms. JACKSON-LEE of Texas prohibiting use of funds to prohibit transportation workers from having necessary communication equipment;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 6.3 percent, which shall be debatable for 40 minutes;

An amendment by Mr. KING of Iowa limiting funds to implement Davis-Bacon requirements;

An amendment by Mr. KING of Iowa limiting funds to employ workers described in section 274A of the Immigration and Nationality Act;

An amendment by Mr. KING of Iowa limiting funds for the Alpine Heritage Preservation in West Virginia;

An amendment by Mr. GARY MILLER of California, Ms. WATERS, or Mr. AL GREEN of Texas prohibiting use of funds to take certain actions on standards for mortgagor's investment in mortgaged properties;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 40 minutes;

An amendment by Mr. PALLONE or Mr. PATRICK MURPHY of Pennsylvania regarding waste processing and transferring facilities;

An amendment by Mr. PRICE of Georgia reducing funds in the bill by 1 percent, which shall be debatable for 40 minutes;

An amendment by Mr. SESSIONS limiting the use of funds for a certain AMTRAK route;

An amendment by Mr. SHULER regarding use of funds designated for North Shore Road in Swain County, North Carolina;

An amendment by Mr. UPTON, Ms. HARMAN, Mr. INGLIS of South Carolina or Mr. LIPINSKI regarding energy efficient light bulbs;

An amendment by Mr. PRICE of Georgia limiting FHA funds for the creation of an affordable housing fund;

An amendment by Mr. HENSARLING limiting funds for parking facilities;

An amendment by Mr. HENSARLING limiting funds for the Edmunds Center for the Arts in Washington;

An amendment by Mr. KING of Iowa limiting funds for homeownership assistance for certain individuals;

An amendment by Mr. KING of Iowa limiting funds for the Association of Community Organizations for Reform Now;

An amendment by Mr. CROWLEY limiting funds for the Blairstown Historic Preservation Commission in Blairstown, New Jersey;

An amendment by Mr. CROWLEY limiting funds for the City of Marshall, Texas;

An amendment by Mr. CROWLEY limiting funds for the City of Muncie, Indiana;

An amendment by Mr. CROWLEY limiting funds for the I–25 North of HS 66 project in Colorado;

An amendment by Mr. CROWLEY limiting funds for the State Route 374, from State Route 149 to 77, project in Montgomery County, Tennessee;

An amendment by Mr. WALBERG limiting funds to promulgate regulations based on race, ethnicity or sex;

An amendment by Mr. HENSARLING limiting funds for museums;

An amendment by Mr. PETERSON of Pennsylvania limiting funds for tolling on I–80 in Pennsylvania;

An amendment by Mr. HUNTER limiting funds for a U.S.-Mexico freeway;

An amendment by Mr. OBEY regarding earmarks; and

An amendment or amendments by Mr. OLVER regarding funding.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 558 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3074.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. WEINER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 by the gentleman from Ohio (Mr. TURNER) had been disposed of and the bill had been read through page 82, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House today, which is at the desk.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 94, line 9, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of that portion of the bill is as follows:

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, $59,700,000, to remain available until September 30, 2010: *Provided*, That of the total amount provided in this heading $27,710,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note), of which up to $990,000 is for technical assistance, and: *Provided further*, That $31,000,000 shall be made available for capacity building, for Community Development and affordable Housing for the Local Initiatives Support Corporation and the Enterprise Foundation for activities authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance

Act; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,560,990,000, of which $1,540,990,000 shall remain available until September 30, 2010, and of which $20,000,000 shall remain available until expended: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary of Housing and Urban Development shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That $2,475,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2008.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $734,580,000, to remain available until September 30, 2011, of which up to $603,900,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to $59,400,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary of Housing and Urban Development: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That $1,980,000 of the total amount made available under this heading shall be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $236,610,000 to remain available until September 30, 2011: *Provided*, That $990,000 shall be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading $74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary of Housing and Urban Development may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1(f)(2)) in State-aided, non-insured rental housing projects, $27,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts made available under the heading "Rent Supplement" in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000 is rescinded.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2008, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2008, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act (12 U.S.C. 1709), shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $351,450,000, of which not to exceed $347,490,000 shall be transferred to the appropriation for "Salaries and Expenses"; and not to exceed $3,960,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $77,400,000, of which

$25,550,000 shall be transferred to the Working Capital Fund, and of which up to $5,000,000 shall be for education and outreach of FHA single family loan products: *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2008, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, $8,712,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary of Housing and Urban Development and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $229,086,000, of which $209,286,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which $19,800,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $78,111,000, of which $15,692,000 shall be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2008, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2009.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,700,000, shall be transferred to the appropriation for "Salaries and Expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $58,087,000, to remain available until September 30, 2009: *Provided*, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing Initiative: *Provided further*, That of the funds made available under this heading, $22,394,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further*, That activities for the Partnership for Advancing Technology in Housing Initiative shall be administered by the Office of Policy Development and Research.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, $45,540,000, to remain available until September 30, 2009, of which $20,180,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary of Housing and Urban Development may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

AMENDMENT NO. 6 OFFERED BY MR. AL GREEN OF TEXAS

Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. AL GREEN of Texas:

Page 94, line 16, after the dollar amount, insert "(increased by $5,820,000)".

Page 94, line 18, after the dollar amount, insert "(increased by $5,820,000).

Page 99, line 18, after the dollar amount, insert "(reduced by $5,820,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to thank Chairman OBEY, Subcommittee Chairman OLVER, and Ranking Members LEWIS and KNOLLENBERG. I also would like to thank them especially for their leadership.

Mr. Chairman, we understand that budgetary constraints are necessary and that budget challenges are a reality, just as invidious discrimination in housing is a reality. This is why Congress passed the Fair Housing Act of 1968.

The Fair Housing Act prohibits housing discrimination not just on race, color and national origin, but also on religious, sexual status, disability and familial status. However, nearly 40 years after the passage of this act, 4 million fair housing violations occur annually, tens of thousands of complaints are filed, and most violations aren't investigated.

Violations occur in the rental market when qualified renters are denied housing based upon invidious discrimination. Violations occur in the purchase market when qualified buyers are denied loans, pay more for loans, or are steered to the subprime market when they qualify for prime loans.

This is why we need to fund the Fair Housing Initiative Program to the level authorized of $26 million. The Fair Housing Initiative Program allows for testing. This will allow us to have persons who are equally qualified, perhaps one is disabled and one is not, to go out and seek a loan or a rental property. If the disabled person is denied, and the person that follows who is not disabled receives the loan or the property, then we are gathering the empirical data necessary to show that the discrimination exists.

Mr. Chairman, my amendment would add $5.82 million to the bill to bring it to the $26 million authorized level.

Mr. Chairman, the need is there, the authorization exists, and the time to act is here. Let us keep the American dream alive for all persons who are qualified. Let's do our part on our watch to prevent invidious discrimination in housing.

I yield to the gentleman from Massachusetts.

Mr. OLVER. I thank the gentleman for yielding.

Mr. Chairman, I understand that the gentleman is going to withdraw this amendment. Is that the gentleman's intention?

Mr. AL GREEN of Texas. Mr. Chairman, it is. My hope is that the gentleman and I would be able to work together to see if there is some means by which it can be accommodated.

□ 1245

Mr. OLVER. If the gentleman will continue to yield, I thank the gentleman for that willingness to withdraw his amendment and for highlighting the issue that we have before us.

We simply could not increase this amount this year because of the budget constraints. The budget proposal here is the same as the 2007 enacted budget and slightly above the budget request by the administration. And the offset, the offset is in a place where there really isn't money to take from the offset to do this.

I appreciate the gentleman's willingness to withdraw the amendment and will be happy to work with him to try to find money in conference.

Mr. AL GREEN of Texas. I thank the chairman, and I look forward to working with the chairman so that we may seek an accommodation in conference.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852), $130,000,000, to remain available until September 30, 2009, of which $8,712,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547): *Provided further*, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary of Housing and Urban Development as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: *Provided further*, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: *Provided further*, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: *Provided further*, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SLAUGHTER:

Page 95, line 8, after the dollar amount, insert "(increased by $10,000,000)".

Page 95, line 9, after the dollar amount, insert "(increased by $10,000,000)".

Page 97, line 11, after the first dollar amount, insert "(reduced by $10,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, first I want to give my thanks to Chairman OLVER and to Mr. KNOLLENBERG for doing a wonderful job on this bill.

I intend to withdraw this amendment, but if I can just take a moment or two to discuss the importance of HUD's Office of Lead Hazard Control, I would like to do that.

The funding is crucial in reaching our goal of eliminating childhood lead poisoning nationwide by 2010. The grants provided by HUD's Office of Lead Hazard Control allow cities and States to correct serious lead hazard in low-income and high-risk homes.

Make no mistake, Mr. Chairman, this is not just an isolated problem. Lead poisoning affects over 250,000 American children under the age of 5 each and every year. High levels of lead in the blood have been linked to childhood asthma, brain damage, hearing loss, hyperactivity, developmental delays, and in extreme cases, exposure to lead has caused seizures, comas, and even death.

Mr. Chairman, this is simply unacceptable.

In my district alone, over 2,000 children fall victim to lead poisoning every year. Over half of all the homes in Niagara and Erie counties were built before 1950 and are therefore very likely to contain lead. And just in Erie County, 1,000 children have unsafe lead levels in their blood.

The city of Rochester is among the top 10 cities in the United States with the worst lead paint problems. In 2004, 900 children in Monroe County were reported to have high blood lead levels. We have a city ordinance in effect to try to deal with that, but we have not enough money obviously to take action.

The grants are so important. They are targeted to help the most vulnerable of our citizens, children under 5 years of age. But in order to be more effective, they have to have adequate funding. Since the bill before us only funds the Office of Lead Hazard Control at $130 million, we wanted to put in this amendment.

But I commend the chairman for putting together this thoughtful and solid bill, and I hope we can work together in conference to try to do more.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of clause 18, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. MICA of Florida.

An amendment by Mrs. BACHMANN of Minnesota.

An amendment by Mr. FLAKE of Arizona.

An amendment by Mr. FLAKE of Arizona.

An amendment by Mr. CHABOT of Ohio.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. MICA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

Page 18, beginning on line 9, strike the colon and all that follows through line 21 and insert a period.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 18, as follows:

[Roll No. 691]

AYES—201

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk

Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Bachus
Bishop (UT)
Brown (SC)
Clarke
Cole (OK)
Cubin
Davis (IL)
Davis, Jo Ann
Gilchrest
Higgins
Honda
Marshall
Melancon
Myrick
Pearce
Pence
Space
Young (AK)

☐ 1314

Mrs. GILLIBRAND, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Ms. WATERS, and Messrs. HODES, GUTIERREZ and PERLMUTTER changed their vote from "aye" to "no."

Mr. EVERETT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. BACHMANN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. BACHMANN:

Page 38, line 10, after the dollar amount, insert "(reduced by $106,000,000)".

Page 83, line 16, after the dollar amount, insert "(increased by $106,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. The Chair reminds Members this is a 2-minute vote and will be followed by 2-minute votes. Please remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 110, noes 308, not voting 18, as follows:

[Roll No. 692]

AYES—110

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Carter
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ellison
Ellsworth
Everett
Feeney
Flake
Fortuño
Foxx
Franks (AZ)
Gallegly
Gillmor
Gingrey
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hulshof
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Paul
Pearce
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)

NOES—308

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Bordallo
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz

Pallone
Pascrell
Pastor
Payne
Perlmutter
Petri
Pickering
Pitts
Platts
Price (NC)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—18

Bachus
Bishop (UT)
Boyd (FL)
Brown (SC)
Cardoza
Clarke
Cubin
Davis, Jo Ann
Gilchrest
Higgins
Honda
Marshall
Myrick
Pence
Peterson (MN)
Peterson (PA)
Space
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining.

☐ 1320

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 38, strike line 5 and all that follows through page 41, line 18.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 328, not voting 14, as follows:

[Roll No. 693]

AYES—94

Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gingrey
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Issa
Johnson, Sam
Jordan
Keller
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Poe
Price (GA)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (TX)
Tancredo
Terry
Thornberry
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—328

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—14

Bachus
Bishop (UT)
Brown (SC)
Clarke
Cubin
Davis, Jo Ann
Gilchrest
Higgins
Honda
Marshall
Myrick
Pence
Space
Young (AK)

☐ 1325

Mr. SMITH of Nebraska changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 41, line 26, after the dollar amount, insert "(reduced by $425,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 104, noes 312, not voting 20, as follows:

[Roll No. 694]

AYES—104

Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn

Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gingrey
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Poe
Price (GA)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—312

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—20

Abercrombie
Bachus
Bishop (UT)
Brown (SC)
Clarke
Cleaver
Cubin
Davis, Jo Ann
Ellison
Gilchrest
Hare
Higgins
Honda
Kaptur
Marshall
Myrick
Pence
Space
Waxman
Young (AK)

☐ 1328

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHABOT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT:

Page 61, line 10, after the dollar amount, insert "(reduced by $330,000,000)".

Page 61, line 12, after the dollar amount, insert "(reduced by $330,000,000)".

Page 61, line 16, after the dollar amount, insert "(reduced by $330,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 300, not voting 15, as follows:

[Roll No. 695]

AYES—121

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Boehner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—300

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur

Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Bachus
Bishop (UT)
Brown (SC)
Clarke
Cubin
Davis, Jo Ann
Gilchrest
Higgins
Honda
Marshall
Myrick
Pence
Rangel
Space
Young (AK)

☐ 1333

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 120, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN (Mr. ROSS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of that portion of the bill is as follows:

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,211,379,650, of which $556,776,000 shall be provided from the various funds of the Federal Housing Administration, $10,700,000 shall be provided from funds of the Government National Mortgage Association, $743,000 shall be from the "Community Development Loan Guarantee Program" account, $148,500 shall be provided by transfer from the "Native American Housing Block Grants" account, $247,500 shall be provided by transfer from the "Indian Housing Loan Guarantee Fund Program" account, and $34,650 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: *Provided*, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further*, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further*, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further*, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further*, That up to $15,000,000 may be transferred to the Working Capital Fund: *Provided further*, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $125,000,000, to remain available until September 30, 2009: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $113,760,000, of which $23,760,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $66,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2008: *Provided further*, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under subtitle B of such Act: *Provided further*, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2008 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2008 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2008 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2008 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1811 et seq.).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2008 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2008, the Secretary shall transmit this information to the Committees by March 15, 2008 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division ("metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2008 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 212. The Department of Housing and Urban Development shall submit the Department's fiscal year 2009 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 213. Incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 214. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa, and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 215. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project shall not be required to vacate their units in the transferring project until new units in the receiving project are available for occupancy;

(6) the Secretary determines that this transfer is in the best interest of the tenants;

(7) if either the transferring project or the receiving project meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;

(9) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section; and

(10) the Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project" means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 216. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 217. Incremental vouchers previously made available under the heading, "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance", for family unification shall, to the extent practicable, continue to be provided for family unification.

SEC. 218. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to develop or impose policies or procedures, including an account structure, that subjects the Government National Mortgage Association to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.). This section shall not be construed to exempt that entity from credit subsidy budgeting or from budget presentation requirements previously adopted.

SEC. 219. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

SEC. 220. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, until September 30, 2008, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z-20).

SEC. 221. The National Housing Act is amended—

(1) in sections 207(c)(3), 213(b)(2)(B)(i), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and 1715y(e)(3)(B))—

(A) by striking "140 percent" each place such term appears and inserting "170 percent"; and

(B) by striking "170 percent in high cost areas" each place such term appears and inserting "215 percent in high cost areas"; and

(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C. 1715k(d)(3)(B)(iii)(III)) by striking "206A" and all that follows through "project-by-project basis" and inserting the following: "206A of this Act) by not to exceed 170 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 170 percent, or 215 percent in high cost areas, where the Secretary determines it necessary on a project-by-project basis".

SEC. 222. (a) During fiscal year 2008, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 223. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 224. The Secretary of Housing and Urban Development shall give priority consideration to applications from the housing authorities of the Counties of San Bernardino and Santa Clara and the City of San Jose, California to participate in the Moving to Work Demonstration Agreement under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134, April 26, 1996): *Provided*, That upon turnover, existing requirements on the reissuance of section 8 vouchers shall be maintained to ensure that not less than 75 percent of all vouchers shall be made available to extremely low-income families.

AMENDMENT OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARY G. MILLER of California:

At the end of title II (before the short title), add the following new section:

SEC. _____. The Secretary of Housing and Urban Development may, notwithstanding any other provision of law, approve additional Moving to Work Demonstration Agreements, which are entered into between a public housing agency and the Secretary under section 204 of Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 42 U.S.C. 1437f note)), but at no time may the number of active Moving to Work Demonstration Agreements exceed 32.

Mr. OLVER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, the Moving to Work program has enabled Public Housing Authorities, PHAs, to create jobs for residents, add affordable housing stock, and help families build savings. Such efforts have gained recognition as being very successful in serving more families and helping recipients to self-sufficiency. The innovation and flexibility of the Moving to Work program helps more families realize self-sufficiency through locally oriented programs instead of HUD's one-size-fits-all approach.

Despite these benefits, only 24 of the more than 3,000 PHAs in the Nation are participating in the Moving to Work program. This amendment merely clarifies existing law in order to eliminate confusion at HUD about the number of PHAs authorized to be designated as Moving to Work. Congress has authorized 32 PHAs to participate in the Moving to Work program. Despite this clear intent to have 32 PHAs be designated as Moving to Work, due to what I view as a misinterpretation at HUD, there are only 24 agencies that are currently allowed to participate in the Moving to Work program. Once PHAs leave the Moving to Work program, HUD has said that no new agencies can be selected to fill their vacancies.

This simple and straightforward amendment would clarify Congress's intent to require HUD to implement Moving to Work at its fully authorized level. The amendment directs the Secretary of HUD to promptly approve new PHAs to participate in the Moving to Work program whenever the number of agencies is less than the total number and level we have authorized at 32. I urge my colleagues to support this amendment.

Does the chairman plan on opposing this amendment?

Mr. OLVER. If the gentleman will yield, I do intend to insist upon the point of order.

Mr. GARY G. MILLER of California. Then if the gentleman is going to raise a point of order, I will withdraw the amendment.

May I have a colloquy with the chairman?

Mr. OLVER. I will be happy to engage in a colloquy.

Mr. GARY G. MILLER of California. Chairman OLVER, the Moving to Work program has enabled Public Housing Authorities to create jobs for residents, add affordable housing stock, and help families build savings. Such efforts have gained recognition as being very successful and serving more families and helping recipients to self-sufficiency.

Congress has authorized 32 PHAs to participate in the Moving to Work program. Unfortunately, due to the misinterpretation at HUD, there are only 24 PHAs that are allowed to participate in the Moving to Work program.

Mr. Chairman, would you agree that it is the intent of Congress that HUD must implement the Moving to Work program at its fully authorized level?

Mr. OLVER. Mr. Chairman, to the gentleman who is offering the amendment and offering to withdraw it, I want to say that I am a supporter of Moving to Work; but the language here is clearly authorizing language, and we have not been accepting authorizing language at any point in this debate.

So, I would be very happy to work with the gentleman on the Moving to Work program, and urge him to withdraw the amendment.

Mr. GARY G. MILLER of California. I thank the gentleman. If PHAs move off the Moving to Work program, HUD must immediately solicit new applicants to keep the program at full force, and I hope this colloquy will eliminate confusion at HUD about the number of PHAs authorized to be designated as Moving to Work.

Mr. Chairman, I withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I ask to engage the chairman of Transportation and HUD in another colloquy.

Mr. Chairman, I have serious concerns about the administration's proposal to increase the Federal Housing Administration's multifamily mortgage insurance premium by 35 percent for fiscal year 2008.

The administration proposed a similar increase last year, and rescinded it after hearing from Members of Congress and those in the industry most affected. I believe we again do not have sufficient information about the impact of this proposal on affordable rental housing for American workforces.

The chairman of the Financial Services Committee Mr. FRANK and I are currently circulating a letter to HUD among our colleagues opposing the increase in the premium. As of Monday, we have 106 Members of Congress on record opposing the increase. A similar letter sent to HUD was recently signed by 38 Senators.

We believe an increase in the premium will impact the communities where housing would be built as well as tenants in those projects. HUD needs to perform a full assessment of the likely impact of such a premium increase on the volume of multifamily rental housing development, and the consequential effects of higher financing costs on rents to be borne by moderate-income residents.

This thorough assessment of the potential adverse effects of the proposed premium increase needs to be submitted to the appropriate congressional committees, giving Congress the opportunity to evaluate the proposal. This would need to happen before allowing the increase to go into effect by simple notice.

Mr. OLVER. Mr. Chairman, I would say to the gentleman from California that I very much respect the passion for which he is working on this along with the chairman of the Financial Services Committee, and I look forward to working with you on this issue as we proceed.

Mr. GARY G. MILLER of California. I thank the gentleman.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that the bill through page 127, line 3, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of that portion of the bill is as follows:

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2008".

TITLE III

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $6,150,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $22,072,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $85,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2008 only, on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $119,800,000, of which $5,000,000 shall be for a multi-family rental housing program.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,000,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2007" and inserting "2008".

TITLE IV

GENERAL PROVISIONS—THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the House and Senate Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2008. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

□ 1345

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 409. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

AMENDMENT NO. 15 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SESSIONS:

At the end of the bill, before the short title, insert the following new section:

SEC. 410. None of the funds made available by this Act shall be used to support Amtrak's route with the highest loss, measured by passenger per mile cost as based on the National Railroad Passenger Corporation's September 2006 Financial Performance of Routes Report.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment is very straightforward. It would eliminate funding for the absolute worst performing line at Amtrak, the Sunset Limited, which runs from New Orleans to Los Angeles.

In 1997, Congress passed the Amtrak Reform and Accountability Act, which required that Amtrak operate without any Federal operating assistance after 2002. Despite this commonsense requirement that they cease their fiscal irresponsibility and mismanagement, since Amtrak was supposed to be operating free of Federal subsidy, it has, instead, cost the taxpayers $3 billion in operating expenses.

Mr. Chairman, people tuned in on C–SPAN to watch this debate may be wondering what exactly this $3 billion in taxpayer funding is paying for. Well, in the case of the Sunset Limited, it is being used to subsidize the travels of a very few passengers who want to take a train from New Orleans to Los Angeles.

The trip is scheduled to take 46 hours and 20 minutes to complete, that is, assuming the train is running on time. This occurrence is, however, exceedingly unlikely. According to Amtrak's most recent monthly performance report, the Sunset Limited was only on time 11 percent of the time. This makes the Sunset Limited the third worst on-time performer for any of Amtrak's 33 routes during 2007.

Perhaps, Mr. Chairman, taxpayers should be happy when the train is not running, though, because when it is, the route loses an average of almost $30 million a year. This means that Amtrak and the American taxpayer lose $0.57 per mile for each passenger on this train. For 2006, it cost the Federal Government $524 per passenger on that route, more than revenue that was brought in.

Mr. Chairman, my amendment is the first step to instilling just a small measure of fiscal discipline at Amtrak. Failure to do so will only allow Amtrak to continue misusing and wasting taxpayer dollars.

This amendment is supported by the National Taxpayers Union, Americans for Tax Reform, and Citizens Against Government Waste. I hope that all my colleagues will join me and those taxpayer advocates in saving the taxpayers from throwing more good money after bad on the Sunset Limited.

I urge all my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I yield myself 2 minutes.

I would like to point out to the gentleman that the bill before us includes language that requires the Secretary of Transportation to review and ultimately approve or deny grant requests for each train route as part of the grant agreement. When grant requests are submitted to the Secretary, they include a detailed financial analysis and revenue projections, and the Secretary then determines whether to approve the grant request for the specific train route.

I'd like to make another comment here. All too often we forget about rural areas. Rural communities deserve transportation choices. This line serves a number of rural areas in the South and Southwest. But I do again remind that the Secretary has the authority to review the financials in relation to a particular route and to approve or disapprove of grant requests.

Amtrak has made some good moves over the recent past. They've reduced their debt by $500 million. They have exacted about $100 million of savings so far in their effort to reduce the costs of the long-distance routes. They've increased the amount of State investment that's involved in these routes, and they continue to show better revenue and ridership.

But the route to deal with individual routes, the way to deal with individual routes is through the language that's already in the bill, and so I'm going to oppose the specific effort to eliminate one specific route when the route is already in place in the legislation for the Secretary to make that decision.

Mr. Chairman, I yield 1 minute to the gentlewoman who is the Chair of the subcommittee of the authorizing committee, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Chairman, here we go again, trying to destroy passenger rail in this country. The United States used to be the best passenger rail system in the world. Now we're the caboose, and we don't even use cabooses anymore.

For far too long this Congress has given Amtrak just enough money to limp along, never giving them the funds they needed to make serious improvements in the system.

Amtrak was a first responder during Hurricane Katrina and used the Sunset Limited line to help evacuate thousands of gulf region residents while President Bush and his administration was nowhere to be found. Now they are becoming a key part of each State's future evacuation plan.

Every industrialized country in the world is investing heavily in rail infrastructure because they realize that this is the future of transportation. But, sadly, as their systems get bigger and better, our system gets less and less money.

Vote "no" on the amendment.

Mr. OLVER. Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR).

The Acting CHAIRMAN. The gentleman from Minnesota is recognized for the remaining 2 minutes.

Mr. OBERSTAR. Mr. Chairman, I thought we spent most of last night on amendments to kill the operating account of Amtrak and then kill the capital account of Amtrak. The only thing that wasn't offered was burial funds for Amtrak. But now comes the dismemberment amendment.

This route is part of a national passenger rail system. It's the only route connecting California to the Southwest, to the gulf, and on to Florida. This route touches one-third of the Nation's population. Many of the people living in those communities along this route have no other passenger transportation, mass transportation alternative than the Sunset Limited.

The gentleman from Texas talked about the time it takes to traverse that route. What he didn't say is that most of that time is spent by Amtrak on sidings waiting for freight rail trains to pass. Now, if you give passenger rail priority consideration on those routes, those trains would pass very quickly. We could cut a substantial, maybe a third or more of the time out of their passenger service.

What's happening here is, going back to the origins of Amtrak, when freight rail companies started as passenger rail service found they could make more money carrying freight than passengers, they were carrying U.S. mail on the overnight railway post office, they petitioned to the Interstate Commerce Commission to discontinue passenger service when U.S. Postal Service moved to carrying their mail by truck.

So one by one, they discontinued passenger rail service, dumped it all in the hands of the Federal Government.

We need to keep Amtrak servicing. Defeat this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Texas will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to point something out. Last night the committee, while most Members were able to leave for dinner, the committee had to stay here and work until 10 p.m.. Lots of Members didn't show up then to offer their amendments, and so now we have a surplus of amendments that we still have to go through today.

Now, today, the committee is grinding through these amendments, and we've just hit a patch in the road where no Members were here to offer their amendments.

Under the House rules, the committee could have chosen to rise and we could have moved to final passage without considering any of the other amendments that are still pending. The committee chose not to do that, out of fairness.

But I want to point out that if Members want to tie up the committee's time ad nauseam on repetitive amendments, the same amendments on the same bills ad nauseam, then the least they can do is to be on the floor when those amendments are supposed to be offered. The next time there is such a gap, I will move to rise and move to final passage.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Belmont Complex in Armstrong County, Pennsylvania.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for the Economic Development Initiative) is hereby reduced by $300,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

Mr. OLVER. Mr. Chairman, would it be possible to have the Clerk read the amendment in these instances where there are very specific amendments applying to a specific project within the legislation.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

□ 1400

The Acting CHAIRMAN. The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I thank the committee for their indulgence here. I just wanted to make sure that Members who have earmarks that are being challenged here have the ability to come to the floor and are able to defend them.

This amendment, Mr. Chairman, would strike $300,000 from funding for the Belmont Complex in Armstrong County, Pennsylvania.

The Belmont Complex is a local recreational center. It offers an Olympic-size swimming pool with a 150-foot water slide and an indoor skating rink and arena. The center has an adult hockey team and also offers indoor soccer.

To generate money, the center sells advertising space on the ice. A dashboard ad costs about $800. The center also charges $5 a day for admission to the pool. Individual pool memberships for the summer season are also available, and they can run up to $77.

But, apparently, despite all the available revenue streams, the Federal taxpayers are being asked to pay $300,000 for this recreational center to rebuild or renovate the center.

The bad news is I don't think any of us are given a free pass. We aren't given a season pass. That is something that is just for the locals. I think the entire project should be for the locals.

Reading through this, it struck me that virtually every Member here in this body has probably a dozen or so of these recreational centers in their district that we could, with the same justification here, come to the Congress and say we need a Federal taxpayer subsidy for this. We are not charging enough for people to come in, where our local funds are low, so we are going to give the Federal taxpayer the chance to pay for it.

We simply can't do that, obviously. We can't fund all the recreational centers across the country. So why do we choose this one? Why do we pick winners and losers here? Is it just because there is a particularly powerful Member who is behind it who can say, hey, I am going to get funds for my district for this recreational center? What happens to all the other ones? What do you tell the recreational center down the street just across the district line? You're out of luck? You have to charge more for your season passes?

It just doesn't seem fair to me. This isn't the road we should go down. And if we have turned over a new leaf, and we are doing something different in terms of earmarks, then let's do something different instead of the same old same old.

We are told that we are going to have a process that vets these a little better. There are, I believe, about 1,500 earmarks in this bill. We just got word of what they were just a couple of days ago. And so it just doesn't seem that the process is changing all that much. It looks too much now like it did when Republicans were in charge.

So I think that we ought to change it, and that is why I am offering this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the gentleman offering this amendment doesn't happen to be here at the moment; so let me try to point out what is involved here.

Yes, the Belmont Complex does provide recreational opportunities and conference and meeting space. Yes, it is a facility that is used for Chamber of Commerce meetings, and banquets, and business, and seminars, and training and testing for displaced workers, and local union meetings and negotiations, emergency rescue training, voter registration drives, local business-to-business job fairs.

In the county, Armstrong County in Pennsylvania, which is one of those in the northern part of Appalachia that is struggling hard, losing population, by the way, if I remember the map exactly correctly. I was from Pennsylvania in an earlier period of my lifetime. These are all purposes that are important to the process of keeping the economy going in that community and that county.

But most important to this particular earmark is that a 2003 fire damaged much of the building, and these funds are needed to make continual interior and exterior renovations and to make the facility handicapped-accessible. Those are important specific things that go beyond the other bits and pieces that are pulled together in this complex. The main building within the complex has had fire damage and needs this money for repair.

Now, I just want to point out that the great explosion, the truly irresponsible explosion, of congressional earmarking began shortly after the party which is in the minority gained control of the Congress in 1995. And so during that period of time, we have gone from zero earmarking in the Labor, Health, and Education budget to over $1 billion a year. We have tripled the number of earmarks in the defense bill. The number of earmarks in this legislation, while it has been reorganized a couple times, has gone up in similar kind of proportion. Yet this year, this year, we are reducing the number of earmarks and the number of dollars involved in those earmarks by 50 percent from what they were under the last time that a budget was put through completely with earmarks under the leadership of the gentleman's party. So we are trying to clean up a mess and get a good strong measure of the earmarking process.

But this one, I think, is legitimate for its purposes, and I hope the amendment will be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, let me just say if you can justify this earmark for a recreational center to help them basically defray cost of memberships or to rebuild or renovate, you could do that for any recreational center in the country. There is nothing that I can see, and I wish the sponsor of the amendment would have come to the floor to actually defend it or shed some light on what makes this special, why there is a Federal nexus here that doesn't exist with other recreational centers across the country. I wish we could have had that debate or not. So we have to assume that this is no different than any recreational center anywhere in the country. So if you can justify this one, you can justify any of them. And we simply can't afford that, and we shouldn't continue just to say, well, we have cut the number of earmarks or dollar value in half. I mean, we are trying to get back to fiscal sobriety here after a binge that took place for years, and I admitted that that binge was my party. But if we are trying to get back to sobriety, it doesn't count to say, all right, we are only going to drink half as much this year as we did before. That's just not acceptable.

This process is out of control. It remains out of control. And this earmark is a great example of that. If we can approve earmarks for this kind of thing, anything goes. Katy bar the door.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, it was not my intention to speak on any of these earmarks, but the discussion that has gone on between the chairman and the gentleman from Arizona I was listening to upstairs, and it struck me that there needed to be some addition to this discussion.

The suggestion that earmarks exploded as of the time the control of the Congress changed in 1995 and began to expand, et cetera, et cetera, is accurate, accurate, but for reasons entirely different than the gentleman from Arizona either realizes or understands.

It is a fact that the other party controlled the Congress for 40 years, and over all those years their chairmen, their subcommittee chairmen, their very high-ranking Members around here with years and years of power had developed very solid relationships with the second and third level in the various agencies around this town. And there weren't earmarks; there were phone marks. Key staff and otherwise were instructed to call those second- and third-tier people within the agencies and let them know what they thought the priorities should be. There wasn't a need for legislative earmarks because phone marks had a very significant impact upon the process. And we tend to ignore that reality.

When the majority did change, the new majority found that that second and third level of bureaucracy weren't nearly as responsive to people with Rs after their name, or Republicans, and thus they began giving some specific direction as to what their priorities were, thus the term called "earmarks."

Further, I think the gentleman does his party a disservice by suggesting that this was our fault. The reality is that even the earmarks where they are represent in the neighborhood of 1 percent of all the discretionary spending available in the appropriations process, and that while the Constitution says that appropriations should begin in the House of Representatives, to suggest that Members having ideas as to what priorities ought to be and even putting it in legislation is wrong, it seems to me, in connection with that, the gentleman is wrong.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. WEINER). The gentleman from Arizona has 30 seconds remaining.

Mr. FLAKE. Mr. Chairman, let me just respond.

The truth is we went from about, as the chairman of the Appropriations Committee often points out, from zero earmarks in Labor-HHS to some 1,400 last week. Much of that was under my party.

I think Democrats are as much to blame probably as Republicans are. The difference is as Republicans, we pretend to stand for limited government. We should be saying this isn't what we should be doing. If the agencies are out of control, we need to rein them in through the oversight process rather than to try to compete with them in terms of wasteful spending.

The Acting CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I had not intended to speak on this issue either, but I feel required to respond to one thing that the gentleman from Arizona said.

He indicated that it was too bad that he had only had 2 or 3 days during which time he could review the earmarks in this bill. I simply want to say if he feels badly about that and wants to know why that is the case, all he has to do is look in the mirror along with a number of his other colleagues.

Why do I say that? Because I tried about a month ago to make clear to the House that I thought the Appropriations Committee staff had had insufficient time to take a look at and screen a number of these earmarks, especially those that came early in the process. So I offered up another option, and what I proposed is that the committee simply be given more time to screen those earmarks, and that before the Congress adjourned in August, we would then publish all of them, and any persons who had doubts about them would have more than 30 days over the August recess, and our staffs could have reviewed each and every one of them for a much longer period of time.

The gentleman and others on that side of the aisle chose to belittle that proposal, suggesting that we were trying to, quote, "hide earmarks until conference." Not so. All we were trying to do was to give the staff and any Members who were interested additional time in which to review those earmarks. Our friends on the other side decided that they would rather criticize than agree to that, and so we acquiesced in their desires to have earmarks in each bill as they came to the floor.

□ 1415

We felt that there would be ample protection for Members because we also included a reform that would have required persons in the conference to be present and voting on every single item rather than having to endure what has happened in the past when large amounts of legislation were slipped into conference reports without a vote of the conference after the conference is over. But our judgment was not followed, and so as a result, we have this very limited time for Members to review projects as they come through in regular order. I'm sorry about that. But I would say to the gentleman, no one in this House can have it both ways. We've tried to accommodate the wishes of the House. Either way, we're doing the best we can. And if the gentleman doesn't like it, I think, as I say, all he has to do is look in the mirror because it was comments from people like him that required us to follow this procedure in this manner.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Walter Clore Wine and Culinary Center in Prosser, Washington.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for the Economic Development Initiative) is hereby reduced by $250,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Let me just say, in response to the chairman of the Appropriations Committee, this isn't the best process. I appreciate having a couple of days and being able to come to the floor. The problem is, under what was proposed by the chairman, we would have had more time, yes, but we wouldn't have had the ability to challenge individual earmarks. So that was a trade-off that we were unwilling to make. And I still maintain that we made the best decision here. But I think it would be nice to have more than a couple of days to actually look at these, but I appreciate that the Appropriations Committee is doing so.

This amendment would prohibit $250,000 in Federal funds from going to the Walter Clore Wine and Culinary Center in Prosser, Washington, and reduce the cost of the bill by a consistent amount.

I'm sure people like to be wined and dined, but I think this earmark goes a little too far. I think that this is another example of, if we can justify economic development here, then we can justify just about anything.

We often complain that the Federal Government, the agencies spend willy-nilly, they're wasting money here, they're wasting money there. They are, certainly. One amendment that I wanted to bring today but got it too late would be one to simply cut the account that provides economic development earmarks because I think the Federal agencies do waste money in this regard. But instead of reining that account in and saying you shouldn't be doing that, we're kind of competing with them and saying we're going to do our own economic development earmarks. I just fail to see a Federal nexus that exists here that wouldn't exist with other organizations.

You can justify anything in terms of economic development. The act of spending money by itself inherently means there is economic development. But where do we choose? Do we just choose this one or that one? It just doesn't seem to be a very good process, particularly without a real Federal nexus here.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 3 minutes.

I think the gentleman, in his opening remarks, said something that currently should be expanded. Current law within HUD has an Office of Economic Development, and its responsibility, and I want to quote what its responsibility is, it "works with public and private sectors as well as not-for-profit organizations to provide financial and technical assistance to local communities to develop and implement their own economic development and community revitalization strategies." Now, that's current law. If the gentleman believes that that agency shouldn't exist, then certainly he can introduce a bill, and we can have a worthy debate on that. But that is existing law.

And it is within that context, then, as this relates to my district, which is a very diverse agriculture area, labor intensive in many of the specialty crops, but there is a new industry that is emerging in my district, and that is the wine industry. It's only about 35 years old. Historically, the wine industry in this country has always been in California. This is emerging in my district, and it has the benefit, then, of economic development to expand, to bring more tourists into this area, which means there's more hotels, more restaurants. That is the very definition of what economic development is all about.

So let me be very, very clear on this. This project is fully consistent with requirements for projects normally and routinely funded under this program and existing programs.

And I might add, it is named for an individual who has been widely recognized as the father of the Washington wine industry. He is the one who convinced farmers to transfer some of their lands to growing wine grapes. And, frankly, they've been very successful.

There has been $5 million raised by other governmental agencies and quasi-governmental agencies to build this center. This is part of that. What it demonstrates to me is that there is a strong commitment of this wide community that identifies this as a local economic development project.

So while there has been a lot of discussion with the earmarks this year, and I suspect we will have more of those discussions, I firmly believe that within existing laws and within the context of economic development, this falls into a category that I feel very, very comfortable with in saying that we ought to earmark dollars for this center because it will expand the economic development in this largely rural area that I have the privilege of representing. So, to me, it is an example of what the economic development initiative is supposed to be.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, Washington wine industry revenues are estimated at about $3 billion a year. The industry employs, I believe, about 11,000 people. Over 2 million people visit Washington wineries every year. That's just the point I was making. This is an industry that does pretty well. And I just wonder why the Federal taxpayer has to be involved here.

Public/private partnerships, there is nothing bad about that on its face; but not every public/private partnership is justified, particularly when that partner is the Federal Government. I just still fail to see a nexus.

And, again, we should actually be providing more oversight of the Federal agencies that expend these economic development grants because a lot of it is wasted. I'm sure a lot of it is wasted in my own district. But we shouldn't be trying to compete with that account by earmarking our own funds.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, let me restate again that it is existing law within HUD of this office that provides for economic development. I am simply following the law and exercising my right as a Member of Congress, who is part of the writing of the appropriation bills, to earmark what I think is important for my district.

Now, if the gentleman wants to, as I mentioned in my previous remarks, if he wants to have a debate on whether that office ought to exist, well, I think that is worthy of debate. In fact, I would have suggested to the gentleman that maybe he should have defunded completely the whole office; therefore, he could have been at least consistent rather than picking out one project that I think is worthy, following what the requirements are of the Economic Development Office.

So with that, I would urge my colleagues to oppose the Flake amendment as it relates to the Walter Clore Center.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the North Central Wisconsin Regional Planning Commission in Wausau, Wisconsin.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for neighborhood initiatives) is hereby reduced by $400,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, as mentioned, this amendment would strike $400,000 in the bill from the North Central Wisconsin Regional Planning Commission.

According to the certification letter submitted by the sponsor, the commission will receive Federal funding to establish the Technology Revolving Loan Fund.

According to the Web site, the commission is a public agency dedicated to providing professional services to local governments. These services include economic development, geographic information systems, intergovernmental cooperation, land use planning, and transportation. The commission's funding comes from Federal grants and State and local money.

This earmark brings up a lot of questions. First and foremost, why is this fund being created in one particular part of Wisconsin? I'm sure every Member of Congress would love to establish a revolving loan fund to help their local businesses. If it is deserving of Federal aid, why aren't others? Again, why do we pick and choose here?

Can the sponsor of this earmark assure us that once this is done, that once these monies are loaned out, that more monies won't be sought? Is this an earmark that will beget more earmarks? It seems that these are questions that should be answered. It's a dangerous slippery slope, I think, if we use Federal taxpayer dollars for parochial revolving loan funds.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I seek to control the time in opposition, and I reserve my time.

Mr. FLAKE. Mr. Chairman, here is just another example, and maybe the sponsor of the earmark can enlighten us, but as to what makes this different, what makes this deserving of Federal funds? Why are we helping to set up a local revolving loan fund for local businesses? What is to stop every Member of Congress from wanting that in their own district? Isn't this a slippery slope if we just allow taxpayer money to be used in this fashion? If you can use it for economic development, if that is the criterion, any spending is justified.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman has indicated, this provides funds for a revolving loan fund for North Central Regional Planning Commission. The purpose is to provide small low-interest loans for small business start-ups or expansions. It is targeted to enterprises which have little access to capital and need to change the technology which they use in production.

The planning commission is established by county governments under State statutory authority. It provides zoning and economic development assistance to counties. The planning commission covers a 10-county area and three congressional districts, mine, the gentleman from the eighth, Mr. KAGEN, formerly Mr. GREEN, and also Mr. PETRI's district.

Why are we providing funds for this area? Very simple: this is an economically challenged area. And I make no apology whatsoever in trying to provide some modest assistance to the area. We have a similar fund in two other parts of my congressional direct. In Chippewa County, for instance, 3 years ago we established a similar fund.

□ 1430

That fund has saved 58 jobs in the area. They have provided grants, very small grants, to businesses in question, and they have already received $200,000 in repayments. All of the repayments are current.

But I want to ask a series of questions about the gentleman's district. I make no apology for trying to provide small loans to domestic small business entrepreneurs. In the 10 years that I chaired the Foreign Operations Subcommittee, I learned very quickly the value of small loans rather than large, megadevelopment projects. I see no reason why we shouldn't provide those same lessons here at home.

I find it ironic that someone from Arizona would challenge economic development funds in Wisconsin. Arizona ranks 24th in the Nation in per capita Federal dollars spent in Arizona; Wisconsin ranks 48th. So the gentleman is exactly twice as well off in terms of State ranking than my own State. Arizona receives $41 billion in Federal funds out of the budget; my State receives $31 billion. Arizona receives $7,300 per person; Wisconsin receives $5,675 per person. That is a $1,600 per capita difference.

Eighty-five percent of the difference in what our two States get is due to differences in Federal salaries and in procurement. Arizona gets $7 billion more out of the Federal Government because of money spent for procurement than does the State of Wisconsin. In fact, Arizona gets a lot more money than all of the States in the upper Midwest. Arizona, as I said, ranks 24th. Wisconsin ranks 48th in per capita expenditure, Michigan ranks 47th, Minnesota 49th, Illinois 46th, Indiana 45th.

On a per capita basis, Arizona gets 28 percent more out of the Federal budget than does Wisconsin. It gets 22 percent more per capita than does Michigan, 29 percent more than does Minnesota, 21 percent more than does Illinois, and 20 percent more than does Indiana.

Let me also point out that I doubt very much that the Arizona delegation doesn't work very hard to see to it that giant defense contractors like Raytheon, Boeing, Honeywell and General Dynamics together receive almost $4 billion in funding from the Federal Government. I doubt very much that the delegations from those States don't work to get that money in their States. So I make no apology for this tiny pittance that we are trying to provide for my own State.

Mr. Chairman, I also want to say, however, I think it comes with considerable ill grace for someone from Arizona to question the expenditure of $400,000 in Wisconsin, when Arizona has been the principal recipient of the second largest Federal earmark in the history of earmarking in this country, the Central Arizona Project. For Arizona, we have already spent $4.3 billion. The total cost of that project is expected to be $5.6 billion. The President's request is at $27 million this year.

Mr. Chairman, that seems to me to be the pot calling the kettle black. I would urge a "no" vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I want to continue my observations about what the gentleman receives from the Federal budget. The Republican Study Committee said that the $1.5 billion that was provided to the D.C. subway was the largest earmark in history. In fact, the Arizona project is almost four times as large as the D.C. subway. Yet the gentleman is complaining about a tiny $400,000 economic assistance grant for my State.

I would also simply note that the median household income in the gentleman's district is $48,000. The median household income in my own district is $39,000, a $9,000 difference. A good portion of that higher median income lies in the fact that Arizona has a very large number of Federal installations in the gentleman's State. Fort Huachuca and several other Air Force bases inject enough funds to provide employment for 9,000 additional people, yet the gentleman is objecting to a small revolving loan fund which provides help in keeping about 50 jobs in Wisconsin.

I make no apology in trying to get the median family income in my district just a mite closer to the much higher income found in the gentleman's district.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I yield for a colloquy to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank the gentleman from Massachusetts, the chairman of the subcommittee, for this colloquy.

Mr. Chairman, in New Jersey, and all over the country, certain waste handlers and railroad companies have tried to exploit a supposed loophole in Federal law in order to set up unregulated waste transfer facilities.

Under the Interstate Commerce Commission Termination Act of 1995, the Surface Transportation Board, or STB, has exclusive jurisdiction over transportation by rail carriers and the ability to grant Federal preemption over other laws at any level, local, State or Federal, that might impede such transportation. But Congress intended such authority to extend only to transportation by rail, not to the operation of facilities that are merely sited next to rail operations or have a business connection to a rail company.

Unfortunately, certain companies have exploited this loophole to build or plan waste transfer stations next to rail lines and avoid any regulation from State or local authorities.

Mr. Chairman, I appreciate the Senate's efforts to close this loophole. They have passed an amendment in their version of the fiscal year 2008 Transportation, Housing and Urban Development appropriations bill, and I wanted to thank your subcommittee for recognizing this important issue in this bill's report language.

I had intended to offer an amendment, which I will not offer at this time, that would take the STB out of the waste management business by ensuring that funding for any decisions relating to waste transfer stations be eliminated. Again, you have dealt with this in the bill's report language, so it is not necessary to move this amendment at this time. But it is important that States and local municipalities have some say in this process.

Mr. OLVER. I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I want to add a word of my support of Mr. PALLONE's amendment. The issue of companies circumventing the law and the wishes of cities and towns in this Nation deserves to be addressed.

In my district, in Bensalem, Bucks County, Pennsylvania, a firm wanted to build a waste transfer station. Given the potential environmental and health risks, both the local community and even the State voiced their objections to the proposal. As an end run around this, the rail company that would service the proposed waste transfer facility applied to the Federal Surface Transportation Board, or the STB, to, in effect, have the waste transfer facility declared a rail facility. This was an attempt to supersede the rulings of the State and local entities that had already rejected the proposed waste transfer station. Fortunately, the rail company's application was rejected, but they can reapply to the STB at any time.

Just yesterday I stood with Bensalem Mayor Joe DiGirolamo and Pennsylvania State Representative Gene DiGirolamo and opposed this facility. Mr. Chairman, people in the local, State and Federal level are all opposed to this end run around the law.

Mr. Chairman, when Congress created the STB, it was never intended to allow decisions by the STB to be used to override the wishes of cities and towns across the country, and certainly not as a means of superseding health and environmental regulations of State and local governments. Yet that is exactly what is happening.

Mr. Chairman, I want to thank the gentleman from New Jersey for his excellent leadership on this issue, and thank Chairman OLVER for providing me the opportunity to speak today and stand up for the residents of Bensalem and the Eighth District of Pennsylvania.

Mr. OLVER. To continue the colloquy, I yield to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I wish to associate myself with the remarks of my colleagues from New Jersey and Pennsylvania. Communities in my home in New York, including the village of Croton-on-Hudson in my district, are also being threatened by companies who are hoping to exploit this loophole through the STB to process solid waste without facing regulation under environmental protection laws. This type of activity is clearly outside the mission and the purview of the Surface Transportation Board, and I look forward to working with my colleagues and chairman to affirm that reality.

I thank the chairman and the gentleman from New Jersey for their leadership and look forward to working as we go forward with you.

Mr. OLVER. Mr. Chairman, to respond to this, last night, as the gentleman from New Jersey has already pointed out, we had an amendment being offered which was subject to a point of order. I had agreed that I would be happy to work with him, and I obviously will be very happy to work with the three Members who are part of this colloquy from New Jersey, from Pennsylvania and from New York, on this issue, which is an important issue and would require authorization legislation to do, and that is why the point of order lay last night.

Mr. Chairman, I repeat, I will be happy to work with the three gentleman who have spoken on this issue as we go on toward conference.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the National Forest Recreation Association in Woodlake, California.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for the Economic Development Initiative) is hereby reduced by $50,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

Let me first respond. I had yielded back my time when the gentleman from Wisconsin talked about Arizona, the Central Arizona Project as an earmark.

Perhaps in the debate at the time it was called an earmark, but it doesn't fit the contemporary definition of earmark. There was no project over the history of this body probably that wasn't debated through authorization, appropriation, followed up by oversight, than a project like that. I would have no complaint if some of the projects that we are challenging here today went through that process of authorization, appropriation and oversight, but that isn't what this is about.

The contemporary practice of earmarking that we have fallen into, under Republicans and Democrats, has been to circumvent the careful process of authorization, appropriation and oversight. So that is the complaint here. So bringing up the Central Arizona Project whenever an amendment is offered to take funding away from an economic development in a local community is a specious argument, I would add.

This amendment would prohibit $50,000 in Federal funds from being used by the National Forest Recreation Association for the National Mule and Packer Museum and would reduce the cost of the bill by a consistent amount.

According to the earmark description and certification letter submitted to the Appropriations Committee, the funding would be used for the construction of a museum to memorialize and help to preserve the role of mule teams and mule packers in opening and developing the West.

☐ 1445

The funding, however, will go to the National Forest Recreation Association. Obviously, you cannot build much for $50,000. I assume there is a partnership with local entities.

There is much that we don't know about this. Does the location exist? Will it be owned by the National Forest Recreation Association? Are there corporate sponsors? How much is the total cost of the museum? Will the Federal taxpayer be asked to pay more later on?

It seems there is a 20-mule team museum in Boren, California. This is at least the second mule and packer museum we know of. Does that one receive Federal funding?

I would simply say it is time for the American taxpayer to say "whoa" and stand up for fiscal sanity and actually stop the practice of earmarking like we are doing.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I appreciate the opportunity to rise in opposition to this amendment. As Mr. HASTINGS said earlier, there is in current law the Office of Economic Development, which has the responsibility of working with public and private sectors, as well as not-for-profit organizations, to provide financial and technical assistance to local communities to develop and implement their own economic development in their community. That's current law.

If we want to change that, I agree with much of what the gentleman has to say, I just think this is not the right time and place to be covering it in this manner. But it gives me a little bit of a chance to talk about my district, and all 435 of us, I think, love to have the opportunity to talk about our districts.

I have a map here which shows my district. It is the second largest district in California, a little over 21,000 square miles. I live down here. This is Nevada. This is central to northern California. It is about 450 miles this way, a couple hundred miles this way. A little perspective: eight States would fit within this county, one of the largest counties.

In this county, the town of Bishop, some of the community people have every year for the last 40 years celebrated what they call Mule Days, and about 50,000 people come to this community of 3,500 people. In this whole county that I said eight States would fit in, about 17,000 people live, and about 3,500 people live in the town of Bishop. They are great people.

Here are the eastern Sierras, Death Valley. We have the lowest spot in the 48 States and the highest spot. Death Valley is 280 feet below sea level, and we have Mount Whitney that is about 15,000 feet above sea level. It is a great district, just as each of your districts are.

Several years ago, and actually they have been working on this for a few years, Bob Tanner and some of the people in Bishop thought that they should have a museum to celebrate the mules. Ninety-five percent of this county is owned by Federal and local governments. They don't have any room. There are only a few acres in this town that could even be developed. They don't have the land to develop for economic development. They rely totally on tourism, restaurants, motels, packers that take people up into the mountains. Mules have been an important part of this, and they want to establish a museum. They are asking for $50,000. L.A. City is going to donate $2 million worth of land, 8 acres. The county and the city are putting up a little over a million and a half dollars, and the people that live there are going to raise another hundred, $250,000.

One thing that I think we forget is that the people in Bishop pay taxes. They pay Federal taxes, and I guarantee you that during the time that Jerry represented them and the time I have had the opportunity to represent them, they have gotten very little back from the Federal Government for the taxes that they have sent here to Washington.

Mr. LEWIS of California. Would the gentleman yield?

Mr. MCKEON. I would be happy to yield.

Mr. LEWIS of California. I appreciate the gentleman yielding.

Indeed, this territory was a part of my district for some time, and the people are incredibly wonderful people. They reflect the best of the American West. And there is no doubt that they are the best and they are there in the West in no small part because of the mule.

I must say that the gentleman is making a very, very important point. It is a long, long ways away from somebody else's district to become an expert in terms of a subject like this. It causes me just to smile, and so I intend to help the gentleman if I possibly can by voting "no" on this amendment.

Mr. MCKEON. I thank the gentleman.

Let me tell you a little bit about mules because this is one of the things that they are going to honor in this museum. George Washington introduced mules into our country. He received a jack donkey in 1786 from the King of Spain, and he started breeding and using mules. Within a few years, he had 58 mules working on his plantation a few miles south in Mount Vernon.

Since then, mules have been used to develop the West. All across the Nation, they helped the pioneers move. They could go 30 miles a day where wagon trains could only go about 5. They were an integral part of the development of this country. Even today, we have 600 mules on special assignment serving in Afghanistan helping the Army do the things that they helped the Army do 100 years ago.

I think $50,000, you know, is a good contribution to give to these people, the money that they have sent back here.

Mr. Chairman, I rise today to thank the gentleman from Arizona for the opportunity to come to the floor to discuss the American Mule and Packer Museum and the economic development impact it will have on my district.

Let me first start by saying that this $50,000 is not included in this bill to laud the humble and noble mule. These funds will be used to boost tourism dollars in the small city of Bishop, CA by helping to build a local heritage museum.

The city of Bishop is located in Inyo County—which is geographically one of the largest counties in the country and is 95 percent owned by the federal government. Bishop is a classic western frontier city and has been squeezed out of all other industries by the encroachment of federal land, which literally surrounds it and limits the community to survival on tourism dollars. Those vitally important dollars come from visitors eager to see the great Wild West, ride out like our forefathers into the Eastern Sierra, enjoy the natural beauty on a hike, or hire a mule packer to explore the federal forests in the area.

The $50,000 dollar grant contained in this bill for the American Mule Museum is a modest federal investment in a worthy economic development project and a good example of how federal seed money is leveraged to develop local projects.

Every year, at the fairgrounds on Main Street, the small city of Bishop hosts a famous and popular heritage festival known as "Mule Days." Some communities have an Apple Harvest festival, some have Frontier Days. In Bishop, we celebrate "Mule Days." My friend from Arizona may not be familiar with the essential role Packers and their trusted mules had to the settlement of the west, but California's home state President did. Next to me is a picture of then-Governor Ronald Reagan acting as the Grand Marshall to the Bishop Mule Days parade in 1974.

Mule Days is the single largest draw to that community, bringing fifty thousand Californians and tourists interested in frontier life into downtown Bishop, where they shop, dine and stay during the festival. In addition to honoring their history, this museum would help expand that tourism by drawing folks in year-round, rather than just during the long Memorial Day weekend Mule Days celebration. The City of Los Angeles, a longtime landholder in our northern county, is going to donate an estimated 8 acres, valued at $2,000,000 for the project. Inyo County will spend an additional $1.5 million with the hook-ups, parking lots and access roads. Finally, this federal grant, directed to National Forest and Recreation Association, in Woodlake, CA (the non-profit overseeing the project) and private fundraising will be used towards the excavation and reconstruction of the famed Livermore Packing Station, and the surrounding corrals in Bishop.

There is a federal interest in preserving the history of how the West was settled. There are many residents in the city and surrounding areas who are direct descendants of those pioneers who headed west. A museum dedicated to local heritage and mule packers that were so important to the founding of the area will be a proper place to preserve their artifacts and documents into the future.

The residents of the City of Bishop, my constituents and federal tax payers are dependent on tourism dollars for their city funds. There are 480 separate EDI projects listed in the THUD bill ranging from $50,000 up to $500,000 with the majority of projects falling in the $100 K to $200 K range. The projects, with a few exceptions, are for the planning, land purchase, construction or renovation of facilities deemed to be important to economic development in both rural and urban areas. The construction of a museum celebrating local history is a common theme throughout many of the projects. I urge my colleagues to reject this amendment and help preserve a piece of American history in a place that is deserving of federal assistance.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. McKEON. I thank the gentleman very much. As you can see, when I start talking about my district, I get pretty excited. I have a lot of good things to say about it.

Bishop is a classic western frontier city. It has been squeezed out of all other big industries by all of the other public lands that are owned around them, and they have to survive on tourism. So if they can add this museum, it will help their tourism and it will help bring people there year-round, which will benefit their economy.

In closing, let me say that this is a partnership. It is not just Federal dollars, even though there is no such thing as "Federal dollars." It all comes out of our pockets, and the people in Bishop pay those Federal dollars back here.

But as I mentioned earlier, the City of Los Angeles is going to participate by donating the land which is worth $2 million. Inyo County will spend an additional $1.5 million to work on the project, and local people will raise the difference.

The final thing I wanted to say is that there are 480 separate economic development projects in this bill. According to current law, that is what the law required. The chairman and the ranking member have gone through, their staffs, they have evaluated all of the projects requested. Bob Tanner and his friends in Bishop that requested this project wrote up their project. They sent it to me and Senator FEINSTEIN. We included it in the request. They were one of the ones chosen, one of the 480. These projects range from $50,000, this is the smallest, to $500,000, with the majority falling between $100,000 and $200,000.

The projects, with few exceptions, are for planning, land purchase, construction or renovation of facilities deemed to be important to economic development in both rural and urban areas. This is a very rural area. The construction of a museum celebrating local history is a common theme throughout many of these projects. We followed the law. We did the things that are asked of us. I think this is a worthy project.

I thank the chairman and ranking member for including it in this bill. I urge my colleagues to oppose this amendment.

Mr. LEWIS of California. Reclaiming my time, I want to thank my friend from California for representing the people of Inyo County so well since I had to leave them in the last redistricting. I intend to support your position.

Mr. McKEON. If the gentleman would continue to yield, one final thing.

Mr. LEWIS of California. Is that Ronald Reagan on a mule?

Mr. McKEON. Ronald Reagan led the Mule Days parade in 1974, riding a mule in the Mule Days parade.

Mr. LEWIS of California. Could it possibly be? Thank you.

I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I am glad the gentleman brought up Ronald Reagan. I think it was Reagan, when he was presented with the highway bill back in 1987, that had, I believe, around 150 earmarks as opposed to the highway bill we did later, in 2005, with 6,300. He said at that time, "I haven't seen this much lard since I gave away ribbons at the county fair." So Ronald Reagan certainly recognized that Congress, at least at that stage, before we even got into the contemporary practice of earmarking, was out of control.

I would also like to make the point, and I am glad that the gentleman mentioned, there is no such thing as Federal money. It is money given by the taxpayer to the Federal Government. Some of it funds the core functions of government. Some of it is spent on things that I don't think are the core function of government, and I don't think most taxpayers around the country do either, when you say this money is being returned, but it is not. As long as we are running a deficit, which is now 2, $300 billion, then the money is borrowed to pay for projects like this.

I simply don't think that we are giving the taxpayer a fair shake. I think we should stubbornly refuse to fund this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Huntsville Museum of Art in Huntsville, Alabama.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for the Economic Development Initiative) is hereby reduced by $200,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the amendment would prevent $200,000 from being used to fund the Huntsville

Museum of Art in Huntsville, Alabama, and would reduce the cost of the bill by a corresponding amount.

Mr. Chairman, there are, I think, 480 earmarks funded in the Economic Development Initiative account, at least 11 proposed to fund museums. There stands about a million dollars total for museums. This doesn't take into account projects described as cultural centers and other various exhibits.

The spending initiatives do not illustrate any sort of restraint on our part on the Federal level. In the past, we have funded Faulkner museums, teapot museums. This year we are funding museums about mules and hunting and fishing museums. The Huntsville Museum of Art was named as one of the State of Alabama's top destinations by the Alabama Bureau of Tourism and Travel. They bring as many as 23,000 visitors for a single exhibit.

□ 1500

Mr. Chairman, all of us have museums in our districts. All of those museums, I'm sure, if given the opportunity, would take Federal money to defray some of their costs. We simply can't fund all of them.

I don't know why we have the account in the agency. Like I said, we should go after that one, but here we have to show some restraint. And every once in a while, I think the taxpayer would appreciate if we actually stopped funding for some of these earmarks.

Mr. Chairman, I reserve the balance of my time.

Mr. CRAMER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to speak on behalf of this project that Mr. FLAKE has attacked here. I'm the offerer of this project, the Huntsville Museum of Art, located in the city of Huntsville, Alabama, the largest city in my congressional district. This is a museum project that I think is very appropriate to the economic development initiative account.

This museum chose to locate in the downtown area of the city of Huntsville some years ago. In the 1950s, early 1960s, the city of Huntsville's population was around 30,000 people. Currently its population is close to 200,000 people, but like many downtown areas, our downtown had deteriorated. It was a target for crime. It was a target for all kinds of movement there that would not have been in the best interests of the core of a city of this size.

The Museum of Art chose to locate its new facility there. It partnered with the community. It raised $8 million to build this facility that it's in. It is now in another expansion because of the success of the downtown area, because of the momentum that it helped create. Students are coming into the downtown area. People are coming into there from the region 100 miles around the area, and it's really caused the city of Huntsville to renovate and revise its downtown area. Business is coming back, and I think in terms of economic developments issues, it's accomplishing just what it should accomplish.

So I'm eager to defend this amendment and say that currently the $200,000 that we've been able to achieve through the economic development initiative, through this committee, and I thank the chairman and the staff and the ranking member and the staff for considering this project, will go along with another $8 million that will be raised from the community so that we can create exhibition space, so that we can create meeting space. This is not a routine museum expansion that this $200,000 will go toward. It's a small amount of money that will be pooled with another amount of money to renovate a downtown area that is in much need of renovation.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I just will close on this one, saying again this is one of many museums that we are funding here. We simply can't fund them all. At some point it would be nice to give the taxpayers a gift and actually say we're not going to fund a particular earmark. We did it a couple of weeks ago.

This is not an idle process. We've had one occasion already where I've come to offer an earmark, and the sponsor of the earmark beat me to the floor and offered an amendment to revoke his own earmark. So obviously there needed to be more vetting of that earmark. I would assume that there are others like it.

So this is a process we should go through. I would urge support of the amendment.

Mr. Chairman, I yield back.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I don't want to get into the debate on this specific project, but I again want to simply note that I find it interesting that the gentleman from Arizona is questioning small economic development programs in other States when, in fact, as I said earlier, the second largest earmark in the history of the Congress is the Central Arizona Project, upon which we have already spent not $4.3 million, but $4.3 billion, total cost estimated to be $5.6 billion.

And I also have in my hand, as a certain Senator from my own State used to say, 61 pages of military contracts that are let to firms in Arizona. We don't have in our State something like Fort Huachuca or Luke or Davis Air Force Base, and I'm sure that if we did, we would be experiencing the benefit to our economy that the gentleman's State is experiencing.

But I wonder if the gentleman has any idea what the $44,000 was spent on in a contract with Two Pals and a Gal?

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. FLAKE. I have no clue.

Mr. OBEY. I don't either. It would be interesting to find out. That's another expenditure in Arizona.

Mr. FLAKE. If the gentleman would further yield for a minute, perhaps the gentleman wasn't on the floor last week. I actually challenged an earmark that was going largely to my own district.

Arizona is just like other States in this regard. I don't object to projects that go through the process. I assume that the Central Arizona Project had a hearing or two. It was authorized and went through the process. What I object to is the contemporary practice of earmarks.

Mr. OBEY. Taking back my time, I was here when we went through all of that with the Central Arizona Project, and I assure you that the project was not approved because of the merits. It was approved because of the persistence of the Arizona delegation, and if anyone thinks that a little politics didn't go into determining that $4.5 billion project, I'd like to sell them a couple of bridges.

So, all I can say is it is fine for someone who comes from a district as prosperous as yours to belittle or question these modest economic development efforts that are being provided around the country in districts that have a per family income of $8,000, $9,000, $10,000 less than yours. This is, after all, one country.

And just as I believe that the most fortunate human beings in this country ought to be willing to extend a helping hand for those who are least fortunate, I also think that those communities that are well off ought to be able to extend a helping hand to the communities that are less well off, and that certainly is the case with the number of the economic development projects that this committee is trying to fund, recognizing that we are, after all, all one country.

Mr. Chairman, I yield back the balance of my time.

Mr. CRAMER. Mr. Chairman, just briefly in close, this is a modest economic development initiative. It's very appropriate under this account, and it will allow this museum project to revitalize an area of downtown that is in much need of revitalization.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts:

At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available by this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c); relating to community service).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer this on behalf of myself and our colleague from New York Mr. RANGEL, who, in fact, in a previous Congress in 2002, I believe, offered a similar amendment. It would suspend for a year, because we do this 1 year at a time, the work requirement in the public housing sector. We're talking about 8 hours a month.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I'm prepared to accept this amendment on the part of Mr. FRANK and Mr. RANGEL.

Mr. FRANK of Massachusetts. I'm certainly prepared for it to be accepted.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I have no objection. We have no objection. We accept the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time, and I will go make a great speech in my office.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Hunting and Fishing Museum of Pennsylvania in Tionesta, Pennsylvania.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for the Economic Development Initiative) is hereby reduced by $100,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, just once I would love to hear the other side say, we have no objection to that amendment and will accept it, but I suppose I won't be so lucky today.

This amendment would prevent $100,000 in funding for the Hunting and Fishing Museum in Pennsylvania and reduce the cost of the bill by a corresponding amount.

Mr. Chairman, my staff and I have never had a hard time fishing for earmarks that seem to be fiscally irresponsible, but this one seemed to be a particularly easy catch. It seems that there is no museum that we will not fund. We have funded teapot museums. We've funded mule museums. We have funded rock and roll halls of fame. Now, we're being asked to fund a museum honoring the time-honored hobbies of hunting and fishing.

According to the earmark description, the earmark would fund the development and creation of interactive, educational and historical exhibits. According to the Web site for the Hunting and Fishing Museum, the museum came as a result of its location in a forest area of Pennsylvania where hunting and fishing are already big industries.

I enjoy fishing and hunting as much as the next person, but I'm not convinced that the Federal Government has a role here. I'd like to have explained what the Federal nexus is.

According to the National Association for Sporting Goods, the hunting industry did $2.8 billion in business sales in 2004. For fiscal year 2003, the fishing industry's retail sales totaled over $40 billion. With these kind of profits, why are these industries relying on the Federal Government to fund a museum honoring their pastimes? Are we not picking winners and losers when we select only a handful of museums to fund? Is this a fair and equitable process?

More than that, more than being equitable, some say if everybody is given the chance and there's an account to do this, that it's okay, that it's justified, everybody's getting theirs, let me get mine. But I think, particularly for us on this side of the aisle who say that we believe in limited government, economic freedom, individual responsibility, it seems a particularly hard sell.

I'm not making fun of the hobbies of hunting and fishing. As I mentioned, I do a fair amount of both myself. But here I just fail to see a Federal nexus and a Federal role.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the amendment and claim the time.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I find it ironic today the maker of this amendment represents one of the more affluent parts of America, one of the parts of America that wouldn't be there, wouldn't be growing and prospering without billions and billions of Federal investment.

We can start with the 336-mile diversion canal that diverts water from the Colorado River so they can irrigate the desert and make it a city. It seems to me that's a pretty expensive economic development project taking desert and making it grow.

Mesa last year, his home area, $35 million of their budget is Federal money, and he keeps talking about the process. Well, I think I understand the process, and I'd be glad to debate the process with him any day, anytime, anywhere. I've been in business all my life, retailing. I served in local government 8 years, State government 19 years, Federal Government 11 years, and I understand process.

Rural America is not a part of the process of funds from the Federal Government. This bureaucracy you brag about how they allocate money and how they hand it out as if this was some pure process. Rural communities don't have planning departments. They don't have planning directors. They don't have consultants. They don't hire lobbyists like Mesa and Phoenix and Arizona do. They're fighting for their economic lives.

This little forest county is less than 10,000 people. I think the population went from close to 5,500 to 7,500 because we opened a prison there. It used to be the home of an Evenflo Bottle Company, and those people would like to see a little investment in economic development in that community. It used to be the home of a glass plant. It used to be the home of a cabinet factory. They're all gone.

It is a beautiful area, some of the most beautiful parts of America. It is the best hunting and fishing in America, and tourism is the only tool they have that's working. This Hunting and Fishing Museum is another tool to try to keep hunters and fishermen and travelers and visitors to visit that part of the area.

Another thing, its interactive displays teach young people about hunting and fishing. We have a lot of people today that don't have fathers at home teaching them to hunt and fish. The Hunting and Fishing Museum is going to have classes. They're going to have classrooms. They're going to teach young people the joy of hunting and fishing. I find you take a young man and you teach him to fish, you teach him to hunt, you get him involved in a sport, he's less likely to be in crimes, drugs and on the streets.

It's a part of the fiber of America. There is no urban museum that isn't loaded with Federal dollars to build it.

□ 1515

Rural museums don't have that same pathway. I defy a museum in America that doesn't have Federal funding in it. Because a little community asks for 50 or 100,000, this is some sort of a crime?

I'm sorry. I'm not going to apologize. I served Forest County as a State House member, a State senator and now a Congressman. I ran a business within 10 miles, and many of these people were customers of mine when I had a supermarket. These are good people fighting for their economic lives trying to build this museum.

The State has allocated $4 million, but they have to get matching money. This $100,000 will get them another $100,000 from the State, because as they raise money, they get money. I gladly debate this museum. It's a good investment for the future for Forest County and for America.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, nobody is suggesting that it is a crime to support this kind of earmark, nor would it be a crime to actually deny funding for it. That's what the process is about.

My complaint, and nobody has suggested either, that there's this pure process at the Federal agency level. It's dysfunctional. We haven't provided the type of oversight that we need to.

The fact that there is an account over there to actually fund economic development projects suggests to me that it's out of control, that that's what we are about, what we should be about. We control the Federal purse strings. It should be in our interest actually to rein in spending over there rather than trying to compete with it and say if they do effect spending on this project or that, whomever has the district, that we shouldn't compete with that here and say, well, we can do one, one-up them with the Rock and Roll Hall of Fame. If they had funded another hall of fame, we should say, is it the Federal Government's role to fund these? That's what I am questioning here.

If we can fund teapot museums and mule museums and hunting and fishing museums, what is off limits? What would come here that we could say we are not going to fund that? We could fund a mule museum. How about a donkey museum. Is that out of line? Where do we say enough is enough, and where do we say let's give the taxpayer a break?

Mr. Chairman, I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. According to the Department of Transportation in 2005, his area received $580 million for its construction of a $1.4 billion, that's a pretty big percentage, of a 19.6 mile light rail system serving metropolitan Phoenix.

Why should people from Forest County have to pay that? I should make that argument. We can use it. Mass transit gets huge amounts of money, and Arizona gets lots of that. The largesse goes to the urban areas that have the ability to get it.

One thing about the earmark process, I am not saying it's perfect, but I have never asked for an earmark that I wouldn't defend publicly in any setting. I am proud today to ask this Congress to give $100,000 to the Hunting and Fishing Museum in little Forest County, that is trying to rebuild their economic base, enhance their tourism and teach our young people the value of wildlife and fishing and hunting and the beauty of the area. That's a noble issue.

I will gladly support the ability to help that rural county. I ask support of this Congress for this earmark.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Friends of the Cheat Rails to Trails Program.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Transportation—Administrative Provisions—Federal Highway Administration" (and specified for the Transportation, Community, and System Preservation Program) is hereby reduced by $300,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would take $300,000 from the Friends of the Cheat Rails-to-Trails program. The Cheat Trail is one small part of the 13,600 miles of trails built by the Rails-to-Trails Conservancy. The program's mission is to create a nationwide network of trails for former rail lines.

The program is a nationwide effort, yet this earmark is aimed directly at one trail in West Virginia. This is not the first time Friends of Cheat have bypassed the Rails-to-Trails program for funding. The House approved a $300,000 earmark for the Cheat trail just last year. If the trail is in such need of funding, isn't it coming from the funding and the many grants allocated in the Rails-to-Trails program?

This is another problem I have with the contemporary practice of earmarking. If we set up processes at the Federal agency level, and we set up accounts, often when people apply to that account, and apply for a grant and don't get it, then we in Congress will go and give them that project anyway through an earmark.

So if we are telling the Federal agencies, here is a process that you should go through that is merit based, that is competition based, and then fund those who don't get a contract, what are we saying? If we have a problem with a Federal agency's process or program, then we should amend them.

We should change them. We should call the agency heads before us and say explain why are you doing this, why are you giving money to this organization and not that one, but not to circumvent the process and basically add to it.

The Rails-to-Trails program has over 100,000 members, receives Federal, State and private funding. It was created over 20 years ago. I think that if this organization was to apply to the program, they are quite capable of finding funding. There is funding there.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, in a way, I hardly know where to start here, but I might start with the gentleman's question that he poses time and time again, not only today but in previous days: Is it the Federal Government's role to fund these projects?

He has several different arguments against projects. When projects of a very significant nature are pointed out that are going on in his district, he says, oh, well, in the past they were authorized, appropriated, and he says they have oversight. To what extent, we don't know.

But the point is, they went through a process here in Congress. Article I, section 7 doesn't say what process it should go through. It says that it's the Congress' job to do that. Every Member of this body is looking at their congressional district and thinking about economic developments and what are the needs.

If you are in a transition economy, transitioning from a basic industry, manufacturing economy to a new economy, tourism is a very important part of that new economy, of that vision into the future.

We have seen a lot of projects from industrial areas that fall into that category, whether they are museums, whether they are trails, whether they are any of those kinds of appurtenances, if you will, that contribute to the economic development in the tourism realm.

Well, if the gentleman's question is, is it the government's role, the Federal Government's role, to fund these projects, which he asks over and over again, as the alternative argument against these projects, then it has been answered over and over and over again. It is the Federal Government's role to do it through this body. Constitutionally, it is our responsibility. Article I makes that very clear.

So I just want to point that out and then speak and thank the gentleman for the opportunity to stand up to speak for Friends of Cheat, because they are doing just that. They are laying the kind of infrastructure that is necessary and crucial to that new economy, and that aspect of our economy in the future of West Virginia is going to be tourism. He has allowed me to speak to that.

Before I speak to it, I would like to thank the gentleman from Massachusetts for his leadership and review of this project. I know his staff has spent hours on it, because my staff has spent hours on the projects that we have approved. But this funding will be used, as the gentleman said, to acquire land and develop a trail in order to create those kinds of infrastructure that are attractive and make usable the bounty that is West Virginia.

I thank the gentleman for allowing me the opportunity to speak in favor of this project. I want to compliment him for the tremendous assets that are going into Arizona. I am extremely impressed; it's an affluent area. His predecessors have worked very hard, as has been pointed out here today.

There is nothing the matter with that, and there is nothing the matter with the process that those projects went through. Nor is there anything the matter with the projects that we are talking about here today have gone through.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Might I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Arizona for bringing this amendment, and I appreciate the gentleman from West Virginia coming down to defend this particular language that's here.

I think we need to take a look at this thing from a perspective that's perhaps broader than this particular project, that being that the issues that have been raised here in this Congress will be discussed again and again throughout this appropriations process.

But if the project has merit, it should have merit. It should be able to succeed in its efforts without being specifically identified.

But I think it has a fair amount of weight to drag with it, in that that trail has been there a long time. It could wait awhile longer.

I would submit that the issues that surround the particular district that the gentleman represents should be considered in light of this particular appropriation. The report that came out in the Wall Street Journal that's a little more than a year old, about land that has been purchased along the river that happens to be the same river that this trail runs along, I don't know that it's adjacent, brings a question to mind as to whether or not the gentleman from West Virginia will be able to follow through on statements reported in the Wall Street Journal that say any claim whatsoever that says these investments are in any way related to my actions as a Member of Congress is categorically false.

I don't deny that statement. I don't actually take issue with that. I would just ask the gentleman if he could suspend his aggressive effort to fund this project until such time as these questions that surround this Cheat River project could be resolved.

Mr. FLAKE. Mr. Chairman, let me just close. Let me say, again, I fail to see the relevance of the number of defense contractors that Arizona has or the amount of Federal money that goes there by contract, by competitive bid or otherwise. How is that relevant to this process?

The truth is, there is something wrong with the process when we have thousands and thousands and thousands of earmarks, when we have 1,500 and just a couple of days to review them before we come here to the floor. There is something wrong with that process.

As I have said before, we can try all we want to conjure up some justification for the contemporary practice of earmarking. But if we think the taxpayers across the country are buying it, we are drinking our own bath water.

We are believing our own press releases if we think that's the case, because they're not. They're not believing it, and they shouldn't. There is no noble pedigree to this kind of earmarking. There really isn't.

So to appropriate money in this fashion is simply not becoming of this Congress. We are better than that. We should have more respect for the institution than that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1530

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have one final earmark at the desk.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Houston Zoo in Houston, Texas.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Community Development Fund" (and specified for the Economic Development Initiative) is hereby reduced by $300,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chairman.

This amendment would prohibit $300,000 in Federal funds from being used by the Houston Zoo in Houston, Texas, for an educational broadcast program and would reduce the cost of the bill by a consistent amount.

According to the earmark description in this certification letter, this funding would be used to develop an educational broadcast program to provide interactive distance learning, first to the neighboring institutions at the Texas Medical Center, and ultimately expanding the program to regional school districts.

According to the sponsor's letter, this program would enable children and students to ask questions of and converse with zoo experts in real time, replicating an in-classroom dynamic, but in an exciting and unique manner.

I should say the Houston Zoo is the permanent home of 4,500 animals; the zoo attracts more than 1.5 million visitors a year; general admission is $10 for an adult, $5 for a child. In fact, according to the City Navigator, annual revenue for the Houston Zoo in 2006 totaled $39 billion. In 2006 alone, the Houston Zoo had over $43 million in net assets and nearly $20 million in excess revenue. It has a membership base of over 28,000 households. Corporate sponsors include Continental Airlines, Shell Oil, JPMorgan, BMC Software, Conoco-Phillips, FedEx. The list goes on and on.

Again, here, if we are going to start to fund programs at zoos like this, where does it end? Virtually every Member has a zoo or some type of wildlife preserve in their district. Where do we say enough is enough?

Mr. Chairman, I reserve the balance of the time.

Mr. CULBERSON. Mr. Chairman, I would like to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Here again, let me simply say there are a lot of zoos around the country, a lot of zoos that every one of which would like to receive Federal funding. Where do we say enough is enough? Where do we say this zoo is worthy, they have two tigers; this one only has one lion? The tigers get it? I mean, where do we have some kind of equitable process rather than Members just being able to designate funding of this type? We simply cannot continue to go on in this fashion.

Again, somebody will probably point out Arizona has a lot of defense contractors and gets a lot of Federal money. Again, I fail to see the relevance of that argument here. Let's throw the taxpayers a bone here, if you will, and let's finally say we are going to stop funding for one of these earmarks and actually return to fiscal sanity. We are running between a $200 billion and $300 billion deficit this year. Remember, money comes into Washington, we don't have enough to fund the programs, and so we are borrowing money to actually pay for programs like this. We can't continue to do that. I urge support for the amendment.

I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I am not sure what standard the gentleman from Arizona follows, but as a member of the Appropriations Committee, as a guardian of the public Treasury, representing the people of Houston, I have approached all spending requests from the perspective as someone who has a second mortgage on the house and all the credit cards are topped out. My starting answer on all spending requests is "no," and "yes" has to be earned.

I have published all of my appropriations requests on my Web site for many years. I published both my request letters as well as the final result of those requests that the members of the committee have graciously agreed to support because they know that any request coming from me and my office has already been carefully screened. I won't submit requests that haven't already passed my very careful scrutiny.

Again, I approach the request from the perspective of there is not enough money in the Treasury to do it; the starting answer is "no," and "yes" has to be earned; the request has to fall within the functions of the Federal Government, and it has to be something for which there is no other source of revenue.

I am proud to represent the Texas Medical Center. I am proud to represent the Houston Zoo. This $300,000 will be used by the zoo. They are matching it, providing a 3-1 private match to these dollars that are going to go exclusively into providing live video feeds to critically ill children and children that are dying of cancer who otherwise would have no interaction with the outside world.

The Texas Medical Center is recognized around the world as probably the greatest concentration of medical talent anywhere in the world. God forbid anybody within the sound of my voice comes down with cancer or a dreaded disease; but if they do, there is no better place to find a cure for that than at the Texas Medical Center.

If you are a child with terrible burns, trapped in your room and unable to get out and visit the zoo personally, there is no television channel in Houston for you to see what goes on at the zoo. The zoo is going to use these dollars to construct dedicated transmission facilities to these dying children, critically ill children in their hospital rooms so they can talk to the feeders, people actually working with the animals, observe the animals around the clock. And, certainly, your mental attitude is a tremendous part of getting well and recovering.

This request was the only one that I submitted on behalf of the Houston Zoo. They submitted a lot of requests to me. In fact, I think the appropriators will find that most of the requests from me will take about one page, because I am very careful and only submit a very few. I am proud of all of them. They are all on my Web site. And I can tell you, this is one that I am very grateful to the chairman Mr. OLVER and to the ranking member Mr. KNOLLENBERG for supporting. They know they don't get many requests from me, and this one certainly is one that is appropriate to help these dying and critically ill children revive their spirits in interacting with and seeing what marvelous work the Houston Zoo is doing, which is, of course, right next door to the Texas Medical Center.

Finally, I want to encourage Members to vote against this amendment based on the merits, but then also because the amendment doesn't save any money. I am one of the most fiscally conservative Members of this House and proud of it. I voted against all of these big new spending programs over the last many years, whether it be the farm bill; I voted against the farm bill, billions of dollars for AIDS in Africa as money we don't have; voted against the No Child Left Behind because that is an intrusion of the 10th amendment sovereignty of the States and money we can't afford to spend; voted against the Medicare prescription drug program. I have voted against most of the big spending programs that have been driven through this House, because I truly believe that I have got a responsibility to my daughter and future generations to try to keep Federal spending at a minimum, diminish the size, power, and cost to the Federal Government.

As Mr. Jefferson, my hero, said, apply core republican principles, with a small "R," keeping most power and responsibility at the local level. If you apply core republican principles, the knot will always untie itself.

So I am always looking for ways to save money. So I would ask Members to vote against this amendment first on the merits; and then, secondly, because unfortunately, once again, Mr. FLAKE's amendment doesn't save any money. He is not reducing the overall 302(a) allocation of the bill. So this is another phantom savings that is not going to result in a savings of one nickel for taxpayers by cutting out the live video feeds to these dying and critically ill children in the medical center.

And I am sick and tired of phony amendments that act like they are going to save money. I have already scrutinized this, along with every other request from my office. I am proud of the work the zoo is doing and the work the medical center is doing. And you can expect me to be out here vigorously defending the work of this committee investing in the sciences.

I thank you, Chairman OBEY. The chairman of my Subcommittee on the Sciences, Mr. MOLLOHAN, is here. Our ranking member, Mr. FRELINGHUYSEN of New Jersey. God bless them for the investments they are making into sciences and NASA and medical and scientific research. That is our Nation's insurance policy. I will be out here vigorously defending them against anyone attempting to cut those investments into sciences or NASA or in medical research. That is this Nation's insurance policy.

And I especially resent somebody coming out here and offering a phony amendment that is not going to save one nickel of taxpayer money; because this $300,000 is not being taken out of the overall spending, it is just going to be spent by bureaucrats.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, again, I do not want to comment on the particular project under question, but, again, I just want to make a point to my friend from Arizona. And I love the State of Arizona. It is a beautiful State. I go there every year to visit some friends. I think it is absolutely wonderful.

But when I came to this Congress, I believe there were four congressional districts in Arizona, four Representatives of Arizona in this House, and there were 10 Representatives from the State of Wisconsin. Now, almost 40 years later, Wisconsin has eight congressional districts, eight Representatives, and Arizona, I believe, has a similar number. That means that Arizona has grown at an incredibly rapid rate, and an awful lot of money from a lot of other States has helped finance that economic growth.

And I return to the Central Arizona Project. I am not expressing a judgment about that project one way or the other, but I do know that it is one of the two or three most expensive earmarks in history. And I would simply suggest that I find it ironic that the gentleman has chosen to go after several projects today in States whose economies are far less prosperous than the gentleman's own State.

I also would question whether or not there is any greater purity in a highway, for instance, being built on the basis of a determination by two or three persons from a given State that knows the area, I don't know why that is any less pure than to have some partisan bureaucrat in the agency decide.

MOMENT OF SILENCE OBSERVED IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The Acting CHAIRMAN. The Chair asks the gentleman from Wisconsin to suspend for one moment.

Pursuant to the Chair's announcement of earlier today, the Committee will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all those present in the Chamber and those visiting us in the gallery please rise for a moment of silence.

The gentleman from Wisconsin may continue.

Mr. OBEY. As I was saying, I don't know why one should assume that a decision to build a highway or any other project, if made by partisan bureaucrats or politically appointed bureaucrats in an agency, I don't know why that is any more pure than a decision being made out in the open by Members of Congress, who I think know their districts as well as any bureaucrat.

So all I would suggest is that while I am certainly not fond of the earmarking process, I am also not fond of the idea that somehow those of us from States not quite as prosperous as the gentleman's need to be embarrassed by the fact that we are asking for a little better deal in terms of Federal money spent in our districts, especially when the gentleman's State is above the national average in terms of the amount of Federal dollars spent in his own State. .

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HASTINGS of Florida:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Federal Aviation Administration (FAA) to eliminate, consolidate, de-consolidate, co-locate, execute inter-facility reorganization, or plan for the consolidation/deconsolidation, inter-facility reorganization, or co-location of any FAA air traffic control facility or service, with the exception of the reversal of the transfer of the radar functions from the Palm Springs Terminal Radar Approach Control (TRACON) to the Southern California TRACON.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today with Representatives POE, FILNER, and BONO to offer an amendment prohibiting the Federal Aviation Administration from eliminating, consolidating, colocating, or planning to consolidate or colocate any terminal radar approach control center, or TRACON.

Our amendment is virtually identical to the amendment that was overwhelmingly approved by the House in a bipartisan fashion by almost 100 votes just last June. Yet, since the House went on record of opposing further consolidation, the FAA has done virtually nothing to address our concerns. Even more, it has accelerated its consolidation efforts while shutting out stakeholders from the process.

Mr. Chairman, the TRACON system guides airplanes within a 50-mile radius of the airport on their takeoffs and final approaches. The FAA has embarked on an ambitious consolidation and colocation plan which will significantly limit our air traffic capacities in the future. I warn that this policy is shortsighted.

It is now rumored that the FAA's current consolidation proposal seeks to eliminate or consolidate nearly 50 TRACONs in over 30 States across the United States.

□ 1545

In some instances, entire States will be left without any approach radar system within their borders. In other instances, consolidation runs the risk of placing undue stress on nearby TRACONs already having to deal with larger airspaces and staffing shortfalls.

In Florida, the FAA is planning to consolidate the TRACONs of Miami International, Ft. Lauderdale International and Palm Beach International airports into one TRACON. Note that all three of these airports are within a Federal high-risk urban area, and smack dab in the heart of Hurricane Alley.

Once this plan is implemented, if a terrorist attack or natural disaster were to strike the Miami TRACON, then all three international airports would lose their approach radar system. Controllers in Jacksonville, an airport more than 350 miles away, will be forced to direct approaching aircraft throughout virtually the entire State.

Realize, Mr. Chairman, this is not a question of whether or not consolidation can technologically be done. It can be done and it is being done. On the contrary, this is a question of should it be done and what risk is Congress willing to run.

Further, in the instances where consensus is possible and consolidation could be appropriate, the FAA is still refusing to involve stakeholders in the process. To that end, this amendment appropriately exempts the TRACONs of Palm Springs and southern California from the limitation.

Opponents of our amendment likely will argue that the construction of some new control facilities, including one in my district, will be delayed and funds lost if we do not allow consolidation. To them I say, why can't we keep those funds available until all stakeholders can reach a viable solution? Congress does it all the time.

Some point to the FAA authorization bill as the appropriate place to address this issue. And I have great respect for the chairman of that committee with whom I've had a conversation. If that's the case, though, why do we keep throwing money at the problem in this bill? At the very least, we should tie this money to smart policy and a transparent process.

The FAA's TRACON consolidation runs the grave risk of leaving our air traffic system vulnerable during critical times and setting a dangerous precedent for a process that excludes stakeholders from decisions that impact their lives. This is not a risk that Congress should be willing to take.

I urge my colleagues to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the major problem, other than lack of funds, related to aviation in this country for the next period of time is the great growth in traffic. We are expecting total traffic to pass 1 billion passengers within the next 10 years. Over the last 10 years it has risen from, gone well above 500 million passengers per year.

Now, this amendment will make the cost of providing facilities and equipment in order to be able to meet that great growth in traffic much higher than it otherwise would be. The modern equipment that is necessary, most of the present towers need to be upgraded, the equipment needs to be upgraded, towers need to be built for the next generation of air traffic control to deal with all of that huge increase in expected traffic. The towers themselves are expensive. The electronic equipment, the facilities, what you call the STARS systems for control, all of these are expensive items, and the expense of the process burgeons if we do not make other kinds of efficiencies.

Now, this amendment would halt all of the modernization of air traffic control facilities, both TRACONs and towers, and the equipment within those facilities. Consolidation has already gone on very successfully in some parts of the country.

The gentleman from Florida has suggested that there are problems in safety, potential problems in safety. Look, in California they have consolidated to now two TRACONs covering the whole State for the 30-plus million people in California and the roughly 40 commercial air systems, airports that are there. So that kind of consolidation has gone on also in New York, also in Chicago, also in Atlanta, in all of those places, some of the most complicated air traffic systems in the country. The most complicated ones have already been undergoing consolidations, and this proposal would stop that process.

It would cost us $85 million in savings from planned and designed and in construction consolidations that are already in process. It would cost another $110 million in funds which would expire, because funds for FAA facilities and equipment goes on a 3-year cycle.

In addition, there would be $225 million in construction funds that will be placed on hold. It is an extremely costly endeavor, and it is generally wrongheaded, really. We have to have this consolidation because it's critical to the efficient dealing with our movement of air traffic in this country.

Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Without a great deal of enthusiasm, I oppose the amendment of the gentleman, although I supported it last year. But this year we have in place in our FAA reauthorization bill a process that will cure the problem the gentleman has brought to the House floor.

Frankly, the FAA has not been responsive to the gentleman from Florida. Worse, they have been dismissive. They have not consulted with him or with his airport or with the community that he represents.

In the legislation that the gentleman from Illinois, chairman of the subcommittee and I have fashioned with bipartisan support, we have a process in place. Once our authorization bill is enacted, that will require the FAA to consult with communities, with airport authorities, with the Members of Congress on these consolidation proposals and report back to the Congress. We'll get another crack at it. We'll do it in due course and due appropriate process, not the way FAA is proposing to do it, certainly not with a base-closing commission approach that the administration offered to the Congress.

Just today the gentleman from Illinois held a hearing on the wretched conditions in a great many of our air traffic control facilities, which the FAA is ignoring under the guise of modernization of air traffic control system.

Well, come on. That's not happening for another 5 to 10 years. Meanwhile, people have to sit there and suffer through mold and rain and mildew and, in northern Minnesota, in my district in Duluth, snow coming through the windows, or flies in the air traffic control tower in the winter. Come on. That's not taking care of our facilities.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. KNOLLENBERG. I move to strike the last word, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. I, too, am opposed to this amendment. A number of planned and paid-for capital improvement projects will be delayed or completely cancelled if this amendment goes through. And I think that the discussion you've heard from the two previous speakers is enough to suggest that, as much as we may want to help the dilemma in the gentleman's Florida area, there is a lot of other land out there across this country that needs to be looked at, too.

I yield to the ranking member of the Transportation and Infrastructure Committee, Mr. JOHN MICA.

Mr. MICA. Mr. Chairman, I rise in strong opposition to this amendment. I'm pleased to join Mr. OBERSTAR who chairs our committee, and as the ranking member, and you'll hear from our ranking member on the Aviation Subcommittee, also opposed to this amendment and, I believe, Mr. COSTELLO, who's the Chair of the Aviation Subcommittee, which I previously chaired, is opposed to this amendment. So rarely have we had such bipartisan support in opposing an amendment.

As Mr. OBERSTAR said, too, maybe this may be well-intended to try to deal with some problems we've had in the past, but let me tell you, this amendment can have some very severe consequences. We're talking about closing down the modernization of our air traffic control system.

Here's the headline of today's Washington Times: "FAA Target Airline Delays." I can't come to the floor and not be besieged by Members who haven't been delayed by flights. If you really want to close down our Nation's aviation system, pass this amendment.

We have successfully done these consolidations in the past. We'll do them and modernize and get the latest equipment. However, a moratorium on consolidations through January of 2009 will cause FAA to lose $110 million of expiring funds this year that are targeted toward modernizing these facilities, and nearly a quarter of a billion dollars in construction costs will be placed on hold for projects currently in process across the country. This would be a disaster.

Many of the airports affected are planning to make improvements, and all of this attempt to get our aviation industry moving and air traffic moving and modernization of the system will come to a grinding halt. May be well-intended, may try to solve a problem that the gentleman from Florida has experienced, but this is not the solution.

I urge opposition.

Mr. KNOLLENBERG. Mr. Chairman, I would like to yield now to the gentleman on the Transportation and Infrastructure Committee, Mr. PETRI from Wisconsin.

Mr. PETRI. Mr. Chairman, I join with my colleagues on the committee who have studied this matter in opposing the amendment before us.

Just this morning the Aviation Subcommittee conducted a hearing on our aging air traffic control facilities, some of which are in very, very bad condition, and this amendment would move us in the wrong direction rather than the right direction. The impact of the amendment would be, according to the FAA, that it would lose some $110 million in funds that have been programmed to modernize the facilities that it needs to maintain to keep our system moving. And this will expire if the amendment is adopted.

The average age of FAA towers is some 27 years and in route centers are 43 years. They need to spend some $30 billion over the next few years to modernize the facilities and maintain them.

And I realize that it's a well-meaning amendment, but it would set us back and delay the efficiency and mobility of our population, and could even result in some increase in risk in the system.

For those reasons, I would urge rejection of the amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Florida. Would the Chair advise how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 30 seconds.

Mr. HASTINGS of Florida. I ask unanimous consent that each side be given an additional 2 minutes.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1½ minutes to Mr. Poe, my colleague from Texas.

Mr. POE. Mr. Chairman, I am strongly a proponent of this amendment. I represent southeast Texas. We have a TRACON at Houston Intercontinental Airport. We have one in Beaumont, 90 miles away. And I am not convinced that the consolidation of these two TRACONs in Houston is a good idea for safety.

I'm also concerned about the fact that we have more and more planes in the air, but yet the FAA wants to have fewer and fewer facilities in the United States to control that aviation.

I'm also concerned, as the gentleman from Florida is, about security. Down in southeast Texas, what I represent, I represent the number one refinery in the United States, the number two refinery in the United States. Twenty-two percent of the Nation's aviation fuel is produced in my area.

☐ 1600

And if there was some tragic event, some terrorist attack on Houston and the Intercontinental Airport, who would be controlling the skies? Some TRACON unit in Oklahoma City and New Mexico? I think not. I think it is good that we have two TRACONs in the area.

And, lastly, I am not convinced that this would save any money. Just as we went through with the BRAC military base closures, we are finding that that did not save the taxpayers any money, especially with Ellington Field in Houston.

So for all those reasons I think this is a wise amendment for safety and security, and I thank the gentleman for yielding.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Chairman, going forward, my colleagues argue that we would lose $110 million that expires at the end of this year for FAA. I remind my colleagues that this is the United States Congress, and I have been here when we have extended the kinds of funds that would be made allocable to agencies by time. If we wanted to, the $110 million that has been discussed could be extended for 2 or 3 years, and FAA could be delayed in that particular undertaking with reference to so-called modernization.

What they did in this particular measure, after we passed the measure last year, FAA then accelerated their process rather than sitting down and talking with the stakeholders such as the Members of Congress or pilots or air traffic controllers or airport operators or aviation operators and the general public; absolutely no discussion, and then put forward the measures that have come out now. That is the primary reason that I am on the floor. Sixteen thousand controllers and engineers believe this to be the case.

For the Record I will include a letter from the National Air Traffic Controllers Association.

National Air Traffic
Controllers Association, AFL-CIO,
Washington, DC, July 23, 2007.

Vote Yes on the Hastings-Poe-Filner-Bono Amendment to THUD Appropriations

Dear Member of Congress: As the President of the National Air Traffic Controllers Association (NATCA), representing over 16,000 controllers, engineers, architects, nurses and aviation safety professionals, I urge you to vote yes on the Hastings-Poe-Filner-Bono amendment to H.R. 3074, the FY08 Transportation Appropriations Act. Representative Alcee Hastings offered a very similar amendment to last year's TTHUD bill to prevent the FAA from consolidating Terminal Approach Control (TRACON) facilities, and it passed with 261 bipartisan votes.

In the past, NATCA and the FAA have worked in tandem to identify air traffic control facility consolidations that could potentially make sense and to ensure that the process involves the important input from vital stakeholders. Unfortunately, the FAA is no longer taking into consideration the legitimate concerns of stakeholders such as Members of Congress, pilots, air traffic controllers, airport operators, aviation operators, and the general public.

NATCA believes that the FAA must consider air traffic control facility consolidations/colocations using a transparent process because the Agency has an obligation to involve stakeholders in any Agency effort that could affect the safety and efficiency of the airspace. A full risk-assessment, including the Homeland Security implications of placing all of our radar functions in one location, must be conducted and made open to public scrutiny.

A moratorium on consolidations is necessary to provide the opportunity for Congress to evaluate the specific operational need for proposed consolidations and prevent the Agency from moving ahead with flawed consolidation plans without a defined policy.

We hope that you will support the efforts of our nation's professional air traffic control workforce in keeping our National Airspace System the safest in the world by supporting this amendment. Vote yes on Hastings-Poe-Filner-Bono.

Sincerely,

Patrick Forrey,
President.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Costello).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I reluctantly rise in opposition to the Hastings amendment, joining the chairman of the full committee, Chairman Oberstar; the ranking member Mr. Mica; and Mr. Petri.

Mr. Hastings is exactly right. The FAA has done a very poor job of communicating with Members of Congress and stakeholders on its plans to consolidate and relocate facilities, but halting the process at this stage is not the answer.

Instead, what we need is an open, continuous, and defined process, and that is exactly what we have in the reauthorization bill that the Transportation Committee passed just a few weeks ago. It allows affected stakeholders to work together with the FAA to develop criteria and make recommendations that will be submitted to the Congress and published in the Federal Register for proper review and oversight. Any objections or changes made to the recommendations must again be submitted to the Congress. Congress does not relinquish its role, but, instead, can provide thorough review, oversight, and input.

Let me say that preventing consolidation and relocation is not the answer. We just held a hearing this morning, the Aviation Subcommittee, in which we discussed the FAA's aging traffic control facilities. Many of these facilities are 40 years old or older, and they are exceeding their useful life expectancy in not meeting current operational requirements. This has resulted in the GAO's giving many of the facilities a score of fair to poor.

We must ensure that the FAA make the investments needed to maintain the current existing infrastructure, including in some cases consolidation and relocation, to ensure that the current system can continue to operate in a safe and reliable way. I believe the best course of action is to address this issue through the reauthorization bill, and that is exactly what we have done in passing the bill out of committee.

As a result, I oppose this amendment and urge my colleagues to vote "no" on the Hastings amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I would just like to point out that the gentleman from Florida has made the point that the House passed last year legislation doing this. That was never acted upon and was not included in the CR, the final CR for the 2007 budget. That was adopted in the House version of the bill, but it was not carried through to the CR. So there is no precedent of merit there.

Secondly, the crux of our problem is that we have a huge growth of air traffic that is expected within a 20-year period. From 1995 to the year 2015, we will have gone from half a billion passengers to a billion passengers, and that is in the commercial traffic, plus all of the increase in general aviation. We cannot sit with our head in the sand and not modernize all these facilities, the towers, the facilities, the equipment, the control systems that are necessary to deal with that increase in traffic, and that has to be done. It has already been done in some of our major parts of the country.

The gentleman from Texas has concerns about Texas. The authorizing language which the T&I Committee has reported out includes a system to look at those cases to review and to set up a system for reviewing how those systems will be set up in additional places as the consolidation of TRACONs and the modernization of these facilities and the reequipment of these facilities must go forward.

So I think that that part of it is a red herring, truly. In the case of Chicago and New York and Philadelphia and Washington and California, our heaviest traffic locations in the country, and Atlanta besides, we already have these consolidations in place. And in the case of California, 40-some-odd airports and their tower facilities have been included now in 2 TRACONs where there used to be 8 or more TRACONs in the State of California.

So the number of TRACONs is going to come down. It must come down, and we must get on with this modernization of the facilities and equipment that otherwise would always be very costly. It must be done.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman from Florida, though I don't think I have much time.

Mr. HASTINGS of Florida. Just to say, Mr. Chairman, you know there is another component to all of this, and that is that the 16,000 air traffic controllers and the people that work in these modern facilities are overburdened, and I just for the life of me do not understand how we don't understand the dynamics of their work.

And I thank the chairman for yielding.

Mr. OLVER. They will be much less burdened if they have new facilities and new equipment, equipment that is modern and that can manage to handle that traffic in a much more efficient manner.

I hope that the amendment will not be adopted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chairman announced that the "noes" appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRELINGHUYSEN:

At the end of the bill, before the short title, insert the following:

SEC. ___. None of the funds made available under this Act may be used by the Federal Aviation Administration to implement its preferred alternative of the New York/New Jersey/Philadelphia Airspace Redesign project.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to offer this amendment on my own behalf as well as Congressman GARRETT from New Jersey, my colleague; and Congressman CHRISTOPHER SHAYS from Connecticut.

Mr. Chairman, I am pleased to yield 2 minutes to my colleague from New Jersey, SCOTT GARRETT.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

I am pleased to come to the floor today with my colleague from New Jersey, Morristown, and also my other colleague here as well from Connecticut, CHRISTOPHER SHAYS, as we propose an amendment that will ask the FAA to basically more closely consider how their proposed airspace redesign plan will impact upon the quality of life of the residents of the State of New Jersey, from Connecticut, and also from the State of New York as well.

Now, we all recognize that the skies over our area are more crowded than ever before, and air travel is, obviously, a worthy goal. But the FAA must make noise and air pollution a top consideration whenever they work to redesign their airspace.

Residents of the communities across the five States are facing a threat now to the quiet of their communities and also to the value of their homes as well. The residents of my area, the Fifth District of New Jersey, are especially concerned about this. Just recently we held what you call a town meeting of sorts, and nearly 1,500 people came out to the public hearing up in Woodcliff Lake, New Jersey, and that was just about a month ago. And they came out to voice their concerns directly to the FAA.

The FAA received comments from all present, but wouldn't it have been a lot better if the FAA had taken those comments before they drafted their preferred alternative? The citizens who came to that meeting left with a deep concern that the FAA just is not listening. So this amendment is really here to help force the FAA to listen to those people in the area.

So as noise in these communities increases, there is a very real possibility that the values of their homes are going to decrease. Residents are concerned their communities are going to be drastically affected by the fact that the FAA is simply trying to save 2, 3, 4, 5 minutes from the travelers' air time.

So, in conclusion, we are simply asking now through this amendment that the FAA reconsider their preferred alternative with an eye towards protecting the communities and considering that at the same time that they consider the air travelers as well.

Mr. OLVER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this and the previous amendment go together. Together, if these two amendments pass, our air traffic control system will be set back years in the process from which they have been going forward in trying to modernize both the air traffic design and the TRACON facilities to be used.

The FAA has spent more than $50 million on airspace redesign in the New York, Philadelphia, New Jersey, western Connecticut area already. They have posted hundreds of outreach meetings to understand the needs and concerns. In addition, the design has undergone independent analysis by the inspector general throughout the process, and the FAA has adopted each of the IG's recommendations.

Now, what are the benefits, what are the purposes of the airspace redesign? Well, number one, we have got this huge expected increase in traffic that I have already spoken to twice.

Secondly, the air traffic region that is being described here, and this amendment only affects that region, not the whole country, only that region, but that air traffic system, that airspace system, is the system where the greatest delays, the greatest delays, are happening as we speak.

The redesign of the airspace would allow for a major reduction in delays, first of all. By so doing, there would be less noise. They would be able to fly at higher altitudes, and use a gradual glide pattern in rather than stepwise glide patterns in, and use the whole airspace so that the net reduction of people who are affected by noise, by the levels of noise, is very large.

In addition to that, environmentally if you are not flying around for long periods of time in the airspace and under delay and in holding patterns and sitting on the tarmac with the engines going, then you are saving a lot of fuel.

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There will be much less fuel burned, therefore, much better air quality control in the process.

All of these taken together, along with the fact that if you've got delays in that major area where so much traffic occurs, then there are backups with delays all over the country. So the air space design issue is a critical issue in totality for our modernization of our traffic control.

So, I oppose the amendment, and I hope it will not be adopted.

Mr. Chairman, I would like to yield 1½ minutes to the gentleman from Minnesota, the chairman of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. The New York-New Jersey-Philadelphia metropolitan area has the most complex air space in the United States; that means, the most complex air space in the world. Four of the Nation's five airports reporting the worst on-time performance are Newark, LaGuardia, JFK and Philadelphia. Holding time is five times greater than any place in the country.

The percentage of flights that arrive in Newark over an hour late is 15 percent of all the fights. Seventy-five percent of the Nation's domestic and international flights are affected by delays and inefficiencies in the New York-New Jersey-Philadelphia air space, no matter where they're going.

You have international flights arriving from the transatlantic corridor. You have flights arriving from Canada, flights arriving from South America, flights arriving transcontinental from the United States on the east coast merging into this area. Sure, there are awful noise impacts upon residents, but the redesign will save noise to some 619,000 people, shifting it elsewhere, shifting it away from other people. FAA has held over 120 public meetings since they began the process of the air space redesign. This will save 20 percent of delays and 12 million minutes a year. This is important to the Nation, not just to this region.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. I, too, oppose the amendment. I agree that we need to do something with the problems that are out there. We have to strike a balance between our neighborhoods and our close-in airports. And I know that Mr. GARRETT spoke about 1,500 people showing up for a hearing and/or town hall hearing, some kind. That's a lot of people, so there is a lot of grief and upset out there. But the traffic delays of the New York, New Jersey and Pennsylvania airports, as has been pointed out by Mr. OBERSTAR, are the worst in history, and I think it's less than 50 percent of the flights were on time. The FAA does need to act.

At this time, I yield 2 minutes to my friend, Mr. MICA from Florida, a member of the T&I Committee.

Mr. MICA. It is, again, rare that we have the chairmen on both sides of the aisle, the appropriation and authorizing committee, all uniformly in opposition to an amendment. But let me tell you, if you want to close down air traffic in the United States indefinitely in the Northeast, adopt this amendment.

Now, this isn't something that we just cooked up, that we're going to redesign the air space in the Northeast corridor. We started on this in 1998. We haven't redesigned the air corridor in the northeast United States since 1988. Imagine not expanding the roads or the transportation system in the Northeast since 1998 and the congestion you would have, and that's exactly what we've got.

Now, I've been to the districts. I've been to Mr. GARRETT's district, Mr. FOSSELLA's district. I've been to Mr. SHAYS' district. And I continue to work with Members, when I chaired the Aviation Subcommittee, and now as ranking member, and we will work with them, but we have got to redesign the air space. Imagine having no expansion highways. Now, planes are no different than highways; they run in corridors. But we haven't changed it in the Northeast corridor since 1988. We have been working on this redesign since 1998, some 10 years. We have got to make these changes and move forward with them.

And we need to listen to the people. We need to make certain that we don't harm their environment, their noise levels, and take into consideration as many of the points that have been raised. But I urge you to defeat this amendment.

Mr. KNOLLENBERG. Mr. Chairman, might I inquire as to how much time is remaining?

The Acting CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining.

Mr. KNOLLENBERG. I would like to yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding.

First of all, let me say that there is no one in this body who pays more attention and is more hardworking in defending the interests of his constituents than Mr. FRELINGHUYSEN, the author of this amendment. But the fact of the matter is that it's not in the national interest to stop this study in its track. They're not doing it just because they want to. They're doing it because the Nation has grown. The system is at capacity. It needs to be redesigned to accommodate the movement of people by air through this New York region. If we don't do it, they will have to go by train, and that's almost at capacity. And the roads are congested. It will slow down our economy. It will impact and affect the growth of the whole region if this can't go forward.

So, I would urge people to defeat the amendment. We will work with the Member from New Jersey and others to make sure they're sensitive to local noise concerns, but this is not the way to do it.

I urge rejection of the amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 1½ minutes.

For well over 15 years, I've been an advocate of reducing aircraft noise over northern New Jersey. I have attended dozens of public hearings, had meetings with FAA officials, responded to thousands of letters from constituents whose lives have been negatively affected by the existing air traffic patterns and related noise. I have been more than a proponent of a design of air space over New York and New Jersey metropolitan area, the first such redesign conducted by the FAA, but I have actually been working on funding for this design plan.

And let me say, I respect Mr. OBERSTAR. I respect all of the big guns that are out against this amendment. But the issue is, and Mr. OBERSTAR mentioned it, is that the FAA has always been dismissive of aircraft noise concerns. We're not trying to say that we shouldn't be concerned about airline safety and too much congestion, and we don't want to do damage to our airline industry, but for those in the flight patterns now, what they propose negatively affects our constituents in northern New Jersey.

Quite honestly, the FAA, if you will pardon the expression, has been blowing us off for a long time. They've been dismissive. So this amendment is all about sending a wake-up call to Administrator Blakely.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank the gentleman for yielding, and I rise today in opposition to the amendment.

As Mr. MICA said, the last comprehensive change to the air space Northeast corridor occurred in 1987 and 1988. Since that time, the traffic has grown significantly. Delays and inefficiencies in the New York-New Jersey-Philadelphia metropolitan area must be addressed as they have reached an all-time high.

Eighty-six percent of the delays caused by the New York center were due to the air space volume. Let me repeat that. Eighty-six percent of the delays caused by the New York center were due to air space volume.

In the first quarter of 2007, the five airports with the worst on-time performance were Newark, LaGuardia, O'Hare, JFK and Philadelphia. Four of the five airports are part of the air space redesign. The New York-New Jersey-Philadelphia air space will handle 15 to 20 percent of all of the air traffic in the Nation by 2011.

The FAA has a specific process in place that it must follow in implementing the air space redesign. Over the course of the project, the FAA has held over 120 meetings to allow stakeholder input, many of which were not required by law. My colleagues, Mr. ANDREWS, Mr. SESTAK and I have asked the GAO to look into the air space redesign to make sure that the FAA has followed the law in implementing this redesign. However, I do not believe that we should be halting the project at this time. It is too critical to our system not to go forward.

Congress should not pick winners and losers in the air space redesign debate. This amendment is asking us to do just that. And for that reason, I ask my colleagues to oppose the amendment.

Mr. OLVER. Mr. Chairman, I yield the remainder of my time to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman for yielding and rise in strong opposition to this amendment, with much due respect to my friend and colleague from New Jersey.

And in large part it has been echoed, but let me repeat it. If anybody who was sitting on a runway, whether you are across this country, especially in LaGuardia or Kennedy, and in particular, Newark Airport, you would be stampeding this House to ensure that this redesign go through. The reason being, as has been detailed extensively, and who knows it better than the riding public, is that congestion is at all all-time high and only will get worse unless this plan is put in place.

The second, and perhaps I would, quote, in clean hands talk with respect to air noise with the people of Staten Island, that practically every plane that takes off to the south goes over Staten Island. So I can appreciate those who don't want more planes going over because the people in Staten Island suffer every day.

The preferred alternative in the plan will reduce traffic from Newark Airport from about 20 minutes to 12 minutes; will reduce air noise, as I said, over Staten Island; will reduce costs to airlines by $248 million by 2011; and a 1999 study showed that by 2010, we would hurt the U.S. economy by about another $4 billion, and the preferred alternative outlined in the plan could save our economy as much as 7 to 9 billion.

It is important and imperative that this plan go through. The riding public deserves it. Those sitting on runways now deserve it. Those waiting to get to Newark or any other airport deserve it. And I would just urge a speedy and urgent opposition to this amendment.

Mr. FRELINGHUYSEN. Before yielding to my colleague from Connecticut, this appropriations bill relating to the FAA has always carried language directing the FAA to deal with the issue of air noise. It has been repeatedly ignored.

Mr. Chairman, I yield the balance of my time to Mr. SHAYS of Connecticut.

Mr. SHAYS. I thank the gentleman for yielding.

The Frelinghuysen-Shays-Garrett amendment should be adopted. The big guns, the chairman of the Appropriations Committee involved in transportation and, the ranking member and the chairman of the full Transportation Committee, and the ranking member are all against it. And what they're doing is sending a message once again to the FAA that they can continue to be arrogant, that they can continue to ignore the public, that they can continue to do whatever they want as it relates clearly to safety and efficiency, but they don't have to care about anything else. They don't have to care about quality of life. They don't have to listen to anybody about quality of life, particularly as it relates to impact of noise. They can ignore us as they have continued to ignore us throughout the years.

So now what you will have in LaGuardia is planes taking off twice as often. They will veer to the left, then they will veer to the right. They will veer to the left, they will veer to the right. They won't run these planes over Long Island Sound. They will run them right over individual homes. They don't care. They don't listen. They don't give us an opportunity to speak.

I have constituents who have attended hearings, but are told, Listen to us. You can't testify.

If we want the FAA to come and allow testimony, they say we'll come to Danbury (where the planes are at 8,000 feet), but we won't come in to Stamford where they're 4,000 feet. They don't want anyone to know what they're doing. We need to pay attention to them. We need to give some authority to those in the community who have a different view . . . to those who are concerned about noise and quality of life.

I rise today in support of the [Frelinghuysen/Shays/Garrett] amendment that would prohibit funding for the Federal Aviation Administration to implement its New York/New Jersey/Philadelphia Airspace Redesign for one year until FAA Reauthorization is complete.

First, let me say I understand the FAA's desire to improve efficiency at LaGuardia, Newark, Teterboro, Philadelphia and JFK. I represent a great number of business travelers who are frustrated by long delays at many of these airports.

With that being said, however, I strongly oppose the FAA's Integrated Airspace Alternative that would route more air traffic over residential neighborshoods. Over the past few months, the FAA has zeroed in on this proposal as its preferred alternative.

Throughout this time, I have shared my concerns and the concerns of my constituents with the FAA, particularly the fact that the plan brings more planes into the region at the expense of the region's quality of life.

I am particularly disappointed the FAA has not implemented any noise mitigation strategies in the district I represent, or in many districts throughout the Northeast, despite the wide swath of land over the Fourth District that will be adversely impacted by planes flying as low as 4,000 feet.

Even though there is no mandate to consider quality of life issues, the FAA simply must not ignore the hugely negative impacts of air noise in this process.

I believe that if the FAA had to consider the quality of life impacts of the Integrated Airspace Alternative, it would never have concluded that airspace redesign was the appropriate first attempt at relieving air traffic congestion.

It seems to me there are other solutions that should be considered before implementing such a radical alternative that negatively affects so many thousands of residents throughout the Northeast.

In my judgment, a one year delay to this plan is appropriate. We are working to reauthorize the FAA this year. I am hopeful we can give the FAA authority to implement other solutions in the authorization process, and protect precious quality-of-life. I urge adoption of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill before the short title, insert the following:

SEC. ____. None of the funds made available under this Act may be used to establish or implement a cross-border motor carrier demonstration or pilot project or program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones on the United States-Mexico border.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. In May, the Appropriations Committee included language in the FY07 supplemental to impose requirements on the Department of Transportation before they open the U.S. border to Mexican trucks, giving them free range across the United States of America. This language by the committee was the first step in ensuring that the Department of Transportation considered safety and security ramifications before allowing cross-border traffic and before rushing into a pilot. And unfortunately, the Bush administration immediately declared that they were in compliance with the law, making no changes in their program.

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This is a paper-based program. They have not inspected physically one Mexican truck. They have not interviewed one Mexican driver. In Mexico, they have no system of drug testing, unlike the United States of America, and no certified drug-testing laboratories, unlike the United States of America. They have no hours of service in Mexico. Mexican drivers are frequently required to drive as long as 72 hours. They take drugs to do it. They freely admit that in the Mexican press.

Mr. OLVER. Mr. Chairman, would the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I would be perfectly happy to accept the gentleman's amendment.

Mr. HUNTER. Mr. Chairman, would the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, I want to join the gentleman in this amendment to strike the funds for this project on the basis that this poses a security risk for our country.

We have absolutely no view of the background of the hundreds and thousands of truckers who will be coming in behind the wheels of these vehicles now with no offload requirement. In the areas of narcotics transportation and potentially terrorist transportation, this is an exposure for the United States.

I support the gentleman strongly.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I would like to support Congressman DEFAZIO's amendment and appreciate the chairman's willingness to consider it. Coming from the Midwestern part of the country, we literally have had Mexican trucks end up in our region, how, we don't know, where the driver was actually moving the steering wheel with a vise grip. Now, how does that get to the State of Ohio all the way from the border with Mexico? Something is really broken in the system already. We should not expand anything. We should fix the problem that we have today.

Let me tell you, the sheriffs in Ohio along the turnpike and all of our surface roads are busy dealing with traffic that shouldn't be there in the first place. A lot of those vehicles are carrying illegal narcotics into our region. That border is a sieve. We ought to take care of it.

Mr. Chairman, I support the gentleman's amendment and commend him for offering it here today.

Mrs. BOYDA of Kansas. Mr. Chairman, would the gentleman yield?

Mr. DEFAZIO. I yield to the gentlewoman from Kansas.

Mrs. BOYDA of Kansas. Mr. Chairman, I, too, am in strong, strong support of this. The House has overwhelmingly voted 411–3 to pass this amendment. To be honest, I think it is just an egregious grab of power by the administration to take the will of the American people and the will of this Congress and completely disregard it.

There are not systems or laboratories in place to test for drugs. There isn't documentation in order to make sure that we have inspected our trucks, that we have the training, and that there is drug testing. It is just a complete farce to be told that these safety requirements are going to be met.

Mr. Chairman, I know that I, as well as the people of the Second District of Kansas, are strongly urging the President to stop this. I certainly support this bill, which will stop the funding and stop this pilot program.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word. I will be very, very brief.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I just want to make sure that we are all in agreement here. I think the gentleman from Massachusetts (Mr. OLVER) is. I am. That should be the end of it.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. I thank the chair and the ranking member for their support on this. This will be a tremendous step toward protecting the American traveling public. It will move us away from a system of faith-based regulation and protection to one based on the rule of law and regulations.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of this bipartisan amendment. The gentleman from Oregon (Mr. DeFazio), Chairman of the Subcommittee on Highways and Transit, has worked tirelessly on the issue of cross-border trucking in this Congress and I commend his determination in probing the details of the Administration's plans to open the U.S.-Mexico border to truck traffic.

While I strongly support this amendment, I am at the same time extremely disappointed that Congress must take yet another step to compel the Administration to do the right thing and protect the safety of the American people.

Members of Congress face growing frustration with the Administration's clear desire to open the U.S.-Mexico border at any cost, with minimal regard for the safety of the traveling public, and little attention to the concerns raised by the House and Senate. Today's amendment is the culmination of a mounting effort to ensure safety and to hold the U.S. Department of Transportation ("DOT") accountable as the Department reveals its plans for opening our nation's southern border.

On February 23, 2007, Secretary of Transportation Peters announced the start of a one-year pilot program to grant 100 Mexico-domiciled trucking companies unrestricted access to U.S. roads, beyond the commercial zones at the U.S.-Mexico border. DOT has acknowledged that this pilot program is the first step to full border opening. This announcement had generated a groundswell of opposition.

Since February, Congress has tried to shed some light on this pilot program. On March 13, 2007, the Subcommittee on Highways and Transit held an oversight hearing on the pilot program. Chairman DeFazio and I have asked the Inspector General of the Department of Transportation to review the proposed pilot program for compliance with all applicable motor carrier safety and hazardous materials laws and regulations.

On March 29, 2007, Representative BOYDA introduced H.R. 1773, the Safe American Roads Act of 2007, of which I am a proud sponsor. This legislation limits the authority of the Secretary of Transportation to unilaterally open the United States-Mexico border to truck and bus traffic under the ruse of a hasty pilot program. Instead the bill provides the U.S. with an opportunity to test, evaluate, and learn from the impacts of allowing Mexico-domiciled trucks on our highways, but only once a strict set of prerequisites are met and only under a specific set of conditions.

At the beginning of May, the Committee on Transportation and Infrastructure ordered the bill reported to the House by a vote of 66–0. The House passed the bill on May 15, 2007, by an overwhelming vote of 411–3.

The message to Secretary Peters has been clear: proceed with caution and do not open the border to Mexico-domiciled trucks until sufficient checks are in place to ensure that they meet U.S. motor carrier safety laws. Yet, DOT opposes the safeguards included in H.R 1773. It continues to charge ahead, and intends to start the pilot program as early as next month.

The agency seems to have little regard for what findings or shortcomings may come to light in the reviews required to date by Congress. DOT has been unwilling to make changes to its plans to bring the proposed pilot program in line with the strict criteria strongly supported by the House. As a result, we must take this action today to bring this program to a standstill.

I continue to question whether DOT is truly ready to open the border, and whether adequate systems are in place to make sure Mexican carriers meet our strict federal safety requirements. It is well-established that Mexican law does not require many fundamental elements of highway safety that are required for U.S. vehicles and drivers, including hours-of-service restrictions, drug and alcohol testing, and commercial driver's licensing requirements. Data collection issues and tracking violations of Mexican drivers while operating in the U.S. also remains a challenge.

The United States is bound to live up to its commitments under the North American Free Trade Agreement ("NAFTA"). However, nothing in NAFTA suggests that we must allow Mexico-domiciled motor carriers to operate throughout the U.S. if they pose a safety hazard to our citizens.

Launching a cross-border pilot program represents a major shift in transportation policy. It is the responsibility of DOT to ensure that any program that allows trucks from Mexico to enter the United States must be conducted with the safety of the American people as the highest priority. We must not forget this in a rush to open the border.

I urge my colleagues to join me in supporting the DeFazio amendment

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GARY G. MILLER of California:

At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used to take any action to issue a final rule or notice based on, or otherwise implement, all or any part of the proposed rule of the Department of Housing and Urban Development published on Friday, May 11, 2007, on page 27048 of volume 72 of the Federal Register (Docket No. FR–5087–P–01), relating to standards for mortgagor's investment in mortgaged property.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise today to prevent HUD from implementing a new rule that will effectively close homeownership opportunity to many American families.

In today's housing market, one of the primary barriers to achieving the dream of homeownership is the lack of accumulated wealth and disposable income. Fortunately, some nonprofit organizations have developed programs to provide down payments to qualifying families. Such programs empower individuals and families who lack the necessary funds for down payment and other related costs, but can afford the monthly mortgage payment to become homeowners.

These down payment assistance programs have proven successful in expanding ownership opportunity to low- and moderate-income families. In the past, HUD has permitted the use of these programs in conjunction with FHA-insured loans. Recently, however, HUD issued a proposed rule that would effectively eliminate seller-funded down payment assistance programs.

I am very concerned about the impact of this proposed rule on homeownership in this country. Rather than going too far, I believe we should develop reasonable and fair criteria by which these programs can continue to operate while also protecting the FHA insurance fund. If there are legitimate problems that have been identified by HUD, then let's work together to fix the problems.

The amendment I offer today with Housing and Community Opportunity Subcommittee Chairman WATERS and Mr. AL GREEN of Texas would prohibit funds from being used to implement this proposed rule. It would give Congress time to work with HUD to preserve down payment assistance programs while imposing strong regulations and oversight. This amendment will would allow us to put the control in place that will weed out the bad actors, while still allowing those who help millions become homeowners to continue their good work.

Mr. Chairman, I urge my colleagues to support this amendment to preserve homeownership opportunities for all Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment which would overturn HUD's urgent attempt to halt these scam practices by the so-called nonprofits that operate under the veil of helping people get mortgages.

Under the guidance of the Inspector General, and in coordination with the Treasury Department, HUD is moving to crack down on so-called nonprofits that offer to pay the down payment so that families can purchase a home. This amendment would overturn that effort and cost the taxpayers some millions of dollars in defaulted loans.

While there may be honest nonprofits, and I am sure there are, that genuinely want to help increase homeownership, this program does have many problems.

First, the default rate for mortgages in which the down payment is paid for by nonprofits is three times the national average. That is the default rate. This has cost millions and is a source of instability to the fund, and, according to HUD, is a major reason that the FHA fund is rapidly heading to a deficit situation.

Second, there is no free lunch, The mortgages are simply turned upside down with the down payment added to the price of the home. They are not free to the homeowner. Further, expensive fees are often added to the costs of the mortgage by nonprofits.

The Treasury Department is moving quickly to revoke the nonprofit status of many of these organizations, but HUD needs to act now and needs to get this rule out as final.

I oppose any attempt to delay the rule and oppose this amendment. I think that if the Federal Government is so concerned about how a program is operating that it feels compelled to draft a regulation, I think we should carefully review the situation before we rush to overturn that effort. Frankly, we have not done that.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I am actually in support of this amendment. I think the authorizers have been hard at work at reforming the FHA program, and I support their efforts to resolve this issue.

I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong support of the Miller-Waters-Green amendment to H.R. 3074. On June 22, 2007, the Subcommittee on Housing and Community Opportunity, which I chair, held a hearing on homeowner down payment assistance programs. That hearing provided a window into down payment assistance programs that I had not seen before.

The hearing was prompted by the issuance of the HUD proposed rule on May 11, 2007, to terminate down payment assistance programs. I applaud HUD for extending the comment period for the proposed rule, but that is not enough.

Down payment assistance provided by charitable organizations to low- and moderate-income individuals and families to purchase homes has been a mainstay of HUD and FHA since 1999.

In fact, we heard testimony that 30 to 40 percent of FHA loans used some type of down payment assistance.

What was even more astonishing was that HUD proposed a similar rule in 1999, only to have never finalized it. Indeed, HUD's failure to finalize a rule gave de facto approval for the continuation of many down payment assistance programs.

Down payment assistance is often used in conjunction with HUD's mortgage insurance under the 203(b) program administered by FHA. Down payment assistance programs have helped nearly 1 million low- and moderate-income persons become homeowners, providing an instant source of equity for them. Homeownership would be out of reach to thousands of homeowners without down payment assistance programs.

Unfortunately, HUD's issuance of the proposed rule on May 11, 2007, would eliminate the use of down payment assistance programs. FHA opposes the use of direct or indirect funding provided from the sale of property, and that is fine. But an across-the-board rejection of all down payment assistance programs without further review, analysis or clarification from HUD is unacceptable.

Down payment assistance programs do not need to be the scapegoat for, as what one HUD called it, the "looming shortfall" in HUD's fiscal year 2008 budget. I believe if HUD is left to its own devices, this is exactly what will happen to down payment assistance programs.

I support down payment assistance programs meeting Federal requirements. Therefore, I ask that you join Gary Miller, Al Green and me in supporting the amendment to prohibit HUD from implementing the proposed rule with any funds from this bill.

Mr. OLVER. I yield to the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I rise in support of the amendment because it is a good amendment, and HUD's language is bad language.

Mr. Chairman, since 1997, this program has assisted literally nearly 1 million families with down payment assistance. In my district alone, it has helped more than 600 families. This program is a privately funded down payment assistance program. I think that is important for us to highlight, a privately funded down payment assistance program.

Yes, there is some concern with reference to the appraisals, but that can be amended and fixed by way of a program similar to what the VA has. The VA has a blind pool appraisal process. With a blind pool appraisal process, you can get the appraisals that are fair market value, and you will save the program that has helped so many families.

This program is viable. It helps community development. It is meaningful. It helps needy buyers. It is workable. It can work through HUD, and it is achievable without this language. I suggest that my colleagues vote for it. Let's save this program. Let's vote for this amendment.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I respect my good friend's argument on behalf of Treasury and HUD; however, I want to remind my colleagues that it has been just a few years ago that Treasury and HUD came to us and asked us to implement the American Dream Down Payment Assistance Act, which means the Federal Government will give individuals the down payment and closing cost money necessary to be able to own a home that otherwise they would never be able to own a home where they can make the payment.

The argument made to us is the private sector is doing it. We can implement upon what the private sector is doing, and with the government's participation, we can put even more people into homes.

□ 1645

Now, if we have a problem as some say with appraisals that are not being factual enough, then let's implement the same underwriting criteria that FHA will use on zero downpayment and FHA uses on the American Dream Downpayment Act. If you can come up with a reasonable appraisal to give Federal dollars to somebody to buy a home, why can you not come up with the same criteria for a reasonable appraisal to help the private sector put people into homes?

Mr. GREEN made a very good point. We put a million people into homes with the Downpayment Assistance Program provided by the private sector, and the argument made in committee was 15 percent of these loans that were made are troubled. Now, that does not mean that 15 percent are being foreclosed upon. That means 15 percent might have missed a payment at one point in time or had some other problem at some other point in time.

But on the other side, you have 850,000 people, families who own a home today, who built up equity they would not have otherwise have had renting a home and now have a home that had it not been for the private sector would have been renting an apartment or be in section 8 or in government housing.

If that 15 percent relates to 4 or 5 percent in foreclosures, and if that 4 or 5 percent has something to do with underwriting standards being used that do not meet the criteria they should meet, or if appraisals are being implemented that do not meet the criteria they should meet, let's get together as a Congress first in committee, let's deal with the problems and rewrite the law and bring it before this House and debate it, and let's make sure that the bad apples and those that my friend said are practicing scam practices are eliminated.

But to think that we are going to eliminate the possibility in the next 4 or 5 years for a million families to own a home, or have them come to the Federal Government and ask for a downpayment when they could also go to the private sector and ask for a downpayment, it seems some way disingenuous and unrealistic for us to do that. If there is a problem, let's fix it. If FHA can offer a zero downpayment loan under given underwriting criteria, and we use the same underwriting criteria for a downpayment assistance loan and the person owes $200,000 with zero downpayment and $194,000 with the downpayment assistance, they are better off with the program.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 22 Offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Edmunds Center for the Arts, City of Edmunds (WA).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, there are a number of earmarks in this bill that are somewhat similar to this one. I will be the first to admit I don't know all that much about the Edmonds Center for the Arts. But as I follow these typical earmark debates, I know that soon there will be a Member to come to the floor to tell me he knows his district better than I do. Mr. Chairman, I concede the point.

He will also tell me that this body has the authority to provide for this earmark. Mr. Chairman, I once again concede the point.

I am sure they will come down here and say good things can be done with the money. Mr. Chairman, once again, I will concede the point.

They will also tell us well, it is a very small portion of the Federal budget. Mr. Chairman, I will concede the point.

But here is what I will not concede: the money is a very small portion of the Federal budget. But I fear again that earmarks in general, and perhaps this category in specific, become a larger portion of the culture of spending which is harmful to the Nation. We need to look at it very closely.

Often amendments are brought to the floor that many Members will say this is just draconian. We can't manage to spend less money here. Okay, so we offer earmark amendments and people say, well, it is just a small portion of the Federal budget. It is kind of like either the porridge is too hot or the porridge is too cold. When is the right time to offer an amendment to try to save taxpayers money?

So this is money that under the certification letter the funding would be used for renovation of the Edmonds Center for the Arts. Again, there are a number of earmarks that do this. I assume, frankly, there are Members of both parties that are requesting this funding. But it needs to be put in context because every time we so-called "invest" in a project like this, there is somebody out in America that is being divested in order to pay for the investment. So we have to look very closely at where this money is coming from.

Now, Member after Member comes to the floor to tell us we should do everything we can to preserve the Social Security trust fund. We know under our unified budget today that as long as we are running a deficit, and unfortunately we still are, it is declining due to lots of tax revenue, but we still have a deficit. We know that this expenditure is going to come ultimately out of the Social Security trust fund. Yet so many Members come to the floor to decry the practice. So is this money going to the Edmonds Center for the Arts worth raiding the Social Security trust fund? I believe not.

In addition, we know that the Democrats, Mr. Chairman, in their budget resolution, it contains the single largest tax increase in American history. Over 5 years if we don't figure out a way to stop it, the average American family will have an average $3,000 a year tax burden. That is money coming out of their pocket that they could have used for their arts, their entertainment, and their transportation; but they are being divested in order to invest in centers for the arts.

As I said earlier, I have no doubt that the sponsor of the earmark knows his district better than I do, just like I know my district better than he does. In talking to people in the Fifth Congressional District of Texas, they think their tax money might be used for better purposes. And if it is going to go to art centers, they kind of prefer that Mesquite Art Center be funded. They prefer the Henderson County Performing Arts Center be funded. They prefer the Lake Country Playhouse in Mineola to be funded; and they prefer the Kaufman County Civic Theater in Terrell, Texas, be funded, and the list goes on.

Given that we are threatened with the single largest tax increase in history, a vote for this is to raid the Social Security trust fund. And already with the spending we have, we are due to double taxes on the next generation.

I know Congress has the right to do this. I don't question our authority; I question our wisdom in doing that.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. INSLEE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. INSLEE. This is a misguided amendment. It is quite a surprise that of all of the decent efforts to help communities across the country, for some reason the gentleman picked this one. That is something beyond at least my understanding. The particular project involved here is a community center that is involved in a whole host of youth projects, including the Edmonds Boys and Girls Club, the Sno-King County Youth Club, the Triple Threat Basketball Club, the Brighton School, the Cascade Symphony Orchestra, the Edmonds High School Multi-Class Reunion, the Olympic Ballet Theater, the Sno-King Community Chorale, and Edmonds Community College.

I don't know why those seem like such un-American activities to the gentleman, but to our community and to the country at large, those are integral parts of our communities. I may note this is not a situation where somehow there has been some sort of Federal largesse, that is an intrusion into the community.

This is an effort where we have multiple parties that have been associated with funding this project. This is not just the Federal Government. In fact, it is less than 10 percent of the entire project. It is financed with Federal funds. It is largely a matter of local development, including a variety of local corporations. So where we have less than 10 percent in this final phase, why this has been selected doesn't make sense.

Now there is a difference, I suppose. I hold a press release from the author of the amendment dated February 28, 2007, announcing that the city of Winnsboro, Texas, had received $100,000 in Federal funds. The author of the amendment said: "I am excited that some of the hard-earned tax dollars sent to Washington are flowing back into the county." There is a difference, I suppose, between that money flowing to Edmonds, Washington. In that case it was money going to the proponent of this amendment. In this case it goes to a different one. I am not sure I understand the difference.

I guess the difference is the money that went to Texas was chosen by the bureaucrats. The money that is selected here has been chosen by the United States House of Representatives. Now, I don't know why the proponent believes there is some intrinsic genius of the bureaucrats. Some believe all bureaucrats are smarter than all Congressmen, or the least wise bureaucrat is smarter than the most intelligent Congressman. Some may hold that view; I don't.

We have a valid community purpose here. We have a small Federal commitment, and we have a useful thing that is helping kids at risk as well as community development. I note that an economic evaluation of this particular project showed that it would have significant economic value as well as community value in helping the kids in these local communities.

So I would commend this small investment of Federal dollars in this community.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I yield time to enter into a colloquy with the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. Mr. Chairman, I rise today on behalf of myself and the gentleman from Tennessee (Mr. WAMP).

In 1941, the United States was building up for World War II in dire need of new sources of energy. The Tennessee Valley Authority obtained Federal authority for construction of a hydroelectric dam in Swain County, North Carolina. This construction required that an important road be flooded. In a 1943 agreement, the Federal Government promised to rebuild the road.

In the 64 years since the agreement was signed, no road has been completed and no settlement was offered to the people of Swain County. The 2001 Transportation bill provided $16 million to study the environmental costs of building this new road. The National Park Service will complete this study in September.

□ 1700

Mr. Chairman, the financial and economical costs are too high to build this road. The National Park Service has said that the final environmental impact study will recommend a cash settlement with the people of Swain County.

Senators ALEXANDER and DOLE have amended the Senate version of this bill with language to allow the Park Service to use remaining funds from this study for this solution. This commonsense solution enjoys strong bipartisan support in the North Carolina and Tennessee House delegations.

Mr. Chairman, would you be willing to work with me and Congressman WAMP to ensure that this bipartisan language is included in the final conference version of this bill?

Mr. OLVER. I would like to thank the gentleman for bringing this issue to our attention.

Sixty-four years is a long and, it seems, quite unreasonable time to wait for the government to resolve this issue. So I pledge to work with you both on this issue as we move forward in this process and conference this bill with the Senate.

Mr. SHULER. Thank you, and I would like to thank my colleague ZACK WAMP for his hard work along with this bill, and I certainly thank the chairman for your hard work and your dedication.

Mr. OLVER. Mr. Chairman, I yield now to Mr. CROWLEY from New York also for a colloquy.

Mr. CROWLEY. Mr. Chairman, I rise in support of this legislation and want to commend you and the ranking member and your staffs for the hard work that has been put into this bill. I would also like to engage you, as you mentioned, in a colloquy.

Mr. Chairman, I am pleased the committee included $15.8 million to hire and train new air traffic controllers. This will go a long way in helping to ensure the safety of our skies. However, I believe that more needs to be done.

I note that we have 1,100 fewer fully certified air traffic controllers than we did on 9/11.

Mr. Chairman, my concerns were underscored by a recent incident at La Guardia Airport, which is in my district in the Seventh Congressional District in Queens. As you know, La Guardia Airport is one of the busiest airports in the Nation. Over 1,000 flights a day and 27 million passengers a year frequent the airport.

On July 5 of this year, two planes nearly crashed on the runway. While a catastrophe was narrowly avoided this time, many questions remain as to the cause of the incident, including whether it was due to a staffing shortage, a lack of well-qualified air traffic controllers, or simply pure human error.

I believe we must examine the incident at La Guardia while we also examine the larger issue, which is determining how we must address the impending air traffic controller shortage. That is why I believe that Congress must fund a study by the National Academy of Sciences.

This study would examine what factors are contributing to air traffic safety concerns, including human factors, increased traffic activity, and the technology and equipment at our Nation's airports. Ultimately the report will recommend how to address this issue, particularly with regard to staffing standards and whether we need to train more air traffic controllers.

I intended to offer an amendment today to fund this study, but it would have been subject to a point of order. So instead, Mr. Chairman, I am hoping we can agree to work together as this legislation moves forward to find a way to address this issue and potentially fund this study.

Mr. OLVER. Mr. Chairman, this is a vital public safety concern that we must address. I understand that the FAA has been working with the National Academy of Sciences and has factored in many of its recommendations from the Academy. The FAA is also working with Mitre algorithms, models and base assumptions.

I, too, want to ensure that the skies remain safe, and I will work with the gentleman to ensure an adequate number of controllers exist in that area.

Mr. CROWLEY. Mr. Chairman, if I could just respond, I want to thank the chairman, and as you know, if we don't address this issue, the next incident at La Guardia may not be a near miss, but rather a tragedy, one that I hope we would avoid. And I would imagine if it were a tragedy, we would be having a different conversation than this colloquy.

I appreciate the gentleman for his time.

AMENDMENT NO. 21 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used for parking facilities.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment is aimed at limiting funding for parking facilities within this bill, which is not including Federal facilities that might be included within bills dealing with our military bases, GAO, national parks, what have you.

Mr. Chairman, apparently there are about 15 or so of these earmarks covering Members of both parties, and again, as I said earlier, Mr. Chairman, I know that the funds represented are probably a small portion of Federal spending, but I think it is good, I think it is wise that this House pause from time to time and look at the fiscal challenge that we are facing and to remember, if everything is a priority, then nothing is a priority.

So, again, I have no doubt that parking facilities are needed all over America, but I doubt the wisdom within the confines of this bill of using Federal taxpayer money today to pay for them.

Let's take a look at the challenge that we're facing, Mr. Chairman, and just don't take my word for the fact that we have a great fiscal challenge. Let's listen to our Federal Reserve Chairman, Ben Bernanke. He said recently, without "early and meaningful action" to address spending in Washington, "the U.S. economy could be seriously weakened; with future generations bearing much of the cost."

Let's listen to the Brookings Institute, not exactly a bastion of conservative thought: "The authors of this book believe that the Nation's fiscal situation is out of control and could do serious damage to the economy in coming decades."

Let's listen to the General Accountability Office: The rising costs of government spending, specifically entitlements, are "a fiscal cancer" that threatens "catastrophic consequences for our country" and could "bankrupt America."

Let's listen again to the GAO: "Absent policy changes on the spending and/or revenue sides of the budget, a growing imbalance between expected Federal spending and tax revenues will mean escalating and ultimately unsustainable Federal deficits and debt that serve to threaten our future national security as well as the standard of living for the American people."

The Federal budget continues to grow way beyond the ability of the family budget to pay for it, and seemingly, the only standard for spending the people's money today is do we have a noble purpose, and can some good use be made of the money. But, Mr. Chairman, that standard is not sufficient. It's not sufficient when we're threatening future generations with a fiscal calamity. Sooner or later, this body needs to say enough is enough.

Almost every State in the Union, I think, save but two or three, are running a surplus. We're running a deficit, and what are we doing? We're funding local parking facilities.

Now, Mr. Chairman, I'm not here to debate the constitutionality of doing that, but, again, I'm here to debate the wisdom, given the fiscal challenges the Nation faces, and all too often I fear that this body is more focused on the next election and not the next generation. But the Comptroller General has said we're on the verge of being the first generation in America's history to leave the next generation with a lower standard of living.

Mr. Chairman, fiscal responsibility has to be included in each and every bill, and we have a bill that's growing about 6.7 percent. Let's somewhere draw a line in the sand on behalf of American families, on behalf of American taxpayers, on behalf of future generations and just say, you know, today the Federal taxpayer and future generations are not going to have to pay for parking facilities. It's all this amendment is about, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the author of this amendment is undoubtedly trying to get at some egregious earmarks that are funded in this bill or in some other bill; however, in drafting a provision that is so broad in scope that what we have is an amendment that's careless.

There are legitimate parking facilities that can be built using Federal funds, and I use an example, for instance, the parking facilities that we have with elder housing projects, built in various places around the country, but this amendment would kill that.

Under current law Federal funds can be used to fund park-and-ride facilities and other activities aimed at encouraging carpooling and vanpooling. In fact, these activities are of such a high priority that they're eligible for 100 percent Federal funding and require no State or local match. Similarly, Federal funds are used to build safety rest areas along our interstates. This amendment would put an end to that.

For these reasons and others, this amendment must be defeated.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just point out that this bill funds what we call the 811 program, housing for disabled. Now, I don't know why we would want to say that we would vote money to build housing for the disabled but no parking. Have we found a new group of totally mobile disabled?

I mean, this amendment would say that if you got funds under the 811 program to build housing for disabled people, you couldn't provide parking for vans, for transportation. I'm really baffled as to the scope, and I do think that telling people that they could not provide parking at a disabled housing facility is a very poor idea.

I thank the gentleman for yielding.

Mr. OLVER. Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this money's going to have to come from somewhere. So, again, I would invite the committee chairman to tell us, is this part of the largest tax increase in history? Is this coming out of the Social Security Trust Fund? Is this going to be debt passed on to future generations? Where is the money going to come from? Does it reach that purpose?

And I cannot believe that the only parking lots that are made available to those who are disabled are somehow coming from the Federal taxpayer. I just don't believe it.

With that, I would urge an "aye" vote.

Mr. Chairman, I yield the back the balance of my time.

Mr. OLVER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Massachusetts has 3 minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the answer to the gentleman from Texas is when you have federally funded housing for the disabled, the parking that goes for the disabled and the service vehicles comes from that money. So the gentleman says, why does the Federal Government have to pay for parking? I don't know who else the gentleman thinks is going to pay for parking at housing that is built for people who are disabled.

If the gentleman is unhappy with this, then perhaps he should draft his amendments more seriously.

Mr. OLVER. Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for yielding.

Parking facilities are eligible under a number of our surface transportation programs, funded out of the Highway Trust Fund. In the SAFETEA-LU legislation, we authorize funding for parking facilities to encourage commuters to park their vehicles and use public transportation.

Congestion is a growing problem all across this country. It costs us $68 billion a year. The more cars we can get off the roadway and more people use public transportation, the better off citizens are in their drive patterns. And the parking facilities encourage carpooling, vanpooling and use of light rail and commuter rail and local bus transit operations.

Furthermore, because they're funded with Highway Trust Fund moneys, no fees can be charged at these parking facilities, so they're not revenue-generating activities.

Furthermore, we have imposed very strict standards for highway safety for long-haul truckers. Hours of service have been limited so that roadways will be safer, but those long-haul truckers, working long hours, need safe places where they can rest.

□ 1715

The hours of service limitation requires them to stay off the roadway before they become fatigued. That's why we have parking facilities to accommodate over-the-road truck drivers, as well as passenger vehicle drivers.

So the parking facilities we provide under the SAFETEA-LU national transportation program is in the best public interest, in the interest of public safety and in the interest of roadway safety, to the best interest of the driving public, reduces congestion, and we ought not to take this broad brush stroke and strike the spending.

No, we carefully considered these issues in the course of fashioning the SAFETEA-LU in the House and the Senate and conference and on this House floor. Let's keep existing policy in place and defeat this misguided amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 14 by Mr. WESTMORELAND of Georgia.

Amendment No. 15 by Mr. SESSIONS of Texas.

An amendment by Mr. FLAKE of Arizona regarding Belmont Complex.

An amendment by Mr. FLAKE of Arizona regarding the Wisconsin Regional Planning Commission.

An amendment by Mr. FLAKE of Arizona regarding Woodlake, California.

An amendment by Mr. FLAKE of Arizona regarding the Rails to Trails program.

An amendment by Mr. FLAKE of Arizona regarding the Houston Zoo.

Amendment No. 25 by Mr. HASTINGS of Florida.

An amendment by Mr. FRELINGHUYSEN of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 307, not voting 13, as follows:

[Roll No. 696]

AYES—116

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Davis, David
Davis, Tom
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Paul
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf

NOES—307

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—13

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Fortuño
Higgins
Honda
Marshall
Myrick
Pence
Tancredo
Young (AK)

□ 1741

Mr. CALVERT, Mr. CLYBURN, Mr. UDALL of New Mexico, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, and Mr. RANGEL changed their vote from “aye” to “no.”

Mr. CAMP of Michigan changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

Members will be reminded there will be seven 2-minute votes to follow.

The vote was taken by electronic device, and there were—ayes 139, noes 283, not voting 14, as follows:

[Roll No. 697]

AYES—139

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Cooper
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pearce
Perlmutter
Peterson (PA)
Petri
Pitts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Reichert
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Smith (TX)
Souder
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)

NOES—283

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird

Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—14

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Diaz-Balart, L.
Higgins
Honda
Marshall
Myrick
Pence
Sullivan
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have less than 1 minute remaining on this vote.

☐ 1746

Mrs. BOYDA of Kansas and Mr. PICKERING changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Belmont Complex on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

Members are reminded to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 87, noes 335, not voting 14, as follows:

[Roll No. 698]

AYES—87

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Blackburn
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Hastert
Hastings (WA)
Heller
Hensarling
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Pearce
Petri
Pitts
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Upton
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher

Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—14

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Higgins
Honda
Marshall
Myrick
Pence
Pickering
Reynolds
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded that they have 1 minute remaining to vote.

☐ 1750

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Wisconsin Regional Planning Commission on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are admonished to stay in the Chamber.

The vote was taken by electronic device, and there were—ayes 68, noes 356, not voting 12, as follows:

[Roll No. 699]

AYES—68

Akin
Bachmann
Barrett (SC)
Blackburn
Boehner
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Graves
Hastert
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Mack
Marchant
McHenry
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Pearce
Pitts
Price (GA)
Putnam
Radanovich
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOES—356

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—12

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Higgins
Honda
Marshall
Myrick
Pence
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded that there is 1 minute remaining on this vote.

☐ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Woodlake, California, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are urged in the strongest terms to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 69, noes 352, not voting 15, as follows:

[Roll No. 700]

AYES—69

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Blackburn
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Graves
Hastert
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCaul (TX)
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Petri
Pitts
Price (GA)
Putnam
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali

Schmidt
Sensenbrenner
Shadegg
Smith (NE)
Stearns
Sullivan
Thornberry
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—352

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—15

Bachus
Bishop (UT)
Clarke
Conyers
Cubin
Davis, Jo Ann
Donnelly
Higgins
Honda
Marshall
Myrick
Obey
Pence
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded that there is 1 minute remaining on this vote.

□ 1759

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Rails to Trails program on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are strongly encouraged to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 13, as follows:

[Roll No. 701]

AYES—81

Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Dreier
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Graves
Hastert
Heller
Hensarling
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCarthy (CA)
McHenry
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Pearce
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha

Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—13

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Faleomavaega
Higgins
Honda
Marshall
Myrick
Pence
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1802

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Houston Zoo on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are strongly encouraged to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 77, noes 347, not voting 12, as follows:

[Roll No. 702]

AYES—77

Akin
Bachmann
Barrett (SC)
Bilbray
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Dreier
Duncan
Feeney
Flake
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Graves
Hastert
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Petri
Pitts
Platts
Price (GA)
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—347

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—12

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Higgins
Honda
Marshall
Myrick
Pence
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1806

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FORTENBERRY. Mr. Chairman, on rollcall No. 702, I inadvertently voted "yes." My vote should have been recorded as a "no."

AMENDMENT NO. 25 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 158, not voting 10, as follows:

[Roll No. 703]

AYES—268

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Cardoza
Carney
Carter
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goodlatte
Gordon
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holt
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Neugebauer
Norton
Pallone
Pascrell
Paul
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—158

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bean
Berman
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boucher
Boustany
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capuano
Carnahan
Carson
Castle
Coble
Conaway
Costello
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gillmor
Gingrey
Gonzalez
Goode
Granger
Graves
Green, Gene
Grijalva
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hirono
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson, E. B.
Johnson, Sam
Jordan
Keller
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
Lewis (KY)
Lipinski
Lofgren, Zoe
Lungren, Daniel E.
Mack
Marchant
McCrery
McHenry
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (VA)
Murphy (CT)
Musgrave
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Reichert
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Rothman
Roybal-Allard
Royce
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Spratt
Stearns
Thompson (CA)
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wolf

NOT VOTING—10

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Higgins
Honda
Marshall
Myrick
Young (AK)

☐ 1810

Mr. FRANK of Massachusetts changed his vote from "aye" to "no."

Mr. ISRAEL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROTHMAN. Mr. Chairman, on rollcall vote No. 703 on the amendment offered by Mr. HASTINGS of Florida, I inadvertently voted "no", while intending to vote "aye".

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are urged to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 65, noes 360, not voting 11, as follows:

[Roll No. 704]

AYES—65

Aderholt
Andrews
Bartlett (MD)
Blunt
Brown-Waite, Ginny
Buchanan
Calvert
Cannon
Cantor
Carter
Castle
Chandler
Christensen
Culberson
Doolittle
Dreier
Engel
Ferguson
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gohmert
Goode
Hall (NY)
Hastings (FL)
Heller
Hinchey
Holt
Israel
Issa
Jones (NC)
King (IA)
Lewis (CA)
Linder
Matheson
McCarthy (NY)
McCotter
Miller (FL)
Miller (NC)
Murphy (CT)
Nunes
Pallone
Pascrell
Payne
Radanovich
Reynolds
Ros-Lehtinen
Rothman
Sali
Sensenbrenner
Sestak
Shays
Shimkus
Simpson
Tancredo
Terry
Thornberry
Waters
Weller
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—360

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Feeney
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Giffords
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Fattah
Higgins
Honda
Marshall
Myrick
Young (AK)

☐ 1814

Mr. BARRETT of South Carolina and Mr. MARIO DIAZ-BALART of Florida changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1815

The Acting CHAIRMAN (Mr. CARDOZA). The Committee will rise informally.

The SPEAKER pro tempore (Mr. RYAN of Ohio) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HARMAN:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, this bipartisan amendment is offered by Mr. UPTON, Mr. LIPINSKI, Mr. INGLIS and me, and what it would do is deny funds under this appropriations bill if the ENERGY STAR and the Federal Emergency Management program standards are not met.

Mr. Chairman, it takes 18 seconds to switch one incandescent light bulb. If everyone did this, just one, we would save $8 billion in energy costs, prevent the burning of 30 billion pounds of coal, remove 2 million carts worth of greenhouse gas emissions, and make a big dent in our climate problem.

This amendment has been accepted to every appropriations bill so far, and I would urge its adoption now.

It is now my pleasure to yield to the gentleman from Michigan.

Mr. UPTON. I would just say that this is a bipartisan amendment. We have been asked to expedite our remarks tonight so we can finish votes later this evening.

The Federal Government is the largest purchaser of light bulbs. This will save $30 per bulb, hundreds of millions of dollars to the taxpayers every year. It is something that has been adopted on every bill, and I would like to think that we can adopt it by voice again this evening.

Mr. OLVER. Will the gentlewoman yield?

Ms. HARMAN. Reclaiming my time, I would be happy to yield.

Mr. OLVER. I thank the gentlelady for yielding.

I am quite happy to accept the amendment that is being offered by you and Mr. UPTON.

Mr. KNOLLENBERG. Mr. Chairman, I have no objection. We agree. We accept. Thank you.

Ms. HARMAN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

At the end of the bill (before the short title), insert the following:

SEC. ______. None of the funds made available under this Act may be used to establish or collect tolls on Interstate 80 in the Commonwealth of Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I will be very brief because I believe the amendment has been agreed to.

My amendment is a simple amendment that says Federal funds cannot be used to establish or collect tolls on Interstate 80 in Pennsylvania.

Mr. OLVER. Will the gentleman yield?

Mr. PETERSON of Pennsylvania. I will yield to the gentleman.

Mr. OLVER. I am happy to accept the amendment by the gentleman from Pennsylvania.

Mr. KNOLLENBERG. And likewise, I accept as well.

Mr. PETERSON of Pennsylvania. I thank the two gentlemen. We will let the process move forward.

This was offered both on behalf of Congressmen PETERSON and ENGLISH.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER:

At the end of the bill (before the short title), insert the following:

SEC. ________. None of the funds made available under this Act may be used to participate in a working group pursuant to the Security and Prosperity Partnership.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I am offering this amendment on behalf of myself and the gentlelady from Ohio (Ms. KAPTUR).

And Mr. Chairman, this is an amendment which goes directly to the security of this country, the homeland security of this country, and particularly the border security and the sovereignty of the Nation.

We have right now in Texas a project that is underway, a massive project to build a 12-lane highway heading north, presumably funded largely by private funds, which will head north toward Oklahoma. And the understanding that I have, looking at the statements which have been made by the Security and Prosperity Partnership, is that this is part of an overall plan to develop a corridor between Mexico and Canada transiting the United States.

Mr. Chairman, the reason for this amendment, which strikes the funds for the administration to spend money with discussion teams and working groups on this particular project, is because this is a project which cries out for congressional oversight, of which right now there is none. Now, as a representative of a border State, and having represented all the California-Mexican border at one time, my questions would be: What security matters are being discussed right now with these thousands of new trucks which will be transiting this 12-lane highway? What percent of the trucks will be checked? What transparency will be involved with respect to the driving records, and more importantly, the criminal records of the people behind the wheels of these trucks? What are the plans in place to put together a security apparatus to ensure that we have more than 1 percent or 2 percent of this vehicular trade checked?

Now, this is a working group which is proceeding, which claims that it has no plans to participate in what they call this private program to deliver this 12-lane highway straight across the middle of the United States connecting Mexico and Canada. Yet, in their own description of what they do, they claim that they undertake these working groups to facilitate multimodal corridors and alleviate bottlenecks at the border.

Alleviating bottlenecks at the border, Mr. Chairman, when you only are checking 1 to 2 percent of the cargo containers coming in right now, is a code word for less security, these so-called "fast passes," these passes in which you go through the security apparatus in a matter of seconds rather than in a matter of hours.

So I think that it's time, before they facilitate this multimodal operation, for the administration to consult Congress. It's time for our oversight.

At this point, I would like to yield to the cosponsor of this amendment, the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding and in support of the Hunter-Kaptur amendment. It is a simple limitation amendment. And frankly, one of the chief reasons I'm supporting it, in addition to all the excellent reasons Mr. HUNTER has given, is that the administration refuses to report back to Congress its negotiation on this Security and Prosperity Partnership and its impact in a number of areas, including transportation. They have been intransigent, they have been unresponsive and, frankly, they've been secretive. And this is going to have an enormous impact on public welfare across this continent, particularly in our country.

The gentleman talks about security. I support him in that. Right now we've got a situation under NAFTA where so many of our jobs and production platforms have been outsourced to Mexico. We've got all these illegal trucks coming in. They're even making their way all the way to Ohio, up into Detroit, causing us all kinds of difficulty. We need transparency and we need disclosure about what the Security and Prosperity Partnership is all about. The Administration, even on our request, refuses to answer inquiries about the SPP.

Due to NAFTA, we just have tremendous problems with additional illegal drugs in our area coming in transported in a lot of these vehicles that are coming from the border, and in many ways we already have an unregulated flow across our continent.

So I really support the gentleman's efforts here. We need transparency. We need disclosure. We don't need to expand the difficulties we're already having as a result of what has transpired with NAFTA. And with the size of the roadways that are being talked about, and the possibility they will be privatized tollways, we need to have reporting back from this administration.

So I support the gentleman's amendment very strongly.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. KNOLLENBERG. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KNOLLENBERG. I, frankly, am not in favor, and I must oppose this amendment because I think any superhighway between Mexico, the U.S. and Canada, and there are no funds in this bill for this mythical private road, I just don't believe that this superhighway is something that we should get into.

And furthermore, this amendment puts a stop on several transportation-related initiatives between my State, which is Michigan, my city and Canada. For example, we've been working for years to improve the crossing at the Ambassador Bridge between Detroit and Windsor. That's the busiest, it isn't the second busiest, it's the busiest U.S.-Canadian crossing in our country. This amendment would stop years of work and cooperative efforts that we've been working on.

And another example of a cooperative effort under this partnership is aviation. I've got to tell you that there are three international airports in my area, all of which fly into Canada. DOT and Canada are working together to ensure that travel between the two countries is smooth, free and safe.

☐ 1830

I would say, free of any burdensome barriers. This amendment would put all of the U.S.-Canada transportation initiatives to an end. That would be detrimental to the Nation.

I think the amendment is one that is a broad brush. It tries to actually focus on one thing, but it is too broad. In fact, it contains some elements that bring about a real problem. I think that they can do much better if they ever redrafted this.

But here is the story. There is no superhighway in this bill. There is not. But there are good initiatives in this bill, ongoing initiatives, that are vital to our country.

Mr. Chairman, I recommend a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would just like to respond to the gentleman from Michigan and say that my district borders Canada too, across Lake Erie. The planes fly over our border, and we go up to Michigan and we take the Ambassador Bridge and so forth up into Canada. So we share those concerns. But what we don't share is our dismay at the lack of transparency that characterizes the Bush administration. What exactly are they discussing with the Government of Canada, with the Government of Mexico and other governments in the Americas?

We have a right to know. We have a right to participate. We want transparency and disclosure on the SPP. Their secretiveness about what is going on is a deep concern. Vote for the Hunter-Kaptur amendment.

Mr. OLVER. Mr. Chairman, reclaiming my time, the ranking member, it seems to me, makes some very good points. I know how concerned he is about the impact that this might have, that may be unintended consequences in relation to the northern border with a prohibition of this nature. I think we need to be concerned about unintended consequences in which worthwhile activities that we might want to support might be eliminated by it.

Mr. Chairman, reluctantly I am going to vote against this amendment.

Mr. SHERMAN. Mr. Chairman, I supported the Hunter/Kaptur amendment because we should not be funding the Security and Prosperity Partnership until the White House tells us what it is and what their plans are. The Security and Prosperity Partnership of North America website says that its goals are about eliminating red tape and increasing security. Those are noble goals. But unless the White House is willing to tell us what they really have in mind, we shouldn't have them spend money on it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KNOLLENBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 6.3 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 20 minutes.

Mr. OLVER. Mr. Chairman, we had asked unanimous consent earlier and were given unanimous consent that these amendments would be read. I didn't hear the amendment read.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the chairman.

The amendment before you would reduce the appropriations in the bill by $3.2 billion, as was just read by the Clerk.

Even though the majority party will call this a "cut in spending," this is not a cut. This is simply returning the level of spending in this appropriations bill to last year's level. It is level funding, spending the same dollar amount we spent last year. Again, as I have articulated on this floor several times in the appropriations process on other pieces of legislation, it is exactly what all kinds of families across this country have to do.

Mr. Chairman, I want to commend the work of the committee. I don't bring this amendment because I don't appreciate the work that the committee does; I bring it because our country and our government do face a real financial challenge in the future. If we don't begin to get a handle on the spending that this Congress does and that our government does, we are going to have real problems.

The best way to begin to start that, when you think about the challenges and problems that loom in front of us, with entitlements, with Social Security, with Medicaid, with Medicare, the way to start that process, to get a handle on the fiscal crisis that is looming, is to start right here and say, you know what? It is probably not too much to ask for the Congress and for the Government of the United States to spend the same amount that they spent last year. That is why I bring this amendment forward.

I would also point out this: Inevitably, when you continue to increase spending and increase spending and increase spending, it always leads to greater taxes. People talk all the time about tax-and-spend politicians. In truth it is just the opposite. It is spend and tax. Spending drives the equation, and that is why we have to focus on spending if we don't want to raise taxes on the American people, which we surely don't want to do.

Yet the other party is talking about doing exactly that. All you have to do is look at recent press clippings where they talked about raising the tobacco tax to deal with the SCHIP program. They have talked about raising taxes on the top marginal bracket to begin to address the AMT. Both are bad ideas for families, bad ideas for our economy, and not the direction we want to proceed.

Again, I bring this amendment forward because I think it is something that we have to begin to focus on as we look at the financial situation that is just around the corner for this country. All kinds of families, all kinds of taxpayers, all kinds of business owners have to live on last year's spending. It is not too much to ask our government to do the same. It is not to much to ask that our government do exactly what families all across this country have to do.

Mr. Chairman, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. ISRAEL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), the distinguished chairman of the subcommittee.

Mr. OLVER. Mr. Chairman, the gentleman's amendment is an amendment that reduces the overall funding in this legislation by $3.2 billion, which is the amount of the budget as passed for the 2007 fiscal year by way of the continuing resolution that was passed back in February. In this process we have had a large number of holes in the legislation that had been presented to us by the President for this year, and in his budget was $2.8 billion under the bill that we had presented here this evening.

In the process there are several items which are very similar and some which are quite different in reaching where we are in this legislation. In particular, the section 8 funding under HUD, we felt that we had to increase the funding for section 8, both for the Tenant-Based Housing Assistance program and for the Project-Based Housing Assistance program, by a substantial sum of money. That is done specifically because there was a change in the CR of the authorizations there for funding vouchers, and in order to make certain that every person had their vouchers and no one was going to lose rental assistance, it was necessary then to add about $1 billion into tenant-based and project-based assistance in order to meet that and fill that need. That is one of the items.

We had also to very substantially increase the programs in transportation in order to reach the guarantees necessary for meeting SAFETEA-LU, which, of course, the President doesn't really care about.

So those items, which I think everybody in this Congress agrees with, have had to be increased and require that we not reduce the funding under the legislation to the level that has been suggested.

Mr. JORDAN of Ohio. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. PUTNAM), the Republican Conference Chair.

Mr. PUTNAM. I thank my friend for yielding the time.

Mr. Chairman, let's take a little status report here. This is the eighth appropriations bill that has moved across this floor, which is commendable, since none have moved across the Senate floor. But it is easier to move legislation when there is no bottom line, when there are no constraints, when you can just put any amount of money into the spending bills. This bill marks the eighth step in the progression towards a $1 trillion fiscal train wreck that is coming this fall because of the inability of the Democratic Congress to adhere to fiscal restraint.

There is a $23 billion difference between what the Democratic Congress would fund and where the President's request is, something that has been dismissed in their letter to the President as "a mere 1 percent." Well, only in the fantasy land of Washington is $23 billion pocket change.

☐ 1845

It is vitally important that we restore fiscal accountability to Washington, and it begins with amendments like this one offered by my friend from Ohio that says let's just hold what we had last year. This bill proposes to spend almost 7 percent more than last year and almost 6 percent above what the President requested.

But what's the difference between that 1 percent? You say it is 7 and 6 percent. That is the difference between $2.8 billion and $3.2 billion. The difference between what this Congress would spend and what the President would spend is larger than most States' budgets that meet all of the needs of that State. This is the first step in this bill's process towards restoring the kind of commonsense fiscal accountability that Americans are starving for.

And when we get down into the weeds of these numbers, people just cloud up because it is so hard to comprehend that a mere 1 percent translates into tens of billions of dollars. But mark my words, ladies and gentlemen, the fiscal train wreck is coming this fall because of the inability of this Democratic-led House to restrain itself from spending billions more than are necessary to meet the needs of this government.

And what that will mean undoubtedly as part of their budget blueprint is higher taxes, taxes that will cripple our economy, taxes that will undo the record low unemployment rate, undo a 14,000 point Dow, undo record homeownership.

Mark my words, a trillion-dollar train wreck is coming if you don't adopt amendments like these.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Mr. Chairman, I would like to thank my friend from Ohio for yielding and for his leadership.

I come from the mountains of east Tennessee. We have a lot of common sense in those mountains. We understand when you spend $3.2 billion, that's a lot of money. We have men and women all around America right now sitting around their kitchen tables trying to decide just exactly how they are going to feed their children, how they are going to take care of their families, how they are going to pay the tuition and buy that next tank of gas.

We talked about in the last election that we are going to be providing a change here in Washington. I believe the freshmen Republicans that came into Congress with me this year are here to offer that change. The way we offer that change is quit spending as much as has been spent in the past. We can do that.

When we have an economy growing about 3 percent and this bill is going to grow by 6 or 7 percent, people understand you can't grow government at twice the rate of the American family's income. It just can't be done. We need to make sure that we use some commonsense when we put these budgets together. We can't spend more money than the American people can earn.

I think the American people did send us here to Washington to rein in that spending, get a handle on our fiscal House. I think this amendment by my friend from Ohio will go a long way towards doing that. This is not about a cut. This is simply about holding the line on spending.

The American people can understand if they have $100 this year and somebody wants to grow it to $200 next year but you can't afford it, and you say, "I can't give you $200, but I will let you keep your $100," if you kept that at $100, that is not a cut. That is staying the same. That is what this amendment does. This simply says we are not going to grow that $3.2 billion.

I thank the gentleman for his amendment.

Mr. JORDAN of Ohio. Mr. Chairman, may I inquire as to how much time remains?

The Acting CHAIRMAN. The gentleman from Ohio has 12½ minutes. The gentleman from New York has 17 minutes.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, may I inquire, does the gentleman from New York have any additional speakers on the amendment?

Mr. ISRAEL. Mr. Chairman, it is my understanding that I have the right to close, and I am reserving to close.

Mr. JORDAN of Ohio. Mr. Chairman, is he intending to close with a 17½ minute speech?

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SALI), a friend and freshman colleague.

Mr. SALI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as I have walked around the halls of the office buildings for the House. I have noticed the signs that talk about the truth needing to be told regarding the majority's budget that was passed, the claim that while there is no tax increase in that budget, and technically that is true, Mr. Chairman. There is no language in that budget bill that says taxes are raised on anyone in any manner. There is no claim there are additional taxes. That language is not in that budget.

But the effect of that budget, Mr. Chairman, will be increased taxes. Why do I say that? Well, because the majority has been very vocal throughout the last year, through the last campaign season, that by golly, one of the things we need to do is get our spending under control, get this deficit problem under control.

Well, Mr. Chairman, the problem is not taxes at this point. The problem today, though, is the spending, because if the spending continues at the rate we are going, that the majority is proceeding, one of two things has got to happen: Either we have to increase deficit spending or we have to increase taxes to pay for it.

I would just point out that about $1 in $5 for the budget last year was deficit spending, so how does the majority intend to avoid deficit spending at the same rate that they criticized last year? And, in fact, how will they avoid increasing that deficit spending by spending more this year unless they intend to increase taxes. At some point that choice has got to be made.

Mr. Chairman, it starts with the spending. If we support this amendment, that will be a start in the right direction.

Mr. ISRAEL. Mr. Chairman, I continue to reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, because the Democrats are so mesmerized by our presentation, we will continue. It is the first time I have known them to be speechless, but we will continue, and so I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I thank my friend from Ohio for his leadership on this bill, and I am happy to come and lend my comments to the discussion.

Last year the Democrats got elected partly on the basis of their promise to cut spending. They made a big to-do about the fact that we were increasing spending. Republicans had done that. This is not cutting spending; this is holding the line on spending.

The eight appropriations bills that have passed the House so far are $34 billion above last year's spending levels. That is not fulfilling the promises that they made to help hold the line and even cut spending. As my colleagues have said, this inevitably is going to lead to the largest tax increase in the history of this country.

Furthermore, in terms of this bill in particular, I have searched the Constitution and I see no role for the Federal Government in most of what is going to be funded in this bill. But the Democrats have never met a request for spending that they didn't like, and so they are going on willy-nilly increasing spending, putting the American taxpayer at risk, and increasing the deficit in this country; whereas, the tax cuts that were passed in 2001 and 2003 have led us to a very, very strong economy which we know is benefiting the American people right now.

Furthermore, none of the promises that they made about slowing the exploding growth of Social Security, Medicare and Medicaid that would result in deficit reduction have been dealt with in this Congress.

We have simply got to come to grips with the fact that we cannot tax the American people to the level at which they are being taxed and the level to which the Democrats want them to be taxed. We have to hold the line on spending, and I support this amendment.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 5 minutes to the ranking member of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for posing this amendment.

The reason we are here today, Mr. Chairman, is because this is overbudget. Take a look at this bill right here. It is $2.8 billion above the President's request and includes a $3.1 billion boost for the Department of Housing and Urban Development. There are also some phony gimmicks in this spending bill.

As noted, the bill provides phony offsets for spending increases by rescinding budget authority with no outlay savings. So what you are doing, you are actually canceling something that doesn't really exist to show paper savings so you can spend it somewhere else. Now, this is an old trick that has been done on both sides of the aisle over the years, but it still doesn't make it right.

The problem we have with this bill, as the preceding bills and the following appropriations bills, is it is $34 billion above last year's spending level just for what we have passed so far. That is $19 billion above the President's request. This majority's spending bills are going to be $81 billion above last year's spending level.

When you look at the budget resolution, this bill does conform to the budget resolution. It meets 302(b). What that means in budget talk is they are conforming to their budget. But what does their budget do? Their budget leads to the largest tax increase in American history.

If you accept these spending increases, which, on average, are 9 percent spending increases for discretionary spending, three times the rate of inflation, three times the rate of wage growth, three times the ability for families to be able to afford this expense, three times the rate that our family incomes go up at best, if you accept these spending increases, that means you are accepting the plan in the budget, and the plan in the budget is to raise taxes. Not by a little bit, by a lot.

What tax increases are they specifically calling for in the budget resolution that this is a part of? Getting rid of the marriage penalty, bringing it back altogether; reducing the child tax credit in half; raising income tax rates across the board for every single working American and every single working family; bringing the death tax back in full force; raising taxes on capital gains and dividends, which makes it easier for people to save for retirement, and that creates jobs.

So the problem we have here, Mr. Chairman, is not a revenue problem. We have had double-digit revenue increases coming to the Federal Government for the past 3 years in a row.

□ 1900

The deficit just went down this year again by 18 percent because of faster revenue growth. So we don't have the problem with the money coming in. We don't need to raise taxes. Plenty of money is coming in to the coffers of Washington.

The problem we have is spending. We are just spending too much money too quickly. If we want to balance the budget without raising taxes, we have to control spending. That's the lesson we've learned.

Now, what does this bill do? This bill irresponsibly increases spending too fast. Are there important functions that are in this bill? Yes. Are there important things that the government needs to do, roads and bridges and transportation? Yes.

The problem I have with this bill is it doesn't have fiscal discipline. It doesn't contain a budget cap that makes sure we won't raise taxes.

So, by subscribing to the budget increases, the spending increases in the bill and the appropriations bills before it and the ones that are yet to come, it puts us on that glide path, on that trajectory to having the largest tax increase in American history. We don't want those taxes to be increased, and we sure don't want to support budgets that put us on the path to making it a sure thing, and that, Mr. Chairman, is why I think we should vote against this.

I think we should also have better budgeting. I don't think we should be rescinding phony budget authority to then use it for outlays. So, if we get rid of the gimmicks, this thing wouldn't even comport with the budget resolution itself.

So with that in mind, Mr. Chairman, I urge a "no" vote on this bill.

Mr. ISRAEL. Mr. Chairman, I ask how much time is left.

The Acting CHAIRMAN. The gentleman from New York has 17 minutes. The gentleman from Ohio has 4½ minutes.

Mr. ISRAEL. Mr. Chairman, I would just point out that there is no tax increase in this bill. The other side, Mr. Chairman, they went from saying that there is a tax increase to that this may put us on a trajectory to a tax increase, could be, possibly.

There is no tax increase in this bill.

Madam Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, just a few comments before we use the remaining few minutes of our time as well.

Think about this. The ranking member of the Budget Committee pointed out the facts, what's in this bill, the numbers, the budget, and what's going on. But it's always important to come back and focus on how that translates into the lives of the American people and American families.

I think it's important just to remember and think about the typical family across this country. They go to work each day. They go to church on Sunday. They make their house payment. They make their car payment. Maybe they're paying their kids' private school. They're saving for college. They may be saving for a family vacation. They don't get an automatic 7 percent, in this particular bill $3.2 billion, increase. They don't get that. They have to budget. They have to learn to live on less many times.

And that's all this amendment says is, you know what, let's just spend exactly what we spent last year, because if we don't. And we keep on this spending train that we're on, there will be tax increases. And then that family I just described, it's going to be tougher for them to pay for that vacation, pay for their kids' school, pay for the shoes for soccer practice and Little League and pay for all those things that families have to pay for. That's why this is important.

It begins to put us on the path to deal with the problems that are certainly going to be there if we don't start getting a handle on spending. That's why I bring the amendment forward. That's what all our speakers have talked about, because it's that important that we begin to do the right thing here.

Madam Chairman, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Ohio have any further speakers?

Mr. ISRAEL. Mr. Chairman, do I have the right to close?

The Acting CHAIRMAN. You do.

Mr. ISRAEL. I thank the chairman.

Has the gentleman yielded back his time?

Mr. JORDAN of Ohio. The question from the Chair was do we have additional speakers. My response was no.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time. I have the right to close.

The Acting CHAIRMAN. The gentleman from New York has the right to close.

Mr. JORDAN of Ohio. Is the gentleman from New York the only speaker?

Mr. ISRAEL. Mr. Chairman, I am the final speaker, and I have the right to close.

Mr. JORDAN of Ohio. Then I yield back the balance of my time.

Mr. ISRAEL. Mr. Chairman, this is like a soap opera. It doesn't matter when the American people tune it in, turn it on, it's the same script, the same characters, the same plot, the dialogue.

Every week this small group of Members tries to offer these amendments, and every week they're defeated, defeated by the members of their own caucus.

This appropriations bill was passed by the Appropriations Committee on a bipartisan basis. Democrats and Republicans supported this bill because it has the right investments for the American family.

They support the notion that we should make sure that we have children in car seats that are safe. The gentleman's amendment would cut funding for car seat safety for our children.

They support the notion that we should make sure that our highways are safe. The gentleman's amendment would cut funding for highway safety.

They support the notion, Republicans and Democrats alike, that when you go to the airport, there should be enough inspectors to make sure that your plane is safe. The gentleman's amendment would cut the number of inspectors for airlines and increase delays at airports.

Republicans and Democrats on the Appropriations Committee alike agreed with the notion that elderly people who worked hard, raised their families, paid their dues should have a chance, a better chance, to get decent housing. The gentleman's amendment would cut that chance of decent housing for the elderly.

And Republicans and Democrats alike, who share commonsense values and compassion, also agree that if you're disabled, you should have a chance to get some decent housing. The gentleman's amendment would cut the chance of getting decent housing if you are disabled.

Mr. Chairman, the gentleman talked about the common family and the values that they have. Let me suggest to the gentleman one thing, and then I will close.

This isn't really about the argument that the gentleman uses that we should cut spending. With all due respect, the gentleman was nowhere around when we spent and spent and spent and borrowed and borrowed and borrowed for special interests. I will talk about the typical American family.

This morning on the front page of the newspaper there was a story about how huge tax breaks that some on the other side supported for the largest multinational corporations on Earth, that were promised to create jobs, did the opposite. Two years ago, according to the newspaper, when companies received a big tax break to bring home their offshore profits, the President and Congress justified it as a one-time tax amnesty that would create American jobs, but the companies did not create many jobs in return. Instead, since 2005, the American drug industry has laid off tens of thousands of workers in this country.

And so let's close by returning to that family. The gentleman may have a family in his district, a Jones family. Mr. Jones worked for one of those big multinational corporations that have a P.O. box in Bermuda to escape their fair share of taxes at home. Mr. Jones thought that that tax break to that big company was going to save his job. The company got the tax breaks. He got a pink slip.

Now, if that's not bad enough, the gentleman would propose that Mr. Jones, when he goes on the highway to try and find another job, that he's less safe; that Mrs. Jones, who's working at the Wal-Mart, when she straps her daughter into a car seat, that that car seat be less safe because of the cuts to those programs; if the Joneses have enough money to scrimp and save and maybe visit their parents or grandparents in another State, that they wait even longer to get on the plane, and that the plane not have the inspection as quickly as it needs to; and that if Mr. Jones' and Mrs. Jones' parents or grandparents want to have a decent roof over their heads, that they have to wait longer, in fact may not even qualify, because of the cuts in housing assistance for the elderly and the disabled.

The difference between us is that we want to invest in the American family, and the other side, not everybody on the other side, Republicans and Democrats alike, on a bipartisan basis, passed this bill to invest in the American family.

The sponsor of this amendment wants to continue giving giveaways to the richest special interests. We believe those funds are better spent with the American family.

That's what this is about, and that's why I'm so proud that Republicans and Democrats alike supported this bill in the Appropriations Committee and will defeat this amendment when it comes to the floor later.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 20 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $507,767,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the Chair, and I thank the leadership for the opportunity to bring this amendment forward.

This amendment is a very simple amendment. It's an amendment that has come to be known as the Hefley amendment, or at least came to be known as the Hefley amendment, a former Member of this body who offered an amendment to decrease appropriations bills by 1 percent in an effort to begin fiscal responsibility.

And it's my privilege to bring these amendments to the floor again in an effort to take that first step, take that first step to begin fiscal responsibility in this Chamber.

This is a good debate. It's a good debate that we have when we talk about how to spend hard-earned taxpayer money, because, Mr. Chairman, as you know, oftentimes in this Chamber, in fact, we've heard on some of these appropriations bills Members talk about their money, about my money. And it's always important that we remember whose money it is. It's not government money. It's not our money. It's the money of the hardworking American taxpayer.

So this amendment is very simple. It simply says that we ought to reduce by 1 percent the amount of money being spent in this particular appropriations bill. And to be clear, that is still a significant increase in spending over last year, but it's an attempt to begin fiscal responsibility.

One of the numbers, the numbers are that last year this portion of the appropriations bill spent $47.5 billion. The President requested an increase to $47.9 billion for this next fiscal year, and the committee itself brings forward a bill that will spend $50.7 billion. That's $3.2 billion more than last year.

So this amendment would say, well, we ought not spend $50.7 billion. Let's see if we can't get a little fiscal responsibility and instead spend $50.2 billion.

Again, it's not as far as many of us think we ought to go in an effort to try to be more responsible with spending the hard-earned American taxpayers' money, but it is a step in the right direction. It is a step along the line of fiscal responsibility. It is a recognition. It would be the beginning of a recognition that this is not Congress's money, that it is the money of the hardworking American taxpayer.

On many of these bills we seem to get a few more votes each time. I'm hopeful that at some point this House will make a statement, that this House will make a statement and say, yes, we do believe that, in fact, moving forward under the banner of fiscal responsibility dictates that we respect the hard work of the American taxpayer and, in fact, accept one of these amendments as we move forward.

So with that I think it's a commonsense amendment. It's a problem-solving amendment. It's an amendment that speaks to what the American family would do when they have some fiscal challenges, and that is to overall reduce the amount of money that they spend.

So, with that, I encourage my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 20 minutes.

Mr. RYAN of Ohio. Mr. Chairman, I reserve my time.

Mr. PRICE of Georgia. Mr. Chairman, I'm pleased to yield 2 minutes to my good friend from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I thank my colleague Dr. PRICE for offering this amendment. Certainly the American people can relate to this amendment. It simply says that we will not spend 1 percent of the bill as currently written, 1 percent. Well, that equates to $500 million, a substantial sum of money even in the context of the Federal budget.

What we have in Washington, D.C., is a spending problem. We don't have a problem with income to government. The government will receive about $2.7 trillion this year on a Federal budget that actually spends $2.9 trillion.

□ 1915

What is absolutely fascinating about this is that there are only two countries on Earth with whole economies that are larger than the Federal Government here in Washington, D.C., and that is the governments of Germany and Japan. When we talk about China and the growing threat of China's economy, well, look at the size of the Chinese economy. The whole economy of China is $1.9 trillion. What we have here in Washington D.C. is certainly a spending problem.

What this amendment proposed by Dr. PRICE says is that we should be able to slip off just a little bit of that spending, just a little bit, show the American taxpayers that we can tighten the belt just ever so slightly, which means, instead of eating that whole cake, which is what the Democrat leadership proposes for dessert, eating that whole cake, we are just going to take off just a little bit of the icing, just a taste of the icing, rather than eating that whole cake.

Now, certainly we can do that. Certainly the American people understand the Federal Government could save 1 percent. Every family budget across America can save 1 percent.

I urge my colleagues, even the liberal Democrats on the other side of the aisle, my friends from the other side of the aisle who said that we want to spend more and more and more. They certainly can say we will, when we are increasing spending so rapidly, what the Democrats are doing here, we could say that just 1 percent, we will take off 1 percent right off the top.

So I urge my colleagues to support this reasonable and commonsense measure that shows some level of restraint, even with bloated Democrat spending in Washington, DC.

Mr. RYAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire whether it's the intention of the gentleman from Ohio to close when he speaks.

Mr. RYAN of Ohio. It is my intention. I am the final speaker.

Mr. PRICE of Georgia. Mr. Chairman, I yield 3 minutes to my friend from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank my good friend and colleague, the gentleman from Georgia, for yielding the time and for bringing up this amendment.

Each time he does, of course, I am reminded of our former colleague, our great friend, Joel Hefley from Colorado who brought this amendment up in past Congresses.

Mr. Chairman, I didn't understand, perhaps I would have to admit, the full significance and importance of what he was trying to do, and that was just to, in a very, very, very modest way, curtail the spending spree that we have here in Washington, that spending spree that our friend and colleague, the gentleman from North Carolina, was just explaining.

Of course, this is a modest effort, 1 percent on one spending bill. We know that the real issue here in Washington is the explosion in entitlement spending. The gentleman from New York earlier said that there was no tax increase in this bill. Of course, we understand that. This isn't a tax bill; this is a spending bill.

But it is tied to a budget, to a budget that significantly did one thing: it brought us the largest tax increase in American history. Yes, that tax increase won't hit in a significant way in this year, but in order to make that budget balance, it was necessary to bring us the largest tax increase in American history so that by the end of the budget period, the budget could balance.

The other thing that budget had, or, more significantly, did not have, it didn't have anything to constrain entitlement spending. Well, it did. It had a small piece, a very small piece, where there was an effort to save less than $1 billion in entitlement spending; and our colleagues on the other side of the aisle stepped up to the plate to save that less than $1 billion and created nine new entitlement spending programs.

We do have a spending problem here, and that is followed by an enormous taxing problem. This is a spend-and-tax issue that I think the American people can understand. Their budgets aren't growing by 7 percent. The Federal Government is growing its spending by more than that. This effort by my good friend from Georgia is, indeed, a modest effort.

This is a tiny, let's save one penny, one penny on the dollar that this spending bill has. We can't seem to find a way to save that one penny, and yet we are letting entitlement spending grow by trillions of dollars.

I think the American people are going to grow increasingly aware that we have an unfunded liability in entitlement spending of trillions and trillions of dollars, well over $50 trillion.

So this is a modest effort, but I would call on my colleagues to take this tiny step that Mr. Hefley brought us in the past and that my colleague, Mr. PRICE, has brought us here.

Let's support the amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OLVER. I just wanted to respond to the gentleman who had just spoken.

Mr. Chairman, the gentleman from Minnesota has mentioned twice in the comments that he has made, at least twice in the comments, that, again, the idea that this budget that we are dealing with has somehow inherent in it the largest tax increase in American history, twice he has made that comment.

Well, the budget that we are dealing with has no increase in taxes whatsoever related to it. I think the gentleman understands that. In fact, even the budget resolution that guides the budgeting this year for all of our bills, all of our discretionary budget legislation, that budget resolution does not have any tax increase in it either. I think the gentleman understands that as well.

We are making messages here that are really not correct. They are simply not accurate. They are simply not true.

I want to make a couple of points. I want to remind the gentleman and others from the other side who have spoken that since President Bush took office, the national debt has increased by over $3 trillion, $3 trillion, over 3, it's closer to $3.3 trillion. That's 3 with 12 zeros behind it.

Some people have a difficult time understanding a three with six zeros behind it. That's $1 million. But $3 trillion, with 12 zeros behind it is $1 million, million dollars.

That debt increase of $3 trillion that has occurred in the 6 years that President Bush has been in power in the Presidency, that ends up costing us, the American people, us as a Nation, $100 billion each and every year in additional deficit, which is what has happened, an additional deficit, every year $100 billion each year, which is some 200 times the amount of money that is being suggested ought to be cut from this one little budget that we are talking about that provides money for a whole series of very important initiatives that serve the American people.

To close, I could go on substantially on the debt, but the $500 million that has been suggested that should be cut from this budget, this one simple budget that funds housing and transportation programs of the government, this one budget, if one compares the $500 million, that two pieces of the budget, the $500 million is essentially the same money that we had to put back in the budget because Amtrak would have shut down.

$500 million is about the same amount of money as was put into that. It is about one half of the money that was put back in to make certain that not a single family, low-income family, people who are living with incomes of under 30 percent of the adjusted median income in their areas, one half of the amount of money that would allow all of those people who had vouchers and who are getting rental assistance, in that very low-income category, to maintain their vouchers for the next year.

It is also a sum of money which is somewhat less than the amount that we had to put back into the budget to bring it up to these levels, to the 2007 enacted level at $700 million, or the Community Development Block Grant program, which provides money to virtually every community in the country, larger cities, by direct distribution from the Federal Government through Housing and Urban Development, but also to many smaller cities and communities, even quite small communities, through the money that's distributed to the States who then give it back to those communities in order to build affordable housing and build public facilities in their communities.

It is very close to the amount of money that is included in this budget and provides for the construction of elder housing, housing for the disabled and housing for distressed public housing as well.

So that is what is involved in $500 million at this point. I hope the amendment is defeated.

Mr. PRICE of Georgia. Mr. Chairman, I yield 1 minute to my friend from Minnesota (Mr. KLINE) for purposes of setting the record straight.

Mr. KLINE of Minnesota. I appreciate the gentleman yielding me time. I appreciate that because I would like to respond to the gentleman from Massachusetts on just a couple of points.

One, we had a number of discussions on zeros and what that means when we talk about the debt, nine zeros, 12 zero, six zeros, I would say there are a lot of American families that are concerned about five zeros and what the impact of the tax increase is going to have on that.

With all respect to my friend from Massachusetts, the Democrat budget does have the largest tax increase in American history. In order to make that budget balance, all of the tax relief which we have worked so hard to achieve in the last few years, and which is behind the growth and the economy, all that would go away, tax relief for married families, tax relief for every American worker who pays taxes. All that's erased in the Democrat's budget that is behind this spending bill that we are in today.

I think he helps me make the point that this is, when he talks about trillions of dollars, that this bill, that this amendment is a very modest step in curtailing that spending.

Mr. RYAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, if I may inquire as to the amount of time remaining.

The CHAIRMAN. The gentleman from Georgia has 11 minutes. The gentleman from Ohio has 20 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I yield 2 minutes to my friend from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank my colleague from Georgia.

Mr. Chairman, this budget proposal isn't a real surprise; it's business as usual for the Democrats and proves that their promises to be fiscally responsible are just empty rhetoric. If this budget, along with the other budgets that we have been approving, are approved, it signals a return to the Democrats' beloved tax-and-spend model for government. They are very happy to try to run the lives of all Americans from the Federal level.

The 2001 and 2003 tax cuts have produced a real decrease in the tax burden on North Carolina's married couples, single parents, and families. Almost every taxpayer, low-income, married, single or self-employed, will lose valuable tax cuts under the assumptions made in the Democrat budget proposal earlier this year, and that would cover the costs that are in this budget tonight.

The economy is booming. The stock market is doing great. People's 401(k) plans are increasing tremendously. But they want to stop that because they want to spend your money. They think they know better how to spend your money than you know how to spend your money.

The Federal Government doesn't have a revenue problem. Revenues increased by 14.5 percent in 2005, 11.6 percent in 2006, and they are projected to grow by an additional $167 billion, or 7 percent, this year, according to the latest OMB estimate.

Again, the economy is booming, things are going great, but the Democrats would put a halt on that with their profligate spending. To put it another way, the Federal Government is projected to collect $800 billion more in revenue in 2007 than was just the case 4 years ago, $2.6 trillion in 2007 compared to $1.8 trillion in 2003.

□ 1930

We need to slow down spending and allow the American people to keep more of their money. They know how to spend it better than Federal bureaucrats do.

Mr. RYAN of Ohio. I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

And I just want to say to the gentlewoman from North Carolina that the absolute platinum standard for fiscal irresponsibility lies squarely on the shoulders of her party and the Presidents of her party.

The national debt for this country when President Carter left office in 1981 was less than $1 trillion. The national debt 12 years later, in the case of President Carter, that represents the debt that had been reached over 180 years of American history. Twelve years later, the national debt when the first President Bush left office was $4.3 trillion, more than four times as much, more than quadrupling the total national debt. That is the gold standard of fiscal irresponsibility.

And then we had 8 years of President Clinton, and the national debt went up another $1.2 trillion, about a 25 percent increase in the national debt in the 8 years that he was President.

But then, under the present President Bush and the Congress of his party in control during those years, the national debt has gone up $3.3 trillion more, a total of about two-thirds more, 67 or 68 percent more in debt. That is the platinum standard in debt increase and in fiscal irresponsibility.

Mr. PRICE of Georgia. Mr. Chairman, at this time I am pleased to yield 1 minute to my friend from Texas, the chairman of the Republican Study Committee, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

I must admit, every time I come to the floor and a Democrat lectures me on fiscal responsibility, I feel like I am having an Alice in Wonderland experience; and that is because the deficit is the symptom, it is spending that is the disease. And so we have Democrats come to the floor and say, well, when you Republicans were in power, you spent too much. Well, some of us Republicans agree. So what is your answer, Mr. Chairman? Well, they want to spend even more.

For the last 10 years, look at the record. Every time the Republicans offer one budget, the Democrats offer a budget that spends even more. And then they say it is fiscally irresponsible that the national debt went up from $5 trillion to $8 trillion. I don't like that a bit. But, guess what? Because the Democrats' budget was stone cold silent on entitlement spending, the national debt unfunded obligations is $50 trillion. So I will be glad to accept responsibility for $3 trillion when my friends on the other side of the aisle accept responsibility for their $50 trillion.

Mr. RYAN of Ohio. I continue to reserve my right to close.

Mr. PRICE of Georgia. Mr. Chairman, I am tempted to ask my good friend from Ohio whether it is the final right to close, or whether it is otherwise.

Mr. RYAN of Ohio. I will continue to reserve my right to close, unless my chairman wants more time.

Mr. PRICE of Georgia. Mr. Chairman, at this time I am pleased to yield 5 minutes to my good friend from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding, and I like us being pleasant with each other.

I think this is a fascinating debate and an important debate, and, quite frankly, I have watched it unfold over the bills earlier this year. And the reality is, in Washington, nobody has the high ground on spending.

When I and my colleagues as fiscal conservatives get up on this side and say cut spending, as we are in this amendment by a mere 1 percent, it is absolutely fair and absolutely true for my colleagues to get up on the other side, as they have done and done well, and lecture us about spending. You guys are the, to use the words a moment ago, platinum standard on spending. And in many ways they are absolutely right.

I note with chagrin that because neither Republicans nor Democrats have the high ground on spending, something has to be done, and I would suggest at some point we have to begin. Maybe it is with this amendment, maybe it is not with this amendment, maybe it is with something else. But let's talk about spending.

On our watch, on the Republicans' watch, family income grew from 1995 to 2004 by 8.2 percent. Pretty good. Not bad. We could all wish it had been better. But what did Republicans do on spending? Republicans grew Federal outlays by a staggering 25 percent. You are right, we don't have much high ground to talk about. But when, then, will we start? And who will it be that starts?

Your side of the aisle encouraged the American people by saying, JAMES CLYBURN, Democratic House chairman, said in a press release on October 10, 2006: "Democrats offer a new direction which includes fiscal responsibility."

Speaker-elect NANCY PELOSI in a press release November 16 said: "We will work together to lead the House of Representatives with a commitment to integrity, to civility, which we have seen a little bit of tonight, and to fiscal responsibility."

And Majority Leader STENY HOYER said: "It is imperative to the future of our Nation, and I agree with him, that we come together, Democrats and Republicans, and restore fiscal responsibility."

There are some hard facts that both sides have to deal with. Those hard facts include: As we stand here debating this bill, it will increase spending by 6.7 percent over last year, this particular bill. That is nearly three times the rate of inflation. It might be less than Republicans grew the spending in some occasions; but nonetheless, if we keep growing spending at three times the rate of inflation, we will double the size of this government in a short 10 years.

I would simply suggest that neither Republicans nor Democrats can defend putting that kind of a tax burden on our economy and on our taxpayers and sustain it. And I would suggest that the respected leaders of the Democrats' party, Mr. CLYBURN, Ms. PELOSI, Mr. HOYER, acknowledged that when they said it is time to restore fiscal responsibility.

This kind of an explosion in Federal spending is simply not sustainable. Now, I have listened to my colleagues on the other side say, well, you guys spend in this area or that area. Now you want to cut here. You come in and say, we spent in an inappropriate way on, call it corporate subsidies, call it tax giveaways, whatever it is. So be it. That is fair criticism, too.

But the question I think that presents itself to all of us, Republican and Democrats alike, is: When do we reduce spending?

If you don't want to reduce spending on this bill by 1 percent or on the next amendment by one-half percent, then where are we going to cut spending? Because at the end of the day, this economy, I do not believe, will sustain, whether it is driven by Republicans or Democrats, a continued growth of three times the rate of inflation.

The average American gets by without anywhere near that kind of an increase in their spending. The average American's budget doesn't double in that short a period of time. It doesn't go up by 6.7 percent per year. And it seems to me, whether it is on your watch on this bill, on your watch on a different bill, or on our watch someday down the line, we have got to rein in government spending, or we will cripple this economy. And if you want to change the priorities and spend in different places, that is your right. You are the majority. But somebody, whether it is you or whether it is us, has got to reduce the level of spending, because it simply isn't sustainable.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to the amount of time remaining?

The Acting CHAIRMAN. The gentleman from Georgia has 3 minutes; the gentleman from Ohio has 18 minutes.

Mr. PRICE of Georgia. I thank the chairman.

I think this has been a healthy presentation from this side. The muted response from the other side is understandable.

When you have instituted in your budget the largest tax increase in the history of the Nation, when you continue to increase the spending at a rate that is greater than inflation, greater than the increase in population for our Nation, then the response, I suspect, ought to be muted.

My good friend from Ohio has said he will close, and I look forward to that response. I am reminded, prior to him standing up, though, that a wise individual once said: When you don't have the facts on your side, then you ought to raise your voice, and you ought to raise it very loud. And so I ask my colleagues to pay attention to what is about to come.

I do want to recognize what my good friend from Texas said, though, and that was talk about Alice in Wonderland. I have dubbed it Orwellian democracy that we are involved in here. My friend from Massachusetts talks about the railing against the Republicans who spent too much and increased the debt. And so what is the response to that? It is to increase it even further, spend more money. They use the grand line of we are interested in investing in the American family. Well, Mr. Chairman, the American families all across this Nation know that when the majority party, when the Democrats talk about investing, what they mean is to hold on to your wallet because that means that taxes are coming; and the budget indeed includes the largest tax increase in the history of the Nation.

This bill, this bill in and of itself, a $3.2 billion increase, 6.7 percent over last year. Why is it that we can't just decrease that by 1 percent? By 1 percent. Is that too much to ask?

Mr. Chairman, I would urge you, if you have any questions about what kinds of money we are talking about, it is H.R. 3074, you can go on line. You can find this bill on line, and you can go to any line item. And I would suggest, Mr. Chairman, when you do that, that if you take any specific line item and you say to yourself, is it possible that they might be able to get by with 1 percent less, 1 penny out of a dollar, $1 out of every $100? Again, that is what American families all across this Nation do. When they find themselves in a little bit of financial difficulty, when they find that their wallet is a little pinched, what they do is they look at their expenditures and they say, we are going to have to cut back. And that is exactly what we, the American family, want to do is to cut back.

That is what this is. This is a sincere and a commonsense attempt to try to begin fiscal responsibility here in the House of Representatives. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. RYAN of Ohio. I thank the gentleman for his fine arguments, and all of the gentlemen and ladies who have made their presentation here tonight. And I would also like to thank the Appropriations Committee for the Transportation and HUD bill. This was passed out of committee in a bipartisan way unanimously with Democrats and Republicans. So, again, we come to the floor to have a discussion with a very small group of fringe Members from the other side, Mr. Chairman, so that we can continue to get fiscal responsibility lectures from the Republican Party.

Now, getting lectures on fiscal responsibility from the Republican Party is like getting lectures on animal welfare from Michael Vick. It really doesn't have any credibility. It really doesn't have any credibility.

So we need to look at what the two different approaches here. And I am not going to be long because we have a lot of votes tonight, and we want to get the Members out of here as soon as possible.

There is a difference in philosophy, and the bottom line is this: There are certain things that individual members of our society cannot do. One of them is build a road. Another is build a bridge. And others that we have already had discussions about are going to college and being able to afford college and making sure some families have loans to go to college. And that is what we are here for. That is what we are here for. We are here to do the things that individual citizens cannot do for themselves, and that is what is included in this bill.

We have had talks about trillion-dollar train wrecks coming up, and I appreciate the gentleman from Arizona stating the fact that, yes, the party in power over the past 6 years, $3 trillion was borrowed primarily from China, Japan, and OPEC countries.

□ 1945

And our friends on the other side had to go to the Treasury Department and ask for the debt limit to be raised so that they could go out and borrow more money. So the lectures have all been given and we've heard them, and we'll probably hear them again later this week and we'll probably hear them again next week.

One of the Members mentioned entitlement spending. It was the Republican Party, Mr. Chairman, who passed the largest increase in entitlement spending with the Medicare part D. And you want to talk about fiscal irresponsibility; they passed it without even giving the Secretary of Health and Human Services the ability to negotiate down the drug prices. That is the platinum standard for fiscal irresponsibility.

So we move forward. What would this cut do? What would this 1 percent cut?

And as the gentleman from New York stated earlier a few of the programs, I think it's important that the Members know what exactly is going to be cut here. Safety belt performance grants, going to be cut. Occupant protection incentive grants, going to be cut. State traffic safety information system improvement grants, going to be cut. All of the investments in future growth.

In aviation, the inspectors, the budget for inspectors in aviation for this country will be cut under this amendment. There will be less inspectors inspecting the maintenance of our airplanes than there would normally be if this amendment doesn't pass.

Transportation, Housing and Urban Development programs. Airport safety grants under this amendment will be cut. There'll be less money for airports. $6.9 billion in this bill for air traffic services. That will be cut.

Continue on. Rail, passenger rail grants, those will be cut. Improvement and safety grants, those will be cut.

This is the kicker. Housing for the elderly. That will be cut under this amendment. Housing for the elderly will be cut under this amendment.

And we don't say that these are going to be cuts just because they're going to be cuts, and we're not saying we're spending money on these programs just to spend money. This is the difference.

I think this amendment, Mr. Chairman, is very simple and it sounds good. Why can't we just cut 1 percent across the top of this budget?

There's changes going on in the world that make it a little more complex than we would normally think it is. I'll give you some examples. Traveling on our Nation's highways has grown by 94 percent from 1980 to 2005, from 1.5 trillion miles to 3 trillion miles. Of course you're going to need to spend a little bit more money if you have more people on the roads and you have more roads.

Now, the congestion has resulted in 2.3 billion extra gallons of fuel being burnt. That means $794 per commuter. Now, there's no way a commuter can get the $300 tax cut that they got a few years ago and go out and somehow fix the congestion problem. There's no way to do that.

We had this same discussion with brownfields. An individual citizen can't clean up a brownfield. You need the Federal investment.

And when you're talking about elderly housing, the elderly population in the United States, Mr. Chairman, is going to grow over the next 25 years by millions and millions and millions of seniors, so it's important that we make these investments.

Another program that will be cut is housing for the disabled. 49.7 million Americans live with a disability. Forty-three percent of those are women. Forty percent of men 65 and older have disabilities. If they had the money to pay for it themselves, they would pay for it and we wouldn't need to be here.

We're making these bipartisan investments, Republicans and Democrats, on the Appropriations Committee to help move the country forward. And one of the key approaches that we've had when we started this year, under the leadership of Chairman OBEY, is to figure out what the world's going to look like in 10 years so that the investments we make today will have our society ready to compete in the global economy 10 years from now, 20 years from now.

And the bottom line is, this bill here reflects the values of this country, passed by Democrats and Republicans in the committee. And those 1 percent cuts may not mean a whole lot to me, may not mean a whole lot to the chairman, but if you're an adult with a disability, elderly senior, if you're a disabled citizen of this country, if you use the aviation system.

How do you fix the aviation system by yourself? You need to do that together, and that's the investment that we make here. So I appreciate the difference in philosophy.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $253,690,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, we've had an interesting discussion here tonight. I am offering an amendment that would propose to reduce the amount by one-half of 1 percent, a mere 50 cents on $100.

As we look at this appropriations bill, this is $3.2 billion over last year, or a 6.7 percent increase. My amendment would take it to a 6.2 percent increase.

As we think about this, I hear many things from my friends on the other side of the aisle about "investments." You can use that word euphemistically when we talk about investments, because what I'm thinking when I hear that word is tax increase on the American family.

We hear many worthy things that this money will be spent for, but there is a philosophical difference in this chamber. And as my friends on the other side of the aisle, Mr. Chairman, talk about us being fringe Members over here, what they're acknowledging is that we were not part of the spending problem for our party. We were the folks in the back of the room raising our hand and saying, we are spending too much money.

We do not have a revenue problem. We have a spending problem. As we've seen in recent years under different Presidents and different Congresses, when we lower the tax rate, the revenues increase. So we don't have a revenue problem. What we have is this spending problem.

But my friends on the other side of the aisle, as they spoke tonight, Mr. Chairman, they talked about the needs of disabled people and elderly people and safety and highway issues and air travel, but what we have to admit in this Chamber tonight is that there is a finite amount of money, Mr. Chairman. And it doesn't matter how worthy the spending is. There is a finite amount of money.

When individuals in this country get up in the morning, get their children ready for school and then they go off to work, they realize that they have to work a long portion of the year to pay their taxes. And every time we have another appropriation bill in front of us, we're getting to the point in this Chamber where it's nearly $82 billion over last year's spending. And the American family knows that they're going to have to work longer in the year before they work long enough to pay their taxes, Mr. Chairman. And I think no matter how worthy the spending is, we need to exercise some fiscal discipline.

My friends on the other side of the aisle have said it half jokingly, but referred to us as fringe Members of Congress. And I have to tell you, sometimes we have to be tenacious about reminding our colleagues how we're going down a road where we're going to have that fiscal train wreck. And I am happy to offer this modest proposal tonight to cut this increase, to lower the increase from 6.7 to 6.2 percent increase and exercise the fiscal discipline that I truly believe the American families, the citizens of this country that pay these taxes want us to have.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Does the gentleman oppose the amendment?

Mr. SCHIFF. Yes, I do.

The Acting CHAIRMAN. The gentleman from California is recognized for 20 minutes.

Mr. SCHIFF. I thank the chairman of the committee for his superb work on the bill and the chairman of the full committee, as well as the subcommittee.

I'm going to reserve the balance of my time, but I do want to acknowledge what the gentlelady has said before reserving the balance of our time, and that is, there is a deep philosophical difference between the Members of the minority party who are here today and those of us speaking in opposition to the amendment. And of course there's a philosophical difference between the Members that are here on the floor today and their fellow Republicans in committee who unanimously supported this bill, those Republicans on the committee and in the House as a whole who have made every effort to work with Democrats and find common ground in dealing with the fiscal challenges that we face, but also recognizing the need to invest in America as our parents' generation did and as their parents did.

Yes, there's a philosophical difference. We're facing a constrained fiscal environment. We've got to get our budget in balance. Some here on the floor tonight we'll hear say, well, we can afford to balance that budget by taking it out of funds for the elderly or taking it out of funds for the homeless, taking it out of funds that help serve Native Americans, taking it out of funds that would make our aircraft more safe.

That's a philosophical difference, I think, with a bipartisan majority of this House that thinks that those aren't the right places to find savings, that we ought to look elsewhere. We ought to look, for example, at the generous corporate welfare payments that we make at a time when the oil industry, for example, has not only had record profits of the year or record profits of the decade, but record profits in the entire history of the oil industry. And not just the history of the oil industry, but record profits of any corporation at any time in the history of the world.

Now, that corporate welfare, my friends on the philosophical other side of this issue don't want to touch. That's sacrosanct. They won't cut those historic profits by 6 percent, or by 1 percent or even by a half of one percent because that's contrary to the philosophy. But they're more than willing to cut those who are desperately in need. And that's where we do have the divide. It's what I will be addressing when I conclude the remarks on our side of the aisle.

But at this point, I will reserve the balance of our time.

Mrs. MUSGRAVE. Mr. Chairman, I'd like to yield 4 minutes to my friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I recall last term in the 109th Congress in the Budget Committee where I served the gentleman from Minnesota who's no longer with us, Mr. Gutknecht, who made a point with regard to spending by this House and Washington, D.C. You know, in that committee you could always put up charts on the wall with regard to spending, chart A on mandatory spending or B on discretionary spending or health care or other spending. You would put them all up there. And Gil one time went through all the charts and he said, now, can you put up the chart of all the people and lobbyists that come down to Washington to ask for a reduction in their program and spending? And of course they put up a blank screen. Of course, Gil's point was, no one ever comes to Washington, no lobbyist ever comes before the House or committee and says that their program should see a flatlining or a reduction in their programs. And that's really the point here tonight, and it has been all last week.

We are here to set the priorities because everyone that comes to every Member of Congress looks for us to spend more on them, and so we must set priorities because they won't do it for us. So just as the American family has to set priorities, we do. Just as the American family says, we're not going to buy a cable TV system and a Dish TV system and a satellite TV system, we're going to set priorities, pick one if we can afford it. Maybe we can't afford it at all. And when it comes to heating our house, we're not going to have electric heat and hot water heat and coal heat and gas heat. We're going to pick one, hopefully the most efficient. That's what families do. And we would hope that Congress does the exact same thing with the money. Set priorities.

And this amendment really just calls us on doing that, looking to see, not a 6.7 percent increase but a 6.2 percent increase and try to set priorities.

□ 2000

Now, the other side of the aisle says, well, we are being stingy with all these programs if we are not able to go up by a 6.7 percent increase.

I would suggest to the other side of the aisle maybe they are not looking at the right side of the ledger, the right side of the equation. Look at the families who have to pay for all these inefficient, duplicative, and unnecessary programs that they want to spend taxpayer dollars on. Look instead at the American family when it comes to education.

When it comes to education, well, if they do successfully pass the largest tax increase in U.S. history, which they are about to do, the American family is going to have to see their educational spending cut. The American family is going to have to decide whether they can send all of their children to college or not.

The other side should look at the issue of health care for the American family because what they want to do is tell the American taxpayer, you have to cut your spending on health care. Maybe you have a child that needs new braces or glasses or something like that. Well, with their tax increases, the American family is asked to cut their spending.

How about housing? The other side of the aisle would say the same thing. Maybe it is a young family trying to start off to save enough money to buy their first house. Well, the other side of the aisle would like to raise their taxes on them so that they can put these duplicative programs through, and they will not be able to afford their housing.

Finally, most importantly, after the other side puts on all these burdens when it comes to cutting the taxpayer with regard to education or health care or housing, the biggest burden is on time. When the Democrats raise the largest tax increase in American history on the American family, what they are also doing is taking away time from the American family because now families which weren't working two jobs now have to work two jobs. Families that weren't working overtime before now have to work overtime just to pay for the extra burden that this government in Washington, under Democrat leadership, is imposing on them.

So the most basic thing we could all look for, time with our family, is being robbed, is being taxed, is being taken away from the American family just so we can implement what the Democrats see as necessary, but truthfully we have shown are not priorities, truthfully are unnecessary, duplicative, hugely increased, inefficient programs.

Let's focus again back on the American family. Let's focus again back on allowing them to have time with their family and put the burden where it should be.

I support this amendment and encourage my colleagues on both sides of the aisle to do so as well.

Mr. SCHIFF. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 5 minutes to my friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentlewoman for yielding.

I have heard many interesting things from the other side of the aisle tonight. I am reminded that people are entitled to their own opinions, but they shouldn't be entitled to their own facts.

I hear a lot of accusations that we have amendments tonight that cut Federal spending. I kind of wish it were true. But last I looked, we had an amendment that level-funded this bill, that spent the same amount of money this year as last year. Now we had an amendment that would increase funding in this bill 5.7 percent. Now we have an amendment that would increase spending up to 6.2 percent. Now, it is less than what the gentleman from Massachusetts desires, and so I guess under his definition that if you spend less money than somebody in the universe desires, that is a cut. So I think, one, we ought to have the facts on the table.

Second of all, I have heard many Democrats bristle at the idea that their budget resolution included the single largest tax increase in American history. Well, don't take my word for it, Mr. Chairman. The Washington Post, not exactly known as the leading conservative publication in America, wrote: "And while House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all these cuts expire on schedule in 2010." Now, that is the Washington Post, which most people view as one of the more liberal newspapers in America. That's what they say.

Now, my friends from the other side of the aisle, Mr. Chairman, may say we are not raising taxes; we are just letting tax cuts expire. Well, Mr. Chairman, if you have the same salary or wage next year as you had last year, but somehow your tax burden is greater, I can tell you this much: Anybody in the Fifth Congressional District of Texas is going to call that a tax increase.

Now, something that my friends from the other side of the aisle don't seem to get, because they say that we need money for housing, we need money for transportation, we need money for this, we need money for that, there is another budget in America that funds housing, that funds transportation. Mr. Chairman, that is the family budget. And the only budget that is being cut tonight is the American family budget, and it is being cut by Democrat colleagues.

I talk to a lot of hard-working people in my congressional district, in the Fifth Congressional District of Texas, and I hear from them because more spending like what is included in this bill fuels more taxes, the largest single tax increase in American history. And I ask them, how is this tax increase going to impact your family budget?

So I hear from people like the Peterson family in Van, Texas: "If you divide the amount by 12 months of the year, this tax increase comes out to $229.58 per month. I am a widow, full-time college student, and single mother of a growing preteen boy. This amount would be impossible to squeeze out of my already overextended monthly income . . . This monthly amount is more than half of my monthly vehicle installment . . . A tax increase of that magnitude would mean that something would have to be given up in my household."

That is the budget that is being cut here, Mr. Chairman. The Peterson family in Van, Texas, they are having their budget cut. They are having their transportation budget cut. They can't afford their monthly car payments because of this bill, which, even though they deny it, is part of the single largest tax increase in American history.

Or from the Jordan family in Forney, Texas, in my district: "All of us have been affected by large increases in the price of gas for our cars, electricity rates, cost of water, and cost of food. My husband and I both drive older vehicles and turn up our thermostat to uncomfortable levels . . . This tax increase reinforces the feeling that elected leaders could care less about the struggles of families trying to avoid going into ever-increasing debt."

Well, guess what? I agree, because once again we have a bill brought to the floor by the Democrat majority that is going to cut the family budget, that is going to cut the Jordan budget in Forney, Texas. And there are family budgets all across America that are going to be cut because this bill spends too much of the people's money. It takes away from their housing priorities, it takes away from their transportation priorities to fuel the government's, Washington's, view of their priority.

And that is why you are either part of the problem, or you are part of the solution. And the gentlewoman from Colorado's amendment is part of the solution, and we should adopt it.

Mr. SCHIFF. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, could I inquire as to how much time is remaining?

The Acting CHAIRMAN. The gentlewoman from Colorado has 7½ minutes remaining, and the gentleman from California has 17½ minutes remaining.

Mrs. MUSGRAVE. Mr. Chairman, at this time I would like to yield 3½ minutes to my friend from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentlewoman for yielding.

I stand in full support of her amendment to cut one-half of 1 percent from a $51 billion appropriations bill.

Mr. Chairman, a few minutes ago when my colleague from Georgia had an amendment that wanted to cut 1 percent, 1 percent, 1 penny on the dollar, you ruled that the voice vote was enough, that the Democratic majority had rejected my colleague from Georgia's amendment to just cut 1 penny. And now my colleague from Colorado, you won't accept that. So we are asking you would you cut 50 cents, one-half of 1 percent?

When my colleague from Georgia was talking, the gentleman from Ohio called us this "fringe group" on that side of the aisle. This "fringe group." Well, Mr. Chairman, I am a proud member of that fringe group, as well as another 104 Members on this side of the aisle that are part of that fringe group, indeed, the majority of the minority. The gentleman from Ohio, who is part of that fringe group, the 30-Somethings, the next time I say that to him, I will say I am paying him a compliment. He is too young to remember the song from the musical "Oklahoma": "The Surrey With the Fringe on Top." But it is that fringe on top of the surrey that makes that carriage so beautiful that it is going to deliver some fiscal responsibility to the great people of this country.

And how many times, Mr. Chairman, have you seen a spot on television or the radio where they tug at your heartstrings by asking, won't you just give 1 penny to the children, or won't you just give 1 penny to the starving people in Bangladesh, or won't you just give 1 penny to the veterans, or won't you give 1 penny to this group or that group? And what we are saying on this side of the aisle, Mr. Chairman, is won't you just return 50 cents to the hardworking taxpayers of this country who are sweating, slaving, and working every day trying to make ends meet?

And as the gentlewoman from Colorado pointed out, this is not a cut. This is just reducing the increase from 6.7 percent of what we spent in fiscal year 2007 to 6.2 percent. And say to my friends, the Democratic majority, who want to increase spending $81 billion in this fiscal year, when they are complaining about an $8.9 trillion debt, how does that make sense, if you are concerned about the debt, and you have got these signs all over the Capitol, and you want to increase spending $81 billion?

Let's get real. Let's get real. We asked you to cut 3 percent; you won't do that. We asked you to cut 1 percent; you won't do that. You won't even give a penny back. And we ask you to give half of a penny now in the gentlewoman's amendment from Colorado. It is the compassionate thing to do.

Vote "yes" on this amendment.

Mr. SCHIFF. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in strong support of this amendment. It is an amendment that I hope all our colleagues understand. It would reduce the increase in spending not by 3 percent, not by 1 percent, but by one-half of 1 percent. Now, it is not a cut.

The word "cut" gets misused on this floor, and we have heard it misused and misused and misused and misused here tonight. No one is proposing a cut.

We just heard a long discussion about how the last amendment was going to cut spending for airport security. It was going to cut spending for housing for the elderly. It was going to cut spending for this program and that program and the other program.

Let's assume every single one of those programs is a very worthy program. There is no doubt that they are. They are indeed very worthy programs. But not a single amendment has been proposed tonight, not one amendment, not one amendment proposed by my colleagues, would cut spending. Every single amendment proposed by this side, every single amendment proposed by my colleagues over here who have said we want to change the bill a tiny amount, would increase spending, but we would reduce the increase by a tiny amount.

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Only in Washington can a reduction in an increase be called a cut with a straight face.

This bill grows spending by 6.7 percent. Almost no American is going to get an increase in their income this year, in their salary this year of 6.7 percent. So we said wait, wait, let's reduce the increase. We're going to have an increase; every amendment is going to have an increase. Let's just reduce that increase by a tiny amount, by a 3 percent reduction in the increase, or a 1 percent reduction in the increase, or on this one, one half of one penny on the dollar. And that's too radical. And that's called a cut.

Well, let's be honest; it's not a cut. None of these are a cut. But it is time to slow the pace of growth of government spending. It is time to slow the pace of that growth because it imposes a burden on every single American. And we are simply standing here, and I'm proud to stand here, and if somebody wants to call it a "fringe group," that's their choice. But I'm proud to stand here in defense of the American taxpayer and not to slash and burn and cut. There is no cut.

What we're saying is this side has proposed spending at an increase of 6.7 percent, almost three times the increase in inflation. We're simply saying how about take off one half of one penny.

I think the lady's amendment is right, and I urge my colleagues to support it.

Mrs. MUSGRAVE. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentlewoman from Colorado has 1 minute; the gentleman from California has 17½ minutes.

Mrs. MUSGRAVE. Mr. Chairman, as I listen to this discussion tonight, I think about how varied the Members of Congress are. There are Members, I dare say, in this Congress that have never had a job, particularly a job that is menial labor.

I grew up in a home where we were poor, and at the time that was very difficult; but I look back on that and I'm happy that I learned to work. I'm happy, as a parent, that one of the values that we taught our children was to work and to work hard.

It was interesting to watch the experience of my teenagers when they had their first job outside the home. They worked really hard. And some of them had a pay schedule where they got paid after 2 weeks of work. And to see how they responded when they got their first paycheck, because they were startled about how much was taken out of their paycheck because they were anticipating a certain amount of earnings, and they didn't get all that money because they had to pay quite a bit in taxes. And I just am asking for a modest restraint here, one half of 1 percent.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. WEINER). The gentlewoman's time has expired.

Mr. SCHIFF. Again, I thank the gentlewoman for offering the amendment to this bill, as she did to one of the prior bills, because it really does highlight the philosophical difference between the bipartisan majority of the House and the self-described "fringe" represented by the views we've heard tonight.

What is that philosophical division between the bipartisan majority and the Members that we have heard from this evening? Well, the bipartisan majority of this House believes that if we're going to ensure a stronger America, then we have to make an investment in that America. But we have to make the same kind of investment that our parents made and their parents so that we can enjoy the prosperity that we enjoy now; that we can't simply say, well, we're going to let our children and our grandchildren fend for themselves.

The bipartisan majority believes that that requires a responsible investment in our roads and our highways; a responsible investment in our aviation system; a responsible investment in our aviation security; a responsible investment in housing for the elderly, for the disabled, for those who are in need. That is a priority of the bipartisan majority. This is our philosophy.

Now, my friends expressing the minority view say, well, let's look at what the American family would do when the American family is facing budgetary pressures. So let's look at what the American family would do. My friends expressing the minority opinion tonight say they would set their priorities. Well, that's absolutely right, they would set their priorities, which means they wouldn't cut everything identically in their lives, which is just what the gentlewoman's amendment would do. It would cut everything across the board.

The American family, when they're facing a fiscal constraint, doesn't say, we're going to cut our medicine equally, we're going to cut our food equally, we're going to cut our essentials equally with how we cut cable TV, was one illustration given by my friends in the minority. No. They don't say we're going to cut the necessities the same amount we're going to cut the luxuries. They prioritize.

But my friends in the minority, with their across-the-board cuts, don't prioritize. And so they do make cuts, real cuts, not like my friend from Arizona claimed, which is, unfortunately, not correct. My friend from Arizona just claimed that nothing is really cut in the across-the-board amendment. But the reality is there are a great many things that are cut, real cuts, that don't have an increase in the bill sufficient to offset what the gentlewoman's amendment would cut.

So what are some of the real cuts the gentlewoman is proposing tonight? She is proposing real cuts to the number of critical safety staff in aviation, safety staff that deals with the Office of Flight Standard and Aircraft Certification. They would be real cuts. Not cuts in growth, but real cuts, fewer people doing the safety inspections for our aircraft. Is that what the American family would choose to do when they're faced with a fiscal constraint? Would they choose to cut things that have the effect of making their families less safe? I don't think that's where they would look for the cuts.

What other real cuts has the gentlewoman been advocating? She's advocating real cuts in emergency response training for hazardous material transportation. That's a real cut the gentlewoman is advocating.

She is also advocating cuts in Native American housing grants. Is the gentlewoman prepared to tell the Native Americans back in her State that she favors real cuts to their housing assistance? I will be willing to yield on that question if the gentlewoman is ready to say, not hide behind an across-the-board amendment, but is ready to say to the Native Americans in her State, I support real cuts to your housing.

I will yield if the gentlewoman would like to respond to that question. Is the gentlewoman prepared to say, yes, I'm advocating tonight real cuts to the American housing in my State?

I yield to the gentlewoman from Colorado.

Mrs. MUSGRAVE. What I would like to say to the citizens in the Fourth District in Colorado is that I'm very willing to take the increase from a 6.7 to a 6.2 percent increase.

Mr. SCHIFF. Well, I yielded the time to the gentlewoman, but she did not answer the question. Evidently she wasn't willing to tell the Native American population in her home State she is proposing an amendment to cut their housing tonight. She is willing to hide behind an across-the-board amendment, but is not willing to tell them directly what the effect of that amendment is.

The gentlelady's amendment would also cut, in very real terms, homeless assistance grants.

Now, let's get back to that philosophical difference between the bipartisan majority and the minority here tonight. One of my colleagues, my colleague from New Jersey, said, well, the American family has to make tough choices. And maybe they need to make the choice that not all of their kids can go to college. Well, that's the philosophical view of the minority opinion we hear tonight. Maybe the American family needs to make the choice that not all of their kids can go to college.

Well, the philosophical view of the bipartisan majority is that every child in America that wants to go to college should have the ability to go to college, notwithstanding whether they are rich or poor. That's our philosophy. And that's why we increased support in the Labor-HHS bill which, again, the gentlewoman wanted to cut, to help more kids go to college. That's our philosophy, that if we're going to look after the future of this country, we're going to have to invest in the future. That means investing in our kids. And that means not putting American parents in a position where they have to say this child goes to college, this child does not. That is not our philosophy. It may be the philosophy of the gentleman from New Jersey; it may be the philosophy of the minority on the floor here tonight. It is not the philosophy of the bipartisan majority of this House, nor the American people.

Now, some of my friends in the minority here tonight say, okay, 6 years of GOP rule; we ran the country into the ground financially, we admit it. But we weren't responsible, we few here on the floor tonight, because we were standing up at the time. Well, I have to say that when we could have used your voices, we didn't hear them. When we could have used your voices, for example, earlier this year to try to achieve savings in the expenditures on oil and gas, when people go to the pump and they're paying record amounts, when we wanted to try to take that and invest it in the country's future instead of investing it in oil company profits, the friends in the minority here tonight had nothing to say. None of them were on their feet saying, yes, this is the time where we must cut corporate welfare because we can't afford it. Let's cut it 1 percent across the board.

When our seniors are trying to buy medicine and can't afford it and we take action here to bring down the cost of that medicine and save the government money because we're living in a finite world, did our friends stand up and say, yes, we have to be fiscally responsible? We have to try to help those families who are working, both heads of household, and can't afford medicine, or those seniors who can't afford medicine, so we're going to stand up for them; we're going to cut those corporate subsidies and corporate welfare? No. They were silent. It's only when it comes to cutting homeless assistance, cutting assistance for the elderly, and even cutting support for additional safety inspections for aircraft that our friends in the minority here tonight are willing to stand up.

So, yes, there is great philosophical difference here tonight between the bipartisan majority that believes we have to invest in the future of this country, between the bipartisan majority that doesn't think a parent should have to decide which child can go to college and which child can't, not based on the merit of that child, not based on the academic ability of that child or the gifts of those children, but because they can't afford to send both children to college.

There is a philosophical difference between the bipartisan majority that says that is unacceptable in America, that is not the America we want to see in our future, and the philosophical views of the minority here tonight that say that's fine with us. We won't look elsewhere. We are willing to balance the budget on the backs of our kids and their kids, the homeless, the elderly and the others. Just stay away from corporate welfare because that is untouchable.

That is not the philosophy of the majority of this House. It will not carry the day when this amendment comes to a vote.

I urge my colleagues to join with the bipartisan majority and defeat these cuts to these vital services, and also to step up to the plate when we have the opportunities to reduce corporate welfare so that we can finance these essential services to let their voices be heard.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act for the mortgage insurance programs under title II of the National Housing Act (12 U.S.C. 1707 et seq.) may be used for any housing trust fund established under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. I would urge my colleagues to take a clear look at this commonsense amendment.

This is an amendment that addresses an area of the bill. The underlying bill itself, this appropriations bill, allows for money to be placed in a slush fund that would be used essentially for political purposes.

So, Mr. Chairman, I rise to offer this commonsense amendment that would prohibit the FHA from diverting money to help fund a "housing trust fund." This name for this is actually part of the Orwellian democracy that I've talked about extensively with this new majority.

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Because it really isn't a housing trust fund. It is a fund that is wholly unnecessary and wholly political.

This amendment would shield middle-class homeowners from the new majority's desire to fund a new expansion of government-built housing; again, with completely political paybacks. HUD already has a number of programs, a number of programs, Market-to-Market, the American Dream Downpayment Initiative, which are aimed at preserving existing affordable housing and expanding affordable homeownership.

The HOME Investment Partnerships Program, also administered by Housing and Urban Development, is the largest Federal block grant to State and local governments. It is dedicated exclusively to creating new affordable housing to low-income households.

The new Affordable Housing Trust Fund that is pending funding in this bill derives part of its funding from skimming money, and a lot of it, from FHA mortgage premiums and creates another mechanism which forces the Federal Government into the homebuilding business and with political nuances to it all.

As Assistant Secretary for Housing, Federal Housing Commissioner of the United States, Department of Housing and Urban Development, Mr. Brian Montgomery, pointed out at a recent hearing before the House Committee on Financial Services, FHA receipts are already credited toward HUD appropriations. As a result, any new program, any new program, like this one, takes that revenue at the expense of the previous HUD programs that I mentioned earlier. As Mr. Montgomery testified, we will be "robbing Peter to pay Paul." Now, why would we do this? Well, we would do it, I guess, because the majority party desires to have political direction over that money.

Mr. Chairman, is there any doubt that the provisions of the FHA modernization bill will create an incentive for FHA to charge higher premiums than is safe or prudent given that incentive? Pressure to hit certain revenue targets will cause a dramatic departure from today's environment where the FHA is able to work to ensure that low-income and first-time homebuyers are being charged the lowest possible premium. It will be those borrowers who pay the cost of this new housing trust fund, those least able to afford it, and likely those least able to desire any activity that smacks of the political cronyism that this slush fund would bring about.

Mr. Chairman, I urge my colleagues to take a serious and prudent look at this commonsense amendment. I believe it is something that the entire House should be able to embrace. I hope they will support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Thank you, Mr. Chairman.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Georgia is attempting to renew an authorizing fight, which is only a matter of days old, on the fiscal year 2008 appropriations bill, and that is not the appropriate way to handle the question of the affordable housing trust.

Our capable authorizers, the chairman of the Financial Services Committee Mr. FRANK, and the Chairman of the Housing Subcommittee of that committee Ms. WATERS, have included an Affordable Housing Trust Fund in their FHA reform bill. That bill was passed by the House last week or 2 weeks ago. I forget which week it was.

Clearly there is a need for more affordable housing in this country. The Joint Center for Housing Studies at Harvard University has documented that from 1993 to the year 2003 alone, we have lost 1.2 million affordable units. It is also documented that we have some 8 million households in this country who have incomes below 30 percent of the adjusted median income in their area. Those households all fall within the lowest, most vulnerable category of people who are eligible for assistance under the Housing and Urban Development Department. We are only providing somewhere in the total of 2.5- to 3 million units for all of that 8 million people and households who are falling within that very low-income category. However, we don't intend to step on the turf of our authorizing committee by renewing the fight about that bill, which passed, as I said, just a few days ago, on this bill tonight.

Mr. Chairman, I oppose this amendment and urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate those comments. I understand the lack of desire on the part of the appropriators to get into the business of the authorizers, but that is the way the system works here. One committee will authorize, and then the Appropriations Committee comes along and determines whether or not there ought to be money.

What this amendment says is that this House ought to say no, we ought not put money into a slush fund, into a housing slush fund that actually takes money away from programs that are demonstrated to have had excellent results, Market-to-Market, the American Dream Downpayment Initiative, the HOME Investment Partnerships Program.

This slush fund will take money away from those programs that have been very, very helpful to individuals across this Nation, low-income individuals across this Nation, who are trying to get into a home. What it will do is substitute it with a slush fund that will be used for political purposes. There is no doubt about it. So it doesn't surprise me, I guess, that the majority party would oppose this amendment.

But I would ask my colleagues on both sides, Republicans and Democrats, to clearly look at this amendment and appreciate that none of us, none of us, ought be using this kind of money, the kind of money that allows low-income Americans to get into their home and have the American dream, realize the American dream, but to do so with political slush fund money. It just isn't appropriate. It is just not right.

So I urge my colleagues to take a serious look at this amendment and support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WALBERG:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Department of Transportation to promulgate regulations based on race, ethnicity, or sex.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I come to the floor today to pose an important question to this House, and that question is this: Do we really need race, ethnic or gender-based preferences for roads?

Today I am offering an amendment to the transportation bill we are currently debating that would stipulate no funding in this bill may be used by the Department of Transportation to discriminate based on race, ethnicity or sex.

Though this policy may be motivated by good intention, I agree with Justice Clarence Thomas about the DOT's affirmative action programs where he states, "The paternalism that appears to lie at the heart of this program is at war with the principle of inherent equality that underlies and infuses our Constitution."

Last fall in my home State, Michiganders voted overwhelmingly, 58 percent to 42 percent, in favor of amending our State constitution to outlaw racial preferences in public education, employment and contracting. Like my constituents in south-central Michigan, I oppose any and all forms of discrimination. But I also support nondiscrimination, the practice or policy of refraining from discrimination.

My support of nondiscrimination compels me to state on this floor that every American deserves equal treatment when competing for business contracts, and our Federal Government should treat all applicants for such contracts on an equal basis. The Federal Government should never view any American as part of a group, but rather look at them as an individual. By granting the Department of Transportation the ability to discriminate based on race or sex, this House would essentially create affirmative action preferences for our Nation's highways.

I urge my colleagues to support my amendment and ensure that all American businesses competing for public works projects are given a fair, nondiscriminatory opportunity.

Mr. Chairman, I reserve the balance of my time

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I reserve the balance of my time.

Mr. WALBERG. Mr. Chairman, I appreciate the opportunity to go further on it. I think it is rather self-explanatory that we are talking here of just assuring the practice that we don't commit discrimination in the process of our hiring and contracting practices.

We in the State of Michigan labored long and hard during the last election cycle, from both sides, to indicate what value there was in making sure that under the context of our Constitution and the laws that have been put in place to enforce that Constitution, that we are each given rights to benefit from those unalienable rights, namely the right of life, liberty and the pursuit of happiness or property. If we were to bridge that with any discriminatory practice, we take that away from one, and we can take it away from all.

For that purpose, this amendment is offered. I would appreciate the support of my colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I continue to reserve my time.

Mr. WALBERG. Mr. Chairman, I am almost speechless with the fact that this very simple amendment has not been challenged aggressively yet. It is a straightforward amendment. As I said very clearly and sincerely, not only am I opposed to discrimination, I am also strongly supportive of nondiscrimination. For that reason and that reason alone, I ask that this amendment be adopted by my colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I reserve my time.

Mr. WALBERG. Mr. Chairman, I would ask my esteemed colleague if he has any speakers prepared to draw attention to this amendment? Otherwise, I think that we ought to close with acceptance of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I reserve my time.

Mr. WALBERG. Mr. Chairman, I would ask that my colleagues on both sides of the aisle come together in unity on this and accept this proposal that seeks to provide that we don't have discriminatory practices that go on within our Department of Transportation.

Mr. Chairman, I yield back the balance of my time.

□ 2045

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Either this is not a serious amendment or it is an exceedingly serious amendment. This amendment is either totally unnecessary or it has a really nefarious purpose. We do have rules and regulations, I think, that might come under the material of the legislation that support and require certain set-asides for minority or women-owned businesses in providing among all of our contracting in transportation departments, in some of those departments, and under certain circumstances. I think those are entirely appropriate.

I don't know whether this is the sort of thing that the gentleman was trying to get at, but I think that this has some entirely unknown effects. Perhaps I should have asked the gentleman whether he had particular things in mind that he knew about because I couldn't at first think of any.

Mr. Chairman, my chairman says I should accept the amendment, and I am going to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The amendment was agreed to.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentleman from Georgia (Mr. LEWIS) for a colloquy.

Mr. LEWIS of Georgia. Mr. Chairman, I rise today to engage in a colloquy with the chairman of the subcommittee. The chairman has been a long-time advocate in improving safety standards in our Nation's transportation system. I appreciate his willingness to include report language regarding occupant ejection and motor coach and school bus standards in this legislation.

In March, a horrific accident occurred in my district when a bus carrying the Bluffton University men's baseball team crashed on Interstate 75 in Atlanta, Georgia, en route to a tournament in Florida. Six people were killed and 29 others were injured.

That week, Dr. Jeffrey Solomone from Grady Hospital's trauma center, where most of the victims were treated in Atlanta, called my office outraged. He knew that their deaths could have been prevented if they were simply wearing seat belts. Imagine working to save young lives when you knew their injuries were caused not from impact but from being thrown from the vehicle.

Last year, two teenage girls were killed in a similar accident in Beaumont, Texas. Advocates and family members accurately highlighted that the National Transportation Safety Board recommended that the National Highway Traffic Safety Administration develop a safety standard in 1999.

In 2005, the SAFETEA-LU legislation reiterated this request and called for a national standard to be developed no later than October 1, 2009. I applaud the committee for demanding a status report on these standards. Simply said, it should not take 10 years to figure out a way to save lives. How much longer must we wait until a simple regulation is developed?

Mr. OLVER. Mr. Chairman, I want to assure the gentleman from Georgia that this and other important safety standards are the utmost priority of the committee, as they have been all of the years I have served on, earlier, the Transportation Subcommittee and now the Transportation and Housing and Urban Development Subcommittee.

Occupant ejection prevention is critical to saving lives. Motor coach and school bus accidents are not necessarily commonplace, but when these tragedies occur, they shake the Nation to its core. The committee highlighted that motor vehicle crashes are a leading cause of death for young Americans, and strong safety standards are the cornerstone to protecting American lives.

I appreciate the gentleman's attention to this issue, and I remain committed, as will the committee, to ensuring that NHTSA meets this and subsequent deadlines to develop national standards that save lives in an expeditious manner.

Mr. LEWIS of Georgia. I look forward to continuing to work with the gentleman to make sure that we do not have to wait until the last possible moment in 2009 for changes to be made.

I want to thank the gentleman from Massachusetts and his staff for working so hard on this legislation and making a commitment to safety and security on America's roads.

Mr. OLVER. I would just comment it should be possible to get out this kind of regulation earlier than October 1, 2009. We will see what we can do about that.

Mr. LEWIS of Georgia. I thank the gentleman.

Mr. OLVER. Mr. Chairman, I wish to continue the colloquy with the gentleman from Georgia on an additional subject, and I continue to yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Chairman, I come to the floor to compliment the chairman of the Transportation Appropriations Subcommittee, Mr. OLVER, on preparing an excellent and well-balanced appropriation bill.

The large number of important priorities included in this bill create difficult choices, and the chairman has done an excellent job balancing the competing interests and preparing a good bill for consideration in the full House.

As the co-Chair of the House COPD Caucus, I want to speak about one item that falls under the jurisdiction of the subcommittee, and that is the implementation of the 1986 Air Carrier Access Act. This act was intended to protect individuals with disabilities who fly on commercial air carriers from discriminating practices. The legislation has done a reasonably good job of protecting most passengers.

The Acting CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I yield to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I thank the chairman for yielding.

While the legislation has done a reasonably good job of protecting most passengers with disabilities, it has had limited success in influencing air carriers to accommodate the needs of disabled individuals who require supplemental oxygen.

Currently, as an example, air carriers have the authority to allow or disallow the use of portable oxygen systems aboard their planes even when the Department of Transportation and the FAA find that the systems are safe. This leaves the use of oxygen systems supplied by the carrier. Potential layovers and delays between flights are an additional health risk and barrier to access to air flight.

In September 2005, the Department of Transportation recognized this problem and issued a notice of proposed rulemaking to clarify this situation to assist the flying public who are in need of assisted breathing devices.

Mr. Chairman, I come to the floor to commend the Department of Transportation for recognizing the problem and for issuing this proposed rule. The final rule will provide uniform standards that will allow passengers to carry their FAA-approved devices onboard. I ask the chairman to work with me to encourage the FAA to issue a rule expeditiously.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. OLVER. In answer, I thank the Congressman from Georgia for bringing this issue to my attention, to our attention. I am sure that the Department will consider all valid points of view in this process, and I stand committed to making certain that the Department issues its final rule as you've suggested in an expeditious manner in the very near term.

Mr. LEWIS of Georgia. I thank the chairman.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used to provide homeownership assistance for applicants described in 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

Mr. OLVER. Mr. Chairman, I would like the gentleman from Iowa (Mr. KING) to know if he would not speak on the matter, I am quite willing to accept the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I appreciate the offer of the chairman. I wonder if he might concede to a 15-second blurb here in order to get a couple of words into the RECORD. I appreciate the incentive and the concession.

This amendment simply says none of the funds shall be used to hire people who are not legal and eligible to work within the United States. That's it. I think we have a consensus on this.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This amendment is merely a restatement of current law which already prohibits the employment of unauthorized aliens. I do not read it as imposing any new burden on those who use funds appropriated under this act. Rather, it is fully consistent with the current legal obligations imposed on all homeownership assistance applicants regardless of whether or not they use such funds.

I accept the amendment and yield back.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman's acceptance of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

This amendment follows through on the theme of the previous amendment, only it addresses that no homeownership assistance will be applicable to those who aren't legal to work or lawfully present in the United States. Again, it is a simple concept. It supports current law.

Mr. OLVER. Will the gentleman yield?

Mr. KING of Iowa. I am happy to yield.

Mr. OLVER. As far as I can see, the amendment is essentially the same. It is based on exactly the same citation in the U.S. Code but has a different target. But again, the amendment is merely a restatement of current law which already prohibits the employment of unauthorized aliens. So again, the rest of my previous statement applies, and I am willing to accept the amendment if the ranking member is also willing to do so.

Mr. KING of Iowa. I thank the chairman for his comments. I urge adoption of the amendment, and I yield back the balance of my time.

Mr. KNOLLENBERG. I accept the amendment as well.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

□ 2100

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill, before the short title, insert the following:

SEC. ___. None of the funds made available under this Act may be used may be used to implement the provisions of subchapter IV of chapter 31 of title 40, United States Code (relating to wage rate requirements; commonly known as the Davis-Bacon Act).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this is the amendment that strikes the requirements for the Davis-Bacon Act within the appropriations of this bill, and the Davis-Bacon issue is something that I have lived with for at least my 28 years in the construction business as an owner and operator, and we'd add about four or five more years as an employee.

I have received Davis-Bacon wage scales. I've paid Davis-Bacon wage scales. I've managed my way through the combination of paperwork and requirements that are part of this. I'm maybe the only one in Congress who has real hands-on experience for years of dealing with the additional costs that are involved with the Federal wage scale that's Davis-Bacon.

And my numbers throughout my history of working with these projects vary from anywhere from 8 percent increase in the cost of the projects up to 35 percent increase in the cost of the projects. I round that down to a round number of 20 percent additional costs.

We're in a situation where we're arguing that we need to bring in more labor from foreign countries to do this work, and yet we're setting a Federal wage scale for this work, and we know that labor is developed by supply and demand. I am a supporter of labor being able to collectively negotiate the value of their work, but I'm not a supporter of the Federal Government telling the workers and the employers what they need to pay their employees.

I believe that if two adult individuals want to enter into a contractual agreement, they should be able to do so without interference of the Federal Government. This is not a prevailing wage in practice. It's only a prevailing wage by statute. Actually, it is union scale imposed upon wherever the money is spent.

Any construction project with $2,000 or more in it takes the inflationary cost of a Davis-Bacon wage scale. Some places, it's actually below the prevailing wage. Other places, it distorts that prevailing wage dramatically. In almost all cases, it costs a lot of money, and for example, if it's a 20 percent increase, then if you can build five projects or 5 miles of road, this will let you build six. Why would we limit the resource and the infrastructure that we are building with this project by imposing such a draconian, top-down, Federal management tool that not only costs a lot more money, but it makes it a lot, lot harder to manage your projects?

So with that, Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I rise to oppose the amendment.

The amendment would eliminate the requirement that the funding provided in this bill comply with the prevailing wage requirements of the Davis-Bacon Act.

Let me remind my colleagues that the Davis-Bacon law was enacted about 75 years ago by a Republican Congress and a Republican administration.

The law sets minimum labor standards for workers employed in Federal contract construction and ensures that workers are paid at least the locally prevailing wage. There's no good reason for denying prevailing wage protection to workers involved in transportation. This is an issue of fairness for working men and women.

Without Davis-Bacon, the transportation construction industry, which is responsible for building our highways and transit systems, might suffer from low-bid firms that aim to undercut local wages and perform construction on the cheap.

Davis-Bacon encourages a higher quality of workmanship, and we should not do away with the law for transportation construction where we need the highest quality and the longest lasting workmanship.

I urge a rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to the amount of time I have remaining?

The Acting CHAIRMAN. The gentleman from Iowa has 2½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I rise as one, again, who has worked on union shop and merit shop jobs, both as an employer and as an employee. As an employer, having been a union shop, I have paid union scale and also, of course, prevailing wage, Davis-Bacon wage scale. I've worked under a union shop, and I've worked on a merit based, and to look at the difference in the workmanship, I don't think we can apply high quality strictly to union. In fact, merit shop employees do a fantastic job with the work that they're doing, and they take pride in it, and they have to compete in the competition of the project.

My son's now in the construction business, the second generation King Construction. I know the decisions he has to make, and sometimes he will pick up a set of plans and take a look at that and figure on bidding that project and find out that it's a Davis-Bacon wage scale. He understands that that messes up his flow of his employees, and it limits his ability to manage those employees on the job.

For example, if you're paying an excavator operator $24 an hour and you're paying your laborer on the ground with a shovel or a grease gun let's say $10, that man is not going to get off of that excavator and pick up that grease gun or pick up that shovel, even if it's for a half hour or an hour if he knows he's going to be paid union scale for that when he could be paid the $24 an hour to sit on the machine. Those things work against our efficiency.

My greatest frustration with Davis-Bacon wage scale is not the wage itself. It's that it takes away my ability to manage a project and my ability to provide incentives for employees to make decisions themselves on the ground.

I have to manage them more when they're under a Davis-Bacon wage scale. I have to tell them what to do. I know people that are owners and operators of their company who get up in the morning and go out to the job at five o'clock to grease and service their machines because they can't afford to pay their operator to get out the grease gun and do it, and they'll be there at night, too, working 16 hours a day while that employee is at 8 hours a day on a Davis-Bacon wage scale.

It distorts the work we do. It distorts the skills and the complement of the skills, and it raises the cost of everything that we do in the construction business. It injects the Federal Government in the way between that relationship between an employer and employee.

Additionally, my employees have received 12 months of work, not seasonal work, health insurance benefits and vacation pay, all of that flowing because we can pay them what they're worth for a week's work as opposed to an inflated value of what they're worth for an hour's work. They make out better, we make out better, and we've got more consistent employees. That goes across this country almost universally.

So I would urge adoption of this amendment.

The Acting CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. OLVER. Mr. Chairman, I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. ___. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

Mr. OLVER. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I take this opportunity tonight to point out one more time one of the quirks of the rules that we operate under.

We have heard over the last 2 days many of my colleagues come to these microphones and propose reductions in spending in this particular area of the Federal budget, very eloquent, very passioned, to try to reduce this spending.

But the harsh reality is, should any of those amendments have passed or should any of the ones that we're about to vote on pass, the reality is that that spending does not, in fact, get cut out of this budget. This spending would simply be spent in conference and would not reduce the deficit or, should we ever get to that point, increase the surplus.

So my amendment would simply state the sense that instead of continuing the practice, the age-old practice of spending whatever is in 302(b) allocation, whether it's warranted or not, we would actually take an opportunity to reduce spending which I think folks on both sides of the aisle, many people on both sides of the aisle would say is arguably one of the things that we ought to be doing and studying.

This is not a revolutionary position to take, but it's one in which I think it makes sense. Most folks in Texas in District 11 would clearly understand the intent of what I'm trying to do. In fact, it would come as a shock to them to know that if we found 218 votes to adopt the 1 percent cut or the half a percent cut or the 25-basis point cut, that all of that hard work would be for naught and that that money would still get spent.

So I understand there's a point of order that lies against this. I will not push for a ruling from the Chair. I just wanted to simply take the opportunity tonight to point out to my colleagues that we need to change the rules. We need to change the way we operate in this House, and this would be one of those that we ought to seriously consider doing so that the will of the House could operate to actually change spending if that were, in fact, the case.

So, Mr. Chairman, I appreciate this opportunity to say this tonight, and I will not push the point of order.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ___. The amount otherwise provided in this Act for "Grants-in-Aid for Airports" administered by the Federal Aviation Administration of the Department of Transportation is hereby decreased by $10,000,000 and increased by $10,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman and I thank the distinguished chairman of the subcommittee and the ranking member of the subcommittee. Let me thank both of the individuals, the chairperson, Mr. OLVER, and the ranking member, Mr. KNOLLENBERG, for their leadership. I thank you so very much.

We've worked on this issue in the past, and I think many of us are aware of the surrounding neighborhoods around large airports, and I know that as Members of Congress we have been challenged by that because we recognize that the vitality of airports certainly support the economy of our cities.

I happen to represent a very large airport in Houston, Texas, and I also represent the neighborhoods that surround it. At this time, of course, we are working on a number of noise studies in our area, and it is a continuing journey as our airport continues to expand. Sometimes it takes money but sometimes it takes policy.

We recognize that one of the advantages of modern life is the convenience of air travel. America's air transportation system is the best and safest in the world, but airports are not quiet. If you ask any resident that lives near a busy airport, you will hear many grievances about the noise level.

Although there is no way to make airports soundproof, it is possible to reduce airport noise so it is less disruptive to the lives of the families that live near some of the Nation's busiest airports who work and pay their taxes.

Mr. Chairman, the purpose of my amendment is to encourage the Federal Aviation Administration to be more proactive in helping communities reduce, eliminate or cope with the ever increasing levels of airport noise.

Specifically, I call upon the FAA to undertake a nationwide study of airport mitigation problems and best practices at the 10 busiest airports in America and report its findings, along with recommendations to address major problems found to be existing, to the Congress within 180 days.

☐ 2115

Under the airport improvement program administered by the FAA, grants are available to airports and local governments to fund noise reduction projects located in areas significantly affected by airport noise above 65 decibels over a 24-hour average, as indicated by the notation 65 dB(A) DNL. Noise mitigation grants are generally not available for areas in which the noise level may be substantial, but does not exceed 65.

Please, all of you, join me in those surrounding neighborhoods, and try to be able to resolve or to be able to accept the noise at that level. Therefore, money does not solve the problem; policy does. So we would like to ensure that we have the real information opportunity to determine the impact, substantial impacts that occurred to millions of people well below the 65 decibel level.

Information generates policy. This value is inadequate for several reasons. We find from the scientific perspective, it is not supported by research. The 65 decibel level is derived from the Schultz curve, which correlated people reporting being highly annoyed by noise with noise levels. Substantial impact occurs well before people become highly annoyed. In addition, the data used in the Schultz curve for airports show that highly annoyed occurs around 57 decibels, not 65. That comes from the Journal of Acoustical Society of America.

The EPA has identified 55 dB(A) DNL as a more appropriate noise level. The day-night average sound level is the level of noise expressed in decibels as a 24-hour average, and averages do not adequately account for the impact of aircraft noise on individuals.

Research has shown that the noise disruption as low as 55 decibels can negatively affect communities near airports. Our airports are trying. In my own district, we have had several meetings. I know that this issue is a concern, because we have addressed this question in airports and cities around the Nation, including the State of Minnesota.

It is important to stress that this amendment does not entitle any airport, local government or other eligible entity, to receive a noise mitigation grant, nor does it have any financial impact that reduces funding in noise mitigation. This amendment provides for an opportunity for focusing on the issue of noise mitigation and the difficulty of using a singular number, 65, while communities around the Nation suffer.

We are going to continue to pursue this. We have done this every year to bring attention to this problem of noise mitigation and the fact that no person who lives in and around an airport acknowledges the fact that the airport is not important, but what we are trying to emphasize is that we must provide solace for those who live surrounding airports.

I ask my colleagues to support my amendment.

Mr. Chairman, sometimes it takes money, but sometimes it takes policy. We recognize that one of the advantages of modern life is the convenience of air travel. America's air transportation system is the best and safest in the world, but airports are not quiet. If you ask any resident that lives near a busy airport, you will hear many grievances about the noise level.

Although there is no way to make airports soundproof, it is possible to reduce airport noise so it is less disruptive to the lives of the families that live near some of the Nation's busiest airports, work and pay their taxes.

Mr. Chairman, the purpose of my amendment is to encourage the Federal Aviation Administration to be more proactive in helping communities reduce, eliminate, or cope with ever-increasing levels of airport noise. Specifically, I call upon the FAA to undertake a nationwide study of airport noise mitigation problems and best practices at the 10 busiest airports in America and report its findings, along with recommendations to address major problems found, to the Congress within 180 days.

Mr. Chairman, under the Airport Improvement Program administered by the FAA, grants are available to airports and local governments to fund noise reduction projects located in areas significantly affected by airport noise above 65 decibels over a 24-hour average, as indicated by the notation 65 dB(A) DNL. Noise mitigation grants are generally not available for areas in which the noise level may be substantial but does not exceed the 65 dB(A) DNL. Thereby money does not solve the problem; policy does.

However, substantial impacts occur to millions of people well below the 65 decibel level. This value is inadequate for several reasons:

From a scientific perspective, it is not supported by research. The 65 decibel level is derived from the Schultz Curve which correlated people reporting being highly annoyed by noise with noise levels.

Substantial impact occurs well before people become highly annoyed. In addition, the data used in the Schultz Curve for airports shows that "highly annoyed" occurs around 57 decibels, not 65, and that comes from a Journal of the Acoustical Society of America.

The EPA has identified 55 dB(A) DNL as a more appropriate noise level. The day/night average sound level is the level of noise expressed in decibels as a 24-hour average, and averages do not adequately account for the impacts of aircraft noise on individuals.

Research has shown that noise disruption as low as 55 decibels can negatively affect communities near airports. Unfortunately, communities that have a dB(A) less than 65 are precluded from applying for an Airport Improvement Program grant to reduce airport noise. We need to help them. I have even heard from cities in Minnesota. It is all over the country.

It is important to stress that this amendment does not entitle any airport, local government or other eligible entity to receive a noise mitigation grant. Nor does it have any financial impact. This amendment does not even affect an applicant's eligibility to be considered for an airport noise reduction grant. Each applicant must demonstrate that its proposed project deserves to be funded, but no applicant can be disqualified from consideration merely because the area covered by the grant request does not have a dB(A) DNL greater than 65.

Mr. Chairman, communities coexisting with major airports is one of the great challenges of modern life. My amendment is intended to help us rise to that challenge.

I urge all members to support my amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I too am concerned about the environmental impact of aviation. Noise is a very serious issue and impossible to solve to the satisfaction of all. Although new technologies and planes and air space redesign will assist in the noise problem with the number of passengers projected in the near future, noise will continue to be a problem.

I commend the gentlewoman for bringing this issue to our attention, as she has time after time. As I say, it will continue to be a problem. I am willing to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I am willing to accept the amendment as well.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used in violation of section 8 of the National Labor Relations Act of 1935, with respect to workers on federally-funded transportation projects.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the two subcommittee Chairs. Might I just for a moment thank them for a bill that is enormously challenging, transportation and housing.

I want to thank the staff for their very hard work and the commitment that this particular bill has in place as it relates to the Treasury and other agencies. Let me acknowledge the importance of hard work as well.

Mr. Chairman, we can't do without the workers that provide the engine of our economy. If we are to appreciate workers, I think it is extremely important that we do not have outside forces that would, in fact, take away from the dignity and the responsibility to the American worker; and that's what my amendment is about.

It is a very simple amendment. It is sometimes fashionable to speak ill about working Americans who are in unions. This amendment simply provides support for union workers on federally funded projects, simple without any additions to it. It is to reinforce the importance of that work and to reinforce the importance of those workers.

I believe that the engine of America is fused by American workers, and many of them are both union and nonunion workers. I stand today to affirm all workers. My amendment simply asks that those Federal funds that are utilized, nothing is done in the federally funded project to undermine America's workers.

I believe that we have had a long history of the American labor movement. It was started by a group of dreamers who simply believed that we should have the best working atmosphere for America's workers. Employees represented by free and democratic unions of their own choosing participate actively in determining their wages, hours and working conditions.

Their living standards are the highest in the world. Their job rights are protected by collective bargaining. They have fringe benefits that were unheard of less than a generation ago.

I know that the support of these workers is bipartisan. I ask my colleagues to join me in a very simple amendment that ensures that these projects that are federally funded comply with the law, simply comply with the law, and do not undermine the working people of America.

I ask my colleagues to support working people, working people of America, as we issue Federal funds so that they can be protected.

My amendment is simple but makes an important contribution to the legislation. My amendment simply provides that none of the funds made available in this appropriations bill shall be used in a manner inconsistent with the National Labor Relations Act.

Mr. Chairman, I know it is fashionable today to disparage, downplay, or minimize the importance of organized labor to our country. That is easy to do but it would be wrong. In the post 9-11 age, where our transportation systems and infrastructure have been demonstrated to be targets of those who would do us harm, it is more important than ever that those who work in the transportation sectors are the best, most able, most professional, most experienced, and committed workers this nation has to offer. To do otherwise would put the security of our nation at risk.

Mr. Chairman, those who would destroy or further limit the rights of organized labor—those who would cripple collective bargaining or prevent organization of the unorganized—do a disservice to the cause of democracy.

Fifty years or so ago the American Labor Movement was little more than a group of dreamers, and look at it now. From coast to coast, in factories, stores, warehouse and business establishments of all kinds, industrial democracy is at work.

Employees, represented by free and democratic trade unions of their own choosing, participate actively in determining their wages, hours and working conditions. Their living standards are the highest in the world. Their job rights are protected by collective bargaining agreements. They have fringe benefits that were unheard of less than a generation ago.

Our labor unions are not narrow, self-seeking groups. They have raised wages, shortened hours and provided supplemental benefits. Through collective bargaining and grievance procedures, they have brought justice and democracy to the shop floor. But their work goes beyond their own jobs, and even beyond our borders.

Our unions have fought for aid to education, for better housing, for development of our national resources, and for saving the family-sized farms. They have spoken, not for narrow self-interest, but for the public interest and for the people.

Mr. Chairman, unions are as important as they ever were—because corporations are just as dedicated to their bottom line, regardless of the consequences for workers. The nature of work in America is changing. Employers are trying to shed responsibilities—for providing health insurance, good pension coverage, reasonable work hours and job safety protections, for example—while making workers' jobs and incomes less secure through downsizing, part-timing and contracting out. Working people need a voice at work to keep employers from making our jobs look like they did 100 years ago, with sweatshop conditions, unlivable wages and 70-hour workweeks.

In my hometown of Houston, I know first-hand the commitment, dedication, and professionalism of organized transit workers employed by the Metropolitan Transit Authority of Harris County (METRO). These workers are making the transportation system of Houston one of the best in the nation. Accordingly, I want to take this opportunity to extol their accomplishments and to express my commitment to the protection of their hard won right to engage in and enjoy the benefits of collective bargaining. I think most of my colleagues can agree that these hard won rights should not be taken away or undermined, and my amendment reaffirms this proposition.

And lest we forget, Mr. Chairman, it was the men and women of organized labor who rushed into the burning World Trade Center Towers when others were rushing out. The men and women of organized labor put their lives on the line for their fellow Americans every day. They do not ask for much. All they ask is to be treated with respect and dignity. They want what we all want: to do their jobs and to make a better life for their families.

The least we in the Congress can do, Mr. Chairman, is to go on record in support of our working men and women in the vitally important transportation industries of our country. We can and should affirm that none of the funds made available in this appropriations bill shall be used in a manner that undercuts the hard won rights of American workers that are reflected in the National Labor Relations Act and other important federal labor laws.

I urge all members to support my amendment.

Mr. KING of Iowa. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, as I reflect on what the Labor Relations Act of 1935 means, it says specifically in the act that there will be no discrimination with regard to hire or tenure of employment or any term or condition of employment by membership in any labor organization, et cetera, and essentially says, by my recollection, that no one shall be coerced into joining a union, nor shall they be discouraged from joining a union.

It's a balanced labor relations act that's there, but the statement that was made by the gentlelady from Texas said it provides for a report for projects on federally funded projects. I don't know where that might exist in the statute.

Mr. Chairman, I yield to the gentlelady from Texas for a question. I noticed in your remarks your amendment provides for a report for union workers on federally funded projects. I don't recognize where that might be in the 1935 act, and I am wondering, since I don't see it in your amendment, what the basis of that might be.

Ms. JACKSON-LEE of Texas. I think you might have misheard me. I think I indicated that in the past amendment I asked for a report from the FAA.

My concern here is simply a statement of affirmation that federally funded projects protect the workers that are on those projects and protect those who may be associated with the union. I don't believe that we asked for a study.

Mr. KING of Iowa. Reclaiming my time, I thank the gentlelady from Texas. I did happen to write that quote down verbatim, I am confident.

We have a lot of debate here on the floor. Some of us offered more than one amendment. I would simply thank the gentlelady for that statement.

I, for myself, we have the law on the books, and this law is a neutral law. It's not one that promotes union labor, and it's not one that promotes nonunion labor. It's one that promotes the freedom and the discretion of the employee to make that decision.

It does allow for union members to approach workers on the job. That's a protection that's in there, but it also allows the freedom for those workers to make the decision as to whether they would want to collectively bargain or not based upon a vote within that workforce.

Mr. Chairman, may I inquire how much time I have remaining.

The Acting CHAIRMAN. The gentleman from Iowa has 2 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield such time as is needed by the gentlewoman to finish the explanation of her amendment.

Ms. JACKSON-LEE of Texas. I am grateful that the gentleman from Iowa raised the question, if you would, because I do want to reinforce what the amendment says.

The amendment specifically says, with respect to workers on federally funded transportation projects. So your sensitivity is clarified by the amendment.

As I indicated in my remarks, I am affirming all workers, labor and union and nonunion. It is a generic term. I want to make sure that we treat workers on federally funded projects fairly and balanced, and that they are not diminished if they are on federally funded projects. We have many individuals who work after the project is finished, and I want to make sure that they are protected as well, union and nonunion.

The amendment is simply a straightforward affirmation of the protection of workers on federally funded transportation projects.

With that in mind, I would ask my colleagues to affirm the importance of protecting workers on federally funded transportation projects, under section A of the National Labor Relations Act of 1935.

With that, I would ask my colleagues to support this amendment. I thank the gentleman for yielding to me. I would hope that my colleagues would see this as an affirming amendment of all American workers.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I want to thank the gentlelady from Texas for that clarification. I listened carefully to the presentation, and the clarification comes now that it is union and nonunion workers protected equally alike, on balance, between union and merit shop employees.

The advocacy here is for current law.

Now, as we have made this clarification into this record, I appreciate that.

Mr. Chairman, I withdraw my opposition to the amendment and congratulate the gentlelady from Texas. I appreciate her patience.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

☐ 2130

AMENDMENTS EN BLOC OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have two amendments that I would like to subsequently withdraw. I would like them taken en bloc.

The Acting CHAIRMAN. Without objection, the amendments will be considered en bloc.

There was no objection.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendments.

There was no objection.

The Clerk read as follows:

Amendments en bloc offered by Ms. JACKSON-LEE of Texas:

At the end of the bill before the short title, insert the following:

SEC. ___. None of the funds made available in this Act may be used to prohibit transportation workers from having walkie talkies, two-way radios, or any other handheld communication device.

At the end of the bill (before the short title), insert the following:

SEC. ________. None of the funds made available under this Act may be used to limit the use of any available technology in the development of modular or manufactured temporary disaster housing.

Mr. OLVER. Mr. Chairman, I reserve a point of order on the en bloc amendments.

The Acting CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. It is my intent to withdraw both of these amendments, and I will just briefly describe my intent to continue to work with authorizers on these two very vital points.

We have firsthand experience with the tragedy of Hurricanes Katrina and Rita, and many of the constituents in my congressional district are alumni of trailers, the same trailers that have proved to be dangerous and unhelpful and unuseful. I hope that we will continue to work with the relevant agencies to look at alternative technology for housing so that in our future disasters, we can be able to work effectively. There has been effective legislation moving on this issue, and I know that the many constituents that are impacted by poor housing will welcome this Congress continuing to work on that particular issue.

I move quickly to the question of security and safety on the question of transportation workers who drive a number of transportation vehicles throughout America. In many instances, in my own hometown of Houston, these very transportation workers, particularly bus drivers, do not have the necessary safety equipment such as walkie-talkies, such as two-way radios, such as other handheld communication devices. I will look forward to working with the appropriate committees to address the question of these particular workers who are begging for relief. A recent tragedy in Houston with an assault on a bus driver brought this particular issue to a head. We look forward to working with the various committee Chairs on trying to bring some response to those transportation workers across America driving transportation vehicles.

I ask for unanimous consent to withdraw the two amendments that have been placed pending on the record, to withdraw both amendments.

The Acting CHAIRMAN. Without objection, the en bloc amendments are withdrawn.

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, earlier today during the consideration of H.R. 3074, this body considered an amendment from Mr. FRANK and Mr. RANGEL, providing that no funds in this act may be used to implement the community service requirement of public housing residents. At that time I accepted the amendment, as did the ranking member Mr. KNOLLENBERG, and the amendment was adopted by a voice vote. At the behest of the Republican leadership, I intend to ask unanimous consent to vacate that vote and have a recorded vote.

At this point I yield time to the gentleman from Massachusetts (Mr. FRANK) to explain what this amendment did, since at that earlier time I had wheedled him out of his time by accepting the amendment in the first place, and he needs to explain the amendment.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

I will not object to the unanimous consent request. It will forestall a 15-minute vote and make it a 2-minute vote. And I appreciate the cooperative spirit from the gentleman of Michigan on this as throughout he has been cooperative. I understand other decisions get made, but I did just ask the indulgence of the House because people shouldn't be voting on something with no explanation.

There was implemented in 1998 in legislation, and I think it was part of an appropriations bill then, a requirement that everybody who lives in public housing who is not otherwise fully employed work 8 hours a month in community service. It is not highly regarded by the people who run public housing. It costs money to do this. Understand, when a similar amendment was proposed for the section 8 vouchers, it was defeated, it authorized the Housing Authority to hire someone to administer it. This is not work that is terribly useful.

The way the amendment is written, if you were working, and you are fired or your job ends because of trade or other problems as some people in public housing and you are unemployed, you then have to do 8 hours a month of make-work. So it is a make-work requirement does nobody any good, it is based on the assumption that you can't trust those lazy people in public housing across the board, and it costs money to administer. So that is why the gentleman from New York (Mr. RANGEL), who has long been a proponent of it, and myself have offered this amendment.

I thank the gentleman for a chance to explain it.

Mr. OLVER. I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent that the adoption by voice vote of the amendment offered by the gentleman from Massachusetts (Mr. FRANK) be vacated, to the end that the Chair put the question de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KNOLLENBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 22 by Mr. HENSARLING of Texas.

Amendment No. 21 by Mr. HENSARLING of Texas.

An amendment by Mr. HUNTER of California.

An amendment by Mr. JORDAN of Ohio.

Amendment No. 20 by Mr. PRICE of Georgia.

An amendment by Mrs. MUSGRAVE of Colorado.

An amendment by Mr. PRICE of Georgia.

An amendment by Mr. KING of Iowa.

An amendment by Mr. FRANK of Massachusetts.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 22 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 327, not voting 12, as follows:

[Roll No. 705]

AYES—97

Akin
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Boehner
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Gordon
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel

Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette

Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)

Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—12

Bachus
Bishop (UT)
Clarke
Conyers

Cubin
Davis, Jo Ann
Honda
LaHood

Marshall
Moran (VA)
Radanovich
Young (AK)

☐ 2205

Messrs. HINCHEY, PASCRELL and TANNER changed their vote from "aye" to "no."

Mr. BARTLETT of Maryland changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 86, noes 338, not voting 12, as follows:

[Roll No. 706]

AYES—86

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Boehner
Boozman
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Coble
Cole (OK)
Conaway
Cooper
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Fallin
Feeney
Flake
Fossella

Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Graves
Hall (TX)
Heller
Hensarling
Herger
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McHenry
Miller (FL)
Moran (KS)

Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Radanovich
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Westmoreland
Wilson (SC)
Wu

NOES—338

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boustany

Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Costa

Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison

Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)

Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen

Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth
Young (FL)

NOT VOTING—12

Bachus
Bishop (UT)
Blunt
Clarke

Conyers
Cubin
Davis, Jo Ann
Honda

LaHood
Marshall
Peterson (PA)
Young (AK)

☐ 2210

Mrs. SCHMIDT changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HUNTER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are urged to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 362, noes 63, not voting 11, as follows:

[Roll No. 707]

AYES—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—63

Bean
Berman
Blumenauer
Blunt
Cannon
Capps
Conyers
Cooper
Crowley
Cuellar
Davis (CA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dreier
Ehlers
Emanuel
Engel
Farr
Filner
Flake
Fortuño
Fossella
Frank (MA)
Gonzalez
Harman
Herger
Hoyer
Inslee
Israel
Johnson, E. B.
Kennedy
Kind
King (NY)
Kline (MN)
Knollenberg
Larsen (WA)
Lofgren, Zoe
Lungren, Daniel E.
Markey
McCrery
McDermott
Meeks (NY)
Neal (MA)
Olver
Price (NC)
Rangel
Reichert
Reynolds
Ros-Lehtinen
Ruppersberger
Rush
Sánchez, Linda T.
Shays
Smith (WA)
Snyder
Tauscher
Towns
Udall (NM)
Van Hollen
Wasserman Schultz
Weller

NOT VOTING—11

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Gutierrez
Honda
LaHood
Marshall
Stark
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute remaining to cast their vote.

☐ 2215

Mr. PASCRELL, Mr. WELCH of Vermont, Ms. WATSON, Ms. DEGETTE, and Messrs. WEINER, HINOJOSA, and LANTOS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Members are urged to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 133, noes 292, not voting 11, as follows:

[Roll No. 708]

AYES—133

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, M.
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—292

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
King (IA)
LaHood
Marshall
Price (NC)
Young (AK)

□ 2219

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 250, not voting 9, as follows:

[Roll No. 709]

AYES—177

Akin
Altmire
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lampson
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—250

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)

Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
LaHood
Marshall
Young (AK)

☐ 2224

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MUSGRAVE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 229, not voting 9, as follows:

[Roll No. 710]

AYES—198

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lampson
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—229

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
LaHood
Marshall
Young (AK)

☐ 2228

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 283, not voting 11, as follows:

[Roll No. 711]

AYES—142

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg

Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf

NOES—283

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
LaHood
Marshall
Walsh (NY)
Whitfield
Young (AK)

☐ 2231

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 278, not voting 10, as follows:

[Roll No. 712]

AYES—148

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—278

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters

Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
LaHood
Marshall
Walsh (NY)
Young (AK)

☐ 2235

Mr. SHUSTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. SCHMIDT. Mr. Chairman, please note that I mistakenly voted "yes" on amendment 8, the King Amendment, regarding the funding provisions and the Davis-Bacon Act. I meant to vote "no" but voted "yes." It was too late to change the vote. Given the opportunity I would have voted "no."

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 220, not voting 9, as follows:

[Roll No. 713]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOES—220

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (FL)

NOT VOTING—9

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
LaHood
Marshall
Young (AK)

☐ 2239

Mr. McINTYRE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008".

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of H.R. 3074, the FY08 Transportation-HUD Appropriations bill.

I want to thank Chairman OBEY, Chairman OLVER, Ranking Member KNOLLENBERG and the Appropriations Committee for their hard work on this piece of legislation.

This bill contains vital funding for the Houston METRO's North and Southeast New Starts projects. The New Starts project will allow METRO to continue funding implementation of rail and bus rapid transit portions in the North Corridor Project and the Southeast Corridor Projects that are in or service our district.

METRO will use this funding for final design, land acquisition and construction for the North Corridor Project and the Southeast Corridor Projects.

Houston is the Nation's fourth largest city and the region is becoming increasingly congested. We have a critical need for a comprehensive rapid transit system.

The funds that have been allocated for the New Starts Program will improve mobility and transportation options for my constituents and benefit the greater Houston area.

This bill also contains funding for an Economic Development Initiative for the Harris County Community and Economic Department's Community Transit Study.

This funding will allow HUD to study two areas in our district, the Northshore area and city of Galena Park, for transit improvements such as sidewalks, street lights, and transit shelters.

Unfortunately, this bill does not provide funding for several projects that I strongly support.

These projects are: The Harrisburg Grade Crossing, Texas Department of Transportation's Design and Construction of Direct Connectors from Beltway 8 to U.S. 59 North, the city of Baytown's Texas Avenue Streetscape Program, the Brays Bayou Bike/

Pedestrian Bridge at Mason Park, the Houston Zoo's Enhanced Zoo Interpretives Project, and the Houston Port Region's Economic Recovery Task Force.

While it is impossible to fund all of the projects that we request, I believe that these programs need Federal funding.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place into the RECORD a listing of Congressionally-directed projects in my home State of Idaho that are contained within the report to the Transportation, Housing and Urban Development Subcommittee. I am grateful for their inclusion in this bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the Nation and its taxpayers.

The bill contains $900,000 for the City of Rocks Back Country Byway in my Congressional District. This 16.7 mile long project is located on the popular City of Rocks Back Country Byway in Cassia County, Idaho, and provides the only direct access to the City of Rocks National Reserve. When fully completed, the project will pave a 1.0 mile gravel segment, reconstruct 15.7 miles of deficient roadway, correct deteriorated road and slope conditions, provide a wider road with shoulders and guardrail, and improve the road's alignment by reducing the number and severity of sharp curves and steep grades. These improvements will increase safety for the driving public and provide safer access for bicycle and pedestrian traffic. These improvements will also significantly reduce the amount of ongoing maintenance required to keep the route usable. This project has received Federal funding in previous years. This project was requested by the Idaho Transportation Department.

The report contains $300,000 for the I–84, Curtis Road to Broadway IC Widening. This project would widen I–84 through east Boise, adding eastbound and westbound fourth lanes. This widening is needed to alleviate congestion and safety issues caused by the continued fast growth in the Treasure Valley. This project was requested by the Idaho Transportation Department.

The report contains $500,000 for the Idaho Transit Coalition's program to improve bus and bus facilities all across the State of Idaho. The funding will assist Ada County Highway District's Commuteride, Boise State University, the Coeur d'Alene Tribe, the City of Ketchum, the Ketchum/Sun Valley Transit Authority, KART, the City of Moscow, the City of Pocatello, the University of Idaho, and Valley Regional Transit. The majority of these projects are identified in the "Idaho Statewide Public Transportation Needs and Benefits Study" compiled by the Idaho Transportation Department in 1996 and subsequent local studies and plans. All projects are identified in the Transportation Improvement and the Statewide Transportation Improvement Plan. The current request represents only a small amount of what will be needed to maintain and expand Idaho's public transportation capital system to meet the demands of the State's rapidly growing population. This project has received federal funding in previous years. The funding was requested by the Idaho Transit Coalition.

The report contains $150,000 for the Historic Wilson Theater Restoration Project in Rupert, Idaho. The Wilson Theater was built in 1920 and is on the National Register of Historic Places. The Theater is also part of Rupert's Historic Business District. Rupert is a predominantly rural community that recently experienced the closure of its largest employer, Kraft Cheese. The restoration of this theater is one aspect of the community's effort to revitalize itself, attract new employers and generate interest in the community. The community thus far has raised over $1 million in private donations to restore the building, and federal funds will be only a small part of overall expenses. This project was requested by the non-profit Renaissance Art Center, Inc. in Rupert, Idaho.

The report contains $50,000 for the Custer County Economic Development Initiative in Custer County, Idaho. The vast size of Custer County presents enormous financial challenges for a county that is overwhelmingly owned by the federal government. Custer County has a very small tax base with very large costs for maintaining roads and service over a very large area. This funding will permit the county to purchase and renovate an old middle school in Challis that would become a government and business center housing the offices of the City, County, and Economic Development offices and making them ADA compliant. Additionally, funding would help to provide for improvements to a multi-government complex in the City of Stanley and the rodeo grounds in the City of Mackay. This project would relieve an enormous strain on the limited yearly budget of Custer County and allow it to more efficiently deliver services to residents and visitors alike. This project was requested by Custer County, Idaho.

I appreciate the opportunity to provide a list of Congressionally directed projects in my region and an explanation of my support for them: 1.) $150,000 for Historic Wilson Theater Restoration Project; Rupert, Idaho; 2.) $50,000 for Custer County Economic Development Initiative; Custer County, Idaho; 3.) $900,000 for City of Rocks Back Country Byway, Idaho; 4.) $500,000 for Idaho Transit Coalition buses and bus facilities; and 5.) $300,000 for I–84, Curtis Road to Broadway IC Widening, Boise, Idaho.

Ms. DELAURO. Mr. Chairman, I rise today in support of the FY08 Labor/HHS & Education Appropriations bill. I want to commend the Chairman and the staff for an excellent bill which signals a new direction and reflects our priorities as a Nation.

The goal of this bill has always been to make a strong investment in our future—to take seriously our responsibility to the American public, on the issues that affect people every day from our health to our children's education to the scientific research that will find the cures of tomorrow, from protecting workers to providing the training they need to make it in today's economy. I must say that this time around, our bill does not disappoint.

To help States serve 6.8 million unemployed and 13 million jobseekers, the bill provides a $227.4 million or 1.9 percent increase over fiscal year 2007 for employment, training, and worker protection programs. On worker protection, the bill provides a $45.5 million increase to key programs to improving safety and health for 113 million workers.

On education, the bill provides historic increases in No Child Left Behind, 8.4 percent above 2007, including $1.9 billion more for Title I grants to schools. For students with disabilities, the President's budget proposed to cut IDEA Part B grants by $291 million or 2.7 percent below the fiscal year 2007 level. In contrast, this bill provides a $299 million or a 2.8 percent increase over last year. More importantly, this bill reverses a 2-year decline in the federal contribution toward the rising costs of special education for 6.9 million children with disabilities.

It also makes real progress toward college affordability with a significant increase in Pell Grants, allowing us to raise the maximum Pell Grant by $390 to $4,700 and benefiting over 5.5 million students without reducing or eliminating other student financial assistance programs.

In the area of medical research, the bill provides continued investment at the NIH and CDC for innovative programs that save lives. With a $750 million increase over last year, NIH will be able to support another 545 new and competing research grants over last year's level and 1,262 over the President's request.

The bill also provides much-needed investments in programs that support low income people: An increase of $500.8 million or 23.2 percent above last year for LIHEAP to secure energy assistance for approximately 1 million more low-income seniors and families than last year. $660.4 million for the Community Services Block Grant allowing states to expand critical services, such as housing, home weatherization, parenting education, adult literacy classes, and emergency food assistance. And a down payment of $75 million or 3.6 percent in child care assistance, the first increase in discretionary spending for this program in more than five years.

Mr. Chairman, this bill reflects a real commitment to our longstanding responsibilities and true fiscal responsibility. Each of us should support the FY08 Labor/HHS & Education bill—a bill each of us can take home and proudly share with our constituents.

We will accomplish a lot of good with this bill, but I especially want to highlight and commend Chairman OBEY, for the "Reducing the Need for Abortion Initiative" included in the bill, which parallels legislation spearheaded by Representative RYAN and myself.

With close to $650 million in increased funding over last year and approximately $1.4 billion for programs such as Title X, Healthy Start, teen pregnancy prevention, adoption awareness, after school programs, and child care programs for new parents attending college, just to name a few, we are promoting policies so critical to reducing the need for abortion in this country.

This bold initiative represents a considerable investment in preventing unintended pregnancies and supporting new parents. It is strong on prevention, strong on family income supports, and it makes clear that we are serious about addressing the issue of abortion head on. That, for all of us, it is a matter of conscience.

Again, Mr. Chairman, I am proud to be a Member of this subcommittee, its Members, and the work we have done this year. With this bill, we make opportunity real for millions of Americans and we give people the tools they need to grow and thrive tomorrow.

Mr. NADLER. Mr. Chairman, I rise to support the bill and, in particular, its provisions to help families obtain affordable housing with Section 8 vouchers and to help people with HIV/AIDS to secure housing with the assistance of the HOPWA program.

I want to thank the chairman for including $300 million in this bill for Housing Opportunities for People With AIDS, the highest funding level ever for this program; and for providing $403 million more than current funding for the Section 8 Tenant-Based Rental Assistance program. For years, we have had to fight for every nickel of funding and offer amendments for modest increases. It is a true pleasure to be working with a Chairman who better understands the needs of the American people and who is able to dedicate resources to areas of great need.

Rising housing costs and stagnating incomes have created serious housing affordability problems for growing numbers of low-income families. Years of Republican budget cuts have seriously damaged our public housing stock and forced thousands of people onto waiting lists for assistance. The list in NY grew so long that they stopped accepting applications. They have only recently announced their intention to reopen it, and they have been inundated by qualified people seeking help. To reduce the number of low-income families with severe housing affordability problems, it is critical that Congress increase Section 8 funding and resume funding for incremental vouchers, which I am pleased this bill does. The section 8 housing voucher program provides safe affordable housing to approximately 2 million American families in urban and rural communities in every State across our country. These vouchers are often the only resource for low-income families confronted by our Nation's affordable housing crisis.

In the past, my colleague Representative VELÁZQUEZ and I, often with the support of Chairman FRANK, have offered amendments that have passed with bipartisan support to increase the Section 8 program. We were successful in passing amendments in 2003, 2005, and 2006 to increase funding so that more families would be able to obtain affordable housing. While we can always do more and clearly there are still many unmet needs, I am pleased by the increases in today's bill.

[See Roll Call 267, 109th Congress 2nd Session (243–178), Roll Call 339, 109th Congress 1st Session (225–194), Roll Call 453, 108th Congress 1st Session (217–208)].

HOPWA is the only Federal housing program that specifically provides cities and states with the resources to address the housing crisis facing people living with HIV/AIDS. Americans living with HIV/AIDS are often forced to choose between expensive drug treatments and necessities such as housing. According to the National AIDS Housing Network, rates of new HIV diagnoses among the homeless are 16 times the rate in the general population, and HIV/AIDS death rates are five to seven times higher. People with AIDS who are homeless are more likely to be uninsured, use an emergency room, and be admitted to a hospital.

Inadequate housing is not only a barrier to treatment, but also puts people with HIV/AIDS at risk of premature death from exposure to other diseases, poor nutrition, stress and lack of medical care. Tragically, at any given time, one-third to one-half of all Americans with HIV/AIDS are either homeless or in imminent danger of becoming homeless.

There is a desperate need for HIV/AIDS housing, and HOPWA answers this need. By providing suitable, reasonably-priced housing, HOPWA enables cities and states to design and provide community-based, cost-effective housing for thousands of people living with HIV/AIDS and their families. It provides maximum flexibility so that states and communities can implement strategies that respond to local housing needs and shortfalls. In addition, the administrative costs of the program are capped, ensuring the money goes directly to serving people with HIV/AIDS.

Providing supportive housing is crucial to the well-being of thousands of people living with HIV/AIDS, and is a cost-effective approach to the AIDS housing crisis. Again, I thank the chairman for supporting HOPWA and Section 8.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of H.R. 3074, the FY2008 Transportation-HUD Appropriations Act.

This legislation includes funding for many valuable programs including $1.4 billion for Amtrak, which serves as a critical transportation link not only for my constituents, but for people across the country.

I especially want to thank Chairman OLVER for the funding in the bill for the Second Avenue Subway. The President's budget request included funding for the Second Avenue Subway, which will be vital to commuters throughout the region and for thousands of tourists who visit from around the country. The Second Avenue Subway will ease the incredibly overcrowded Lexington Avenue subway line, which is one of the busiest in the Nation. On day one, the Second Avenue Subway will carry nearly 200,000 riders, reducing crowding on the Lex line by 13 percent. I am also pleased that the bill includes funding for the East Side Connector, which when completed will bring approximately 160,000 new passengers, including 5,000 residents of western Queens, into Grand Central Station.

Finally, I support the provisions in the bill to increase funding for Section 8 housing vouchers, the HOPE VI program, and the Community Development Block Grant, and to restore the President's proposed cuts to housing for the disabled and the elderly. This legislation addresses the needs of our constituents, and I urge my colleagues to support the bill.

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 3074, the Fiscal Year 2008 Department of Transportation and Housing and Urban Development Appropriations Bill. My colleagues, I think that it is incredibly appropriate that we are here talking about housing today. Forty years ago this week, whole sections of Detroit were engulfed in flames and 43 people died amid 6 days of gunfire, looting and chaos. While there were many reasons for this unrest, one of the biggest was lack of quality, affordable housing; while affordable housing continues to be one of our nation's most pressing problems, H.R. 3074 makes a number of significant strides in improving the status quo.

Despite the President's desire to cut Section 8 tenant-based vouchers and possibly force up to 80,000 families and individuals on the street, this appropriation legislation includes an increase in funding of $330 million for tenant-based vouchers and nearly $667 million for projected-based vouchers in order to renew all current Section 8 vouchers, so no one who has a tenant-based voucher will lose it. In addition, included within this amount is $30 million for 4,000 new, targeted vouchers for homeless veterans and for non-elderly people with disabilities.

Once again this year the President's budget proposed eliminating the HOPE VI program, the highly successful program that revitalizes distressed and obsolete public housing projects. Instead, by providing $120 million, $21 million over 2007, Congress has ensured that HOPE VI projects will continue to help transform and revitalize communities across the United States.

Finally, by allocating $64.5 billion to the Department of Transportation, H.R. 3074 will safeguard the regional needs of our Nation and invest in transit projects for urban areas to help commuters save time and money getting to work. The bill likewise rejects the President's deep cuts to AMTRAK, protecting our national passenger rail system, and it fully funds the highway and transit guarantees set in the SAFETEA–LU authorization bill.

With final passage of this bill today, we in the House of Representatives will be addressing the important challenges of keeping our Nation's transportation system safe and strong, ensuring that every American has adequate shelter, and doing so in a way that strengthens the economy.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. WEINER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 558, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill, H.R. 3074, to the Committee on Appropriations to report the same promptly with an amendment to prohibit the Department of Housing and Urban Development from deriving any portion of the $1,300,000,000 rescission included in title II of the bill from recaptures or other reductions of funds previously appropriated for the following:

(1) the Homeless Assistance Grants Program account (including funds provided to make grants to programs which assist homeless veterans);

(2) the Housing for Persons with Disability Program account (including funds provided for grants to programs which assist disabled veterans); and

(3) the Housing for the Elderly Program account.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, title II of the bill requires HUD to rescind $1.3 billion in the funds that the Congress provided in 2007 or prior years. Frankly, HUD cannot meet this rescission without doing great harm to the most vulnerable of our population, those low-income individuals who are elderly, low-income, disabled persons and homeless families and individuals. As much as 40 percent of the homeless population in this country, Mr. Speaker, as much as 40 percent, are veterans.

Congress has always provided the section 8 program with full funding, knowing that if not all the funds were used, they would be recaptured and rescinded and used by the Congress for other high priority programs. However, this bill states categorically that if funds for the section 8 program are more than actually get used by the Public Housing Authority, they may not be recaptured or rescinded, even though they are clearly in excess.

Let me quote the report accompanying this bill: "The Department is not permitted to recapture these reserves for the rescission."

Just where is the Department expected to go to get these funds? The answer is very simple and very unfortunate. They would, first and foremost, eliminate funding for the construction of facilities that provide assisted living for low-income elderly persons, for low-income disabled individuals and homeless shelters, as well as other permanent housing for the homeless.

□ 2245

Let me repeat, other permanent housing for the homeless, as much as 40 percent of the homeless population are veterans.

These funds are not in excess. Quite to the contrary, they are very much in use. But construction programs spend out slowly and so the funds are there waiting to be applied towards various stages of construction. Unlike the section 8 funds, these funds would never be in excess. They are simply in the pipeline, fully obligated or committed to specific projects and ready for use.

So when HUD takes these funds, it means that facilities for these vulnerable groups will be eliminated. HUD has no other choices since there are no other programs with this much money still available from 2007 or prior years.

Mr. Speaker, however you look at it, this is a very bad outcome and every measure must be taken to prevent cutting programs that serve the most vulnerable, especially programs that serve the homeless veterans. My motion to recommit does just that. It protects those programs from being slashed as sacrificial lambs to a new policy that says excess voucher funds are more important than building facilities to house the elderly and disabled and homeless, especially homeless veterans.

I urge a "yes" vote on this motion.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WALSH), the former chairman of the VA-HUD Subcommittee and a tireless advocate for housing programs that serve vulnerable populations.

Mr. WALSH of New York. I am entirely familiar with the long-standing practice of Congress to fully fund the section 8 voucher program to be sure all vouchers could be used but recognizing that this rarely happened and that excess funds would be recaptured and rescinded in the next fiscal year.

I am also very familiar with the fact that HUD programs serve the most vulnerable of our populations, and that veterans are one of the most impacted by the HUD programs in general, and especially the homeless program.

I was disappointed to hear that this cycle has been broken, that this Congress has decided that keeping the funds at the public housing authorities is more important than funding facilities for low-income elderly and disabled. But that is exactly what this bill does. It imposes a rescission of a magnitude that would be in excess of the section 8 program need each year, and then precludes the recapture of those funds. The report specifically tells HUD that section 8 funds are off limits for rescission or recapture.

To put this in perspective, section 8 voucher funding is 40 percent of HUD's entire project. So HUD is now forced to take the entire amount of the $1.3 billion from a small universe of programs.

I urge all of my colleagues to support the motion to recommit and protect the poorest in our communities.

Mr. OLVER. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, there are two problems with the motion to recommit, one major and one tricky. First, I will take the major one. I want to point out to the Members of the House that the adoption of the motion to recommit offered by the gentleman from California will derail the bill. The motion instructs the committee to report the bill back promptly rather than forthwith. Unlike a motion to recommit with instructions to report back forthwith, a motion with other than forthwith instructions proposes to take the bill from the floor without reaching the question of passage.

Mr. Speaker, section 1002(b) of the House Manual states, "Unlike the case of the motion to recommit with instructions to report back forthwith, the adoption of which occasions an immediate report to the floor, the adoption to a motion to recommit with instructions to report back other than forthwith sends the bill to committee whose eventual report, if any, would not be immediately before the House."

Mr. Speaker, a vote for this motion to recommit takes the bill off the floor. A vote against the motion will allow the bill to go forward to final passage. For that reason, I urge defeat of the motion to recommit.

Secondly, the bill before us includes a rescission of $1.3 billion, which is exactly the same size that the President proposed for the 2008 budget and which is, in fact, lower than what was rescinded last year. HUD refuses to tell specifically where it will take the rescission from, but the President obviously believes that HUD can meet the rescission. The motion purports to disallow rescission from certain accounts, but HUD has traditionally not used those accounts, so the President must have believed that he could meet the rescission without rescinding funds from those three specific accounts.

So again, this one is the tricky one, and I would say that given the trickiness of it, that we should defeat the motion to recommit and go on to passage of the bill. For both reasons, I urge the Members to vote against recommittal of the bill.

I yield the balance of my time to the gentleman from Maryland.

Mr. HOYER. Once again we are confronted with politics, not substance. The groans you hear are those of the self-indicted. If you were serious, if you were concerned about the veterans, if you were concerned about those in need, then this would be a substantive amendment subject to consideration now, not later, not tomorrow.

My friend will ask the rhetorical parliamentary question in a few minutes that he has asked every time we have done this, and every time this process is political only.

If it were substantive, I tell the gentleman from New York, if you wanted to accomplish this objective, you may get the votes on this side, but you will not get the votes on this side to kill this bill.

We have now taken 50 hours longer on consideration of appropriation bills than we did last year with unanimous consents from Mr. OBEY. You can groan, but the people who are looking for these funds, the people who want the benefits of this bill, the people who understand the work on both sides of the aisle that has gone into fashioning this bill, the people who have seen us vote on rejecting amendment after amendment on substantive grounds that you offered, and you could have offered this amendment, of course, as well, know full well this is a political process, not a substantive process. Reject this process. Let us move on with the business of the American people. Let's do what they sent us here to do. Let's act. Reject this motion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that, if indeed this motion passed, this bill could be reported back to the committee it was assigned to and that bill could be reported back to the House tomorrow?

The SPEAKER pro tempore. The Clerk read the motion. The Chair is confident that the Members understand its portent. As affirmed by the Chair on May 24, 2000, and reaffirmed as recently as July 19, 2007, unlike a motion to recommit with instructions to report forthwith, a motion with "nonforthwith" instructions proposes to take the bill from the floor without reaching the question of passage.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that having reported this bill back to the committee from which it was designated, that it could be brought back to the floor as early as tomorrow?

The SPEAKER pro tempore. The Chair has ruled and is not in a position to interpret the gentleman's understanding.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 10, as follows:

[Roll No. 714]

AYES—201

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes

Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon

McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg

Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—220

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al

Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar

Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bachus
Bishop (UT)
Clarke
Cubin

Davis, Jo Ann
Honda
King (IA)
LaHood

Marshall
Young (AK)

☐ 2312

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 268, nays 153, not voting 10, as follows:

[Roll No. 715]

YEAS—268

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—153

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOT VOTING—10

Bachus
Bishop (UT)
Clarke
Cubin
Davis, Jo Ann
Honda
LaHood
Marshall
Meeks (NY)
Young (AK)

☐ 2318

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. DELAURO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110-258) on the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

HONORING CAPTAIN CLYDE CAMPBELL

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, on Thursday evening, July 26, Gregg County, my home district, First District of Texas, will gather for a day of remembrance in honor of our great servicemembers who were held as prisoners of war or were missing in action.

July 26 is a special day because it will be the 63rd birthday of U.S. Air Force Captain Clyde Campbell, around whom this occasion is centered.

I, unfortunately, will be unable to attend since I will be here in Washington DC, but I send these remarks. Unfortunately, Captain Campbell will also be unable to make it on his own birthday celebration because he or his remains have not been brought home from Laos.

Clyde Campbell was born in Eagle Lake, Texas, in 1944, and graduated from Longview High School in 1962. After graduating from Texas A&M University, he answered the call to service and joined the United States Air Force. An ambitious and talented young pilot, Captain Campbell was stationed at Nakhon Phanom Royal Thai Airport Base in Thailand, ready to sacrifice his all for the Nation that he loved so dearly.

In March 1969, he took off in his Douglas A1 Skyraider on a bombing pass, but Captain Campbell's plane was shot down and crashed in Laos.

I will speak more about Captain Campbell during Special Orders.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HIRONO). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING CAPTAIN CLYDE CAMPBELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, on Thursday evening, July 26, Gregg County, my home district, First District of Texas, will gather for a day of remembrance in honor of our great servicemembers who were held as prisoners of war or were missing in action.

July 26 is a special day because it would be the 63rd birthday of U.S. Air Force captain Clyde Campbell, that is the man around whom this occasion is centered.

I, unfortunately, will be unable to attend since I will be here in Washington. Unfortunately, Captain Campbell will also be unable to make it on his own birthday celebration because he or his remains have not been brought home from Laos.

Clyde Campbell was born in Eagle Lake, Texas, in 1944, and graduated from Longview High School in 1962. After graduating from Texas A&M University, he answered the call to service and joined the United States Air Force. An ambitious and talented young pilot, Captain Campbell was stationed at Nakhon Phanom Royal Thai Airport Base in Thailand, ready to sacrifice his all for the Nation that he loved so dearly.

In March 1969, he took off in his Douglas A1 Skyraider on a bombing pass, but Captain Campbell's plane was shot down and crashed in Laos.

It is now 2007, almost 40 years later. Although his crash site has been identified, Captain Campbell's remains are in a land that is not his home.

The Campbell family has spent nearly four decades requesting help to have this patriot returned. But so far, that help has not come. I am ashamed that the Federal Government has not used anywhere near the devotion to giving his family closure as the devotion Captain Campbell provided this Nation in her time of need.

This family deserves better. Captain Campbell deserves better, and I, as are many others around here, am determined to see that his remains are removed from Laos and given a proper burial here in the United States.

He and those who gave their last full measure of devotion for this country, as well as their beloved family members who have waited so long, deserve action, and they deserve results.

Captain Campbell and the Campbell family deserve our deepest gratitude for their sacrifice. May God bless them and comfort them, and may God and the Campbell family forgive this Federal Government for its 30 years of inadequate service to them.

ARMENIAN GENOCIDE—THE WAR TRIBUNALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, the denial of the Armenian genocide is an absurdity. Looking at the history of this catastrophic event from 1915 to 1918, it is impossible to deny that this was indeed genocide on all accounts.

One way to bear witness to the truth is to make reference to the war trials that took place immediately following the end of World War I. Looking at the substantial evidence and testimony gathered during these war trials proves that this was an indisputable genocide aimed at destroying a race of people.

Following the Ottoman Empire's defeat in World War I, a new government formed and accused its predecessor, Young Turk regime, of serious crimes. These accusations led to the court-martialing of the leadership of the Committee on Union and Progress, the party that had seized and held power since 1908.

Nearly 400 of the key government officials implicated in the atrocities committed against the Armenians were arrested. They were deported to Malta, where they were held while searches were made of archives in Istanbul, London, Paris, and Washington to investigate their actions. The charges included the unconstitutional seizure of power, wartime profiteering, and the massacre of Armenians.

At least six regional courts convened in provincial cities where massacres had occurred. The first recorded trial took place in Yozgat, charging three officials, including the governor, of mass murder of the Armenians of Ankara.

Testimony revealed Major Tevfik Bey, commander of the Yozgat military police, had almost completely wiped out the Armenian population of Yozgat. It confirmed that the deportation of the Armenians was "a policy of extermination," and that the people were marched off with "arms and hands tied up" and later killed with "axes, spades, swords, knives and hatchets." Meanwhile, Governor Kemal told the captain that he had "made a vow on the honor of the prophet: I shall not leave a single Armenian alive in the sanjak of Yozgat."

The most famous trial took place in Istanbul in April 1919. There, 12 defendants, all members of the Committee on Union and Progress leadership and former ministers, were tried. Seven key figures, including Talat Pasha, Minister of Interior; Enver Pasha, Minister of War; and Cemal Pasha, Governor of Aleppo, had fled and they were tried in absentia. One authenticated secret telegram from July 17, 1915, quoted orders from Pasha that quoted: "The salvation of the country requires the elimination of the Armenians."

Even more evidence against these top officials was delivered in the key indictment which included 42 incriminating documents that had been gathered by the Mazhar Commission. These documents, such as telegrams, memos, statements, and depositions all confirmed that the campaign to exterminate the Armenians was premeditated and deliberate.

Some of the accused were found guilty of the charges. There were three hangings and numerous convictions. Most significantly, the ruling triumvirate of Young Turks consisting of Mehmed Talaat, Ismail Enver, and Ahmed Djemal, were condemned to death. They, however, eluded justice by fleeing abroad. Many more of the convicted did not serve out their prison sentences, and a majority of the perpetrators escaped punishment after a prisoner exchange deal. To this day, there is still no justice for the victims of the Armenian genocide.

Madam Speaker, I wish to express my support for swift passage of House Resolution 106, which reaffirms the Armenian genocide. It now has 224 cosponsors, a majority of the House. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

We must stand up and recognize the tragic events that began in 1915 for what they were, the systematic elimination of the people. By recognizing these actions as genocide, we can renew our commitment to prevent such atrocities from ever occurring again.

CODEL TO IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 14 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor of the House tonight having just returned from the country of Iraq yesterday afternoon. And even given the lateness of the hour, I wanted to come address the House because there are some issues that are, in fact, very timely and time-sensitive, and I thought it was important to get them spoken on the floor of the House.

My intention is to come back with the other Members who were on the trip with me, Mr. CARTER of Texas, Mr. BRADY of Texas, Mr. JORDAN of Ohio, Mr. DAVIS of Tennessee, and talk about this in some depth in the weeks to come. Mr. KING of Iowa was also with us on the trip. But because of the lateness tonight and the lateness that we are likely to go tomorrow night and Thursday night, it may be next week before we can actually do that formal presentation, and there were some things that I wanted to get on the floor of the House this week.

Madam Speaker, I would report to the House that as of the third week of July 2007, it is still a very mixed report about the situation in Iraq. My overall impression from this latest trip is that significant successes have occurred and are likely to continue to occur as far as returning control of the country to the Iraqi Government and delivering it out of the hands of criminals and murderers. At the same time, it is still a very dangerous situation, and the sacrifice is very real.

Madam Speaker, the future of America is vastly different depending upon the outcome of what happens in the country of Iraq. A stable country, a country with a representational government, a country able to act as a partner for peace in the Middle East would be vastly preferable to a lawless land ruled by terrorists and criminals providing a base for training operations and, Madam Speaker, a source for funding for further enlargement of their activities.

Almost without question, the divergent future was on the minds of almost everyone I talked with during the 2-day trip. Certainly America's best interest is going to be served by stability in that country and with their active participation in stabilizing a very troubled region.

It has been just over a year since I last traveled to Iraq. A lot has changed both at home and in Iraq over that time. There is no question that the news reports coming out of Iraq have almost been universally pessimistic for about 10 months' time. I was obviously very concerned about what I would encounter upon my return to that country, but the trip made over the weekend, a Saturday and Sunday, a very condensed time frame with a great deal to see, we learned a great deal.

Starting with a 2 a.m. departure from the military airport in Kuwait City, we loaded on the C-130 for the flight into Baghdad. The plane was cramped and fully loaded. Already at 2:00 in the morning, it was over 90 degrees. The plane contained a large number of soldiers and marines who were returning to Baghdad. Because of the very early hour and the loudness of the aircraft, there was not much time for conversation; but after the plane landed and the engines were stopped, there was a brief episode where conversation was possible.

For most, this was their second or third rotation. Their deployments had been extended through 15 months, and most would not go home for almost a year from that point. When several who were standing next to me learned who I was, there was obviously an eagerness for conversation.

Since February, there has been a change in how they have done their work. Now most were placed alongside Iraqi soldiers in smaller groups around town. They were no longer attached to the larger, more protected bases, and the soldiers were clearly seeing a greater amount of activity, and it concerned them.

I spoke in some depth with the soldier in front of me. He had 10 months left in his rotation, and sometimes he wondered if the generals knew what they were up against in this deployment. He complained about the long hours and the heat. He complained about being separated from his family. He had been reading a book on the plane, and I asked him about this. He said it was a book about philosophy, so I naturally assumed that upon leaving the Army at the end of his deployment, he would likely return to school, or perhaps he had a job waiting for him, and I asked him about this. He looked at me strangely. "Well, I just reenlisted for 5 years," he said tersely.

We left the plane and parted ways. He got on an armored convoy, and we were loaded in Blackhawk helicopters for the next leg of our trip down to Ramadi. It was still very early in the morning, and the sun was barely breaking through the low dust layer that always seems to hang over Baghdad in the summer. The temperature was already in excess of 100 degrees, but in many ways my conversation with this soldier underscored the ambiguities, the inconsistencies, and the incongruous nature of life in Iraq.

Over the next 48 hours, we would see stories of great heroism and great hope. At the same time, the frustration of buying time and space for a young government, sometimes a dysfunctional government, of a war-torn country was underscored at several junctures.

From a military perspective, success has been made and continues to be made on a near daily basis. Indeed, the primary enemy, al Qaeda, has not only been beaten, but vanquished every time there has been an encounter. And because of the increased military activity, the encounters have been more frequent. At the same time, a very young government seems to have already developed entrenched bureaucracies because of the centralized nature of the government in Iraq. As military successes are happening around the country, aid from the central government is slow to be dispatched out to the outlying communities.

As is probably the case with every other conflict in our Nation's history, there are widely distributed data points, and one can take one or two of these and make virtually any argument that one wishes to make. It takes a more disciplined outlook to analyze the data, look at the trendlines, but that is a discipline that must be exercised.

Madam Speaker, the city of Ramadi in the al-Anbar Province in Western Iraq was the first stop for us on Saturday. This is a city the size of Fort Worth, Texas, back in my home district. One year ago when I was in Iraq, Ramadi was held by insurgent representatives of al Qaeda. In July of 2006, there would have been no way for a congressional delegation to travel to this city as it would have been seen as too dangerous a mission.

But things began to change last February. The historic tribal leaders began to clearly understand that life alongside al Qaeda was not going to improve; and in a stunning reversal, the town's leaders began to seek out and embrace American protection. Popular support was now no longer available to al Qaeda in a city that had been destined to be the provincial capital of the resurgent Caliphate. This represented a striking strategic failure for the enemy. Their shadow government which had intended to establish a capital of a radical Islamic state was forced out of the city, and, indeed, subsequent armed attempts to retake control were successfully repelled. People in town began identifying where the terrorists lived, who was making the bombs, who was putting the city and their daily lives in jeopardy.

Now, the task of rebuilding a civil society, the municipal government has certainly significant tasks ahead of it. And, Madam Speaker, I might add to that it was the additional soldiers and marines provided by what is called the surge last February, particularly the soldiers of the 2nd Marine Expeditionary Unit force just north of al-Anbar, that made a lot of this possible. They intercepted the vehicle-borne improvised explosive devices as they were on their way down to Ramadi; they found the factories where these were manufactured, and were able to provide additional breathing space and additional room as the city was recontrolled by the Americans.

Because of the distance from Baghdad and the central government, there has been some isolation, and significant efforts have been made by the Army to ensure that the local mayor has the ability to provide for his citizens. And this, Madam Speaker, underscores one of the real difficulties ahead for this country. As areas are reclaimed and stabilized, the central government must be able to quickly provide the financial and security support that will be required to sustain this early success.

This also underscores one of the important recognized benchmarks, that of holding the provincial elections. During the electoral process 2 years ago, most of the Sunni population was involved in an electoral boycott. Now they see the fundamental error of that decision, and they are eager to see new elections that would permit a more popular representation.

After 2 or 3 years of serious brutality at the hands of al Qaeda, the population now sees America as helpers and sees Americans as protectors. The tribal leaders had originally feared that Americans were occupiers, that they would stay forever, but now they have come to understand that the Americans have no such interests. The same could not be said for al Qaeda's interests. Their clear intent was to hold the town for their purposes for the foreseeable future.

The point was made during our visit that there are no overnight solutions to the problems in Iraq. Leadership cannot be bought, and this has to be an evolutionary change. But this change can occur if the correct environment is provided.

As if to underscore the recent success in Ramadi, we were taken out of the military base, down the main street of town, right into the marketplace. We were permitted to walk freely in the marketplace and observed many of the items for sale in what appears to be a very normal Arab market.

Madam Speaker, I did provide a photograph from that visit, and here you can see again one of the stalls of the market. You can see the goods for sale, the pots and pans up there, coolers for water or whatever other beverage one might want to have. You can see the smiles on the young children. They didn't know we were going to come to town that day; it just happened that we showed up, and they were apparently glad to see us. You see the men there bargaining in the background. It doesn't really look like a street scene of people that are under great stress or duress. It looks like a normal marketplace with normal people doing normal Saturday-morning activities.

The vehicle you see just a portion up here at the edge of the photograph was actually a municipal vehicle, a city vehicle. They were repairing one of the sewer lines in the street. Many of the sewer lines and water lines in this town had been broken by improvised explosive devices that had gone off during the more active and kinetic phases of the retaking of the city from the al Qaeda groups. But it wasn't Americans who were out repairing the sewer pipe, it was actually the municipal government of the city of Ramadi who was taking care of that task, as they should, as is appropriate for a municipal government, the appropriate way for a municipal government to behave.

I would also point out some of the clothing that is for sale.

Madam Speaker, I just have to say in this trip to Iraq one of the things I saw that really struck me as being significantly different from other trips, not just in Ramadi, but in Baghdad and some of the other areas we visited, many more women were in evidence out on the streets and out in public, significantly different from other times when I have been there. And I take that as a good sign, a good sign as for the resurgence of civil society.

But there is pretty striking evidence of the prior combat in the town all around us. But the evidence of active reconstruction and a crew working on the sewer line in the middle of the street as we walked through town really again gave me some hope that there was some stability for these young children.

And let me talk about the future for a moment. That is a future that these young men now have that actually was going to be denied to them just a few short months ago. And, again, you can see the look of curiosity on these boys' faces. This boy is not quite sure whether to smile or run away. But, nevertheless, these kids were all over in the marketplace.

And you see back there again some of the brightly colored glass and things that weren't for sale in the market. I don't know where these shirts came from; presumably that represents some sort of local sports team. But, again, a very different scene in Ramadi today than would have been evident a year ago.

When I returned yesterday, one of the things that I encounter in the headline in the Washington Times was also of encouragement to me. We had spent some time during the trip on Saturday at a place called Camp Taji, which is north of Iraq.

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Camp Taji is where a good number of our soldiers are stationed, a lot of our National Guardsmen are stationed. And again, Camp Taji, the same situation: they've moved soldiers out the relatively large base. They've moved out to work with the Iraqi units, to work in the towns. And one of the things we learned on that trip through there this weekend, the commander told us that there had just been a meeting with 150 sheiks, both Sunni and Shiia, and the reason for the meeting, the meeting was called by the sheiks. They wanted to meet with the American military, and the reason for that meeting was they wanted this same type of success for their communities. They wanted to ask if the same type of return to civil society that is going on, that's breaking out in the country of Ramadi, they wanted to know if it was possible in their communities. And, again, not just Sunni leaders, Shiia leaders as well.

And I'll quote from yesterday's, this is the Washington Times from Monday, July 23, 2007. And it says: "U.S. forces have brokered an agreement between Sunni and Shiia tribal leaders to join forces against al Qaeda and other extremists extending a policy that has transformed the security situation in western Anbar province, and they wanted to extend that to this area north of the capital."

A startling story. We just heard about this on Saturday when we were there. In fact, I was kind of given the impression that it was so new that maybe we shouldn't talk about it. But here it is on the front page of the Washington Times, so I'm going to assume it is okay to bring that up. Very significant because, of course, in the Sunni areas of Iraq, al Qaeda's dominant. In the Shiia areas the Mahdi Army from Maktadar al Sadr was dominant. Neither one of these groups is seen as really furthering the common interests of the country of Iraq, and both Sunni and Shiia were asking for help from the Americans.

Another headline that greeted me Monday morning when I woke up in Germany on the way back, one of the generals, General Mixon, has proposed a shift in strategy in Iraq. He says, they're so calm up north, maybe we should be able to bring some of our troops from up north down to the areas around Baghdad to provide additional security there because, quite frankly, they're not needed in Nineveh province. They're not needed in these areas where just a year ago there was significant terrorist activity occurring and United States troops were required.

Madam Speaker, you have been very generous with the time. I hope to be back here next week with the other members of the congressional delegation that went to Iraq. We'll talk a great deal more about this subject, but some of these issues were time sensitive and I wanted to get them on the record while they were still very relevant.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. BOEHNER) for today and July 23 on account of illness.

Mr. DAVIS of Kentucky (at the request of Mr. BOEHNER) for July 23 on account of attending the State of Northern Kentucky address.

Mr. PENCE (at the request of Mr. BOEHNER) for today on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 31.

Mr. JONES of North Carolina, for 5 minutes, July 31.

Mr. GOHMERT, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1856. An act to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense; to the Committee on the Judiciary.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, July, 25, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2623. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting notification of intent to obligate funds for three additional projects for the Fiscal Year 2007 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

2624. A letter from the Acting Deputy Chief of Legislative Affairs, Department of Defense, transmitting notification of the decision to convert to contract the aircraft line maintenance functions in China Lake, CA; Lemoore, CA; San Diego, CA; Jacksonville, FL; Mayport, FL; Patuxent River, MD; Norfolk, VA; Virginia Beach, VA; and Oak Harbour, WA, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2625. A letter from the Chief, Congressional Action Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to initiate a multifunction standard competition of the Noncore Enterprise Communications Function at Peterson Air Force Base, Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2626. A letter from the Chief, Congressional Action Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to initiate a multifunction standard competition of the Core Enterprise Communications Function at Peterson Air Force Base, Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2627. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Report to Congress on the Plutonium Storage at the Department of Energy's Savannah River Site, pursuant to Public Law 107-314, section 3183; to the Committee on Armed Services.

2628. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Stephen R. Lanza to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2629. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the omission of the SSN from the Department of Defense military identification cards, pursuant to Public Law 109-364, section 585; to the Committee on Armed Services.

2630. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2631. A letter from the Director, National Defense Research Institute, transmitting a copy of the report entitled, "F-22A Multi-Year Procurement Program: An Assessment of Cost Savings," pursuant to Public Law 109-364, section 134; to the Committee on Armed Services.

2632. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the quarterly report of obligations and outlays of FY 2004, FY 2005 and FY 2006 funds under the Emergency Plan for AIDS Relief through September 30, 2006, pursuant to Division D, Pub. L. 108-199; to the Committee on Foreign Affairs.

2633. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 073-07); to the Committee on Foreign Affairs.

2634. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Belgium (Transmittal No. RSAT-01-07); to the Committee on Foreign Affairs.

2635. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period April 1, 2007 through May 31, 2007; to the Committee on Foreign Affairs.

2636. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2637. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2638. A letter from the Legislative Counsel, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a copy of a draft bill entitled, "To clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreational Area and San Francisco Maritime National Historical Park, and for other purposes"; to the Committee on Natural Resources.

2639. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2007-27013; Directorate Identifier 2006-NM-236-AD; Amendment 39-15022; AD 2007-08-05] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2640. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26233; Directorate Identifier 2006-CE-63-AD; Amendment 39-14979; AD 2007-05-18] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Redmond, OR [Docket No. FAA-2006-25997; Airspace Docket No. 06-ANM-5] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Head Restraints [Docket No. NHTSA-2007-27986] (RIN: 2127-AJ96) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Fire Penetration Resistance of Thermal/Acoustic Insulation Installed on Transport Category Airplanes [Docket No. FAA-2006-24277; Amendment No. 121-330] (RIN: 2120-AI75) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Reporting of Early Warning Information [Docket No. NHTSA-2006-25653; Notice 2] (RIN: 2127-AJ94) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27898; Directorate Identifier 2007-NM-078-AD; Amendment 39-15029; AD 2007-07-05 R1] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; LATINOAMERICANA DE AVIACION (LAVIA) S.A. (Type Certificate Data Sheets No. 2A8 and No. 2A10 previously held by The New Piper Aircraft, Inc.) Models PA-25, PA-25-235, and PA-25-260 Airplanes [Docket No. FAA-2007-27109; Directorate Identifier 2007-CE-005-AD; Amendment 39-15024; AD 2007-08-07] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-27070 Directorate Identifier 2007-CE-003-AD; Amendment 39-15023; AD 2007-08-06] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824; Directorate Identifier 2003-NE-12-AD; Amendment 39-15026; AD 2006-11-05R1] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, A300 B4-603, A300 B4-605R, A300 C4-605R Variant F, A310-204, and A310-304 Airplanes Equipped with General Electric CF6-80C2 Engines [Docket No. FAA-2007-27012; Directorate Identifier 2006-NM-188-AD; Amendment 39-15017; AD 2007-07-15] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-15018; AD 2007-08-01] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB-X and D3A32C409/82NDB-X Propellers [Docket No. FAA-2005-22898; Directorate Identifier 2005-NE-10-AD; Amendment 39-15021; AD 2007-08-04] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2652. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2007-27980; Directorate Identifier 2007-NM-066-AD; Amendment 39-15033; AD 2007-09-03] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company (The Beech Aircraft Company and BEECH previously held Type Certificate Nos. 3A15, 3A16, 5A3, and A-777) Models 35-33, 35-A33, 35-B33, 35-C33, E33, F33, G33, 35-C33A, E33A, F33A, E33C, F33C, 35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36, A45, (T-34A, B45), D45 (T-34B), 95-55, 95-A55, 95-B55, 95-B55A, 95-B55B (T-42A), 95-C55, 95-C55A, D55, D55A, E55, E55A, 56TC, A56TC, 58, 95, B95, B95A, D95A, and E95 Airplanes [Docket No. FAA-2006-26075; Directorate Identifier 2006-CE-55-AD; Amendment 39-15025; AD 2007-08-08] to the Committee on Transportation and Infrastructure.

2654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes [Docket No. FAA-2007-27709; Directorate Identifier 2007-CE-028-AD; Amendment 39-15020; AD 2007-08-03] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2655. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters Inc. (MDHI) Model MD600N Helicopters [Docket No. FAA-2007-27343; Directorate Identifier 2007-SW-05-AD; Amendment 39-15030; AD 2007-05-51] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2656. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 SHERPA, SD3-SHERPA, SD3-30, and SD3-60 Airplanes [Docket No. FAA-2007-27866; Directorate Identifier 2007-NM-055-AD; Amendment 39-15027; AD 2007-08-09] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2657. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-25419; Directorate Identifier 2006-NM-055-AD; Amendment 39-15007; AD 2007-07-10] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2658. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes [Docket No. FAA-2007-27786; Directorate Identifier 2007-CE-031-AD; Amendment 39-15031; AD 2007-09-01] (RIN: 2120-AA64) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2659. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-27014; Directorate Identifier 2006-NM-253-AD; Amendment 39-15041; AD 2007-09-09] (RIN: 2120-AA64) received July 18, 2007, pursuant to 50 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2660. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. DELAURO: Committee on Appropriations. H.R. 3161. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-258). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. WILSON of New Mexico (for herself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. BLUNT, Ms. FOXX, Mrs. MILLER of Michigan, Mr. ISSA, Mr. MCHUGH, Mr. ROGERS of Michigan, Mr. EVERETT, Mr. THORNBERRY, Ms. PRYCE of Ohio, Mr. TIAHRT, Ms. GRANGER, Mrs. BACHMANN, Mr. GALLEGLY, Mr. PUTNAM, Mr. FOSSELLA, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mr. BURGESS, Ms. GINNY BROWN-WAITE of Florida, Mr. LATOURETTE, Mr. REGULA, Mr. KUHL of New York, Mr. CASTLE, Mr. FRELINGHUYSEN, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, and Mr. SMITH of Texas):

H.R. 3138. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. SHULER, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. WATT):

H.R. 3139. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and its tributaries in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mrs. BOYDA of Kansas (for herself, Mr. WEINER, Mrs. EMERSON, Mr. ADERHOLT, Mr. ALEXANDER, Mr. BERRY, Mr. BONNER, Mr. BOREN, Mr. BOUCHER, Mr. BOUSTANY, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. CUMMINGS, Mr. DAVID DAVIS of Tennessee, Mr. DAVIS of Kentucky, Mr. ETHERIDGE, Mr. FARR, Mr. GORDON, Mr. HIGGINS, Mr. JONES of North Carolina, Mr. LOBIONDO, Mr. LOEBSACK, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. ORTIZ, Mr. ROGERS of Alabama, Mr. ROSS, Mr. SKELTON, Mr. TIAHRT, and Mr. WALZ of Minnesota):

H.R. 3140. A bill to amend title XIX of the Social Security Act to ensure and foster continued beneficiary access to generic drugs under the Medicaid Program by setting pharmacy reimbursement based on retail acquisition cost and to promote the use of generic drugs; to the Committee on Energy and Commerce.

By Mr. LATHAM (for himself, Mr. BOSWELL, Mr. LOEBSACK, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H.R. 3141. A bill to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes; to the Committee on the Judiciary.

By Mr. REICHERT:

H.R. 3142. A bill to provide law enforcement critical tools and resources for preventing and enforcing violent crime; to the Committee on the Judiciary.

By Mr. SMITH of Nebraska:

H.R. 3143. A bill to eliminate methamphetamine kingpins; to the Committee on the Judiciary, and in addition to the Committee on

Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS:

H.R. 3144. A bill to amend title 18, United States Code, to provide penalties for sex offenders who access social networks on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mrs. DRAKE:

H.R. 3145. A bill to amend the Immigration and Nationality Act to increase criminal penalties for certain removed aliens who illegally reenter the United States; to the Committee on the Judiciary.

By Mr. DAVIS of Kentucky:

H.R. 3146. A bill to provide additional tools and resources to combat terrorism financing; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 3147. A bill to provide additional tools and tough penalties to fight terrorism and protect America's national security; to the Committee on the Judiciary.

By Mrs. MUSGRAVE:

H.R. 3148. A bill to eliminate child pornography; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 3149. A bill to protect children from sex offenders; to the Committee on the Judiciary.

By Mr. KELLER:

H.R. 3150. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM:

H.R. 3151. A bill to authorize grants to establish and improve criminal forensic laboratories; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 3152. A bill to provide funding for multi-jurisdictional anti-gang task forces; to the Committee on the Judiciary.

By Mr. GERLACH:

H.R. 3153. A bill to amend title 18, United States Code, to provide to make the killing of a law enforcement officer an aggravating factor for the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. SOUDER:

H.R. 3154. A bill to deter alien smuggling criminal enterprises; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 3155. A bill to amend titles 17 and 18, United States Code, to strengthen the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself and Mr. FORBES):

H.R. 3156. A bill to control violent crime; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Mr. CLAY, Mr. AKIN, and Mr. GRAVES):

H.R. 3157. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. HOYER, and Mr. TOM DAVIS of Virginia):

H.R. 3158. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee under subchapter V of chapter 63 of title 5, United States Code, shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. TAUSCHER (for herself, Ms. SHEA-PORTER, Mr. MEEK of Florida, Mr. LOEBSACK, Mr. ABERCROMBIE, Mr. JOHNSON of Georgia, Mr. HARE, Ms. KAPTUR, Mr. COURTNEY, Ms. GIFFORDS, Mr. GILCHREST, Mr. JONES of North Carolina, Ms. HARMAN, Mr. TAYLOR, Mr. ORTIZ, Ms. LORETTA SANCHEZ of California, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. ANDREWS, and Mr. REYES):

H.R. 3159. A bill to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. POMEROY, Mrs. JONES of Ohio, Mr. PASCRELL, Mr. MEEK of Florida, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Mr. BERMAN, Mr. BERRY, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Ms. CARSON, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. HOLT, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK, Ms. LEE, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. PAYNE, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Ms. SUTTON, Mr. TIERNEY, Ms. WATSON, and Mr. WAXMAN):

H.R. 3160. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. STARK, and Mr. PALLONE):

H.R. 3162. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and the CHIP program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mrs. EMERSON, Mr. BLUMENAUER, and Mr. COOPER):

H.R. 3163. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself and Mr. NUNES):

H.R. 3164. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. FORTUÑO):

H.R. 3165. A bill to amend the General Notes of the Harmonized Tariff Schedule of the United States with respect to certain products imported from United States insular possessions; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. JINDAL, Mr. BOUSTANY, and Mr. MELANCON):

H.R. 3166. A bill to reauthorize the Nutria Eradication and Control Act of 2003; to the Committee on Natural Resources.

By Mr. HARE (for himself, Mr. JOHNSON of Georgia, Mr. CROWLEY, and Mr. LAHOOD):

H.R. 3167. A bill to impose a temporary moratorium on the discharge of members of the Armed Forces for personality disorder, except in certain specified cases; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 3168. A bill to establish an educational mentoring pilot program for at-risk youth through community partnerships that provides life, social, academic and vocational skills necessary for youth to become productive law abiding citizens; to the Committee on Education and Labor.

By Mr. JEFFERSON:

H.R. 3169. A bill to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major natural disaster, and for other purposes; to the Committee on House Administration.

By Mr. MITCHELL (for himself and Mr. SHAYS):

H.R. 3170. A bill to make permanent the individual income tax rates for capital gains, and for other purposes; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H. Con. Res. 190. Concurrent resolution authorizing printing of the brochure entitled "How Our Laws Are Made", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution; to the Committee on House Administration; considered and agreed to.

By Mr. HALL of New York:

H. Con. Res. 191. Concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

By Mr. SALI (for himself, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. GOODE, Mr. AKIN, Mr. HERGER, Mr. PRICE of Georgia, Mr. LINDER, Mr. HOEKSTRA, Mr. BARTLETT of Maryland, Mr. SHADEGG, Mr. LAMBORN, Mr. DOOLITTLE, Mr. BISHOP of Utah, Mr. PEARCE, Mrs. BLACKBURN, Mr. CONAWAY, Mr. PAUL, Mr. WELDON of Florida, Mr. COLE of Oklahoma, Mr. GINGREY, Mr. FORTUÑO, Mr. FEENEY, Mr. PENCE, Mrs. MYRICK, Mrs. DRAKE, and Mr. DAVIS of Kentucky):

H. Res. 565. A resolution amending the Rules of the House of Representatives to provide for division of the question on the legislative proposals involved to allow separate votes on disparate matters; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. ROYBAL-ALLARD.

H.R. 35: Mr. SCOTT of Virginia.

H.R. 89: Mr. YOUNG of Alaska.

H.R. 211: Mr. ALTMIRE.

H.R. 303: Mr. BERRY and Mr. ROGERS of Alabama.

H.R. 325: Mr. SCOTT of Virginia.

H.R. 579: Mr. BARROW and Mr. KELLER.

H.R. 601: Ms. PRYCE of Ohio.

H.R. 734: Mr. WATT.

H.R. 748: Mr. ETHERIDGE, Mr. WYNN, Mr. POMEROY, Mrs. BLACKBURN, Mr. LAHOOD, Mr. ALEXANDER, Ms. HERSETH SANDLIN, and Mrs. DAVIS of California.

H.R. 808: Mr. LARSON of Connecticut.

H.R. 900: Mr. FARR.

H.R. 963: Mr. CARNEY.

H.R. 969: Mr. KLEIN of Florida, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Mr. DICKS, and Mr. NEAL of Massachusetts.

H.R. 1023: Mr. BOSWELL, Mr. VAN HOLLEN, Mr. SNYDER, and Ms. BEAN.

H.R. 1043: Mr. BOSWELL.

H.R. 1064: Mr. JACKSON of Illinois, Mr. DAVID DAVIS of Tennessee, and Mr. MORAN of Kansas.

H.R. 1078: Mr. TERRY.

H.R. 1093: Mr. REYES and Mr. YOUNG of Alaska.

H.R. 1108: Mr. KLEIN of Florida.

H.R. 1125: Mr. MELANCON, Mr. LANTOS, Mr. BARROW, Mr. KENNEDY, Mr. CAPUANO, Mr. FARR, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. ESHOO, and Mr. BONNER.

H.R. 1134: Mr. ALEXANDER and Mr. BOSWELL.

H.R. 1228: Mr. ABERCROMBIE.

H.R. 1280: Mr. GRIJALVA.

H.R. 1302: Ms. CARSON.

H.R. 1304: Mr. ROGERS of Alabama.

H.R. 1313: Ms. WATSON, Mr. BROWN of South Carolina, and Mr. SPACE.

H.R. 1357: Mr. MCHUGH, Mr. TIM MURPHY of Pennsylvania, Mr. CULBERSON, Mr. WALSH of New York, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1376: Ms. BERKLEY.

H.R. 1384: Mr. BACA and Mr. BECERRA.

H.R. 1399: Mr. BUYER, Mr. BARTLETT of Maryland, Mr. UPTON, Mr. FORTENBERRY, and Mr. DONNELLY.

H.R. 1400: Mr. DICKS.

H.R. 1415: Mr. HINCHEY.

H.R. 1416: Mr. HINCHEY and Mr. DELAHUNT.

H.R. 1422: Mr. DAVIS of Illinois and Mr. HINCHEY.

H.R. 1459: Mr. MATHESON.

H.R. 1474: Mr. TIAHRT and Mr. SALAZAR.

H.R. 1514: Mrs. WILSON of New Mexico.

H.R. 1534: Mr. BUTTERFIELD.

H.R. 1553: Mr. KLEIN of Florida and Mr. SCOTT of Virginia.

H.R. 1576: Mr. REHBERG and Mr. WAMP.

H.R. 1653: Mr. HASTINGS of Florida and Mr. WEXLER.

H.R. 1742: Mr. HAYES and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1746: Mr. FORTUÑO and Mr. ACKERMAN.

H.R. 1766: Mr. CANTOR.

H.R. 1818: Mr. OLVER and Mr. BOREN.

H.R. 1823: Mr. BRALEY of Iowa.

H.R. 1843: Mr. PLATTS.

H.R. 1845: Mr. HINOJOSA and Mr. ADERHOLT.

H.R. 1927: Mr. LARSEN of Washington.

H.R. 1940: Mrs. CUBIN and Mr. KINGSTON.

H.R. 1941: Mr. WYNN and Mr. TIBERI.

H.R. 1943: Ms. CARSON, Mr. ELLISON, Mr. THOMPSON of Mississippi, Ms. WATSON, Mrs. JONES of Ohio, Mr. MCGOVERN, and Mrs. MALONEY of New York.

H.R. 1981: Mr. JACKSON of Illinois.

H.R. 2017: Mr. SCOTT of Virginia.

H.R. 2020: Mr. GARRETT of New Jersey.

H.R. 2053: Mr. CLAY, Mrs. MALONEY of New York, Mr. MACK, and Mr. COHEN.

H.R. 2060: Ms. ROYBAL-ALLARD.

H.R. 2090: Mr. STUPAK.

H.R. 2095: Mr. GEORGE MILLER of California, Mr. YARMUTH, and Mr. CARDOZA.

H.R. 2116: Mr. TURNER, Mr. PAUL, Mr. GRAVES, and Mr. HERGER.

H.R. 2122: Mr. UDALL of Colorado, Mr. HINCHEY, Mr. CARNEY, Mr. MICHAUD, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Mr. PAYNE, and Mr. GORDON.

H.R. 2126: Mr. WEXLER.

H.R. 2164: Ms. BERKLEY and Mr. WALSH of New York.

H.R. 2184: Mr. WAXMAN and Mr. BERRY.

H.R. 2205: Mr. FORBES.

H.R. 2221: Ms. WATSON.

H.R. 2231: Mr. PRICE of Georgia, Mr. WAMP, and Mr. ROTHMAN.

H.R. 2262: Mr. KUCINICH, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Mr. LEVIN, Mr. SCHIFF, Mrs. MALONEY of New York, Mr. HASTINGS of Florida, Mr. BAIRD, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. SHAYS, Mr. HODES, Mr. JACKSON of Illinois, Ms. KILPATRICK, and Mr. BERMAN.

H.R. 2265: Mr. DAVIS of Illinois and Mr. MORAN of Virginia.

H.R. 2290: Mr. KLEIN of Florida.

H.R. 2295: Mr. CANTOR, Mrs. WILSON of New Mexico, Mr. HALL of New York, and Mrs. DAVIS of California.

H.R. 2302: Mr. FORBES.

H.R. 2329: Mr. PETRI, Mr. PRICE of North Carolina, Mr. INSLEE, and Mrs. WILSON of New Mexico.

H.R. 2332: Mr. TIM MURPHY of Pennsylvania, Mr. CULBERSON, Mr. WALSH of New York, Ms. GINNY BROWN-WAITE of Florida, and Mr. CRENSHAW.

H.R. 2347: Mr. MICHAUD, Mr. PATRICK MURPHY of Pennsylvania, Ms. HARMAN, Mr. RAMSTAD, and Mr. BARTLETT of Maryland.

H.R. 2390: Ms. ROS-LEHTINEN.

H.R. 2502: Ms. ROS-LEHTINEN.

H.R. 2516: Mr. SARBANES, Mr. JACKSON of Illinois, and Mrs. CHRISTENSEN.

H.R. 2539: Mr. UDALL of Colorado.

H.R. 2549: Mr. RAMSTAD and Mr. BUCHANAN.

H.R. 2566: Mr. COHEN, Ms. LINDA T. SÁNCHEZ of California, and Mr. WATT.

H.R. 2599: Mr. KLEIN of Florida.

H.R. 2611: Mr. BONNER.

H.R. 2612: Mr. BOUCHER.

H.R. 2639: Mr. FRANKS of Arizona, Mr. PUTNAM, and Mr. GINGREY.

H.R. 2668: Mr. KLEIN of Florida and Mrs. BOYDA of Kansas.

H.R. 2694: Mr. CLAY, Mr. BRADY of Pennsylvania, and Ms. CORRINE BROWN of Florida.

H.R. 2727: Mr. STUPAK.

H.R. 2740: Ms. SCHAKOWSKY.

H.R. 2743: Mr. ROHRABACHER.

H.R. 2768: Ms. SHEA-PORTER and Mr. GRIJALVA.

H.R. 2769: Ms. SHEA-PORTER and Mr. GRIJALVA.

H.R. 2787: Mr. DAVIS of Illinois.

H.R. 2799: Mr. LANGEVIN, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, Mr. CARTER, and Mr. POE.

H.R. 2800: Mr. DAVIS of Kentucky and Mr. ENGLISH of Pennsylvania.

H.R. 2805: Mr. PLATTS, Mr. EHLERS, Mr. TERRY, Mr. WELCH of Vermont, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.

H.R. 2818: Mr. ARCURI, Mr. MURPHY of Connecticut, Mr. CUELLAR, Mr. BRALEY of Iowa, Mr. FARR, Mr. HODES, Mr. STUPAK, Mr. BACA, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mr. LOEBSACK, Ms. SHEA-PORTER, Mr. SIRES, Ms. SUTTON, and Mr. DONNELLY.

H.R. 2896: Mr. ALTMIRE and Mr. WELCH of Vermont.

H.R. 2902: Mr. ALTMIRE and Mr. WILSON of Ohio.

H.R. 2905: Mr. FORBES and Mr. BOUSTANY.

H.R. 2910: Mr. HINOJOSA and Mr. KLEIN of Florida.

H.R. 2914: Mr. SAM JOHNSON of Texas.

H.R. 2927: Mr. CARTER, Mr. JONES of North Carolina, Mr. SOUDER, Mr. HALL of Texas, Mr. BACHUS, Mr. RODRIGUEZ, Mr. WALBERG, Mr. BUCHANAN, Ms. KAPTUR, Mr. WELLER, Mr. FORTUÑO, Mr. DENT, Mr. CANNON, Mr. MCCRERY, Mr. MCINTYRE, Mrs. CAPITO, Mr. LUCAS, Mr. ALEXANDER, Mr. SALAZAR, and Mr. LATHAM.

H.R. 2929: Mr. ENGLISH of Pennsylvania.

H.R. 2991: Mr. BACHUS, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. CRAMER, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. KIRK, Mr. HENSARLING, and Ms. HOOLEY.

H.R. 3007: Mr. BAKER.

H.R. 3008: Mr. CARNAHAN.

H.R. 3035: Ms. CARSON, Mr. ROGERS of Michigan, Mr. HELLER, Mr. LEWIS of California, Mr. OLVER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. WELLER, Mr. COHEN, Mr. MCNULTY, Ms. BERKLEY, Mr. DELAHUNT, Mr. SESSIONS, Mr. RANGEL, Mr. CASTLE, and Mr. KELLER.

H.R. 3040: Mr. BRALEY of Iowa, Ms. MATSUI, Mr. HARE, Mr. HINCHEY, and Mr. PETERSON of Minnesota.

H.R. 3042: Mr. MCHUGH.

H.R. 3046: Mr. KING of New York, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. GEORGE MILLER of California, Mr. GOHMERT, Ms. CORRINE BROWN of Florida, and Mr. MCHUGH.

H.R. 3053: Mr. YOUNG of Alaska.

H.R. 3054: Mr. MORAN of Virginia.

H.R. 3087: Mr. ENGLISH of Pennsylvania.

H.R. 3099: Mr. PETERSON of Minnesota and Mr. DAVIS of Illinois.

H.R. 3121: Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. HONDA, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3124: Ms. HIRONO.

H. Con. Res. 37: Mr. BARTLETT of Maryland, Mr. LOBIONDO, Mr. MCCOTTER, Mr. ROGERS of Alabama, and Mr. ROYCE.

H. Con. Res. 108: Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mrs. JONES of Ohio, and Ms. WATERS.

H. Con. Res. 133: Mr. HOLDEN.

H. Con. Res. 160: Mr. GINGREY and Mr. FORTUÑO.

H. Con. Res. 181: Mr. CARNEY and Ms. SCHAKOWSKY.

H. Con. Res. 187: Mr. STUPAK.

H. Res. 32: Mr. MORAN of Kansas.

H. Res. 55: Mr. CROWLEY.

H. Res. 111: Mr. ANDREWS, Mr. HINOJOSA, Mr. SIRES, Mr. WILSON of South Carolina, and Mr. BOSWELL.

H. Res. 143: Mr. NEAL of Massachusetts.

H. Res. 235: Mr. KLEIN of Florida.

H. Res. 282: Mr. LYNCH.

H. Res. 303: Mr. MURPHY of Connecticut, Mr. PETERSON of Minnesota, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. VELÁZQUEZ, Ms. SLAUGHTER, Mr. MELANCON, Mr. CHANDLER, Mr. MITCHELL, Mr. CARNEY, Mr. DONNELLY, Mr. WILSON of Ohio, Mr. YARMUTH, Mr. ACKERMAN, Mr. ISRAEL, Ms. CASTOR, Mr. ALTMIRE, Mrs. DAVIS of California, Mr. SHULER, Mr. WALZ of Minnesota, Mr. ARCURI, Mr. MCCAUL of Texas, Mr. COOPER, Ms. SCHWARTZ, Mrs. TAUSCHER, Mr. BERRY, Ms. SOLIS, Ms. MOORE of Wisconsin, Mr. KLEIN of Florida, Mr. KENNEDY, Mr. SARBANES, and Mr. MAHONEY of Florida.

H. Res. 333, Mr. BRADY of Pennsylvania.

H. Res. 405: Ms. WATSON, Mr. KING of New York, Mr. GALLEGLY, Mr. FORTUÑO, Mr. MCCOTTER, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 420: Mr. POE, Mr. CONAWAY, Mrs. MYRICK, Mr. BROWN of South Carolina, Mr. FLAKE, Mr. BARRETT of South Carolina, Mr. CHABOT, Mr. HOEKSTRA, MR. SOUDER, Mr. WOLF, Mr. BARTLETT of Maryland, Mr. BOOZMAN, Mr. MANZULLO, Mr. MCCOTTER, Mr. PALLONE, Mr. LIPINSKI, Mr. DUNCAN, Mr. SHULER, and Mr. GORDON.

H. Res. 433: Mr. BUTTERFIELD.

H. Res. 457: Mr. ENGEL and Mr. BILIRAKIS.

H. Res. 470: Mr. HOLDEN.

H. Res. 508: Mr. WYNN and Mr. BOEHNER.

H. Res. 539: Mr. WOLF.

H. Res. 548: Mr. CROWLEY, Mr. BURTON of Indiana, and Mr. MCCOTTER.

H. Res. 549: Mr. KLEIN of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. FEENEY, Mr. CRENSHAW, and Mr. WELDON of Florida.

H. Res. 555: Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. BACA, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPUANO, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mr. FARR, Ms. CARSON, Ms. LORETTA SANCHEZ of California, Ms. WATSON, Ms. SOLIS, Mr. CARNAHAN, Ms. LEE, Mr. RUSH, Ms. MCCOLLUM of Minnesota, Mrs. BOYDA of Kansas, Mr. REYES, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Mr. RYAN of Ohio, Mr. BISHOP of Georgia, Mr. LYNCH, Mr. WYNN, and Mr. GRIJALVA.

H. Res. 557: Mr. GONZALEZ, Mrs. MYRICK, Mr. KING of New York, Mr. FRANKS of Arizona, Mr. KLEIN of Florida, Mr. MCCOTTER, Mr. MCNULTY, and Mr. SAM JOHNSON of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2419

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Strike page 266, line 23, through page 267, line 10, and insert the following:

"(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly, in any fiscal year shall not exceed—

"(1) $60,000 from any single program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b));

"(2) $125,000 from more than one program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act; or

"(3) $450,000 from the environmental quality incentives program.

H.R. 3074

OFFERED BY: MR. JORDAN

AMENDMENT NO. 28: At the end of the bill (before the short title), insert the following:

SEC. ________. Total appropriations made in this Act are hereby reduced in the amount of $3,200,000,000.

H.R. 3074

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

H.R. 3074

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 30: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used to provide homeownership assistance for applicants described in 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

H.R. 3074

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 31: At the end of the bill, before the short title, insert the following:

SEC. ___. None of the funds made available under this Act may be used to implement the provisions of subchapter IV of chapter 31 of title 40, United States Code (relating to wage rate requirements; commonly known as the Davis-Bacon Act).

H.R. 3074

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used for the Association of Community Organizations for Reform Now (ACORN).

H.R. 3074

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the applicant or prospective contractor or subcontractor.

H.R. 3074

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 34: At the end of the bill (before the short title), insert the following:

SEC. ___. Appropriations made in this Act are hereby reduced in the amount of $253,690,000.

H.R. 3074

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act for the mortgage insurance programs under title II of the National Housing Act (12 U.S.C. 1707 et seq.) may be used for any housing trust fund established under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.).

H.R. 3093

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act shall be used to initiate a civil action, or participate in a civil action initiated after the date of enactment of this act, by or on the behalf of the Equal Employment Opportunity Commission against an entity on the grounds that the entity requires an employee to speak English while engaged in work.

H.R. 3093

OFFERED BY: MR. ENGLISH OF PENNSYLVANIA

AMENDMENT NO. 22: Page 11, line 19, after the dollar amount, insert the following: "(reduced by $2,000,000)".

Page 68, line 16, after the dollar amount, insert the following: "(increased by $1,000,000)".

H.R. 3093

OFFERED BY: MR. GINGREY

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated by this Act may be used by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives to test and examine firearms without written and published testing standards.

H.R. 3093

OFFERED BY: MR. JORDAN

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwises made available by a provision of law is hereby reduced by 6.0 percent.

H.R. 3093

OFFERED BY: MR. PENCE

AMENDMENT NO. 25: At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce the amendments made by subtitle A of title II of Public Law 107–155.

H.R. 3093

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 26: Page 16, line 20, after the dollar amount insert "(reduced by $2,000,000)".

Page 65, line 21, after the dollar amount insert "(increased by $2,000,000)".

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 27: Page 11, line 19, insert after the dollar amount the following: "(reduced by $16,000,000)".

Page 29, line 19, insert after the dollar amount the following: "(increased by $16,000,000)".

H.R. 3093

OFFERED BY: MR. CAPUANO

AMENDMENT NO. 28: At the end of the bill (before the short title), add the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. For grants for young witness assistance, as authorized by section 1136 of the Violance Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the amount otherwise provided by this Act for "Department of Justice, General Administration, Salaries and Expenses" is hereby reduced by, $3,000,000.

H.R. 3093

OFFERED BY: MS. SUTTON

AMENDMENT NO. 29: Page 85, add the following after line 24:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used by the United States Trade Representative for any lobbying activities, or any lobbying activities that are coordinated with private interests, for the purpose of influencing Members of Congress or the public to support or oppose a legislative proposal or free trade agreement that is pending before the Congress.

H.R. 3093

OFFERED BY: MS. SUTTON

AMENDMENT NO. 30: Page 85, add the following after line 24:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to implement any free trade agreement that enters into force after the enactment of this Act unless the United States Trade Representative has certified that jobs in the United States will not be lost because of the agreement.

H.R. 3093

OFFERED BY: MS. SUTTON

AMENDMENT NO. 31: Page 70, line 17, insert the following before the period: ": *Provided further*, That of the amounts made available under this heading, at least $10,000,000 shall be used only to reduce the barriers to exports of United States goods and services identified in the 2007 National Trade Estimates report, giving priority to those barriers that result in the greatest opportunities for United States goods and services: *Provided further*, That none of the funds made available in the preceding proviso may be used to negotiate any free trade agreement, with any country, that has not been signed by the parties before the date of enactment of this Act".

H.R. 3093

OFFERED BY: MS. SUTTON

AMENDMENT NO. 32: Page 70, line 17, insert the following before the period: ": *Provided further*, That of the amounts made available under this heading, at least $1,000,000 shall be used only for monitoring, enforcement, and oversight of trade laws and rules relating to the People's Republic of China".

H.R. 3093

OFFERED BY: MS. ZOE LOFGREN OF CALIFORNIA

AMENDMENT NO. 33: Page 16, line 20, strike "$58,693,000" (reduced by $7,500,000).

Page 21, line 7, strike "$104,777,000" (reduced by $20,000,000).

Page 30, line 10, strike "$33,191,000" (reduced by $7,500,000).

Page 42, line 8, strike "$1,315,000,000" (increased by $40,000,000).

Page 43, line 3, strike "$405,000,000" (increased by $40,000,000).

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO HENRIETTA FORE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my fellow Nevadan and dear friend, Henrietta Fore, for her professional success and service to our country.

Henrietta H. Fore was designated by President George W. Bush as Acting Administrator of USAID and designated by Secretary Condoleezza Rice as Acting Director of U.S. Foreign Assistance on May 7, 2007. While serving in these capacities, she remains Under Secretary of State for Management, a position she has held since 2005. Prior to her roll as Acting Director of U.S. Foreign Assistance and Acting Administrator of USAID, Henrietta served as the 37th Director of the United States Mint in the Department of Treasury from 2001–2005. In this capacity, she managed the world's largest manufacturer of coins, medals, and coin products. Henrietta has also served in the State Department as the Assistant Administrator for Private Enterprise in the U.S. Agency for International Development and then Assistant Administrator for Asia between 1989–1993.

Prior to her career in government, Henrietta was an extremely successful businesswoman and served on numerous public boards and held leadership position in a number of nonprofit organizations. Henrietta has also enjoyed a variety of academic successes. She earned a Bachelor of Arts in History from Wellesley College and a Master of Science in Public Administration from the University of Northern Colorado. She has also studied International Politics at Oxford University and studied at Stanford University Graduate School of Business.

In addition, over the course of her long and distinguished career, Henrietta has earned a number of accolades. In 1997, the State of the World Forum recognized Henrietta with the Women Redefining Leadership Award. In 2004 she was honored with the Alumnae Award from the University of Northern Colorado and in 2006 she received the Alumnae Award from the Baldwin School.

Madam Speaker, I am proud to honor my good friend Henrietta Fore. She has truly made the great state of Nevada proud. I congratulate her for her personal and professional success and wish her the best with her new appointment as Director of the United States Agency for International Development.

IN HONOR OF PASTOR CALVIN C. BROWN

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to honor Pastor Calvin C. Brown. Pastor Brown has served as the pastor for the Tabernacle Baptist Church in Beaver Falls for the past 46 years. During his years of service to the community, he has become a well known and beloved church leader for the residents of Beaver Falls and families throughout the region.

Throughout his illustrious career, Pastor Brown brought hope to many by starting ministries and preaching across the country. He has been an exceptional citizen within his home community where he worked tirelessly to help others who are less fortunate. His accomplishments include working with the Housing Authority of Beaver County to locate homes for those in need, serving as chaplain for the local sheriff's department in Beaver Falls, and performing marriage ceremonies for countless couples. Local residents often speak with Pastor Brown on his regular walks around town, where he warmly greets others and always lifts their spirits. –

I want to commend Pastor Brown for his commitment to the community of Beaver Falls as a pastor, brother, friend, and confidant. I congratulate him on his career and wish him all the best in his retirement.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, July 23, 2007, I was unable to cast my votes on H.R. 404, H. Res. 553, H. Res. 519, and the Previous Question on H. Res. 558 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 687 on suspending the rules and passing H.R. 404, the Federal Customer Service Enhancement Act, I would have voted "yea."

Had I been present for rollcall No. 688 on suspending the rules and passing H. Res. 553, Mourning the passing of Lady Bird Johnson, I would have voted "yea."

Had I been present for rollcall No. 689 on suspending the rules and passing H. Res. 519, Honoring the life and accomplishments of Tom Lea on the 100th anniversary of his birth, I would have voted "yea."

Had I been present for rollcall No. 690 on Ordering the Previous Question on H. Res. 558, providing for consideration of H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies, FY 2008, I would have voted "nay."

TRIBUTE TO LARY BURGETT

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. CRAMER. Madam Speaker, I rise today to congratulate Lary Burgett for receiving the 2006 Isaac M. Cline Award from the National Weather Service. The Cline Award is the highest honor the National Weather Service can bestow upon its employees. Mr. Burgett is the third local recipient of this award since the Huntsville Weather Forecasting Office was established in 2003.

The Isaac M. Cline Award is presented each year to individuals and teams that have made significant contributions in support of the National Weather Service's strategic and operational plans. Mr. Burgett was awarded the Cline Award for maintaining a high level of performance in North Alabama throughout the year.

Madam Speaker, the Tennessee Valley has a weather pattern much different from the rest of the nation. In 2002, the National Weather Service established a Weather Forecasting Office in Huntsville in order to track and predict this region's volatile weather systems. Mr. Burgett is one of the original employees of Huntsville's WFO who also worked at the previous Huntsville Weather Service Office. His knowledge and experience was critical during the transition and start-up of our WFO. He has continued his level of professionalism for over twenty-nine years.

Madam Speaker, the employees of the Huntsville Weather Forecasting Office are gathering today to recognize and celebrate Mr. Burgett for receiving the 2006 Isaac M. Cline Award. I rise today to join in their celebration and to congratulate Lary Burgett on this honor.

TRIBUTE TO THE 150TH ANNIVERSARY OF MURRAY COUNTY

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. WALZ of Minnesota. Madam Speaker, I rise today to congratulate Murray County, Minnesota on its sesquicentennial anniversary and to commemorate the celebration that will be taking place July 27–29, 2007 to recognize the 150th anniversary of the founding of Murray County.

Murray County was founded in 1857 and named after William Pitt Murray, a political

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

leader in Minnesota at the time. However, the roots of Murray County go back to 1833, when the American Fur Company built a trading post on the edge of Bear Lake.

This trading post was the first settlement in what would become Murray County. It was soon joined by the county's first bank, hotel, store, and post office. And even more impressive is that everyone of these buildings were constructed on the plains of western Minnesota before one single building was built on the future sites of Minneapolis and St. Paul.

Throughout its 150-year history, Murray County has been an outstanding example of the innovation and sense of community that its founders brought to the Minnesota prairie. I congratulate the residents of Murray County on 150 years of success and wish them a bright future.

TRIBUTE TO THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union for reaching a momentous milestone, its 100th Anniversary. As is their annual tradition, the lodge will take this opportunity to celebrate with a Golden Member banquet, which will take place on Sunday, August 12, 2007.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration includes a ceremonial appreciation of the Union's Golden Members, those individuals who have achieved 50 years of membership. This year's Golden Members include: Judith Marie Brefeld, Geraldine Brklevich, Shirley Bronikowski, Esther M. Fadell, Antone J. Giorgi, Joseph L. Haralovich, Madelin Kazmier, Juliana H. King, George Kirincic, Michael Kuchaes, Jr., Judith Kathleen Lavery, Frank Joseph Mosca, Sr., William Pulford, Elizabeth J. Sedey, Stevan J. Trtan, Phyllis M. Vician, Dean J. Wantland, Joseph Winkler, and Angela A. Yelusich.

These faithful and devoted individuals share this esteemed tribute with over 400 other Golden Members who have previously attained this prestigious designation.

This memorable day will begin with a morning mass at the Croatian Center's gazebo with the Reverend Father Stephen Loncar officiating. The Saint George Tamburitzans from Cokeburg, Pennsylvania will perform at the mass, which will be followed by a gala event and formal dinner featuring the DUNAV Orchestra.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan and all the other members of the Croatian Fraternal Union Lodge Number 170 for their loyalty and radiant display of passion for their ethnicity. The Cmatian community has played a key role in elevating the quality of life and culture of Northwest Indiana. It is my hope that this year will bring happiness, good health, and success for all members of the Croatian community and their families.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. EVERETT. Madam Speaker, during consideration of the Labor/HHS/Education Appropriations Bill (H.R. 3043), I incorrectly voted no on the Pence Amendment. During the rapidity of voting on the series of 13 amendments to this bill, I mistakenly voted against Congressman PENCE's amendment that would have prohibited funds in the bill from funding the Planned Parenthood Federation of America or any of its affiliates. It was my full intention to vote for this amendment, as I have been and continue to be a strong advocate of pro-life issues and legislation. My voting record makes it apparently clear that I have never wavered in my support of pro-life legislation. In closing, I fully support Congressman PENCE's amendment to H.R. 3043, and I will continue to vote in favor of pro-life legislation as I have done throughout my 14 years in Congress.

IN HONOR OF MR. MACEO SNIPES

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor a forgotten soldier whose achievements mandate acknowledgement from this deliberative body. The Second Congressional District of Georgia is proud to call the late Maceo Snipes—a man of distinction—one of our own. In recognition of his service and tragic death, a memorial service was held in his honor on Saturday, July 21, 2007.

On March 28, 1909 Maceo Snipes was born to the late John and Lula Snipes in Taylor County, Georgia. At the age of 34, he enlisted into the U.S. Army, where he honorably fought in World War II.

Following his honorable discharge, he returned to Rupert, Georgia, where his courage continued to exemplify. Maceo Snipes made history in Taylor County, when he made a statement by voting in the 1946 primary election. In this process, he became the first African-American to vote in Taylor County since the Reconstruction.

Unfortunately the novelty actions of Mr. Snipes led others to bigotry. The next day Maceo Snipes was shot at his family home in Taylor County, Georgia. Three days following the brutal shooting, Maceo Snipes died in Atlanta, GA. The day was July 17, 1946. Although he died, his diligent spirit will continue to live in the memories of Georgians. For years to come, proponents of civil rights will look to his example for inspiration.

So on this 24th day of July, 2007, I with great honor commend Maceo Snipes for his service and bravery. Snipes is a credit to the ideal American, who devoted his life to his community and our country.

STOP THE BLAME GAME WITH REGARD TO CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. BURTON of Indiana. Madam Speaker, over the last week or so I have listened to a number of my colleagues come to the floor of this Chamber to lament the 1974 "invasion" of Cyprus. For many years the United States, the European Union and other members of the international community have worked together for a just and lasting solution to the vexing problem of Cyprus. That is why I am deeply concerned when I hear some of my colleagues throwing barbs at the Turkish Cypriots and Turkey in an attempt to lay all the blame for this complicated issue at their doorstep. Because by distorting the facts, we are potentially undermining our good-faith, efforts to see this conflict resolved and to see peace and prosperity come to all the people of Cyprus.

The fact is that when the Island of Cyprus gained its independence from Great Britain in 1960, the Republic's constitution specifically defined a power-sharing arrangement which required a Greek Cypriot president and a Turkish Cypriot vice-president, each elected by their constituency.

The fact is that in 1963 Greek Cypriot President Makarios proposed sweeping constitutional modifications which heavily favored the Greek Cypriot community. The changes removed most of the checks and balances which had been built into the constitution to ensure the safety and equal status of the Turkish Cypriots. The inevitable result was a serious deterioration of relations between the two parties, which came to a head in December 1963, when armed Greek Cypriots attacked and killed many Turkish Cypriots who were unable to escape. The armed conflict spread quickly, with the Turkish Cypriots eventually being forced to withdraw into enclaves to defend themselves.

For the next 10 years, the campaign of the Greek Cypriots cost the Turkish Cypriots many lives and untold suffering, as well as their equal partnership status in the Cyprus government.

Former United States Undersecretary of State, George Ball, who, among others, was actively dealing with the crisis at the time, remarked in his memoirs entitled The Past Has Another Pattern, that Makarios has turned "this beautiful little island into his private abattoir" (p. 341). Ball went on to say that "Makarios' central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring the Turkish Cypriots" (p. 345).

The fact is that during the presidential elections of 1974, Archbishop of Cyprus Makarios—the Greek Cypriot leader at the time—escalated the crisis by embracing Enosis, or Union with Greece, as his election platform. Although Makarios won reelection he also created a power struggle between the military junta in control of mainland Greece and himself for the control over the Island. That power struggle culminated in a coup which forced Makarios to flee Cyprus and renewed ethnic cleansing of Turkish Cypriots.

In his address to the UN Security Council on July 19, 1974, Makarios himself described the coup as "a clear attack from the outside and a flagrant violation of the independence and sovereignty of the Republic of Cyprus".

The fact is that in the face of a bloody coup that not only threatened the independence of Cyprus but also resulted in renewed massacres of Turkish Cypriots, Turkey, which was treaty-bound to act as a Guarantor State, was compelled to undertake action on July 20, 1974. And the fact is that as a result of this legitimate and timely action, Turkish Cypriots were saved from imminent destruction, bloodshed among the Greek Cypriots was ended and the independence of Cyprus was protected.

The fact is that the Turkish intervention was legitimate and was internationally confirmed by, among others, the Consultative Assembly of the Council of Europe (CACE). CACE resolution 573, dated July 29, 1974, clearly states, "Turkey exercised its right of intervention in accordance with Article IV of the Guarantee Treaty of 1960."

Unfortunately, since 1974, and in defiance of the rule of law and the established principle that federations can only be built on a foundation of equal partnership, the Greek Cypriot side continues to claim exclusive sovereignty over the entire Island. In 1983, this prompted the Turkish Cypriot side to assert its rights by proclaiming the Turkish Republic of Northern Cyprus (TRNC).

After many unsuccessful attempts at reconciliation, U.N.-led direct talks between the two sides began in early 2002. The talks sketched out a settlement—the Annan Plan—which was voted on in simultaneous referenda held on each side on April 24, 2004.

The fact is that Turkish Cypriots approved the Annan Plan by a clear and overwhelming majority of 65 percent but Greek Cypriots—under heavy pressure from the Greek Cypriot government—rejected it by an even larger majority of 76 percent. The Turkish Cypriots were internationally and rightly praised for their "courageous vote in favor of the proposals".

The Greek Cypriot side has since been trying to justify its rejection by claiming, among other things, that the plan "did not meet the interests of the country" and that "it did not provide for guarantees to ensure the complete implementation of commitments under the plan". However, impartial European Union diplomats, closely associated with the reconciliation effort, have gone so far as to say very undiplomatically, that the Greek Cypriot people had been "lied to" by the Greek Cypriot government as to the details of the Annan plan.

As public servants I think the members of this House understand that no compromise worth its salt ever fully meets all of the demands of either side, nor could it do so or it wouldn't be much of a compromise. The fact is that the Annan Plan was a carefully balanced compromise that certainly from the Turkish Cypriot perspective represented immense sacrifices on the part of the Turkish Cypriots, on such key issues as land, resettlement, property and security.

The Greek government and several former Greek government leaders fully supported the plan and the Turkish government was also pivotal in encouraging the Turkish Cypriots to approve the plan. In the end, the only people who were not willing to make the sacrifices necessary to bring peace to this troubled island where the Greek Cypriots—yet they were inexplicably rewarded membership to the EU; although some EU leaders have subsequently stated that doing so was a mistake.

The fact is that despite the Greek Cypriots' failure to embrace peace and the international community's failure to end the economic isolation of the Turkish Cypriots; Turkish Cypriots continue to seek a just and peaceful settlement to this crisis.

Most recently, Turkey and Turkish Cypriots have supported implementation of the July 8, 2006, United Nations-brokered agreement between Greek Cypriot leader Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus through a process of bi-communal discussions.

Some of my colleagues, particularly those who support House Resolution 405 (H. Res. 405), would have this House believe that Turkish Cypriots are unwilling to proceed with the July 8 agreement. But I would ask my colleagues this simple question; when offered the chance to vote for peace which side rejected peace, Turkish or Greek? The answer is Greek.

Under the circumstances it should make one wonder if Greek Cypriots, having already forestalled UN efforts to resolve the Cyprus issue—and been rewarded for it through EU membership—whether they truly feel under pressure to seek a just solution. The fact is that the status quo benefits Greek Cypriots significantly more than Turkish Cypriots and it seems to me that if either side has an incentive to delay implementation of the July 8 agreement; it would be the Greek Cypriots.

Madam Speaker, facts are stubborn things; and as the facts in this case clearly show, the crisis on Cyprus is significantly more complex than the "blame Turkey" special interest groups would like people to believe. It's time for these groups and their friends in Congress to end the "blame game" and get down to the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots.

TRIBUTE TO MRS. BARBARA SCRUGGS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. WESTMORELAND. Madam Speaker, in June, my hometown of Grantville, GA, lost one of its treasures upon the death of Mrs. Barbara Scruggs, who was an activist, a public servant, a devoted wife and mother, a patron of the arts and an American patriot. She was 75.

Born in Pennsylvania, Barbara wasn't a Georgia native. She chose Georgia as her home and loved the state and Coweta County with the zeal of a convert.

After graduating from nursing school in 1954, Barbara eventually served her Nation as a nurse in the U.S. Air Force in 1957 and 1958. It was during that time that she fell in love with a fighter pilot named William Gordon Scruggs, whom she married in 1957. They eventually moved to Coweta County and raised three children together there.

Growing up in Pennsylvania, Barbara's parents had raised her as a Republican, but when she moved South, Georgia was conservative but it was a one-party state controlled at every level by Democrats. Barbara became a politically active Republican in Coweta County at a time when no one in Georgia had ever heard of such a thing. To paraphrase a country song, Barbara Scruggs was a Republican when being a Republican wasn't cool.

She always followed politics closely and got involved. She took leadership positions in the Coweta County Republican Party and the Coweta County Republican Women's Club, handling the latter's newsletter duties for many years. Prominent in the Georgia GOP—described as a volunteer always willing to do more than her share—she was selected as a delegate to the 2000 Republican National Convention, where she proudly donned patriotic attire and donated to future first lady Laura Bush's book drive for local libraries.

In 1984, she moved from activist to public servant. She ran for and won a seat on the Coweta County school board. As a board member for 12 years, Barbara saw the "big picture," said former Superintendent Bobby Welch, adding that she had a passion for improving opportunities for students, faculty and staff.

In Barbara's heart, politics had to share space with her love of art. She indulged this interest later in life, her husband said, as she found she had more free time. She became a big supporter of the Newnan-Coweta Art Association. In fact, she was attending a reception for an exhibition opening at the Centre for the Performing and Visual Arts on the night that she died. "She died, if you have to go, under perfect circumstances, doing the thing she loved so much," her husband told the Newnan Times-Herald.

Barbara Scruggs gave her all for her community. She'll be missed in Grantville and throughout Coweta County, but I consider this a personal loss as well. Throughout my career in elected office, I could always count on Barbara's support. My wife Joan and I have kept the Scruggs family in our thoughts and prayers this summer.

HUMAN RIGHTS VIOLATIONS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to express my concerns over the continuing human rights violations perpetrated by the International Law Enforcement Academy (ILEA) stationed in San Salvador, El Salvador.

We cannot expect to promote stable democratic institutions in El Salvador by funneling military aid through ILEA to support local police forces engaging in repressive tactics.

Since President Clinton called for the establishment of the ILEA in 1995, the United States and participating nations have founded ILEAs in Hungary, Thailand, Botswana, El Salvador, and the United States. Through ILEA, the U.S. has continued to provide military aid, training, and arms sales to participating countries, which threatens to aggravate regional conflicts and sideline programs designed to halt human rights abuses.

The use of excessive force by police and security forces in El Salvador when targeting activists and their failure to protect workers rights to organize and bargain collectively has been at worse exacerbated and at best unchecked by ILEA's presence in the country. Furthermore, the government's failure to investigate human rights abuses calls into question the need for ILEA to provide security forces with more tools that can be used to repress those working toward a truly representative democracy in El Salvador.

Madam Speaker, the Congress must take a hard and serious look at whether we should continue funding ILEA. We should not support programs that claim to fight public corruption and provide opportunities for the global law enforcement community to share their expertise and training when, in fact, they further the oppression of social and labor activists and do nothing to end a country's human rights violations.

A TRIBUTE TO DOROTHY WASHINGTON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. MCINTYRE. Madam Speaker, Mary McLeod Bethune once said, "We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends." As one of the most influential African-American educators of our time, Mary McLeod Bethune knew this better than most, dedicating her life to the principle that learning is a lifelong process and as a result, knows no bounds in the difference it can make.

Another woman who dedicated her life to this principal was Dorothy Washington of Lumberton, North Carolina, who recently passed away.

Ms. Washington entered graduate school in 1947, a time when many African-American women were prohibited from attending universities and segregation in public schools was widespread. Despite these intimidating barriers, Ms. Washington remained steadfastly determined to pursue her dream of a higher education and became a role model for those in her community. She instilled this very same determination in every life she touched.

My wife recently attended Ms. Washington's funeral and was impressed by the number of people who expressed how Ms. Washington had touched their lives. Ms. Washington had touched my family's life during her retirement years, when she was kind enough to care for our two sons (who were toddlers at the time) so that we could participate in a weekly Bible study luncheon. She was always gracious, kind, patient, and understanding—ever ready to help. We were blessed by her kindness.

During her four decades teaching in Robeson County, Ms. Washington cared deeply for her students, sharing with them her passion for Greek and Roman mythological literature, often buying textbooks with money out of her own pocket. She had a genuine appreciation for the arts and humanities, serving as choir director and school librarian. Ms. Washington was determined to educate her students on the adventures that could be found outside the municipal lines of a small, rural town, while simultaneously cultivating an appreciation for the treasures that could be found in their own backyards.

She received her undergraduate degree from Saint Augustine College in Raleigh, North Carolina, and went on to earn her master's at the University of Michigan.

Madam Speaker, what an amazing place the world would be if we all had the influence of a Dorothy Washington in our lives! This small-town educator has left behind a deep legacy that spans generations and will surely continue for many years to come.

May God bless to our memories the work of Dorothy Washington and the lives she touched.

PERSONAL EXPLANATION

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, due to my return from a trip on official business yesterday, July 23, 2007, I was not present to cast my votes on rollcall votes 687, 688, 689, and 690. Had I been present, I would have voted "yea" on rollcall 687, yea on rollcall 688, "yea" on rollcall 689, and "no" on rollcall 690.

TRIBUTE TO GRACE JAMES

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. ELLISON. Madam Speaker, I rise today to pay tribute to the life of Grace James of Minnesota, a tireless activist whose contribution to the North Side of Minneapolis cannot be overstated. Though it saddens me to report that Mrs. James passed away recently at the age of 93, I am humbled and inspired by the example she has set through her advocacy for the North Side, a neighborhood she endlessly fought to support, a community she tirelessly worked to build.

It is hard to think of a facet of community that Mrs. James didn't work to improve. During her career she served on numerous housing boards where she strived to ensure that everyone could find a place to live and that the North Side had open arms to those needing a home. Through organizations such as Minnesota Cooperative Housing and the North Side Residents Redevelopment Council, the work she began in the 1950s to this day helps to maintain and benefit the community she loved.

Mrs. James was also an activist in local education, working as a teacher's aide in the 1960s and as an organizer for the teachers union in the 1970s. Her work for North Side youth didn't stop at the schoolhouse doors, however; she once worked as a member of the board of the YWCA, supported the Campfire Girls, and served as the president of the Jack and Jill Club, introducing black children to cultural sites and events—and raising scholarship money along the way.

Part of what makes Mrs. James so remarkable, her example so admirable, is how she fought on a personal level. Her daughter Noel remembers that, outside of the councils and non-profits, the schools and unions, Mrs. James made the time to make sure neighborhood kids kept out of trouble. She defines what it is to fight at the grassroots level, leaving former Minneapolis City Councilwoman Jackie Cherryhomes to remark how "she believed in the power of community long before anyone talked about it."

In closing, Madam Speaker, I wish to express my condolences to those surviving Mrs. James: her daughters, her grandchildren, her great-grandchild, and the community she worked for, the community she loved. It is an honor to stand in recognition of the memory and life of such an illustrious woman as she. Mrs. James, thank you.

HONORING STEPHANIE HUNT, MRS. UNITED STATES 2007

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. DINGELL. Madam Speaker, I rise today to honor and celebrate Stephanie Hunt of Pittsfield Township, Michigan. Mrs. Hunt was recently crowned Mrs. United States 2007.

Though winning the title of Mrs. United States is an intrinsically praiseworthy event, Mrs. Hunt's coronation is especially significant for two reasons. Not only is she the first woman from Michigan to win in the pageant's 21-year history, but she is also the first African American to ever win the title. It is for these reasons that I want to call attention to this woman's remarkable accomplishments.

As a spokesperson for and executive committee member of the National Organization for Rare Diseases, Mrs. Hunt has been a tireless advocate for patients suffering from rare diseases. She is especially interested in raising awareness of Rubenstein-Taybi syndrome, a rare developmental disorder that afflicts her four-year-old son, Donnie. Winning the title of Mrs. United States has given Mrs. Hunt the opportunity to bring this and other diseases to national prominence.

Madam Speaker, I ask that all of my colleagues join me in commending Mrs. Hunt not only for winning Mrs. United States, but also for her advocacy on behalf of the 25 million Americans suffering from rare disorders. She serves as a role model for married women across the nation, “encouraging them to strive for their dreams throughout each season of life.”

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall Nos. 687, 688, 689 and 690, had I been present, I would have voted, “yea.”

MINIMUM WAGE INCREASE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. UDALL of New Mexico. Madam Speaker, the last time Congress raised the minimum wage, gas prices hovered around $1.33 a gallon, Enron wasn't even in business and America had never heard of the iPod, much less the iPhone. Since then, the cost of living has risen 26 percent, while the real value of the minimum wage has been eroded by inflation to its lowest level since 1955.

Thirteen million American workers will get a pay raise thanks to the minimum wage increase that begins today. That means an estimated six million children will see their parents' incomes rise, an increase of $2.10 an hour that will give families an additional $4,400 a year to meet critical needs. That's 15 months of groceries, over two years of health care, 19 months of utilities, or 20 months of child care.

I wish I could say it took great political courage to back this wage increase. However, it did not. More than 85 percent of Americans support raising the minimum wage. The American people have been ready; what was missing was the Congressional leadership. For more than nine years, the Republican-controlled Congress refused to raise the minimum wage. The new Democratic leadership raised it in just seven months. For four years, the old Congressional leadership let Pell Grant values stagnate. Last week, Congress passed the biggest investment in college aid since the GI Bill. And for almost four years, Republicans in Congress gave President Bush a blank check to fight a misguided war in Iraq. Since January, Congress has told the President again and again that it's time for a change.

The new Congressional leadership has shown that it will do what the old Congressional leadership would not; it will fight for America's working families. Today's wage increase is just one sign of changed priorities in Washington. Congress has begun to deliver real support to those who need it most.

With all of the talk in Washington, we can lose track of what politics means in the everyday lives of Americans. Anybody who claims that it does not matter who controls Congress should go talk to a worker who just took home a larger paycheck. That larger paycheck was only possible because of a new Congressional leadership and a new Congress. I am proud to serve in that Congress.

TRIBUTE TO TOMMY “T.K.” MARTIN

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. JOHNSON of Illinois. Madam Speaker, today I stand before you to honor a fallen hero, Tommy “T.K.” Martin. Tommy, who served as the Douglas County Sheriff Department's chief deputy, was shot in the line of duty last month while pursuing two men wanted for armed robbery. After a valiant monthlong struggle, Tommy passed away early last week at the age of 59.

Our entire Nation is indebted to T.K. for his life-long dedication to his community and his country. He proudly served as a member of the Navy during the Vietnam War. After a committed tenure as a naval officer, he began his career with the Illinois State Police in 1978 and remained an important member of the crime scene investigation unit until his retirement in 2002. However, when he was offered the position of chief deputy in 2004, T.K. came out of retirement, as he could not resist the opportunity to continue his life of public service.

Last Tuesday, we lost an exceptional and venerable civil servant who was a role model for all law-enforcement officers with whom he interacted during his decades on the police force. T.K. put his life on the line each and every day to ensure the safety of the citizens of the 15th District of Illinois, and for that we will be forever grateful.

While T.K. was tragically taken from us all too early, his mark on our community and our Nation will continue for years to come. His colleagues and fellow citizens will never forget his work ethic, loyalty, devotion to God, and infectious sense of humor. Whether it was working in the CSI unit or participating in events at his beloved Tuscola United Church of Christ, T.K. touched all of those he came in contact with. He died doing what he loved most: protecting his community.

T.K., a grateful Nation thanks you for a lifetime of noble service. You are a hero and role model for all Americans. You will be sorely missed but your spirit will always remain with us.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 687, I was on a leave of absence. Had I been present, I would have voted “yea”.

On rollcall No. 688, I was on a leave of absence. Had I been present, I would have voted “yea”.

On rollcall No. 689, I was on a leave of absence. Had I been present, I would have voted “yea”.

On rollcall No. 690, I was on a leave of absence. Had I been present, I would have voted “yea”.

PERSONAL EXPLANATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. DAVIS of Kentucky. Madam Speaker, on Monday, July 23, 2007, I was absent from the House to attend the State of Northern Kentucky address.

Had I been present I would have voted:

On Rollcall No. 687—“yes”—H.R. 404, Federal Customer Service Enhancement Act.

On Rollcall No. 688—“yes”—H. Res. 553, Mourning the passing of former First Lady Lady Bird Johnson, and celebrating her life and contributions to the people of the United States.

On Rollcall No. 689—“yes”—H. Res. 519—Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

On Rollcall No. 690—“no”—Previous Question on H. Res. 558 (Rule for H.R. 3074).

HONORING SCOTT C. STEVENS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to the commitment and patriotism of Mr. Scott Craig Stevens of Larkspur, Colorado, who will become an officer in the United States Marine Corps following his graduation from Officer Candidate School in August.

Since 1891, officer training at Quantico, Virginia has successfully developed and molded America's young men and women into individuals of character; providing them with the physical, mental, and leadership qualities necessary to uphold and defend the virtue of liberty here in America and around the world. After thorough preparation, Mr. Stevens is now qualified and ready to command his fellow brothers and sisters at arms.

Madam Speaker, I am honored to represent Mr. Stevens who has committed himself to our freedom. I urge you and my fellow colleagues to join me in congratulating Mr. Stevens and wishing him the best in the years to come.

HONORING AMY ZIGLER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor Amy Zigler, of Santa Rosa, CA, who exemplifies the dedication of many teachers in our Nation, teachers who put in countless hours to secure the best educational opportunities for their students.

Amy Zigler led the effort at Windsor High School to obtain a competitive grant—one of only 130 awarded nationwide—to utilize technology in mathematics classrooms. With a team of five teachers, Amy helped secure $35,000 from Hewlett-Packard to train teachers in integration of new technology and to purchase equipment that will enable them to record class lessons and create Power Points for students' home use. Students will also be able to review lessons in detail on-line, which will be particularly helpful to those who have missed class.

Windsor High School will receive almost $300,000 in additional school funding due to efforts of teachers and officials dedicated to securing resources for their students. Other grants will assist the school in developing a pre-med core health program, digital design classes, and a vineyard academy as well as work on sustainable energy.

Madam Speaker, we are fortunate to have teachers like Amy in our schools. She understands that our children are our most important resource for the future, and we must do all we can to provide them with the best opportunities. I am proud to honor Amy Zigler and all the teachers who make our country a better place.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. HIGGINS. Madam Speaker, I missed several rollcall votes on Monday, July 23, 2007 and Tuesday, July 24, 2007. I would like to enter into the record how I intended to vote on these rollcall votes:

On Roll No. 687, On the Motion to Suspend the Rules and Pass H.R. 404; the Federal Customer Service Enhancement Act, I would have voted "yea."

On Roll No. 688, On the Motion to Suspend the Rules and Agree to H. Res. 553, I would have voted "yea."

On Roll No. 689, On the Motion to Suspend the Rules and Agree to H. Res. 519, I would have voted "yea."

On Roll No. 690, On Ordering the Previous Question on H. Res. 558, I would have voted "yea."

On Roll No. 691, On agreeing to the Mica amendment, I would have voted "no."

On Roll No. 692, On agreeing to the Bachmann amendment, I would have voted "no."

On Roll No. 693, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 694, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 695, On agreeing to the Chabot amendment, I would have voted "no."

On Roll No. 696, On agreeing to the Westmoreland amendment, I would have voted "no."

On Roll No. 697, On agreeing to the Sessions amendment, I would have voted "no."

On Roll No. 698, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 699, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 700, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 701, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 702, On agreeing to the Flake amendment, I would have voted "no."

On Roll No. 703, On agreeing to the Hastings amendment, I would have voted "aye."

On Roll No. 704, On agreeing to the Frelinghuysen amendment, I would have voted "no."

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this chamber yesterday. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 687, 688, 689 and 690.

COMMIT TO FULLY FUND RESEARCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Ms. LEE. Madam Speaker, I want to clarify a statement from my earlier remarks regarding life expectancy in the United States versus other nations. Cuba does not rank ahead of the United States in life expectancy. A person born in the U.S. can expect to live 78 years and those born in Cuba 77.08 years. Cuba's life expectancy rates are comparable to rates for the United States despite the fact that their spending on healthcare, per capita, is less than $50 and the United States' spending per capita is almost $7000.

We also have a comparable ranking on World Health Organization's list for over all health, with the U.S. ranked 37th and Cuba ranked 39th.

We spend more money on healthcare than any other nation in the world and yet the United States ranks 23rd in infant mortality among industrialized nations, behind nations like Germany, Canada and Cuba.

We used to be first in life expectancy in 1945, now, according to the Central Intelligence Agencies World Fact Book, we rank 45th. We must act to reverse this downward slide in the health of our Nation and the most vital step is to revitalize our commitment to universal access to healthcare, primary care and a healthcare home for every single person in America.

RECOGNITION OF ACTING DEPUTY DIRECTOR OF THE US-VISIT PROGRAM, P.T. WRIGHT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. SMITH of Texas. Madam Speaker, I rise today to recognize a talented leader and individual, Mr. P.T. Wright. P.T., who currently serves as Acting Deputy Director of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program, is retiring from the Federal government after 34 years of distinguished service.

Since P.T. began his career with the former U.S. Customs Service in 1973, he has served with distinction in a number of key positions at the Departments of the Treasury and Homeland Security. In his management roles with U.S. Customs and Border Protection in Dallas/Fort Worth, Texas; El Paso, Texas; Nogales, Arizona; and Washington, DC, P.T. was intricately involved in the development of customs policies for cargo examination and processing, drug interdiction and traveler processing.

Most recently, P.T. brought his track record of outstanding leadership to the Department of Homeland Security's US–VISIT program. The program benefited from his oversight and management of day-to-day operations.

P.T.'s familiarity with the communities surrounding our land borders has been a tremendous asset to US–VISIT. P.T. understood that active engagement with border stakeholders was critical in creating a foundation of trust and support upon which to build positive long-term relationships. He tirelessly traveled Southwest border communities to inform and educate border constituents about border management developments and initiatives. As a result of his in-depth knowledge of the land border environment and his ability to speak with clarity and conviction, P.T. earned the affection of border community leaders and gained instant credibility. And when P.T. returned to Washington, he took what he heard from border constituents and helped make real, on-the-ground improvements to US–VISIT.

While not yet completed, US–VISIT is now the world's most innovative and integrated biometrics program. This is in no small part due to leaders like P.T. Wherever he went, P.T. spread the message that biometrics are a powerful tool to improve the integrity of our immigration and border management system, to make us safer, and to facilitate legitimate travel and trade. I have no doubt that US–VISIT is on a path to continue to drive the innovative use of biometrics for identity management. P.T. deserves a great deal of credit for that success.

Mr. Wright's accomplishments and leadership were recognized last year with the prestigious Presidential Rank Award for Meritorious Executive for his extraordinary contributions to our Nation's welfare and security over the course of a U.S. border management career spanning 34 years.

P.T. Wright is beloved within the US–VISIT program and around the many federal agencies that have worked with him. All who have had the opportunity to work with P.T. are better off for the experience. His candor and infectious sense of humor will be missed, but we are grateful for his long service and many contributions.

Madam Speaker, I urge that my colleagues join me in honoring P.T. Wright for his exceptional achievements and his commitment to excellence. P.T. has been an outstanding ambassador for US–VISIT. I commend P.T. for his service to the United States and I offer him best wishes in all of his future endeavors.

RECOGNITION OF GENEROUS CITIZENS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. LATHAM. Madam Speaker, today I rise in acknowledgment of the extreme generosity of some of my constituents. I wish to recognize the kindness of Marble Rock Unit 387 of the American Legion Auxiliary, from Marble Rock, Iowa.

Recently, Gabrielle Wedeking of Marble Rock was born with a rare disorder of the immune system and required a bone marrow transplant. Marble Rock Unit 287 held a benefit that included a meal, bake sale, raffles, as well as silent and live auctions. Over $44,000 was raised to help fund Gabrielle's transplant.

This generous and selfless act deserves honoring, and thus I stand today and recognize Marble Rock Unit 387.

HONORING LIEUTENANT SARA PLATT MOSER'S SERVICE TO THE UNITED STATES COAST GUARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. COBLE. Madam Speaker, I rise today to honor Lieutenant Sara Platt Moser for her service to the United States House of Representatives and the United States Coast Guard.

As some of you may know, Lieutenant Moser was detailed to the House Coast Guard Liaison office July of 2004, and I am proud to have had the opportunity to work closely with her over the past three years. My colleagues, staff, and I have valued her knowledge and understanding of the Coast Guard operational missions, day to day challenges, and roles and responsibilities.

During her career in the Coast Guard, Lieutenant Moser has served aboard the CG Cutter RELIANCE and as the Assistant Operations Officer at Coast Guard Group Saint Petersburg.

Next week, Lieutenant Moser will leave her post as the Coast Guard's Assistant House Liaison in pursuit of a new assignment within the Coast Guard Reserve.

It has been my pleasure to work with Lieutenant Moser. On behalf of the Representatives and staff who have also been fortunate enough to work with Sara, I wish her, her husband Marty and their daughter Anna, clear skies and smooth sailing.

CELEBRATING 50 YEARS OF SERVICE AT MELEAR'S BARBECUE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. WESTMORELAND. Mr. Speaker, the Representatives in these hallowed halls of Congress come from every corner of the United States, and our pallets and diets are as varied as our accents.

When I say "barbecue" here in Washington that means something totally different to people from different parts of this country. In Texas, barbecue is beef. To others, barbecue is pretty much anything cooked on a grill. But in my home State of Georgia and in surrounding southern States, barbecue means only one thing: pit-cooked pork.

Americans concerned about the "McDonald's-ization" of this Nation need only come down South for some fine barbecue cuisine. While pork is always at the base of southern barbecue, the secret is in the sauce and in the sides. Drive a hundred-mile radius from any barbecue joint in the South and the meal and preparation will probably be totally different. In parts of the Carolinas, you're more likely to get mustard-based sauce while pretty much throughout Georgia the sauce of choice is vinegar-based. In east Georgia, your side might be hash and rice; in west Georgia where I live, you'll probably get a side of Brunswick stew.

One thing that's always the same: No matter where you go in the South, the locals think their brand of barbecue beats out the rest.

Residents of Fayette County in Georgia's Third Congressional District have dined on pork barbecue and Brunswick stew and sweet tea at Melear's Barbecue for 50 years this month. Restaurants make their profits pennies on the plate and they have to sell a lot of plates to stay in business. The majority of eateries go out of business within 2 years of opening. To survive for 25 times that long testifies to the Melear family's good business sense, yes, but also to their good barbecue.

The fine Southern cuisine isn't Melear's only draw; it's also a neighborhood gathering spot for the people of Fayetteville. It's where local city council members, county commissioners and sheriff's deputies meet up to plot plans, and it's where aspiring politicians running statewide in Georgia head to shake hands with the community's leaders.

Melear's is a special barbecue restaurant in that it's open for breakfast, lunch and dinner. I confess that as a longtime homebuilder in Fayette County, there was a time when I started every day off right with a heaping breakfast served up by Kenny Melear.

The people of Fayette County and I personally am thankful for 50 years of fine meals and good company at Melear's. I congratulate Kenny and his family for a half-century of success and send best wishes for a half-century more. And with those best wishes, I'd like a barbecue plate with Brunswick stew and a big glass of sweet tea.

HONORING THE LIFE OF DOROTHEA TOWLES CHURCH, FASHION MODEL AND DESIGNER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. RANGEL. Madam Speaker, I would like to recognize, honor, and pay tribute to the significant, groundbreaking achievements of the talented Dorothea Towles Church, who overcame the many obstacles placed in her way to become the first successful black fashion model. She was the seventh of eight children, born on July 26, 1922 in Texarkana, Texas. She began her college education at Wiley College in Marshall, Texas, majoring in biology. However, after moving to Los Angeles to live with her wealthy uncle after the death of her mother, she transferred to the University of Southern California and received a master's degree in education. While present in Los Angeles, she began to generate an interest in acting but was discouraged by the lack of black actors in the entertainment industry. Instead, she became a model for black magazines and fashion shows in the area.

Dorothea Church's unprecedented success came at the young age of twenty-seven when she was vacationing in Paris to listen to her sister, Lois Towles, sing with Fisk University. Church's great beauty and striking presence were extraordinary. Her beauty and talent were indisputable and she made a breakthrough in the most famous and prestigious fashion market in the world when she was signed by Christian Dior as a high-fashion model. For the first time in her life, Church was not impacted by racial intolerance. Church once stated, "If you're beautiful, [the French] don't care what color you are."

Even though many racial barriers were overcome, Church still had to deal with the innate prejudices that many people had towards African-Americans. Church had been forbidden to model and display high fashioned pictures in predominantly black magazines. The industry's excuse was that it was meaningless to display such photographs because the black community was not interested in the clothing. Or perhaps they didn't believe the black community could afford such clothing. Either way, Church used her power and prestige and was able to open the door for other aspiring black models by extending her appearances in the white fashion magazines to appear in a newly founded black owned Ebony magazine.

Dorothea Towles Church, the gorgeous and influential fashion model, couture designer, and black activist, bridged a divide between the races in high-fashion that appeared to be insurmountable. Church was an inspiration to all African-Americans who ever had an impossible dream. After her death from heart and kidney disease on July 7, 2006, there has been a renewed appreciation of Church's triumphs and accomplishments. She was, and continues to be a perpetual role model who brought pride to her people and community and who continues to serve as an important role model to young women with dreams today.

[From the New York Times, July 23, 2007]

OBITUARIES: DOROTHEA TOWLES CHURCH, BLACK MODEL IN 1950'S PARIS

(By Eric Wilson)

NEW YORK.—Dorothea Towles Church, the first successful black model in Paris, who discovered personal liberation on the runways of Christian Dior and Elsa Schiaparelli in the 1950s, died July 7 in Manhattan. She was 83.

Her death was confirmed by Michael Henry Adams, a curator at the Museum of the City of New York, where she is among those to be featured in an exhibition called "Black Style Now," which will open Sept. 7.

Church's success was historic in an industry that had resisted using any but white models to represent beauty on magazine covers, in advertisements and on runways. Church was responsible for breaking down some of those barriers and was revered in France during the five years she modeled there.

"If you're beautiful, they don't care what color you are," she said of the French in postwar Paris.

"I got invited out all the time," she said in Barbara Summers's 1998 book "Black and Beautiful." "I was the only black model in Europe and I just thought I was an international person."

Her easy acceptance in Paris was reported at home in black publications, in articles about the designers she knew and about how she once dyed her hair platinum at Dior's request.

But her growing fame did not eliminate prejudice on the part of some designers. At Schiaparelli, she once overheard someone describe her as Tahitian. While she worked for Pierre Balmain, she recalled, he would not allow her to borrow dresses for a photograph for Ebony magazine, fearing that would offend his white clientele. She took the clothes later on the pretext that she would wear them to a party, and the magazine then photographed them.

HONORING REV. DR. JAMES ADAMS SPAHR

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor Rev. Dr. Jane Adams Spahr, a Presbyterian minister committed to justice for the lesbian, gay, bisexual and trans gender community.

A self-described lesbian and feminist, Janie is retiring after 33 years.

Born in Pittsburgh, Pennsylvania, with her twin sister Joanie to Chet and Susanna Adams, Janie was ordained a Presbyterian Minister in December 1974, to the Hazelwood Presbyterian Church in Pittsburgh. From 1975–1979 she served as Assistant Pastor of First Presbyterian in San Rafael, California, and in 1979–1980 was the Executive Director of Oakland Council of Presbyterian Churches where she was encouraged to resign after coming out as a lesbian.

Janie began her "out" liberation work with and for LGBT people as the Minister of Pastoral Care in the Castro area of Metropolitan Community Church in San Francisco from 1980–1982. In 1982, this "lesbyterian" founded the Ministry of Light, which later became the Spectrum Center for Lesbian, Gay, Bisexual and Transgender Concerns. She served for 10 years as the Executive Director of Spectrum.

In 1991, Rev. Spahr was called to serve as a co-pastor at the Downtown United Presbyterian Church in Rochester, New York, marking the first time a Presbyterian Church had chosen an "out" pastor. The call, however, was challenged, and the Judicial Commission of the Presbyterian Church refused to allow Rev. Spahr to assume the coposition. In response to the ruling Janie was hired by The Downtown United Presbyterian Church and the Westminster Presbyterian Church in Tiburon, California, who formed the "That All May Freely Serve" project. She was employed to work within the denomination to end discrimination and increase inclusiveness for all people.

In 2006, Rev. Spahr made national headlines when the Commission of the Presbytery of the Redwoods ruled she acted within her "right of conscience" as a Christian when she performed commitment ceremonies for two lesbian couples. The Presbyterian Church's highest court ruled in 2000 that ministers could "bless" same-sex unions but not preside over them or call them marriages. Janie challenged the church's constitution and won a victory for justice and inclusion, but the battle is not yet over as the Prosecuting Committee has filed an appeal.

During her undergraduate years at Penn State, Jane met Jim Spahr whom she later married and had two sons, Jim and Chet. Jim now fondly refers to Janie as his "wife emerita" and the "sister-in-love" of Jackie Spahr (Jim's partner) and Bill Fenton (her sister Joanie's partner).

Madam Speaker, it is my pleasure to honor Rev. Dr. Jane Adams Spahr whose courageous passion for justice and inclusion for LGBT people has left a legacy that is paving the way to a better future. Rev. Spahr has touched so many lives as a minister, and though she is retiring she will remain a mentor and role model to all.

LIFT UNREASONABLE RESTRICTIONS ON TAIWAN'S ELECTED LEADERS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. WU. Madam Speaker, in November of 2008, citizens of the United States will exercise their constitutional and democratic right to vote in a national election and choose their president. Just eight months prior to our presidential election, our friend across the Pacific, Taiwan, will hold its fourth national direct election for its highest office.

Once a single-party state under martial law, Taiwan made a peaceful transition during the late 1980s and early 1990s to a full-fledged democracy and a multi-party political system that respects human rights and the rule of law.

For over fifty years, our two nations have fostered a close relationship, which has been of mutual political, economic, cultural, and strategic advantage. However, one vital inequity exists that prevents the exchange of views at the highest political levels: the United States government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, DC.

Why, when Taiwan is a key player in the Asia-Pacific region, do we prevent their highest-level decision makers from traveling to our nation's capital? This outdated policy severely limits our direct dialogue with world leaders.

Almost any person born and raised in Taiwan has the freedom to travel to the United States. But when a person is chosen through democratic elections to become the leader of the Taiwanese people, this freedom is inappropriately rescinded by the U.S. government. While the United States attempts to promote democracy around the world, we lock the doors of our capital city to the leaders of fellow democracy.

Rather than symbolically shunning Taiwan's democratically elected leaders, we should welcome them. I meet with Taiwan's leaders—both before and after their election. Other American Leaders in Washington, D.C. should have the same opportunity. Unreasonable restrictions on visits to the United States by high-level elected and appointed officials of Taiwan should be lifted. Taiwan deserves this long overdue respect.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. JORDAN of Ohio. Madam Speaker, I was returning from an official delegation trip to Iraq yesterday, and was therefore absent from the Floor during the four rollcall votes that took place on Monday night.

Had I been present, I would have voted in favor of H.R. 404 (the Federal Customer Service Enhancement Act), H. Res. 553 (Mourning the Passing of Lady Bird Johnson), and H. Res. 519 (Honoring the Life and Accomplishments of Tom Lea). I would have voted against ordering the previous question on H. Res. 558 (the rule providing for consideration of H.R. 3074).

INTRODUCTION OF THE PATH TO SUCCESS: GANG PREVENTION THROUGH COMMUNITY PARTNERSHIPS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Path to Success Act.

This important piece of legislation addresses a pressing social dilemma that has permeated

American society, successfully wreaking havoc, fear, and violence indiscriminately in urban and rural communities alike. Gang-related offenses have peaked to astronomical numbers, making youth gangs an endemic feature of American life. Most of these gang members are engulfed in a cyclical culture of poverty, illiteracy, and homelessness which contribute to excessive recidivism rates. Youths who are particularly vulnerable for recruitment are quickly indoctrinated into lawlessness.

The bill I am introducing today authorizes the Secretary of Education to award $20 million in grants to community colleges that agree to enter into and maintain partnerships with juvenile detention centers by providing juvenile ex-offenders with a supportive learning environment where they can attain marketable skills and credentials needed for their constructive re-entry into society. Under the bill, each community college will be encouraged to grant academic merit to eligible participants based on their distinctive academic backgrounds, learning curves, and concentration interests.

Under this bill, community colleges who apply for these grants will be responsible for facilitating the academic, psychological, and social adjustment of juvenile ex-offenders who were detained for gang related offenses. These community colleges will serve as hubs for networks among local organizations that are committed to assisting youthful offenders' successful reintegration into society.

With these grants, community colleges can work with different partners to employ intervention strategies to divert at-risk youth from crime by providing counseling, academic or vocational training, and professional development to eligible participants enrolled in the program. In fact, this legislation requires that community colleges partner with both public and private entities to facilitate internships, apprenticeships, and permanent employment opportunities for eligible participants. This feature of the outreach effort is especially relevant to ensure recidivism prevention.

At this juncture, we must set precedence on determining pragmatic measures that will mitigate gang violence. Gang violence presents an intricate challenge to communities around the United States, especially in areas where there is significant socio-economic duress. Ultimately, no one can cite the one definitive cause of community violence, poverty, neighborhood deterioration, or why Johnny cannot read. These types of contemporary problems have increasingly become more qualitatively complex.

This is exactly why we cannot afford to adopt parochial methods to mitigate juvenile delinquency. Since it is virtually impossible for one agency to unilaterally solve intractable problems, every worthwhile effort requires collaboration and partnering among organizations to resolve the issue we see before us in this day and age.

Education gives people hope and self-respect; it shows them that they can succeed by lawful means. The academic and vocational training is a critical component of this program especially since research has shown that the typical habitual offender is a person of little or no education.

Madam Speaker, approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. Even more, research has shown that the likelihood that young people will successfully transition into society increases with effective reentry and aftercare programs.

Taking a comprehensive approach is the only pragmatic solution to stopping the spread of gang violence. By promoting communal networks, this legislation provides opportunities for the community to be instrumental in administering programs designed to reduce recidivism among ex-gang offenders, and deter gang violence and membership among other at risk youths.

Juvenile delinquency is a complex phenomenon that has riveting effects. I firmly believe that this legislation will make significant progress in our battle against gang violence because it fully incorporates the community in the implementation process.

Madam Speaker, it takes a network to fight a network. In order to provide a realistic, individualized, and creative response. to public problems, we must design the right network. This legislation offers guidelines to determine and develop appropriate activation tools to respond to gang violence. I hope this bill would receive the bipartisan support that it deserves. I ask for my colleagues' support and urge the swift consideration of this bill.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

Mr. BURGESS. Madam Speaker, because of traveling back to the States from Iraq, I missed the following votes:

(1) H.R. 404—Federal Customer Service Enhancement Act (15 minutes)—"no."

(2) H. Res. 553—Mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States (5 minutes)—"yes."

(3) H. Res. 519—Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth (5 minutes)—"yes."

(4) Previous Question—Rule for H.R. 3074—Transportation-HUD Approps (5 minutes)—"no."

(5) Adoption of the Rule for H.R. 3074—Transportation-HUD Approps (5 minutes)—"no."